



SERVING AGRICULTURE SINCE 1906

November 3rd, 2023

Washington State Department of Ecology
Water Quality Program
Attn: Abbey Stockwell
Phase II Municipal Stormwater Permit Writer
P.O. Box 47600
Olympia, WA 98504-7600
abbey.stockwell@ecy.wa.gov
(360) 280-2934

Dear Ms. Stockwell,

On behalf of the Sunnyside Valley Irrigation District (SVID), we have attached the following public comments on the Department of Ecology's (Ecology) **DRAFT Eastern Washington (EWA) Phase II Municipal Stormwater (MS4) General Permit**. This National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge (SWD) permit is one regulatory license that SVID holds in serious regard, but it inhibits the irrigation district from carrying out the fundamental purpose of delivering irrigation water to landowners in an efficient manner at the lowest possible cost while consistent with good management practices. In addition, maintaining coverage under this permit inhibits the district from achieving its mission statement goal to enhance water supplies by improving water conveyance and quality, supporting storage development, and increasing management efficiency throughout the Lower Yakima River Basin.

It has been established that due to the population size of the City of Sunnyside, SVID has become a secondary permit holder, which appears to be an arbitrary decision. Please reconsider SVID's status as a secondary permittee holder due to the fact that it inhibits the District from completing its legal obligation to the United States Bureau of Reclamation and the landowners served by the irrigation district.

SVID takes pride in our accomplishments as being responsible and strong environmental stewards. We appreciate you and Ecology allowing us the opportunity to provide public comments and/or input on this important matter. The ability for us to all work together as partners during this process will provide future generations with sustainability of water resources, and support the viability of agricultural production.

Sincerely,

A handwritten signature in black ink that reads "Lori Brady". The signature is written in a cursive, flowing style.

Lori Brady
District Manager

CC: Andrea Jedel
Municipal Stormwater Permit Implementation Planner
andrea.jedel@ecy.wa.gov
(509) 961-0625

Attachment: **Public Comments by SVID on Draft EWA Phase II Municipal Stormwater (MS4) General Permit (2024-2029)**

Public Comments by Sunnyside Valley Irrigation District, sometimes referred to as “SVID”, or the “District” on the DRAFT Eastern Washington (EWA) Phase II Municipal Stormwater (MS4) General Permit, a National Pollutant Discharge Elimination Permit (NPDES federal) and State Waste Discharge Permit (SWD state)

“S” = section reference in draft permit

- 1. Section S6.D.3.b.i. - Illicit Discharge Detection and Elimination (IDDE) Allowable Discharges** on page 54 – Ecology does not have the jurisdictional authorization to permit a non-stormwater discharge(s) from a separate, outside entity or facility into a federally owned United States Bureau of Reclamation (USBR) facility, such as the District’s main canal, laterals, drains, joint drains, and wasteways. These facilities are operated and maintained by Sunnyside Valley Irrigation District (SVID). If the separate, outside entity or discharger wishes to connect and/or discharge to one of the District’s facilities such as the examples provided above, they must contact the District directly to discuss the project details and obtain any appropriate inlet permit(s). Please modify the IDDE allowable discharge language *“Non-stormwater discharges authorized by another NPDES and State Waste Discharge permit; and”* in this section by including language that the entity or discharger (i.e., MS4 permittee) wanting to discharge non-stormwater that is covered by an Ecology NPDES and SWD permit must also obtain approval (i.e., permit) from the third party owner of the receiving facility. Lastly, SVID’s agricultural discharges and return flows from irrigated agriculture are exempt from the “point source” definition under the Clean Water Act (CWA). This proposed requirement will compromise SVID’s CWA exemption by authorizing any other discharges into our facilities other than agricultural discharges and return flows from irrigated agriculture.
- 2. Section S8.A. - Tree Canopy Assessment** on page 62 – Tree canopy, nuisance weeds, and/or other forms of vegetation with extensive root systems are prohibited along the ditch bank rights-of-way of SVID’s facilities. These open surface ditch and/or enclosed facilities include the District’s main canal, laterals, drains, joint drains, and wasteways. Trees and other plant vegetation along a District’s facility rights-of-way can cause liabilities and affect the integrity of the conveyance and/or drainage system in a negative way. For instance, the extensive root system of the trees or other plant vegetation can impede or block the various water flows in the system throughout the irrigation and non-irrigation seasons which could lead to overtopping, seepage, and/or breaks resulting in catastrophic flood events. SVID’s facility rights-of-way require to be operated and maintained on a daily routine basis to solely serve the purpose of either conveying irrigation water for agricultural beneficial usages or conveying agricultural return flow to receiving waterbodies. Furthermore, in some circumstances SVID does not even have the jurisdictional or legal authority to remove and/or add tree canopy which are located

on private landowner property where the District only has an easement to access. SVID operates and maintains facilities that are owned by the federal United States Bureau of Reclamation (USBR) where they require us to maintain the ditch bank rights-of-way by removing any obstructions or hazards. USBR routinely inspects the irrigation facilities to ensure they are free from any type of obstruction that can cause system failure. A tree canopy would not only interfere with SVID's extensive piping program, but it would also degrade water quality. Therefore, for these reasons Section S8.A. needs to be eliminated.

3. **Sections S6.A.5. and S9.E.1. - Stormwater Management Program Plan (SWMP Plan) submittal** on pages 51 and 67 – It is redundant and unnecessary for a Secondary Permittee to submit their SWMP Plan directly to Ecology along with their Annual Report when they are already being required to post it to their website for access by Ecology and other public stakeholders. SVID suggests Ecology clarify or change the language in these sections so that the Secondary Permittee shall only submit their SWMP Plan to Ecology upon request or if they do not maintain a website accessible to the public.