



Via Electronic Delivery to: industrialstormwatercomments@ecy.wa.gov

January 10, 2008

Mr. Lionel Klikoff
Washington Department of Ecology (Ecology)
PO Box 47600
Olympia, WA 98504-7600

RE: Port of Tacoma Comments on the November 21, 2007 Draft Industrial Stormwater General Permit

Dear Mr. Klikoff:

This letter provides the Port of Tacoma's (Port) comments on the Draft Industrial Stormwater General Permit issued on November 21, 2007 (Draft Permit). We appreciate the opportunity to submit these comments.

The following is a section-by-section discussion of our comments.

SPECIAL CONDITIONS

S3. Stormwater Pollution Prevention Plan (SWPPP). There are several triggers in this draft permit that where Permittees are required to submit SWPPP's to Ecology with within prescribed deadlines. We recommend that the permit provide timelines for Ecology SWPPP review and feedback to the Permittees.

S3.A.4. Availability of SWPPP. Permittees, especially private companies, can be inundated with concurrent and multiple requests for disclosure. We feel the US Department of Justice's Freedom of Information Act (FOIA) already covers the full requirements of S3.A.4.e and this subsection should be deleted. If this isn't acceptable, we recommend one of two alternatives: either 1.) the requesting party asks Ecology for a copy of the submitted SWPPP on file., or 2.) a Permittee responding to the request should have the right to charge commercial document reproduction rate and clerical time.

S.3.A.7 Other Pollution Control Plans. In this section, the verbiage: "Plans.... incorporated by reference into a SWPPP become enforceable requirements of this permit and ..." We recommend the permit should explicitly state that if the Permittee has any non-compliance issue regarding such Plan, the non-compliance issue unrelated to the

industrial stormwater discharge permit does not constitute a violation of this Permit Conditions.

S1.E.1. Discharge to Ground. The Port has made great strides in promoting low impact development (LID) as viable treatment for stormwater. Stormwater discharges to the ground as designed to achieve LID treatment should not require sampling and analysis and subsequent comparison with benchmarks given that such sampling would not produce results representative of water discharging to the surface water or groundwater.

S2.A.3.b Obtaining Permit Coverage. The Draft Permit increases the minimum application period for new facilities from 38 days to 180 days prior to commencement of stormwater discharge from the facility. This application period is excessive and we recommend that the application period be reduced to 60 days, similar to the requirements contained in S2.A.4 of the Draft Permit for facilities undergoing a significant process change. The longer application period will likely result in late application submittals, excessive permit amendments to update facility information, and potentially require the applicant to needlessly delay the start of new facility operations.

S2.F. Reapplication Requirements. Consistent with our last comment, the re-application period is excessive and we recommend the re-application period be reduced to 60 days from 180 days.

S4.B.f. Sampling Requirements. We suggest that Ecology add “The Permittee is not required to sample outside of regular business hours” to this subsection. Omission of this statement would place an undue burden on the Permittee to provide round-the-clock staff to ensure collection of the first discharge, possibly unsafe in the dark near marine waterfront environment for those Permittees in the maritime transportation sector.

S8.A. and corresponding Table 9. Corrective Action Determinations. A Permittee should be considered as having achieved full compliance and out of the corrective action process: if a Permittee 1.) completes the requirements of Step A and/or Step B Corrective Actions, and 2.) the discharge meets all benchmark levels in two consecutive seasons. Next time the Permittee encounters a benchmark exceedance after the full compliance, the Permittee should be allowed to make Corrective Action Determination according to the steps in S8.A.

S8.C & D. Step A and Step B Corrective Action Requirements. We suggest the corrective action process be re-structured to allow for flexibility so that Permittees can use the adaptive management approach to phase in source control and treatment BMPs as steps that build upon each other. Without such flexibility, the Permit may force many Permittees to commit to a potentially costly and disruptive response action before the need for such a response has been definitively established to alleviate pollutant discharge.

S8.C.3. Step A Corrective Action Requirements and S8.C.5. Form 4. We suggest: “... additional source control and treatment BMPs...” within this section be changed to “...additional source control *and/or* treatment BMPs...” This suggestion reflects the fact

that treatment BMPs may not be appropriate for certain pollutants and facility-specific situations.

S8.D.1. Step B Corrective Action Requirements. This subsection requires the Permittee entering Step B Corrective Action to prepare and submit an engineering report with professional engineer certification. Some Permittees triggering Step B by their current Level 3 status under the existing Permit are likely undergoing corrective actions recommended by an Engineering Report. We strongly recommend an existing Level 3 engineering report published before the effective day of this new permit be grandfathered.

GENERAL CONDITIONS

G3. Right Of Inspection And Entry. Recently enacted Federal maritime security regulations require access to maritime terminals to be controlled by the Transportation Worker Identification Credential (TWIC) card issued by the US Department of Homeland Security. Unless Ecology inspectors have secured a TWIC card, they must be escorted by designated Port staff or a terminal representative during the entire duration of any inspection within a terminal's secured area. The Port staff will make the best effort to facilitate access for the Ecology inspection on any Port terminals, provided a reasonable notification is given in advance.

Thank you for this opportunity to comment on the Draft Permit. If you have any questions concerning the content of this letter, please contact me at (253)428-8659 or Cindy Lin at (253)428-8672.

Sincerely,



Sue Mauermann
Director, Environmental Programs