

PORT OF BELLINGHAM
Washington State

July 15, 2009

Jeff Killelea
Washington State Dept. of Ecology
Water Quality Program
P.O. Box 47600
Olympia WA 98504-7600

RE: Comments On The Draft Industrial Stormwater General Permit

Dear Mr. Killelea:

The purpose of this letter is to provide comments from the Port of Bellingham (Port) on the Draft Industrial Stormwater Permit (ISWGP) that was issued for public comment on June 3, 2009, by the Washington State Department of Ecology (Ecology). The Port appreciates the opportunity to submit comments on the draft permit for Ecology's consideration.

GENERAL COMMENTS

The Port recognizes the level of effort that has been contributed by Ecology and the other agencies/organizations that were represented on the external advisory committee to develop the draft permit. Through the collaborative effort, the resulting draft permit is better organized and easier to understand than the existing permit.

SPECIFIC COMMENTS

1. S3.B.3.b.i.5.b: The proposed permit will require spill kits to be located within 25' of all stationary fueling stations, fuel transfer stations, and mobile fueling units. At airports, it is not safe for equipment and personnel to locate spill kits within the wing span of aircraft. Most commercial aircraft have a wing span that exceeds 25'. Recommend adding a second sentence to S3.B.3.b.i.5.b to read "In the event that it is not practical and/or safe for site operations to locate a spill kit within 25 feet of the fueling operations, a spill kit can be located beyond 25 feet, but must be within a reasonable and safe distance and clearly visible from the fueling operation."
2. S3.B.3.b.i.5.e: The proposed permit will require drip pans or equivalent containment measures to be used during all petroleum transfer operations. It is unclear if fueling operations are considered transfer operations. The permit needs to clarify if "transfer operations" includes fueling. Using drip pans for aircraft fueling is impractical and can create unsafe conditions to personnel, aircraft, and equipment on a windy tarmac.



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3. S4: The following sentences from S4.D.2 of the current permit should be included in the proposed permit. "Benchmark values are not water quality standards and are not permit limits. They are indicator values."
4. S4: The permit should allow averaging of monitoring results when a permittee monitors more than once per quarter for any parameter. The average should be allowed when considering exceedance of benchmarks and consistent attainment.
5. S4.B.6: The permit should allow permittees that currently suspend sampling parameters due to consistent attainment and that have not had substantial changes to their industrial activities to continue with the suspended parameters for parameters that were consistently attained below or within the benchmark values of the proposed permit.
6. S5 Table 2: The lower end of 5.0 for pH in the current permit should be maintained as the benchmark. Research shows that the average pH of rainfall is between 5.0 and 5.6. In some areas, the pH of rainfall can be below 5.0. A lower end pH benchmark of 6.0 will result in permittees implementing BMPs to treat rainfall, not conditions associated with their industrial activity.
7. S7.A.2: The draft permit proposes that monthly inspections are to be completed by a CISM, a SPSWQ, or a PE beginning January 1, 2012. The draft ISWGP Fact Sheet states that Ecology will develop a training program similar to the CESCL for the CISM. Ecology needs to develop the training program as soon as possible to ensure that sufficient time and resources are available for all permittees to receive the training well in advance of January 2012. The Port recommends that Ecology consider developing an on-line training program for the CISM.
8. S8: Section 8 makes reference to *Modification of Permit Coverage*, which is not defined in either Appendix 2 or S2.B. Recommend adding the definition in Appendix 2.
9. Section 8B, 8C and Table 6: Level Two and Level Three Corrective Actions "...that exceed any benchmark value..." during any 4 or 8 separate quarterly monitoring events can result in permittees quickly escalating through the corrective action levels even though improved/new BMPs have been initiated. As written, it is possible for a permittee to reach Level 2 with slight exceedances from four different parameters without any consideration for successfully treating any of the individual exceedances. By combining exceedances for different parameters, the probability that permittees will trigger consecutive corrective action levels quickly increases.

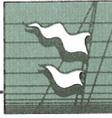


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The deadline to implement corrective actions for Level 2 and Level 3 is six months. The six months represent two monitoring periods. As a result, permittees could have as little as two monitoring periods to determine if the Level 2 or Level 3 treatments were successful before being thrust into the next corrective action level. Many permittees could quickly progress through the corrective action levels without determining the success of the revised/new BMPs. It is suggested that Level 3 is triggered after 12 quarters exceed any benchmark value and Level 4 after an additional eight quarters. Level 3 and Level 4 both require Ecology involvement and resources, and Ecology staff has indicated that the resources are not available. Ecology involvement at Level 3 and Level 4 is critical for permittees to be compliant with the permit.

Six months to implement new BMPs does not allow permittees the time required to research, budget, design, permit, bid, and construct treatments. It is possible for a permittee that requires a year to implement Level 2 or 3 capital BMPs to trigger the next progressive level before the current level BMPs are implemented. Increasing the number of exceedances before triggering Level 3 and/or Level 4 corrective actions insure that permittees have the time required to implement and evaluate new BMPs.

10. S9.A.5: The proposed permit will require DMRs to be submitted using eDMR, but it does not inform the permittee how eDMRs are to be submitted. The permit should include a link or reference to eDMR instructions.
11. S9.B: The proposed permit will require permit related documents to be kept on site for a minimum of five years. Keeping BMP maintenance records on-site can be difficult and wasteful for permittees that have centralized maintenance operations that are managed at a different geographic location. Generally, centralized maintenance programs keep maintenance records at a centralized facility, which may not be the permitted site. Keeping a redundant set of maintenance records with the SWPPP is an unnecessary waste of paper when the records can be accessed quickly through centralized maintenance. Recommend changing the wording for S9.B.1.g to "All BMP maintenance records or identify the location where BMP maintenance records can be quickly accessed."
12. S9.E: Language should be added that if the permittee is a public agency subject to The Public Records Act that responses to requests from the public and/or Ecology will be in accordance to the Public Records Act (RCW 42.56).



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13. G8: The number of days before permit expiration to reapply needs to be added. The number of days is blank.

If you have any questions regarding the contents of this letter, please contact the Port of Bellingham's Stormwater Manager, Alan Birdsall at (360)676-2500.

Sincerely,

Fred J. Seeger
Interim Executive Director