



Boise Cascade

July 15, 2009

Mr. Lionel Klikoff
Washington Dept. of Ecology
PO Box 47600
Olympia, WA 98540-7600

RE: Comments to Draft Industrial Stormwater General Permit

Dear Mr. Klikoff,

Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C., appreciates the opportunity to provide comments on the Washington Department of Ecology's Draft Industrial Stormwater General Permit (Draft Permit). BBSM operates two wood products facilities in Kettle Falls, Washington. Our Kettle Falls Lumber Mill is covered by the Industrial Stormwater General Permit issued in 2002, reissued in 2007 and 2008.

In general BBSM believes the Draft Permit format is an improvement over the current permit format. However, the Draft Permit is still a complicated 71 page document with 119 page fact sheet that will require extensive effort to understand and to comply with. We believe the complexity of the permit will be a particular burden to many small operations.

BBSM has the following comments on specific aspects of the Draft Permit.

Comment 1 Table 3: Additional Benchmarks and Sampling Requirements Applicable to Specific Industries

Number 5 in Table 3 requires sampling of additional parameters, total suspended solids (TSS) and chemical oxygen demand (COD), for the Timber Product Industry. These parameters were not required to be sampled under the previous permit for the Timber Product Industry. In addition, Table 3 includes Benchmark Levels for each of these parameters. This scenario likely exists for many of the other industries listed in Table 3. The concern is that our facility has no stormwater data on either of these constituents, yet if the benchmark level is not met, we will advance to the next response Level. While this may not be a concern for some facilities, BBSM's Kettle Falls Lumber Mill, along with 380 plus other facilities has been included in Appendix 6 which already requires Level 2 Response. Therefore the first quarter after issuance of this permit many facilities will be at a Level 3 Response.

Comment 2 Appendix 6 – Facilities To Complete Level 2 Corrective Action

As previously mentioned BBSM's Kettle Falls Lumber Mill along with a few hundred other facilities is specifically listed in Appendix 6. As described by Appendix 6, the listed facilities

triggered Corrective Action Level 2 and/or 3 under the previous permit. Upon the effective date of the Draft Permit the listed facilities are required to comply with Condition S8.B. Ecology has neglected to account for actions that facilities have already undertaken per the previous permit. For instance, a facility that was at a Level 2 or 3 Response under the previous permit and took the required actions that brought them back within their benchmark levels is now required to take additional action at a Level 2 in the new permit with no substantiated data.

Comment 3 S3.A.2 & 3. Stormwater Pollution Prevention Plan BMP Compliance

These conditions require facilities to implement BMPs based on stormwater manuals prepared by Ecology and also to specify that the BMPs are AKART, that the BMPs comply with water quality standards, and comply with federal technology-based treatment requirements. Since Ecology prepared the manuals, it seems reasonable that Ecology can state that implementing the appropriate BMPs listed in the Manuals would meet Washington's AKART requirements. If the manuals do not represent AKART, then what do they represent? Surely Ecology would not develop a stormwater manual that it did not consider to be AKART. We suggest that the permit specifically state that implementing the applicable BMPs from the stormwater manuals would meet the state's AKART requirement. We also recommend that the BMPs listed in the manuals would comply with the state water quality standards, and we would hope the manuals would also comply with federal technology-based treatment requirements.

Comment 4. S3.A.2.b. Specify BMPs Necessary to Comply with Water Quality Standards.

It is not clear from this requirement how it is to be applied. It could be interpreted that the BMPs must ensure that the discharge meets water quality standards. We recommend this condition be changed to, "Specify the BMPs necessary to ensure the discharge does not cause or contribute to a violation of Surface Water Quality Standards." This language is more consistent with Condition S10.A.

Comment 5 S3.A.4. Updating the SWPPP

This condition requires facilities to modify their SWPPP if inspections or investigations determine "that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site". BBSM agrees that in some instances minimizing or eliminating pollutants is reasonable, but this requirement potentially goes well beyond the requirements to implement the BMPs listed in Conditions S3.A.2 & 3, and it is highly subjective. Under this condition a permittee could be required to eliminate one or all pollutants if it was considered technically feasible to do so without taking into consideration the cost of implementing the additional treatment methods required to minimize or eliminate pollutants. The condition does not explain how someone would "determine" that the SWPPP would be ineffective in eliminating pollutants. Furthermore, the condition does not take into consideration whether or not the facility is meeting the benchmarks which are supposed to be indicators that the facility has implemented appropriate BMPs. This condition appears to be a totally, open-ended opportunity for regulators, and/or citizens, to bring legal action against a facility for not eliminating pollutants. At the minimum, a facility could find itself constantly having to defend against "determinations" made by regulators or well-meaning citizens. We recommend this condition be totally deleted from the permit. If removed, the permittees must still update SWPPP BMPs based on whether or not the facility meets the benchmarks as required by Conditions S5.A.2 and S8. And while we have concerns about the complexity of the corrective actions specified in S8, we believe that relying on the benchmarks to guide BMP

improvements is much less ambiguous, and much more reasonable, than the potential nightmare created by Condition S3.A.4.

Comment 6 S10.A. Compliance With Standards

Condition S10.A. reasonably states that discharges shall not cause or contribute to a violation of various standards, but then concludes by saying discharges that are not in compliance with the standards are prohibited. This seems to imply that the discharge itself must meet the standard rather than the surface water, groundwater, sediment, etc. must meet the standard. This could create very stringent limits to discharge if that is how this condition is interpreted. We recommend the last sentence of this condition be deleted so as to avoid such confusion, particularly taking into consideration that sediment standards are based on mg/kg rather than mg/L.

Comment 7 Cost Controls

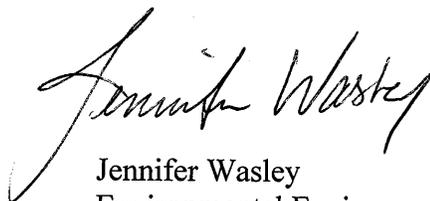
BBSM has not evaluated the specific cost of compliance with this permit at our Kettle Falls Lumber Mill. However, it is clear that the permit will likely require significant upgrades to our stormwater treatment system, and the cost of these upgrades will be significant. It is easy to think of BBSM as a large company that can afford treatment systems, but in fact, each individual mill has to remain cost competitive and the burden of this regulation will fall squarely on a mill that is already struggling to remain economically viable, particularly taking into account other potential regulatory cost burdens and the current state of the wood products industry. We strongly urge Ecology to include language in the permit that takes cost of BMPs and compliance into consideration.

If you have any questions or would like further explanation of these comments, please contact Jennifer Wasley at (509) 738-3219.

Sincerely,



Troy J. Little
Kettle Falls Production Manager



Jennifer Wasley
Environmental Engineer

Cc: Robin Schermitzki, Kettle Falls Lumber Superintendent
Bart Barlow, Inland Region Environmental Engineer
Russell Strader, Boise Cascade