

The Boeing Company
PO Box 3703 MC 9U4-08
Seattle, WA 97124

Mr. Jeff Killelea,
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Mr. Killelea:

The Boeing Company appreciates the opportunity to provide comments on Ecology's modification of coverage for the 2010 Industrial Stormwater General Permit (ISGP) issue February 1st, 2012. Boeing is a major aerospace employer in Washington State and holds stormwater NDPES permits for its facilities in Snohomish, King and Pierce counties.

Boeing's comments are provided in three sections. Attachment 1 provides our comments on the policy and procedural issues addressed in the proposed permit modification. Attachment 2 contains reference information pertinent to Boeing Comments.

A summary of our key concerns addressed in attachment 1 are:

- **Condition S2. Applications for Coverage or Modification of Coverage:** Ecology proposes to modify Condition S2.C by removing the applicability of automatic commencement of applications for modification of coverage including applications for waivers and extensions under Condition S8. The permit should retain an automatic commencement process in order to provide regulatory certainty that would otherwise be lost under the proposed modification.
- **Condition S6. 303(d) Limits:** Ecology proposes to replace numeric effluent limitations for discharges to section 303(d) water bodies listed as impaired for fecal coliform criteria with narrative limits. The proposed narrative limits include requirements to install "effective structural source control BMPs" and "effective source control BMPs to eliminate" known sources of bacteria. Boeing has substantial concerns about what is meant by "effective" and "eliminate" in the proposed narrative limits.

- **Condition S8 Corrective Actions:** Ecology should defer any modifications to Condition S8 until Boeing's appeal of the ISGP finally has been resolved. Modification of Condition S8 prior to a ruling by the Court of Appeals is premature unless Ecology is prepared to adopt permit language or policies that fully implement the statutory presumption of compliance required in the statute. The proposed modifications to annual reporting do not address the PCHB order requiring Ecology to establish an iterative corrective action process and fail to address how several elements of the 2011 Frequently Asked Questions document will be implemented through the new annual reporting requirements.
- **Boeing proposed Level 3 corrective action:** In the event Ecology intends to develop an iterative Level 3 corrective action process as required by the PCHB prior to a final ruling on the petition for judicial review, Boeing has included recommendations on modifying and replacing Condition S8.B through D that will meet the adaptive management mandate from the PCHB.

Please address any questions about our comments to the undersigned or Mel Oleson (253) 988-0378 (mel.oleson@boeing.com).

Sincerely,

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