



April 20, 2007

Jim La Spina & Nancy Winters
Water Quality Program
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: Port of Vancouver, USA Comments on the Draft NPDES Industrial Stormwater General Permit

Dear Mr. La Spina and Ms. Winters:

The Port of Vancouver, USA (POV) would like to provide comment on the Draft NPDES Industrial Stormwater General Permit (Draft Permit). The POV takes environmental stewardship seriously, and it is our commitment to strive for programs and policies that allow nature and industry to successfully coexist. The POV has spent considerable capital on stormwater improvement projects in the recent past, including the construction of a stormwater detention pond and biofiltration swale created to treat stormwater from Terminals 2 through 4, and the installation of two Vortech units for treatment of stormwater from the POV's old industrial area. The POV has joined with the Washington Public Ports Association (WPPA) in submitting comments on the Draft Permit. While the POV agrees wholeheartedly with WPPA comments, the purpose of this letter is to comment on sections of the Draft Permit that are specifically pertinent to the POV.

Benchmarks and Action Levels

The POV concurs with the WPPA's technical comments concerning proposed changes to benchmarks and action levels in the Draft Permit. Upon review of industry-wide stormwater data, it appears as if the proposed benchmarks and action levels will be very difficult to meet for many industries. Based on the POV's own experiences implementing capital stormwater improvements, it can be anticipated the proposed reductions for benchmarks and action levels will lead to public and private expenditures of hundreds of thousands to millions of dollars in capital improvements for many permitted industries. For public entities such as the POV, the majority of funding for improvements will be paid by the taxpayer. For many private industries, the ultimate result may be realized as companies become insolvent. Furthermore, these substantial costs do not guarantee stormwater capital improvements will produce the desired level of effectiveness to achieve compliance with the proposed action levels.

If Ecology decides to proceed with implementation of the proposed benchmarks and action levels, it is recommended Ecology revise the currently-established stormwater sampling protocols. For example, as opposed to collecting one grab sample following an antecedent dry period that does not take into account storm intensity, duration of the dry period, etc., it would make more sense to allow industries to collect time-composited samples throughout the duration of the storm. An alternative sampling protocol may involve comparing action levels to a rolling annual mean of monitoring data. This would provide a more comprehensive assessment of BMP effectiveness.

Level Two Corrective Action

Installation/construction of capital improvement BMPs within six months of starting a Level Two Corrective Action is unreasonable and infeasible. For government agencies such as the POV, capital improvement BMPs require budgeting, competitive bidding, permitting and construction. In addition, the public process for capital improvements is heavily regulated by state law which prolongs the process of implementation. Therefore, the POV suggests an eighteen month installation/construction timetable for capital improvement BMPs.

Level Four Corrective Action

Based on the permit language, the timeline for the engineering report due date under the Level Four Corrective Action is unclear. It is recommended Ecology allow a minimum of eighteen months for completion and submittal of the engineering report. Additionally, it should be clarified that a Level Four Corrective Action is not triggered until full completion of the Level Three Corrective Action. In other words, sampling for comparison to action levels to determine if a Level Four Corrective Action is necessary should not occur until after the full twelve month implementation of the Level Three Corrective Action.

Retroactive Dates for Corrective Actions based on Proposed Action Levels

Retroactively applying the proposed action levels and Corrective Actions in the Draft Permit to all samples collected after December 31, 2004 is unjustified. This will place an extreme burden on many industries that have maintained compliance with the current permit. Furthermore, POV questions whether Ecology has the legal authority to take such an approach.

Water Transportation Facilities Coverage

The Draft Permit requires coverage for ALL Water Transportation facilities (SIC 44XX). In the existing permit, only those portions of Water Transportation related facilities that conducted vehicle rehabilitation or equipment cleaning required coverage. There is no explanation in the Fact Sheet and no justification on why all water transportation facilities should require coverage. Is there data available to suggest there is a problem on non-regulated portions of such facilities? Many new

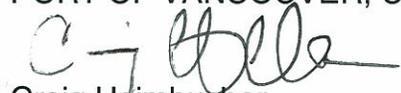
facilities will require coverage as a result of this change, and similar changes for other industries.

The Port operates loading and unloading facilities, including temporary indoor and outdoor storage of various "breakbulk" materials. No vehicle rehabilitation or equipment cleaning was conducted onsite, therefore, these facilities did not require coverage previously. Is it Ecology's intent to require coverage for these facilities under the new permit?

The Port of Vancouver appreciates the Department of Ecology's consideration of these comments. If you have any questions, please contact me at (360) 992-1125.

Sincerely,

PORT OF VANCOUVER, USA

A handwritten signature in black ink, appearing to read "C. Heimbucher", written over a light blue horizontal line.

Craig Heimbucher
Environmental Specialist

Cc: Patty Boyden - Port of Vancouver
Laura Maffei - Schwabe Williamson & Wyatt