



WASHINGTON UNITED TERMINALS

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Tacoma, Washington 98421-3710

July 10th, 2014

Jeff Killelea
Washington State Dept. of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Submitted by Email at: industrialstormwatercomments@ecy.wa.gov

Re: Comments on Draft 2015 Industrial Stormwater General Permit

Dear Mr. Killelea:

Washington United Terminals (WUT) appreciates the efforts that you have taken to minimize the changes to the permit and to ensure that the proposed changes to the ISGP are well communicated to the permittees.

WUT is a marine terminal operator (MTO) located at the Port of Tacoma between the Blair Waterway and Port of Tacoma Road. With approximately 120 acres, the facility operates a container terminal for Hyundai Merchant Marine of America (HMMA). WUT loads and discharges containerized cargo from ships on coastwise and international voyages, and from/to intermodal trains and trucks.

The purpose of this letter is to support comments submitted to you by the Pacific Merchant Shipping Association (PMSA), Washington Public Ports Association (WPPA), and the Port of Tacoma (POT) for improvement to the Washington State Department of Ecology's (Ecology) draft Industrial Stormwater General Permit (ISGP). WUT endorses their suggestions concerning: additional benchmarks and sampling requirements to specific industries; additional sampling requirements and effluent limits for discharge to certain impaired waterbodies (especially, as they apply to Total Suspended Solids), the number of outfalls sampled and storm drain line cleaning (jetting) and other suggestions as submitted.

WUT endorses the development of the Draft WPPA Washington State Marine Terminal AKART and ISGP Corrective Action Guidance Manual (AKART Manual) and also applauds Ecology's work with the WPPA and other stakeholders to prepare the Draft AKART Manual. We too believe this document will be helpful in assisting MTO's and Ecology in reaching agreement on what actions are determined to be AKART at an individual marine terminal.

WUT shares PMSA's concern, that as the ISGP is currently written, this AKART determination does not have much value. If a permittee installs the BMPs and treatment determined to be AKART following the process defined in the new manual with Ecology approval, optimizes the performance of these BMPs and treatment technologies, but is still not meeting benchmarks, Ecology should be able to issue a modification of permit coverage confirming that what has been done is "all that is reasonable" and confirming that the permittee is in compliance with the ISGP. This should be the whole point of an AKART determination. However, the way the permit language is written, this is not the case.

The existing permit reads: Section S8.D.5.b. *"If installation of [additional] Treatment BMPs is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard, Ecology may waive the requirement for Treatment BMPs by approving a Modification of Permit Coverage"*.

Although not included in the permit definitions, we understand that Ecology has defined "feasible" as physically possible— at any cost. With this definition, "feasible" is not the same as AKART, which uses the term "reasonable" which takes cost into account. The term "feasible" should be clarified, re-interpreted or re-defined so that it takes costs and implementability concerns into account, consistent with the AKART determination.

This clarification would be consistent with documentation of AKART – which by definition is "all known, available and reasonable methods of prevention, control and treatment" – all that can be reasonably expected for a permittee to implement. This change would make the whole process internally consistent and respectful of permittee real-world constraints and Ecology's technical evaluations. Without this change, the process is inconsistent, unrealistic, and puts Washington's ports at a significant competitive disadvantage to California's ports which operate under a much more reasonable permitting process.

Washington Untied Terminals appreciates the opportunity to provide comments to Ecology on the Draft Industrial Stormwater General Permit. We take our responsibilities regarding the ISGP and protecting the water quality of Puget Sound very seriously. However, in order to implement the best stormwater management practices that protect Puget Sound water quality, the ISGP responsibilities must be achievable and reasonable within our business contexts. The costs and uncertainties associated with the increasing requirements of the ISGP significantly affects our ability to continue to provide import and export opportunities for Washington State businesses that support family living-wage jobs in Washington State and could possibly curtail the employment of the approximately 250 management, security, and longshore personal that work at WUT on a daily basis.

Thank you.

Regards,



Steven M. Bassett
Director/General Manager
Washington United Terminals