

April 20, 2007

Mr. Jim LaSpina  
Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600

Re: Comments on Draft NPDES General Permit for Industrial Stormwater  
Issued February 2007

Dear Mr. LaSpina:

Please accept the following comments on the Draft Industrial Stormwater General Permit.

**S4 Sampling:** We support the proposed change to the sampling requirements (four samples collected between October 1 and June 30). It is very difficult to meet the storm criteria during the summer. Eliminating the quarterly requirement gives us flexibility in our monitoring program.

#### **S5 Benchmarks/Action Levels**

Holding all permittees under the same standards is not very realistic. Different locations are affected differently by the surrounding environment. For example, a waterfront facility could possibly be more affected by Fecal Coliforms than an interior facility due to the “Seagull activity” in those areas. To use a benchmark based on the average (or even lower) discharge for all permittees without considering the type of activity and location would just be unfair.

**Copper and Zinc:** The general permit doesn't account for stormwater run-on from adjacent streets and doesn't account for air deposition (testing done on rainwater in our site showed Zinc values of 300 micrograms/L). Facilities have few or no options to control either of these pollutant sources. As noted in the Stormwater Management Manual for Western Washington, commercial, residential and highway runoff often exceeds the proposed benchmark concentrations. We are not aware of air deposition studies for these metals, but have some data to suggest that depositional zinc may cause rainwater to exceed the current zinc benchmark.

According to Department of Ecology studies, the natural background concentration for copper in soil is 36,000 µg/kg and zinc in soil is 86,000 µg/kg. Soil washing off the tires of incoming trucks (and/or stormwater run-on from adjacent streets) could cause a facility to exceed the proposed copper benchmark of 11.9 µg/L or the proposed zinc benchmark of 109 µg/L, even with aggressive sweeping of the pavement at the facility.

Until metals concentrations in street runoff can be controlled and the general permit provides for stormwater run-on and air deposition, Ecology should consider raising the existing benchmarks and action levels for these metals.

**S6 Discharges to 303(d)-listed Waters:** Facilities with 20XX SIC Codes (food and related) which discharge to water bodies that are 303(d)-listed for fecal coliform must meet the specified benchmark for this parameter. This may not be possible for facilities located on or near marine waters, due solely to the presence of birds (especially gulls). We are not aware of any BMPs for this source of fecal coliform. What is Ecology's expectation for these facilities and when will approved source control BMPs be issued for industries required to meet a benchmark for this parameter?

**S8 Corrective Actions:** We support the proposed Level Two trigger; i.e., that the trigger be based on samples collected after September 30, 2007. If Ecology reduces the copper and zinc benchmarks as proposed, the additional time will be necessary to identify and implement new BMPs. The Level Three trigger should also be based on samples collected after September 30, 2007.

We support the addition of a Level Four.

We are concerned with the requirement of implementing treatment BMPs within one year. Since most companies do not do their capital budget until the first of each year, if the trigger to implement treatment BMP's was to happen, for example, in late January, depending on the cost of that BMP, a company would not be able to start installing that equipment until the following January, which would leave a few weeks for implementation.

The draft permit will only allow a treatment waiver if a facility is not discharging to a 303(d)-listed water body. We understand that the facility will be required to investigate and implement available and reasonable treatment BMPs. However, if the Level Four engineering study determines that the treatment BMPs will reduce pollutant concentrations, but *not* to concentrations as low as benchmarks (or water quality standards), what is Ecology's expectation for this facility?

Thank you for your consideration of these comments.

Sincerely,

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