



CORPORATE HEADQUARTERS

DEPARTMENT OF ECOLOGY

APR 24 2007
WATER QUALITY PROGRAM

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April 19, 2007

Mr. Jim LaSpina
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Subject: Washington State Department of Ecology
Revised Draft Industrial Stormwater General Permit

Dear Mr. LaSpina:

The comments below are on behalf of the J.R. Simplot Company (Simplot). Simplot is a privately held agribusiness corporation based in Boise, Idaho. The corporation is engaged in a number of businesses including food processing, farming, fertilizer manufacturing, beef cattle feedlots, mining, ranching and other enterprises related to agriculture. The majority of Simplot's operations in the United States are in the upper Midwest and in the West. Facilities in the State of Washington include food processing, cattle/feedlot operation, crop production, transportation facilities and wholesale/retail fertilizer operations. Simplot, through these operations in various states, has wide-experience in dealing with stormwater permits and rules. Based on this experience and our tracking of the State of Washington initial drafts and subsequent public draft of the revised Industrial Stormwater General Permit (ISWGP), we have the following comments.

General comments for the current draft ISWGP are the following:

1. The overall benchmark and action parameters and levels far exceed the proposed EPA draft Multi Sector General Permit (MSGP), especially for the Food and Kindred Products SIC code (2037) which covers the majority of our food processing plants in Washington. As an example, the EPA MSGP only requires, for Sector U (SIC code 2037), a benchmark monitoring concentration of 100 mg/L for Total Suspended Solids. EPA believes that using this single parameter as a benchmark is protective of the environment and provides a simple and cost effective way of determining stormwater compliance. Whereas the draft ISWGP has additional benchmark and action parameters. It is not clear what the justification is for these additional benchmark and action parameters.

2. In our experience, the costs for implementation of the ISWGP program for a site far exceed the estimate of the Department of Ecology. Consultant requirements for the initial site contour surveys and runoff evaluation alone have run thousands of dollars in excess of Ecology estimates.
3. The draft ISWGP itself is quite complex, especially for smaller sites. The onsite personnel would have trouble coping with the various requirements, and because of the nature of the timing for taking samples, onsite personnel would be the only reasonable personnel available.
4. The ISWGP requirement S8 (corrective action) is excessive. If either benchmark or action levels are exceeded, the results can produce an administrative nightmare, and can go as far as require AKART review and production of an Engineering Report. As a minimum, there needs to be a "quantitative qualifier" for small sites and small discharges, but the ISWGP only evaluates qualitative discharge levels.

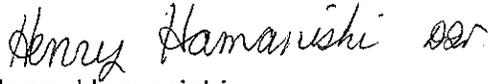
In particular, for our wholesale/retail fertilizer operations in Washington (several sites in Eastern Washington that serve the agricultural communities), SIC code 5191, there are several issues:

1. The EPA MSGP does not include this SIC code (5191) in their permit program. Washington Department of Ecology has added this code, as well as several other codes, to their ISWGP program above and beyond current draft EPA MSGP industrial categories.
2. The ISWGP, from our understanding, is supposed to address "industrial" sites. SIC code 5191 is for "commercial" wholesale/retail distribution of agricultural products.
3. Most commercial sites can be covered under city/county ordinances (and their associated municipal stormwater programs) and should not require a separate general permit.
4. Most of our wholesale/retail fertilizer operations tend to be small, with very limited personnel. To add the complex ISWGP program to each site would require increased technical personnel requirements, as well as increase operational budgets at each site.

Based on the complexity of the draft ISWGP, the benchmark and action parameters, and potential low benefits to cost ratio, Simplot is requesting that Department of Ecology withdraw the current draft permit and work toward a general permit that is more in line with the EPA MSGP and that Ecology modify the SIC code list to only include true "industrial" sites, which does not include SIC code 5191.

If you have questions or comments, please contact me at henry.hamanishi@simplot.com or at (208) 389-7375.

Sincerely,

A handwritten signature in cursive script that reads "Henry Hamanishi".

Henry Hamanishi

Corporate Environmental Engineering Manager

C:

Alan Prouty – J.R. Simplot Co.

Sheila Bush – J.R. Simplot Co.

Grant Nelson – AWB

Craig Smith – NWFPA

Scott McKinney -- Farwest Ag