

July 15, 2009

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

RE: Port of Vancouver, USA Comments on the Draft NPDES Industrial Stormwater General Permit

Dear Mr. Killelea:

The Port of Vancouver, USA (Port) would like to provide comment on the draft NPDES Industrial Stormwater Permit (draft permit) released for public comment on June 3, 2009. The Port takes environmental stewardship seriously, and it is our commitment to strive for programs and policies that allow nature and industry to successfully coexist. We appreciate the opportunity to submit these comments and look forward to hearing your response.

S1. Permit Coverage

The current permit states (Appendix 1 C.8): *Transportation Facilities classified under SICs below, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity.*

40XX Railroad Transportation,
41XX Local and Interurban Passenger Transportation,
42XX Motor Freight Transportation and Warehousing (except 4221 Farm Product Warehousing and Storage; 4222 Refrigerated Warehousing and Storage; and 4225 General Warehousing and Storage; see Category 11),
43XX United States Postal Service,
44XX Water Transportation,
45XX Transportation by Air,
5171 Petroleum Bulk Stations and Terminals

The Draft permit still requires coverage for the above SICs, but the following language has been omitted:

Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity.

Is it Ecology's intent to cover these facilities in their entirety as opposed to just the portions that are involved in vehicle maintenance? The Port recommends that the permit language remain consistent with the existing permit and that the Draft permit be revised to reflect that. Many Washington ports are covered under the ISWGP as SIC 44xx Water Transportation, as are many tenants on port properties that fall into one of the Transportation Facility SIC categories. Moreover, many ports are also covered under a NPDES Municipal Stormwater Permit. Requiring more coverage under stormwater permits for areas outside of the vehicle maintenance shops, equipment cleaning operations, or airport deicing operations is not warranted.

S3. Stormwater Pollution Prevention Plan (SWPPP)

S3.A.2.a states, "*Specify the Best Management Practices (BMPs) necessary to provide all known, available, and reasonable methods of prevention, control, and treatment (AKART) of stormwater pollution.*" Ecology should further define AKART. The draft permit is unclear whether or not AKART is specifically implementing the Stormwater Management Manual (SWMM). If AKART is solely implementing prevention, control, and treatment according to the SWMM, then it should be stated in the permit.

S3.B.2.b.ii states that you must identify, "*Outdoor storage of materials or products.*" Ecology needs to further define "storage of materials or products." The phrase is very broad and can be misinterpreted. For example, [insert something from Port property to make the point]

S3.B.3.b.i.3.c states that, "*All dumpsters shall be fitted with a lid that shall remain closed when not in use.*" When referring to dumpsters clarification is needed to define what Ecology considers a dumpster: garbage only, recycling bins, wood debris bins, metal debris bins, dust and material collection bins? This clarification would be helpful so that it is not left up to the interpretation of the permit holder. Is it Ecology's intent to make the absence of lids on dumpsters a permit violation? Lack of dumpster lids should not cause a violation unless it was noted by inspectors over several inspections. Additionally, if dumpsters are under cover, or inside a building it would not seem necessary to have lids.

S3.B.3.b.i.5.d states that, "*Storm drains that receive runoff from areas where fueling is conducted shall be blocked, plugged or covered during fueling.*" Does this include areas where mobile fueling is conducted? Ecology needs to clarify this in the permit language.

S3.B.4 states that, “The SWPPP shall describe the BMPs necessary to prevent the erosion of soils and other earthen materials (crushed rock/gravel, etc.) and prevent off-site turbidity and sedimentation.” These BMPs should only be a requirement for facilities that have pervious surfaces (with the exception of pervious pavement or pavers), as it does not apply to facilities that are completely paved. Fully paved sites do not have soils, rock or gravel that would erode into stormwater systems.

S5. Benchmarks and Effluent Limitations

S5.A.2.Table 2 states that the new benchmark value for total zinc in Western Washington will be 200 ug/L. This level is too low to be unachievable by many permit holders. Zinc sources are abundant and most are unavoidable. Furthermore in some situations zinc is not a cause of actual industrial activities, but from building materials, transportation, and fencing. The effects of the new zinc benchmark will unfairly require implementation of costly BMPs that are not required of other equivalent or more substantial sources of zinc not subject to the industrial permit. The same issue applies to the lowering of the copper and lead benchmarks. Permittee’s want to be in compliance, but when the benchmark values become as low as this, it makes it very difficult and impracticable for permittees to find the funding needed install treatment BMPs that will consistently keep them below these values.

S5.A.2.Table 2 states that the new low range value for pH will be increased from 5.0 to 6.0. There are occasions where rainwater, before coming in contact with the ground is already below 6.0 S.U. By increasing this benchmark value, many facilities will be required to implement treatment for pH even though their operations have not adversely affected the pH level of the runoff. The value of the pH benchmark should remain at the current level of 5-9 SU.

S5.A.2.Table 2 states that the previous oil and grease testing will be replaced with a visible inspection for oil sheen. Although this will reduce permittee’s lab costs associated with the permit, it may increase detections due to false positive inspections. Many times sheen is visible in water, but it is not associated with an oil or petroleum product. Organics in the water can produce sheens that can easily be mistaken for oil sheen. In the Port’s experience, oil and grease has not been a problem based on laboratory testing results. but changing to visible inspections may undeservingly create one in the future. The Port suggests a requirement that sheen be reported as part of the quarterly outfall inspection and if sheen is found then the permittee must test for oil and grease. Having the actual test result will provide documentation of whether the sheen is actually contributing to a water quality problem. If test results do indicate a result over the previous benchmark of 15 mg/L, only then should it be considered an exceedance potentially requiring action. In summary, visible sheen should only be an indicator (trigger?) of whether or not to sample and test for oil and grease.

S7. Inspections

S7.A.1 states that, *“The permittee shall conduct and document in the SWPPP visual inspections of the site each month.”* Conducting monthly inspections of the site will be costly and may not be warranted for all permittees. The Port suggests that monthly inspections only be required once a permittee has triggered a Level 3 Corrective Action.

S8. Corrective Actions

General Comments: The fundamental problem with the Corrective Actions section of the draft permit is that any combination of benchmark exceedances triggers corrective action, instead of multiple exceedances for a particular parameter. This will increase the number of Corrective Actions but has little potential to improve water quality. For example, a permittee may have a pH exceedance one quarter, turbidity the next, oil & grease the next, and so on. Random and unconnected benchmark exceedances will not allow permittees to address real problems with their stormwater systems using BMPs. Instead, it will lead to “wild goose chases” for one-time issues. The permit should only require corrective action for repeated exceedances of the same parameter or, perhaps, for parameters that are potentially connected. In addition, Ecology should re-evaluate the deadlines for the Corrective Actions - starting with the Level 1 Corrective Action - to give the permittee time to evaluate the effectiveness of BMPs before being automatically put into a Level 2 or 3. The time frame in the draft permit will not give the permittee a full understanding of whether or not the Level 1 or 2 BMPs are actually working before having to apply new, additional BMPs.

S8.B.4.c and S8.C.4.c state that, *“To request a time extension or waiver, a permittee shall submit an Application for Coverage form to Ecology in accordance with condition S2.B, at least 90 days prior to the applicable Corrective Action Deadline, requesting “Modification of Coverage”. Within 60 days of receipt of a complete Modification of Coverage request, Ecology will approve or deny the request.”* These deadlines will be very difficult for many facilities to meet, the deadlines should be re-evaluated with a more realistic timeframe. Also, how does a permittee stay in compliance during this “Modification” period?

S8.D.1.a.i states that, *“When a facility triggers a Level 4 Corrective Action, Ecology will take one or more of the following actions: Issue an administrative order, requiring permittee to: i. Submit a receiving water study.”* Ecology needs to define more clearly what a “receiving water study” is, what it requires the permit holder to have studied and what Ecology intends to do with this information (i.e. what is the purpose of performing a receiving water study?).

S8.D.1. Table 6 states the Corrective Action deadlines. These deadlines will be very difficult for facilities to meet. Ecology would only be giving a permit holder 1 ½ months to complete their Level 1 Corrective Actions after submitting the quarterly discharge monitoring report. The permit holder is only given 4 ½ months to have Level 2 and 3 Corrective Actions completed. Level 2 and 3 Corrective Actions that include

treatment and structural BMPs can take much longer than 4 ½ months because they would potentially involve state or local permitting, budget approval and construction associated with implementation. The SEPA process for a project like this alone could take 2 months before construction is even started; in addition there could be other permits required by the city or state, such as a grading permit or a construction stormwater permit which also has its own approval timeline. For larger, more complex structural changes, it can take much longer than 4 ½ months to secure the funds needed for such a project, but these are exactly the type of projects that can lead to huge improvements in water quality. Some facilities may even need to have projects of this nature budgeted in the previous budget year. The Port suggests that these deadlines be increased to provide adequate time to secure the proper funding, complete design stage, obtain proper permits, hire general contractor for construction, and complete installation. The permit should maintain the deadlines that are currently used in the permit for Level 2 and Level 3 responses (6 months and 1 year).

The Port of Vancouver supports Ecology's efforts to improve stormwater quality as set forth in this permit and applauds your efforts to streamline and simplify the permit. Thank you for the opportunity to comment on this draft permit. If you have any questions please feel free to contact me.

Sincerely,



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cc: Patty Boyden – Port of Vancouver