King County
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July 11, 2014

Mr. Jeff Killelea
Water Quality Program
Washington State Dept. of Ecology
P.O. Box 47696
Olympia, WA 98504-7696

RE: King County Comments on the 2015-2020 Draft Industrial Stormwater General Permit

Dear Mr. Killelea:

King County (County) appreciates the opportunity to review and comment on the proposed modifications to the Washington State Department of Ecology (Ecology) Draft Industrial Stormwater General Permit (ISGP). The County also appreciates Ecology's efforts to provide guidance in this process. In the effort to protect Waters of the State, the County is committed to complying with the ISGP requirements.

Please accept the attached comments on the 2015-2020 Draft Industrial Stormwater General Permit. They are a compilation of comments from several County departments/divisions. The page numbers in the comments references the 'track changes' version of the draft ISGP.

Please contact me at (206) 296-7597 or Peter.Dumaliang@kingcounty.gov with any questions. Thank you.

Sincerely,

Peter Dumaliang
Airport Environmental Scientist
King County International Airport/Boeing Field

Attachment: King County 2015-2020 Draft Industrial Stormwater General Permit Public Comment Form

2015-2020 Draft Industrial Stormwater General Permit
Public Comment Form

Name of Commenter:	King County
Date:	7/11/14

Page Number[1]	Section	Comment
5	Summary of Permit Reports	As mentioned in section S1.F, conditional "No Exposure" certification forms must be submitted every 5 years; recommend changing the "Frequency" column to "As necessary with renewal every 5 years" to reflect this.
7 - 8	S1.A Table 1	The Sand & Gravel General Permit contains both SIC and NAICS codes. Consider improving consistency among permits by using the same approach in the ISGP.
9 & 21	S1.C.2 & S3.B.7	Sections S1.C.2 and S3.B.7 create challenges for the King County Industrial Waste Program (KCIW) and our practice of accepting contaminated industrial stormwater (CISW) from industrial facilities. This is because we want the area generating CISW to be minimized and to have overflows to storm drainage for peak flows that exceed 0.2 cubic feet per second per acre of drainage area (0.2 cfs/acre). In addition, for KCIW to accept the discharge of CISW into separated sewers, the CISW needs to be generated as part of an industrial activity, which in essence would be considered process water under the ISGP. Because the process water comingles with stormwater the ISGP does not allow this to be discharged as stormwater, however, the KCIW practice for accepting CISW requires overflow to surface waters for large storms in order to minimize the hydraulic loading on sanitary sewers. • King County requests that Ecology revise the ISGP to allow facilities that discharge CISW to the separated sanitary sewer to still maintain coverage under the ISGP. The purpose of this is to have a regulatory mechanism to accommodate overflow of CISW to surface water depending on the flow restrictions of the local sewer authority.
10	S1.D.1	It is not clear whether this section also applies to existing airports. The section and its reference to CFR infer new airports. Ecology has also stated in a listening session that this section applies to new airports. Please clarify.
10	S1.D.1	40 CFR 449.11(a) relates to aircraft deicing. This section appears to conflict with Section S1.A.1 in which Air Transportation facilities (45xx) are required to be covered by the industrial general permit coverage. Based on the CFR, if an airport has 10,000 annual jet departures and has aircraft deicing discharges to stormwater, the facility is subject to effluent limitation for aircraft deicing. Why is coverage by an individual permit needed when benchmark limits are already provided in the permit (S5.B.2.Table 3)?
10	S1.D.1	Regardless of volume of annual departures, this requirement would not apply to facilities with aircraft deicing facilities routed to sanitary sewer. A general permit is still, however, required.
13	S2.A	The elimination of the old section S2.A.1 seemingly removes the ability of existing permittees to carryover permit coverage, instead implying that only "unpermitted" facilities can obtain coverage. Recommend leaving this section intact with a change in language to reflect the fact that permits are not automatically renewed, but that there is a renewal process which allows permittees to carryover coverage.
14	S2.C	Recommend changing the title to "Permit Coverage Timeline for New

2015-2020 Draft Industrial Stormwater General Permit
Public Comment Form

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Page Number[1]	Section	Comment
		Applications".
24	S4.B.2	The permit language does not make it clear how to suspend sampling for areas no longer associated with industrial activity or for otherwise making changes to sampling locations.
25 - 26	S4.B 3&4&5	Based on comments made at the March listening sessions and elsewhere, it seems that Ecology allows electronic storage of permit-related documents so long as the electronic storage is accessible from on site either via the internet or a networked connection. Consider revising the wording of these and other sections to reflect the fact that "electronic on-site" storage is acceptable.
26	S4.B.6	The current permit language does not allow the number of quarters of benchmark attainment to be carried over from one iteration of the permit to another when counting towards consistent attainment. We would like to request that this be allowed or for Ecology to reduce the number of quarters of benchmark attainment required if consistent attainment were achieved in the previous permit. As it currently stands, S4.B.6 requires 8 consecutive quarters of compliance with benchmark levels, and does not include quarters when samples were not collected (e.g.- insufficient rain for sampling or missed sampling because of rainfall occurring outside of regular business hours). Given that each permit is only five years long and a permittee may only have two or three quarters per year to collect samples, it may take up to three years to reach consistent attainment. A suggested approach would be for the permit to require something less than 8 quarters (an incentive if you will) of benchmark attainment at the start of the new permit if the permittee was able to reach consistent attainment for a benchmarked parameter in the previous permit.
33	Table 5	40 CFR Part 9 does not seem applicable to this discussion since it covers OMB approvals under the Paperwork Reduction Act.
33	S5.C.4.a	How are annual jet departures related to airfield pavement deicing operations, which normally occur seasonally? Deicing usage is more directly related and is already being applied under section S5.B Table 3, Footnote c. This section is confusing and conflicts with S5.B Table 3 Footnote c that indicates that sampling is not needed for airports that use less than 100 lbs of urea.
33	S5.A.4.a	This section states that if an airport facility has 1000 or more jet departures <u>and</u> uses urea deicers, it is subject to the numeric effluent limit. This section does not apply if the airport has less than 1000 jet departures <u>and/or</u> does not use urea deicers. However, if this airport uses more than 100 lbs or urea per year, it is only subject to benchmark sampling requirements in Section S5.B. For airports, regardless of number of annual departures, which do not use urea deicers (and less than 100,000 gallons of glycol deicer) both the numeric effluent limit sampling and benchmark sampling will not apply. Is this the case?
34	S5.A.4.a Table 5 Footnote d	If airfield pavement deicing is performed seasonally, what is justification for numerical effluent sampling year-round?

2015-2020 Draft Industrial Stormwater General Permit
Public Comment Form

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Page Number[1]	Section	Comment
34	S6	When is DOE planning on updating the impaired waterbody listing? The current information seems to be based on 2008 data, but 2012 data is available.
34	S6.B	This section newly restricts eligibility for receiving a stormwater permit in areas draining to impaired waters based on providing documentation that certain pollutants: a) are not present, b) are not exposed to stormwater, c) will be discharged at levels meeting in-stream standards, or d) are within the capacity of an existing wasteload allocation. The last two criteria in particular will create an unusual burden for the county as it leases properties at the King County International Airport, Harbor Bond Fund properties on the Duwamish, and other property on Harbor Island. When existing lessees move out, potential lessees will have to perform engineering studies confirming discharge quality even before beginning negotiations on lease terms, discouraging future use of these properties.
35	S6.C	This section proposes new requirements for quarterly sampling for new discharges to impaired waters and Puget Sound Cleanup Sites. Seven of the old and new parameters do not have specified effluent limits in this draft, rather those limits are proposed to be "assigned" at the time of permit coverage. Delaying the establishment of these effluent limits precludes a regional discussion on the validity of the limits and severely hampers our ability to seek new tenants for county owned properties at the airport, the Harbor Bond Fund properties on the Duwamish and property on Harbor Island – all of which drain to impaired waters or Cleanup Sites [see comment above]. How can a prospective tenant calculate future costs and the County calculate lease rates not knowing the structural or treatment BMPs necessary to satisfy unspecified effluent limitations, or even determine if a particular industrial or commercial enterprise is possible at the site? Parties will have to conduct engineering design studies and initiate the stormwater permit process prior to signing a lease.
35	S6.C	EPA has approved the current water quality assessment and 303(d) list of impaired waterbodies. This assessment incorporates data compiled for sites in the Puget Sound Cleanup Sites list. The requirements for additional monitoring seems duplicative of this effort.
35	S6.C	If data show no impact to impaired waters for some or all parameters, is there a permit modification process to discontinue sampling? Are consistent attainment requirements applicable? Would the process be similar to Section S6.B.1-3?
35	S6.C	The definition of "Puget Sound Sediment Cleanup (PSSC) Site" is vague and ambiguous. Clarity is needed as to the geographic scope of these areas. The definition potentially includes broad aquatic areas, not all of which are currently cleanup sites. Also, clarification is needed on whether or not this section applies to facilities discharging directly to a PSSC site, facilities discharging to a PSSC site via a municipal conveyance (i.e.- hard-pipe, ditch, etc.), and/or facilities discharging to a PSSC site via a natural waterway (i.e.- creek, stream, etc.). For example, would a facility discharging into Springbrook Creek, a tributary to the Duwamish River, be required to conduct the additional monitoring as outlined

2015-2020 Draft Industrial Stormwater General Permit
Public Comment Form

Name of Commenter:	King County
Date:	7/11/14

Page Number[1]	Section	Comment
		for the Duwamish Waterway? Such an interpretation would greatly expand the cost and scope of compliance without significant potential benefit.
35	S6.C	Many waterbodies are included on the 303(d) list based on dubious data (e.g.- data sets that are too small, of poor quality, outdated, etc.) As a result of this, it seems inappropriate to incorporate all 303(d)-listed waterbodies in this permit requirement. Recommend limiting this requirement to waterbodies with TMDLs in place.
36	S6.C.1.b Footnote 6	How was the Puget Sound Cleanup Sites list established and what were the criteria for inclusion?
37	S6.C.1 Table 6	It is implied that the parameters listed in this table will change dependent on the site. Is this the case?
37	S6.C.1 Table 6, Footnote a	The daily discharge is defined as the average measurement of the pollutant over the day. Does this mean several samples need to be taken? If so, the footnote and sampling frequency (1 per quarter) seems to contradict.
37	S6.C.1 Table 6, Footnote f	The footnote refers to S6.C.1.c for line cleaning requirements for waterbodies impaired for sediment quality parameters. This section does not exist so the reference should likely be changed to S6.C.2. This being the case, it should be noted that S6.C.2 appears only applicable to Puget Sound Cleanup Sites, not for other sites which might discharge to sediment-impaired waterbodies.
38	S6.C.2	What are 'storm drain line cleaning BMPs' when stormwater line cleaning is itself a BMP that removes solids from stormwater pipes? Additional clarification is needed.
38	S6.C.2	Though a couple of agencies have shown success with system-wide "deep cleaning" as proposed in this section, this still seems to be an unproven method of preventing stormwater pollution, especially in industrial settings. Though quite probably a very good idea, the permit does not seem to propose any mechanism for determining whether or not this practice is an effective method to reduce stormwater pollution. It is recommended that this science be conducted outside of the stormwater permit before this practice is adopted for widespread use.
38	S6.C.2.a	Structures such as catch basins, oil/water separators, and sumps are typically not considered "storm drain lines", so the use of the hyphenated phrase does not seem appropriate. Consider changing wording to something more descriptive such as " . . . accumulated sediment from storm drainage inlets, conveyance lines, catch basins, and treatment units . . ."
38	S6.C.2.a	The sentence implies that <u>any</u> amount of stormwater line cleaning is required to be cleaned once before October 1, 2017. Is this the case? Recommend adding the word "all" to this section or else otherwise the language to provide further clarification.
38	S6.C.2.a	What is the significance of the October 1, 2017 deadline? It does not coincide with the draft permit expiration date.

2015-2020 Draft Industrial Stormwater General Permit
Public Comment Form

Name of Commenter:	King County
Date:	7/11/14

Page Number[1]	Section	Comment
38	S6.C.2.b	The proposed language in this section does not seem to provide sufficient information for carrying out the catch basin sediment sampling program. Critical pieces of information seem to be missing such as what sampling method should be used (i.e.- grab, composite, etc.), how many samples should be taken, and what would constitute a representative sample, or even if a "representative sample" would be considered necessary. As currently laid out, a permittee could take a single sediment sample from a single catch basin and satisfy the requirements of this section.
38	S6.C.2.b.i	Would any non-permit-related sampling and analyses of stormwater solids before the deadline satisfy this requirement? Would additional evaluation be required by Ecology? If so, would Ecology's evaluation of the data be approved through the permit modification process?
38	S6.C.2.b.ii	Add the word "waivers" following the text "Requests for storm systems solids sampling and analysis …"
39	S6.C.2.c	How is the SMR obtained and shouldn't a copy of the form be attached to the permit? Is this form to be included with a permit modification form? The process needs to be stated clearer and the required form(s) need to be made accessible.
39	S6.C.2.c Table 7	If sampling has already been performed for the specified analytes, but the method and QL differ slightly, will resampling or a re-evaluation process be needed, or could the existing sampling results be submitted?
39	S6.C.2.c Table 7	Are these the general analytes typical of all the Puget Sound Cleanup Sites listed? It would seem that the contaminants of concern (COCs) specific to each cleanup site (or source control area) should be analyzed instead.
39	S6.C.2.c Table 7	What are the sample results to be used for? There does not seem to be any standards to which they will be compared nor approximation of the effects of these potentially pollutant-containing sediments on stormwater quality, rendering the value of this data questionable.
46	S9.A.3	Apart from those electronically challenged, paper DMRs should remain as an alternative for <u>all</u> permittees. Though a waiver process is offered, this process does not address localized/temporary electronic issues that may arise from downed network connections, webportal issues during electronic submittals, etc.
47	S9.C	As noted in a prior comment on Section S4.B, Ecology has previously indicated that online and/or network-based document retention is an acceptable substitute for onsite records retention. Consider revising the permit language to make this clearer.
48	S9.E	It is not realistic to change the time line for submitting a detailed written report to Ecology from 30 days to 5 days. Generally it takes more than this amount of time to collect details on the event and the actions taken to remedy the situation, rendering a report with only a 5-day turnaround incomplete and/or inaccurate. The permit language already requires immediate notification to Ecology of the noncompliance, so a short turnaround does not seem critical in

2015-2020 Draft Industrial Stormwater General Permit
Public Comment Form

Name of Commenter:	King County
Date:	7/11/14

Page Number[1]	Section	Comment
		preparing the response report.
48	S9.F	In the interest of site security, it is requested that certain portions of the SWPPP, such as discussions on security measures and hazardous materials quantities and locations, be excluded from public disclosure requests. Transportation related facilities, in particular, are security-sensitive areas for which it might not be advisable to disclose detailed site plans.
70	Appendix 4	Note that the link to the list of affected permittees appears to be an older version and is different from the Appendix 4 list provided on the Ecology Industrial Permit website.