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July 11, 2014

Jeff Killelea  
Water Quality Program  
Department of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

RE: Industrial Stormwater General Permit to be issued November 19, 2014  
Cedar Grove Composting and Emerald Services, Inc. Comments on Public Review  
Draft

Dear Mr. Killelea:

Cedar Grove Composting and Emerald Services, Inc. appreciate the opportunity to provide comments on the public comment draft of the Industrial Stormwater General Permit (ISGP) statewide National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with industrial activities, which will be effective January 1, 2015. Comments regarding the ISGP proposed changes, along with some additional general comments, are provided below.

**Section S6.C - Table 6:**

Washington State Department of Ecology (WDOE) is proposing the addition of a permit limit of 30mg/L Total Suspended Solids to stormwater permits held by facilities that discharge to water bodies that have undergone sediment clean up. Total Suspended Solids would be determined by Method SM2540 D. The limit is being proposed to protect areas from recontamination if they have recently undergone clean-up.

In measuring Total Suspended Solids under Method SM2540 D, larger particles must be removed from the sample prior to testing. This excludes particles that would naturally settle to the bottom of waterways. In order to more effectively meet the intent of the regulation, we propose using Total Settleable Solids Method SM2540 F, which incorporates all sediment within a water sample in the test measurement and includes a required settling time for particles to settle out in undisturbed conditions. Method SM2540 F for Total Settleable Solids will provide results that more accurately reflect the potential for recontamination of sediment clean-up areas than Total Suspended Solids Method SM2540 D.

In our experience with highly turbid waters, many suspended solids may effectively never settle out of water, even when water activity is at a complete standstill. Additionally, laboratory analysis of highly turbid stormwater discharges indicates that the particle size of sediment that does not settle out can be larger than the particle size used to determine Total Dissolved Solids (particle sizes larger than 2 µm). This means that, although there are clearly solids in the stormwater that could impact receiving water, they may not impact sediment beds but would still be included as part of Total Suspended Solids Method SM2540 D. A determination of recontamination potential should be based on determining the amount of solids that are present and will settle out of waters under conditions that are as realistic as possible, which is more practically measured when applying Total Settleable Solids by Method SM2540 F versus Total Suspended Solids by Method SM 2540 D, and thus would also be a more accurate representation of the protection of our waterways.

### **Section S6.C.2.b**

WDOE proposes to add a requirement for storm drain line cleaning, sampling of solids, and reporting of results prior to October 1, 2017. The proposed sampling encompasses a number of parameters including total organic carbon, total solids, grain size, 13 heavy metals, PAH compounds, PCBs, and NWTPH-Dx.

The Industrial Stormwater General Permit is designed to ensure protection to surface water, and BMPs are established within the Stormwater Management Manual that, when applied correctly, ensure contaminants do not reach surface waters. If BMPs are working properly, contaminants will be collected from stormwater prior to reaching surface waters. Data for contaminated solids that collect in properly maintained BMPs do not reflect contaminants discharged to surface waters, rather, they provide the Permittee with an indication of the effectiveness of their BMPs.

Current costs for these analyses is approximately \$800 per sample, which could be a significant burden to many Permittees who have multiple sampling locations and are already struggling with establishing appropriate BMPs to ensure compliance with the Permit. With the new requirement for total solids analysis under Section S6.C. (see discussion above), a mechanism will be in place that provides information regarding solids reaching impaired water bodies. If a Permittee does not exceed the proposed new limit of 30mg/L solids in discharge, it is unclear how parts per million concentrations of contaminants in the discharged solids (present at approximately 30 mg/L) would assist in determining impact to receiving water.

BMPs are required to be maintained under the ISGP. If a Permittee is maintaining their storm drain lines, then the potential for build-up of hazardous contaminant accumulation in the system is minimal. If the Permittee is conducting their operation in accordance

with source control BMPs, then the potential for hazardous contaminants to reach the stormwater system is also minimal. The requirement to clean the lines at least once prior to October 1, 2017 is an additional and proactive mechanism to ensure solids, in general, are not discharged to impaired water bodies. However, as noted previously, solids that are being collected in stormwater management systems do not provide an indication of contamination reaching impaired water bodies.

Data submitted for the solids sampling will become a matter of public record. However, no limits are established for the parameters being tested, and it is unclear how the data will be used. Permittees foresee that the information could easily be used as a basis for citizen lawsuits under the Clean Water Act even though there would be no established connection between the solids data and contaminants in actual stormwater discharged from a Permittee's site.

Analysis under the ISGP should be conducted only on water that is discharged to surface waters; solids analysis should be at the discretion of the Permittee and as required under RCRA and WAC 173-303 when the solids are collected for disposal. Should WDOE note that certain Permittees are consistently exceeding the new solids limits for discharge, at that time it may be worth investigating the Permittees' solids to determine potential impact on the receiving water. However, having it as a standard permit condition is disproportionately expensive and Ecology has not sufficiently demonstrated how the requirement will provide added protection to impaired surface waters.

#### **Other Comments for Future Consideration:**

##### **Section S8.B**

Conducting benchmark exceedance inspections after laboratory results are received is not effective in tracking down a contamination source. Once a quarterly sample is collected, it can take between one and six weeks to get results back from the laboratory, depending on laboratory turn-around times. From there, Permittees then have two weeks to conduct an inspection to determine the source of contamination. According to the permit time frame, this process could take up to 2 months after a rain event to review the cause of the exceedance(s). Even if the timeline were shortened, the site conditions could easily have changed since the time of sampling. Thus, we suggest deleting this requirement and recommend that Permittees have the option to use their survey of the site that was conducted at the time of sample collection as part of their follow-up for benchmark exceedances.

Writing repeated inspection reports following benchmark exceedances when a facility is currently in a Level 2 or Level 3 Corrective Action for the same parameters exceeded in the recent sampling event adds no value to stormwater compliance. If a source has not been identified and structural or treatment BMPs are necessary, the corrective action has

been addressed. Writing a formal inspection with the same information, in addition to the action of treating it or constructing a structural control, creates unnecessary inefficiencies. We request that Ecology consider removing the requirement for a corrective action inspection for parameters that are already in a Level 2 or Level 3 Correction Action status.

### Section C.1

Section C.1 explains when coverage begins after applying for the permit. Section C.2 explains why there may be a delay. If more information is needed, and the Permittee submits that information, there is no timeline regarding when permit coverage will begin if WDOE does not contact the Permittee again. This creates a "limbo" condition for the Permittee in that it is unclear what is expected after that point, or if a permit will be automatically granted after a certain period of time. We suggest that if information is provided to WDOE as part of an additional information request, permit coverage will begin 30 days after WDOE receives the requested information.

Thank you for considering our comments. Should you have any questions, please feel free to contact us at the numbers below.

Sincerely,



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