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DEPARTMENT OF ECOLOGY

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January 7, 2019

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. IDS028398 — City of Moscow 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. IDS028398 (Draft Permit), which authorizes the City of Moscow (Permittee) to manage its stormwater discharges within the Paradise Creek Watershed and, in turn, the greater-Palouse Watershed.

Ecology appreciates the U.S. EPA's efforts to issue a first-time NPDES Permit to the City of Moscow, Idaho. We believe that the implementation of a comprehensive Stormwater Management Program (SWMP) will assist the City in reducing pollutants in their stormwater discharges, and improve the water quality of Paradise Creek, which is a tributary of the South Fork of the Palouse River in Whitman County, Washington.

Some aspects of the Draft Permit could be improved to adequately address stormwater pollution from the Permittee's separate storm sewer system, and Ecology urges 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 that "The Permittee 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 under Idaho law."

Ecology is concerned that, where the Permittee identifies 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 said connection and/or discharge. We believe the wording in the Draft Permit that the Permittee "...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 MS4 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 Permittee 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.” And, the Permittee “must ensure that those [operations and maintenance] procedures are conducted in a manner to protect water quality...” (Section 3.5.3, pg. 32).

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 the Permittee implement a full Operations & Maintenance (O&M) Plan that formally outlines the specific procedures and control measure components that the Permittee 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 also recommends a requirement that the Permittee 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 Permittee 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 to or greater than that currently required for Washington State Permittees.

- 4) *Section 4.3 – Pollutant Reduction Activities* (pg. 37), under the *Special Conditions for Discharges to Impaired Waters*, states that the Permittee must define and implement “at least one (1) pollutant reduction activity designed to reduce E. coli, nutrients, sediment, and heat loadings from the MS4 into Paradise Creek” and “at least one (1) pollutant reduction activity designed to reduce E. coli, nutrients, sediment, and heat loadings from the MS4 into the South Fork of the Palouse River...” and “...quantify the estimated pollutant reduction accomplished resulting from such activities.”

While the proposed requirements help to ensure that the Permittee 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 expiration of the Permit.

- 5) *Section 6.2.5 - Wet Weather Discharge Monitoring* (pg. 41), under the "Monitoring, Recordkeeping, and Reporting Requirements" of the Draft Permit states lists several tasks that the Permittee 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 subtask "g." 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 the 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. As such, we believe that this first flush sampling can help the Permittee assess the effectiveness of BMPs to control the discharge of pollutants; and may indicate where additional maintenance and/or stormwater controls are needed.

We are strongly supportive of EPA's efforts to improve stormwater management throughout the State of Idaho. Thank you for the opportunity to comment on the City of Moscow's MS4 Draft Permit. Please feel free to contact me with questions or for clarification of any of the comments.

Sincerely,



Vincent McGowan, P.E., Manager
Program Development Services Section
Water Quality Program