
From: robert.counts@comcast.net [mailto:robert.counts@comcast.net]
Posted At: Wednesday, April 18, 2007 4:19 PM
Posted To: Industrial Stormwater Comments
Conversation: Proposed Storm-water Permit
Subject: Proposed Storm-water Permit

After having reviewed the proposed changes to the Washington Department of Ecology Storm-water Permit, I would like to comment on the draft regulations.

As I understand it, the overall goal of the storm-water permit is to reduce pollution of our surface water by contaminated storm-water runoff. However, both the current and the proposed permit regulations apply ONLY to those business entities that are required to obtain a storm-water permit based on their SIC codes, and currently there are only approximately 1,100 such business entities in the entire state of Washington. This small minority of business entities are the only ones who are subject to the requirements of the storm-water permit because only a select few SIC codes are regulated by the permit. This is the fundamental flaw in the approach outlined in both the current and the proposed permits.

The major problem with both the current and proposed storm-water permits is that they address too small of a segment of the total number of business entities to be an effective means of reducing surface water pollutants. The pollutants that the permit addresses, particularly zinc, copper, turbidity, and oil/grease, are not unique to these 1,100 businesses or to the SIC codes that they fall under. These metals can and do come from galvanized roofing, siding, gutters, fencing, light poles, guard rails, and vehicle tires as well as from "industrial" activities. Vehicles also are a primary source of oil and grease and are in no way unique to the businesses that fall into the few SIC codes governed by the storm-water permit. Every parking lot is a potential source of metals, oil, and grease pollutants, regardless of the business type. Shopping malls, park-n-rides, churches, all of these locations have vast expanses of paved parking with totally unregulated storm-water runoff - and all of them have oil and grease-stained pavement, and tire rubber from vehicle tires, leaching these pollutants into the storm-water runoff. The approximately 1,100 business entities whose discharges are regulated by the storm-water permits are such a small fraction of the overall pollutant sources that no matter how stringently the state regulates the discharges of this small minority, the net effect will be minimal.

For example, assuming that there are 110,000 businesses in the state (a very conservative number), and only 1,100 of those are regulated by the permit, even if those 1,100 reduced their discharge levels to zero - or even if they ceased to exist altogether - the net effect would be a reduction of only 1%. Maybe 2% if you assume that due to their nature their storm-water runoff has twice as high a pollutant concentration as their neighboring companies - which is a pretty big

assumption given that their neighboring businesses often have just as many galvanized building materials, vehicles, etc. and as much or more paved parking area.

IF the real goal is reduction of pollutants in our surface water by controlling the pollutants in storm-water runoff, then this permit, as written, will be totally ineffective. It imposes virtually unattainable goals on a small minority of businesses while totally ignoring the vast majority of their neighbors who are contributing just as much or more to the problem. The entire permit should be re-drafted in such a way as to subject a much larger segment of the business community to controlling their discharges and it would have far more positive effect overall.

For example, if the SIC codes subject to the permit were expanded to include just half of the total number of businesses in the state, assuming 110,000 businesses state wide as in the previous example, that would mean that 55,000 businesses would be subject to the regulations. If as a result of having to qualify for permit coverage, and having to monitor their discharges, all 55,000 of those businesses reduced the pollutants in their discharges by only 10%, that would be a net reduction of 5% in total pollutants discharged to our surface water by businesses. This would represent a 2-5 times greater impact than eliminating all discharges from the 1,100 businesses currently regulated under the existing and proposed permits.

One other significant issue with both the current and proposed permits is the "after-the-fact" approach to reducing metals in the storm-water runoff. If there is enough scientific evidence to justify the concern about that the amount of copper and zinc in the surface water, then the logical approach would be to pursue legislation to restrict the use of these metals in building materials that will be exposed to storm-water. Galvanized roofing, guttering, siding, chain link fencing, light poles, metal guard-rails, all of these things are still being installed in new construction every day. All of them are exposed to storm-water and represent significant sources of zinc and copper leaching into our surface water. If these metals truly represent a threat to the environment or human health, then their use should be regulated much like asbestos or CFCs. Both of those materials have been strictly regulated to reduce the risks that they pose to the environment and human health. Allowing additional zinc and copper laden building materials to be installed and at the same time trying to reduce the amount of these metals that are contained in storm-water runoff seems a totally backwards approach. Simple logic says that if they are harmful, restrict their use first - then start trying to reduce or mitigate the impact of what is already installed - not the other way around.

The proposed storm-water permit takes entirely the wrong approach to solving the problems. Eliminating all pollutant discharges from a few sources will not address the issues nearly as effectively as more moderate reductions from ALL,

or at least a vastly expanded number of, pollutant discharge sources. Reducing the growth of the number of discharge sources by restricting the use of polluting materials will also go much farther towards improving water quality than even the most drastic reductions in discharges from such a small minority of the overall number of discharge sources. As drafted the permit will place an unreasonable burden on a small minority while ignoring the contribution of the larger majority. Because it addresses such a small fraction of the sources of the problem it will be totally ineffective.

Sincerely,
Robert E. Counts