



RIDDELL WILLIAMS P.S.

1001 FOURTH AVENUE, SUITE 4500 | SEATTLE, WASHINGTON 98154-1192
206.624.3600 TELEPHONE | 206.389.1708 FACSIMILE
WWW.RIDDELLWILLIAMS.COM

LOREN R. DUNN
206.389.1794
LDUNN@RIDDELLWILLIAMS.COM

April 30, 2009

Phase 1 Municipal Stormwater NPDES Permit Comments

VIA U.S. MAIL

Municipal Permit Comments
Washington Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Re: Phase 1 Permit Comments

Dear Sir or Madam:

The following comments are submitted on behalf of Puget Sound Energy ("PSE") and PacifiCorp in response to Ecology's request for comments on the reissued Phase 1 Municipal Stormwater Permit. Should you have any questions regarding these comments, please direct them to the undersigned.

PacifiCorp and PSE (the "Utilities") have previously provided comments on Ecology's Phase 1 permit, and were involved in the appeal of the Phase 1 permit. The Utilities remain concerned about certain key issues in condition S4. of the revised permit.

In particular, the Utilities are concerned that S4., as revised, still does not meet the requirements of RCW 90.48.520. RCW 90.48.520 prohibits the issuance of permits that will lead to violations of water quality standards. Yet, as Ecology has acknowledged, this permit will undoubtedly allow the operation of stormwater discharges that will violate water quality standards.

The Utilities understand that Ecology has determined that it is impossible for the Municipalities covered by this permit to achieve water quality standards during the life of this permit. The Utilities also understand that Ecology is attempting, through its draft of condition S4., to create a mechanism within the permit to manage gradual movement

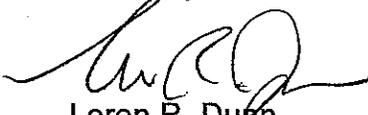
by the permittees into compliance with water quality standards. The Utilities appreciate Ecology's efforts to create a process for achieving compliance, but believe that Ecology possesses suitable tools for achieving compliance, including compliance schedules and compliance orders, that are actually authorized by the state's water quality statutes.

In short, the Utilities remain troubled by the structure of S4. as revised.

The Utilities, however, do appreciate the addition of the clarifying language contained in S4.F.3.f. Inclusion of this language is critical to protecting against unintended liability consequences arising from Ecology's approach to condition S4. The Utilities strongly urge that it remain as part of the final permit.

Thank you for the opportunity to provide comments on this draft of the permit. Please let us know if you have any questions about these comments, or other related matters.

Sincerely,



Loren R. Duff

of

RIDDELL WILLIAMS P.S.

On behalf of PacifiCorp and Puget Sound Energy

cc: Ron LaVigne
John Rork
Lorna Luebbe
Jackie Wetzsteon