



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

NOV 18 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

Ted Sturdevant, Director
Washington Department of Ecology
Post Office Box 47696
Olympia, Washington 98504-7696

Dear Mr. Sturdevant:

The purpose of this letter is to strongly urge your agency to re-issue the Western Washington National Pollutant Discharge Elimination System (NPDES) Phase I and II Municipal Stormwater Permits soon after they expire on February 15, 2012. I am aware that there have been requests by stakeholders, such as the Washington State Association of Counties and Association of Washington Cities, to delay re-issuance of these permits. I would like to express the reason why the Environmental Protection Agency (EPA) believes it is important to re-issue these permits on schedule.

Simply put, reducing stormwater runoff from urban and urbanizing land is essential to protect and restore Puget Sound and its tributary watersheds and meet Governor Gregoire's goal of a clean Puget Sound by year 2020. As you are aware, recent Washington Department of Ecology (Ecology) studies show that stormwater runoff from developed lands is the leading source of toxic pollutants into Puget Sound. This pollution and stream scouring flows from stormwater also are major limiting factors to the recovery of threatened salmon and orcas listed under the U.S. Endangered Species Act. As highlighted in the Puget Sound Action Agenda, implementation of the municipal stormwater permits are among the most important tools to prevent and reduce stormwater runoff from urban and urbanizing land.

Given the vital role the municipal stormwater permits provide in cleaning up the Puget Sound, it is essential that the permits result in robust and comprehensive local stormwater programs throughout the Puget Sound. However, there are some significant gaps and shortcoming in the local Puget Sound stormwater programs that the re-issued permits need to address.

For example, the majority of local stormwater programs currently emphasize traditional stormwater practices that collect, store, and treat stormwater. However, low impact development (LID) methods alone, or in conjunction with traditional methods, provide better stream protection and pollutant removal. As per recent rulings by the Pollution Control Hearing Board, the permits need to make LID the preferential practice, where feasible.

Medium to small development projects and stormwater monitoring are examples of other areas the re-issued permits need to be address. Currently, development projects less than one-acre continue to be built to out-dated standards in most jurisdictions. Cumulatively, these sized projects constitute a significant amount of development that will continue to degrade Puget Sound if not addressed. With respect to monitoring, Puget Sound local jurisdictions have

worked together with Ecology over the last couple of years to design a cost-effective Puget Sound-wide stormwater monitoring program to guide and increase the effectiveness of stormwater programs. The re-issued permits need to implement this important program.

Although improvements to municipal permits are needed to establish more effective and complete local stormwater programs, EPA recognizes the outstanding work that Ecology and the local jurisdictions have done in carrying out the NPDES municipal stormwater program. However, even though the Ecology program is advanced, the science clearly indicates that program improvements are needed to protect Puget Sound's aquatic resources.

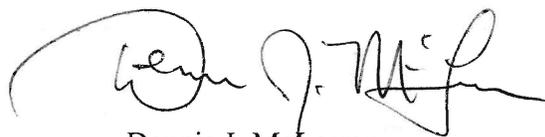
EPA also fully recognizes the difficult economic climate we face due to the recent recession and slow recovery. EPA, therefore, agrees we need to be mindful of how the re-issued permits will affect city and county finances and business development costs. EPA, however, believes important new permit provisions can be included in the 2012 re-issued permits in a manner that keeps future costs reasonable. Local stormwater programs, after ramping up to meet the 2007 permit requirements, are now stable and should continue to be so for the next couple of years since nearly all the permit deadlines have now passed. Any new requirements in the 2012 re-issued permits will likely be phased-in during the 2013-2017 timeframe, so it will be several years before local governments will need to address any new requirements.

I would also like to note EPA's recent emphasis and investment in cleaning up Puget Sound. As you are aware, EPA has designated the Puget Sound an estuary of national significance and since 2008 EPA has invested close to \$100 million in programs and projects to clean up Puget Sound. Some of these funds have gone to Puget Sound local jurisdictions to improve stormwater management at the watershed scale. Additionally, EPA is also ramping up the stormwater requirements for federal facilities where EPA is the permitting authority in Puget Sound. EPA plans to continue to make these high priority investments in Puget Sound.

In summary, EPA believes that re-issuing the western Washington municipal stormwater permits in 2012 to include important incremental improvements is vital to the region's effort to restore and protect Puget Sound. Delayed re-issuance jeopardizes the goal of a clean Puget Sound by 2020 because new development will continue to be built in ways that degrade waterways and additional steps to reduce stormwater runoff from developed land will be delayed.

Thank you for your consideration of EPA's views on this matter. I am available to meet with you and other stakeholders to discuss this further. Please feel free to call me at (206) 553-1234.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran". The signature is fluid and cursive, with a large initial "D" and "M".

Dennis J. McLerran
Regional Administrator

cc: Mike McCarty, AWC
Eric Johnson, WSAC
Gerry O'Keefe, Puget Sound Partnership
Martha Kongsgaard, Puget Sound Partnership Leadership Council
Will Stelle, NMFS