From: Sheila Smith
Date: Wednesday, July 15, 2009 4:29:06 PM
Posted At: Industrial Stormwater Comments
Conversation: Comments on Draft Industrial Stormwater Permit
Subject: Comments on Draft Industrial Stormwater Permit

Dear Ecology Stormwater Permit Staff;

Our comments on the Draft Industrial Stormwater Permit are as follows:

Levels status of facilities:

A generator could get to a Level 2 by exceeding a parameter, then take appropriate corrective action and demonstrate stormwater discharge below benchmark levels over a period of time. If, at some point, the generator starts exceeding a different parameter benchmark or action level, in the Draft Permit it appears that the structural source control BMPs now must be applied. This would make some sense if the corrective action required the same BMPs, but if an entirely different corrective action is required (the source may be in a different operational area, or from a new activity), then why would a facility start with structural source control BMPs, rather than operational source control BMPs? While we understand the difficulty for Ecology in tracking this type of information, unless it can be shown that the parameters and their exceedances are related, it seems that the automatic requirement for structural source control BMPs would be more extreme than necessary to control the new exceedance.

Businesses have already received some negative feedback by having their names on the Appendix 6 list, even though it is likely that most are in compliance with the current permit. Somewhere in the permit, it should be clear that the faciity's corrective action status does not directly relate to the facility's compliance status, or Ecology should allow for "de-listing" of facilities once the facility has consistently achieved a higher quality of stormwater discharge with contaminants below benchmark levels.

If facilities on the Appendix 6 list have successfully returned to a state of stormwater discharge below benchmark levels prior to issuance of the new Permit, then it seems that these faciities should not need to repeat actions already taken based on new requirements of the Draft Permit as part of Level Two Corrective Action. If these facilities cannot be removed from the Appendix 6 list based on improvements to stormwater discharge, then it's feasible that many/most of the facilities on the list will by applying for the Level Two waiver that is available according to the Draft Permit. Is this something that is being anticipated by Ecology with appropriate staffing? Will the waiver cause any change in the facilities' corrective action status?

Consistent Attainment:

The lack of consistent attainment carryover to the Draft Permit seems to punish facilities that have successfully maintained stormwater discharges below benchmark levels in the current Permit. If the intent of this lack of carryover is to ensure current information regarding facilities' stormwater discharge, perhaps Ecology would consider a type of recertification, where the facility would certify that operations have not changed. Periodic sampling to show that the facility is still meeting benchmark levels could also be performed. This may ultimately ensure more protection of the environment than discontinuation of sampling altogether for the remaining life of the permit if consistent attainment is achieved.

Sheila Smith, Environmental Coordinator
Emerald Services, Inc.
7343 East Marginal Way S., Seattle WA 98108
(206) 832-3204 (Office)
(253) 370-7912 (Cell)
(206) 832-3304 (fax)
sheilas@emeraldnw.com