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DEPARTMENT OF ECOLOGY

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December 10, 2018

U.S. EPA Region 10
Attn: Director, Office of Water and Watersheds
1200 Sixth Avenue (OWW-191)
Seattle, WA 98101

Re: Comments on Draft NPDES Permit No. IDS028207 — Lakes Highway District, Post Falls Highway District, and Eastside Highway District Separate Storm Sewer System (MS4) Discharge Permit

To Whom It May Concern:

The Washington State Department of Ecology's Water Quality Program (Ecology) submits the following comments to the U.S. EPA and the Idaho Department of Environmental Quality (IDEQ) on Draft NPDES Permit No. IDS028207 (Draft Permit), which authorizes the Lakes Highway District, Post Falls Highway District, and East Side Highway District (Permittees) to manage their stormwater discharges within the Spokane River Watershed.

From Ecology's perspective, the Draft Permit represents an improvement over the prior permit, including a strengthened monitoring program and enhanced provisions for street sweeping and catch basin maintenance. In many places, the language is clearer and more prescriptive than the prior permit.

However, some aspects of the Draft Permit should be improved to adequately address stormwater pollution from the Permittee's separate storm sewer system and therefore, effectively protect the greater-Spokane region's waterbodies. We urge the U.S. EPA to strongly consider the changes recommended below.

- 1) *Section 3.2.6 – Follow-up* (pg. 22) under the *Illicit Discharge Detection and Elimination* section of the Draft Permit (Section 3.2) states, "The Permittees must take appropriate action to address the source of an ongoing illicit discharge within sixty (60) days of its detection, to the extent allowable to the Permittee(s) under Idaho law."

Ecology is concerned that, where the Permittees identify a recurring illicit discharge stemming from an illicit connection to their MS4 (with the exception of discharges that originate from irrigation flows or groundwater seepage), the Draft Permit does not outline a firm timeline and final date requiring the elimination of the connection and/or discharge. We believe the wording in the Draft Permit that Permittees "...must take appropriate action to address the source of an ongoing illicit discharge..." is insufficient to ensure that all such



recurring illicit discharges to their MS4s will be eliminated. We request a clear definition or description of what "appropriate action" means.

- 2) *Section 3.5 - Pollution Prevention/Good Housekeeping for MS4 Operations* (pg. 32) of the Draft Permit states, "The Permittees must properly operate and maintain the MS4 and its facilities, using prudent pollution prevention and good housekeeping as required by this Part, to reduce the discharge of pollutants through the MS4." Throughout this section of the Draft Permit, several other references are made that the Permittees "must continue to conduct pollution prevention and good housekeeping measures" (Section 3.5.1) and "must ensure that those [maintenance] procedures are conducted in a manner to protect water quality..." (Section 3.5.3).

Ecology recognizes that a robust operations and maintenance program is essential to the goal of preventing and reducing runoff from municipal operations. Therefore, we request each of the Permittees implement a full Operations & Maintenance (O&M) Plan that formally outlines the specific measures and procedures the Permittees will take to minimize impacts to water quality.

The Permittee's O&M Plan should include/identify, at a minimum:

- a. An inventory of facilities and associated O&M activities;
- b. A schedule of O&M activities;
- c. Specific Best Management Practices (BMPs) that, when applied to the activities and facilities, will protect water quality and reduce the discharge of pollutants to the maximum extent practicable;
- d. Procedures for implementing said BMPs; and
- e. Departments/employees responsible for BMP inspection and maintenance.

Additionally, the O&M Plan should include appropriate pollution prevention and good housekeeping procedures for the following facilities and their associated activities: stormwater collection and conveyance system; roads, highways, and parking lots; vehicle fleets, refueling sites, and vehicle washing areas; snow disposal sites; buildings; construction projects; industrial activities; waste transfer sites; material storage areas; heavy equipment storage areas; and heavy equipment maintenance areas.

The proposed Draft Permit does not currently address "heavy equipment storage areas" in its list of *O&M Procedures for other Municipal Areas and Activities* (Section 3.5.6, pg. 34). Ecology recommends a requirement that the Permittees develop and implement a site-specific SWPPP to manage stormwater discharges from heavy equipment storage areas, under Section 3.5.8, pg. 34.

- 3) *Section 3.5.2 – Inspection and Cleaning of Catch Basins and Inlets* (pg. 32) of the Draft Permit states, "The Permittees must inspect all Permittee-owned or operated catch basins and inlets in the MS4 at least once every five years, and take all appropriate maintenance or cleaning action based on those inspections."

Ecology has concerns that the proposed frequency of catch basin and inlet inspections is not sufficient to ensure that the facilities continue to function as designed. Eastern Washington Phase II Municipal Stormwater Permittees are required to inspect their catch basins every two (2) years, and clean them if the inspections indicate cleaning is warranted. Ecology

requests that the inspection frequency be comparable or greater than that currently required for Washington State Permittees.

- 4) *Section 4.2.2 – Pollutant Reduction Activities* (pg. 36) under the *Special Conditions for Discharges to Impaired Waters* of the Draft Permit (Section 4) for the East Side Highway District (ESHD), states that they must “define and implement at least two (2) pollutant reduction activities designed to reduce pollutant loadings from the MS4 into Coeur d’Alene Lake...” and “quantify the estimated pollutant reduction accomplished resulting from such activities.”

While the proposed requirements help to ensure that the ESHD does as much as it can to reduce any potential pollutants through its Storm Water Management Program (SWMP) activities, Ecology believes that the monitoring activities could go further to ensure that reductions in the selected target pollutants are achieved. Ecology requests that the U.S. EPA consider additional requirements for quantifying actual reduction of target pollutants by the ESHD by the expiration of the Permit.

- 5) *Section 4.3.2 – Pollutant Reduction Activities* (pg. 38) under the *Special Conditions for Discharges to Impaired Waters* of the Draft Permit (Section 4) for the Post Falls Highway District (PFHD), states that they must “define and implement at least two (2) pollutant reduction activities designed to reduce pollutant loadings from the MS4 into the Spokane River...” and “quantify the estimated pollutant reduction accomplished resulting from such activities.”

Again, while the proposed requirements help to ensure that the PFHD does as much as it can to reduce any potential pollutants through its Stormwater Management Program (SWMP) activities, Ecology believes that the monitoring activities could go further to ensure that reductions in the selected target pollutants are achieved. Ecology requests that the U.S. EPA consider additional requirements for quantifying actual reduction of target pollutants by the PFHD by the expiration of the Permit.

- 6) *Section 6.2.5 - Wet Weather Discharge Monitoring* (pg. 42) under the “Monitoring, Recordkeeping, and Reporting Requirements” of the Draft Permit lists several tasks that the Permittees must complete when they monitor wet weather discharges from MS4 outfalls. These include the following:

- a. 6.2.5.1 *Location*. The locations of such monitoring must be identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*);
- b. 6.2.5.2 *Sample Type*. The sample collection must be identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*);
- c. 6.2.5.3 *Parameters*. The pollutants to be sampled must be identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*);
- d. 6.2.5.4 *Frequency*. The samples must be collected at a frequency identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*);

- e. 6.2.5.5 *QA Requirements*. The Permittee must develop a Quality Assurance Project Plan (QAPP), or revise an existing QAPP, as required by Part 6.2.7 (*Quality Assurance Requirements*) to clearly identify all methods and protocols to be used in the wet weather sampling effort; and
- f. 6.2.5.6 *Reporting*. The Permittee must submit all data collected to the EPA as required in Part 6.4.2 (*Annual Report*).

Ecology requests that an additional subheading be added that requires the Permittee's Monitoring/Assessment Plan to target the capture of at least one of the wet weather discharge sample during a "first flush" storm event in the late summer/early fall. There is typically a buildup of pollutants in MS4 stormwater conveyance systems in the first few storms of this season. This is due to the lack of rain over an extended period of time, where pollution concentrations can be expected to be higher than for the rest of the season. We believe that this type of monitoring will help ensure that the Permittee's BMPs have not been neglected during the long, dry summers.

Thank you for the opportunity to comment on the Lakes Highway District, Post Falls Highway District, and East Side Highway District joint MS4 Draft Permit. Please feel free to contact me with questions or for clarification of any of the comments.

Sincerely,



Vincent McGowan, Manager
Program Development Services Section
Water Quality Program