Murphy

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Jeff Killelea
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Mr. Killelea:

The enclosed comments are in response to the proposed industrial stormwater general permit scheduled for implementation on January 1, 2010.

Our first concern is the turbidity benchmark. The adoption of a turbidity standard of 25 NTU without scientific basis accounting for seasonal precipitation patterns, regional surface drainage quality/character or scientific based impact to aquatic insects, fish, amphibians or fowl is arbitrary. Meeting this benchmark encumbers the wood product industry with onerous compliance costs. The United States wood products industry currently faces increased foreign competition, costly local and federal environmental regulation and a severe downturn in product demand. The wood products industry is facing a dire economic prognosis, there have already been many closures idling plants eliminating family wage jobs, some permanently.

The use of a turbidity standard based solely on "Ecology best professional judgment" without scientific justification is unfair to our industry. To meet this standard will require adoption of costly best management practices. Already, Ecology states 33% of wood products category permitees fail the 25 NTU turbidity standard. The basis for regulating short-term (hours) turbidity increases during a storm event is not provided by Ecology.

A reasonable and environmentally judicious turbidity benchmark would allow a mixing zone standard where the background turbidity of the receiving stream is taken into consideration above and below a mixing zone. A reasonable benchmark would be to limit turbidity to no more than 25 NTU above the receiving stream turbidity at the time of sample collection as measured above the mixing zone. A time-weighted benchmark could be set for reduction of turbidity related to duration of the storm event.

Examples of the additional allowable turbidity approach are common. Many US states permit activities that increase turbidity by 5-25 NTU above "natural" levels. Canadian Water Quality Guidelines allow up to a 10 NTU increase when existing conditions are less than 100 NTU and no more than a 10% increase when existing levels exceed 100 NTU. In New Zealand, recommended allowable increases of 2-10 NTU under most conditions, taking into account season, stream size, and ambient turbidity.

The turbidity benchmark of 25 NTU selected by Washington's Department of Ecology gives competing facilities in other states and countries an unfair competitive advantage because the wood products industry in Washington will have to expend significant capital to achieve a mandate our competitors are not required to achieve.

The BOD5 benchmark should also be revised to reflect a mixing zone, receiving stream flow volume and discharge volume. The benchmark is based on federal secondary treatment standards applied to municipal wastewater treatment plants where effluent type, discharge volumes, technology, economics and receiving stream volume vs. discharge volume are not comparable to short term impacts from transient stormwater events at industrial locations. Again, we do not see a scientific approach to setting the benchmarks and would like to see a more open and factual basis for setting benchmarks.

Please carefully review our concerns and give a fair consideration to revising the turbidity and BOD5 benchmarks to reflect scientific justification and the current economic realities.

Sincerely,

John Murphy
President