



## King County

### Road Services Division

Roads Maintenance Section

Department of Natural Resources and Parks

King Street Center

201 South Jackson Street, Suite 600

Seattle, WA 98104-3855

July 15, 2009

Jeff Killelea

Department of Ecology

PO Box 47600 Olympia,

WA 98504-7600

RE: Comments Public Notice Draft of the Industrial Stormwater General Permit

Dear Mr. Killelea:

King County Department of Natural Resources and Parks has reviewed the Public Notice Draft of the Industrial Stormwater General Permit (ISWGP) issued by your group on June 3rd, 2009. We wish to thank you for the opportunity to provide comments. Our comments and suggestions on several topics are listed below. Additionally, other detailed comments relating to specific provisions of the draft permit, will be addressed in a separate submission from King County Department of Transportation.

- Two minor comments:

**S1.A.** *“Facilities conducting industrial activities listed in Table 1 or S1.A2-5...”*  
S1A only goes to subsection 3 – should read *“S1 A2 and A3...”*

**S1.A.2** *“Any facility that has an existing National Pollutant Discharge Elimination System (NPDES) discharge permit which does not address all stormwater discharges associated with industrial activity if Title 40 of the Code of Federal Regulations...”*  
Section should read *“with industrial activity and; if Title 40 of the Code...”*

- S1.B.3** This section creates significant concern by being overly broad. It goes far beyond this section’s original intent of requiring facilities that are *significant contributors of pollutants* to obtain permits. Subsections 1 and 2 alone would adequately capture facilities that are significant contributors.

Section 3 goes far beyond the issue of significant contributors and introduces the issue of stormwater characteristics, which is not defined. Any facility, industrial, municipal or other, could be captured by this section by relating the stormwater discharge to the discharges of any of the eleven SIC categories listed in Table 1. Facilities that conduct any type of activity that could be classed by Ecology as industrial, or any industrial facility with an SIC code is captured by this subsection, none would be excluded.

How is it determined that a facility conducts an industrial activity, or has a SIC code, with stormwater characteristics similar to any industrial activity or SIC code listed in S1.A? Is it

all characteristics or just some and what are the characteristics that will determine the need for a permit? Can any facility that is just storing 10 yards of compost or topsoil be mandated to have an Industrial NPDES Permit because it has the same pollution generating activities and therefore the same stormwater characteristics as SIC 4953? Is there an appeal process to a decision mandating a facility apply for an Industrial NPDES Permit? How is a facility manager to determine the need to apply for an Industrial NPDES permit with this subsection?

We recommend subsection 3 be struck unless the issues raised above are adequately addressed and certainty is brought into the process (see process described in 2007 draft permit, S1.B.2). It should also be incumbent upon Ecology to demonstrate that a facility is a significant contributor and develop clear processes to allow a facility operator opportunities to understand the decisions made, allow for appeal, and process termination. None of this is defined in this section.

- **S1.D.5** This section creates double jeopardy for Phase I and Phase II municipalities with facilities whose discharge could be captured under section S1.B.3 through an undefined process and that discharge is already addressed under the Municipal NPDES permits. The combination of sections S1.B.3 and S1.D.5 would force municipal facilities such as Parks and Public Works vehicle storage and maintenance facilities, transfer stations, and material storage facilities to obtain Industrial NPDES permits resulting in significant costs from additional documentation, permit fees and monitoring. Will this result in single facilities being covered under multiple permits?

Numerous public works facilities such as parks and road maintenance facilities, pump stations, transfer stations could be forced into the Industrial NPDES permit program and are not an activity directly addressed by CFR 40 CFR122.26(b)(14)(i-ix or xi). This issue was a topic of comment during the 2007 public review of the Industrial NPDES permit and comments letters from King County and the Regional Road Maintenance ESA Program Stormwater Committee are attached as is an email from Bill Moore addressing this issue. There is no evidence for the need of removing these facilities from the Municipal NPDES program and adding them to the Industrial NPDES program when both Ecology and the effected jurisdiction are short of staff and funds. We strongly recommend the removal of the exemption of the Municipal Phase I and Phase II permit language from this section.

- **S3.3.** Significant efforts have been made to develop consistency between the regions stormwater regulations and programs. Suggest adding a subsection referring to stormwater management manuals that have been granted equivalency. Carry this throughout the permit where the stormwater management manuals are cited.  
*“BMPs consistent with Stormwater Management Manuals for the Cities of Tacoma and Seattle, Pierce, King and Clark Counties and WSDOT Highway Runoff Manual”*
- **Glossary** When comparing various NPDES permits there is a wide variation of definitions for the same terminology. This is an often repeated request; please develop common definitions for the NPDES program and apply them to all NPDES permits.  
**UIC** – Please add WAC citation to definition

Jeff Killelea  
July 15, 2009  
Page 3

We wish to express our thanks and appreciation for the opportunity for this review. We look forward to working with you on the implementation of this permit in a way that provides protection to the environment, using solutions that are effective and attainable by our programs.

Sincerely,

Douglas D. Navetski  
Supervising Engineer  
King County DNRP

Enclosure

CC: Curt Crawford, PE, Stormwater Services Section Manager, WLRD, King County DNRP  
Betsy Cooper, NPDES Administrator, WTD, King County DNRP  
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