



Western States Petroleum Association
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APR 20 2007
WATER QUALITY PROGRAM

April 20, 2007

Mr. Jim La Spina
Water Quality Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Draft Industrial Storm Water General Permit

Dear Mr. La Spina:

I am writing on behalf of the Western States Petroleum Association (WSPA) to comment on the draft Industrial Storm water General Permit (ISWGP). WSPA member companies own and operate Washington's five petroleum refineries, each of which manages storm water under an individual NPDES permit. WSPA members also own and operate a host of smaller facilities, some of which will be subject to the ISWGP. While WSPA shares many of the concerns about the draft permit that Ecology is hearing from other stakeholders, this comment letter addresses one subsection of the ISWGP that creates conflicting requirements for the refineries.

Subsection S1.C.11 states:

C. Facilities Not Required to Obtain Coverage

Ecology does not require the types of facilities listed below to obtain coverage under this permit. These facilities may request permit coverage:

11. Any facility covered by an individual NPDES permit that addresses storm water discharges. The individual NPDES permit must contain the same substantive and procedural requirements as the ISWGP (e. g., a *storm water pollution prevention plan* (SWPPP) and sampling of storm water discharges), as determined by the Ecology individual permit manager.

This provision conflicts with another condition of the draft permit. Subsection S1.D.5 says:

D. Facilities EXCLUDED from Coverage

Ecology excludes the following facilities or activities from coverage under this permit:

5. Any facility authorized to discharge storm water under an existing NPDES individual or other *general permit*.

These two provisions conflict because the same universe of dischargers is unconditionally excluded from coverage under S1.D.5, whereas S1.C.11 would exempt individual NPDES permittees, but would prescribe the content of the storm water provisions included in their individual NPDES permits.

WSPA recommends that Ecology delete Subsection S1.C.11 from the permit. The ISWGP was necessarily written to cover a broad universe of dischargers. Facilities subject to the ISWGP range from bakeries to coal mines. By contrast, individual NPDES permits frequently contain detailed storm water management requirements tailored to the storm water constituents and physical layout of a particular facility. The permit writers who draft individual NPDES permits usually have site-specific knowledge of the storm water characteristics of that facility. As a result, individual NPDES permits often subject storm water to effluent limitations and other site-specific requirements that are different from, and sometimes more stringent than, the ISWGP. For instance:

1. The BP refinery at Cherry Point and the ConocoPhillips refinery near Ferndale feature multiple storm water outfalls, each permitted to discharge runoff from a different part of the facility. At both refineries, storm water from industrial process areas is routed to the refinery's main process wastewater outfall. Each refinery has dedicated storm water treatment facilities. The permit effluent limits include mass-based allowances for storm water constituents. The refineries intensively monitor the combined effluent to ensure that the discharge meets effluent limits. The relevant limits are effluent limits, not benchmarks and action levels.

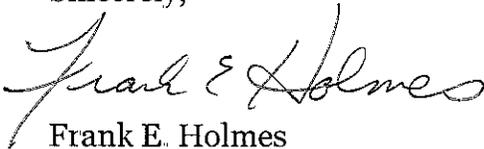
Is this accurate, and is it the most useful information to show that the refineries face storm water management requirements more stringent than the ISWGP?

2. The Lehigh Northwest Cement Company in Bellingham has a recently renewed NPDES permit that imposes site-specific effluent limits for a combined discharge consisting of non-contact cooling water, truck-wash water and storm water. The effluent limits for pH and turbidity are more stringent than the corresponding benchmarks in the ISWGP for the same parameters, and a third effluent limit, for total petroleum hydrocarbons, has no counterpart in the ISWGP. Storm water from different areas of the plant goes through different treatment processes, or no treatment, based on the source of the storm water.
3. The Intalco Aluminum smelter near Ferndale discharges storm water through three separate outfalls, each of which treats storm water from a different area of the plant, and subjects that storm water to different requirements. Intalco's new NPDES permit employs extensive storm water BMPs, as well as storm water treatment. The treated storm water is subject to numeric effluent limits and also

to acute and chronic whole effluent toxicity limits. The treated storm water is subject to detailed monitoring for a variety of parameters not regulated by the ISWGP, including fluoride, aluminum, benzo-a-pyrene and free cyanide. Intalco's new NPDES permit requires that Intalco divert most storm water to the process wastewater outfall, and subjects that storm water to mass-based allowances for pollutants associated with the aluminum reduction process.

These individual permits employ compliance strategies and monitoring requirements that would not be appropriate for a general permit. With a general permit, one size fits all. The generic requirements of the ISWGP would duplicate and in some cases dilute the site-specific requirements imposed on individual NPDES permittees. Ecology permit writers are quite capable of borrowing compliance strategies from the ISWGP where the permit writer determines that the regimen of BMPs, benchmarks and action levels is well-suited to the storm water characteristics of a site. WSPA's concern is that Ecology should not force the permit writer to overlay the requirements of the ISWGP on facilities that already face extensive, and in many cases more stringent, storm water management requirements. For these reasons, WSPA recommends that Ecology resolve the conflicts between Conditions S1.C.11 and S1.D.5 by deleting S1.C.11 from the final permit.

Sincerely,

A handwritten signature in cursive script that reads "Frank E. Holmes". The signature is written in black ink and is positioned above the printed name.

Frank E. Holmes

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