

S1 Permit Coverage**F. Conditional “No Exposure” Certificate**

8. The facility shall submit a new request for a certificate of “no exposure” every five (5) years, or within thirty (30) days of the effective date of re-issuance of the industrial stormwater general permit, whichever comes first.

We request clarification on whether existing facilities that currently have “No Exposure” certificates must re-apply for a certificate even though the expiration date for their current certificate is in the future. If re-application is required, permittees should be allowed to maintain coverage under their current certificate of “No Exposure” until the new certificate request is processed and approved by the Department. Permittees should not have to revert to meeting the same requirements for those sites that do not meet the “No Exposure” criteria.

S2 Application For Coverage**B. Compliance Schedule for SWPPP**

2. No compliance schedule is authorized under this permit for developing and implementing the SWPPP except for existing facilities not previously permitted (S2.A.3.b.)

Currently covered existing facilities are required to submit an up to date SWPPP with permit applications for coverage under the proposed permit. Does the draft permit require that the SWPP be revised upon issuance of the final permit to include any new requirements for sampling and monitoring? If so a reasonable timeframe for submittal of the revised SWPP should be set in the permit.

S4 Sampling**B. Sample Requirements**

1. Sampling Timing and Frequency
 - e. If the Permittee allows stormwater to accumulate in a retention pond, which subsequently discharges, the Permittee shall obtain a sample of the discharge, even if the discharge is not associated with a particular storm event.

This requirement will be unnecessarily burdensome on Permittees. Permittees will have to constantly monitor their detention ponds to check whether a discharge was occurring outside a storm event. It would be more appropriate to have Permittees check only during storm events for discharge and sample only then if discharge occurs.

S4 Sampling

B. Sample Requirements

2. Sample Location(s)

- b. The Permittee shall sample each distinct point of discharge offsite and shall analyze each sample separately if activities and site conditions that may pollute the stormwater are likely to result in discharges that will significantly vary in the concentration or type of pollutants.

The department should clarify this requirement. Current proposed wording indicates that a Permittee must travel offsite to collect samples. Are Permittees required to sample every discharge from our property to another site instead of looking at distinct discharge points from our site? S4.B.2a. and S4.B2b. already indicate that sampling of discharge sites is required.

S4 Sampling

B. Sample Requirements

4. Laboratory Documentation

- c. CAS number

The Department should revise language to clarify. There are no CAS numbers for pH or FOG.

S4 Sampling**C. Exceptions to Sampling Requirements**

2. After the effective date of this permit, the permittee may suspend sampling for one or more parameters based on consistent attainment of benchmark values when...

Permittees should not have to restart the calculation for the effective date of attainment for those parameters that they've already achieved consistent attainment as specified in the previous permit. Permittees should only have to meet the new permit requirements for calculating the effective date of attainment for those parameters that the benchmark is changed or are new in the permit. The draft permit language indicates that while Permittees are not allowed to use analytical data from past attainment achievement efforts yet the new permit requires that analytical from the past is used to determine compliance for benchmarks that have changed.

S4 Sampling**C. Exceptions to Sampling Requirements**

2. After the effective date of this permit, the permittee may suspend sampling for one or more parameters based on consistent attainment of benchmark values when...
 - c. For discharges to 303(d)-listed water bodies, eight consecutive samples fail to detect the presence of the listed parameter.

The department should revise this language to require that the Permittee may suspend sampling for discharges to 303(d)-listed water bodies, if eight consecutive samples meet benchmark limits for 303(d)-listed waterways.

S5 Benchmarks, Action levels, and Discharge Limitations**A. Benchmarks, Action Levels, and Sampling Requirements Applicable to Permittees Discharging to Non-303(d)-listed Water bodies.**

Table 2.

There are several different issues of concern regarding the revised permit benchmarks and action levels.

- The Department should reconsider the recommendations from the 6415 Monitoring Study completed by Herrera & Associates for Zinc and Copper benchmarks and action levels. It appears that the Department is applying surface water quality standards in the guise of benchmarks in reaction to one or two recent studies.

Has the department considered other source control measures to achieve water quality? Sources for copper and zinc are ubiquitous to many building materials and equipment sources (e.g., paint, brake linings, lubricating oils, hydraulic oils, galvanized fencing). This is a product manufacturing issue not an exclusive industry issue. The department should not be focusing on end of the pipe treatment but rather on source control.

- The Department should consider removing the benchmark and associated action levels for turbidity and replacing it with a benchmark and action levels for suspended solids. Turbidity is not the most accurate measurement of water quality. Naturally occurring organic matter (e.g. tannins) and iron skew the results for any analytical for turbidity due to color. Results from adaptive management actions taken by some of our facilities indicate that total suspended solids (TSS) meet surface water quality standards even when turbidity exceeded action levels due solely to color. The Department should implement the Herrera & Assoc. recommendations and/or follow other states Storm Water Programs for regulating solids in receiving waters by using total suspended solids as the analyte measured.

S7 Inspections

A. Inspection Frequency

1. The Permittee shall conduct visual inspections of the site each month from October through June using personnel identified in the SWPPP

The requirement for inspecting monthly would be cumbersome and burdensome for sites the size of many of our facilities. Field verification of BMP implementation and benchmark compliance occurs during sampling at outfalls or when implementing adaptive management efforts. Additional visual inspections should only be required quarterly (similar to the Federal Clean Air Act Title V quarterly inspection requirement).

S8 Corrective Actions

B. Level Two Corrective Actions

4. Within six months of starting a Level Two Corrective Action, complete installation/construction of the additional capital BMP* identified in subsection 2 above.

The draft permit allows only 6 months to complete installation/construction of capital BMPs. This is an insufficient amount of time to complete design, permitting and construction. Revise the draft permit to allow 6 months for initiation of implementation (develop scope, design, schedule, and budget acquisition). The permit should then specify that construction must be complete within one year after obtaining permits.

S8 Corrective Actions

B. Level Three Corrective Actions

4. Prepare a level Three report using applicable Ecology form. The Level Three report shall include an implementation schedule not to exceed 12 months.

The draft permit allows only 12 months to implement treatment BMPs. This is an insufficient amount of time to complete design, permitting and construction. It can take substantive amounts of time to identify the appropriate treatment technology. The stormwater treatment technology industry is very new. Most of the technologies readily available have not proven effective. Revise the draft permit to allow 12 months for initiation of implementation (develop scope, design, schedule, and budget acquisition). The permit should then specify that construction must be complete within two years.