



Washington Refuse & Recycling Association

March 16, 2012

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

By e-mail: industrialstormwatercomments@ecy.wa.gov

**Re: *Industrial Stormwater Permit
Comments of Washington Refuse and Recycling Association (WRRA)***

Dear Mr. Killelea:

Please consider the following as comments on behalf of WRRA on the proposed revisions to the Industrial Stormwater General Permit. Prior to commenting on specific issues with the revisions, I would like to add a general comment.

The WRRA and its member companies understand the environment of accountability in which we operate and we will comply with all environmental regulations and work in a cooperative manner with the government agencies that are responsible for the enforcement of these regulations.

We are also aware that these new modifications to the Industrial Stormwater Permit are a result of the recent order by the Pollution Controls Hearing Board (PCHB) and that the Department of Ecology does not have much discretion in

these areas. That being said we would still recommend that the DOE meet the PCHB order but not exceed the orders requirements, where there is still some leeway for discretion. In general, we also believe that Best Management Practices (BMPs) be employed in lieu of strict numeric measurement as the best approach to the unique situation of each facility.

The modification to S4.B.6. Consistent Attainment

We believe the requirement for “benchmark attainment” required before sampling is suspended should be 7 samples as opposed to the proposed 8 samples.

Proposed Revisions

1.Pg.4 #6. The permitted may suspend sampling for one or more parameters (other than “visible oil sheen”) based on consistent attainment of benchmark values when:

- a. Seven consecutive quarterly samples demonstrate a reported value equal to or less than the benchmark value; or for Ph with in the range 5.0- 9.0. These quarterly samples can be collected prior to the effective date of this regulation.

Reason: PCHB ruling (p 65-66) states “an internal briefing paper stated that seven samples are adequate.”

Additionally, there is no reason to delay the sampling for the benchmarks for those that have already reached their consistent attainment, let the sampling continue. There are quarters when no sampling can occur because of “no” rain event so to prolong the sampling has no value.

2.S4.B.6 iii Permittees who suspended their sampling based on their consistent attainment of benchmarks for four quarterly samples must resume/continue sampling until three more consecutive quarterly samples (for a total of seven) demonstrate attainment of the applicable benchmark.

The modification to S8. Corrective Actions

We believe that the changes of the deadline for completing Level 2 corrective measures is just not reflective of the true building/construction period available in which construction can take place in our state, specifically western Washington. Most Western Washington residents live by the saying “summer

starts on July 5th”, and that is true for the period of time for much of our construction activities as well. The losing of August and September for months to comply with a problem identified the previous year seems unrealistic to many of our companies.

Proposed Revisions

3. Pg 5 #4 Level 2 Deadline: The Permittees shall fully implement the revised SWPPP according to permit condition S3 and the applicable Stormwater Management Manual as soon as possible, but no later than August 30th the following year.

Reason: Footnote 4 and 5 has been deleted, thereby reducing the amount of exceedances that can be registered. To shorten or remove both the months of August and September, from the construction calendar in the rainy state of Washington is extremely burdensome on the facility owner. Many of the BMP’s need a dry preparation and installation period i.e. painting, re-sealing, paving etc.

The Modification to S8.c.4 and S8.D.4

We believe that Ecology’s proposed revisions allow some leeway for permittees that are still in the process of installing Level 2 and 3 Corrective Actions from an exceedance during the prior year. Specifically, proposed revisions state “Permittees do not trigger additional Level 2 or 3 Corrective Actions, if they are already implementing a Level 2 or 3 Corrective Action from a previous calendar year (for the same parameter) and the applicable deadline hasn’t passed.” This is a reasonable consideration, allowing permittees to complete Corrective Actions before additional penalties are incurred. However, many Corrective Actions will likely have a favorable impact on other parameters as well. We think that the exception to avoid additional penalties should not be limited to just the same parameter so long as the permittee can reasonable demonstrate that the Corrective Action being installed will have a favorable impact on the new parameter(s) that are exceeding limits.

Proposed Revisions

4. Pg. #6 – Level 2 and Level 3 Corrective Actions: Permittees do not trigger additional Level 2 or 3 Corrective Actions, if they are already implementing a Level 2 or 3 Corrective Action from a previous calendar year (for the same parameter) and the applicable deadline hasn’t passed. If additional parameters have triggered Corrective Action during the calendar year of a Corrective Action

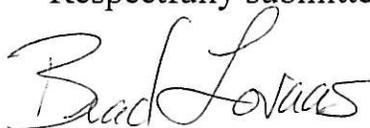
installation, and the permittee can demonstrate that those parameters can reasonably be expected to be addressed by the Corrective Action being installed, Ecology may grant an exception allowing sufficient time to determine if the Corrective Action is effective for the additional parameters.

Change requirements for Bacteria “impaired” waterbodies

We agree with the Department of Ecology’s proposal to replace numeric effluent limits with BMP’s. As we stated in our opening general comments, we believe that Best Management Practices be employed in lieu of strict numeric measurement as the best approach to the unique situation of each facility.

Lastly, we appreciated the opportunity to hear directly from you at the Vancouver Workshop. Your thorough explanation and your overall approach to working with facility owners was both enlightening and encouraging.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brad Lovaas".

Brad Lovaas
Executive Director