

From: Roblee, Richard [mailto:Richard.Roblee@goodrich.com]
Sent: Friday, April 20, 2007 11:42 AM
To: LaSpina, Jim (ECY)
Subject: Draft ISWGP Comments

Mr. Spina,

Thank you for the opportunity to comment on the proposed Industrial Stormwater General Permit. This document will affect the Industrial businesses for years to come and we appreciate the time you and your staff has taken to get out the information and the choices which are being put before us.

S4

There are a number of areas, particularly in the changes to the sampling protocol, which will help most businesses greatly. We agree that the proposals for time of samples taken and the number of samples throughout the wet season are superior to what is currently the sampling protocol. It will allow samples to be taken anytime during the rain event and make for more realistic sampling situations with the 4 times in the wet season requirements.

The requirements that as a business we must ensure that our lab analysis is accurate and going to provide the needed information is a good practical application of basic scientific principals and is not a concern to us.

There is another aspect which needs to be discussed and that is the fact there is zinc in rainwater itself. We have taken multiple samples and identified levels of zinc which by itself would bring us close to the benchmark. This means that almost any source of zinc on a property would not only be above the bench mark but easily over the action level.

We have measured levels as high as 0.1 mg/L which is essentially the same as the 0.109 proposed benchmark in the new ISWGP.

When asked at the public meeting if Ecology had ever tested rainwater for zinc the answer was no. How can we set limits on contaminants when we do not know all the potential sources of those contaminants? If rainwater is a major source of zinc, can we logically set our limits which do not take it into account?

S5

There are two distinct choices in the area of benchmarks and action levels. After much thought the 6415 benchmarks would be a better step than going to the more restrictive draft permit levels. If we are going to lower the levels then we should do it gradually and not take large drops in both the benchmarks and the action levels. This will not allow anyone time to work on reducing their contaminant levels before they are into a Level 4 Corrective Action Plan.

The choice between the two sets of benchmarks/action levels is very important. Due to the “one way path” the section S8 has in its make-up. This is one area where we disagree intensely with the way Ecology has gone with the permit.

Once sampling begins in September 2007 (October for the wet season samples) a company never has an opportunity to redeem themselves after a single sample above the benchmark for any of the identified parameters. It is a “once in always in” situation.

In addition, for level 3 corrective actions you are supposed to use samples collected before the actual start date of the new ISWGP. This will bring additional confusion to the question of what benchmarks/action levels are we supposed to use to judge these samples; The old ones or the new ones whichever choice those may be. If we are to judge old samples with new limits then isn't that grandfathering the samples and we are being held to standards retroactively?

Let's take an example; a facility has two copper samples one in 2005 and one in 2006 which are above the action level. They may have found the problem in 2006 and fixed it, but are now automatically put into a Level 3 Corrective Action status forever. They cannot go back to a lower level or out of the Corrective Action levels altogether. They are stuck and cannot get credit for finding and fixing their problem.

If in the future they have two unrelated samples (pH and turbidity from different samples) which were in excess of their respective action levels for whatever reason. They are now in a Level 4 Corrective Action and will be for the life of the permit and perhaps beyond. They are in Level 4 for two samples which occurred before the current permit and levels were in effect.

As a responsible company we want to identify problems and fix them. We do not want to be responsible for polluting our waterways and want to take all prudent steps to reduce these identified pollutants.

However, we should not have a “Scarlet Letter” placed on our chest after we have corrected problems and have to wear that letter for time immemorial.

We suggest that once the corrective actions are complete in a specific level and if the samples for a year show the levels are now below background, provisions be made to allow a company to revert back to a lower level or out of the correction action levels altogether. The “once in always in” aspect of this version of the ISWGP is not fair nor does it really meet the intent of the ISWGP.

S7

The new inspection protocol is also logical and makes sense. We have no issue with this section.

S8

Our concerns regarding S8 of the new ISWGP are directly related to the concerns in S5. We really have no problems with the corrective actions, but do have a concern with the way a business gets into those levels and is kept in those levels.

There is one other item which was removed from the current version of the ISWGP which really should be retained or a version like it created. That is the “Continuous Attainment” clause. This does allow a business to remove themselves from the various levels by “Attaining” a full compliance with levels below the benchmark. This clause or a similar clause would be an important portion of this document.

Again we thank you for this opportunity and hope we can come to a workable solution for all parties with regards to this permit. If you have questions feel free to contact me.

Sincerely,

Richard Roblee, CIH CSP
EHS Manager
Goodrich ATS