



King County

Road Services Division

Roads Maintenance Section

Department of Transportation

RSD-TR-0100

155 Monroe Avenue Northeast

Renton, WA 98056-4199

April 20, 2007

Jim LaSpina

Washington State Department of Ecology

Water Quality Program

P.O. Box 47600

Olympia, WA 98504-7600

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

Dear Mr. LaSpina:

King County has reviewed the Public Notice Draft of the Industrial Stormwater General Permit (ISWGP) issued by your group on February 21, 2007. We wish to thank you for the opportunity to provide comments. Our comments and suggestions on several topics are listed below. Additionally, we have enclosed detailed comments relating to specific provisions of the draft permit.

- For a Level 3 action response, we recommend that the permittee provide a timeline to Ecology within 12 months explicitly stating how long it will take to complete the Level 3 response and why. King County could take two years to get a project through a funding cycle and could be longer for municipalities with a biennial budget process. Additionally, installing a new treatment BMP might trigger a requirement for the facility's entire stormwater system to be brought up to current stormwater permit code. Cost would rise significantly many facilities were built to earlier codes.
- King County recommends that action levels trigger when the median value of five separate samples obtained during a given rainy season exceed the given action level instead of when a single sample result exceeds the action level. Focusing on long term, more typical, stormwater discharge from a given site should be the issue of concern for this permit. Sampling should be modified to take place five separate times during a given rain "season" with all of the requisite changes in reporting, benchmarking and action level exceedences as described above and in the 6415 report.
- Special Condition 2.E.2 (Local Government Requirements) states that a copy of an application must be submitted to Phase I and II municipalities. The permit does not provide needed specificity for submission of applications to these municipalities. King County, and other Municipal NPDES permit holders are large organizations and a submittal to the municipality does not guarantee that the application is routed to the appropriate agency for review. We recommend that Ecology, being the central authority, approve the applications and then forward the completed applications to the appropriate authority within the

municipality. The permit does not address whether the municipality has the authority to comment, agree or reject the application. The ISWGP does not provide direction to municipalities on the requirements to approve the application and the process to comment on more restrictive local requirements. If an approval from the municipality is required, Ecology must provide direction to these municipalities on providing comments to Ecology on the acceptance or rejection of the submitted application. Permitted municipalities require specific guidance as this requirement directly impacts permit review resources. Phase I and II municipal permittees have specific requirements for source control or treatment requirements; this must be addressed in the Industrial permit process.

- Public works facilities such as road maintenance facilities were going to be included in the ISWGP. These facilities are covered in the municipal NPDES permits and are not an activity addressed by CFR 40 CFR122.26(b)(14)(i-ix or xi). The conflict between the two permits has been resolved, shortly before the close of the comment period, but raised issues that should be addressed. This inclusion was done without any outreach or notification to the agencies or municipalities involved. It was only through word-of-mouth that agencies and municipalities affected by this change became aware of the double coverage. We would have expected that a decision like this, that results in a significant shift in resources for the affected municipalities, would have been preceded by some collaboration. An Ecology comment to resolve the overlap was that when more than one permit is applicable “the more restrictive one would trump.” This “more restrictive one” criteria to resolve applicable NPDES permits introduces too much uncertainty to the permit process. Please see the attached letter from the Regional Road Maintenance Forum on these issues.
- Special Condition S2, application of coverage creates a timeline in which ISTEA exempt industrial facilities must immediately apply for coverage and submit and implement a SWPPP at the same time that no compliance schedule is authorized. It also requires complete implementation of non-capital BMPs within 90 days of receiving coverage and complete implementation of capital investment BMPs within nine months of receiving coverage. It is improbable that a municipality will be able to immediately write a SWPPP. Most municipalities are on a one or two year budget cycle making meeting the BMP implementation schedule unlikely. Municipalities and agencies that discover themselves involved in a permit need to have a reasonable ability to meet the requirements of the permit. Ecology needs to provide permits and schedules that are achievable.

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
Senior Ecologist
King County DOT

Enclosure

CC: Curt Crawford, PE, Stormwater Services Section Manager, WLRD, King County DNRP
Debbie Arima, Maintenance Operations Manager, RSD, King County DOT

Jim LaSpina
April 19, 2007
Page 3

Sue Clarke, Sr. Engineer, Sr. Water Quality Specialist, WLRD, King County DNRP
Betsy Cooper, NPDES Administrator, WTD, King County DNRP
Talon Swanson, Environmental Specialist, Transit, King County DOT
Rob Fritz, Supervising Ecologist, RSD, King County DOT
Luanne Coachman, Water Quality Planner, WLRD, King County DNRP
Bill Moore, Washington State Department of Ecology
Regional Road Maintenance Forum, Stormwater Committee