



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

April 20, 2007

Via Email (industrialstormwatercomments@ecy.wa.gov) and First Class Mail

Mr. Jim La Spina
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

re: Public Comment Opportunity: Municipal Facilities
"Public Notice Draft" Industrial Stormwater General NPDES Permit

Dear Mr. La Spina,

The City of Seattle welcomes the opportunity to comment on Ecology's draft Industrial Stormwater General NPDES Permit (ISGP). The City has been informed that Ecology has decided not to require ISGP coverage for municipal vehicle maintenance and municipal road maintenance facilities. The City supports Ecology's decision and requests that Ecology further clarify the scope of the ISGP regarding municipal facilities.

1. Issue: Does Ecology intend to require ISGP NPDES permitting for more or other municipal facilities than are regulated by 40 CFR § 122.26(b)(14), which is primarily based on SIC codes?

In the federal (EPA) regulation on which Ecology's draft permit is based, most activities that require industrial stormwater NPDES permitting are identified by SIC codes that correspond to specific industrial applications. However, Ecology's draft permit scope is ambiguous because it provides in S1, Table 1 that activities are "usually, but not limited to, [in the listed] SIC Code Group" and that "Facilities with activities similar to those described in the narrative title shall also apply for permit coverage." Ecology has reserved the right to require ISGP coverage for "significant contributors of pollutants" on a case-by-case basis in S1.B, but Ecology has not identified municipally-owned or -operated facilities under S1.B. Therefore, it appears that Ecology does not intend to require ISGP NPDES coverage for additional municipal facilities.

2. Comment: Seattle does not support adding requirements for municipal facilities beyond the federal law, because such facilities are adequately addressed by current permits and local law. For example, Phase I municipal stormwater permits for the first time require SWPPPs for heavy equipment maintenance or storage yards and material storage facilities owned or operated by municipal permittees.

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3. Actions Requested:

- Revise S1 and Table 1 to indicate that municipal facilities are regulated only as otherwise required by federal law in 40 CFR § 122.26(b)(14) and to state that Ecology has decided not to require ISGP coverage for municipally-owned or -operated road maintenance facilities and heavy equipment maintenance and storage areas.
- In Table 1, remove from the heading "usually, but not limited to," and remove from the footnote "Facilities with activities similar to those described in the narrative title shall also apply for permit coverage."
- If Ecology decides to regulate additional municipal facilities, identify clearly in the permit and fact sheet what municipal facilities are being required to obtain coverage under the ISGP, stating the justification for each decision.

The City appreciates Ecology's continuing work to improve the state's environment. If you have questions about the City's comment, please contact Julie Howell at (206) 684-3244.

Sincerely,



Chuck Clarke
Director of Seattle Public Utilities

cc: Bill Moore, Washington State Department of Ecology
Citywide Department Heads
Theresa Wagner, Seattle City Attorney's Office