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Washington's State
Chamber of Commerce

September 12, 2008

Mr. Bill Moore
Washington State Department of Ecology
P.O. Box 47600
Lacey, WA 98504-7600

Dear Mr. Moore:

The Association of Washington Business (AWB) commends Ecology for reissuing the current Industrial Stormwater General Permit (ISWGP) as an interim measure while a stakeholder committee collaborates to develop a simpler and more effective general permit for reissuance in 2009 as described in this announcement:

"The previous Industrial Stormwater NPDES and State Waste Discharge General Permit, issued by the Washington State Department of Ecology (Ecology) on August 21, 2002, and reissued on August 15, 2007, expired on May 31, 2008. Ecology proposes to reissue the expired general permit on October 1, 2008, without changes, with an expiration date of April 30, 2009."

AWB members are concerned that the proposed expiration date for the reissued permit of April 2009 will not allow enough time for the stakeholder group to adequately address the important issues identified by Ecology without resorting to previous permit mechanisms that have not been successful. We recognize that despite a strong commitment by Ecology and the members of the stakeholder group that more time is needed to develop a durable and acceptable permit. AWB recommends that the expiration date of the permit should be extended at least until September 2009.

This extension will allow several important actions to occur related to permit development:

- 1) Supports the ISWGP stakeholder group effort to develop a durable permit during the period of intense time constraints from legislative activity;
- 2) The legislative session will be completed, during which important issues affecting the ISWGP will be addressed, including agency funding and fees, revised SB 6415 ISWGP language and municipal storm water permit legislation;

- 3) Ecology's permit fee stakeholder process will have been completed and this group's recommendations, which are essential to developing a sustainable ISWGP program, will have been provided to the department and the Legislature;
- 4) The Puget Sound Partnership Action Agenda will have been issued and reviewed by the Legislature. This Action Agenda may provide either guidance or resource opportunities affecting the development of the ISWGP;
- 5) Current legal actions on municipal permits should be completed and the appeal status should be known.

AWB recognizes that RCW 90.48.555(7)(a) requires the department to modify the ISWGP to require compliance with "appropriately derived numeric water quality-based effluent limits" by May 1, 2009. AWB suggest that three of the four options suggested by the department can be implemented using administrative orders in lieu of a new permit and do not drive the need to reissue a permit in April 2009. A permit extension till September 2009 or later, would provide time for legislative debate on "Option 4" - requesting an extension to 2013 for the limits to impaired waterbodies. Providing an opportunity for this legislative debate would in effect support Ecology's own evaluation of the value from Option 4 along with the need to provide adequate resources:

"OPTION 4: REQUEST AN EXTENSION TO THE DEADLINE FROM 2009 UNTIL 2013

The final option, a deadline extension, would require legislative action. Such an extension, if granted, should be for the five-year permit cycle, until 2013. This period would allow Ecology to establish protocols for determining reasonable potential for: 1) stormwater discharges and; 2) for groups of facilities. The extension would also allow permittees and Ecology to gather additional stormwater monitoring data. Ecology could enhance its understanding of acute and chronic conditions during "stormwater events".

The Option 4 also provides an opportunity to integrate the results from legislation and legal activity for all categories of stormwater dischargers including industrial, construction, municipal, industry specific and transportation related permittees - thus allowing time to write a harmonized ISWGP that is effective, efficient and enforceable, and an affordable component of Ecology's overall stormwater program.

Sincerely,

Grant Nelson
Governmental Affairs Director