Northland Services
MARINE TRANSPORTATION

Northland Services, Inc.
P.O. Box 24527
Seattle, WA 98124

July 15, 2009

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

Re: Comments
Draft Revised Industrial Stormwater General Permit

Dear Mr. Killelea:

This letter encapsulates the comments of Northland Services, Inc. (Northland) with respect to the Draft Revised Industrial Stormwater General Permit (Draft Permit), released for public comment on June 3, 2009, and the supporting Small Business Economic Impact Analysis (SBEIA) report.

Northland is a private company headquartered in Seattle that employs nearly 400 people, and has been in business for over 30 years. It is a domestic Marine Common Carrier that provides freight transportation service between Washington, Alaska and Hawaii. Northland operates a terminal facility at T115 on the Lower Duwamish Waterway in Seattle, Washington which it leases from the Port of Seattle (Port).

Northland currently manages stormwater discharges at T115 under the existing Washington State Department of Ecology (Ecology) Industrial Stormwater General Permit (ISGP).

During its tenancy at T115, Northland has invested significant time and money to implement stormwater best management practices (BMP), including extensive paving, the installation of sub-surface oil-water separators, the installation of filtration in catch basins, weekly automated sweeping/vacuuming of paved surfaces, and painting of galvanized surfaces, all in an attempt to comply with the existing NDPES Permit.

4025 Delridge Way S.W. • Suite 100 • Seattle, WA 98106 • Tel: 206.763.3000 • Fax: 206.767.5579 • Toll Free: 800.426.3113 • www.northlandservices.com

Northland is committed to continuing these BMPs, however, we are very concerned that although every diligent effort is being made, we may still not be able to meet the updated standards as outlined in the Draft Permit. At present, the NPDES Permit decision process is necessitating that waterfront businesses, like Northland, spend significant amounts of money (e.g., treatment) during these tough economic times to address seemingly minor issues associated with turbidity, and to address levels of zinc that are consistent with other ubiquitous sources (e.g., street runoff). This results in an inconsistently applied standard, and unreasonable financial burden on operations like Northland.

A summary of our comments is provided below. After you have had a chance to review, we welcome the opportunity to discuss the subject further.

Proposed Zinc Benchmark Level

Northland has been required to submit self-monitoring data to Ecology on a quarterly basis including analysis of total zinc. Ecology identified that self-monitoring data by facilities in western Washington has showed that a high percentage of permittees have experienced continued exceedances of the zinc benchmark level (117 micrograms per liter [ug/l]) and action level (372 ug/L) identified in Section S.4 of the IGSP. Due to these exceedances, Ecology conducted regional stormwater studies and literature research to determine the potential sources of the identified zinc concentrations and typical concentration ranges for each source. Ecology's findings were summarized in *A Survey of Zinc Concentrations in Industrial Stormwater Runoff* (January 2006). Further, Ecology developed a report entitled *Suggested Practices to Reduce Zinc Concentrations in Industrial Stormwater Discharges* (June 2008) to assist businesses help reduce zinc concentrations.

These Ecology reports document that the currently proposed zinc benchmark level of 200 ug/L in the Draft Permit is below zinc concentrations typically encountered in industrial areas in western Washington and other portions of the country due to a number of endemic environmental sources (e.g., runoff from parking areas, paved grounds, loading docks, buildings, and roofs) that are very difficult to control. More specifically, the reports summarize the following results:

- Every quarter approximately 50 percent of reporting facilities have shown zinc concentrations exceeding the IGSP zinc benchmark level of 117 ug/L
- Every quarter about 20 percent of reporting facilities statewide have shown concentrations exceeding the ISGP zinc action level of 372 ug/L

- The National Stormwater Quality Database (NSQD) includes data from 3,770 separate storm events from 66 agencies from 7 states. NSQD findings show industrial total median zinc concentrations of 210 ug/L respectively (Pitt et al., 2004).
- Concentrations of total zinc in galvanized roof runoff have been reported in a range of 1,100-12,200 ug/L (Good, 1993; Quek and Forster, 1993; Thomas and Greene, 1993).
- National data shows typical zinc concentrations of 225 ug/L for stormwater runoff from industrial parking lots (Claytor and Schueler, 1996).
- Zinc concentrations in runoff from roofing and building materials of types other than galvanized metal have been reported as typically 30 to 500 ug/L (Boller, 1997; Good, 1993; Heaney et al., 1999; Mason et al. 1999; Quek and Forster, 1993; Thomas and Greene, 1993; Zobrist et al., 2000).
- A number of western Washington storm water studies found runoff from a roof with galvanized ducts ranging from 217 to 500 ug/L zinc (Golding, 2006); 2,030 ug/L from the SR520 bridge galvanized metal downspouts; and,1,590 ug/L and 298 ug/L in both unpainted and painted Galvalume (similar to galvanized steel but with aluminum as a constituent) roof surfaces, respectively.

The above findings document that even though typical industrial facilities in western Washington, such as Northland, have continued to employ the Ecology-identified operational and housekeeping stormwater BMPs, the facilities still maintain a high probability of exceeding the proposed Draft Permit 200 ug/L zinc benchmark level due to the ubiquitous nature of potential zinc source loadings. In the Draft Permit, Ecology recognizes this fact by stating, "*Based on Ecology's best professional judgment and experience under the previous permitting cycle, Ecology has determined that in order to meet the proposed zinc benchmarks, permittees will be required to fully apply AKART, and many will be required to install active stormwater treatment systems*".

Obviously, full application of AKART and/or installation of active treatment systems will involve extensive costs, placing an undue burden on our business. Additionally, we have no reason to expect that installation of treatment systems will likely lead to attainment of the benchmark level given 1) expensive treatment systems may not achieve sufficient zinc removal due to high influent concentrations and/or high dissolved concentrations, and 2) potentially much higher untreated source loadings of zinc above the benchmark level will continue to discharge to adjacent waterways from public right-of-ways roadway runoff and other non-treated sources (e.g.., the immediately adjacent upstream City storm drain).

The Draft Permit will also require Northland to employ treatment if isolated exceedences of the zinc benchmark level occur over long periods of time. Instead, the Draft Permit should incorporate a limited timeframe for requiring the Level Three Corrective Action so that infrequent exceedences of this ubiquitous chemical do not require extensive treatment implementation that will burden both business and Ecology alike in terms of expense and man hours.

Costs Presented in the SBEIA

Ecology's cost analysis supporting the Draft Permit significantly underestimates the actual costs for industry to comply with the proposed revised regulations. Specifically, the cost estimates are inadequate because they:

- Do not include direct costs for required additional employee training
- Do not include costs for revising SWPPPs
- Severely underestimates annual monitoring analytical costs
- Do not estimate the number of businesses that will be required to implement treatment BMPs (Level Three Corrective Action) or the costs for each business to employ the required treatment BMPs
- Do not include the costs of defending and addressing third party lawsuits that are based on administrative and inconsistent interpretation of the NPDES process
- Do not include estimated costs for Level Four Corrective Action

These additional, easily foreseen expenses will significantly increase the cost impact to our business in order to maintain compliance with the Draft Permit revisions.

Required Monitoring Parameters for Facilities Discharging to 303(d) Listed Water Bodies

The Port's T115 facility encompasses over 70 acres, and has numerous stormwater outfalls that discharge to the Lower Duwamish Waterway which is a 303(d)-listed water body without an EPA-approved total maximum daily load. Section S6.A states that "Permittees with coverage under this permit that discharge to a 303(d)-listed water body shall conduct sampling and inspections in accordance with Conditions S4, S6, and S7." Further, Section S6.C states that "Beginning July 1, 2010, permittees discharging to a 303(d)-listed water body that does not have an EPA-approved *total maximum daily load* (TMDL) shall comply with the applicable sampling requirements and effluent limitations in Table 5. For purposes of this condition, 'applicable sampling requirements and effluent limitations' means the sampling

and effluent limitations in Table 5 that correspond to the specific parameter(s) the receiving water is 303(d)-listed for at the time of permit coverage, or Total Suspended Solids (TSS) if the water body is 303(d)-listed for any sediment quality parameter at the time of permit coverage."

Review of the 303(d)-listed parameters for the LDW shows dissolved oxygen and fecal coliforms are the only parameters listed for water and a number of parameters listed for sediment. We request confirmation from Ecology that sampling for the baseline parameters identified in Table 2 of Section S5 is not required. We also request clarification on how "site specific benchmark criteria" for facilities discharging to 303(d)-listed water bodies will be determined, as footnoted in Table 5 in Draft Permit, in case our facility is required to sample for these additional analytes due the potential addition of the noted parameters to the LDW 303(d) list at some point in the future.

Level 3 Corrective Action Initiation and Schedule

Section S8.C requires that facilities listed in Appendix 6 that exceed any benchmark value during any four separate quarterly monitoring periods after January 1, 2010 implement a Level 3 Corrective Action. This open-ended timeline for exceedances following January 1 means that if Northland's leased facility has an isolated exceedance every 1 to 2 years, after 4 to 8 years we would be *required* to install treatment BMPs. As discussed above, given the ubiquitous nature of parameters such as zinc and the proposed benchmark levels below the concentration documented for general roadway runoff, there is a high likelihood that no matter how many operational and/or structural BMPs we implement, we will document isolated exceedances over time. It is untenable that businesses could be forced into expensive treatment actions due to random pollutant sources that are very difficult, if not impossible, to completely eliminate in the practical world.

Section S8.C also states that "If installation of Treatment BMPs is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard, Ecology may waive the requirement for Treatment BMPs by approving a Modification of Permit Coverage." We request clarification on what types of actions are required under the Modification of Permit Coverage approval process.

We appreciate the opportunity to review and provide comment on the Draft Permit and hope that Ecology will revise the proposed language to include a more appropriate zinc benchmark level that is attainable by businesses without requiring default treatment BMPs to be implemented. I can be reached at (206) 892-2593.

Sincerely,

Thomas F. Martin
President, CEO
Northland Services, Inc.

Cc: Marilyn Guthrie, Stormwater Program Manager, Port of Seattle
Scott Pattison, Manager Industrial Properties & Business Development, Port of Seattle
David Templeton, Anchor QEA LLC
Amanda Shellenberger PE, Anchor QEA LLC