The City of Longview Washington

July 15, 2009

Industrial Stormwater Comments
WA Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Re: Comments on Draft NPDES Industrial Stormwater Permit

We appreciate both the work that Ecology has expended to draft the new Industrial NPDES permit and the difficult issues the department must address. As a current Permittee, we are concerned about its impact.

A. The zinc limit puts the Industrial Stormwater program too far ahead of Ecology's other efforts to protect fish, and does so at the expense of the state's small industrial sites. According to Ecology's Publication No. 06-03-00, "A Survey of Zinc Concentrations in Industrial Stormwater Runoff," dated January 2006:
   - "A facility can be characterized as discharging higher than average zinc concentrations [if it has] a mean concentration higher than 200 µg/L," the permit's proposed benchmark***!***
   - The study also determined that the facilities reporting under 200 µg/L were probably under-reporting their zinc results, while the other half (those reporting above 200 µg/L) were probably accurate***!***

   Zinc comes from common galvanized materials (roofing, duct-work, fencing) and to a lesser degree brakes, brake fluid, and tires. As established above, it is inevitable that a large percentage of Permittees will be forced to upgrade roofs and/or install treatment systems. But what will be the impact of such an expensive and narrow response if zinc is ubiquitous in our society? A more effective and equitable approach would be raise these limits for now, and regulate the use of galvanized products or promote the use of outdoor and automotive products that do not contain as much copper and zinc. Perhaps more than any other issue, this de-facto mandate for capital upgrades with dubious impacts to fish is stoking great ire in the regulated community.

B. Ecology misrepresents the true economic impact of the Industrial Stormwater General Permit on small businesses. To begin with, only 40% of the permit conditions likely to cause economic impacts are captured in the Economic Impact Analysis (from Table 4 or the EIA). Nowhere in the "Executive Summary" or "Conclusion of Estimated Costs" sections is this mentioned. Additionally, labor and expense assumptions are too low. According to the EIA, permit compliance will require between 13 and 24 manhours annually and about $150/year in laboratory analysis costs. These and other assumptions contribute to an estimated annual cost of only $500-$1,500 for small businesses.

A more realistic account of costs estimates the minimum probable cost to be $4,500/year. For starters, the annual fee is at least $500. As for labor, monthly inspections, sampling, recordkeeping, reporting, pollution prevention team meetings, annual training, and SWPPP review should require at least 50-hours per year. At $40/hour, labor is about $2,000/year. Additionally, many facilities have more than one sample point and most communities have a 303(d) listed waterbody; so it should be common for analysis costs to exceed $250 per quarter – fecal coliform, TSS, tax, and shipping not included.

Inevitable costs not included in the $4,500/year estimate are:

1. The monthly services of a Certified Industrial Stormwater Professional (which, in most cases, will require the regular services of a PE-level consultant).
2. The periodic need for a new or re-written SWPPP (most facilities must thoroughly review and update their SWPPP by July 1, 2010).
3. Operation and administrative costs of adaptive management will be incurred by most facilities and will range from ~$500 to significant capital outlays. For example, according to Appendix 6, almost 400-permittes (about 20% of the total) begin the next permit cycle in Level II, which requires structural controls and probably additional BMPs such as include catch basin inserts (per S3.B.4.b) and vacuum sweeping (per S3.B.3.b.i.(3)(a)). Costs at this point can begin to skyrocket, and are not accounted for in the EIA (see previous discussion on zinc).

C. The six-month window to identify and implement all capital BMPs (Table 6) is less than the typical selection-design-bid-build project cycle for such investments. It is far less than the one- to five-year capital budget cycles of most Permittees.
   - ❖ Perhaps acknowledging the impossibility of such a deadline, Ecology has provided a mechanism for extensions (per S8.B.4.c). However, the mechanism is a permit modification, a five-month process (and which must be initiated just three months into the process). Please improve.

D. Why must the permit reset a facility's progress towards establishing compliance (per S4.B.6)? For example, if a site has met the turbidity benchmark for the last seven consecutive quarters before the permit is re-issued, why should Ecology require another eight quarters to determine compliance with the parameter? This lack of effort on Ecology's part will disappoint pollution prevention teams around the state, on whom both Ecology and the Permittees rely upon to effect facility best management practices.

E. The permit should not mandate permanent sediment control facilities for all sites, per S3.B.4.a. Will catch basins satisfy this requirement?

F. The permit should not mandate flow control for any new process or significant process changes. Such matters should be required though local governments, charged with regulating development. Is Ecology prepared to oversee such processes and changes? What "new process" would trigger this requirement?

G. The requirement for monthly inspections to be conducted by a certified stormwater professional essentially outsources BMP oversight to an expensive consultant. Moreover, this consultant will likely be separate from the pollution prevention team and will not be a

regular resource for workers upon whom compliance ultimately relies. Perhaps a reduced certification, akin to the Construction Stormwater Permit's CESCL is more appropriate.

H. The permit should not require expensive BMPs such as vacuum sweeping and catch basin inserts, when other more effective solutions better suit an operation.

I. Appendix 6 defaults many facilities into "Level 2" Corrective Action status, whether or not they successfully resolved the issue. This outdated list does not recognize significant efforts made by the permittee to comply with the permit's reporting and adaptive management requirements.

J. S1.A has a typo – the reference to "S1.A2-5" should be "S1.A2-3."

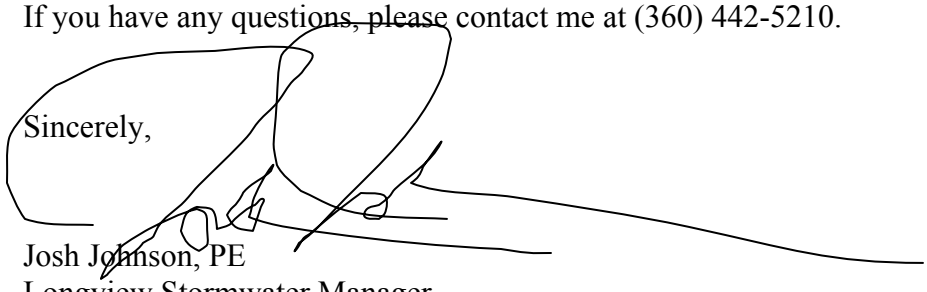
K. S1.D.8 needs clarification.

L. As written, S7.B.3 requires every illicit discharge should to be reported to Ecology. Adding "a significant amount" or other equivalent standard reporting language from other permits may be more practical.

M. The requirement in S3.B.3.b.i.3.a, that "all sources of dust shall be identified and prevented from accumulating on hard surfaces at the facility" may need a qualifier to be practical.

If you have any questions, please contact me at (360) 442-5210.

Sincerely,



Josh Johnson, PE
Longview Stormwater Manager
josh.johnson@ci.longview.wa.us