

July 11, 2014

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Sent electronically to industrialstormwatercomments@ecy.wa.gov

Dear Mr. Killelea,

Thank you for the opportunity to review and comment on the Draft Industrial Stormwater General Permit (ISGP). The Port of Tacoma (Port) appreciates Ecology's effort to limit changes to the permit, as most permittees—including the Port—are still in the construction and implementation process of Level 3 Corrective Actions associated with the 2010-2015 ISGP.

The Port of Tacoma currently manages six ISGPs, five of which will have been through at least one Level 3 Corrective Action by December 31, 2014. Many of the Port's tenant customers are also covered under the ISGP.

The Port is committed to environmental stewardship and we are happy to present our comments which have been formatted to show proposed permit language changes in grey italics. The Port's comments immediately follow each section of proposed changes.

DRAFT INDUSTRIAL STORMWATER GENERAL PERMIT

S3. *Stormwater Pollution Prevention Plan*

S3.B.4.b.i.3.(b). Maintain ponds, tanks/vaults, catch basins, swales, filters, oil/water separators, drains, and other stormwater drainage/treatment facilities in accordance with the Maintenance Standards set forth in the applicable Stormwater Management Manual (SWMM) or other guidance documents or manuals approved in accordance with S3.A.3.c.

Comment #1:

The current maintenance standards that are detailed in the SWMM, Volume V, Section 4.6:

- Do not have an associated schedule listed. Operational Best Management Practices (BMPs) listed in the ISGP have specific scheduling requirements that must be included in the Stormwater Pollution Prevention Plan;
- Only have maintenance standards for a limited number of BMPs;
- Do not have an associated "minimum" schedule, as is provided with other Preventive Maintenance BMPs; and
- May be in conflict with manufactured devices' recommendations.

This requirement does not allow for appropriate implementation of the prescribed standards due to potential conflicts with manufactured systems and source control BMP requirements; reduces efficiency by permittees who would have to “guess” which standards should apply to their devices; and creates confusion.

Recommendation:

Propose adding additional language “*or as proven to be necessary based on documented facility experience*”. Language could also be included to address proprietary systems such as providing a “minimum” frequency and/or “*per the device manufacturers’ Operations and Maintenance requirements*”.

*S3.B.4.b.v. Erosion and Sediment Control: **The SWPPP shall include BMPs to prevent off-site sedimentation and violations of water quality standards. The Permittee shall implement and maintain:***

- 1) Sediment control BMPs such as detention or retention ponds or traps, vegetated filter strips, bioswales, or other permanent sediment control BMPs to minimize sediment loads in stormwater discharges.*
- 2) Filtration BMPs to remove solids from catch basins, sumps or other stormwater collection and conveyance system components (**catch basin filter inserts, filter socks, modular canisters, sand filtration, centrifugal separators, etc.**).*

Comment #2:

The new proposed Total Suspended Solids (TSS) effluent limit is very onerous for facilities that have never had to monitor for the parameter. Sediments and solids control is a required BMP under the current ISGP. TSS-specific comments are detailed in a later section of this document.

Recommendations:

To avoid differences in interpretation, and to address the fact that it is impossible to “prevent” all off-site sedimentation, please replace all instances of “prevent” with “limit” or “minimize” as is used in S3.B.4.b.v.1).

Provide language that will require permittees to monitor for TSS for a “source investigation period” to identify if TSS is even an issue for a particular facility, as Ecology has done in past permits for other parameters.

Recommend specific “applicable” BMPs that have been proven to reduce TSS.

S4. General Sampling Requirements

S4.B.2.c. The exception to sampling each point of discharge in S4.B.2.c does not apply to any point of discharge. However, Permittees subject to numeric effluent limitations (Conditions S5.C, S6.C & S6.D) limits must sample those parameters at each distinct point of discharge off-site.

Comment #3:

The current permit does not require permittees to monitor at every discharge location, provided the sampling point is “*substantially identical*” per Ecology’s definition. The Port believes that this standard is appropriate for all discharges including those subject to numeric effluent limits. Many of the Port’s outfalls are located under piers and are subject to tidal influx. Safety is a factor at many of these locations due to the inability to sample from the upland side of the pier. The ability to collect representative samples is also hindered due to tidal changes, particularly during the fall and winter months when the highest tides are during business hours. It is impossible to sample outfalls located below the surface of the tide, and it is unsafe and unnecessary to do so after hours, or during low light or dark conditions.

Recommendation:

Provide language that allows permittees to conduct all sampling requirements (benchmarks and proposed effluent limit parameters) at the location, identified by the permittee, as meeting Ecology’s definition of “*substantially identical*”.

S.4.B.6.c. Permittees monitoring more than once per quarter shall average all of the monitoring results for each parameter (except pH and “visible oil sheen”) and compare the average value to the benchmark value. However, if Permittees collect more than one sample during a 24-hour period, they must first calculate the daily average of the individual grab sample results collected during that 24-hour period; then use the daily average to calculate a quarterly average.

Comment #4:

The Port supports Ecology’s proposal to average daily samples.

S5. Benchmarks, Effluent Limitations and Specific Sampling Requirements

S.5.A.3. If a Permittee's discharge exceeds a benchmark listed in Table 2, the Permittee shall take the actions specified in Condition S8. Permittees sampling more than once per quarter shall average the sample results for each parameter (except pH and “visible oil sheen”) and compare the average value to the benchmark to determine if the discharge has exceeded a benchmark value. However, if Permittees collect more than one sample during a 24-hour period, they must first calculate the daily

average of the individual grab sample results collected during that 24-hour period; then use the daily average to calculate a quarterly average.

Comment #5:

The Port supports Ecology’s proposal to average daily samples.

S5.B. Table 3

<i>Parameter</i>	<i>Units</i>	<i>Benchmark Value</i>	<i>Analytical Method</i>	<i>Laboratory Quantitation Level^a</i>	<i>Minimum Sampling Frequency^b</i>
<i>6. Transportation (40xx – 44xx, except 4221-25), Petroleum Bulk Stations and Terminals (5171)</i>					
<i>Petroleum Hydrocarbons (Diesel Fraction)</i>	<i>mg/L</i>	<i>10</i>	<i>NWTPH-Dx</i>	<i>0.1</i>	<i>1/quarter</i>

Comment #6:

The Port understands the premise by which the NWTPH-Dx was proposed in the draft permit; however, there are documented reasons why this should not be required for Transportation Facilities:

- 6415 report – data collected by Ecology during 2000-2005 revealed that TPH was not at issue at the majority of ISGP facilities. The report recommended removing the pH and oil and grease (O&G) parameters from the permit (pg. 31 of 6415 report). O&G was subsequently removed as a parameter from the 2010 permit.
- Ambient deposition data – an internal Port investigation indicated that organic sources such as pollen can contribute significant amounts of diesel-range organics to stormwater samples, often in excess of diesel- and motor oil-range NWTPH-Dx detection limits, thus creating a potential for false positives that exceed the proposed benchmark.
- Emissions Inventory - Air Quality Report – identifies ports as only a 2% contributor to non-attainment. Reference documents: *State Implementation Plan Revision, Tacoma Pierce County Nonattainment Area*, November 2012; Appendix A, *Tacoma Pierce County Nonattainment Area Emission Inventory Document*, Washington State Department of Ecology, Air Quality Program, August 2012; and Table 4, *2008 Particulate Emission, Annual Pounds, Percentage of Port and Ocean Going Vessel Contributions*.
- A major source of ambient deposition originates from wood-burning stoves which could also contribute other pollutants (PAH, TSS, metals, etc.).

- Port of Tacoma and tenants have a Diesel Emissions Reduction program aimed at reducing diesel emissions. Northwest Ports Clean Air Strategy, 2013 Update, includes Ports of Tacoma, Seattle and Metro Vancouver, BC.
- Permit and applicable BMPs listed in Chapter 2 of Volume IV of the SWMM already require permittees to implement operational, structural, and treatment BMP for oil control (pg. 22).
- Ports are Phase I and Phase II MS4 stormwater permittees required to implement oil control at high-use sites for new development and redevelopment projects.

Recommendations:

- Eliminate the petroleum hydrocarbons benchmark for Transportation facilities.
- Require site assessment to identify specific sources of oil and “maintenance standards”/timelines to eliminate sources, per the SWMM
- Provide a specific list of “*approved/applicable*” methods of oil control in the permit.
- Provide specific direction in permit for permittees to review Volume IV of the SWMM and implement “applicable” BMPs based on specific land uses.
- Provide language identifying roof runoff treatment as an “applicable” BMP for all ISGP permittees (also recommend as source control for ambient deposition of other pollutants).
- See attached design cut sheet of roof runoff treatment to potentially use as a reference document in the FAQ.

S6. ~~Discharges to 303(d)-listed or TMDL Impaired Waters~~

~~S6.B. Limits on Eligibility for Coverage for of New Discharges to TMDL or 303(d)- listed Impaired Waters~~

Facilities that meet the definition of “new discharger” and discharge to a 303(d)-listed ~~waterbody~~-listed waterbody (Category 5), or an impaired waterbody with an applicable TMDL (Category 4A), or a pollution control program for sediment cleanup (i.e., a Category 4B sediment-impaired waterbody) are not eligible for coverage under this permit unless the facility:

Comment #7:

Ecology explained during its listening sessions that “*discharges to an impaired waterbody*” pertain to “only those facilities that discharge to specific segments of the impaired waterbody”, not including the entire waterbody in the discussion.

This proposed change to the permit does not provide any guidance about how permittees are supposed to identify whether their facility does or does not qualify for discharge to an “*impaired waterbody*”.

The Port researched how to make identifications and discovered Ecology’s mapping tool for the Water Quality Assessment for Washington website (<http://apps.ecy.wa.gov/wats/>). However, it does not provide any guidance on what information should be used to identify facility discharges or a recommended guidance tool.

Recommendations:

The Port suggests that Ecology enhance their mapping tools to make them readily available for permittees to identify their specific surface water discharge locations, given that the specific discharge location is where the listing criteria—triggering facility-specific requirements—is applicable. Also, Ecology should provide an easy-to-use guidance tool so permittees are able to clearly identify *impaired waterbodies*, as well as the specific portions of waterbodies included as Puget Sound Sediment Cleanup Sites that meet the listed restrictions and trigger additional permit requirements.

Provide site-specific maps to the permittees so that they can identify without a doubt whether they are or are not on the Appendix 4 list.

Inform permittees in their ISGP Cover Letter issued by Department of Ecology of the site-specific status of discharges from permitted facilities.

S6.C. Additional Sampling Requirements and Effluent Limits for Discharges to Certain 303(d)-listed Impaired Waters and Puget Sound Cleanup Sites

1. ~~Beginning July 1, 2010, Permittees discharging to a 303(d)-listed water body that does not have an EPA-approved total maximum daily load (TMDL) waterbody (Category 5) or a Puget Sound Sediment Cleanup Site shall comply with the applicable sampling requirements and numeric effluent limits in Table 5, unless a compliance schedule Table 6. If an outfall is requested and granted in accordance with subject to an impaired waterbody effluent limit (Condition S6.C.1.b&c.) for a parameter that also has a benchmark (Condition S5), the effluent limit supersedes the benchmark.~~

a. Facilities subject to these limits include, but may not be limited to, facilities listed in Appendix 4.

*b. For purposes of this condition, “applicable sampling requirements and effluent limits” means the sampling and effluent limits in ~~Table 5~~ **Table 6** that correspond to the specific parameter(s) the receiving water is 303(d)-listed for at the time of permit coverage, or Total Suspended Solids (TSS) if the waterbody is ~~303(d)-listed~~ **a Puget Sound Sediment Cleanup***

Site⁶ or impaired (Category 5) for any sediment quality parameter at the time of permit coverage.

Comment #8:

Sediment Cleanup Sites are regulated under the Toxics Cleanup Program (TCP), and the Model Toxics Control Act (MTCA) process. MTCA was established to provide a flexible and streamlined regulatory framework for cleaning up hazardous waste sites. MTCA defines hazardous waste sites as areas where “a hazardous substance has been **released** to the environment at the owner or operator’s facility and may threaten human health or the environment”. The identification process begins with reporting a release to Ecology’s TCP. The next step is the identification process, where Ecology has 30 days to determine whether further investigation is needed, to call for an emergency cleanup action or to determine that no further action is required. Steps 4-7 of the cleanup process include a Site Hazard Assessment, Hazard Ranking, Remedial Investigation/Feasibility Study, Selection of Cleanup method, and Site Cleanup. MTCA encourages independent cleanup, and agreements are negotiated instead of issuing orders.

To the point: Sediment cleanup is already managed under the TCP and MTCA, not the Water Quality Program or the Clean Water Act; therefore, facilities should not be required to monitor for TSS associated with a potential for sediment contamination, nor should TSS be included in a Water Quality Program permit unless it is known to be causing or contributing to a water quality impact.

The ISGP is a surface water discharge permit. The definition of discharge in the ISGP is “...pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.” Therefore, there is no correlation of a **release to the environment of a hazardous substance (MTCA)** and **discharge of stormwater runoff (ISGP)** unless Ecology is going to treat all stormwater discharge as a release, in which case permittees would not need a stormwater discharge permit, permittees would need an Agreed Order or Consent Decree for a cleanup action.

Puget Sound Cleanup Sites are sites that have been impacted by historical contamination; the most of which pre-date environmental regulation. The majority of recontamination issues comes from non-point sources including non-permitted industrial and commercial sites, residential and urban runoff, atmospheric deposition, agriculture, and the tens-of-thousands of road lane miles around Puget Sound.

This begs the question: why is this parameter so much more important than all the other industrial stormwater discharge regulated parameters? To go from non-regulated (with the exception of the Timber Product Industry) to a required effluent limit that could instantaneously create water quality violations is capricious.

Ecology’s own Toxics Loading Studies have shown that “the total loads from commercial industrial lands are lower than the other land covers.” The other land covers are not, however,

subject to the same proposed stringent requirements that industry is. See Ecology's Toxics Loading Study: <http://www.ecy.wa.gov/programs/WQ/pstoxics/index.html>

Toxic loading *rates*, or the mass per unit of area, are highest in commercial/industrial lands compared to the other three land covers. Since commercial and industrial lands occupy less than 1 percent of the Puget Sound watershed, the *total* loads from commercial/industrial lands are lower than the other land covers.

Sediment control is currently required by the permit, filtration BMPs (catch basin [CB] socks, filter socks, etc.) are mandatory (pg. 23).

EPA Multi-Sector General Permit (MSGP) does not require TSS monitoring for several different sectors, including land-based and water-based transportation facilities.

The Fact Sheet describes the effluent limit of 30 mg/L for TSS is "...based upon a best professional judgment". TSS has not been sampled at most industrial facilities and there are not enough published scientific data to indicate that TSS is actually a problem at industrial facilities. "Best professional judgment" for TSS is arbitrary and not an appropriate science-based limit. The current ISGP has a TSS **benchmark** of 100 mg/L for the Timber Product Industry.

Additional Comments:

Several instances have been identified where facilities that should not be listed are listed, and facilities that likely should be, are not. It is very difficult for permittees to understand the requirements and even more difficult to identify their individual discharge location using the tools currently available. This lack of specificity may lead to ISGP non-compliance and potential Clean Water Act lawsuits.

Port of Tacoma Facility-Specific Comments:

1. The East Blair 1 Terminal is listed in Appendix 4 as "Discharging into Commencement Bay. Sediment listing." The East Blair 1 Terminal drains to the Blair Waterway which has been removed from the 303(d) list and is no longer considered an impaired waterbody nor a Puget Sound Sediment Cleanup Site. This is the case with several other Port tenants draining to the Blair Waterway.
2. The Port is installing (or has installed) stormwater treatment designed in accordance with ISGP section S8.D.1. "...to include additional Treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges" in accordance with Ecology-approved Engineering Reports at several facilities. This design guidance is inconsistent with the proposed effluent limit requirement proposed. As Ecology is aware, a permittee may exceed a benchmark value and still be in compliance with the ISGP and the Clean Water Act. Exceeding an effluent limit is an immediate violation of both.

Recommendations:

The East Blair 1 Terminal and other applicable facilities draining to the Blair Waterway should be removed from the Appendix 4 table.

The Port has several options regarding TSS:

- Remove the TSS effluent limit requirement from the ISGP.
- Require sampling for TSS (for a specific period or permit cycle) to determine the need for an effluent limit in the 2020-2025 permit cycle, considering site-specific data.
- Add TSS as a benchmark to Table 3: Additional Benchmarks and Sampling Requirements Applicable to Specific Industries.
- In the event that removal of the TSS effluent limit is not feasible, develop a process to provide guidance similar to the MTCA process to identify the risk to human health and the environment, leading to a decision tree with the following actions:
 1. Conduct a waterbody exploratory investigation under the TCP—not surface water discharge—to identify potential sources of recontamination of the adjacent waterbody; confining the investigation to the waterbody and its sediments, not the Industrial Facility that has not been identified as having a release of hazardous material to the environment.
 2. If no findings of risk to human health and the environment, no further action.
- Facilities that have installed stormwater treatment in accordance with Ecology-approved Engineering Reports should be exempt from the TSS effluent limit.
- Include a narrative effluent limit in the ISGP requiring specific “applicable” BMPs to reduce TSS, similar to the approach Ecology implemented to address the fecal coliform effluent limit under the previous permit. Ecology would still have an effluent limit and permittees would still be required to control TSS.
- If Ecology insists that a TSS effluent limit is appropriate and necessary, allow quarterly average to establish exceedances of the effluent limit. Averaging is appropriate given the well-documented variability of stormwater pollutant concentrations.
- Finally, there will be substantial confusion among permittees who won’t be able to distinguish the difference between the Corrective Actions and timelines required by exceeding benchmarks and the immediate actions required for exceedances of an effluent limit. Ecology should provide significant clarification as to the different requirements and expected actions under the two scenarios. As listed, the new effluent limits will apply to a large percentage of ISGP permittees.

FOOTNOTE page 36

⁶ *Puget Sound Sediment Cleanup Site means: Bellingham Bay, Budd Inlet (Inner), Commencement Bay (Inner), Commencement Bay (Outer), Dalco Passage and East Passage, Duwamish Waterway, Eagle Harbor, Elliot Bay, Everett/Port Gardner, Hood Canal (North), Liberty Bay, Port Angeles Harbor, Rosario Strait, Sinclair Inlet, and Thea Foss Waterway.*

Comment #9:

During the listening sessions, Ecology explained the “*discharges to an impaired waterbody*” as “only those facilities that discharge to specific segments of the impaired waterbody” and did not

include the entire waterbody in the discussion. Ecology has expressed that Puget Sound Cleanup Sites are present in the waterbodies listed in Footnote 6, though the entirety of the listed waterbodies are not considered to be included in the “Puget Sound Sediment Cleanup Site” definition.

This proposed change to the permit does not provide any guidance about how permittees are supposed to identify whether their facility does or doesn’t qualify for discharge to an “*impaired waterbody*”.

The Port researched how to identify impaired waterbodies and discovered Ecology’s mapping tool for the Water Quality Assessment for Washington website (<http://apps.ecy.wa.gov/wats/>). However, it does not provide any guidance on what information should be used to identify facility discharges, nor does the permit have a guidance tool that permittees are supposed to use.

Recommendation:

The Port requests that Ecology enhance their mapping tools and make them readily available for permittees to identify their specific surface water discharge location since that location is where the listing criteria that triggers facility-specific requirements is applicable. Also, Ecology should provide more information to permittees to clearly identify *impaired waterbodies*, and the specific portions of waterbodies included as Puget Sound Sediment Cleanup Sites that meet the listed restrictions and that trigger additional permit requirements.

S6.C.2. Permittees discharging to a Puget Sound Sediment Cleanup Site⁷ shall implement additional storm drain line cleaning BMPs, solids sampling, and reporting, in accordance with this section:

a. Permittees shall remove accumulated sediment from storm drain lines (including inlets, catch basins, sumps, conveyances lines, and oil/water separators) owned or controlled by the permittee at least once prior to October 1, 2017.

Permittees shall conduct line cleaning operations (e.g., jetting, vacuuming, removal, loading, storage, and/or transport) using BMPs to prevent sediment discharges to storm drains and/or surface waters.

Removed sediment (solids and liquids) shall be disposed of in accordance with applicable laws and regulations and documented in the SWPPP.

i. If a Permittee can demonstrate, based on video inspection, in-line sediment sampling, or other documentation, that storm drain line cleaning is not necessary to prevent downstream sediment contamination or recontamination, Ecology may waive this requirement by approving a modification of permit coverage.

ii. Requests for line cleaning waivers must be accompanied by a modification of coverage form, and a detailed technical basis to support the request. The due date for line cleaning waiver requests is May 15, 2017.

b. Permittees shall sample and analyze storm drain system solids in accordance with Table 7 at least once prior to October 1, 2017.

i. If a Permittee can demonstrate that storm drain system solids sampling and analysis is not necessary, Ecology may waive this requirement by approving a modification of permit coverage.

ii. Requests for storm drain system solids sampling and analysis must be accompanied by a modification of coverage form, and a detailed technical basis to support the request. The due date for solids sampling and analysis waiver requests is May 15, 2017.

c. All solids sampling data shall be reported to Ecology on a Solids Monitoring Report (SMR) no later than the DMR due date for the reporting period in which the solids were sampled, in accordance with Condition S9.A.

Comment #10:

Inspection and cleaning of facility conveyance systems is already required as an “applicable operational BMP” under BMP S417 (BMPs for Maintenance of Stormwater Drainage and Treatment Systems) in Chapter 2 of Volume IV of the SWMM.

Most, if not all, of the impairments to the Ecology-identified waterbodies were caused by historical use and legacy polluting prior to environmental regulation. There is no scientific correlation between CB sediments and required cleanups.

Conducting unnecessary analysis could result in third party lawsuits and/or being named as a Potentially Responsible Party (PRP) for future cleanup efforts for materials that were captured in the CBs, not discharged to surface water. Further, CB sediments, proven to be retained onsite, would not be representative of facility discharges; sampling captured sediments would only document the characteristics of material retained onsite. However, facilities would undoubtedly receive undue scrutiny based on the results of the analyses.

The cost of collecting and analyzing for Constituents of Concern (COCs) for all the facilities in Washington this would apply to is very high.

Recommendations:

The Port requests removing the chemistry/analytical requirement from CB sediments based on the following:

- Characterization of solid waste is required for proper disposal. Analytical requirements are based on the sources of pollutants present and the final destination of the materials to be shipped.

- Solid Waste and Hazardous/Dangerous Waste rules currently apply to waste materials generated from CB cleaning. There is no need to increase sampling costs for additional parameters.
- If Ecology wants to ensure proper disposal of sediments, add it to the “Management of Street Wastes” from Volume IV of the SWMM to Section S3.B.4.b.i Operational Source Control BMPs.
- The current permit requires permittees to conduct assessments and inventory all sources of pollutants, including activities, operations and equipment (pg. 17). This requirement implies that the facility has “done their homework” and knows whether or not there are sources for COCs, per the proposed catch basin sediment sampling requirement. Not all permitted facilities have sources associated with the COCs; therefore, provide permit language that could create a Modification, Waiver or an Exemption for those facilities that do not have the sources.

S8. Corrective Actions

S8.D.3 Before installing treatment BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, the Permittee shall submit an engineering report, ~~plans and specifications, and an operations and maintenance (O&M) manual~~ to Ecology for review in accordance with Chapter 173-240 WAC.

- a. *The engineering report must include:*
 - i. *Brief summary of the treatment alternatives considered and why the proposed option was selected;*
 - ii. *The basic design data and sizing calculations of the treatment units;*
 - iii. *A description of the treatment process and operation, including a flow diagram;*
 - iv. *The amount and kind of chemicals used in the treatment process, if any. Note: Use of stormwater treatment chemicals requires submittal of Request for Chemical Treatment Form;*
 - v. *Results to be expected from the treatment process including the predicted stormwater discharge characteristics;*
 - vi. *A statement, expressing sound engineering justification through the use of pilot plant data, results from similar installations, and/or scientific evidence that the proposed treatment is reasonably expected to meet the permit benchmarks; and*
 - vii. *Certification by a licensed professional engineer.*

- c. *~~The plans~~An Operation and ~~specifications and~~ Maintenance Manual (O&M Manual) shall be submitted ~~at least~~to Ecology no later than 30 days ~~before~~after construction/installation, is complete; unless an alternate due date is specified in an order. ~~Upon request of the Permittee, Ecology may allow final conceptual drawings to be substituted for plans and specifications.~~*

Comment #11:

The Port of Tacoma is a public agency that is required to publicly bid capital projects and follows the established guidelines listed below:

- Issue Request for Qualifications for design engineering – competitive selection and Port Commission Authorization of the project are required.
- Basis of Design (BOD)/Alternatives Analysis – the BOD is a narrative description of what the designer will or has developed to meet the owners' project requirements. An Alternative Analysis documents all reasonable alternatives considered during the BOD including site constraints, performance data, construction limitations, estimated construction cost and lifecycle costs.
- Design – submittals are reviewed at the 30%, 60%, 90%, and 100% levels. Development permit applications are typically submitted to the various local, state and federal agencies at the 30% design level.
- Public Bid – 100% Plans and Specifications are publicly posted for contractors to bid the project. The bid period varies depending on the scope of the project.
- Bid Opening and Notice to Proceed – once the contractor is verified to be the qualified lowest bidder and has been awarded the project, the contractor is required to submit a myriad of submittals before construction can begin.
- Actual construction of the project, correcting punch-list items and project close-out complete the list of tasks.

The proposed ISGP language for submitting the Engineering Report to Ecology does not address the typical process the Port is legally bound to follow to develop and redevelop new infrastructure.

Permittees making large investments in stormwater treatment want to ensure the selected system(s) will perform to meet the "...goal of achieving benchmarks in future discharges" per the permit.

On recent Level 3 Corrective Action projects, it has been difficult to get Ecology approvals for Engineering Reports. Ecology staff may not have the technical capability or resources to review the latest technologies and the Technology Assessment Protocol–Ecology (TAPE) process is onerous and time consuming. Pilot testing treatment systems is becoming standard practice for permittees that do not have the time—due to permit requirements—to request the preferred treatment system be TAPE-approved prior to installation.

Some sites do not require site-wide treatment. The draft permit does not address treatment at or near the source. During recent discussions with Ecology staff, it is presumed by Ecology that end-of-pipe treatment and site-wide treatment is required.

Many of our ISGP-permitted tenants have their own corporate processes for large capital investments and improvements associated with new infrastructure. Improving water quality and

meeting the permit requirements are the end-goals, and these projects take time to reduce risk of failure.

Recommendations:

The Port requests the following for Ecology's consideration:

- Ecology staff be involved early in the treatment system selection process—prior to the permittee submitting the Engineering Report—in order for the permittee to provide site assessment information to Ecology staff. This extra time may provide Ecology with the appropriate level of detail needed and reduce the risk of the Engineering Report being denied.
- Suggested revisions include:
 - Section S8.D. should include a recommendation for submittal of a Communication Plan outlining communications between Ecology staff and the permittee throughout the Engineering Report, design, and construction period.
 - Require Ecology staff and permittees to share information at:
 - BOD – Ecology staff to provide comments.
 - 30% Design – Engineering Report submitted to Ecology for review and approval. Implement a time-specific deadline that Ecology is willing to meet in order for the project to stay on schedule.
 - 100% Design –submit plans and specifications to Ecology.
 - 90 Days after Project Close-out – submit Operations and Maintenance Manual. Engineered systems take time to develop maintenance standards and 30 days after installation is not enough time, given the punch-list period of the project. Proprietary systems typically have O & M manuals that come with them; however, these manuals are not site-specific. The permittee needs time to create a site-specific manual.

The Port requests Ecology include reference in Section S8.D. to the following statement provided in a recent letter of support for the Washington Public Ports Association (WPPA) AKART & ISGP Corrective Action Guidance Manual.

S9. REPORTING AND RECORDKEEPING

S9.A.5. *The Permittee must use the Water Quality Permitting Portal – Permit Submittals application (unless otherwise specified in the permit) to submit all other written permit-required reports by the date specified in the permit unless a waiver has been granted under S.9.A. If a waiver has been granted, DMRs must be postmarked or delivered to the address listed in S.9.A.3 by the due date.*

Comment #12:

Electronic reporting can be cumbersome for some permittees that do not have stormwater/environmental staff. Many of the permittees assign the stormwater permit management to general site workers, maintenance staff or safety personnel.

Recommendation:

Provide training session(s) for permittees prior to the first quarter of 2015 and annually during the permit cycle.

S9.E Reporting Violations

1. *In the event the Permittee is unable to comply with any of the terms and conditions of this permit which may endanger human health or the environment, or ~~the facility experiences any bypass or upset which causes an exceedance of any~~numeric effluent limitation in the permit, the Permittee shall:
 - a. *Immediately take action to minimize potential pollution or otherwise stop the noncompliance and correct the problem.*
 - b. *Immediately notify the appropriate Ecology regional office of the failure to comply.*
 - c. *Submit a detailed written report to Ecology within **305** days unless Ecology requests an earlier submission. The Permittee's report shall contain:**

Comment #13:

The Port has developed a BMP selection process using all available data from the International Stormwater BMP database. We ran a model using all available technologies listed for TSS removal. NONE of the BMPs in the model were able to meet the 30 mg/L effluent 100% of the time.

“Immediately take action to minimize potential pollution or otherwise stop the noncompliance and correct the problem” may be very difficult to execute if the “problem” to be rectified is anything but an obvious and reconcilable issue (for example, visible sediments that can be quickly cleaned up); therefore, putting an immediate stop to exceeding the effluent limit may not be feasible. As mentioned above, reasonable treatment BMPs that can be assured of achieving effluent limits may not be available and implementing any treatment approach may take months to years depending on the approach(es) determined to be appropriate, designing improvements, securing funding and project permits, etc.

With regard to the revised reporting timeline, detailed reports take time to develop and most organizations require review of all permit-related documentation. Five days is an unreasonable amount of time to provide a detailed report that is required to include the steps planned to reduce, eliminate, and prevent recurrence of noncompliance.

Recommendations:

Provide a staff contact and telephone number of the “*appropriate Ecology regional office*” to all permittees.

Define operational, structural, and treatment BMPs that permittees should implement to immediately eliminate and prevent the recurrence of noncompliance if monitoring results indicate that a numeric effluent limit has been exceeded. Ecology develop a checklist-type report for permittee to fill out and submit online or retract the 5 day language and revert back to 30 days.

Appendix 2 – DEFINITIONS (pg. 67)

Substantially Identical Outfall means an outfall that shares the following characteristics with another outfall: 1) the same general industrial activities conducted in the drainage area of the *discharge* point, 2) the same *Best Management Practices* conducted in the drainage area of the outfall, 3) the same type of exposed materials located in the drainage area of the *discharge* point that are likely to be significant contributors of *pollutants* to *stormwater discharges*, and 4) the same type of impervious surfaces in the drainage area that could affect the percolation of *stormwater runoff* into the ground (e.g., asphalt, crushed rock, grass).

Comment #14:

The Port appreciates Ecology providing clarification for substantially identical, as this has been an issue with inspectors. However, #2 “*the same Best Management Practices...*” may not be the case depending on concentrations of pollutants coming from those areas.

Example: Three identical drainage areas meet #1, #3 and #4 of the definition; however, one of the drainage areas is smaller and therefore requires more or higher level BMPs than the other two areas due to the smaller area causing the pollutants to be more concentrated within that drainage basin. Source control BMPs may differ even though all other criteria are the same.

Recommendation:

Remove the #2 criterion in the “Substantially Identical Outfall” definition and include a narrative discussing the above example.

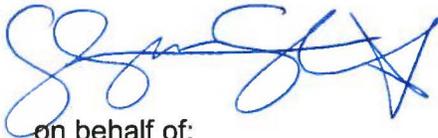
Appendix 4 – EXISTING DISCHARGERS TO IMPAIRED WATERBODIES
See Comments and Recommendations listed under Section 6 above.

Conclusion

The Port of Tacoma appreciates the opportunity to provide comments to Department of Ecology on the Draft Industrial Stormwater General Permit. The Port and Ecology have worked together over the years on many permits, corrective action projects and most recently the WPPA AKART Guidance document. We believe that has been a very productive collaboration and we look forward to future collaborative efforts associated with the ISGP.

Ports are unique and challenging in that the facilities are generally large, paved, and flat; have large tidal changes; and are very near the receiving water. The Port of Tacoma understands the difficult balance of managing stormwater, improving water quality and maintaining the economic viability of our port and tenants. Empty terminals will be good for neither the local communities, the state, nor water quality.

Respectfully,



on behalf of:
Anita Fichthorn
Water Quality Project Manager

ajf
CC: Dakota Chamberlin, Port of Tacoma
Jason Jordan, Port of Tacoma
Tony Warfield, Port of Tacoma
Gerry O'Keefe, WPPA

Encl

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