

## Services' Comments on Department of Ecology's MS4 permits – May 19, 2006

- Watershed/Basin Planning should be used to address all hydrologic stressors
- Watershed-based NPDES permits should require all MS4s to participate in such basin/watershed planning efforts
- Using the Census Bureau Defined Urbanized Area is not sufficient – permits should encompass all jurisdictions in the entire watershed, not just urbanized areas and urban growth boundaries
- Permits should include requirements for:
  - 1) Ordinances, intended to:
    - direct growth to identified areas
    - protect sensitive areas, such as wetlands, etc
    - provide riparian buffers along such sensitive areas
    - minimize impervious surfaces
    - impose land cover limits, to reduce water quality impacts from land disturbance
    - flow control requirements, to reduce impacts from directly connected surfaces

*Examples:* rules to limit clearing/removal of forest cover; rules to limit impervious surfaces; education; economic incentives; enforcement and penalties; requirements for MS4s to identify and prioritize capital improvements
  - 2) Monitoring and Adaptive Management, such as:
    - Monitoring effectiveness of:
      - Structural best management practices
      - Non-structural BMPs (e.g., zoning, clearing or impervious surface limits)
      - Effects on habitat and salmon
      - Plan implementation
  - 3) Watershed planning (or require participation in such efforts)
  - 4) Low Impact Development practices for new development
  - 5) Participation in regional WDOE-sponsored surface water monitoring efforts
  - 6) All Phase I and Phase II permittees to regulate their area/jurisdictions in the same manner, as defined in the Western WA Stormwater Mgt Manual:
    - Land development thresholds (ie, disturbance of 5000 sq ft → treatment / disturbance of 10,000 sq ft → flow control)
    - Structural BMP /treatment controls
    - Monitoring
    - Capital improvement lists and schedule

## **EPA's Comments on Department of Ecology's MS4 permits - October 27, 2006**

In both the Phase I and Phase II permits, EPA encourages Ecology to:

- Expand coverage areas to include all subbasins with Urban Growth Areas in the Puget Sound region
  - Whatcom, Skagit, Thurston, Kitsap, Jefferson, Mason, Island and Clallam
  - Better define the Ecology decision criteria to be used if petitioned by 3<sup>rd</sup> party
- Require Phase II permittees to use the land development thresholds of the Western WA SW Management Manual (i.e., disturbance of 5000 sq ft → treatment / disturbance of 10,000 sq ft → flow control)
- Include provisions to both “promote and allow” Low Impact Development
- Include requirement for basin planning in the Phase I permit

EPA encourages Ecology to also address other stormwater related programs:

- Initiate a comprehensive SW monitoring program in Western WA
- Use available biological and toxic assessment information to include water bodies on the state list of impaired waters under CWA Section 303(d) to better protect endangered salmon species by targeting Total Maximum Daily Load (TMDL) development strategies to relevant issues
- “Ramp up” promotion and support of Low Impact Development
- Increase WDOE support of basin/watershed analysis and work with local jurisdictions to integrate those results into the land use planning process