



Association of Washington Business

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Washington state's
chamber of commerce

January 10, 2008

Lionel Klikoff
Water Quality Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Subject: AWB Comments on Draft Industrial Stormwater General NPDES Permit

Dear Mr. Klikoff,

The Association of Washington Business submits the following comments regarding the Department of Ecology's November 21, 2007 draft Industrial Stormwater General Permit (ISWGP).

AWB and member companies who own and operate facilities permitted under the ISWGP have spent considerable time and energy working with the Department and commenting on the deficiencies of previous iterations of this permit. AWB appreciates the fact that Ecology has taken these comments into consideration and made improvements to the previous February 2007 draft permit.

However, AWB cannot support Ecology adopting the proposed draft based on the significant number of concerns expressed by our members and the number of unresolved issues AWB highlighted in its April 20, 2007 comment letter (attached). AWB supports the detailed comments and concerns on this proposed draft submitted by Weyerhaeuser, the Boeing Company, Schnitzer Steel Industries, and other members of the business community.

While not an exhaustive list, our more significant concerns are:

- 1) The additional costs and time burden, especially for small businesses, caused by the complexities of the permit;
- 2) The mandatory content of Stormwater Pollution Prevention Plans and near certainty that permittees will be in technical non-compliance with permit requirements;
- 3) The increased litigation and fund raising opportunities for third-party litigants as a result of non-compliance with overly complex and environmentally insignificant permit requirements;
- 4) The unwillingness to consider reasonable and science-based benchmark parameters and levels;
- 5) The diversion from RCW 90.48.555 principles, as best exemplified by the structuring of benchmark values as de facto effluent limitations;
- 6) The inefficient requirement that will force hundreds of permittees to fund expensive engineering reports which focus on common pollutants and similar Best Management Practices solutions.

At a recent Ecology sponsored meeting, the Department's own senior staff acknowledged that adopting the new permit will trigger yet another round of expensive and drawn-out permit appeals. An intriguing alternative proposal made by the Boeing Company deserves legitimate consideration by the Department. Namely, instead of adopting the proposed draft permit, the Department would convene a stakeholder group similar to the process used in the boat yard permit. AWB would enthusiastically commit to supporting such an effort.

Thank you for the opportunity to submit these comments for your consideration.

Sincerely,



Grant Nelson
Governmental Affairs Director