

Suggested changes to the tracked-changes version of the Draft 2015 ISGP

**Table 1, page 7:**

The title of Table 1 should be changed to “Activities Requiring Permit Coverage and the Associated SIC Groups” to be consistent with the text in S1.A.1. The right column header of Table 1 should be changed to “SIC Groups” for consistency.

**Table 1, page 8:**

Table 1 includes “Steam Electric Power Generation;” however the table in Condition S1.D.1, page 10, indicates “Steam Electric Power Generating” will not be covered by Ecology. Please clarify.

**Condition S1.F.1.a, page 13:**

The Permit references a “No Exposure Certification Form.” Comments on the Form are:

Several changes should be made regarding general “voice” and use of the phrase “exposed to precipitation” (or “stormwater”). Question #1 should indicate, “Is industrial machinery or equipment used, stored or cleaned in an area that is exposed to stormwater, or are there areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater?” Question #4 should indicate, “Is material handling equipment used/stored in areas exposed to precipitation (except adequately maintained vehicles)?” Question #10 should indicate, “Is process wastewater applied or disposed of in an area that is exposed to stormwater (unless otherwise permitted)?”

Assuming the previous comments are addressed, the Form still greatly needs a guidance document to discuss the concept of “no exposure,” and to define (or provide guidance on) the following words or phrases:

- Industrial machinery
- Industrial equipment
- Materials
- Products
- Residuals
- Adequately maintained vehicles

Without guidance, it is clear that virtually no facilities in Washington State are eligible for the exemption. For example, without further clarification, virtually all industrial facilities in Washington State (including those that currently have CNE exemptions) use, store or clean industrial machinery or equipment in areas exposed to precipitation, and therefore do not qualify for a CNE based on Question #1. It is unclear whether air conditioning units, industrial heat exchangers, and forklifts, for example, are considered “industrial equipment.” Consider a facility that operates a forklift indoors almost all of the time, but that operates the forklift outdoors in areas exposed to precipitation at least once. It is likely that this is the case at many

facilities in Washington State that have CNE exemptions, yet, according to Question #1, those facilities should not be eligible for the CNE. It is recommended that reference be made to a guidance document such as EPA's 2000 document titled "Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on 'No Exposure' of Industrial Activities to Storm Water."

**Condition S3.B.5.b.i, page 23**

The sentence should be modified to indicate, "Location of which *discharge* points the Permittee does not sample because the pollutant concentrations are expected to be substantially identical to, or less than, the concentrations at a discharge point being sampled." In practice this is what many facilities are already doing—sampling the most polluted discharge point, as long as activities (and therefore expected pollutants) at other discharge points are of a similar type but probable lesser concentration due to the activities being less intense, frequent, etc.

**Condition S4.B.2.c., page 24**

The sentence should be modified to say, "The Permittee shall sample each distinct point of *discharge* off-site except as otherwise exempt from monitoring as a 'substantially identical or lesser outfall' per S3.B.5.b."

**Condition S4.C, page 26; S5.A.1, page 27; Table 2, page 28**

The requirements appear to have varying degrees of specificity regarding analytical methods. As of March 2014, 40 CFR 136 lists more than ten approved inorganic test procedures for copper. Condition S5.A.1 and Table 2 of the Permit, however, specify EPA 200.8. Condition S4.C could be deleted, or language could be added to Condition S5.A.1 that indicates, "The Permittee shall ensure that analytical methods used to meet the sampling requirements specified in this permit conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136. Ecology recommends using the methods shown in Tables 2-4, which conform to 40 CFR 136."

**Condition S6, page 34-40**

The title, subheadings, and text of this section use the phrases "impaired waters" and also "impaired waterbody." Suggest choosing and using only one or the other.

**Condition S6.A, page 34**

Appendix 4 is useful for existing Permittees. It is my understanding that Ecology will notify new Permittees if, according to Ecology's records, the facility discharges to an impaired waterbody. Suggest adding text that indicates this. If it is new permittees' responsibility to determine if they discharge to an impaired water, suggest adding instructions on how to determine if a facility discharges to an impaired waterbody.

Suggest adding clarifying text that elaborates on the relationship between “impaired waters” and “303(d)-listed waterbody.” For example, “Permittees that discharge to an impaired waterbody (i.e., a 303(d)-listed waterbody or waterbody with a TMDL) shall conduct...” or “Permittees that discharge to a 303(d)-listed waterbody or waterbody with a TMDL (i.e., an “impaired waterbody”) shall conduct...” Suggest adding “Impaired Waterbody” to Appendix 2 – Definitions.

#### **S8.D.3.a, page 44**

Much money has been wasted in litigation due to the word “certify” (regarding S8.D.3.a.vii). Suggest that S8.D.3.a indicates, “The engineering report must be prepared, signed and stamped under the direction of a professional engineer and include:,” and deleting requirement vii.

#### **S9.F.3, page 48**

Please clarify the meaning of plans and records. If “records” means those enumerated in Condition S9.C, suggest adding this in parenthesis. For example, “Provide a copy of the plans and records (for example, those listed in Condition S9.C)” to Ecology, where the requestor may...” It is unclear what the ‘plans’ refer to.

#### **Condition G25, page 57**

Condition G25 in the 2008 ISGP contained an important distinction regarding design criteria related to storm event size. It said, “Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited for stormwater events **below the approved design criteria for stormwater management,**” (emphasis added). The bold text was removed from the 2010, 2012, and 2015 permits. This seems shortsighted because in reality, every time there is a large storm anywhere in Washington, there are likely tens if not hundreds of systems that are in fact bypassing. I understand from the ISGP writer at Ecology that despite the removal of the bold text above, Ecology does not in fact consider waste stream diversion above the approved design criteria to be bypass. This is prudent in my opinion because otherwise, engineers need to be designing systems for infinitely large storms to prevent bypass. Suggest reinstating the text in Condition G25 and adding the text to the definition of *bypass* in Appendix 2 – Definitions.