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[Sent via e-mail: industrialstormwatercomments@ecy.wa.gov](mailto:industrialstormwatercomments@ecy.wa.gov)

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Subject: Comments on the Industrial Stormwater General Permit
Washington Department of Ecology- Water Quality Program- Industrial Stormwater

Dear Mr. Killelea:

AMEC Environment & Infrastructure, Inc. (AMEC), has reviewed the Draft Industrial Stormwater General Permit (ISGP), the Washington Public Ports Association (WPPA) Washington State Marine Terminal AKART and ISGP Corrective Action Guidance Manual Public Review Draft, and the Draft ISGP Implementation Manual for Log Yards. AMEC has consulted with businesses about the potential impacts of the changes on the operations of their businesses. In this letter, AMEC asks for additional clarification on some of the new permit requirements, proposes alternative methods for permit compliance, and also asks for some changes to be consistent with the Environmental Protection Agency (EPA) Multi-Sector General Permit (MSGP). AMEC also notes when permit changes are likely to be beneficial to the environment and summarizes concerns we have heard from our client businesses with regards to several of the permit changes.

COMMENTS ON THE DRAFT INDUSTRIAL STORMWATER GENERAL PERMIT

AMEC's comments are presented below for specific sections of the Draft ISGP.

Permit Condition S4.B.6(a)

Permit Condition S4.B.6(a) requires the tally of eight consecutive quarters for consistent attainment to restart after the effective date of the ISGP. AMEC believes the permit would be just as protective and would encourage faster compliance if the requirement for consistent attainment simply allowed suspension of sampling for a maximum of 3 years after the eight quarters of consistent attainment of benchmarks. This way, permit holders under the existing permit who reach or are about to attain benchmark performance for eight consecutive quarters could suspend sampling when the new permit comes into effect, but still be required to sample again before the end date of the new ISGP.

The proposed wording of the new draft permit would penalize permittees for obtaining a permit a few years before the expiration of the permit or for steadily and diligently improving best management practices (BMPs) for the first 3 years of a permit cycle. Permittees who then reach consistent attainment for the final 2 years of the cycle would then be required to continue sampling for an additional 2 years under the new permit cycle in order to receive the benefit of consistent attainment.



Instituting a 3-year maximum duration to suspend sampling would be equally protective of the environment while allowing permittees several different options to reach consistent attainment under the 5-year permit cycle. Table 1 illustrates two possible scenarios.

Table 1. Alternative Cycles of Consistent Attainment

	Permit Cycle 1					Permit Cycle 2					Permit Cycle 3				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Draft ISGP	M	Install structural BMPs	Install treatment BMPs	M	M	M	M	CA	CA	CA	M	M	CA	CA	CA
3-Year Maximum	M	install structural BMPs	Install treatment BMPs	M	M	CA	CA	CA	M	M	CA	CA	CA	M	M

M=monitoring, CA= consistent attainment (no sampling)

The same amount of sampling would occur over the 15-year period for either scenario; however, under the proposed wording, companies would have no incentive to try to reach consistent attainment criteria by the start of Year 4. Under the 3-year maximum suspension of sampling option, companies could still save money by reaching consistent attainment criteria during Years 4 and 5. The 3-year maximum option would encourage constant improvement, in contrast to the arbitrary and in some cases counterproductive approach of resetting the consistent attainment tally at the start of every permit cycle.

Permit Condition S6.C.1

Permit Condition S6.C.1 requires total suspended solids (TSS) sampling and analysis by method SM2540-D and imposes a TSS effluent limit for all sites that discharge to a Puget Sound Cleanup Site or waterbody impaired (category 5) for any sediment quality parameter.

- This additional sampling requirement seems redundant for all sites since turbidity monitoring is already required.
- TSS laboratory analysis is less useful than turbidity monitoring, as results will not be available in the field. Turbidity readings can be performed in the field and provide immediate feedback on BMP performance. Therefore, TSS monitoring only adds additional cost with no additional benefit.
- The Draft ISGP provides no exemption for facilities that discharge to a Puget Sound Cleanup Site even if the facility can document that no sources exist at the facility for contaminants of concern identified for the Puget Sound Cleanup Site where the facility discharges.
- Given that TSS is a potential indicator for most Puget Sound Cleanup Sites, but not necessarily a pollutant of concern, TSS sampling results should be treated as a benchmark parameter rather than an effluent limitation. Designation as an effluent limitation allows no mechanism to suspend sampling even if the site has reached consistent attainment criteria.

Permit Condition S6.C.2

Permit Condition S6.C.2 requires sampling of solids accumulated in the stormwater infrastructure for facilities that discharge to a Puget Sound Sediment Cleanup Site. Many details of this new sampling request are left undefined. In addition, Ecology switches between the terms *sediment* in Section S6.C.2.a (“accumulated sediment,” “sediment discharges,” and “removed sediment”) and *solids* in Section S6.C.2.b (“storm drain system solids”) when discussing this new sampling requirement.

Of major concern are places where definitions may overlap between stormwater permit language and sediment management standard (WAC 173-204). In order to improve permit clarity, AMEC suggests using the term “system solids” to replace all uses of the word “sediment” in section S6.C.2.

Permit Condition S6.C.2.b

Permit Condition S6.C.2.b requires sampling and analysis of storm drain system solids in accordance with Table 7, but no guidance is provided for how solids sampling should be performed. Possible options that would limit costs but still provide data on system solids include:

- a single composite sample for the entire facility, that is representative of the solids accumulated onsite;
- one composite sample for every outfall/discharge basin, representative of the solids accumulated in each basin; or
- one grab sample for every place where water samples are collected, but applying the substantially identical outfall rule to minimize the number of samples collected.

AMEC suggests Ecology better define the location, type (grab or composite), and number of samples required in order to capture reliable data. For sites where off-site sediments may enter and settle in the system (sites adjacent to marine waters where the storm drain system is tidally inundated and sites where public road catch basins tie into private conveyance systems), AMEC recommends that the portions of the site affected by off-site sources be excluded from the solids sampling requirement.

In addition, sampling of solids under Permit Condition S6.C.2.b is triggered only by the location of the facility. The draft ISGP does not differentiate facilities located adjacent to a PCB cleanup site versus a heavy metals cleanup site, and does not include any consideration of the constituents that could potentially be discharged from the facility. The rationale for this is not clear. AMEC believes the extensive list of required analytes listed in Table 7 (three conventional parameters, 13 metals, PAHs, PCBs, and NWTPH-DX) should be applied in a site-specific manner to reflect only those contaminants present or used at a facility that have the potential to reach stormwater and only those contaminants of concern identified for the specific Puget Sound Cleanup Site. That is, if a facility discharges to a Puget Sound Cleanup Site for PCBs, sampling should be completed only for those analytes relevant to PCB contamination (total organic carbon [TOC], PCBs, grain size). Similarly, if a facility is new and can demonstrate that PCBs are not currently, and never were, used or detected on site, the facility should not be required to sample for PCBs regardless of what Puget Sound Cleanup Site it discharges to.

AMEC is concerned that the modification of permit coverage for an exemption to solids sampling (Section S6.C.2.b.i) is inconsistent with the Draft ISGP approach to stormwater sampling for 303d-listed waterbody effluent limitations (Section S.6.C). For stormwater sampling triggered by discharge

to a 303d-listed waterbody, the effluent limitation and analysis are required only for the specific contaminants that are 303d listed for the 303d waterbody the site discharges to (Section S6.C.1.b).

Permit Condition S9.A.3

Permit Condition S9.A.3 requires Discharge Monitoring Reports (DMRs) and Solids Monitoring Forms (SMRs) to be submitted electronically, but no similar requirement is specified for other documents (Notice of intent [NOI], transfer of coverage forms, modification of coverage forms, or Annual Reports).

- Does Ecology intend to require all documentation and reports to be submitted electronically?
- If so, does Ecology intend to make access to all documentation the same as for the electronic DMR system?
- The electronic submittal process for the ISGP renewal in 2014 was cumbersome as it did not allow more than one person to review the eNOI electronically. If Person A started preparing the eNOI, the only way Person B could view the application was by having Person A print a hard copy for Person B to review. Only Person A was allowed to view or edit the eNOI online.
- The normal eDMR submittal system allows for different roles (coordinator, signer, preparer, and administrator). In the future, if electronic submittals are required, Ecology should use the same system for submittal of all documents related to the ISGP in order to simplify and expedite the permittee document review and submittal process.

Permit Condition S8.D.3.a

Permit Condition S8.D.3.a defines the new requirements of an engineering report. The revised ISGP simplifies the engineering report requirement and focuses the report on the important factors to meeting permit benchmarks. AMEC believes the change is beneficial and will aid in expediting treatment system installation for many industrial sites.

The ISGP includes many terms that can be interpreted differently not only by other agencies, but also can be interpreted differently by individual Ecology inspectors or permit administrators. AMEC believes that clear definitions that give specific instructions on how to comply will help the permittee reach compliance more quickly and provide a metric that all regulators can apply in the same way during site review. (For example, Section S4.B.6.C further defines how to perform average sampling and has removed any ambiguity on how to average samples correctly for quarterly reporting.) Including more definitions in Appendix 2 of the ISGP could only help clarify Ecology's intent on how the permittee should operate under the permit. For example, AMEC recommends that Ecology provide explicit definitions for the following terms:

- "Discharge location"
- "Impaired waters"
- "Non-compliance"
- "Outfall"
- "Permit violation"
- "Spill"

- “Storm drain system solids”

COMMENTS ON THE WPPA WASHINGTON STATE MARINE TERMINAL AKART AND ISGP CORRECTIVE ACTION GUIDANCE MANUAL PUBLIC REVIEW DRAFT

The WPPA AKART Manual provides a good summary of available treatment technologies and vendors. However, the summary of effectiveness presented in Appendix C for the treatment BMPs is misleading, given that the sources for the cited effectiveness represent a mix of claims from published sources, Ecology-reviewed documents, and vendor marketing materials. Peer reviewed claims for effectiveness should be differentiated from non-peer reviewed vendor data sets.

The Reasonable Cost calculation examples do not include operation and maintenance (O&M) costs for treatment system comparisons and do not include cost savings that can be realized by implementing source controls versus treatment systems. Implementation costs as well as potential O&M costs for a combination of operational source control methods, structural source control methods, and treatment systems should be compared in order to determine the most cost-effective, long-term option for site compliance with benchmarks.

COMMENTS ON THE DRAFT ISGP IMPLEMENTATION MANUAL FOR LOG YARDS

Ecology’s log yard implementation manual update does not include the same authorized non-stormwater discharges allowed under EPA’s 2008 and 2013 Multi Sector General Permit (MSGP). EPA’s MSGP specifically allowed for log-wetting water without chemicals additives to be authorized as a non-stormwater discharge for Sector A timber products.

Excerpts from EPA’s 2008 and Proposed 2013 MSGP demonstrating authorized non-stormwater discharges are presented below.

From the Proposed 2013 MSGP, Part 8, sector-specific requirements:

8.A.2.2 Authorized Non-Stormwater Discharges. (See also Part 1.1.3) Also authorized by this permit, provided the non-stormwater component of the discharge is in compliance with the requirements in Part 2.1.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

From the 2008 MSGP:

8.A.2.2 Authorized Non-Stormwater Discharges. (See also Part 1.1.3) Also authorized by this permit, provided the non-stormwater component of the discharge is in compliance with the requirements in Part 2.1.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

A SUMMARY OF BUSINESS CONCERNS ON CHANGES IN THE ISGP

Businesses operating under the ISGP are regulated not only by the Washington Department of Ecology, but also by the EPA. In addition, sampling results and all permit submittals are open to review by local agencies and the general public. This access has introduced a third *de facto* regulatory mechanism from third-party lawsuits brought under the Clean Water Act. As a result, many

permit holders are having a hard time meeting different interpretations of the permit from these different regulatory groups. This situation could be improved by:

- Better definitions of permit terms, especially those that clarify conditions of permit compliance, non-compliance, and permit violation.
 - For example, it is unclear if non-compliance as noted under Section S.7.D is always considered a permit violation under Section S.9.E. Normal facility operations require inspections. If mandatory BMPs are found to be deficient during an inspection, but are replaced in a timely manner and the deficiency resulted in NO threat to endanger human health or the environment or exceed any numeric effluent limitation, is the deficiency considered a “Permit Violation”?
- More frequent inspection of facilities by Ecology with quick provision of written documentation of findings and penalties (if any).
 - AMEC realizes that this is a resources problems for Ecology and they may not be able to allocate personnel for this, but timely inspections and written documentation would help permittees better understand how to comply more quickly with the ISGP.
 - The additional feedback would help empower facility staff to demonstrate to their management the value of good O&M for stormwater BMPs and allow management to better allocate resources to preventative measures.
 - The timely feedback from Ecology would help limit the ability of third-party groups to enact excessive penalties for minor deficiencies (such as recordkeeping errors.)

Many facilities are located next to major highways (I-5, SR 99) or industrial facilities that emit particulates with pollutants of concern. Highways are known to be a source of TSS and metals from dust and run off (“Untreated Highway Runoff in Western Washington,” Washington State Department of Transportation White Paper, May 2007). We suggest that Ecology provide a mechanism to address such off-site sources, such as:

- Implement a waiver process for off-site sources:
 - Waiver for treatment BMPs, or
 - Waiver for all BMPs implemented solely due to off-site sources.
- Implement a sampling process that allows facilities to subtract contributions from off-site sources from their discharge totals.

Sincerely yours,
AMEC Environment & Infrastructure, Inc.

A handwritten signature in blue ink, appearing to read "Patrick Hsieh", is written over the typed name and title.

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