



METRO

NPDES
1200-C

September 16, 1999

Mr. Dennis Jurries
Department of Environmental Quality
Northwest Region – Water Quality Program
2020 SW 4th Avenue Suite 400
Portland, OR 97201

Dear Mr. Jurries:

Following are Metro's comments to the proposed NPDES Stormwater Discharge General Permit 1200-COLS for the Columbia Slough watershed, issued by DEQ on August 4, 1999. These comments relate to Metro's management of the Smith-Bybee Lakes Wildlife Area (SBWA) and the St. Johns Landfill.

Smith and Bybee lakes were historically an integral part of the Columbia Slough watershed, in the form of tidal wetlands. In 1983, the U.S. Fish & Wildlife Service constructed an earthen dam in the North Slough arm of the Columbia Slough to alleviate waterfowl disease. As a result, the tidal wetlands became largely segregated from the Columbia Slough most of the year in the form of the present day lakes.

In its current 303(D) listing, DEQ has treated the lakes as separate water bodies, from each other and from the Columbia Slough. For this reason, Metro is concerned that dischargers of industrial stormwater to the lakes may not be issued the proposed 1200-COLS permit.

For reasons described below, Metro suggests that the lakes be viewed as part of the Columbia Slough system, and as such, that stormwater discharges to the lakes be permitted under the proposed 1200-COLS permit. We believe that doing so is consistent with the objective of improving water quality in the Columbia Slough through the TMDL process. Nearly every year the lakes and Slough are unified in two ways:

1. During winter and spring, high water conditions in Columbia Slough cause interchange of water, primarily via spill over the dam and passage through the isthmus that separates the North Slough and Bybee Lake.
2. Water from the lakes is intentionally released each summer through a valve in the earthen dam, to lower the lakes for seasonal fluctuation of water levels in the wetland habitat.

Metro is planning to remove the dam the next year, replacing it with a control structure that will allow continuous flow between the North Slough and the lakes, and also allow for retaining water in the lakes, as needed periodically to meet habitat management objectives. This action will effectively restore the tidal wetlands within SBWA.

Metro assumes it will be issued a 1200-COLS permit for St. Johns Landfill (SJLF), which is located within SBWA. Stormwater discharges from the landfill into both the Columbia Slough and Smith Lake. In the update of its Stormwater Pollution Control Plan for SJLF, Metro intends to include discharges to Smith Lake under all requirements of the 1200-COLS permit, consistent with our belief that the lakes are part of the Columbia Slough watershed.

Thank you for your consideration of Metro concerns.

Sincerely,

Emily Roth
Regional Parks and Greenspaces

Dennis O'Neil
Regional Environmental Management

DO:PV:clk

cc: Jim Watkins, Engineering & Analysis Manager
Charlie Ciecko, Parks & Greenspaces Director
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Oregon

John A. Kitzhaber, M.D., Governor

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Response to Public Comments Concerning the Columbia Slough Industrial Storm Water Discharge Permit 1200-COLS

By Dennis Jurries

The Department held a Public Hearing on September 15, 1999 and a public comment period, which ended at 5:00 PM on September 24, 1999. Twelve people attended the Public Hearing but no one wanted to testify.

The following are the written comments. Similar comments are grouped together. The Department's responses to the comments are in ***Bold Italic Font*** after the comments.

Comments:

1. Smith and Bybee lakes were historically an integral part of the Columbia Slough watershed, in the form of tidal wetlands. In 1983, the U.S. Fish & Wildlife Service constructed an earthen dam in the North Slough arm of the Columbia Slough to alleviate waterfowl disease. As a result, the tidal wetlands became largely segregated from the Columbia Slough most of the year in the form of the present day lakes.

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- a. During winter and spring, high water conditions in Columbia Slough cause interchange of water, primarily via spill over the dam and passage through the isthmus that separates the North Slough and Bybee Lake.
- b. Water from the lakes is intentionally released each summer through a valve in the earthen dam, to lower the lakes for seasonal fluctuation of water levels in the wetland habitat.

Metro is planning to remove the dam the next year, replacing it with a control structure that will allow continuous flow between the North Slough and the lakes, and also allow for retaining water in the lakes, as needed periodically to meet habitat management objectives. This action will effectively restore the tidal wetlands within SBWA.

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The permit does not clearly identify which sources it will regulate. For example, the first paragraph in the permit refers to the Columbia Slough Watershed and all stormwater discharging into the Columbia Slough. This broad statement does not make it clear if the permit will only regulate sources that discharge "stormwater associated with industrial activities," or other stormwater sources. Furthermore, the permit and supporting documents do not explain if the permit will regulate sources discharging stormwater throughout the entire watershed (including sources discharging to Fairview Creek and other tributaries), or just those discharging directly to the Slough. The permit does not specify if stormwater discharges to Smith and Bybee Lakes will be regulated. - **PORT OF PORTLAND**

DEQ Response: *The Department agrees with Metro's insistence that Smith and Bybee Lakes be included in the Columbia Slough watershed. Fairview Lake and conveyances which discharge into the lake are all considered part of the Columbia Slough Watershed.*

2. **Sources Covered:** The draft permit states that it is intended to replace other 1200-series permits in the "Columbia Slough sub-basin." However, the Columbia Slough sub-basin is not depicted, described or otherwise defined in the permit. The DEQ should provide a map or other means of defining this subbasin. - **SCHNITZER STEEL PRODUCTS CO.**

It is unclear what geographical area is covered under this permit. CCA recommends that DEQ include a watershed map in the Permit. The Permit has gone out for public review without a clear description of the affected public. - **Columbia Corridor Association (CCA)**

After reviewing all of the material I am still confused as to the geographical area that is affected by this permit. While the documents state that the permit covers the Columbia Slough Watershed, this area is not clearly defined. All of the individuals that I know that have reviewed the draft permit are also unclear as to the boundaries of this permit. While the boundaries may be clear to DEQ, it is not clear to those that will be affected. There is no indication that Fairview and Arata Creeks are covered by this permit

I strongly urge the DEQ to provide a discussion and a map that defines the geographic area that is affected by the permit. If there are "gray" areas along the southern borders which cannot be clearly described or shown on a map then a potential permittee could be directed to contact the City or DEQ. This additional information would greatly assist potential permittees in determining if they need to apply for a permit. It would also reduce the workload on the DEQ and the City of Portland by eliminating many questions and site visits. - **The Halton Company**

Permit p. 2 Sources Covered. A definitive description of the *Columbia Slough* is needed. - **City of Gresham**

Draft Permit, Page 2 reads, "This permit covers all stormwater discharging into the Columbia Slough."