

From: [Gary Huitsing](#)
To: [ECY RE Industrial Stormwater Comments](#)
Subject: Comment for Modified Draft Permit - Industrial Stormwater General Permit
Date: Thursday, March 15, 2012 12:37:03 PM

Attn: Jeff Killelea, Department of Ecology

Section S8.C.4.d of the Modified Draft Industrial Stormwater General Permit (Draft Permit), states that: ***“Permittees do not trigger additional Level 2 or 3 Corrective Actions, if they are already implementing a Level 2 or 3 from a previous calendar year (for the same parameter), and the applicable deadline hasn’t passed yet.”***

This is similar to Section S8.C footnote 4 of the current permit which states that: ***“Facilities that continue to exceed benchmarks after a Level 2 Corrective Action is triggered, but prior to the Level 2 Deadline, are not required to complete another Level 2 or 3 Corrective Action the following year for the same parameter. However, a Level 1 Corrective Action is required each time a benchmark is exceeded.”***

We have found both of these citations difficult to interpret with respect to knowing which data should be used to determine if a new corrective action is needed the following year. Is it Ecology’s intent to allow Permittees not to consider benchmark exceedances from quarters that preceded the corrective action deadline when adding up the number of quarters that exceeded a benchmark in a calendar year? If so (and we assume this to be the case), this should be clearly stated. The above citation for the modified permit needs to be changed because the phrase “and the applicable deadline hasn’t passed yet” nullifies the entire first half of the citation if a benchmark is exceeded after the applicable deadline. For example, if a Permittee exceeds one or two benchmarks in the third or fourth quarter following implementation of a Level 2 by July 30, they must consider data from all four quarters of that year to determine if a corrective action is needed again the following year. We suggest that this citation be replaced with the following modified citation:

Permittees do not trigger additional Level 2 or 3 Corrective Actions, if they are already implementing a Level 2 or 3 from a previous calendar year (for the same parameter) except that an additional Level 2 Corrective Action is triggered the following year if benchmarks are exceeded in both the third and fourth quarter following implementation of a Level 2 by the applicable deadline.

Note that a similar exception is not needed for implementation of a Level 3 corrective action because only one quarter of data (the fourth quarter) will be collected following the Level 3 deadline and therefore there is no way to trigger a Level 3 in the following year.

Commenter’s name:
Gary Huitsing, Landau Associates, Inc.

Postal Address:
Landau Associates, Inc.

130 2nd Ave. S, Edmonds, WA 98020