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Posted To: Industrial Stormwater Comments
Conversation: 2008 Industrial Storm Water General Permit Comments
Subject: 2008 Industrial Storm Water General Permit Comments

To whom it may concern,

Thank you for the opportunity to discuss and comment on the latest draft of the Industrial Stormwater General Permit.

We appreciate the time and effort that the Department of Ecology has spent re-writing the draft. There are a number of changed requirements which will make it easier to get the needed water samples and to ensure the levels of contaminants are properly determined and then addressed if needed.

There are a few areas where we would like to comment and hope that due consideration will be given.

1) In the previous draft permit comments we discussed the concern that there was no consideration by the Department of Ecology to identify the level of contaminants in rainwater as a part of the baseline investigation. We have taken rainwater samples over the past 2 years to determine whether there was contamination of any significant amount.

There have been several rainwater samples taken where zinc has been detected in level which are significant and which would be significant contribution to the benchmark level of 115 ug/l of zinc.

Samples have been obtained with levels as high as 100 ug/l of zinc. Samples were obtained from a rinsed (with distilled water) tray placed away from areas where contamination can enter the tray. The distilled water and the rinse water were also tested with all levels of zinc being less than 10 ug/l. (It should be noted that the minimum Laboratory Quantification Level for Zinc using the EPA 200.8 method is 5.7 ug/l.)

This indicates that there is a significant potential contamination issue from rainwater when the benchmark is considered.

2) Another issue is the scientific evidence of pollutant contamination coming to North America from Upper Asia.

There have been a number of articles and studies written on the transference of pollutants from Asia to North America and beyond. These contaminants come from a number of sources including the lead and zinc smelters in China and Korea. They also come from the Gobi Desert dusts which are wind driven and which are known to be a significant portion of the dust which reaches North America from Asia.

This dust is also known to contain zinc in small amounts. In fact there is one study which states that the actual concentration of zinc and copper in the airborne dust is greater than the overall concentration of zinc and copper from the Gobi Desert soils itself.

There also seems to be a difference between the zinc levels from storms which take a northerly route across the Pacific than those which are classified as a “pineapple express” type storms. The more southerly storms appear to have lower levels of zinc in the water.

At the bottom of this letter there are 6 articles discussing pollutant transportation across the Pacific and other related subjects.

3) One way to address this issue is allow companies to do the additional testing for the airborne contaminants and allow them to subtract the measured rainwater contaminants from the stormwater measurements. This would do three things. First, it would allow companies the ability to take credit for additional sampling and measurements. Second it would provide the state a body of data to identify the real sources of the hazardous pollutants. And lastly, it would help the state by having industry be more active in the scientific and regulatory process.

By encouraging companies to sample the rainwater and using that data as a part of the calculations the actual industrial contaminant levels are more accurate and there will be a better understanding out how the system works.

Much more research is needed to accurately determine the levels of zinc from atmospheric sources. To assume that rain water is essentially distilled water without any potential contaminants is not a good decision for anyone to make who is actively working to protect the states watersheds.

4) One other area of concern in the permit is the idea that a company who exceeds the benchmark median is now classified as a “once in always in” with regards to contaminant levels and the steps which need to be address when certain levels are reached.

The current draft permit and the previous permit do not allow companies to back out of a level when they have attained compliance. They are always in that level. A different parameter will drive them from level A to level B. This does not make sense either.

In the previous permit a company could have met their Level 2 obligations to identify and fix the problems of a measured pollutant and they would still be in Level 2 forever. Even though there were no more excursions there was no way to remove them from the Level 2 list.

The same thing occurs in the current draft permit, only the problem is increased. Once a company is in Level A and has met all of the requirements of this portion of the standard, they could be in compliance for several years and a median exceeded in another

parameter and they would automatically be put into Level B. Compliance should be for an offending pollutant not all pollutants.

5) There is also a concern about the waste of time and resources addressing parameters which are not a problem, but are required to be addressed. S8 A.2.c states that if any median value is exceeded then Corrective actions must be established for all parameters. What sense or benefit is there when Corrective Actions are identified, planned and implemented for parameters which are not a concern? If a facility has never had an issue with pH in its stormwater what benefit is there to establishing a Corrective Action or taking the time to study a change in pH sources at the facility. There has been no problem previously, so why expend additional funds and effort.

This is “make” work at its worst. Focus on the problems. Work to use resources where they can make a difference. Do not waste time, money and effort in requiring additional changes or the evaluation of a non-existent problem when it is not needed.

6) There also appears to be a double – standard with regards to the use of samples taken under the previous permit. Ecology uses the samples from the previous permit to establish what level of compliance a company has attained. If you were a Level 2 under the old permit you automatically became a Level A permittee with regards to the requirements to attain levels below the benchmarks.

With this said, even though a company may have had consistently attained levels below the benchmark and been recognized by Ecology of meeting Consistent Attainment for one or more of the permitted substances, they can not use that data and must re-do the Consistent Attainment to exclude the sampling. This is not a consistent use of the data.

Because of the “once in always in” focus on the previous permit, a company who has successfully addressed the previous issues will now automatically be in Level A even though they have not had any recent pollutant issues.

Either allow previous samples to be used for all aspects of the permit or do not use any previous samples and everyone starts over.

7) In addition to the previous comments there are additional editorial comments provided.

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Suggest the following change to clarify.

S5. E. 1. Process Stormwater. The permit prohibits the discharge of process wastewater. Stormwater that commingles with process water becomes process ~~wastewater~~ stormwater. This definition of process ~~wastewater~~ stormwater does not include non-stormwater discharges conditionally approved under S5.D.

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Link at S6. A. 1. to permittees subject to the 303(d) list is not functional.
<http://www.ecy.wa.gov/programs/wa/stormwater/industrial/index.html>

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S8 D1 many of the requirements for a waster water treatment plant would not be applicable to stormwater engineering solutions and should not be referenced as such.

Again we appreciate this opportunity to discuss our ideas and concerns regarding the 2008 Draft Industrial Stormwater General Permit. If you have questions about our comments please feel free to contact us regarding them.

Sincerely,

Richard Roblee, CIH, CSP
EHS Manager
ATS, Inc.

Trans-Pacific Pollution Links

<http://www.nytimes.com/2006/06/11/business/worldbusiness/11chinacoal.html?pagewanted=all>

<http://www.physorg.com/news73311360.html>

http://online.wsj.com/public/article/SB118470650996069354-buQPf_FL_nKirvopk_GzCmNOq8_20070818.html

<http://www.cababstractsplus.org/google/abstract.asp?AcNo=20043051659>

<http://www.springerlink.com/content/0jf6fbejqhlg80e/>

<http://www.yosemite.org/naturenotes/AirRocchio1.htm>