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Alaska Airlines/Horizon Air	S1.A.1. Table 1 - Ecology should retain the language in Appendix 1, Section C.8. of the current permit, requiring permit coverage for Transportation Facilities (SIC codes 40XX, 41XX, 42XX, 43XX, 44XX, 45XX and 5171), which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Also retain the language in the body of the permit that "only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity." Though this language is provided by reference to 40 CFR 122.26(b)(14)(i-xi) in the glossary definition of Industrial Activity, the limitation of permit coverage is difficult to recognized in the permit. Please clarify the definition of vehicle maintenance provided in the definition of Industrial Activity included in the glossary. The definition of maintenance provided includes broad categories, including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication. Mechanical repairs may be performed at numerous locations at many facilities. Aircraft and vehicle maintenance activities may vary from rehabilitation in designated maintenance shops to replacing mechanical or electrical component parts that have no potential to contribute pollutants to stormwater. Some Ecology inspectors have indicated that the area where any vehicle maintenance is performed at a facility requires coverage under the ISGP. The perceived intent of the ISGP is to cover maintenance performed outdoors at a maintenance shop that may contribute a significant amount of pollutants. General maintenance performed outside of the vehicle maintenance shop area, while implementing appropriate source and operational control best management practices (BMPs), should not be covered under this definition. Please clarify whether mobile or fixed fueling alone are operations requiring coverage under the ISGP at sites without vehicle maintenance shops. At many sites, only those portions of the site where vehicle maintenance occurs are covered and included in the facility Stormwater Pollution Prevention Plan (SWPPP). Requiring coverage for areas where fueling alone occurs would expand coverage considerably, including marinas and many commercial and general aviation operations. Many mobile fueling activities are covered under Federal Spill Prevention Control and Countermeasures and other regulations. BMPs for proper storage and transfer of fuel are clearly defined in these regulations. Ecology should provide clarification that areas beyond vehicle maintenance shops, where fueling is performed, do not require coverage under the ISGP. In an airport environment, aircraft are typically fueled, by a mobile fueling company, which conducts all aircraft fueling operations. Horizon Air and Alaska Airlines do not have operational control over the fueler.	Permit Coverage	Vehicle Maintenance	S1.A.1	Ecology disagrees with the commentor's suggestion that maintenance activity conducted away from the maintenance shop is not covered under the permit. The intent of the ISWGP is to cover all vehicle maintenance activities at industrial facilities, not just those performed at the physical location of the shop. Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities [40 CFR 122.26(b)(14)]. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
Alaska Airlines/Horizon Air	S1.E.1. - Please clarify which permit conditions apply to discharges to groundwater, including monitoring, inspections, etc. The statement included in S4.B.2.b. that "onsite discharges to ground (e.g., infiltration, etc.) are not sampled unless specifically required by Ecology (Condition G12)" should be included in this section. S1.E does not address discharges to ground water only (e.g., passive infiltration) where there is no surface water discharge and when there is no Underground Injection Control Well. Does this permit apply to such conditions?	Permit Coverage	Discharges to Groundwater	S1.E.1	Certain sites that discharge stormwater to ground water are covered under the permit. Some of these covered facilities discharge only a portion of their stormwater to ground (e.g., only certain drainage areas, or only during certain time of the year), and others may discharge all of their stormwater to ground (e.g., significant contributor of pollutants). Under the authority of Chapter 90.48 RCW, if a facility has the permit, any discharges to ground are subject to applicable permit conditions (including, but not limited to, Conditions S1.E, S3, S7, S10, and S12) to ensure ground water quality is protected. Discharges to ground do not require sampling (per S4), unless specifically required by Ecology order.	No	
Alaska Airlines/Horizon Air	S10.B. - How should a permitee verify that they have installed all applicable and appropriate BMPs necessary to meet Condition S10.A?	Compliance with Standards	AKART	S10.B	Permittees that implement a SWPPP consistent with Condition S3, including the BMPs considered "applicable BMPs" from the Stormwater Management Manuals, are presumed to be in compliance with S10.A [RCW 90.48.555 (6)]. The Stormwater Management Manual for Eastern Washington explains the difference between applicable BMPs and recommended BMPs: Chapter 8, Section 8.1.5 *Distinction between Applicable and Recommended BMPs.*	No	

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Alaska Airlines/Horizon Air	The permit has extensive requirements to install best management practices (BMPs) from Ecology's Stormwater Management Manuals and to achieve all known available, and reasonable methods of prevention, control, and treatment (AKART) for stormwater discharges. Are the BMPs in the manuals considered AKART? If not, will Ecology publish an AKART manual? Alaska Airlines and Horizon Air will likely need to seek consulting assistance to determine what constitutes AKART for the Air Transportation industry. Implementing AKART in small, eastern Washington airports may be cost prohibitive. In general, Horizon Air only operates 3-4 flights per day in these areas.	SWPPP	AKART	S3	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions.	No	
Alaska Airlines/Horizon Air	S3.B.1.g. - Does the identification of areas of pollutant contact include materials of construction (roofs, galvanized fences, drainage systems, parking lots, roadways, etc.) that are not associated with specific industrial activities? Guidance in determining if these common materials are defined as "pollution-generating" would be helpful.	SWPPP	Surface Materials	S3.B.1.g	The inventory is intended to address all materials located within areas draining to *stormwater discharges associated with industrial activity* authorized by this permit. Ecology plans to continue providing technical assistance on the Stormwater Management Manual and AKART, including additional guidance documents on materials that can cause stormwater contamination.	No	
Alaska Airlines/Horizon Air	S3.B.3.b.i.3.b. - States that "all sources of dust shall be identified and prevented from accumulating on hard surfaces at the facility." It will be impossible to prevent dry deposition from ambient air from accumulating on hard surfaces between sweepings. Horizon Air's eastern Washington operations are all located in highly agricultural areas that generate a tremendous amount of dust that is deposited on the airfield. As a permittee, we do not have any means of controlling this source of dust.	SWPPP	Dust	S3.B.3.b.i.3.b	will clarify by adding "on-site" i.e., on-site sources of dust...	Yes	add .."on-site" sources of dust…
Alaska Airlines/Horizon Air	S3.B.3.b.i.3.c. - Making a permitee in violation of their permit and the Clean Water Act if they forget to close the lid on their dumpster seems inappropriate. A clause should be included to allow dumpsters placed under cover to be exempted from this requirement. Also, permittees may have limited control over dumpsters provided by outside vendors, or in situations where industrial facilities lease parcels from other entities.	SWPPP	Dumpsters	S3.B.3.b.i.3.c	Permit allows SWPPP to exclude required BMPs if "if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. Ecology has also added clarifying language regarding covered dumpsters: c) All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit. Revise S3.B.4.b.i.3.c: All dumpsters shall be <u>kept under cover or,</u> fitted with a lid that shall remain closed when not in use.
Alaska Airlines/Horizon Air	S3.B.3.b.i.4.b. - All vehicles leak to some degree. Discussion of incidental leakage should be included. At our larger facilities we have numerous pieces of equipment and vehicles present. Inspection of all equipment on a monthly basis could require additional staffing. Who has the responsibility to inspect vehicles owned and operated by service provider?	SWPPP	Leaking vehicles	S3.B.3.b.i.4.b	Permit allows SWPPP to exclude required BMPs if "unless site conditions render the BMP unnecessary or not possible, or the Permittee provides alternative and equally effective BMPs, and clearly justifies its decision in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. The permittee has the responsibility to comply with applicable permit conditions.	No	

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Alaska Airlines/Horizon Air	S3.B.3.b.i.5.a. - Does the secondary containment requirement apply to mobile equipment, tanks, and trucks used for fueling? The draft states that "all chemical liquids, fluids and petroleum products, shall be stored ..." This passage is overly general, as 'fluids' may refer to water storage or other innocuous liquids present at industrial facilities. In an airport environment, multiple forms of mobile equipment containing fluids (e.g., potable water, lavatory service, etc) are used to service aircraft. Construction of secondary containment around such equipment would prohibit the safe movement of equipment in and around aircraft. It would be appropriate to restrict the list of fluids to those that are hazardous. In addition, federal spill prevention, control, and countermeasure plans (SPCC) required under the Clean Water Act do not require containment of 110% of the largest tank. Rather, the SPCC regulations require containment of the largest tank, plus sufficient capacity for rainfall. These containment requirements should be consistent.	SWPPP	SPECP	S3.B.3.b.i.5.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Alaska Airlines/Horizon Air	S3.B.3.b.i.5.d. - "Storm drains that receive runoff from areas where fueling is conducted shall be blocked, plugged or covered during fueling". Are permitees required to plug storm drains when performing mobile fueling? Blocking storm drains during fueling of aircraft is both unsafe and impracticable. Foreign objects, such as storm drain mats, can easily be sucked into an aircraft engine causing severe damage to aircraft and potential injury to ground crews and passengers. In addition, many airports have trench drains that extend for hundreds of yards along the length of the aircraft ramp area. Blocking flow to the drain would be nearly impossible.	SWPPP	SPECP	S3.B.3.b.i.5.d	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Alaska Airlines/Horizon Air	S3.B.3.b.iii.2). - As written, this section would require all permitees to employ oil control devices, even if releases are unlikely. This provision should be applicable only to facilities where treatment BMPs are required.	SWPPP	SPECP	S3.B.3.b.iii.2	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Alaska Airlines/Horizon Air	S4.B. - Given the inherent variability in runoff monitoring data, it seems inevitable that most permitees will exceed benchmarks and enter the corrective action phases given enough time. Ecology should reconsider the use of the seasonal median presented in previous draft permit revisions.	Sampling	Seasonal Average	S4.B	Ecology has decided against the use of seasonal medians, as it has the potential to cause confusion and tracking problems.	No	

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Alaska Airlines/Horizon Air	S4.C. - Ensuring the proper analytical methods should be a laboratory certification requirement.	Sampling	Analytical Methods	S4.C	40 CFR 122.41(j)(4) requires monitoring results to be conducted according to test procedures under 40 CFR 136 *Guidelines for Establishing Test Procedures for the Analysis of Pollutants* , unless alternative test methods are required.	No	
Alaska Airlines/Horizon Air	Action levels have been significantly reduced from the previous permit. The new levels are so strict that it is likely that Horizon Air will need to implement treatment BMPs to meet these new action levels for zinc and turbidity. In a small airfield environment, the source of turbidity is often construction by the airport authority or deposition of dust from ambient air. Zinc is often contributed by the galvanized perimeter fencing required by the FAA. Neither of these potential pollution sources result from Horizon Air or Alaska Airlines industrial activities and cannot be controlled by our businesses as a lessee.	Benchmark	Aerial deposition	S5	Ecology acknowledges that stormwater discharges under this permit may contain pollutants that originate from off-site sources (dust, aerial deposition, etc.). If off-site pollutants accumulate on impervious surfaces at an industrial facility that drain to stormwater discharge points, it is often necessary to remove the pollutants (e.g., vacuum sweeping, etc.) or treat the resulting stormwater runoff with a combination of BMPs (e.g., catch basin inserts, vegetative filter strips, roof downspout filter drains, infiltration trenches, etc.) to meet the benchmarks and prevent violations of water quality standards.	No	
Alaska Airlines/Horizon Air	S5.F.2. - Floating debris should be better defined or the requirement removed. As stated, it is a permit violation for anything floating to be discharged.	Effluent Limitations	Floating Debris	S5.F.2	This term is self explanatory and consistent with EPA's MSGP and the previous permit, so no changes will be made.	No	
Alaska Airlines/Horizon Air	S7.A.2- Beginning in 2012, the permit will require that visual inspections be conducted by a Certified Industrial Stormwater Manager (CISM) or Certified Professional in Stormwater Quality (CPSWQ). Ecology does not define the requirements for certification or how to obtain training to become certified. In the previous draft permit, Ecology planned to provide training. Is this still Ecology's intent or will all permittees be required to hire a consultant or seek outside certification for employees conducting inspections?	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Alaska Airlines/Horizon Air	S8. General Comments - Ecology has indicated that the corrective actions defined in this section will be triggered by exceedance of ANY benchmark parameter. An example could be envisioned that a facility could exceed benchmark values for four different parameters in four separate quarters triggering a Level 2 response for permitees not listed in Appendix 6. If this is Ecology's intent, it needs to be clearly stated.	Corrective Actions	Triggers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Alaska Airlines/Horizon Air	S8.D.1.Table 6. - The corrective action deadlines are unrealistic and, in many cases, will be unachievable. Determining the best course of action and implementing solutions within 1.5 months of triggering a Level 1 corrective action will be problematic for many. Similarly, 4.5 months are allowed from DMR submittal, triggering Level 2 and 3 corrective actions requiring installation of structural or treatment BMPs. This will not be enough time to research, secure funding, design, arrange construction, and install appropriate methods in most cases. Ecology should consider respite or removal of monitoring requirements while Level 2 and 3 activities are performed. Under the current scenario, those currently in a Level 2 or 3 condition could be well on the way to a Level 3 or 4 condition before the results of the Level 2 or 3 efforts can be realized.	Corrective Actions	Timeline	S8.D.1	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Alaska Airlines/Horizon Air	S9.A.6.a. - It appears that failure to collect a sample during any quarter is a permit violation unless it was found to be unsafe to collect, runoff only occurred outside of regular business hours, or no runoff was produced. If this is the case, it should be clearly stated in this section.	Reporting	No Discharge	S9.A.6.a	Ecology believes this is sufficiently clear in Condition S4.A and B. No change.	No	

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Alaska Airlines/Horizon Air	The draft permit does not discuss the division of responsibilities between lessor and lessee or between lessees in situations where an industrial facility leases property to multiple tenants, such as an airport environment.	General	Leased Facilities	N/A	According to 40 CFR 122.21, when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain and comply with the permit. Ecology believes that these kinds of issues can be addressed through the use of waivers, which leaseholders can request if it is infeasible to perform structural or treatment BMPs.	No	
Anchor QEA, LLC	Additionally, potentially much higher untreated source loadings of zinc above the benchmark level will continue to discharge to adjacent waterways from public right-of-ways roadway runoff and other non-treated sources Expensive treatment of relatively low discharges by small businesses will have very little effect on water quality if much larger sources continue untreated.	Benchmark	Zinc	S5.A	Ecology acknowledges that EPA rules have different legal standards for industrial stormwater discharges and municipal stormwater discharges.	No	
Anchor QEA, LLC	The above findings indicate that typical industrial facilities in Western Washington that have continued to employ the Ecology-identified operational and housekeeping stormwater best management practices (BMPs; e.g., installation of filter fabric in catch basins, frequent sweeping/vacuuming of paved surfaces, painting of galvanized surfaces, etc.) still maintain a high probability of exceeding the proposed Draft Permit 200 µg/L zinc benchmark level due to the ubiquitous nature of potential zinc source loadings. In the Fact Sheet that accompanies the Draft Permit, Ecology recognizes this fact by stating "Based on Ecology's best professional judgment and experience under the previous permitting cycle, Ecology has determined that in order to meet the proposed zinc benchmarks, permittees will be required to fully apply AKART, and many will be required to install active stormwater treatment systems." Installation of active treatment systems will require extensive costs and an undue burden on small businesses, and may not lead to achievement of the benchmark level given expensive treatment systems may not achieve sufficient zinc removal due to high influent concentrations and/or high dissolved concentrations.	Benchmark	Zinc	S5.A	Ecology acknowledges the comment, and is aware of the challenges and costs associated with metals removal treatment BMPs.	No	
Anchor QEA, LLC	The Draft Permit will also require permittees to employ treatment if isolated exceedences of the zinc benchmark level occur over long periods of time. The Draft Permit should incorporate a limited timeframe for requiring the Level Three Corrective Action so infrequent exceedences of this ubiquitous chemical do not require expensive treatment implementation.	Benchmark	Zinc	S5.A	Ecology has made significant revisions to S8 so it is less complicated and more likely to reduce the amount of pollutants discharged. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Anchor QEA, LLC	The Ecology reports document the ranges of zinc concentrations typically encountered in industrial areas in Western Washington and other portions of the country due to a number of ubiquitous sources (e.g., runoff from parking areas, paved grounds, loading docks, buildings, and roofs) that are very difficult to control. The ranges of identified concentrations are above the proposed zinc benchmark level of 200 µg/L in the Draft Permit. More specifically, the reports summarize the following results: • Every quarter, approximately 50 percent of reporting facilities have shown zinc concentrations exceeding the IGSP zinc benchmark level of 117 µg/L. • Every quarter, about 20 percent of reporting facilities statewide have shown concentrations exceeding the ISGP zinc action level of 372 µg/L. • The National Stormwater Quality Database (NSQD) includes data from 3,770 separate storm events from 66 agencies in seven states. NSQD findings show industrial total median zinc concentrations of 210 µg/L respectively (Pitt et al. 2004). • Concentrations of total zinc in galvanized roof runoff have been reported in a range of 1,100-12,200 µg/L (Good 1993; Quek and Forster 1993; Thomas and Greene 1993). • National data show typical zinc concentrations of 225 µg/L for stormwater runoff from industrial parking lots (Claytor and Schueler 1996). • Zinc concentrations in runoff from roofing and building materials of types other than galvanized metal have been reported as typically 30 to 500 µg/L (Boller 1997; Good 1993; Heaney et al. 1999; Mason et al. 1999; Quek and Forster 1993; Thomas and Greene 1993; Zobrist et al. 2000). • A number of Western Washington stormwater studies found runoff from roofs with galvanized ducts ranging from 217 to 500 µg/L zinc (Golding 2006); a level of 2,030 µg/L from the SR520 bridge galvanized metal downspouts; and levels of 1,590 µg/L and 298 µg/L in both unpainted and painted Galvalume (similar to galvanized steel but with aluminum as a constituent) roof surfaces, respectively.	Benchmark	Zinc	S5.A.	Ecology acknowledges the comment.	No	
Anchor QEA, LLC	Proposed Zinc Benchmark Level: The 200 µg/L zinc benchmark level was derived based upon a simple model that uses input parameters that account for the broad range of facility types and receiving waters that would be covered under the ISWGP. Therefore, the proposed benchmark level does not incorporate site-specific information from a permittee's receiving water body which could in turn increase the benchmark level. For example, the model inputs were based on total suspended solids, hardness, and background concentrations documented in freshwater rivers which are typically much different than those encountered in the higher turbidity brackish waters located along the coastline rivers and estuaries.	Benchmark	Zinc	S5.A.	A general permit that covers over 1000 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit.	No	

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Anchor QEA, LLC	The 200 µg/L zinc benchmark level is also below typically encountered ubiquitous sources of zinc concentrations at industrial facilities. Ecology identified that self-monitoring data by facilities in Western Washington has showed that a high percentage of permittees have experienced continued exceedances of the zinc benchmark level (117 micrograms per liter [µg/L]) and action level (372 µg/L) identified in Section S.4 of the IGSP. Due to these exceedances, Ecology conducted regional stormwater studies and literature research to determine the potential sources of the identified zinc concentrations and typical concentration ranges for each source. Ecology's findings were summarized in A Survey of zinc Concentrations in Industrial Stormwater Runoff (January 2006). Further, Ecology developed a report entitled Suggested Practices to Reduce Zinc Concentrations in Industrial Stormwater Discharges (June 2008) to assist businesses reduce zinc concentrations.	Benchmark	Zinc	S5.A.	Ecology acknowledges the comment.	No	
Anchor QEA, LLC	The 200 µg/L zinc benchmark level is also based on a number of assumptions that are not adequately supported and significantly affect the chosen benchmark level, including the use of a 10 percent exceedance threshold and a receiving water dilution factor of 5. As shown in Figures 7, 8 and 9 of the Analysis Report - Water Quality Risk Evaluation for Proposed Benchmarks/Action Levels in the Industrial Stormwater General Permit (Herrera 2009), the zinc benchmark level increases by a factor of two if a dilution factor of 10 is used at the 10 percent exceedance threshold and the benchmark increases more marginally for increased exceedence thresholds. We request additional clarification on the technical rationale for the selected model input parameters.	Benchmark	Zinc	S5.A.	Ecology agrees that higher dilution factors and percent exceedance thresholds would result in higher benchmark values. Ecology believes that the model inputs (dilution factor=5; probability of meeting standards = 10%) are supported in the fact sheet, and result in reasonable and protective benchmarks.	No	
Anchor QEA, LLC	Section S8.C also states that, "If installation of Treatment BMPs is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard, Ecology may waive the requirement for Treatment BMPs by approving a Modification of Permit Coverage." We think this is an important waiver given our concerns about the benchmark level, and given that installation of treatment BMPs may not be feasible for all permittees or not necessary to protect water quality. We request clarification on what types of information and or actions Ecology will require the Permittee to collect and/or take, under the Modification of Permit Coverage approval process to make the demonstration that implementation of treatment BMPs is not feasible or not necessary to prevent water quality exceedences.	Corrective Actions	Waivers	S8.C	If a facility triggered Level 3, the process and information required to review a modification of coverage would be site-specific and cannot be generalized. It would depend on the reason it is being requested. For example, if it is because water quality will not be exceeded this may be as little as receiving water study but it would be more likely an engineering evaluation if it is being done because treatment is not feasible.	No	
Anchor QEA, LLC	Level 3 Corrective Action Initiation and Schedule Section S8.C requires that facilities listed in Appendix 6 that exceed any benchmark value during any four separate quarterly monitoring periods after January 1, 2010 implement a Level 3 Corrective Action. This open-ended timeline for exceedances following January 1 means that if a facility has an isolated exceedance every 1 to 2 years, then after 4 to 8 years (assuming the Draft Permit maintains the same corrective action schedule beyond the proposed expiration on January 1, 2015) they will be required to install treatment BMPs. As discussed above, given the ubiquitous nature of parameters such as zinc and the proposed benchmark levels below the concentration documented for general roadway runoff, there is a high likelihood that no matter how many operational and/or structural BMPs a business implements, they will identify isolated exceedances over time. Small businesses should not be forced into expensive treatment actions due to ubiquitous sources that are very difficult to completely eliminate.	Corrective Actions		S8.C	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Anchor QEA, LLC	Costs Presented in the SBEIA Ecology's cost analysis supporting the Draft Permit severely underestimates the costs for small businesses to comply with the proposed revised regulations. Specifically, the cost estimate: • Does not include direct costs for required additional employee training. • Does not include costs for revising Stormwater Pollution Prevention Plans (SWPPP)s • Severely underestimates annual monitoring analytical costs. • Does not estimate the number of businesses that will be required to implement treatment BMPs (Level Three Corrective Action) or the costs for each business to employ the required treatment BMPs. • Does not include the costs of defending and addressing third party lawsuits that are based on administrative and inconsistent interpretation of the stormwater compliance process. • Does not include estimated costs for Level Four Corrective Action. The additional cost elements above will significantly increase the cost impacts to our business to maintain compliance with the Draft Permit revisions. The Draft Permit needs to more accurately incorporate these costs and account for and address the high potential that significant money may be spent on stormwater treatment with no assurances that the identified benchmark levels will ultimately be achieved. Small businesses should not be required to conduct expensive treatment without assurances that the benchmark level will be achieved.	Economic Impact Analysis	Cost	N/A	The rationale for why certain costs were included or excluded from the analysis is contained on pages 10-12 of the EIA: http://www.ecy.wa.gov/pubs/0910041.pdf. Ecology's EIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact.	No	

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Arthur West	The general permit process and procedure as described adequately protects the waters of this State and that it will result in inadequate and substandard monitoring and a lack of effective enforcement and a resulting degredation of water quality and impacts to protected species. The general permit is in violation of ther certification by the State and MOU between the State to the Federal Govrnment regarding NPDES permit administration. The general permit lacks any provision for currently available off-the-shelf inline effluent monitoring technology that could continuously monitor such parameters as PH, Dissolved oxygen, turbidity and conductivity without unduly burdening business by requiring outdated physical sampling and analysis. Rather than monitoring one outfall once a year, a permitting system incorporating multiple parameter inline monitoring would provide a daily and accurate reporting of parameters at a cost to permittees and the state comparative to the current and outdated sampling system, which also requirs a considerable time lag between a sample and its analysis. The General permit scheme should be abandoned and a specific permit required for each discharger, as was the manifest intent of the Legislature in adopting the Clean Water Act. At the very least, industrial dischargers should be classified in groups based upon a reasonable risk assessment, and parameters established by industrial class. The history of violations and enforcement of the previous permit demonstrates that the general permit scheme, as designed, is completely unworkable, and major revisions are necessary in testing methodology and frequency, enforcement, and of the pollutants and areas covered by the permit. In particular the requirements for discharge and/or testing of toxic materials, including dioxin and PAH contaminated discharges are not rigorous enough to prevent degredation of water quality, severe contamination and danger to human health. The requirements for discharge into section 303(d) listed and other areas are also inadequate. This comment incorporates all of the comment in PCHB 08-113, incorporated herein by reference.	General	Sampling	S4	Ecology believes the final permit is lawful and fully consistent with state and federal stormwater regulations. The comment incorrectly states that the permit requires monitoring "one outfall once a year". Each outfall must be sampled once per quarter. Analytical methods must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136. Ecology disagrees that the general permit approach should be abandoned and replaced with a site specific individual permits for each facility. Such a system would be unworkable considering the number of facilities around the state.	No	
Associated Hygienic Products LLC (AHP)	S3.B.3.b. Ecology's requirements for updating the SWPPP will necessitate numerous hours of detailed administrative work by AHP personnel and outside lawyers and consultants. A company with a SWPPP that works should not be required to follow the detailed legal and technical requirements proposed by Ecology. AHP has already focused its attention on a successful suite of BMPs that has AHP regularly meeting benchmarks. The proposed permit places additional and unnecessary administrative costs and operational costs on AHP and other small businesses.	SWPPP	SWPPP Timeline	S3.B.3.b	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Associated Hygienic Products LLC (AHP)	Of particular concern is the requirement in section S3.B.3.b.i.3.a. that all permittees "shall vacuum paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated pollutants a minimum of once per quarter." Vacuum sweeping is a costly process that will have limited to no benefit for the facility. AHP's current BMPs have proven successful in regularly meeting permit benchmarks. AHP expects that it will continue to meet the reduced benchmarks in the proposed draft permit. This requirement is unnecessary and unduly burdensome.	SWPPP	Vacuum Sweeper	S3.B.3.b.i.3) a)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Associated Hygienic Products LLC (AHP)	2. Section S3.B.4. Comment: See generally the comment to Section S3.B.3.b., above. Specifically, this section includes a requirement that permittees implement erosion and sediment control BMPs regardless of site conditions. AHP's facility is partially paved with concrete curb separating the unpaved, grassy lawn area. Rain falling in the lawn infiltrates completely and does not lead to erosion, sedimentation or off-site turbidity. Mandating erosion control and sediment control BMPs without consideration of site conditions is impractical and unnecessary. Recommendation: AHP recommends that language allowing permittees to opt out of erosion and sediment control BMPs where impractical or unnecessary be added to section S3.B.4.: "The SWPPP shall describe the BMPS necessary to prevent the erosion of soils and other earthen materials (crushed rock/gravel, etc.) and prevent off-site turbidity and sedimentation, [UNLESS SITE CONDITIONS OR EXISTING BMPS RENDER THE BMPS UNNECESSARY OR NOT POSSIBLE]."	SWPPP	Erosion and sediment control	S3.B.4	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Associated Hygienic Products LLC (AHP)	3. Section S4.B.6. Comment: AHP has implemented BMPs to meet benchmarks and is near consistent attainment on all parameters. Because AHP's BMPs have proven successful, AHP intended on suspending sampling. AHP expected to offset costs of BMP implementation with savings achieved by suspending sampling. The proposed permit, however, requires that permittees, such as AHP, who have consistently met the benchmark values proposed in the draft permit, continue sampling for an additional eight quarters, minimum. Recommendation: AHP recommends that quarterly samples from the current permit that meet benchmark values in the final permit be acceptable for meeting the consistent attainment requirements set forth in section S4.B.6. of the proposed draft permit. AHP recommends that Ecology either (i) modify the language in section S4.B.6 as follows: "After the effective date of the permit, t[T]he Permittee may suspend sampling for one or more parameters based on consistent attainment of benchmark values [CONTAINED IN THIS PERMIT EFFECTIVE JANUARY 1, 2010 REGARDLESS OF WHETHER SAMPLE QUARTERS PREDATE THE EFFECTIVE DATE OF THIS PERMIT.]…" or, (ii) add a section S4.B.9 that reads: "WHERE QUARTERLY SAMPLE RESULTS SUBMITTED TO ECOLOGY PRIOR TO THE EFFECTIVE DATE OF THIS PERMIT MEET THE BENCHMARK VALUES CONTAINED IN THIS PERMIT, A PERMITTEE MAY USE THOSE QUARTERLY SAMPLES TO DEMONSTRATE CONSISTENT ATTAINMENT."	SWPPP	Consistent attainment	S4.B.6	Ecology believes that carrying forward values for consistent attainment purposes adds too much complexity and would introduce data tracking problems, especially for parameters with different benchmark values. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value. The reported value is based on the average value. Language has been added to S4.B.6 to address this.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Association of Washington Business	3) Inappropriate Deviation from State Stormwater Statute For reasons unknown, Ecology seems intent to deviate from RCW 90.48.555, which AWB, the department and environmental advocates negotiated during the 2004 legislative session. Most notably and problematic, the department has altered the intended use of benchmarks in the proposed draft permit. Currently, benchmarks are used to determine the effectiveness of adaptive management. However in the proposed permit, benchmarks are now used to assess compliance with water quality-based narrative effluent limitations. This is a significant deviation from current law and is unacceptable to AWB members. Ecology should instead continue to use benchmark values to evaluate whether additional best management practices may be needed. Additionally, the draft permit does not include any presumption of compliance with water quality standards that is an integral part of RCW 90.48.555. Ecology staff has said that the department will honor the legislation in its enforcement discretion, but that does nothing to address liability in citizen suit claims. The department should state clearly in the permit and Fact Sheet that permittees are deemed to be in compliance with water quality standards if the conditions of the permit are met and best management practices are fully implemented, as provided by state law.	General	Presumptive Approach	S4, S5, S8, S10	Ecology disagrees with the assertion that this permit deviates from RCW 90.48.555	No	

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Association of Washington Business	Business Efforts to Improve the ISWGP Largely Rejected by Ecology During the last year, members of the Association of Washington Business have offered innovative alternatives to the strict benchmark approach in the draft permit during an advisory committee process that have mostly been ignored by the department. For example, we suggested that Ecology: o Use innovative methods to focus on the worst dischargers (not adopted). o Consider alternatives to minimize impact on very small business via tiered permits (not adopted). o Identify a list of basic mandatory best practices as initial requirement in permit (Ecology incorporated). o Use a format for the permit that is easier to read (Ecology attempted). o Adopt a permit that is less complex (instead, the draft permit has more stringent conditions; contains more mandatory conditions and creates more challenges to fully comply with the permit). o Use innovative "tickets" with modest mandatory fines to level the playing field among businesses and remove argument from environmental community that Ecology is not enforcing permit (pilot underway). o Allow for the use of new scientific techniques to establish benchmarks which reflect the real effect of pollutant discharges on receiving waters (not adopted). The business community also asked Ecology to honor the principles incorporated into the 2004 stormwater legislation (RCW 90.48.555) for general stormwater permits, to achieve an effective, efficient and legally enforceable general permit. These principles have for the most part, been abandoned by Ecology. Ecology has the opportunity to make substantial improvements to the proposed ISWGP by reconsidering and incorporating the above suggestions.	General	Don't Support	S8	Ecology gave serious considerations to the suggestions put forth by AWB and other stakeholders involved in the permit development process. Ecology incorporated many suggestions made by stakeholders in the draft permit, and additional revisions were driven by comments made during the public comment period. Ecology believes the final permit is fully consistent with state and federal rules and the strikes a reasonable balance. Ecology has made significant revisions to S8 so it is less resource intensive, less complex (meaning less confusing, not less stringent), and more flexible. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated. Ecology believes the final permit is less complex (meaning less confusing, not less stringent). The final permit is better organized and formatted to help permittees understand and comply.	Yes	Numerous changes to S8 Corrective Actions.
Association of Washington Business	1) Compliance, Costs & Complexities - All Pain, No Gain Unfortunately, the proposed ISWGP signals the department's intent to continue a long-standing tradition of adopting the most costly and complex stormwater permit in the nation. The economic burden that the proposed permit will impose on Washington businesses may well prove to be the final competitive disadvantage faced by businesses in our state that drives them to locate their business and jobs elsewhere. Our economy continues to spiral downward and is far from recovery, and unemployment continues to rise in our state. Ecology's proposed ISWGP will only exacerbate our current economic crisis. For example: Many permittees will be required to install active treatment systems, estimated to cost $255,000 or more per acre for metals. Many permittees will be required to spend $10,000 - 20,000 per acre for stormwater treatment to comply with turbidity requirements. Permittees will have few "Ecology approved" alternatives to active treatment. Many of these alternatives may require expensive studies and engineering reports, estimated to cost between $10,000 and $40,000 per acre. Recent government studies concluded that surface water runoff and municipal wastewater treatment plants (not industry) were by far the most significant contributors to toxics loading. Yet industrial stormwater permittees will be required to comply with the most restrictive stormwater permits in Washington and the country, while municipalities and the Washington Department of Transportation do not have to take actions required of industry based on monitoring data. New "benchmark levels" replace reasonable and fully protective action levels in the current permit. Reported discharge data shows some industrial categories samples exceeded benchmarks 50-70% of the time. And across all industry sectors, a conservative estimate of samples that would exceed the proposed benchmarks: o ~37% exceed turbidity benchmark (25 NTU)	General	Don't Support	S8	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
	The proposed benchmark values for lead, copper and zinc are inappropriate and unreasonably stringent. AWB supports comments submitted by the Copper Development Association which highlight the shortcomings of the Herrera report and why the benchmarks for metals should be jettisoned. This permit has extensive requirements to identify and install best management practices from the Stormwater technical manual to achieve all known and reasonable treatment technology (AKART). In addition to the expense of installing these treatment technologies, many businesses will be forced to hire a consultant to assist in identifying what treatments are available and appropriate. These increased costs and permit complexities will result in very little measurable improvement to water quality. Rather, the complexities of the permit will continue to be used as a fundraising tool by those more interested in profiting from permit non-compliance issues, most of which relate to the complex and confusing record keeping requirements under the permit, than improving the environment.						
Association of Washington Business	Ecology's efforts to create a general permit that is efficient, effective and legally enforceable have not been successful. Instead, the proposed permit is overly complex and will unnecessarily add enormous costs onto businesses struggling to survive in difficult economic times. Most likely, if the proposed permit is adopted, businesses may be forced to cut jobs or be forced out of state. Those businesses able to afford the exponential increase in costs to comply with the permit, or able to pass compliance costs on to customers, will likely face an increase in citizen lawsuits aimed at fleecing Washington businesses out of dollars better spent on real environmental benefit.	General	Economic Impact	S8	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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Barry Fleming	I run a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put my business and others small firms in our industry out of business. We strongly object to the draft Permit as now proposed. The draft state stormwater permit is way too complex and imposes unreasonable requirements. I am trying to run a small auto wrecking firm in a very difficult economy. You would need to be an engineer and a lawyer to understand what this permit requires and how to comply with it. None of us here are engineers and lawyers. This permit needs to be far simpler for small business instead of being so very difficult to understand and implement. The Department is proposing that our stormwater to be cleaner than the public drinking water in most areas of the state for copper. The copper in the drinking water where I live is at 34 parts-per-billion and you want the stormwater that runs off our property to be at 14 parts-per-billion. That is way beyond reasonable. Copper from vehicles comes mostly from brake pads and most of that is found on the roads where people drive and use their brakes. When they use their brakes, they release copper brake dust into the environment. Yet, the Department is proposing nothing to control that main source of copper that is millions of times greater than the copper that comes from our facilities. This permit prohibits my business from having a visible oil sheen but does nothing about the oil running off public streets and parking lots. Again, the oil from all of our vehicle recycling facilities combined is miniscule as compared to the oil going into storm drains from our public roads and from parking lots. Yet, you are proposing nothing to control that oil in stormwater.	General	Economic Impact	S5, S8	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
	This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new costs to the state to replace the functions we now perform. Putting our industry out of business eliminates the re-use of the end-of-life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream - yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who is going to handle this junk vehicle waste stream when we are gone? Illegal operations that drain anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'll find the messes they will leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for small businesses. Please carefully review their suggestions and put them in this permit. The vehicle recycling industry is struggling to survive. Too many in our industry have already gone out of business mostly due to extremely costly government regulations. This draft permit could well be the straw that breaks the back of the entire industry in Washington State, if not re-written. Thank you for considering our comments and making changes to the permit so our industry can continue to provide the highest management of the junk vehicle waste stream (re-use), continue to protect the environment by collecting and properly disposing of many substances from junk vehicles, continue to collect sales taxes for Washington State at no cost to the state, continue to pay business taxes to Washington State, continue to provide jobs for our workers, and continue to help keep the cost of auto repairs and vehicle insurance down through our sale of used vehicle parts.						
Bell Lumber and Pole Company	Our general comment is that the permit requirements are too restrictive and complex. BLP reviewed the comments by Kenndy/Jenks Consultants and concur with their comments that was submitted to the Department of Ecology, dated 10 July 2009.	General	General	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Bell Lumber and Pole Company	Zinc is a ubiquitous metal in the environment. Allowance for background levels or non-industrial activity should be made; otherwise expensive structural BMP might be required to meet the benchmark with little actual benefit to water quality. Ecology should incorporate a background level into the benchmark to account for this, thus raising the current proposed value of 200 ppb for Western Washington. The benchmark should reflect only what an industry actually contributes to stormwater runoff.	Benchmark	Zinc	S5.	Ecology acknowledges that zinc is ubiquitous in the environment, and the combined loading from all the other activities and sources of zinc across the state probably contribute more zinc (as a whole) than industrial facilities under this permit. This inequity relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Ecology derived the benchmark based on several receiving water variables, including actual water quality data on the background concentration of metals in waterbodies around the state. But since the water quality criteria for metals do not allow for increases over background concentration (like Washington's turbidity criteria does), the amount of metals in the stream actually counts against the amount of metals that can be added before the waterbody exceeds the criteria.	No	

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Bell Lumber and Pole Company	The same is true for turbidity as discussed above for Zinc.	Benchmark	Turbidity	S5.	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Bell Lumber and Pole Company	In addition to the benchmark requirements listed in Table 2, S5, BLP will be required to sample for BOD5, COD, and TSS. What specific reasons are there why turbidity needs to be sampled in addition to TSS? Is not TSS a better indicator of suspended solids than turbidity?	Benchmark	TSS & Turbidity	S5.	Based on several comments and a review of the EPA MSGP, Ecology has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to category 5 industries [Timber Product Industry (24xx), Paper and Allied Products (26xx)], while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
Bell Lumber and Pole Company	Benchmark language from the current permit should be retained.	Benchmark	Retain Old	S5.	The definition of benchmark has been revised to explain their regulatory function as an adaptive management indicator value.	Yes	Revise benchmark definition: Benchmark means a pollutant concentration used as a permit threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. When pollutant concentrations exceed benchmarks, corrective action requirements take effect. Benchmark values are not water quality standards and are not numeric effluent limitations; they are indicator values.
Bell Lumber and Pole Company	Small operations, such as BLP with very small stormwater discharges should be accorded less restrictive benchmarks. Small operations will find it very difficult, and possibly prohibitively expensive, to comply with the proposed SWPPP. We hope Ecology will keep this in mind as it moves toward reviewing and finalizing the SWPPP.	Benchmarks & SWPPP	Make Less Restricitve	S5. & S3.	Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Bell Lumber and Pole Company	S6.C.1.b. Ecology should allow more time for an industry to determine its compliance to benchmarks once the new permit becomes effective. At least four quarters should be allowed to give time for sampling/analysis, and evaluation and implementation of applicable and appropriate BMP'S.	303(d)	More Time	S6.C.1.b.	Ecology is unable to deviate from the timeframes in the draft permit, which are required by a 2009 legislative change (ESHB 2222) to RCW 90.48.555(7)(a).	No	
Bell Lumber and Pole Company	S8.B.4.c., S8.C.4.c., and S8.D.1. Table 6. The time frames listed in these sections are too restrictive. In as much as there are many new requirements to meet in the proposed SWPPP, Ecology should allow more time for industry to adapt and comply.	Corrective Actions	More Time	S8.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Bill Fazekas	I am sure you are a nice guy but it is clear you don't understand much about small businesses because this new stormwater permit you are proposing will kill my small business. I'm an auto wrecker and have been for 5 years. I've paid my taxes, collected a whole bunch of sales tax for the state of Washington for free, run a clean operation and protected the environment by properly handling the old anti-freeze, refrigerant gasses, mercury switches, lead, etc. Now the state wants to put me out of business. Why? This permit and the fact sheet are about 200 pages long. It's filled with a bunch of very technical information and lots of do's and don'ts that frankly I don't understand. So instead of doing everything I can to keep this business open during this terrible economy and keep my people working, I'm supposed to stop all of that and try and figure out what this new book requires me to do and not do? Why is the Department writing such a confusing and challenging document for us to have to deal with? I understand that the permit will require that copper in my stormwater must be cleaner than it is from most public drinking water. That about says it all. This new requirement for copper is way too low. By the way, most of the copper in the water comes from roads and highways were people drive and use their brakes. Our operations aren't where most of the copper is coming from. If you kill our businesses and all the good we do for the state and its citizens, you still will not solve the copper problem because we aren't the problem. No visible sheen of oil on our stormwater. That's usually the case in our facility, but once in a while there may be a sheen for a short time. That puts me in violation of this new permit and you can put me out of business because of that. No problem, let the state spend a few million of taxpayer money a year to build some very fancy facility to handle junk vehicles. They will still probably have a visible oil sheen on	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
	their stormwater from time to. time. So what have you accomplished? NOTHING! If you put us out of business, you'll have a bunch of illegal guys junking cars in the back woods. They cut the hoses and let the anti-freeze drain on the ground, the CFC's go into the air, and they can throw the lead weights on the ground too. That will protect the environment far better than what we are doing, right? And, you will never find them and you'll never catch them. You will only find where they have been. This draft permit will do more environmental harm than you can imagine by putting legitimate vehicle wreckers out of business and replacing them with illegal operations or forcing the state to spend millions a year to do what we are already doing. Instead of us making money for the state, it will cost the state money. It is clear that the Department really doesn't understand the auto wrecking industry or the illegal operations that are ready to take our place. If it did, it would re-write this permit so our businesses can stay in business, keep providing honest jobs, keep collecting taxes for the state, and keep managing the junk vehicles in an environmentally responsibly way. The Department has a big decision to make. Fix this permit to keep our yards in business to protect the environment, or let the illegals take over after we are put out of business and watch the huge environmental damage they will do.						
Bill Fazekas	I am sure you are a nice guy but it is clear you don't understand much about small businesses because this new stormwater permit you are proposing will kill my small business. I'm an auto wrecker and have been for 5 years. I've paid my taxes, collected a whole bunch of sales tax for the state of Washington for free, run a clean operation and protected the environment by properly handling the old anti-freeze, refrigerant gasses, mercury switches, lead, etc. Now the state wants to put me out of business. Why? This permit and the fact sheet are about 200 pages long. It's filled with a bunch of very technical information and lots of do's and don'ts that frankly I don't understand. So instead of doing everything I can to keep this business open during this terrible economy and keep my people working, I'm supposed to stop all of that and try and figure out what this new book requires me to do and not do? Why is the Department writing such a confusing and challenging document for us to have to deal with? I understand that the permit will require that copper in my stormwater must be cleaner than it is from most public drinking water. That about says it all. This new requirement for copper is way too low. By the way, most of the copper in the water comes from roads and highways were people drive and use their brakes. Our operations aren't where most of the copper is coming from. If you kill our businesses and all the good we do for the state and its citizens, you still will not solve the copper problem because we aren't the problem. No visible sheen of oil on our stormwater. That's usually the case in our facility, but once in a while there may be a sheen for a short time. That puts me in violation of this new permit and you can put me out of business because of that. No problem, let the state spend a few million of taxpayer money a year to build some very fancy facility to handle junk vehicles. They will still probably have a visible oil sheen on their stormwater from time to. time. So what have you accomplished? NOTHING! If you put us out of business, you'll have a bunch of illegal guys junking cars in the back woods. They cut the hoses and let the anti-freeze drain on the ground, the CFC's go into the air, and they can throw the lead weights on the ground too. That will protect the environment far better than what we are doing, right? And, you will never find them and you'll never catch them. You will only find where they have been. This draft permit will do more environmental harm than you can imagine by putting legitimate vehicle wreckers out of business and replacing them with illegal operations or forcing the state to spend millions a year to do what we are already doing. Instead of us making money for the state, it will cost the state money. It is clear that the Department really doesn't understand the auto wrecking industry or the illegal operations that are ready to take our place. If it did, it would re-write this permit so our businesses can stay in business, keep providing honest jobs, keep collecting taxes for the state, and keep managing the junk vehicles in an environmentally responsibly way. The Department has a big decision to make. Fix this permit to keep our yards in business to protect the environment, or let the illegals take over after we are put out of business and watch the huge environmental damage they will do.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
BNSF Railway Company	1. S1.A.1. Table 1 - Ecology should retain the language in Appendix 1, Section C.8. of the current permit, requiring permit coverage for Transportation Facilities (SIC codes 40XX, 41XX, 42XX, 43XX, 44XX, 45XX, and 5171), which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Also retain the language in the body of the permit that "only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity." Though this language is provided by reference to 40 CFR 122.26(b)(14)(i-xi) in the glossary definition of Industrial Activity, the limitation of permit coverage will not be recognized by many inspectors unless clearly stated in the permit.	Permit Coverage	Vehicle Maintenance	S1.A.1. Table 1	Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities [40 CFR 122.26(b)(14)]. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
BNSF Railway Company	2. S3.B.1.g. - Does the identification of areas of pollutant contact include materials of construction (roofs, galvanized fences, drainage systems, parking lots, roadways, etc.) that are not associated with specific industrial activities? Guidance defining these common materials as pollution-generating would be helpful to BNSF.	SWPPP	Inventory of materials and activities	S3.B.1.g	The inventory is intended to address all materials located within areas draining to *stormwater discharges associated with industrial activity* authorized by this permit. Ecology plans to continue providing technical assistance on the Stormwater Management Manual and AKART, including additional guidance documents on materials that can cause stormwater contamination.	No	
BNSF Railway Company	3. S3.B.3.b.i.4.b. - Locomotives are defined as vehicles, and all vehicles leak to some degree. Discussion of incidental leakage should be included.	SWPPP	leaking vehicles	S3.B.3.b.i.4.b	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
BNSF Railway Company	4. S3.B.3.b.i.5.a. -The draft states that "all chemical liquids, fluids and petroleum products, shall be stored ..." It would be appropriate to restrict the list of fluids to those that are hazardous and not include all fluids. In addition, BNSF has spill plans required under the federal spill prevention, control, and countermeasure plans (SPCC) required under the Clean Water Act. These plans do not require containment of 110% of the largest tank. Rather, the SPCC regulations require containment of the largest tank, plus sufficient capacity for rainfall. These containment requirements should be consistent.	SWPPP	Storage of chemicals	S3.B.3.b.i.5.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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BNSF Railway Company	5. S3.B.3.b.i.5.g. - If fluids are to be required to be drained from equipment and vehicles prior to onsite storage, what is the time component of 'on-site storage'. Please define the difference between temporary and long-term storage.	SWPPP	Drain fluids	S3.B.3.b.i.5.g	This language is consistent with EPA's Multi-Sector General Permit, and Ecology has decided to not to distinguish between temporary and permanent storage. Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary or not possible and the exception is clearly justified in the SWPPP" [S3.B.3.b].	No	
BNSF Railway Company	6. S5.F.2. - Please define floating debris or remove the requirement. As stated, it is a permit violation for anything floating to be discharged.	Effluent Limitations	Floating Debris	S5.F.2	This term is self explanatory and consistent with EPA's MSGP and the previous permit, so no changes will be made.	No	
BNSF Railway Company	Finally, we should be able to install additional BMPs before we are required to sample and compare to benchmarks for counting towards corrective action levels.	Corrective Actions	Timing	S8	Ecology has made significant revisions to S8 so it is less resource intensive, less complicated, and more flexible. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Facilities that continue to exceed benchmarks after a Level 2 or 3 Corrective Action is triggered, but prior to the Level 2 or 3 Deadline, are not required to complete another Level 2 or 3 Corrective Action the following year for the same parameter. Level 4 has been eliminated. Appendix 6 has been eliminated. Ecology will continue to improve program funding and resources to improve several aspects of the stormwater program, including inspections, plan review, enforcement, technical assistance, education, outreach, and research.	Yes	Numerous changes to S8 Corrective Actions.
BNSF Railway Company	7. S8.S.4.c. and S8.C.4.c. - The timeframes listed for modification of permit coverage could be problematic. If permittees must request a time extension 90 days before the corrective action deadline and Ecology has 60 days to decide, it is conceivable that permittees will only have 30 days to apply the corrective actions if Ecology denies the request. This timeframe is not possible to meet and could cause many permittees to be in violation of the Clean Water Act and subject to third-party lawsuits.	Corrective Actions	Timeline	S8.C.4.c	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
BNSF Railway Company	8. S8.D.1. - If permittees enter a Level 4 Corrective Action status, are they protected from third-party lawsuit while awaiting further guidance from Ecology?	Corrective Actions	Level 4	S8.D.1	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
BNSF Railway Company	9. S8.D.1.Table 6. -It will be very difficult to meet the corrective action deadlines. We will need to evaluate our operations, which may require an iterative approach. In addition, we need to budget capital improvements through our procurement process. The few months provided will not allow us to procure, much less install, capital improvements.	Corrective Actions	Level 4	S8.D.1 Table 6	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Boeing	Existing Dischargers to Impaired Water Bodies Permit_ID Name County Waterbody Location Para-meter SO3000146D BOEING A&M DEVELOPMENTAL CENTER KING DUWAMISH WATERWAY 47122F3C0 pH SO3000232D BOEING COMPANY RENTON PLANT KING CEDAR RIVER 20.667 pH SO3000482D BOEING PLANT 2 KING DUWAMISH WATERWAY 47122F3C0 pH SO3001009D BOEING SOUTH PARK KING DUWAMISH WATERWAY 47122F3C0 pH SO3000148D BOEING THOMPSON SITE KING DUWAMISH WATERWAY 47122F3C0 pH The Boeing facilities listed do not discharge to the impaired locations listed.	Facility-specific	Appendix 4	Appendix 4	Appendix 4 has been updated and corrected as follows: 146 – corrected in updated list only required to test for TSS 148 – corrected on new list – no 303d requirements 482 – corrected on new list to only show DO and Fecal 1009 – corrected on new list – no 303d requirements 232 is a special case where two waterbodies are listed as receiving waters. Cedar River – DO, Fecal, pH and Temperature on new list Lake Washington – Fecal only on new list	Yes	Appendix 4 has been updated and corrected.
Boeing	Facility: THE BOEING CO Permit: SO3000481D Facility name should be “BOEING SPACE CENTER”. This name will be consistent with other Ecology lists.	Facility-specific	Appendix 6	Appendix 6	Ecology has made substantive changes to S8 Corrective Actions, including adding a new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.". Therefore, Ecology has deleted Appendix 6 from the permit.	Yes	Add new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.".
Boeing	Duty to Reapply The Permittee shall apply for permit renewal at least days prior to the expiration date of this permit. The number of days is missing. We believe this should be 180 days.	Duty to Reapply	Duty to Reapply	G8	Ecology agrees with the comment, and G8 will require reapplication 180 days before expiration.	Yes	G8: add "180 days"
Boeing	*Facilities engaged in any industrial activities in Table 1 shall apply for coverage if stormwater from the facility discharges to a surface water body, or to a storm sewer system that discharges to a surface water body. The Standard Industrial Classification (SIC) groups generally, but not always, associated with these activities are listed in Table 1.* This paragraph is vague. Appendix #1, B in the existing permit is clearer and is consistent with not expanding the universe of facilities required to obtain coverage. A concise requirement is needed because this part of the permit is self implementing. As stated in the Fact Sheet, the significant Contributors Of Pollutants Condition in the draft permit allows Ecology to require coverage for facilities that would otherwise be exempt.	Permit Coverage	Table 1	S1.A.1	Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities [40 CFR 122.26(b)(14)]. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
Boeing	Facilities conducting industrial activities listed in Table 1 or S1.A2-5 shall apply for coverage under this permit or apply for a Condition No Exposure exemption, if eligible (Condition S1.F). “Condition” should be ”Conditional.”	Permit Coverage	No Exposure	S1.F	Typo has been fixed	Yes	S1.A: Change "condition" to "conditional"
Boeing	S2.A.4 Request Modification of Permit Coverage There is no S2.A.4. Do you mean S2.B?	Application for Coverage	Typo	S2.A.4	This typo has been corrected.	Yes	Typo corrected: S2.A.4 replaced with S2.B
Boeing	S2.G Request Transfer of Coverage There is no S2.G. Do you mean S2.D?	Application for Coverage	Typo	S2.G	Typo has been fixed	Yes	Change to S2.D
Boeing	S3 has as many as six levels (e.g., S3.B.3.b.i.3.b). This complexity negatively affects the clarity of the permit.	General	Format	S3	Ecology agrees and has made format change to S3 to improve clarity.	Yes	Reformat S3
Boeing	S3.A.4.c SWPPP, if requested by Ecology There is no S3.A.4.c. Do you mean S9.E.1?	SWPPP	Typo	S3.A.4.c	This typo has been corrected.	Yes	Changed to S9.E.1

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Boeing	No later than July 1, 2010, the Permittee shall include each of the following BMPs in the SWPPP and ensure that they are implemented unless site conditions render the BMP unnecessary or not possible, and the exception is clearly justified in the SWPPP. There are other significant changes to SWPPP requirements. Boeing proposes that each new requirement have a specified date it must be incorporated into the SWPPP for existing facilities to prevent compliance risk from confusion over the compliance date. These deadline for existing facilities should be explicitly stated in S3.A.1 and added to the table on page 5. .	SWPPP	SWPPP Timeline	S3.B.3.b	Ecology will retain the July 1, 2010 deadline to upgrade SWPPP. Ecology added language to clarify the SWPPP requirements prior to June 30, 2010.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Boeing	The SWPPP shall include the Operational Source Control BMPs listed as “applicable” in Ecology’s SWMMs, or other guidance documents or manuals approved in accordance with S3.A.3.c. Does Ecology mean by ‘applicable’ all BMPs listed in Section 2.1, Volume IV of the 2005 SWMM? If so, does this requirement extend to “recommended additional” BMPs listed in this section?	SWPPP	Applicable BMPs	S3.B.3.b.i.1	The term means the BMPs listed as "applicable" in the 2005 SWMM. This requirement does not extend to the "recommended additional" BMPs listed in this section. Refer to Volume IV of the 2005 SWMMWW; Section 1.6 Distinction Between Applicable BMPs and Recommended BMPs.	No	
Boeing	All sources of dust shall be identified and prevented from accumulating on hard surfaces at the facility. Bag houses shall be inspected monthly and maintained to prevent the escape of dust from the system. Any accumulated dust at the base of exterior bag houses shall be removed immediately. “All sources of dust” is overly broad since dust may originate from off-site, and/or may be associated with a pervasive source like vehicles, wind blown soil, etc.. In addition, “prevented from accumulating” can be interpreted to mean that the dust source must be eliminated, or that no dust on hard surfaces is allowed which is not practical with a pervasive source. Propose that the first sentence be deleted.	SWPPP	Dust	S3.B.3.b.i.3.b	will clarify by adding "on-site" i.e., on-site sources of dust...	Yes	add .."on-site" sources of dust…
Boeing	All dumpsters shall be fitted with a lid that shall remain closed when not in use. Propose changing “with a lid” to “with a lid or placed under cover” since open dumpsters are sometimes placed under cover such as within a shed. or inside buildings. Also, WAC 173-304-200 already requires that reusable containers, except detachable containers, have a close fitting cover. Detachable containers are boxes that are designed to be loaded onto a specially equipped truck are required under to WAC 173-304-200 to have “either a solid cover or screen cover to prevent littering.” These are typically large containers owned by and picked up when full by an outside vendor. These types of container often only have a screen lid. A permittee has limited control over the design of containers provided by an outside vendor. In addition, detachable containers are usually very large, and a solid lid would likely be very heavy and difficult to open and close. Will a screen lid meet this requirement? If so, a more robust approach is to revise WAC 173-304-200.	SWPPP	Dumpsters	S3.B.3.b.i.3.c	Permit allows SWPPP to exclude required BMPs if "if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. Ecology has also added clarifying language regarding covered dumpsters: c) All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit. Revise S3.B.4.b.i.3.c: All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.

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Boeing	Preventive Maintenance: The SWPPP shall include BMPs to inspect and maintain the stormwater drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater. The SWPPP shall include the schedule/frequency for completing each maintenance task. Boeing facilities use a computerized system to track maintenance activities. Is it acceptable to reference and describe this system in the SWPPP in lieu of listing the schedule\frequency in the SWPPP? S7.A.2 requires that "visual inspections" be conducted by a "Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer". Is it Ecology's intent to require a CISM, CPSWQ, or PE to do inspections required under preventive maintenance? If not, this should be clarified in this section. For example, the permit maintenance and inspection as well as the schedule\frequency of each task could be under the direction of a CISM, CPSWQ, or PE.	SWPPP	CISM	S3.B.3.b.i.4	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Boeing	All equipment and vehicles shall be inspected for leaking fluids such as oil, antifreeze, etc., during monthly site inspections. Leaking equipment shall be taken out of service or prevented from leaking on the ground until repaired. Monthly inspection of equipment with oil or antifreeze would be difficult for large facilities and unnecessary since equipment typically would not develop leaks within a month and are often stored indoors. One Boeing facility has over two thousand pieces of equipment on site. Should read "all exposed equipment. It is assumed that this condition is limited to company owned equipment that has significant outdoor exposure. This same Boeing facility has, on a typical work day, over 20,000 privately, vendor or customer owned vehicles parked on-site. Propose deleting the first sentence of this condition. And replacing the sentence with "Monthly site inspections shall include observations sufficient to identify leaking company owned vehicles that have significant outdoor exposure. A vehicle preventive maintenance plan with a leak control component may be substituted for this requirement.	SWPPP	Leaking vehicles	S3.B.3.b.i.4.b	The requirements of this permit do not apply to office buildings and/or administrative parking lots from which stormwater does not commingle with stormwater from areas associated with industrial activity. Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary or not possible and the exception is clearly justified in the SWPPP" [S3.B.3.b].	No	
Boeing	All chemical liquids, fluids, and petroleum products, shall be stored on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater. "Fluid" can be interpreted to include water such as potable or fire suppression water. Fire suppression water tanks do not typically have secondary containment. Is this Ecology's intent? If not, the permit should clarify this point. There are many different regulatory requirements applicable to tanks depending on factors such as the material in the tank and the size of the facility where it is located. Secondary containment can be provided by different means. This requirement limits a permittee to using a berm or dike. For an existing tank, this will require a permittee to install a dike or berm around an oil tank that already has secondary containment because the surrounding area drains to an oil\water separator or containment structure. Many above ground tanks have integral dikes or a double wall. Mobile tanks are often stored in an area that has containment trenches that can be "blind" or drain to an oil\water separator. Propose that this condition be changed to a performance criteria instead of the current prescriptive requirement. One option would be to use language similar to that used in the SPCC rule, i.e., "Construct all bulk storage tank installations (except mobile refuelers) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation." [40 CFR 112 (7)(c)]	SWPPP	Secondary containment	S3.B.3.b.i.5.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Boeing	Spill kits shall be located within 25 feet of all stationary fueling stations, fuel transfer stations, and mobile fueling units. At a minimum, spill kits shall include: i) Non-water absorbents capable of absorbing 15 gallons of fuel; ii) A storm drain plug or cover kit; iii) A non-water containment boom, a minimum of 10 feet in length with a 12 gallon absorbent capacity; iv) A non-metallic shovel; and v) Two five-gallon buckets with lids. This condition is very prescriptive and may be inadequate for certain situations such as transfers that occur at a high flow rate. A plastic shovel is unnecessary if pads are used instead of speedi-dry. It is unnecessary to cover or plug catch basins when the area drains to an oil\water separator. Two five gallon buckets are unnecessary if you have a drum. Propose changing this condition to “Spill kits shall be located within easy access of all stationary fueling stations, fuel transfer stations, and mobile fueling units. Spill kits shall contain adequate supplies to clean-up a spill that can reasonably be expected to occur.”	SWPPP	Spill kits	S3.B.3.b.i.5.b	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Boeing	Storm drains that receive runoff from areas where fueling is conducted shall be blocked, plugged or covered during fueling. Propose changing this to “Storm drains within 25 feet that receive runoff from areas where fueling is conducted shall be plugged, covered or barricaded during fueling unless it drains to an oil\water separator.” This change is consistent with the mobile fueling BMP in the SWMM. At some Boeing facilities, customized barricades are temporarily installed on catch basins during fueling. These barricades have the advantage of being more durable than covers, and the fact that they can be checked to ensure that no spilled fuel is getting into storm drain which is not possible with catch basin covers.	SWPPP	Block storm drains during fueling	S3.B.3.b.i.5.d	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Boeing	Use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible. Drain fluids from equipment and vehicles prior to on-site storage or disposal. Propose deleting phrase “on-site storage or” from this condition, or changing it to “on-site long term storage” since “storage” is broad, and interpretation could vary from a few days to indefinite. Also, equipment and vehicles stored under cover and in containment should be exempted from this requirement.	SWPPP	Drain fluids	S3.B.3.b.i.5.g	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Boeing	Stormwater Peak Runoff Rate and Volume Control BMPs 1) For stormwater runoff from new facilities and facilities that have significant process change, the Permittee shall evaluate whether flow control is necessary to satisfy the state's AKART requirements, and comply with state water quality standards. 2) At a minimum, the SWPPP shall include a narrative that describes how the Permittee determined whether flow control BMPs are/are not required. 3) The SWPPP shall include appropriate flow control BMPs from Ecology's SWMM for Western Washington, the SWMM for Eastern Washington, or equivalent manual This condition corresponds to S9. B.3.d in the current permit. Paragraph 1) applies to "new facilities and facilities that have significant process change" whereas the current permit applies to "new development and redevelopment. What was the basis of the change? Propose that "significant process change" in this context be limited to item 4 in the definition in Appendix 2. That is, this requirement should be limited to increases in impervious surface of greater than 25%, or the condition be revised to the original language in the current permit. 3) is confusing as it appears to require all facilities to have flow control BMP's while paragraph 1) indicates this is a requirement only for new facilities or with significant process change.	SWPPP	Flow control	S3.B.3.b.iv.	Ecology has revised the criteria for flow control which may only apply to facilities with "new development or redevelopment".	Yes	Revise S3.B.3.b.iv: Facilities with new development or redevelopment shall evaluate whether flow control BMPs are necessary to satisfy the state's AKART requirements, and prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3. Definitions for *new development* and *redevelopment* have also been added to Appendix 2 - Definitions.
Boeing	Permittees choosing not to use approved SWMMs or other Ecology-approved technical guidance documents to meet this requirement shall include the technical basis for their chosen BMPs as described in the introductory paragraphs of Condition S3 and required in Condition S3.B.3.d. There are no introductory paragraphs in S3 and there is no S3.B.3.d. Propose adding the introductory paragraphs of S9 in the current permit to S3 of this permit. See also comment on S3.A above.	SWPPP	Technical basis for BMPs	S3.B.3.b.iv.4	This language has been deleted. Ecology has revised the criteria for flow control which may only apply to facilities with "new development or redevelopment".	Yes	Revise S3.B.3.b.iv: Facilities with new development or redevelopment shall evaluate whether flow control BMPs are is necessary to satisfy the state's AKART requirements, and comply prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3. Definitions for new development and redevelopment have also been added to Appendix 2 - Definitions.
Boeing	The permittee shall implement and maintain filtration BMPs to remove solids from catch basins, sumps or other stormwater collection and conveyance system components (filter socks, modular canisters, sand filtration, centrifugal separators, etc.). This condition seems to require that all "catch basins, sumps or other stormwater collection and conveyance system components" have some type of sediment control such as filter socks or is Ecology's intent that a BMP be in place to clean these devices.	SWPPP	Catch basin inserts	S3.B.4.b	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Boeing	Identify points of discharge to surface water, storm sewers, or discrete ground water infiltration locations, such as dry wells or detention ponds. The current permit states in S9.B.2 that "The plan must identify all points of discharge to surface water or to a storm drain system." This condition has been expanded to "discrete ground water infiltration locations, such as dry wells or detention ponds." This implies that discharges to ground should be sampled. The Fact Sheet (page 60) clarifies this with the statement "However, this does not mean that discharges to ground are subject to stormwater sampling and monitoring." We understand Ecology's goal of simplifying the permit. However, many permittees do not read the Fact Sheet so it would clarify the permit to include the language from the Fact Sheet or revert back to the language in the current permit. S10.A, S1.E, and S1.B should address Ecology's concern regarding protecting groundwater.	SWPPP	Identify groundwater discharge locations	S3.B.5.a	While the permit requires all discharge points to be identified (e.g., discharges to surface water and groundwater), it does not require all discharge points to be sampled (e.g. discharges to ground).	No	

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Boeing	SAMPLING The elimination of the qualified storm event criteria will help ensure that a permittee will be able to collect samples even with the weather patterns typical of Western Washington. Boeing supports the use of a mean or median of at least one season of data in order to get a better idea of the stormwater quality.	Sampling	Seasonal average	S4	Ecology has revised the criteria for sampling. Ecology has decided against the use of seasonal medians, as it has the potential to cause confusion and tracking problems.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.
Boeing	The Permittee shall sample each distinct point of discharge off-site and shall analyze each sample separately; except where pollutant types, at one or more distinct point of discharge off-site, do not vary (based on industrial activities and site conditions), the Permittee may sample only the discharge point with the highest concentration of pollutants. Permittee should be allowed to estimate the flow for each discharge sampled to provide engineering data in support of their storm water management effort. This data should not be required on the DMR as it is only an estimate and not a measurement.	Sampling	Flow monitoring	S4.B.2.c	Permittees are free to conduct flow monitoring and use it for stormwater management decision-making. The sampling location requirements have been revised to be consistent with EPA's MSGP approach.	Yes	Revise S4.B.2.c: The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. The Permittee is required to monitor only one of the "substantially identical outfalls" if two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions).
Boeing	The Permittee shall maintain the original records onsite and make them available to Ecology upon request. Some records such as quality assurance/quality control data, MDLs and person who performed the analysis may be kept at the analytical lab which may not be on-site. Propose changing this requirement to "The Permittee shall maintain the original records onsite or, when outside vendors are involvedbe readily retrievable, and make them available to Ecology upon request.	Sampling	Maintain original records onsite	S4.B.5	Ecology has decided to retain this requirement without distinction. It is consistent with EPA's MSGP.	No	
Boeing	After the effective date of this permit, the Permittee may suspend sampling for one or more parameters based on consistent attainment of benchmark values when: How does a permittee determine consistent attainment when more than one sample is collected in a same quarter? Is the average used? Also, is the average or all the discrete sample results, or both reported? We propose using an arithmetic average because we believe it is more representative of water quality. Similarly, see comment regarding S4 above. Propose changing this condition to "After the effective date of this permit, the Permittee may suspend sampling for one or more parameters at one or more sampling locations based on consistent attainment of benchmark values when:" A facility may have several sampling locations receiving stormwater from areas with very different processes.	Sampling	Consistent Attainment	S4.B.6	The reported value is based on the average value. Language has been added to S4.B.6 to address this.	Yes	Add S4.B.6.c: Permittees monitoring more than once per quarter shall average all of the monitoring results for each parameter (except pH and "visible oil sheen") and compare the average value to the benchmark value.
Boeing	Eight consecutive samples in which the reported value for the listed parameter, other than pH, is equal to or less than the benchmark value. Propose changing "Eight consecutive samples" to "Eight consecutive quarterly samples." Is the "reported value" the highest or average of all samples taken in a quarter?	Sampling	Consistent Attainment	S4.B.6.a	The reported value is based on the average value. Language has been added to S4.B.6 to address this.	Yes	Add S4.B.6.c: Permittees monitoring more than once per quarter shall average all of the monitoring results for each parameter (except pH and "visible oil sheen") and compare the average value to the benchmark value.
Boeing	For pH, the eight consecutive samples shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine). Propose changing "Eight consecutive samples" to "Eight consecutive quarterly samples. Why is this range different than the range in Table 2. Why does table 3 not have a benchmark range for marine water?	Sampling	Consistent Attainment	S4.B.6.b	The language regarding pH and consistent attainment has been deleted, and has been make consistent with the pH benchmark range of 5.0 - 9.0.	Yes	S4.B.6.a. revised: Four consecutive quarterly samples after the effective date of this permit in which the reported value is equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.

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Boeing	For discharges to 303(d)-listed water bodies, eight consecutive samples fail to detect the presence of the listed parameter. Propose changing "Eight consecutive samples" to "Eight consecutive quarterly samples. The phrase "fail to detect the presence" is vague because it may be misleading because of high detection limits. Propose changing this phrase to "fail to exceed the water quality standard for the listed parameter."	Sampling	Consistent Attainment	S4.B.6.c	The language regarding pH and consistent attainment has been deleted, and has been make consistent with the pH benchmark range of 5.0 - 9.0.	Yes	S4.B.6.a. revised: Four consecutive quarterly samples after the effective date of this permit in which the reported value is equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Boeing	No clear path for establishing site specific benchmarks that consider the receiving water body. It does not make sense for a permittee to attempt to reach a benchmark that has little relationship to the actual effect on the receiving waters.	Benchmark	Too stringent	S5	A general permit that covers over 1200 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit.	No	
Boeing	Benchmarks are lower than what is achievable with current technology.	Benchmark	Too stringent	S5	A general permit that covers over 1200 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit. Provisions exist to obtain waivers if a permittees feels that benchmark exceedances don't necessarily warrant additional BMPs if the facilities current level of stormwater management does not pose a risk to the receiving water, based on site specific conditions.	No	
Boeing	If the Permittee's discharge exceeds a benchmark, the Permittee shall take the actions specified in Condition S8. If a permittee takes more than one sample in a quarter, is each discrete result or the average used to determine if a discharge exceeds a benchmark? We believe it should be the arithmetic average because it is more representative of the water quality discharging from a facility. This use of a seasonal arithmetic average is the approach in 6.2.1.2 (page 36) of the MSGP. There is a legitimate concern that a facility with high levels of stormwater pollutants will wait a year before any corrective action. We believe that the approach in the MSGP (page 36, last paragraph) addresses this concern. That is, action is required when an exceedance of the four quarter average is mathematically certain.	Benchmark	Seasonal average	S5.A.2	Ecology gave serious consideration to basing corrective actions on seasonal average or medians. Surely such an approach would be technically defensible, and scientifically valid, but Ecology is concerned that even simple statistical calculations could add an unacceptable layer of complexity and introduce errors and non-compliance for failure to implement corrective actions. Ecology believes these errors will be minimized by having adaptive management triggers based on a simple tally of the number of exceedance over time (e.g., benchmark exceeded 2 times during calendar year = Level 2 for parameter exceeding benchmark). In addition, S5.A has been revised to account for averaging: Permittees sampling more than once per quarter shall average the sample results for each parameter and compare the average value to the benchmark to determine if the discharge has exceeded a benchmark value.	Yes	S5.A has been revised: Permittees sampling more than once per quarter shall average the sample results for each parameter and compare the average value to the benchmark to determine if the discharge has exceeded a benchmark value.
Boeing	Turbidity TSS should be allowed as a substitute for turbidity to account for samples with color but low suspended solids. Ecology should allow a facility to obtain a waiver under S8 when color and not suspended solids is causing high turbidity	Benchmark	Turbidity	S5.A.2 Table 2	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	

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Boeing	pH Rainfall has been shown to often be below 6. How will Ecology account for sample pH being less than 6 because rainfall is less 6? Does Ecology anticipate that a facility goes into Corrective Action under S8 because of low pH rainfall will be successful in getting a waiver?	Benchmark	pH	S5.A.2 Table 2	Since rainfall in Washington State commonly occurs outside of the range of 6-9 s.u., Ecology has decided to revise the pH benchmark to 5-9 s.u., as discharges within this range are very unlikely to cause a violation of the water quality standards for pH.	Yes	Revise pH benchmark from 6-9 to 5-9.
Boeing	Analytical Method The Laboratory Quantitation Levels in the tables are in some cases 1 to 2 orders of magnitude lower than the benchmarks. We do not understand the basis for this large difference. It will result in unnecessary analytical costs, and the purchase of additional equipment.	Benchmark	Analytical Method	S5.A.2 Table 2/page 24 and S5.B.2 Table 3/page 25	The detection and quantitation levels were derived from EPA methods, Ecology's laboratory, and survey of accredited laboratories. Ecology set the levels to those that are commonly achieved by reporting laboratories in order to reduce the submittal of non-detect data. Interference with the specified levels can be accounted for by laboratory methods given in 40 CFR Part 136. Clarifying language will be added to S5 Table 2, footnote b: "If a Permittee knows that an alternate, less sensitive method (higher detection level and quantitation level) from 40 CFR Part 136 is sufficient to produce measurable results in their effluent, that method may be used for analysis".	Yes	Add to S5 Table 2, footnote b: "However, if a Permittee knows that an alternate, less sensitive method (higher detection level and quantitation level) from 40 CFR Part 136 is sufficient to produce measurable results in their effluent, that method may be used for analysis".
Boeing	Additional Benchmarks and Sampling Requirements Applicable to Specific Industries The TSS benchmark for category 3 is 100 mg/L whereas it is 30 mg/L for category 5. Is this an error? The value listed in the MSGP is 100 mg/L.	Benchmark	TSS	S5.A.2 Table 3	Based on several comments and a review of the EPA MSGP, Ecology has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to category 5 industries [Timber Product Industry (24xx), Paper and Allied Products (26xx)], while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
Boeing	Additional Benchmarks and Sampling Requirements Applicable to Specific Industries Based on an e-mail from Ecology, it appears that Ecology intends that this table apply to a facility's primary activity. Is this correct? If so, we propose that the table's title be changed to Additional Benchmarks and Sampling Requirements Applicable to Specific Industries based on Primary Activity." Metals Fabricating (34XX) is very different than the other three groups listed under category 2 [i.e., Primary Metals (33XX), Metals Mining (10XX) , Automobile Salvage and Scrap Recycling (5015 and 5093)]. Metals fabricating often have all their manufacturing activities under cover primarily because of the value of the finished products and the necessary quality assurance in the manufacturing process. However, storage and transportation would exclude non-exposure option. The other three industry groups are often required to do their activities outside because of economics and the size of the material that they typically handle. We propose that 34XX be removed from Category 2 unless it can be shown by looking at solely 34XX site monitoring data that this additional monitoring is warranted when compared to other non-listed SICs.	Benchmark	Copper	S5.A.2 Table 3	Ecology has reconsidered the applicability of copper sampling and benchmarks and has determined that all sectors will be required to sample for copper. Therefore, copper will be removed from S5.A.2 Table 3, but applied to the core sampling requirements in S5.A.2 Table 2.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Boeing	For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, monitor these additional four parameters in those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581). The table lists two and not four additional parameters. Airports may discharge airplane deicing/anti-icing fluid to the sanitary sewer and not to the surface water. For an airport with several permittees, which permittee will be responsible for compiling usage data, and determining if samples should analyzed for the additional parameters? We propose adding language to this footnote as follows; For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis that is discharged to surface water or stormwater system, monitor these additional four parameters in those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581).	Benchmark	Deicing	S5.A.2 table 3 Footnote e/	Ecology has decided to retain the deicing language from EPA's 2008 MSGP, but S4.B.2.b will be revised to make it clear that discharges to sanitary sewer are not subject to sampling, unless specifically required through an order (similar to discharges to ground).	Yes	Revise: S4.B.2.b: b. On-site discharges to ground (e.g., infiltration, etc.) <u>or sanitary sewer</u> are not sampled, unless specifically required by Ecology (Condition G12).

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Boeing	Inspection Frequency 1. The Permittee shall conduct and document in the SWPPP visual inspections of the site each month. 2. Beginning January 1, 2012, visual inspections shall be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. A monthly inspection of a facility may be too frequent for some parts of a facility and too infrequent for other parts of a facility. SWPPP inspection frequency should be based on the risk of a release of pollutants to surface water. For example, does Ecology expect a permittee to look at each catch basin each month? Some Boeing facilities have over a thousand catch basins. Similarly, would it be acceptable to only look at a problem piece of equipment like a trash compactor monthly. Suggest revising 1. to reflect that the permittee will conduct quarterly inspections except that it shall be monthly for aspects of the facility that pose a significant risk of pollutant release. These shall be documented in the SWPPP. Ecology may want to create a list of conditions warranting monthly inspections. Propose changing 2. to "Beginning January 1, 2012, visual inspections shall be conducted by, or under the direction of, a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer." This would allow craftspeople like mechanics or plumbers to do some aspects of inspection using detailed instructions developed by a person qualified under this section.	Inspections	Inspection Frequency	S7.A	Ecology is unable to provide more specific clarity to this section within the context of a statewide general permit. Permittees are required to fulfill all requirements S7 when conducting monthly site inspections and may not choose to only look at problem equipment on a monthly basis, as suggested. The CISM requirement has been eliminated. To address a separate public comment about inspection requirements, Ecology has revised S7.B.1 to include observations include areas where "stormwater associated with industrial activity is discharged off-site".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Revise S7.B.1: Observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.
Boeing	Observations for the presence of illicit discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including leachate). Typically, this type of inspection has been part of a dry season inspection. There are no criteria in this permit such as "7 days without measurable rainfall"." Is this Ecology's intent? Also, this type of inspection may be difficult or impossible during the wetter months when rainfall or base flow will obscure any illicit discharge.	Inspections	Illicit Discharges	S7.B.3	Ecology intentionally simplified and included illicit discharges in the list of observations required during monthly inspections. While some kinds of illicit discharges are more noticeable during dry weather, some may be detectable during wet weather (e.g., process wastewater). No change.	No	
Boeing	S7.D Site Inspection Reports (with SWPPP) Do you mean S7.C?	Inspections	Typo	S7.D	Typo has been corrected	Yes	Typo corrected
Boeing	No clear mechanism for off-ramps (e.g., some of the requirements for Level 4 are not defined).	Corrective Actions	Level 4	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Boeing	Corrective Action The crosswalks from the current permit to this permit is a very difficult problem. We proposed that a Level 2 or Level 3 permittee be required to continue its obligation under the current permit and not be subject to the crosswalk requirements under the new permit. Of course, in some cases, a permittee may have had an inadequate or no response. This is not a problem with the current permit. It is an issue of enforcement. We propose that an existing permittee under Level 2 or Level 3 as described above would be required to monitor and perform corrective actions in the same manner as a permittee not under corrective action in the existing permit. In the meantime, the permittee would complete the work described in their Level 2 or 3 reports. That is, the cross walks in S8 and the appendix would be eliminated. Is it Ecology's intent for a permittee to do a Level 1 to 4 Corrective Action for all parameters at all outfalls if one parameter at a single outfall exceeds the benchmark? If so, this concept should explicitly stated in the beginning of this section.	Corrective Actions		S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Boeing	Corrective Action Table Level 2, 3 and 4 corrective action may not be achievable in the time required. The permit should be revised to include a process for an extension of schedule under Level 2, 3 and 4. We presume that this would need to comply with public notice requirements. Anticipated reasons that the time limits cannot be met may include complexity of design, other required permits, access to off-site property, and the fact that many stormwater system improvements must be done in dry weather.	Corrective Actions		S8, Table 8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Boeing	The following facilities shall complete a Level 2 Corrective Action in accordance with S8.B.1-4: • Facilities not listed in Appendix 6 that exceed any benchmark value [in tables (2-6)] during any 4 separate quarterly monitoring periods after January 1, 2010; and • Facilities listed in Appendix 6 (Level 2). A facility in Level 2 Response under the current permit may be required (in accordance with Table 3) to sample for parameters not previously sampled for. The permittee would not have the opportunity to address this parameter under Level 1 response. In addition, it is possible that a facility may have installed structural or treatment (under corrective action under the current permit) that was designed to meet an action level that would be replaced by a much lower benchmark under this permit.	Corrective Actions		S8.B	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Boeing	Issue an administrative order, requiring the permittee to: i. Submit a receiving water study; ii. Submit an engineering report in accordance with WAC 173-240-130; Ecology should also define what is required of a "receiving water study ". The requirements in WAC 173-240-130 are primarily directed to a permittee designing a wastewater treatment plant with a well characterized influent and established treatment technology. Ecology should develop a new standard for stormwater treatment.	Corrective Actions	Level 4	S8.D.1.a	Comment noted.	No	
Boeing	The draft permit does not have the description of the presumptive approach in the current permit (S9.A.5). The presumptive approach is discussed in the Fact Sheet in the discussion on Condition S10.A but permittees are nor required to read the Fact Sheet. Thus the presumptive approach must be incorporated into the permit language In addition, the current permit has a condition "Existing facilities are not required to redo their SWPPP and BMPs to incorporate changes to BMPs that were designed and implemented according to an earlier version of the SWMM. " Why is this excluded from the draft permit?	SWPPP	Presumptive Approach	S9.A.5	The requested language has been added to S10.B.	Yes	Revise S10B. Ecology will presume compliance with water quality standards, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the Permittee is: 1. In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions. 2. Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by Ecology, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.
Boeing	S9.E.1.c Noncompliance Notification There is no S9.E.1.c. Do you mean S9.D.1.c?	Reporting	Typo	S9.E.1.c	Typo has been corrected	yes	Typo corrected

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Boeing	ATTACHMENT 1 Ecology managers have repeated the goal of "effective, efficient and enforceable for the current Industrial Stormwater General Permit (ISWGP). We have come to understand that these terms mean: • Effective: the permit provision will result in permittees attaining narrative water quality standards through use of adaptive management. The adaptive management will use a series of triggers to cause the permittee to install effective best practices to attain desired receiving water quality. • Efficient: the permit will be relatively simple for the permittee to implement and Ecology to manage. Resource expenditures by each permittee will result in meaningful improvements in discharge that will improve receiving water quality. • Enforceable: Both the agency and permittees will know what is required to comply with the narrative standards in the permit to attain compliance. Ecology will have the resources to identify violations and provide technical assistance. After supporting multiple agency efforts at stakeholder meetings, permit rewrites and a legislative initiative, it is our opinion that the current permit does not meet these three goals. Many of the concerns about this permit arise from circumstances beyond the control of Ecology, including the availability of resources to issue and manage stormwater permits and to incorporate the concepts and tools suggested by the stakeholder process team members, Ecology staff or external advisors. Achievement of an effective, efficient and enforceable ISWGP cannot be achieved without Ecology driving the creation of an integrated comprehensive long range stormwater management vision, and a plan to implement it. A comprehensive stormwater plan is essential to avoid permits based on an ad-hoc collection of demands and requirements, and was not available from Ecology when requested by the stormwater permit process stakeholders. To be effective, efficient and enforceable Ecology's stormwater planning needs to include the following actions: • Identify long term vision and near term goals for the stormwater program. • Schedule attainment of these goals on various types of water bodies and population environments (urban, suburban and rural). • Determine how best to incorporate Endangered Species Act protections into Ecology's three permitting goals. • Expand the technology database to identify improved best practices. • Focus on removal of constituents of concern from products (e.g., zinc and copper from brake pads, and architectural coatings and materials) rather than on end of pipe control. • Define the "economically attainable" aspects of AKART standard. • Establish criteria to move a permittee to individual permits, if needed. • Ensure coverage compliance for 100% of those who should be permitted. • Create an enforcement plan that prioritizes worst case offenders. • Project the resources needed to meet the stormwater program requirements as it evolves and where to obtain the supporting revenue. • Integrate the municipal, construction and industrial permit systems.	General	Don't Support	N/A	Ecology believes that the final permit is effective, efficient, and enforceable. Ecology acknowledges that this permit requires significant resource and staff resources for successful implementation. Ecology plans to improve database systems and automate aspects of permit implementation to improve efficiency of Ecology operations and process. Ecology has made significant revisions to S8 so it is less resource intensive, less complicated, and more flexible. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated. Ecology will continue to improve program funding and resources to improve several aspects of the stormwater program, including inspections, plan review, enforcement, technical assistance, education, outreach, and research.	Yes	Numerous changes to S8 Corrective Actions.

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	Boeing has been a collaborator with Ecology since the original ISWGP was written. The experience developed during that time is indicative that the current permitting structure cannot work without significant changes in approach. The National Academy of Science report on stormwater completed in 2008 has come to the same conclusion - the current NPDES ISWGP permitting approach needs to be rethought. Boeing recommends that Ecology bring together the relevant stakeholders, not to write a new permit, but to develop a comprehensive vision and plan for future stormwater management in Washington State – a plan that has the vision to attain acceptable water quality, in a reasonable time frame, by applying resources where the greatest risk exists. This plan can then be memorialized in legislation to provide the necessary tools and authorities for Ecology to manage Washington's stormwater discharges effectively. Specific concerns with the three goals in the proposed permit include: Effective: The current draft permit relies on a narrative indicator of adaption (benchmark) and turns it into a de-facto numeric discharge limit. The permit requires only that a pollutant concentration value be collected. This value is then used without context of discharge flow, receiving water conditions or discharge frequency to impute impact on water quality. In reality, this single pollutant parameter does not provide a representation of the impact the discharger may be having on the receiving water. Thus the insistence on attaching ever more stringent adaptive management requirements up to and including active treatment - as a result of sampling data results above these benchmark values is a misapplication of the basic tenets of a reasonable potential analysis pursuant to the Clean Water Act. Even the mechanism by which these benchmark numbers were derived is incomprehensible for establishing risk to receiving waters. Ecology used a probabilistic modeling of the discharge monitoring report data from all permittees of all industries without discharge flow data or any understanding of employed best practices or receiving water conditions to create these benchmarks. A benchmark derived in this manner cannot recognize the wide differences in facilities, stormwater patterns, receiving water conditions or treatment efforts by permittee. As a result, the benchmark number is not effective in predicting a reasonable potential impact to receiving water. Yet, permittees will be repeatedly driven to increased actions to control discharge pollutant levels without the permittee, or Ecology, having an understanding of the resultant impacts. Multiple alternatives to this permitting approach were proposed by members of the stakeholder committee including:• Parsing the permit to recognize the difference in dischargers by SIC. • Generalizing receiving water values to estimate water quality risks. • Applying more sophisticated approaches involving use of modeling of types recommended by EPA water quality development guides. Many of these recommendations would allow Ecology to begin the process of segregating genuinely higher-risk discharger groups from those presenting lesser risk. The failure to incorporate any of these approaches in lieu of the benchmark as pseudo-numeric limits will assure endless battles over what the benchmark number should be, and not identifying those discharges which actually present a risk and thereby require adaptive management actions. Boeing recommends that Ecology use this permit cycle to move away from a single benchmark value concept to an approach in which adaptive management is based on narrative standards with a realistic risk based measure.						

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	Efficient: An efficient permit provides both the permittee and Ecology with a reasonable path to compliance. Boeing appreciates the agency's efforts to provide a simpler, shorter and more understandable permit. In the end, however, the proposed permit does not achieve these objectives. Although reformatted to be easier to read, it is still 71 pages long paired with a 119 page fact sheet. Embedded in the permit are at least 58 specific requirements, some of which in turn point to the Washington State Stormwater Technical manual - itself containing hundreds of pages of requirements and calculations. All of this is intended to be read, understood and complied with by over 1,200 permittees ranging from major corporations to the smallest shops with a couple employees. Each requirement presents an increased resource demand on permittee's time and materials to comply and demands understanding requirements that are outside the permittees core business activity. This long, complex and technical permit is not an efficient mechanism for many, if not most, permittees. During the stormwater stakeholder committee process these concerns were identified as contributing to low compliance with, and even significant permittee failure to apply for, the ISWGP. Ecology has discussed with the stakeholder committee problems associated with the effective implementation and enforcement of the draft permit. The realities of implementing this draft permit, coupled with an understaffed enforcement agency, mean permittees will be compelled to interpret ambiguous permit provisions on their own. This places the permittee at risk of non-compliance with the permit through inadequate action or having made erroneous interpretations. These agency resource issues lead to further concerns that when industry needs technical assistance or to obtain specialized waivers, exemptions or alterations to the permit, that Ecology will not have the resources or expertise available to provide a timely and accurate response. This can result in unacceptable consequences to construction and operational efforts in support of business activities. Boeing recommends that Ecology revisit its approach to relying on a single permit for all industrial stormwater general permittees. A study of the risks posed by each discharging group would allow Ecology to issue a tiered permit or multiple general permits that would be simpler and less difficult to implement for permittees. These more tailored permits would also support Ecology's focus on those permit groups that data suggest would pose the greater risk. Enforceable: A permit should be so clear, concise and simple that it is easily understood by the permittee, the agency inspectors, as well as third parties. The length and complexity of this permit raises two significant enforcement concerns. First, no matter how hard a permittee works to comply with the permit, administrative errors are inevitable, exposing the permittee to enforcement. In most cases, these types of errors present little or no appreciable risk to the environment, yet provide ready targets for Clean Water Act citizen suits. Resolving such lawsuit typically requires that permittee's funds are expended toward settlements, rather than improvements to stormwater controls. Second, Ecology's stated five-year inspection cycle will leave many permittees at risk of misunderstanding the permit requirements for much of their permit cycle. Only when an inspection is made will the permittee, and environment, benefit from requirement interpretation by the inspector. Boeing recommends that the draft permit be carefully reviewed to remove as many administrative "shall and will" requirements as possible; and that Ecology shifts resources from lower priority programs to the stormwater program in order to enhance its stormwater inspection and technical support.						
Boeing	The permit is the same whether it is a large or small permittee. Ecology should consider a simpler shorter permit for smaller, lower risk permittees.	General	Ease requirements for small business	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	Comment 2 Appendix 6 - Facilities To Complete Level 2 Corrective Action As previously mentioned BBSM's Kettle Falls Lumber Mill along with a few hundred other facilities is specifically listed in Appendix 6. As described by Appendix 6, the listed facilities triggered Corrective Action Level 2 and/or 3 under the previous permit. Upon the effective date of the Draft Permit the listed facilities are required to comply with Condition S8.B. Ecology has neglected to account for actions that facilities have already undertaken per the previous permit. For instance, a facility that was at a Level 2 or 3 Response under the previous permit and took the required actions that brought them back within their benchmark levels is now required to take additional action at a Level 2 in the new permit with no substantiated data.	Corrective Actions	Appendix 6	Appendix 6	Ecology has made substantive changes to S8 Corrective Actions, including adding a new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.". Therefore, Ecology has deleted Appendix 6 from the permit.	Yes	Add new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.".

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Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	Comment 6 SI0.A. Compliance With Standards Condition SI0.A. reasonably states that discharges shall not cause or contribute to a violation of various standards, but then concludes by saying discharges that are not in compliance with the standards are prohibited. This seems to imply that the discharge itself must meet the standard rather than the surface water, groundwater, sediment, etc. must meet the standard. This could create very stringent limits to discharge if that is how this condition is interpreted. We recommend the last sentence of this condition be deleted so as to avoid such confusion, particularly taking into consideration that sediment standards are based on mg/kg rather that mg/L.	Compliance with Standards	Presumptive Approach	S10.A.	In response to other comments on Condition S10, Ecology has included "presumption of compliance" language from RCW 90.48.555, which should address the concern expressed.	Yes	Add to S10.B: Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is: (a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and (b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control. Add to Appendix 2 Definitions: Demonstrably equivalent means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:
							(A) The method and reasons for choosing the storm water best management practices selected; (B) The pollutant removal performance expected from the practices selected; (C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected; (D) An assessment of how the selected practices will comply with state water quality standards; and (E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

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Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	Comment 3 S3.A.2 & 3. Stormwater Pollution Prevention Plan BMP Compliance These conditions require facilities to implement BMPs based on stormwater manuals prepared by Ecology and also to specify that the BMPs are AKART, that the BMPs comply with water quality standards, and comply with federal technology-based treatment requirements. Since Ecology prepared the manuals, it seems reasonable that Ecology can state that implementing the appropriate BMPs listed in the Manuals would meet Washington's AKART requirements. If the manuals do not represent AKART, then what do they represent? Surely Ecology would not develop a stormwater manual that it did not consider to be AKART. We suggest that the permit specifically state that implementing the applicable BMPs from the stormwater manuals would meet the state's AKART requirement. We also recommend that the BMPs listed in the manuals would comply with the state water quality standards, and we would hope the manuals would also comply with federal technology-based treatment requirements.	SWPPP	AKART	S3.A.2 & 3	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions. No change.	No	
Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	Comment 4. S3.A.2.b. Specify BMPs Necessary to Comply with Water Quality Standards. It is not clear from this requirement how it is to be applied. It could be interpreted that the BMPs must ensure that the discharge meets water quality standards. We recommend this condition be changed to, "Specify the BMPs necessary to ensure the discharge does not cause or contribute to a violation of Surface Water Quality Standards." This language is more consistent with Condition SI0.A.	SWPPP	BMPs meet water quality standards	S3.A.2.b	Ecology agrees with the suggestion, and will revise the permit accordingly.	Yes	Change to: Specify the BMPs necessary to ensure the discharge <u>does not cause or contribute to a violation of the Water Quality Standards.</u>
Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	Comment 5 S3.A.4. Updating the SWPPP This condition requires facilities to modify their SWPPP if inspections or investigations determine "that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site". BBSM agrees that in some instances minimizing or eliminating pollutants is reasonable, but this requirement potentially goes well beyond the requirements to implement the BMPs listed in Conditions S3.A.2 & 3, and it is highly subjective. Under this condition a permittee could be required to eliminate one or all pollutants if it was considered technically feasible to do so without taking into consideration the cost of implementing the additional treatment methods required to minimize or eliminate pollutants. The condition does not explain how someone would "determine" that the SWPPP would be ineffective in eliminating pollutants. Furthermore, the condition does not take into consideration whether or not the facility is meeting the benchmarks which are supposed to be indicators that the facility has implemented appropriate BMPs. This condition appears to be a totally, open-ended opportunity for regulators, and/or citizens, to bring legal action against a facility for not eliminating pollutants. At the minimum, a facility could find itself constantly having to defend against "determinations" made by regulators or well-meaning citizens. We recommend this condition be totally deleted from the permit. If removed, the permittees must still update SWPPP BMPs based on whether or not the facility meets the benchmarks as required by Conditions S5.A.2 and S8. And while we have concerns about the complexity of the corrective actions specified in 88, we believe that relying on the benchmarks to guide BMP improvements is much less ambiguous, and much more reasonable, than the potential nightmare created by Condition S3.A.4.	SWPPP	Update of SWPPP	S3.A.4.	This condition is necessary to promptly address significant SWPPP or BMP deficiencies noted during Ecology inspections. Ecology determinations under this subsection will be made in consideration of Condition S8 Correction Actions. This permit condition can only be implemented by Ecology; citizens do not have authority to make determinations under this section.	No	
Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	Comment 1 Table 3: Additional Benchmarks and Sampling Requirements Applicable to Specific Industries Number 5 in Table 3 requires sampling of additional parameters, total suspended solids (TSS) and chemical oxygen demand (COD), for the Timber Product Industry. These parameters were not required to be sampled under the previous permit for the Timber Product Industry. In addition, Table 3 includes Benchmark Levels for each of these parameters. This scenario likely exists for many of the other industries listed in Table 3. The concern is that our facility has no stormwater data on either of these constituents, yet if the benchmark level is not met, we will advance to the next response Level. While this may not be a concern for some facilities, BBSM's Kettle Falls Lumber Mill, along with 380 plus other facilities has been included in Appendix 6 which already requires Level 2 Response. Therefore the first quarter after issuance ofthis permit many facilities will be at a Level 3 Response.	Benchmark	Additional benchmarks applicable to specific industries	S5.B - Table 3	Ecology has reviewed the comment and based on the based on the benchmark values in EPAs MSGP, has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to these categories, while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	In general BBSM believes the Draft Permit format is an improvement over the current permit format. However, the Draft Permit is still a complicated 71 page document with 119 page fact sheet that will require extensive effort to understand and to comply with. We believe the complexity of the permit will be a particular burden to many small operations. BBSM has the following comments on specific aspects of the Draft Permit.	General	Complexity	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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Boise Building Solutions Manufacturing, L.L.C. (BBSM), a subsidiary of Boise Cascade, L.L.C.	Comment 7 Cost Controls BBSM has not evaluated the specific cost of compliance with this permit at our Kettle Falls Lumber Mill. However, it is clear that the permit will likely require significant upgrades to our stormwater treatment system, and the cost of these upgrades will be significant. It is easy to think of BBSM as a large company that can afford treatment systems, but in fact, each individual mill has to remain cost competitive and the burden of this regulation will fall squarely on a mill that is already struggling to remain economically viable, particularly taking into account other potential regulatory cost burdens and the current state of the wood products industry. We strongly urge Ecology to include language in the permit that takes cost of BMPs and compliance into consideration.	General	Economic Impact	S8	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
BP West Coast Products, LLC	I strongly believe there should be wording in the permit to allow a facility to change status to a lower action level after reaching consistent attainment. Allowing the lowering of Action Level Status after consistent attainment of benchmark values provides incentive for facilities to continuously improve stormwater quality and rewards those in compliance. This also avoids the possibility that a third party to incorrectly associate Action Level Status' with noncompliance, potentially encouraging law suits or having negative affects on a facility's reputation. The intent of the permit is to control stormwater quality, not to negatively label those that take correct actions to attain compliance. The permit should specify a number of consecutive quarters that attainment of benchmark values needs to be met in order for the Action Level Status of the facility can be lowered. Possible wording could be as follows: "The Permittee's Action Level Status will be lowered only after X quarters with consistent attainment of benchmark values. The Permittee must submit a petition to lower their current Action Level Status, with all supporting evidence."	Corrective Actions	Allow off-ramps for corrective action levels	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Buse Timber and Sales, Inc.	I understand the need/requirement for the updates to the permit and some of the forces /factions involved. My comments are directed to Section S5. For permittees who sample at the outfall of a wetland or vegetatively lined ditch/drainage conveyance; 1. weighty consideration should be given to backround levels of naturally occurring substances and biomatter. Specifically, algae blooms, flushing of vegetative decaying matter such as grasses and weeds. Additionally backround levels of elements such as Copper need some leeway. I would support the 25NTU level for Turbidity if it is above an established backround level of 15NTU. I would also suggest a backround level of 7ug/L for Copper. 2. chemical oxygen demand is a measure of the capacity of water to consume oxygen during decomposition. Again backround levels need consideration and leeway. 3. Department of Ecology's Citizens Guide to Understanding and Monitoring Lakes and Streams: Chapter 3 – Streams; total suspended solids and turbidity, recognizes the presence of mineral and organic particles naturally vary due to seasonal changes.	Benchmark	Too stringent	S5, S8	Ecology appreciate the thoughtful comment. Ecology has decided to retain the turbidity benchmark of 25 NTU from the previous permit. This benchmark was affirmed by the Pollution Control Hearings Board in 2003. Ecology derived the metals benchmark based on several receiving water variables, including actual water quality data on the background concentration of metals in waterbodies around the state. But since the water quality criteria for metals do not allow for increases over background concentration (like Washington's turbidity criteria does), the amount of metals in the stream actually counts against the amount of metals that can be added before the waterbody exceeds the criteria. Based on the benchmark values in EPAs MSGP, has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to these categories, while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	ADD: Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
Buse Timber and Sales, Inc.	The Department of Ecology is currently proposing to substantially revise the Industrial Stormwater Permit. This revision comes at a time when the Forest Products Industry is under extreme economic stress, arguably the worst in our lifetime. It appears that the economic consequences ofthe proposal have not been seriously considered in its development. The costs of implementing the proposed new regulations are significant. At the least these costs will be difficult to absorb, and at the extreme could be a significant factor in the failure of some companies. They may not, in themselves, cause a business to close its doors but they are a factor. While we see some benefits, for our operation, we see some troubling provisions. Hiring consultants to conduct the required testing will be very expensive. Installing required technology could run to tens of thousands of dollars. These expenses would be to monitor problems, such as turbidity and biological oxygen demand, which have not been shown to be a problem in log yard and sawmill storm water runoff. As a side note we have been told that these two items cannot be met at forest products facilities. We ask that you personally intervene in a process with the potential to push many forest products businesses into a decision that would result in more folks in the unemployment line. We feel the current permit should be extended until such time as a scientifically documented problem is shown to exist. Thank you for the opportunity to comment on the proposed rule change. Hopefully our input will be seriously considered.	General	Economic Impact	S5, S8	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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Cambria Corporation	I just want to thank you people for the good work and good intentions. By unfortunate circumstance, I pay dues to an organization called AWB. I belong to the organization so I can get a decent price on my health insurance for my staff. Friday afternoon AWB sent out to its members some drivel that the world is collapsing because the State is considering making them stop polluting heavy metals into Puget Sound. I just want to state here that they are wrong, small minded and greedy. I am personally embarrassed to think that somewhere there is a list with my name on it. I have a sense about these forums and how the process flows. So if you are the kid reading this, well, keep at it. Don't think that all the "business people" are like that, especially in Seattle and Puget Sound. A small voice coming from within the mish-mash of emails and letters is saying that you are doing the right thing, that we do need to limit turbidity and heavy metals going into the Sound, and you need to keep going.	General	Support	N/A	Ecology sincerely appreciates the support.	No	
Canfor USA	Our company, Canfor USA, operates under an NPDES permit in Bellingham, WA. Our site had a building with a deteriorating galvanized steel roof. The deteriorating roof apparently was contributing too much zinc to our stormwater. The resulting high sample test results prompted Canfor USA to a level 2 response after the fourth quarter of 2006. In the third quarter of 2007, the landlord of our facility had the deteriorating metal roof replaced. Additionally, Canfor USA partnered with our landlord to reconstruct our stormwater retention pond. The reconstructed stormwater facility includes a constructed bioswale, a setlling pond, a pea gravel filter berm, an oil/water seperator and a naturually vegetated bioswale. While we did not have any stormwater discharge during the third quarter of 2007, our sample results since then have shown a marked improvement. Our sample results have not only improved, they have shown a steady consistancy. I am including a summary here of our sample results for the past 7 quarters. Year Sample Period Sample Date Report Date Parameter Turbidity pH Zinc Oil & Grease BOD5 Units NTU mg/L mg/L mg/L Benchmark Value 25 6 to 9 117 15 30 Action Level Value 50 6>pH>9 372 30 60 2007 Q3 NQSE 2007 Q4 10/18/07 01/11/08 6.1 6.2 100 5 3.7 2008 Q1 02/15/08 02/28/08 12 6.4 40 5 4.6 2008 Q2 04/04/08 07/03/08 13 6.4 27 1.8 2.3 2008 Q3 09/24/08 10/08/08 3 6.6 25 1.6 6 2008 Q4 10/31/08 11/07/08 7.5 6.3 26 1.4 4.3 2009 Q1 02/06/09 02/19/09 2.1 6.4 47 1.6 2.4 2009 Q2 04/17/09 04/28/09 2 6.5 25 2.1 2.7 Canfor USA has responded to a stormwater issue in a positive, proactive manner that is reflected in the sample results. Canfor USA should be removed from the Appendix 6 listing in the proposed Industrial Stormwater General Permit.	Corrective Actions	Appendix 6	S8	Ecology appreciates the work Canfor has done to improve the quality of stormwater discharges. Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Canfor USA	The proposed Industrial Stormwater General Permit has an Appendix 6 that lists all of the businesses under the existing permit that have tiggered corrective action level 2 and/or level 3.. The proposed permit specifies that all of these businesses will have to comply with Condition S8.B regardless of their current level of compliance. If the system is working as it should, many of these businesses should have corrected the conditions that triggered corrective action Level 2 or Level 3 responses. The sampling records for those businesses should indicate the improvements. Those businesses should be recognized to their efforts. Businesses that have triggered a corrective action level 2 response under the existing permit AND have demostrated a history of a least 4 consecutive quarters of compliance with paramter levels at or below benchmark should be removed from the Appendix 6 list prior to the implementation of the proposed Stormwater General Permit.	Corrective Actions	Appendix 6	S8 & Appendix 6	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Carl Niebuhr	I work for a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put on the business I work for and other small firms in our industry out of business. I strongly object to the draft Permit as now proposed. The owner of the recycling firm I work for is trying to operate a small business in a very difficult economy. The permit is very difficult to understand and needs to be far simpler for a small business to understand and implement. This permit will put recycling businesses out of business but do nothing to reduce the amount of copper in our lakes and rivers because nearly all of it is coming off public roads and streets. This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new Costs to the state to replace the functions we now perform. Putting our industry out of business eliminates the re-use of the end of life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream-yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who will handle this junk vehicle waste stream when we are gone? Illegal operations that drain anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'll find the messes they will leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for small businesses. Please carefully review their suggestions and put them in this permit. The vehicle recycling industry is struggling to survive. Too many in our industry have already gone out of business mostly due to extremely costly government regulations. Thank you for considering our comments and making changes to the permit so our industry can continue to provide the highest management of the junk vehicle waste stream (re-use), continue to protect the environment by collecting and properly disposing of many substances from junk vehicles.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Chris McCart	I have worked in the auto recycling business for the past few years. I understand there are rules and regulations in this line of work to protect the environment. It's costly to dispose of the vehicles properly, but this new permit will make it impossible. The main concern seems to be copper, the yard I work in is goodsized, but the WalMart parking lot is a lot bigger and there is more pollution there everyday than is here in a year. What happens to the junk vehicles and wrecked vehicles if there are no more licensed auto dismantlers left? Our business has been hit hard by failing economy, please don't make it any harder by putting extra costs on that won't solve the problem. This is just one example, please accept my letter of concern.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
City of Bellevue	Our staff comments are primarily directed at Section 1 Permit conditions which appear to require municipalities to obtain NPDES Industrial Stormwater Permit coverage for municipally-owned vehicle maintenance and storage area facilities that are already covered under and conditioned in the NPDES Municipal Stormwater Permits. If this is correct, then this would be contrary to an earlier Ecology investigation of this issue and determination that "municipally owned/operated road maintenance facilities and heavy equipment maintenance and storage areas will be covered under the municipal stormwater permits and NOT under the industrial stormwater general permit. " We request that this determination (for municipal facilities to be covered under the municipal stormwater permits) remain in effect and that the proposed Permit S1 language (S1.D.5) be revised to clarify and support this determination.	Permit Coverage	Municipal Facilities	S1.D.5	Municipally owned vehicle maintenance and storage facilities are classified as SIC 16xx (which is not in S1.A.Table 1) and therefore are not categorically required to obtain permit coverage. If a municipality operates a facility that is listed in S1.A. Table 1, permit coverage under the Industrial Stormwater General Permit is required. To improve clarity and reduce confusion, S1.D.5 has been revised.	Yes	Revise S1.D.5.: Any facility authorized to discharge stormwater associated with industrial activity under an existing NPDES individual or other general permit. ~~This exclusion does not apply to stormwater discharged under the authority of a Phase I or Phase II municipal stormwater permit, except the Washington State Department of Transportation (WSDOT) municipal stormwater permit, which authorizes the discharge of stormwater associated with industrial activity from WSDOT vehicle maintenance facilities.~~
City of Bellevue	Additionally, our comments address the proposed benchmark for copper, which appears to be problematic and technically flawed (and, if left as is, could set precedent for future questionable benchmark setting).	Benchmark	Copper	S5	Ecology believes that the basis for the copper benchmark is technically sound.	No	
City of Bellingham	Section S8 & Appendix 6. Appendix 6 of the draft code mandates carryover of corrective action level 2 for all permittees that have triggered corrective action levels 2 or 3 during the previous permit cycle. While this action ensures that out-of-compliance facilities continue to take steps towards improving water quality, it is a punitive approach to take towards permittees that have strived to take appropriate action, often at significant capital expense, and have achieved compliance. We suggest a return to an "in compliance" designation upon proof of successful corrective action and/or the right to petition for reclassification to a lower action level.	Corrective Actions	Appendix 6	S8 & Appendix 6	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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City of Bellingham	Section S8.B (pg 34) states: "The following facilities shall complete a Level 2 Corrective Action in accordance with Condition S8.B.1-4: Facilities not listed in Appendix 6 that exceed any benchmark value [in tables (2-6)] during any 4 separate quarterly monitoring periods after January 1, 2010" It is not logical to trigger corrective action level based on 4 exceedences of any of the analyzed parameters. This strategy does not adequately characterize a problem at the industrial facility, nor does it provide appropriate basis for determining/implementing appropriate BMPs. Instead, it will likely only serve to push long-standing in-compliance facilities (like the City of Bellingham Waste Water Treatment Facility) into higher action levels based on nonrepresentative one-time exceedences. We suggest action level placement be determined by multiple exceedences of the same water quality parameter.	Corrective actions	Triggers	S8.B	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
City of Everett	S1.D.5. It appears that Ecology now wants to institute a policy of multiple stormwater permits issued to jurisdictions that are already covered under Phase 1 and 2 municipal stormwater permits. The City of Everett asks that Phase 1 and 2 jurisdictions remain exempt from additional industrial permits. Also, if this provision remains in the industrial permit, won't it cause an immediate need for permit modifications for the Phase 1 and 2 jurisdictions? Is this not a time consuming and costly process that Ecology would rather avoid, since the current permit modifications were appealed today, thus leading to more cost and time spent at the PCHB?	Permit Coverage	Facilities excluded from coverage	S1.D.5	Municipally owned vehicle maintenance and storage facilities are classified as SIC 16xx (which is not in S1.A.Table 1) and therefore are not categorically required to obtain permit coverage. If a municipality operates a facility that is listed in S1.A. Table 1, permit coverage under the Industrial Stormwater General Permit is required. To improve clarity and reduce confusion, S1.D.5 has been revised.	Yes	Revise S1.D.5.: Any facility authorized to discharge stormwater associated with industrial activity under an existing NPDES individual or other general permit. ~~This exclusion does not apply to stormwater discharged under the authority of a Phase I or Phase II municipal stormwater permit, except the Washington State Department of Transportation (WSDOT) municipal stormwater permit, which authorizes the discharge of stormwater associated with industrial activity from WSDOT vehicle maintenance facilities.~~
City of Everett Public Works	Pg 68, first paragraph, last sentence. Change "...will not quality ...." To "...will not qualify..."	Fact Sheet	Typo	Fact Sheet	Correction: Pg 68, first paragraph, last sentence. "...will not quality ...." changed to "...will not qualify..."	No	
City of Everett Public Works	Pg 23. Change Sec. S4.B.6.b and 6.c and add new 6.d as follows: d. For discharge to 303(d) listed water bodies listed for pH, eight consecutive quarterly samples are within the pH range specified in Section S6.0 Table 5.	303(d)	pH	S4.B.6.b and 6.c	The language regarding pH and consistent attainment has been deleted, has been made consistent with the pH benchmark range of 5.0 - 9.0.	Yes	S4.B.6.a. revised: Four consecutive quarterly samples after the effective date of this permit in which the reported value is equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
City of Everett Public Works	Pg 70, discussion of Special Conditions S4.B.6.c. See changes recommended for permit section S4.B.6.c and for a new permit section S4.B.6.d above.	Benchmark	Clarity needed	S4.B.6.c	The fact sheet will not be revised, but the response to comments supersedes portions of the fact sheet.	No	
City of Everett Public Works	Pg. 23. Sec. S4.C and p 25 S5B table 3 change to add the following sentence: The analytical method for cyanide shall be the weak acid dissociable method in SM 4500-CN I.This method is specified for cyanide in our water quality standards (see footnote "ee" in Table 240(3) in WAC 173-201A-240(3))	Benchmark	CN analytical method	S4.C & S5.B	The paragraph in S4.C will remain unchanged, but Ecology will revise S5.B Table 3 to specify SM 4500-CN I for cyanide.	Yes	revise S5.B Table 3 to specify SM 4500-CN I for cyanide
City of Everett Public Works	Pg 47, third line. The last sentence "This period is approximately October 1." is incomplete.	Fact Sheet	Clarity needed	S5	This statement (This period is approximately October 1) is awkward, but intentional, and is considered complete.	No	
City of Everett Public Works	Pp 84-85, table 57, which compares existing and draft analytical methods. For Oil and Grease, delete the method for the 2007 column since no longer required. For Ammonia, the 2002 Analytical Method was EPA 350.1 For Total Cyanide, change to WAD Cyanide and replace method EPA 335.3 with SM 4500-CN I as per our water quality standards. Also change the footnote for WAD Cyanide to "j" and add footnote "j" at the bottom as:from WAC 173-201A-240(3) footnote ee	Fact Sheet	table 57	S5	Several analytical methods in the permit have been revised, but the fact sheet will not be updated.	Yes	Several analytical methods and quantitation levels have been revised.

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City of Everett Public Works	Pg 73, discussion about basis for turbidity benchmark value. The discussion should be increased to better allow for comparison to the turbidity standard. Suggested additional wording follows: Because the turbidity water quality standards also include an allowance of not more than a certain level of increase, or not more than a certain percentage increase above upstream turbidity, comparisons between upstream and downstream samples may be used to demonstrate compliance with the standards, and count as compliance with the benchmark. Stream samples must be obtained the same day as the stormwater sample. See related comment about turbidity in Section S9 of the permit above.	Benchmark	Turbidity	S5 table 3	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
City of Everett Public Works	Pg 78, discussion about the total copper benchmark value. The discussion notes that the benchmark was developed by the Herrera 2009 report, assuming a dilution factor of 5. The discussion notes that many permittees will be required to install active stormwater treatment systems in order to meet the proposed copper benchmarks. It cites to the Boatyard general permit as a basis for the treatment requirements. Ecology should either eliminate the copper benchmark from the permit, or use better tools for dilution and refinement of the copper criteria to develop more realistic copper benchmarks. See other discussions regarding copper in these comments.	Benchmark	Copper	S5 table 3	Ecology has decided to retain the copper benchmarks for Eastern and Western Washington, as it would be impractical for a general permit to utilize a more complex system of benchmarks based on various receiving water scenarios.	No	
City of Everett Public Works	Pg 25. Sec S5.B Table 3. The copper benchmarks are impossibly low, especially for Western Washington. The benchmark should either be removed or adjusted using a number of currently available tools. It makes more sense to remove the copper benchmarks from the permit and only address copper for individual dischargers through requirements in Section S6 (Discharges to 303(d)-listed or TMDL waters). The copper benchmarks in the draft permit are problematic for a number of reasons. The state's 303(d) list of impaired waters shows only 8 streams listed for copper, and all are small creeks (one downstream from an abandoned copper mine). There are no listings for larger streams and rivers, or for marine waters. The most sensible action is to remove the copper benchmarks from the permit and only address copper for individual dischargers through requirements in Section S6 (Discharges to 303(d)-listed or TMDL waters) when needed. The copper benchmarks in the draft permit are problematic for a number of reasons The lowered benchmark replaces the higher earlier benchmark and also the even higher earlier action level, and serves to trigger escalating response levels. It is applied just for a limited number of industries, and imposes an excessive burden on them that will bear little or no environmental benefit.	Benchmark	Copper	S5.B Table 3	The copper benchmarks were set using a risk-based methodology based on the acute water quality criteria. Ecology agrees that the copper benchmark is very low; this is due to the toxicity of dissolved copper on salmonid at very low levels, and the inherent inability to do site-specific water quality-based permitting in a statewide general permit. The fact that there are relatively few instances of copper-impaired waterbodies on the state 303(d) list is not compelling justification to remove or adjust the benchmarks, or apply them only to discharges to 303(d) waters.	No	
City of Everett Public Works	Pg 25. Sec S5.B Table 3 change ammonia benchmark value to 11.4 mg/1 in Western WA and 2.1 mg/1 in Eastern WA, and/or say that the benchmark value will or may be determined by Ecology on a stream specific basis using pH data and the table on pages 52-53 in the Fact Sheet.	Benchmark	NH3	S5.B Table 3.	Ecology has decided to retain the 2.14 mg/L ammonia benchmark based on the 2008 EPA MSGP. EPA revised the ammonia benchmark from 19 mg/L to 2.14 mg/L to provide a better indicator of the adverse impact to mussel species. EPA selected this benchmark based on a level that is considered protective of mussel species in waters up to pH 8; it will also be protective of other species in waters with a pH up to 8.5.	No	
City of Everett Public Works	Pg 25. Sec S5.B Table 3. The copper benchmarks are impossibly low, especially for Western Washington. The benchmark should either be removed or adjusted using a number of currently available tools. Ecology should use these tools to develop a range of copper benchmarks and then appropriately tailor the copper benchmarks to individual situations and permittees.	Benchmark	Copper	S5.B Table 3.	A general permit that covers over 1,200 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit.	No	
City of Everett Public Works	Pg 25. Sec S5.B Table 3 either change the benchmark value for lead from 81.6 to Western WA: 310 and Eastern WA: 640 as per Herrera study or drop the benchmark. Pg. 78, discussion about the total lead benchmark value. Ecology shows how the Herrera 2009 study supported benchmarks for lead of 310 ug/L in western Washington and 640 ug/L in eastern Washington. Ecology then says that to avoid conflict with the anti-backsliding provisions of the CWA, they decided to retain the previous permit benchmark of 81.6 µg/l Ecology should either eliminate the lead benchmark from the permit, or use the Herrera 2009 values. The anti-backsliding provisions are not applicable here. The state's 303(d) list identifies only 7 waterbodies as impaired for lead (4 of which are affected by mining). Lead could be deleted as a benchmark concern and then addressed where necessary under the 303(d) listed water bodies provision in the permit.	Benchmark	Lead	S5.B Table 3; S6.C Table 5	Lead sampling will be applied to the sectors with a higher risk of it being present in stormwater discharges. It doesn't add a significant lab costs considering these facilities already have copper and zinc monitoring. It is unlikely that lead exceedance alone will occur, but lead analysis can help with BMP selection when done.	No	
City of Everett Public Works	Pg 28, Sec S5.D.2.c, Change to read:c. Discharges of potable water including water line flushing, provided that water line flushing of hyper-chlorinated water must be de-chlorinated prior to discharge. Reason for change: It is important to de-chlorinate hyper-chlorinated water used in water line cleaning when flushing it out. It's unrealistic to require de-chlorinating of potable water before discharging.	Benchmark	potable line flushing	S5.D.2.c,	Ecology has decided to retain this language without change, as it was contained in the previous permit, with no reports of it being problematic to permittees. Dechlorination of non-hyperchlorinated water can be done with simple aeration.	No	

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City of Everett Public Works	Pp 52-53. There is no discussion of turbidity. There should be. See turbidity comments in the permit comment section, for Section S9.	Fact Sheet	Turbidity	S6	Currently no facilities under the ISWGP discharge to turbidity-listed waters (Category 5). However, such a discharge scenario were to occur in the future, the facility will be assigned a limit equal to 25 NTU. The basis for the 25 NTU numeric effluent limitation is the same as the basis for the 25 NTU benchmark, which was previously upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	No
City of Everett Public Works	Pg 52 discussions for Total Copper and Total Zinc 303(d) listed waterbodies.Each describes waterbodies on the 303(d) list for Total Copper or Total Zinc. The water quality standards for metals are for dissolved metals, and 303(d) listings would only be for dissolved copper or dissolved zinc. The second sentence in the copper discussion should be changed to read: This effluent limitation will be for total copper, derived as the dissolved copper criteria at the time of permit coverage based upon receiving water type (freshwater or marine) and hardness, the acute criteria, and a total/dissolved dissolved/total translator factor, in accordance WAC 173-201A-240(3), applied end-of-pipe as a "daily maximum" limit. (similar change for zinc)	303(d)	Clarity needed	S6	Ecology agrees with the suggestion. The limits for zinc and copper will be calculated as follows: This effluent limitation will be for total copper, derived as the dissolved copper criteria at the time of permit coverage based upon receiving water type (freshwater or marine) and hardness, the acute criteria, and a total/dissolved dissolved/total translator factor, in accordance WAC 173-201A-240(3), applied end-of-pipe as a "daily maximum" limit. (same change for zinc)	No	
City of Everett Public Works	Pg 52 discusses basis for limits for outfalls to marine waters on the 303(d) list for pH. Should note that there are no marine waters listed for pH, so maybe delete discussion	303(d)	pH	S6	They do not make the fact sheet overly complex and may apply in the future.	No	
City of Everett Public Works	Pg 80, discussion about ammonia. The benchmark could be improved by use of the freshwater ammonia criteria table on page 52-53 of the fact sheet and representative pH values for eastern and western Washington rivers.	Benchmark	NH3	S6 C Table 5	Ecology has decided to retain the 2.14 mg/L ammonia benchmark based on the 2008 EPA MSGP. EPA revised the ammonia benchmark from 19 mg/L to 2.14 mg/L to provide a better indicator of the adverse impact to mussel species. EPA selected this benchmark based on a level that is considered protective of mussel species in waters up to pH 8; it will also be protective of other species in waters with a pH up to 8.5.	No	
City of Everett Public Works	Pg 31, Table 5, delete pentachlorophenol and annotate marine column as not applicable for phosphorus, ammonia, copper, lead and zinc. Reason for change: There are no 303(d)-listed marine waters for the parameters cited, and there are no 303(d) listings for pentachlorophenol in either fresh water or marine water.	303(d)	pentachlorphenol, and others	S6 C Table 5	They do not make the permit overly complex and may apply in the future.	No	
City of Everett Public Works	Pg 31, Table 5, change the pH freshwater effluent limitations to match the pH discussion on pages 51-52 in the fact sheet. Reason for change: Consistency and reasonable approach.	303(d)	pH	S6 C Table 5	Ecology agrees with the comment. The permit has been revised to bring the pH effluent limits in line with the fact sheet.	Yes	Revise S6 Table 5: The effluent limit for a Permittee who discharges to a fresh water body 303(d)-listed for pH is: Between 6.0 and 8.5, if the 303(d)-listing is for high pH only; Between 6.5 and 9.0, if the 303(d)-listing is for low pH only; and Between 6.5 and 8.5 if the 303(d)-listing is for both low and high pH. For marine waters: 7.0 - 8.5.
City of Everett Public Works	Pg 51 describes pH limits for outfalls to freshwater on the 303(d) list for pH. The pH limits described appropriately consider and adjust for whether the 303(d) listing was for high or low pH.	303(d)	pH	S6 C Table 5	Ecology agrees with the comment. The permit has been revised to bring the pH effluent limits in line with the fact sheet.	Yes	Revise S6 Table 5: The effluent limit for a Permittee who discharges to a fresh water body 303(d)-listed for pH is: Between 6.0 and 8.5, if the 303(d)-listing is for high pH only; Between 6.5 and 9.0, if the 303(d)-listing is for low pH only; and Between 6.5 and 8.5 if the 303(d)-listing is for both low and high pH. For marine waters: 7.0 - 8.5.

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City of Everett Public Works	Pg 70, discussion of Special Conditions S4.B.6.b The section identifies conditions for which a permittee may suspend sampling for one or more parameters based on consistent attainment of benchmark values, and then for pH it identifies much more restrictive values than the pH benchmarks. Consistent attainment should be when within the range of 6.0 to 9.0, or if the water is listed for pH on the 303(d) list, consistent attainment should be when within the range of pH values shown in the fact sheet for pH on page 51. Note that corrections to Permit Condition S4.B.6.b are also required. Pg 70, discussion of Special Conditions S4.B.6.c.	303(d)	pH	S6 C Table 5	The language regarding pH and consistent attainment has been made consistent with the pH benchmark range of 5.0 - 9.0. Consistent attainment is not available to parameters subject to numeric effluent limitations.	Yes	S4.B.6.a. revised: Four consecutive quarterly samples after the effective date of this permit in which the reported value is equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0. Change: consistent attainment not available to 303d limits.
City of Everett Public Works	Pg 31, Table 5, change the fresh water bacteria effluent limit from just 100, to 100, 200, or 400 depending on the receiving water's use classification.Reason for change: Different bacteria standards apply in different waters.	Benchmark	fecal coliform	S6 C Table 5	The table will be revised so that the fecal coliform limits are dependant on the receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL).	Yes	Add footnote explaining how FC limits are based on receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL).
City of Everett Public Works	Pg 51 provides the technical basis for fecal coliform limits for facilities discharging to 303(d) listed waters for bacteria. The limit of 100 colonies/100 mL fecal coliform bacteria is equal to the extraordinary primary contact recreation standard. That should only apply to waters where that is the designated recreation use. There are also standards for primary contact recreation and for secondary contact recreation, and where waters have either of those designated recreation uses, the standards should be related. Hence, for primary contact recreation waters, the limit would be 200 colonies/100 mL, and for secondary contact recreation waters it would be 400 colonies/100 mL.	benchmark	fecal coliform	S6 C Table 5	The table will be revised so that the fecal coliform limits are dependant on the receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL).	Yes	Add footnote explaining how FC limits are based on receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL).
City of Everett Public Works	Pg 53. Describes how facilities with outfalls to waterbodies on the 303(d) list for sediment quality excursions are subject to a WQBEL of 30 mg/L TSS. This may make sense in some situations, but generally does not make sense. There may be legacy contaminants in sediments that have nothing to do with a stormwater discharge and there would therefore be no linkage at all to require a TSS limit. The effect of the limit described here would be to possibly reduce the rate at which the contaminated sediments might be contained or buried, which would be counter-productive. Ecology should be required to determine some possible nexus between the stormwater discharger and the particular parameters exceeding the sediment quality standards before imposing a TSS limit.	303(d)	TSS benchmark for sediment listings	S6 C table 5	Ecology agrees that this approach is imperfect but it is better than all the other options considered. Ecology will retain the 30 mg/L TSS effluent limitation for all discharges to sediment quality impaired waterbodies.	No	
City of Everett Public Works	Pg 31, Sec S7.A.2 requires that after certain dates visual inspections must be conducted by a certified industrial stormwater manager, or other options. The permit language should explain how one becomes certified or refer to a place in the fact sheet where that information can be elaborated on.	inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
City of Everett Public Works	Pg 34, Sec S8.B.4.b; pg 36, Sec S8.C.4.b and pg 37, Sec S8.D.1.b provide flexible provisions to waive requirements for further structural source control BMPs or treatment BMPs. Comment: The provisions are appropriate.	Corrective Actions	waivers	S8.B.4.b; S8.C.4.b and Sec S8.D.1.b	Thank you	No	
City of Everett Public Works	Sec S8.B.4.c; pg 36, Sec S8.C.4.c provide that in order to request a time extension or waiver (under S8.B.4.b and S8.C.4.b) the permittee shall submit an Application for Coverage form to Ecology in accordance with Condition S2.B, at least 90 days prior to the applicable Corrective Action Deadline, requesting "Modification of Coverage". Comment: While the time condition of the request makes sense when requesting a time extension, it makes no sense for when requesting to waive requirements under S8.B.4.b or S8.C.4.b. Subsection "c" in each of these sections should be broken up into two separate subsections "c" and "d"...:	Corrective Actions	Waivers	S8.B.4.c; and S8.C.4.c	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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City of Everett Public Works	Pg 37, Sec S8.D.1.d. the first sentence needs rewording. "Notify the discharger in accordance with WAC 173-226-240(5) that coverage under the permit is no longer appropriate, and any actions required by the permittee in order for coverage under the permit to remain effective."	Corrective action	Level 4	S8.D.1.d.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
City of Everett Public Works	Pg 62 notes that "If contamination of stormwater is unavoidable, the SWPPP will quantify the environmental risk and determine if treatment of the stormwater is necessary to prevent a violation of water quality standards and loss of beneficial uses in the waters of the state." Most permittees are going to have no idea how to do this. Ecology should provide technical assistance in this task because it should not and does not always require complex studies and consultant analysis. The assistance is needed because this requirement will normally be well outside the range of expertise of the individual permittees.	Fact Sheet	Clarity needed	S8??	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
City of Everett Public Works	Pg 39, Sec S9, add the following new subsections 7, and 8. 7 The permittee may identify on the DMR if any data might not be representative and why. Non-representative data should not count towards corrective action triggers.8. The Permittee may also present upstream and downstream receiving water turbidity data to compare with the stormwater data and the applicable turbidity standards. If the downstream value is less than the increase allowed in the standards, compliance is demonstrated. The downstream monitoring point in a stream should be 100 feet if the streamflow is less than 10 cfs, 200 feet if the streamflow is between 10 cfs and 100 cfs, and 300 feet if the streamflow is greater than 100 cfs. In lakes, estuaries, or marine waters the monitoring point shall be at a radius of 150 feet from the discharge.	Reporting	Exceedences that don't cause water quality violations	S9 A.	Permittees are free to include comments on the DMR for consideration. Ecology has considered and decided against the specific suggestions made in this comment, as they are not appropriate within the context of a general permit.	No	
City of Everett Public Works	Pg 59, second to last paragraph, third line.It discusses the Phase I or Phase I municipal stormwater permit. It should say "....Phase I or Phase II...."	Fact Sheet	Typo	N/A	Correction: Phase I or Phase II municipal stormwater permit	No	
City of Everett Public Works	Pp 50-51 describes 303(d) listed parameters that would not require water quality-based effluent limitations for stormwater permits. We agree with the rationale for not triggering effluent limits for the examples provided.	Fact Sheet	303(d)-related limits	S6	Ecology appreciates the comment.	No	
City of Everett Public Works	Pg 53, discussion about facilities with outfalls to waterbodies on the 303(d) list for Pentachlorophenol. The section should be deleted. Reason: there are no waterbodies on the 303(d) list for pentachlorophenol.	Fact Sheet	303(d)-related limits	S6	Ecology has decided to retain the list of 303(d) related effluent limits, including pentachlorophenol, in case it is required in the future.	No	
City of Longview	J. S1.A has a typo – the reference to “S1.A2-5” should be “S1.A2-3.”	Permit Coverage	Typo	S1.A.2	This typo has been corrected.	Yes	Typo corrected
City of Longview	K. S1.D.8 needs clarification.	Permit Coverage	Needs Clarification	S1.D.8	Ecology believes this is sufficiently clear given the reference to Condition S6.B.	No	
City of Longview	C. The six-month window to identify and implement all capital BMPs (Table 6) is less than the typical selection-design-bid-build project cycle for such investments. It is far less than the one- to five-year capital budget cycles of most Permittees. Perhaps acknowledging the impossibility of such a deadline, Ecology has provided a mechanism for extensions (per S8.B.4.c). However, the mechanism is a permit modification, a five-month process (and which must be initiated just three months into the process). Please improve.	SWPPP	SWPPP Timeline	S3	The corrective action timelines have been revised, but are necessarily shorter than the 1 to 5 year capitol budget cycles raised in the comment. The modification process, if necessary, takes less than 5 months.	No	
City of Longview	H. The permit should not require expensive BMPs such as vacuum sweeping and catch basin inserts, when other more effective solutions better suit an operation.	SWPPP	Vacuum Sweeping	S3	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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City of Longview	F. The permit should not mandate flow control for any new process or significant process changes. Such matters should be required though local governments, charged with regulating development. Is Ecology prepared to oversee such processes and changes? What "new process" would trigger this requirement?	SWPPP	Flow control	S3.B.3	Ecology has revised the criteria for flow control which may only apply to facilities with "new development or redevelopment".	Yes	Revise S3.B.3.b.iv: Facilities with new development or redevelopment shall evaluate whether flow control BMPs are necessary to satisfy the state's AKART requirements, and prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3. Definitions for *new development* and *redevelopment* have also been added to Appendix 2 - Definitions.
City of Longview	M. The requirement in S3.B.3.b.i.3.a, that "all sources of dust shall be identified and prevented from accumulating on hard surfaces at the facility" may need a qualifier to be practical.	SWPPP	Dust	S3.B.3.b.i.3.a	will clarify by adding "on-site" i.e., on-site sources of dust...	Yes	add .."on-site" sources of dust…
City of Longview	E. The permit should not mandate permanent sediment control facilities for all sites, per S3.B.4.a. Will catch basins satisfy this requirement?	SWPPP	Erosion and sediment control	S3.B.4.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
City of Longview	D. Why must the permit reset a facility's progress towards establishing compliance (per S4.B.6)? For example, if a site has met the turbidity benchmark for the last seven consecutive quarters before the permit is re-issued, why should Ecology require another eight quarters to determine compliance with the parameter? This lack of effort on Ecology's part will disappoint pollution prevention teams around the state, on whom both Ecology and the Permittees rely upon to effect facility best management practices.	Sampling	Consistent Attainment	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
City of Longview	A. The zinc limit puts the Industrial Stormwater program too far ahead of Ecology's other efforts to protect fish, and does so at the expense of the state's small industrial sites. According to Ecology's Publication No. 06-03-00, "A Survey of Zinc Concentrations in Industrial Stormwater Runoff," dated January 2006: "A facility can be characterized as discharging higher than average zinc concentrations [if it has] a mean concentration higher than 200 µg/L," the permit's proposed benchmark! The study also determined that the facilities reporting under 200 µg/L were probably under-reporting their zinc results, while the other half (those reporting above 200 µg/L) were probably accurate! Zinc comes from common galvanized materials (roofing, duct-work, fencing) and to a lesser degree brakes, brake fluid, and tires. As established above, it is inevitable that a large percentage of Permittees will be forced to upgrade roofs and/or install treatment systems. But what will be the impact of such an expensive and narrow response if zinc is ubiquitous in our society? A more effective and equitable approach would be raise these limits for now, and regulate the use of galvanized products or promote the use of outdoor and automotive products that do not contain as much copper and zinc. Perhaps more than any other issue, this de-facto mandate for capital upgrades with dubious impacts to fish is stoking great ire in the regulated community.	Benchmark	Zinc	S5	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Current state and federal water quality laws do not allow limitations in NPDES permits to be raised to levels that could cause aquatic toxicity in receiving waters while regulatory mechanisms are established to eventually phase out various products that tend to cause stormwater contamination at industrial facilities.	Yes	Numerous changes to S8 Corrective Actions.
City of Longview	G. The requirement for monthly inspections to be conducted by a certified stormwater professional essentially outsources BMP oversight to an expensive consultant. Moreover, this consultant will likely be separate from the pollution prevention team and will not be a regular resource for workers upon whom compliance ultimately relies. Perhaps a reduced certification, akin to the Construction Stormwater Permit's CESCL is more appropriate.	Inspections	CISM	S7	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
City of Longview	L. As written, S7.B.3 requires every illicit discharge should to be reported to Ecology. Adding "a significant amount" or other equivalent standard reporting language from other permits may be more practical.	Inspections	Illicit Discharges	S7.B.3	Ecology considered the comment, but does not have the technical basis to make a revision or further clarify which kinds of illicit discharges are not reportable to Ecology.	No	
City of Longview	I. Appendix 6 defaults many facilities into "Level 2" Corrective Action status, whether or not they successfully resolved the issue. This outdated list does not recognize significant efforts made by the permittee to comply with the permit's reporting and adaptive management requirements.	Corrective Actions	Allow off-ramps from Corrective Action Levels	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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City of Longview	B. Ecology misrepresents the true economic impact of the Industrial Stormwater General Permit on small businesses. To begin with, only 40% of the permit conditions likely to cause economic impacts are captured in the Economic Impact Analysis (from Table 4 or the EIA). Nowhere in the "Executive Summary" or "Conclusion of Estimated Costs" sections is this mentioned. Additionally, labor and expense assumptions are too low. According to the EIA, permit compliance will require between 13 and 24 manhours annually and about $150/year in laboratory analysis costs. These and other assumptions contribute to an estimated annual cost of only $500-$1,500 for small businesses. A more realistic account of costs estimates the minimum probable cost to be $4,500/year. For starters, the annual fee is at least $500. As for labor, monthly inspections, sampling, recordkeeping, reporting, pollution prevention team meetings, annual training, and SWPPP review should require at least 50-hours per year. At $40/hour, labor is about $2,000/year. Additionally, many facilities have more than one sample point and most communities have a 303(d) listed waterbody; so it should be common for analysis costs to exceed $250 per quarter – fecal coliform, TSS, tax, and shipping not included. Inevitable costs not included in the $4,500/year estimate are: 1. The monthly services of a Certified Industrial Stormwater Professional (which, in most cases, will require the regular services of a PE-level consultant). 2. The periodic need for a new or re-written SWPPP (most facilities must thoroughly review and update their SWPPP by July 1, 2010). 3. Operation and administrative costs of adaptive management will be incurred by most facilities and will range from ~$500 to significant capital outlays. For example, according to Appendix 6, almost 400-permittes (about 20% of the total) begin the next permit cycle in Level II, which requires structural controls and probably additional BMPs such as include catch basin inserts (per S3.B.4.b) and vacuum sweeping (per S3.B.3.b.i.(3)(a)). Costs at this point can begin to skyrocket, and are not accounted for in the EIA (see previous discussion on zinc).	Economic Impact Analysis	Economic Impact	N/A	The rationale for why certain costs were included or excluded from the analysis is contained on pages 10-12 of the EIA: http://www.ecy.wa.gov/pubs/0910041.pdf. Ecology's EIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact. Ecology has reduced the costs of the permit to extent possible. Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Columbia Riverkeeper	Riverkeeper asks that Ecology reconsider and eliminate plans to apply dilution factors that effectively authorize industrial facilities to contribute more pollution to the Columbia River and its tributaries.	Benchmark	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	
Columbia Riverkeeper	Riverkeeper respectfully requests that Ecology revise the draft IGSP and issue a permit that adheres to the goals and intent of the Clean Water Act: to reduce water pollution and protect beneficial uses.	General Comment	Permit not protective enough	N/A	Ecology believes that both the draft and final permit adhere to the goals and intent of the Clean Water Act.	No	
Columbia Riverkeeper	State and federal law require Ecology to issue a permit that does not backslide from the requirements of the previous permit. Moreover, the federal Clean Water Act expressly requires Ecology to issue new permits that ratchet down the levels of permissible pollution. Simply put, the Draft IGSP violates the letter of the law and ignores Ecology's duty to protect human health.	General Comment	Backsliding	N/A	Ecology disagrees that the Draft IGSP violates the letter of the law and ignores Ecology's duty to protect human health.	No	

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Columbia Vista Corporation	• This permit has extensive requirements to identify and install best management practices from the Stormwater technical manual to achieve all known and Reasonable Treatment Technology (AKART). In order to determine what this means specifically, we will once again have to hire lawyers and consultants as well as rely on consultation form Ecology. With our current containment, stormwater discharge systems and BMP's, we currently exceed the requirements. Yet we may have to create new or more processes? This could limit our ability to run a successful business in a difficult industry and time.	SWPPP	AKART	S3	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions.	No	
Columbia Vista Corporation	• This permit changes the action levels at which I must increase my storm water management response. The new levels are so strict that based on industry norms it is probable that we will need to install extensive new treatment systems. Over the years, we have invested over $1 million to capture and control stormwater runoff. Yet we may be forced to invest significantly more to meet these unreasonable objectives. We have BMP's in place and monitor rigorously as it stands today. These changes could lead-to insurmountable costs inthe monitoring. Recent governrnent studies concluded that surface water runoff and municipal wastewater treatment plants (not industry) were by far the most significant contributors to toxics loading. Yet industrial stormwater permittees will be required to comply with the most restrictive stormwater permits in Washington and the country, while municipalities and the Washington Department of Transportation do not have to take actions required of industry based on monitoring data.	Benchmark	Too stringent	S8	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Ecology plans to work collaboratively with businesses under the general permit to help ease the transition into the new permit, and provide technical assistance to facilities who need it.	Yes	Numerous changes to S8 Corrective Actions.
Columbia Vista Corporation	• This permit is 71 pages long (with a119 page Fact Sheet) and has 58 requirements in it for me to comply with. As a small business, we do not have the staff to determine the details, so either we hire lawyers or other consultants to help with our understanding of the new compliance regulations. In this economy, the cost will be prohibitive. Additionally, the costs of complying could be catastrophic to us. • This permit has extensive requirements to identify and install best management practices from the Stormwater technical manual to achieve all known and Reasonable Treatment Technology (AKART). In order to determine what this means specifically, we will once again have to hire lawyers and consultants as well as rely on consultation form Ecology. With our current containment, stormwater discharge systems and BMP's, we currently exceed the requirements. Yet we may have to create new or more processes? This could limit our ability to run a successful business in a difficult industry and time. • This permit changes the action levels at which must increase my storm water management response. The new levels are so strict that based on industry norms it is probable that we will need to install extensive new treatment systems. Over the years, we have invested over $1 million to capture and control stormwater runoff. Yet we may be forced to invest significantly more to meet these unreasonable objectives. We have BMP's in place and monitor rigorously as it stands today. These changes could lead-to insurmountable costs inthe monitoring. Recent governrnent studies concluded that surface water runoff and municipal wastewater treatment plants (not industry) were by far the most significant contributors to toxics loading. Yet industrial stormwater permittees will be required to comply with the most restrictive stormwater permits in Washington and the country, while municipalities and the Washington Department of Transportation do not have to take actions required of industry based on monitoring data.	General	Complexity	N/A	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Compass Aerospace Northwest	This permit has extensive requirements to identify and install best management practices from the Stormwater technical manual to achieve All Known and Reasonable Treatment Technology (AKART). We at Compass currently do not know if we can afford to install or have the space to ensure best practices for future requirements. Again we would be forced to hire consultants.	Sampling	AKART	S3	State law requires dischargers to implement All Known and Reasonable Methods of Prevention Control and Treatment (AKART), and, in some cases, consultants are required to assist with aspects of permit compliance, especially if engineering is required.	No	
Compass Aerospace Northwest	This permit changes the action levels at which I must increase my storm water management response. The new levels are so strict that based on industry norms it is probable that I will need to install extensive new treatment systems. Based on the current outline of costs per acre we would be spending over a $1,000,000 to achieve the type of system that hopefully meets the new levels. This would potentially put us out of business or force the need for our business to go elsewhere to operate. Again we would have to hire a consultant for this as well.	Sampling	Action Levels	S5	State law requires dischargers to implement All Known and Reasonable Methods of Prevention Control and Treatment (AKART). Ecology believes that many facilities will be able to comply with permit conditions, including AKART requirements, without installing expensive end-of-pipe treatment.	No	

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Compass Aerospace Northwest	This permit is 71 pages long (with a119 page Fact Sheet) and has 58 requirements in it for us to comply with. Our ability to administer this permit will take additional resources that are not currently budgeted. We would most likely have to hire a consultant to ensure we are in compliance. We are in a very competitive business where these costs are not easily recouped.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Copper Development Association, Inc.	The draft permit references copper (and galvanized) roofs as specific examples of roofing systems or surfaces that may contribute to stormwater pollutants. These are only two examples of materials, structures and surfaces that could present such concern. In fact, the Copper Industry's recent Continent-wide Voluntary Risk Assessment of all copper products in commerce in the European Union (Van Sprang, et al. in press) determined that copper roofing and exterior architectural products were among the least significant sources of copper emissions (agricultural and transportation sources made up almost 90% of the continent-wide emissions of copper). Either Ecology's list should be expanded to include all materials, surfaces, structures and applications that could potentially contribute contaminants, or the specific reference to copper and galvanized roofs should be removed. CDA urges Ecology not to single out copper roofing material in S3.B.2.b.viii for potential source control because the vast majority of copper emissions are likely associated with the transportation sector (at least in urban and suburban watersheds) and with agricultural uses of copper in mixed-use watersheds, not copper roofing or the industrial categories covered by this permit	SWPPP	Copper	S3.B.2.b.viii	Although this reference was in the previous permit, Ecology doesn't believe that copper roofs are commonly found on industrial sites in WA State, and not a primary source of stormwater contamination. Galvanized roofing materials and fencing is a common sources of pollutants on industrial sites, and will be retained as examples.	Yes	Delete "copper roofs" from S3.B.2.b.viii
Copper Development Association, Inc.	The benchmark values of 14 ~g/L in Western Washington and 32 ~g/L in Eastern Washington are both unnecessarily stringent to protect water quality, and economically unreasonable. The study from which the copper benchmarks were derived (Herrera 2009) provides an insufficient scientific and technical basis on which to support either of these benchmarks. CDA recommends that Ecology incorporate one or all of a suite of readily available and widely accepted tools that appropriately consider dilution factors and site-specific variables that more accurately reflect the real world conditions impacting the toxicity of stormwater discharges on affected receiving waters. A. The proposed ISGP fails to adequately consider real-world dilution factors Ecology decided to use a single dilution factor of 5 in establishing the copper benchmarks, on the basis of an insufficient technical study conducted by Herrera. Use of a onesize- fits-all dilution factor of 5 is unreasonably conservative and arbitrary given the inherent variability of stormwater discharges and receiving water flows throughout the State. Most stormwater discharges are very small relative to the flows in the receiving water, and dilution is usually quite rapid. Almost all stormwater discharges will readily attain dilution factors much greater than 5 within seconds to a few minutes following discharge. For this reason, use of a single dilution factor of 5 ignores real-world dilution effects and results in overly conservative benchmarks. B. The proposed copper benchmark fails to properly consider co-variance of hardness and stream flow The state's copper water quality standards are hardness-dependent. The standards are lower (more stringent) at low hardness and higher (less stringent) at high hardness. The distinction between Western and Eastern Washington's benchmarks is based on differences in hardness of fresh water throughout the state. The Herrera Report considered the variation in hardness in the streams in deriving the benchmarks, but because it simply evaluated three arbitrary dilution factors (1, 5 and 10), it made no effort to model how stream hardness and stream flow are related. Although dilution may be less at times of low stream flow, hardness is typically higher. Because the Herrera Report does not appear to have accounted for the covariance of these parameters, it rendered the benchmarks much more conservative than necessary.	Benchmark	Copper	S5	A general permit that covers over 1000 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit. Ecology disagrees that the dilution factor of 5 is unreasonably conservative. Ecology is not aware that any other state or federal agency considered the covariance of stream hardness and flow when setting an industrial stormwater sampling benchmark; and does not believe such an exercise would have been feasible for a statewide general permit.	No	
	Accordingly, the Herrera report provides an insufficient basis to support the technical validity of the proposed copper benchmarks. In contrast, EPA's draft Implementation Guidance (HydroQual2008: "Calculation of BLM Fixed Monitoring Benchmarks for Copper at Selected Monitoring Sites in Colorado") for National Ambient Water Quality Criteria for Copper (USEPA 2007) provides a more robust technical basis to establish a copper benchmark. EPA Guidance takes into consideration time-variable flows and receiving water chemistries while ensuring maintenance of hardness-based standards for trace metals (HydroQual, 2008; p. 2). Ecology should consider use of these EPA methods for estimating benchmarks for stormwater constituents affected by time-variable flows and concentrations. Alternatively, Ecology should use the site-specific Kennedy-Jenks model that was prepared on behalfof Boeing during the recent advisory committee process. Boeing commissioned Kennedy-Jenks to develop a probabilistic model that could be used to develop discharger- and water body-specific benchmarks. The Kennedy-Jenks model differed from the Herrera model in a number of ways, including use of receiving water volumes and flows, and incorporating the co-variance ofhardness and flows. The model provides a good tool for Ecology to develop site-specific permit benchmarks. The model could also be used to develop benchmarks covering a range of situations which the general permit could selectively apply to groups of dischargers (e.g., dischargers to the Columbia River, Puget Sound, small streams). CDA encourages Ecology to use the Kennedy-Jenks model to establish more reasonably balanced benchmarks that are both fully protective of receiving water quality and economically reasonable.						

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	C. Ecology should use the water-effect ratio (WER) or EPA's Biotic Ligand Model (BLM) to develop copper benchmarks As noted above, the copper benchmarks do not take into account the many chemical and physical factors that mitigate the toxicity of copper to aquatic organisms. For copper, these mitigating factors include water hardness, dissolved organic carbon (DOC), and alkalinity (Paquin et al. 2002, USEPA 2007), the concentrations of which can vary substantially from site to site, and across the range of flows at any particular site. Using only hardness as a modifying factor for metals criteria is an outdated approach that does not take into account a substantial body of peer-reviewed scientific literature demonstrating that additional modifying factors can and should be incorporated into regulatory benchmarks or standards, while providing the same levels of aquatic life protection (USEPA 1985, 1994,2001,2007). By not considering these factors, Ecology rendered the copper benchmarks overly conservative. Both USEPA guidance and Washington's federally-approved Water Quality Standards ("WQS") provide ample support for using scientific procedures that take into account toxicity-mitigating factors, including:						
	1. Water-effect ratio (WER) The WER procedure is intended to take into account how water quality characteristics affect the toxicity of contaminants (most typically metals) in laboratory dilution water relative to actual receiving water conditions. The WER is the quotient of contaminant toxicity (measured as an acute/chronic endpoint) in site water and its toxicity in laboratory water. In most cases, the site water endpoint (e.g., median lethal concentration, LC50) will be higher than the endpoint calculated in laboratory waters, as natural waters typically contain ameliorating materials (e.g., organic carbon) not present at environmentally realistic concentrations in laboratory waters. This results in a WER greater than 1, indicating that site water reduces the apparent toxicity of copper. Use of a WER is more likely to provide the intended level of protection (compared to not using a WER) because it takes into account the site-specific modifying factors and potential interactions with other constituents of the site water (USEPA 1994). The WER process is explicitly authorized as part of Washington's approved water qualitystandards. See WAC 173-201A-240 (Footnote "dd" in Table 240(3)). Accordingly, use of a WER to modify the proposed copper benchmark would provide a level of aquatic life protection sufficient to satisfy the existing copper WQS. Indeed, EPA guidance for establishing aquatic life criteria (USEPA 1985) and site-specific criteria (USEPA 1994) establishes that site-specific criteria derived through use of a WER (or any other approved method) provides the same levels of aquatic life protection as originally intended in the Clean Water Act, even if the resulting numeric criterion increases as a result of the presence of a water quality factor that mitigates toxicity (e.g., hardness, or DOC). Thus, site-specific copper benchmarks derived from a modification of the State WQS using a WER would provide the same level of aquatic life protection as intended in State WQS, but at concentrations that are more reflective of local conditions.						
	CDA recognizes, however, that development of site-specific WERs can be costly and time consuming and thus impractical for individual permittees. Ecology has previously incorporated a generic area-wide WER of 2.5 (derived from the median WER out of 17 total freshwater WERs ranging from 1.43 to 2.77) in establishing freshwater copper benchmarks in the 2005 boatyard general stormwater permit. This generic WER process was subsequently upheld by the Pollution Control Hearings Board. See PCHB Nos. 05-150, 151,06-034 & 06040), findings of fact #52. Implementation of this type of generic WER would raise the Western Washington copper benchmark to 35, and the Eastern Washington benchmark to 80. This type of WER would provide a cost-effective means of considering the water quality factors that influence copper toxicity thresholds in natural waters and would result in more reasonably balanced benchmarks that are both sufficiently protective and economically reasonable. 2. Alternatively Ecology should use EPA's Biotic Ligand Model (BLM) Because copper toxicity is often controlled by water quality variables other than hardness (e.g., alkalinity, pH, dissolved organic matter, and major ions), a hardness equation is not the most appropriate method for determining site-specific criteria for copper. A computational model (called the Biotic Ligand Model; BLM) has been recently developed (Di Toro et al. 2000, Paquin et al. 2002) that considers how these water quality factors influence the chemical interactions between copper and the external binding sites on the organism that cause toxicity (e.g., fish gill). Given that the BLM is a mechanistic representation of how water quality factors influence these chemical interactions (in other words, an accurate mathematical model of the reduction in toxicity seen in laboratory tests to estimate a local WER), the BLM can be used to develop site-specific criteria that can be appropriately applied to all surface waters. The BLM was also incorporated as the foundation for the USEPA's national Ambient Water Quality Criteria for copper in freshwaters, and therefore is considered to be a nationally-valid method for criteria derivation that is fully protective of aquatic life and their uses (USEPA 2007). WAC 173-201A-240(4) allows and even directs the use of EPA's revised criteria in the use and interpretation of the state's toxic substances criteria.						

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	Ecology could use EPA's Biotic Ligand Model (BLM) as a lower cost surrogate for conducting a WER. Using the concentration of 10 commonly-monitored water quality constituents (e.g., calcium, magnesium, dissolved organic carbon, dissolved inorganic carbon, chloride, among others), the BLM calculates acute and chronic copper criteria concentrations using methods consistent with Clean Water Act goals and required levels of aquatic life protection. The BLM can generate both higher and lower standards depending on the site water characteristics (Van Genderen et al. 2007). The model can also be used to predict the acute toxicity of copper to several sensitive aquatic test organisms (e.g., Ceriodaphnia dubia, rainbow trout, Oncorhynchus mykiss and the fathead minnow, Pimephales promelas) under user-selected water quality conditions, and can also be used to predict WER values for a wide range of natural waters (Santore et al. 2008). Model predicted WERs can also be combined with empirical WERs: this approach was used to derive site-specific WQS for copper in portions of the South Platte River, Colorado (Chadwick Ecological Consultants 2004).						
	II. The Proposed Copper Benchmarks Are Not Economically Reasonable As presently proposed, the average industrial facility subject to the general permit cannot afford to comply with the proposed copper benchmarks. The draft permit proposes to impose the copper benchmarks on four particular SIC groups; primary metals (33xx), metals mining (1 Oxx), automobile salvage and scrap recycling (5015 and 5093), and metals fabricating (34xx). The Fact Sheet identifies that as of October 6,2006, there were at least 281 affected facilities subject to these proposed benchmarks. The Fact Sheet acknowledges that many of these permittees will be required to install active stormwater treatment systems for copper and refers to a boatyard stormwater treatment study. See ISGP Fact Sheet at 78. Thus, Ecology expressly acknowledges that the average treatment costs associated with the copper benchmarks in the boatyard permit are both analogous and highly relevant in assessing the likely costs of meeting the proposed copper benchmark established in the draft ISGP. The latest draft Boatyard General Permit imposes a seasonal average copper benchmark of 14.7 ~g/L with a daily maximum benchmark of29 ~glL. See November 5, 2008 Draft Boatyard Permit at 17. The Fact Sheet for the Boatyard General Permit identifies copper treatment costs of $255,000 per acre. "The net present value of the most cost-effective treatment device of the three pilot treatment devices was $255,000 per acre (Arcadis 2008). The Arcadis study further estimated that the cost for treatment and preparation work for a two acre boatyard would range between $400,000 to $900,000." See Boatyard Fact Sheet at 17. Using the most cost-effective treatment costs of $255,000 per acre established by the Arcadis study and assuming that the average industrial facility is 2 acres, and that only fifty percent (50%) of the industrial permittees in the four industrial sectors subject to the proposed copper benchmarks will actually be required to implement copper treatment to meet the Western Washington copper benchmark of 14 ~glL, the total treatment costs will exceed $70,000,000 (140 x 2 x $255,000). CDA believes that the $70,000,000 cost figure is likely to be low because the ISGP Fact Sheet identifies many other industry groups that Ecology may consider subjecting to copper benchmarks. Given the exorbitant treatment costs imposed by the proposed copper benchmark, CDA supports provisions in the Draft ISGP that allow Ecology to waive structural source control BMPs or Treatment BMPs that are deemed infeasible, or unnecessary to prevent water quality standards exceedances. See Draft ISGP S8.BA.b and c, S8.CA.b and c, and S8.D.I.b and c. Because the Kennedy-Jenks model, WERs and BLM models provide a scientifically sound basis on which to base treatment waiver requests, CDA suggests that Ecology explicitly authorize their use in the treatment waiver process, and eliminate the arbitrary 90-days requirement in which to seek such a waiver.						

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Copper Development Association, Inc.	Arcadis. 2008. Boatyard Stormwater Treatment Technology Cost Analysis. Chadwick Ecological Consultants. 2004. Site specific adjustments to copper table value standards based on water effect ratios for the South Platte River Basin in the Denver urban area. South Platte. South Platte Coalition for Urban River Evaluation. 17 p. Di Toro, D. M., H. E. Allen, H. L. Bergman, J. S. Meyer, R. C. Santore, and P. Paquin. 2000. The biotic ligand model: A computational approach for assessing the ecological effects of copper and other metals in aquatic systems. International Copper Association, Ltd., New York, NY. Herrera Environmental Consultants. 2009. Water quality risk evaluation for proposed benchmarks/action levels in the Industrial Stormwater General Permit. Washington Department of Ecology, Olympia WA. HydroQual, Inc. 2008. Calculation ofBLM Fixed Monitoring Benchmarks for Copper at Selected Monitoring Sites in Colorado. Prepared for the US Environmental Protection Agency. Paquin, P. R., 1. W. Gorsuch, S. Apte, G. E. Batley, K. C. Bowles, P. G. C. Campbell, C. G. Delos, D. M. Di Toro, R. L. Dwyer, F. Galvez, R. W. Gensemer, G. G. Goss, C. Hogstrand, C. R. Janssen, J. C. McGeer, R. B. Naddy, R. C. Playle, R. C. Santore, U. Schneider, W. A. Seattle-3535282.I 0009520-00001 Stubblefield, C. M. Wood, and K. B. Wu. 2002. The biotic ligand model: a historical overview. Comparative Biochemistry and Physiology Part C 133C:3-35. Santore, RC, E. Sopher, and P.R Paquin. 2008. Use of the biotic ligand model to evaluate bioavailability of copper in arid west watercourses, p. 77-90 In: Gensemer, RW., R.D. Meyerhoff, K. Ramage, and E. Curley (Eds). Relevance of ambient water quality criteria for ephemeral and effluent-dependent waters of the arid western U.S. SETAC Press, Pensacola, FL. 257 p. USEPA. 1985. Guidelines for deriving numerical national water quality criteria for the protection of aquatic organisms and their uses. PB85-227049, U.S. Environmental Protection Agency, Washington, DC. USEPA. 1994. Interim guidance on determination and use of water-effect ratios for metals. EPA823- B-94-001, U.S. Environmental Protection Agency, Washington, D.C. USEPA. 2001. Streamlined water-effect ratio procedure for discharges of copper. EPA-822ROOl- 005, U.S. Environmental Protection Agency, Washington, D.C. USEPA. 2007. Aquatic life ambient freshwater criteria - Copper. 2007 Revision. EPA 822-R-07001, U.S. Environmental Protection Agency, Washington, D.C. Van Genderen, E., RW. Gensemer, C. Smith, R Santore, and A. Ryan. 2007. Evaluation of the biotic ligand model relative to other site-specific criteria rivation methods for copper in surface waters with elevated hardness. Aquat. Toxicol. 84:279-291. Van Sprang, P., M. Vangheluwe, A. Van Hyfte, D. Heijerick, M. Vandenbroele and F. Verdonck. 2008. Voluntary risk assessment of copper, copper II sulphate pentahydrate, Copper (I) oxide, copper(II) oxide and dicopper chloride trihydroxide. Chapter 3 (Environmental exposure), section 3.1.2.4. (Release from industrial/professional use and private use) p 84-115. Available from http://www.eurocopper.org/copper/copper-ra.html. In press European Chemical Association website under ECHA CHEM / transitional measures. Seattle-3535282.I 0009520-0000 I	Benchmark	Copper	S5	Ecology appreciates the information about copper.	No	
Coveys Auto Parts	This permit requires the identification and installation of best management practices from the technical manual to achieve All Known and Reasonable Treatment Technology (AKART). That means a lot of expenses I cannot afford, nor can the industry afford. This means I am going to have to hire some very expensive consultants to tell me what all of this means. I've heard estimates that these requirements can cost $10,000's to $100,000 per year to install and manage. How is the State of Washington going to do all that the vehicle recyclers have done once we are driven out of business by these kind of costs?	SWPPP	AKART	S3.A.2	The AKART requirements are in Washington State law and it would be unlawful not to include them in this permit. Ecology guidance and technical assistance will be provided to facilities, which could minimize the need for outside consultants. The Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions. No change.	No	
Coveys Auto Parts	The "visible sheen" benchmark for petroleum is not logical. Go to any mall parking lot when it rains and you will see a visible sheen on the water running into the catch basins. Yet, my business can be put out of business because of a visible sheen, but the mall parking lot gets off totally. There is no fairness or equity in this?	Benchmark	Oil Sheen	S5.A.2	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Coveys Auto Parts	Copper limits are set at 14 micrograms per liter in Western Washington. That is a level below that of the copper in drinking water in many areas of Washington State. This is a ridiculously low level. A leak of tap water could violate the permit conditions in some areas.	Benchmark	Copper	S5.B.2	It is not surprising that the human health (drinking water) criteria for copper is different from the aquatic life criteria for copper. A great deal of scientific literature demonstratives that low levels of copper can be toxic to certain kinds of aquatic life, while those same levels of copper have no health effect on humans who drink it. The same is true of other drinking water constituents such as chlorine, which can also be toxic to fish at levels that are not toxic for human consumption.	No	

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Coveys Auto Parts	The copper exposure in our industry comes mostly from the brakes on vehicles. We don't put the copper in the brakes. The vehicle recycling industry produces less than 1% of the copper dust that contaminates stormwater in Washington State. The rest of it is on the public roadways as people drive their vehicles and use their brakes. Yet, to solve less than 1% of the problem you are willing to put our industry out of business, while failing to address 99% of the problem. This is flawed environmental science, is ridiculous economic policy, and makes absolutely no sense.	Benchmark	Copper	S5.B.2	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This inequity relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit but, as a whole, may contribute greater pollutant loading to the state's receiving waters. Ecology does not wish to put your industry out of business and is committed to providing technical assistance and other resources to help with permit compliance.	Yes	Numerous changes to S8 Corrective Actions.
Coveys Auto Parts	The permit is 71 pages long. Then there is an additional 119 page Fact Sheet. This is overly long and needlessly complex. We are trying to run a small business and do not have time to become technical or environmental consultants. This permit is piling on- adding these new requirements to the over 100,000 government regulations from 58 state, local and federal agencies we already have to comply with. We aren't some huge company with a staff of experts who can decipher all of this stuff. We're a small business trying to stay open in a very difficult economic environment. This permit needs to have a far simpler "for small business section" instead of all of the incomprehensible stuff that it now contains.	General Comment	Complexity	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Crop Production Services	The permit requires the identification and installation of the best management practices from the Storm Water Technical Manual to achieve All Known and Reasonable Treatment Technology (AKART). The rule is lengthy and vague on specifics resulting in the need for our company to employ a third party consultant.	SWPPP	AKART	S3	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions.	No	
Crop Production Services	This permit also changes the action levels, but due to the complexity of the rule it is not known, but suspected, that we may required to install extensive and expensive new treatment systems.	Bencmarks	Too Stringent	S5	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Crop Production Services	This permit is 71 pages long with a119 page Fact Sheet. It has 58 requirements in it for our business to comply with. This is longer and more complicated than it should be. After the initial reading, there may be implications to our business that will require a lot more time to digest and understand, but will likely require the employment and expense of a third party consultant.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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Cynthia Cappaert	I work for a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put on the business I work for and other small firms in our industry out of business. I strongly object to the draft Permit as now proposed. The owner of the recycling firm I work for is trying to operate a small business in a very difficult economy. The permit is very difficult to understand and needs to be far simpler for a small business to understand and implement. This permit will put recycling businesses out ofbusiness but do nothing to reduce the amount of copper in our lakes and rivers because nearly all of it is coming off public roads and streets. This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new costs to the state to replace the functions we now perform. Putting our industry out of business eliminates the re-use of the end of life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream-yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who will handle this junk vehicle waste stream when we are gone? Illegal operations that drain anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'll find the messes they will leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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Darigold	If we are faced with the prospect of having to design and construct a treatment system for our stormwater runoff, we may wish (if feasible) to use dry wells, swales or other BMPs as described in Ecology's Stormwater Management Manuals to eliminate all stormwater discharges from one of our milk plants. Condition S13 does not allow permit termination if we do this, even though these BMPs are widely used. Condition S1A of the ISGP states "This statewide permit applies to facilities conducting industrial activities that discharge stormwater to a surface water body or to a storm sewer system that drains to a surface water body." Condition S13 should be changed so, if we are able to make modifications such that there is no discharge, we can terminate coverage under the ISGP.	Termination	Conditions	S13	Ecology agrees and has revised S13.A.3 to provide a mechanism for permittees to terminate coverage if the site is reconfigured to discharge to ground and prevent discharges to surface water	Yes	Revised S13.A.3. All permitted stormwater discharges associated with industrial activity that are authorized by this permit cease are prevented because the stormwater is redirected to sanitary sewer, or discharged to ground (e.g., infiltration, etc.).
Darigold	The requirement in Condition S3.B.3.b.i.5.a that "All chemical liquids, fluids, and petroleum products, shall be stored on an impervious surface that is surrounded with a containment berm or dike …" should be changed to clarify that it applies only to hazardous chemicals and petroleum products, not 'fluids' such as water.	SWPPP	Storage of chemicals	S3.B.3.b.i.5.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Darigold	The requirement in Condition S3.B.4 requiring all dischargers to construct both sediment control and filtration BMPs is excessive. This requirement should apply only to facilities that have excessive erosion or sediment generation, not to all facilities governed by the ISGP.	SWPPP	Erosion and sediment control	S3.B.4.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Darigold	The benchmark requirement in Table 2 that stormwater has "no visible oil sheen" is unreasonable in that even a minute quantity of oil can cause a sheen. This should be changed to the current, quantifiable limit of 15 milligrams per liter.	Sampling	Table 2	S5	Ecology believes that the presence of a visible oil sheen at a stormwater discharge location could indicate a failure of BMPs to prevent water pollution, and therefore a reasonable and prudent requirement. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Darigold	The nitrate/nitrite limit of 0.68 milligram per liter in Table 3 is unreasonably low in that this limit is a fraction of limits applied to drinking water and treated wastewater routinely discharged to rivers and streams. Forcing stormwater to be treated to levels more stringent than drinking water or treated wastewater is unreasonable.	Sampling	Table 3	S5	EPA's 2000 and 2008 MSGP sets the Nitrate + Nitrite Nitrogen benchmark at 0.68 mg/L based on the National Urban Runoff Program (NURP) median concentration; Ecology does not have the basis for a different benchmark value here in Washington. .	No	

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Darigold	For instance, for our milk processing plants the EPA requires only visual inspection of stormwater runoff while Condition S7 of the proposed ISGP requires that we hire a "Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer" to perform quarterly collection of samples that must be sent to a laboratory for testing. We object to these certification requirements and request that, similar to federal requirements, our staff be allowed to perform routine stormwater monitoring. The cost of either training our personnel or hiring a consultant with the required credentials and paying the laboratory fees is only the beginning: if the "benchmarks" in the ISGP are exceeded	Inspections	CISM	S7	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Darigold	Condition S8 also requires unreasonably fast implementation of Level Three and Level Four corrective actions. These corrective actions not only involve the consultant reports that we object to, they also require design and construction of complex and expensive treatment facilities. We object to the requirement that this process be completed "Immediately, but no later than the deadline specified in Table 6." Table 6 allows a maximum of six months from triggering a Level Three corrective action to completion of construction. Only three months is allowed for implementation of the more complicated and expensive Level Four corrective action. We cannot budget for these projects within these short timeframes. Merely addressing SEPA and Ecology design review requirements often takes three months – the entire time allowed for completion of a Level Four corrective action! At least 12 months should be allowed from the time any corrective action is found to be necessary to when in must be completed.	Corrective Actions	Table 6.	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Darigold	Condition S8.C.3 of the proposed ISGP requires the hiring of consultants to perform an AKART analysis and design a treatment system. We feel that we should be allowed the option of responding to stormwater quality problems using our professionally trained staff without involvement of expensive consultants. We also feel that the Best Management Practices described in Ecology's Stormwater Management Manuals should be the basis of corrective actions – not an expensive "reinventing the wheel" process of determining AKART for every individual benchmark exceedance that occurs. Isn't this why Ecology developed the Stormwater Management Manuals in the first place?	Corrective Actions	Level Three	S8.C.3	Ecology has decided to allow other stormwater quality professionals to provide treatment certification, including Certified Professionals in Storm Water Quality.	Yes	Revise S8.D.2.b: A licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality shall design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.
Darigold	The requirements for a Level Four Corrective Action included in Condition S8.D of the proposed ISGP are even more laden with implicit requirements that consultants be retained. In particular, requirements for receiving water studies and engineering reports contained in Conditions S8.D.1.a.i and ii are excessive. These studies and reports typically cost many thousands of dollars per study or report, just to produce the document (as opposed to addressing the problem). The provisions for revocation of coverage under the ISGP included in Conditions S8.D.1.d and e amount to a mechanism by which Ecology can force our milk plants to close, which is an inappropriate and excessive response to stormwater quality problems. Both the requirements for consultant reports and the provisions allowing Ecology to close our plants should be removed from the ISGP.	Corrective Actions	Level Four	S8.D.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Darigold	We are extremely concerned that the proposed new Industrial Stormwater General Permit (ISGP) will lead to significantly higher operating costs for our milk processing plants, which will reduce our ability to compete with products imported from out of state. This will bring economic hardship to our owners, who have already been hit hard by the economic downturn. In addition to the specific comments included in this letter, we encourage you to consider the economic impact of the stringent requirements included in the proposed new ISGP.Our concern about the economic impact to our Washington producers is due to the draft ISGP being far more stringent and expensive to implement than the EPA Multi Sector General Permit applicable to businesses in other states.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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Darlene Thong	My family runs an auto recycling business and the proposed stormwater permit is will put most of the wrecking yards like ours out of business. I We dismantle, recover useable parts, and then scrap the junk cars after removing the hazardous items like anti-freeze, mercury switches, CFC ozone depleting gases, airbag actuatorst etc. The junk cars won't go away if you put us out of business. Who will handle them and how will they handle them if we're gone? Our small wrecking yard has survived for over 30 years. We've done what we were required to do to comply with the law and protect the environment. We've provided living wage jobs to our employees. We've been a good business for Washington State. The stormwater permit you are proposing may well end all of that. You are asking for the impossible. The Auburn Public Water Utility reports, "The 90th percentile result for copper was 0.24 and 1.05 mg/L (parts per million) for the two rounds of sampling." That is equivalent to 240 and 1050 micrograms per liter (parts per billion) of copper. The new permit is requiring our stormwater to have les than 14 micrograms of copper per liter (parts per billion). The Auburn Public Water Utility also reports that the copper in our drinking water is coming from, "Erosion of natural deposits; leaching from wood preservatives." They say nothing about automobiles. The key point here is, that the copper that is occurring in the environment is 25 to 75 times higher than what we can have in the stormwater that runs off our property. How in the world are we supposed to accomplish that? The new level you are proposing for copper in our stormwater is absurd! The vehicle recycling industry has a long history of providing jobs; collecting sales taxes for the state for FREE; paying local, state and federal business taxes; effectively managing the waste streams from junk vehicles; recycling used parts to keep repair costs and insurance costs for citizens down; and recycling about a half a million tons of steel a year. What did this industry do to deserve the Department of Ecology trying to put us out of business via this stormwater permit? If you put our industry out of business, where will all the old anti-freeze, CFC gases, Lead, airbag explosives, mercury switches, and other materials we remove and properly dispose of, go? I hope the Department of Ecology comes to its senses sooner than later and re-writes this permit. You will do so if you are truly interested in protecting the environment.	General	Economic Impact	S8	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
David T. Johnson P.E.	Benchmark Levels: The draft permit establishes much lower benchmark levels for copper at 14 ppb for Western Washington and 32 ppb for Eastern Washington while eliminating the former action level. Paradoxically, the zinc benchmark level is increased from 117 ppb to 200 ppb in Western Washington and 255 ppb in Eastern Washington. Since the benchmark levels have effectively become the action levels, these changes are magnified. No consideration is made for the form of the metal, either dissolved or solid. Copper tends to be in a solid insoluble form in stormwater runoff while its damaging aquatic effects are created in a dissolved form. Drinking water levels of copper tend to be much higher than the benchmark levels. For example, the City of Tacoma reported a value for copper of 589 ppb as their highest level detected in their most recent consumer confidence report. Also, there is no justification for providing a significantly different standard for metals in one portion of the state versus another. The imposition of arbitrary standards on geographic regions with no underlying technical basis would seem to be a violation of the equal protection requirement of the U.S. Constitution. The very low metals level for copper would require sophisticated and complex treatment processes to achieve that are unlikely to be technically or economically feasible for implementation. Recommendation: Provide a single benchmark for all parts of the State. Maintain the benchmarks at the levels established in the current permit.	Sampling	Copper	S5	It is not surprising that the human health (drinking water) criteria for copper is different from the aquatic life criteria for copper. A great deal of scientific literature demonstratives that low levels of copper can be toxic to certain kinds of aquatic life, while those same levels of copper have no health effect on humans who drink it. The same is true of other drinking water constituents such as chlorine, which can also be toxic to fish at levels that are not toxic for human consumption. The fact sheet (p.74) states that "the results of the 2009 Herrera analysis, hereby incorporated into this fact sheet by reference, were submitted to Ecology and titled: Water Quality Risk Evaluation for Proposed Benchmarks/Action Levels in the Industrial Stormwater General Permit, dated February 9, 2009." [http://www.ecy.wa.gov/programs/wq/stormwater/industrial/workgroupdocs/analysisreportwqrisk.pdf] This document explains that since the zinc criteria is hardness dependant, and streams have different (lower) hardness in Western WA, therefore causing the Western WA benchmarks to be lower. Ecology does not believe that applying different benchmarks to Eastern and Western Washington, based on different water chemistry found in these regions of the state, violates the equal protection requirements of the U.S. Constitution.	No	

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David T. Johnson P.E.	In general, the draft permit imposes a significant new new paperwork compliance burden on small business through several new requirements. Inspections (S7): The permittee is required to conduct and document in the SWPPP a monthly visual inspection of the site. A lengthy list of inspection requirements are enumerated in Section S7.B, each of which must be documented in the inspection report. Beginning in 2012, the inspection can only be performed by a Certified Industrial Stormwater Manager, a Certified Professional in Stormwater Quality, or a Professional Engineer. The general water quality assumptions implicit in this requirement are that such inspections will identify pollutant sources, identify measures to remove those pollutant sources from exposure to precipitation, ensure that the inspections are performed by a competent person, and that the inspections will be documented for later review. The resulting inspection records are then retained on site where they will subject to legal action and severe financial penalties if any requirement is not completed correctly. While this is undoubtedly beneficial for law firms and inspection professionals, it is unlikely to have any measurable effect on stormwater quality because impacts on stormwater quality from industrial sites are generally structural. Structural impacts are created by the nature of the industrial activities that are carried out on the site which are exposed to precipitation and are not changed by inspections. For example, stormwater from an oil refinery is likely to become contaminated with various types of oil and fuels and frequent inspections will not have an effect other than to identify an unusual source created by a spill or sloppy maintenance practices. Such unusual sources are unlikely to be identified promptly by a monthly inspection and would be better addressed by focusing resources on the routine practices employed at the facility rather than on inspections and their documentation. Recommendation: Eliminate S7.A.2. Eliminate S7.C.1.(c-f). This will drastically reduce the paperwork compliance burden, significantly reduce the litigation burden, and allow the inspections to be performed by site personnel.	Inspections	CISM	S7	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
David White	No visible sheen of oil on our stormwater. That's usually the case in our facility, but once in a while there may be a sheen for a short time. That puts me in violation of this new permit and you can put me out of business because of that. No problem, let the state spend a few million of taxpayer money a year to build some very fancy facility to handle junk vehicles. They will still probably have a visible oil sheen on their stormwater from time to time. 80 what have you accomplished? NOTHING!	Benchmark	Oil Sheen	S5	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
David White	I understand that the permit will require that copper in my stormwater must be cleaner than it is from most public drinking water. That about says it all. This new requirement for copper is way too low. By the way, most of the copper in the water comes from roads and highways were people drive and use their brakes. Our operations aren't where most of the copper is coming from. If you kill our businesses and all the good we do for the state and its citizens, you still will not solve the copper problem because we aren't the problem.	Benchmark	Copper	S5	It is not surprising that the human health (drinking water) criteria for copper is different from the aquatic life criteria for copper. A great deal of scientific literature demonstratives that low levels of copper can be toxic to certain kinds of aquatic life, while those same levels of copper have no health effect on humans who drink it. Ecology disagrees that the copper benchmark is too low. Ecology agrees that most copper loading to surface water comes from worn copper brake pads deposited on roads, highways, and other impervious land uses not covered under this permit. Ecology agrees that this permit alone will not solve the copper problem. Ecology does not wish to kill your businesses, and will continue to provide technical assistance and other resources to help with permit compliance.	No	
David White	This permit and the fact sheet are about 200 pages long. It's filled with a bunch of very technical information and lots of do's and don'ts that frankly, We don't understand. Why is the Department writing such a confusing and challenging document for us to have to deal with?	General	Complexity	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
David White	I am sure you are a nice guy but it is clear you don't understand much about small businesses because this new stormwater permit you are proposing will kill the small business that I work for. I have worked as a auto dismantler for 2 years and would like to keep my job. Now the state wants to put my employer out of business. Why?	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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David White	If you put us out of business, you'll have a bunch of illegal guys junking cars in the back woods. They cut the hoses and let the anti-freeze drain on the ground, the CFC's go into the air, and they can throw the lead weights on the ground too. That will protect the environment far better than what we are doing, right? And, you will never find them and you'll never catch them. You will only find where they have,been. This draft permit will do more environmental harm than you can imagine by putting legitimate vehicle wreckers out of business and replacing them with illegal operations or forcing the state to spend millions a year to do what we are already doing. Instead of us making money for the state, it will cost the state money. It is clear that the Department really doesn't understand the auto wrecking industry or the illegal operations that are ready to take our place. If it did, it would re-write this permit so our businesses can stay in business, keep providing honest jobs, keep collecting taxes for the state, and keep managing the junk vehicles in an environmentally responsibly way. The Department has a big decision to make. Fix this permit to keep our yards in business to protect the environment, or let the illegals take over after we are put out of business and watch the huge environmental damage they will do.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Dawson Consulting LLC	Condition G25. Bypass Prohibited This condition is found in S8.A. of the current permit; however, the text has been reorganized such that it doesn't make sense. See text of current permit (A.1., 2., 3., and 4.).	Bypass		G25	Ecology agrees that the draft bypass language required revisions. It has been replaced with standardized language.	Yes	B. Bypass Procedures Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable. 1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions. Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the bypass. 2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit. This bypass is permitted only if: a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities

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							which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility. c. Ecology is properly notified of the bypass as required in condition S3E of this permit. 3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit. The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing;

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							(5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

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							(3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; Ecology will consider the following prior to issuing an administrative order for this type bypass: a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit. b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility. c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment. After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.
Dawson Consulting LLC	S1.F. Conditional "No Exposure" Exemption The current permit (condition S6.D) specifies that Ecology will grant a conditional "no exposure" determination 60 days after the form is submitted to Ecology, unless Ecology responds in writing. The draft permit states that upon receipt of a complete and accurate No Exposure Certification Form, the No Exposure exemption is automatically granted in 60 days, unless the applicant is informed in writing within 60 days that the request is denied or that additional information is required. The draft wording seems intended to prevent an automatic granting of the No Exposure Certification as well as to prevent Ecology from having to respond in writing within 60 days. Alternatively, the permit condition should be worded as follows: Upon receipt of a No Exposure Certification Form, the No Exposure exemption is automatically granted within 60 days, unless the applicant is informed in writing within 60 days that the request is denied or that additional information is required. Currently there are numerous facilities that have submitted No Exposure Certification Forms, have not received any response back from Ecology, and have been listed in Ecology's online database with a "Hold" status for months or years. The new permit (or Fact Sheet) should clarify that those facilities that already submitted a No Exposure Certification Form and did not hear back from Ecology within 60 days of their submittal are automatically granted the No Exposure exemption (regardless of their online "Hold" status). If the facility's	Permit Coverage	No Exposure	S1.F	Ecology has revised S1.F.a as follows: A Permittee is automatically granted a No Exposure exemption 90 days from Ecology's receipt of a complete and accurate No Exposure Certification Form, unless Ecology informs the applicant in writing or electronically within 90 days that it has denied or approved the request.	Yes	Revise S1.F: A Permittee is automatically granted a No Exposure exemption 90 days from Ecology's receipt of a complete and accurate No Exposure Certification Form, unless Ecology informs the applicant in writing or electronically within 90 days that it has denied or approved the request.

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Dawson Consulting LLC	S3. Stormwater Pollution Prevention Plan (SWPPP) S3.B.3.b.ii. Specific (mandatory) Structural Source Control BMPs are now included in the permit text. Including mandatory structural BMPs in the permit itself is too inflexible. Due to the nature of some industrial operations (e.g., large lumber/wood products facilities, scrap metal recycling facilities), it is not practical or feasible to locate all industrial materials and activities inside and/or protect the materials and activities with storm resistant coverings, as is now specified in the draft permit. As another example, some facilities may use treatment BMPs instead of "berming or curbing to prevent runoff of contaminated flows" from these areas. As currently drafted, it appears the permittee can only request a waiver for infeasibility of these mandatory structural BMPs as part of a Level Two Corrective Action. Alternatively, these mandatory SWPPP structural BMP provisions should be qualified so as to be required "where practical" or "where feasible." A more workable option is to remove the mandatory structural BMPs from the permit [provision ii.2)] and retain the reference to the SWMMs [provision ii.1)].	SWPPP		S3.B.3.b.ii	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Dawson Consulting LLC	S4. Sampling We support the proposed sampling protocols that eliminate the restrictive storm event conditions of the current permit.	Sampling	Sampling criteria	S4	Ecology has revised the criteria for sampling.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.
Dawson Consulting LLC	S5. Benchmarks and Effluent Limitations The draft permit includes a new copper benchmark of only 14 µg/L. While the draft Fact Sheet states that benchmark values are not numeric effluent limitations, it also states that Ecology has decided to refine and clarify the substance of Level 3 "and clearly articulate the performance goal of Level 3 is attainment of the benchmark in future discharges." The proposed benchmark concentration for copper is problematic for several reasons, as follows. The general permit doesn't account for stormwater run-on from adjacent streets and doesn't account for air deposition; permittees have little or no options to control either of these copper sources. The natural background concentration for copper in soil (statewide average) is 36,000 µg/kg (Ecology, 1994). A few particles of soil washing off the tires of an employee vehicle and/or dust generated from an adjacent roadway could cause a facility to exceed the proposed copper benchmark of 14 µg/L. Additionally, copper from the wear of brake linings has been shown to contribute significantly to copper concentrations in stormwater runoff (Brake Pad Partnership, 2007). Even so, the Stormwater Management Manual includes no BMPs for the control of copper from brake wear. Ecology's own studies have shown significant air deposition of copper in the Puget Sound region; the permittee has no control over atmospheric sources of copper. The Stormwater Management Manuals (SWMMs) do not include treatment BMPs or Active Stormwater Treatment Systems designed for the removal of metals. Today's end-of-pipe stormwater treatment technologies cannot attain an effluent discharge concentration of 14 µg/L. Ecology need only look at existing facilities that process copper-bearing materials and operate sophisticated stormwater treatment systems to understand what might be achievable across a number of facilities and site specific conditions. No mixing zones are authorized in this permit. As Ecology is aware, a facility's ability to achieve water quality-based effluent limits for metals invariably requires the use of mixing zone or dilution factor. It makes no sense to set a water quality-based benchmark that is not technologically achievable, and provide no allowance for a mixing zone. By lowering the copper benchmark to 14 µg/L, Ecology is likely setting these permittees up for failure of a narrative effluent standard- since "failure to comply with the specific corrective action requirements in S8 … would be considered a permit violation" and since operational, structural and treatment BMPs will not allow permittees to consistently attain (if at all) a copper concentration of 14 µg/L. Unless and until the permit provides a mixing zone provision, a methodology to consider background contributions to stormwater pollutants in a facility's runoff, and until the SWMM's identify and vet treatment technologies for metals removal, the existing benchmark concentration for copper should be maintained.	Benchmark	Copper	S5	Ecology believes that it is proper to articulate that the goal of corrective actions is to meet the benchmark in future discharges. This language addresses stakeholder concerns that the previous permit was ambiguous about post-corrective action performance goals. Ecology acknowledges that copper is ubiquitous in the environment, due to brake wear some of which is presumably mobilized and deposited as airborne deposition. There is no practical way to distinguish between the contributions of copper from on-site industrial activity and other sources. Ecology is not aware of any permit in the country allowing permittees credit for pollutants that originates from adjacent roadways or atmospheric deposition, and is skeptical that such an approach would be legally defensible or practical to implement. Ecology makes no claims that the copper benchmark can be easily met, therefore the permit relies on escalating levels of adaptive management to incrementally improve stormwater discharge quality, while maintaining compliance with the permit and Clean Water Act. Ecology believes that for most sites under this general permit, successful stormwater management does not lie exclusively with expensive end of pipe treatment systems, but rather a combination of both source control and passive treatment BMPs (e.g., vacuum sweeping, roof coating, bioswales, catch basin inserts, etc.).	No	

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Dawson Consulting LLC	S6. Discharges to 303(d)-Listed or TMDL Waters A reference to Appendices 4 and 5 would be helpful.	303(d)	Needs Clarification	S6	A reference to Appendix 4 will be added to S6.C. (Discharges to Certain 303(d)-Listed Waters). Condition S6.D.3 (Requirements for Discharges to Waters with Applicable TMDLs) already includes a reference to Appendix 5, so no additional reference will be made.	Yes	Add reference to Appendix 4 in S6.C: a. Facilities subject to these limitation include, but may not be limited to, facilities listed in Appendix 4.
Dawson Consulting LLC	S6.C.1.a. Should provision a. require sampling/effluent limitations that correspond to the parameters the receiving water is 303(d)-listed for and Total Suspended Solids (instead of or Total Suspended Solids)?	303(d)	Sediment Quality	S6.C.1.a	Ecology has decided to use TSS as the sole sampling parameter to ensure that discharges to 303(d) listed waters do not cause or contribute to violations of sediment quality standards. For these dischargers a numeric effluent limitation of 30 mg/L TSS will be assigned at the time of permit coverage.	No	
Dawson Consulting LLC	S8.A., B., and C. For clarity, perhaps the first sentence/first bullet of these conditions should state "… that exceed any applicable benchmark value [in tables 2-6)]…" This also seems appropriate for the second bullet in S8.C.	Corrective Actions	Timeline	S8	Ecology agrees that this would add clarity, and "applicable" will be added, i.e., "applicable benchmark value..."	Yes	Add "applicable benchmark value..." to S8.A, B, C (both bullets).
Dawson Consulting LLC	Fact Sheet Page 94 (last paragraph) mentions permittees that "enter the permit at Level Three." This seems to conflict with the draft permit, which has permittees only entering Level Three after exceeding a benchmark during any 4 (or 8) separate quarters after January 1, 2020.	Fact Sheet	Level 3	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Dawson Consulting LLC	S8.B. Permittees in Level Two must revise their SWPPP to include "additional" Structural Source Control BMPs. This category includes permittees that are in Level Two and Three of the current permit; as such, these permittees may have exhausted all feasible Structural BMPs and still exceed a benchmark(s) under the new permit. In the case where all feasible structural BMPs have been exhausted, what is Ecology's intent for this permittee under Level Two of the new permit? Must the permittee apply for a waiver? Will such a permittee be in violation of this narrative effluent limitation?	Corrective Actions	Waivers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Dawson Consulting LLC	S8.B.4. The requirement to fully implement Structural Source Control BMPs "immediately" is not reasonable. We suggest the Level 2 deadline simply read "no later than the deadline specified in Table 6."	Corrective Actions	Level 2	S8.B.4	Ecology agrees with the suggestion to delete "immediately", but has revised the language to include "as soon as possible".	Yes	Replace ~~...immediately~~ , with as soon as possible.
Dawson Consulting LLC	The S8.B.4.c. waiver (and time extension) provision requires the submittal of an Application for Coverage form in accordance with S2.B. Condition S2.B. includes a public notice requirement. A public notice seems unnecessary, given that this permit condition (the allowance for a waiver or extension) has undergone public notice and opportunity for comment. Additionally, this seems unduly burdensome for a structural BMP.	Corrective Actions	Waivers	S8.B.4.c	While Ecology understands the basis for this comment, previous PCHB rulings require such a permit modification (with public notice, etc.) in order the change or waive the applicability of permit conditions to an individual facility under the general permit.	No	
Dawson Consulting LLC	There are existing permittees that have completed Level Three Responses and have submitted engineering reports to Ecology, per chapter 173-240 WAC, for the construction of stormwater treatment BMPs/systems. Is it Ecology's intent that these permittees complete a Level 3 SWPPP Certification per S8.C.3.? Alternatively, wouldn't their (prior) submittal of the engineering report suffice? Requiring a new certification in this situation does not seem warranted and would result in unnecessary additional cost to the permittee.	Corrective Actions	Level 3	S8.C.3	If these facilities trigger another Level 3 corrective action under the new permit, the new Level 3 requirements would need to be complied with. It is possible that a previously completed engineering report may be referenced by the licensed or certified professional stamping a SWPPP that has been revised to address the new Level 3 corrective action. The permittee should work with Ecology if this situation arises.	No	

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Dawson Consulting LLC	S8.C.3. Is it Ecology's intent that the P.E. certify that the entire SWPPP (not just the treatment portions) is consistent with Condition S3.A.? Is it Ecology's intent that the PE certify consistency with Condition S3.A., or with S3.A.3.?	Corrective Actions	Level 3	S8.C.3	S8.C.3 only pertains to the "portion of the SWPPP that addresses stormwater treatment structures or processes" (per S3.A.3), not the entire SWPPP. This will be clarified in the final permit.	Yes	Revise S8.D.2: Make appropriate revisions to the SWPPP to include additional Treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges. a. The Permittee shall sign and certify the revised SWPPP in accordance with S3.A.6. b. A licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality shall design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.
Dawson Consulting LLC	S8.C.4 The requirement to fully implement Treatment BMPs "immediately" is not reasonable. We suggest the Level 3 deadline simply read "no later than the deadline specified in Table 6." Additionally, most treatment BMPs (including detention ponds, sand filters, and systems designed to remove metals) require construction approval per chapter 173-240 WAC. Ecology is the approving agency and construction approval is a many-month process that can exceed 6 months. Is it Ecology's intent that a Level 3 permittee apply for a Modification of Permit Coverage where the agency is delaying the implementation of the treatment BMP such that the specified deadline cannot be met?	Corrective Actions	Level 3	S8.C.4	Ecology agrees with the suggestion to delete "immediately", but has revised the language to include "as soon as possible".	Yes	Replace ~~...immediately~~ , with as soon as possible.
Dawson Consulting LLC	S8.D. Level Four Corrective Actions include a reference to an Active Stormwater Treatment System, which is defined to include, but not be limited to, chemical treatment, enhanced media filtration, electrocoagulation and ion exchange. Is the inclusion of this definition intended to separate these systems from the definition of a Treatment BMP as used in the Level Three Corrective Action requirements? If yes, does this mean the permittee is not required to consider Active Stormwater Treatment Systems as part of its Level Three Corrective Action?	Corrective Actions	Level 4	S8.D	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Dawson Consulting LLC	S8.D.1. lists the actions Ecology will take when a permittee triggers a Level 4 Corrective Action. There are no timeframes indicated for these agency actions. During the time between a permittee's submittal of a Level 4 Notification Form and Ecology's taking action per S8.D.1., is the permittee in compliance with the Level Four Corrective Action provisions of the permit? Because the adaptive management program constitutes a narrative effluent limitation, it is important to understand the permittee's exposure during delay periods.	Corrective Actions	Level 4	S8.D.1	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Don Phelps	I run a small vehicle recycling firm and I strongly object to the new draft Industrial Stormwater General Permit. I strongly believe it will put small firms in our industry out of business. Our industry's businesses provide, to the state's economy and the state's environment, Many necessary benefits like: 1 Processing and recycling of over 350,000 end-of-life vehicles in Washington State per year. 2 Maximizing the highest waste management option for this waste-stream - re-use. 3 Removing hazardous materials like anti-freeze, ozone depleting CFC gases from the air conditioning systems, mercury switches, lead, explosives from the airbags, etc., and managing those wastes properly. 4 Recycling over 450,000 tons of used metals so it can be recycled into new metal products 5 Collecting millions of dollars per year in sales taxes and paying millions of dollars per year in business taxes to help fund the operations of state government. 6 Providing about 1200 jobs in Washington State 7 Holding down vehicle repair costs and insurance costs for the citizens of Washington State through the re-use of used vehicle parts I estimate that if our industry were eliminated it would cost the State of Washington well over $30 million to $50 million annually in lost revenues and new costs the state would have to incur to replace the functions we now perform. Plus, there would be a huge loss in the reuse of the waste stream our industry now provides and a huge increase in illegal operations dumping the wastes we now handle in to storm drains and onto the ground that will cause huge environmental problems. The draft permit is extremely unfriendly to our industry. It is nearly 200 pages of requirements that require us to be both a lawyer and an engineer to understand and comply with. That is totally unreasonable. The new 14 rnicrograrns per liter limit for copper in Western Washington is unacceptable. That is below the copper in drinking water in many areas of Washington State. If you put us out of business, it will do nothing to reduce copper in rivers, lakes, etc. The copper is coming from vehicles that are being driven. Each time the driver uses the brakes, a little copper is ground off the brake pads and ends up on the street. Imposing this ludicrous new copper limit on our facilities will destroy our facilities but do nothing to reduce copper in the rivers, lakes, etc. because 99.99999% of the copper is NOT coming from our facilities. The "visible sheen" benchmark for petroleum is likewise unacceptable. Go to any catch basis on any street or mall parking lot when it rains and you will see a visible sheen on the water running into the catch basins. My business can be put out of business because of a visible sheen, but no one is doing anything about the oil in the stormwater running off streets and parking lots that is a million times the volume of any of my stormwater discharges. This permit requires me to identify and install best management practices to achieve All Known and Reasonable Treatment Technology (AKART). What the heck does that mean? This means I am going to have to hire some very expensive consultants to tell me what all of this means. Then I'm going to pay $lO,OOO's a year to install and manage whatever it is I have to do to be in compliance. I cannot afford those kinds of costs, and there is no one else in the industry who can, either. What will be the net environmental cost of driving us out of business? The Independent Business Association has proposed many suggestions that could make this permit work far better for small businesses. Please carefully review those suggestions and put them in this permit if Washington State has any interest in keeping small businesses like ours in business and providing the 1200 jobs our industry has historically provided and continuing to receive the environmental benefits we provide. The number of vehicle recycling firms in Washington State has been going down for the past 10 years even though the state's population has grown significantly. Most went out of business due to extremely costly government regulations. This draft Permit could finish off the entire industry in Washington State if not greatly changed to make it feasible for our industry to survive.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Donna Dion	I work for a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put on the business I work for and other small firms in our industry out of business. I strongly object to the draft Permit as now proposed. The owner of the recycling firm I work for is trying to operate a small business in a very difficult economy. The permit is very difficult to understand and needs to be far simpler for a small business to understand and implement. This permit will put recycling businesses out of business but do nothing to reduce the amount of copper in our lakes and rivers because nearly all of it is coming off public roads and streets. This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new costs to the state to replace the functions we now perform. Putting our industry out of business eliminates the re-use of the end of life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream-yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who will handle this junk vehicle waste stream when we are gone? Illegal operations that drain anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'll fmd the messes they will leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for small businesses. Please carefully review their suggestions and put them in this permit. The vehicle recycling industry is struggling to survive. Too many in our industry have already gone out of business mostly due to extremely costly government regulations. Thank you for considering our comments and making changes to the permit so our industry can continue to provide the highest management of the junk vehicle waste stream (re-use), continue to protect the environment by collecting and properly disposing of many substances from junk	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Echo Bay Minerals	Section S7. Inspections, A. Inspection Frequency 2. Certified Inspector. Allow a temporary stormwater inspector to fill in until they can get certified, maybe a 3 to 6 month period depending on how many times the class is offered. This would be helpful if a certified inspector left a site and would allow a site some time to get another employee trained, and remain in compliance.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Echo Bay Minerals	Appendix 6 should be based on the last two to three years of data under the previous Industrial Stormwater General Permit. If a site has been in compliance for the last two or three years then they should not be penalized for the entire period of record, especially since they met the requirements of the levels they were elevated to.	Corrective Actions	Appendix 6	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Ed Levesque	I run a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put my business and others small firms in our industry out of business. We strongly object to the draft Permit as now proposed. The draft Permit is way too complex. I am trying to run a small business in a very difficult economy. You would need some super college degree to understand what this permit requires and how to comply with it. We have no one on staff with such a degree or knowledge. Where are we supposed to get this type of expertise from? This permit needs to be far simpler for small business instead of being so very difficult to understand and implement. Why in the world would the Department require that our stormwater must be cleaner than the public drinking water in most areas of the state? How can the Department impose such a ridiculously low limit on copper in stormwater? The copper from our facilities together is miniscule as compared to the copper coming off the roads and highways where people drive cars and use their brakes. When they use their brakes, they release copper into the environment. Yet the Department is proposing nothing to control that huge source of copper that is millions of times greater than the copper that comes from our facilities. This permit will put us out of business but do nothing to reduce the amount of copper in our lakes and rivers because nearly all of it is coming off public roads and streets. This permit prohibits my business from having a visible oil sheen but does nothing about the oil running off public streets and parking lots. Again, the oil from all of our vehicle recycling facilities combined is miniscule as compared to the oil going into storm drains from our public roads and from parking lots. Yet, you are proposing nothing to control that oil in stormwater. This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new costs to the state to replace the functions we now perform. Putting our industry out of business eliminates the re-use of the end-of-life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream – yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who is going to handle this junk vehicle waste stream when we are gone? Illegal operations that drain anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'll find the messes they will leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for small businesses. Please carefully review their suggestions and put them in this permit. The vehicle recycling industry is struggling to survive. Too many in our industry have already gone out of business mostly due to extremely costly governments regulations. This draft permit could well be the straw that breaks the back of the entire industry in Washington Stat, if not re-written. Thank you for considering our comments and making changes to the permit so our industry can continue to provide the highest management of the junk vehicle waste stream (re-use), continue to protect the environment by collecting and properly disposing of many substances fro junk vehicles, continue to collect sales taxes for Washington State at no cost to the state. Continue to pay business taxes to Washington State. Continue to provide jobs for our workers. And continue to help keep the cost of auto repairs and vehicle insurance down through our sale of used vehicle parts.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Elvin Brincefield	I work at one ofthe small auto recycling yards in Washington and understand with the new Stormwater permit regulations my employer might have to close or downsize. This could cost me my job. I'm not a college grad and with my age it would be hard for me to fmd a job. It seems that the copper level is your main concern, but I think you are looking in the wrong place for the problem. The parking lots in this town have more pollutants running off after any storm than this yard has in a year. We are very clean and dispose of all oils, antifreeze, freon, mercury switches properly. What happens if the legal wrecking yards disappear? Where does this waste go to? From what I'm told, 10 years ago there were over 400 licensed wrecking yards, now there are 140. Can we afford to loose anymore? Who is going to dispose of all the junk vehicles? It seems to me this new permit would increase expenses and decrease revenues for the State and do nothing to stop the problem. Please look at other solutions and help our industry stay in business.	General	Economic Impact	N/A	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Emerald Services, Inc.	Businesses have already received some negative feedback by having their names on the Appendix 6 list, even though it is likely that most are in compliance with the current permit. Somewhere in the permit, it should be clear that the faciity's corrective action status does not directly relate to the facility's compliance status, or Ecology should allow for "de-listing" of facilities once the facility has consistently achieved a higher quality of stormwater discharge with contaminants below benchmark levels. If facilities on the Appendix 6 list have successfully returned to a state of stormwater discharge below benchmark levels prior to issuance of the new Permit, then it seems that these faciities should not need to repeat actions already taken based on new requirements of the Draft Permit as part of Level Two Corrective Action. If these facilities cannot be removed from the Appendix 6 list based on improvements to stormwater discharge, then it's feasible that many/most of the facilities on the list will by applying for the Level Two waiver that is available according to the Draft Permit. Is this something that is being anticipated by Ecology with appropriate staffing? Will the waiver cause any change in the facilities' corrective action status?	Corrective Actions	Appendix 6	Appendix 6	Ecology has made substantive changes to S8 Corrective Actions, including adding a new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.". Therefore, Ecology has deleted Appendix 6 from the permit.	Yes	Add new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.".
Emerald Services, Inc.	The lack of consistent attainment carryover to the Draft Permit seems to punish facilities that have successfully maintained stormwater discharges below benchmark levels in the current Permit. If the intent of this lack of carryover is to ensure current information regarding facilities' stormwater discharge, perhaps Ecology would consider a type of recertification, where the facility would certify that operations have not changed. Periodic sampling to show that the facility is still meeting benchmark levels could also be performed. This may ultimately ensure more protection of the environment than discontinuation of sampling altogether for the remaining life of the permit if consistent attainment is achieved.	Sampling	Consistent Attainment	S4.B.6	Ecology believes that carrying forward values for consistent attainment purposes adds too much complexity and would introduce data tracking problems, especially for parameters with different benchmark values. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Emerald Services, Inc.	A generator could get to a Level 2 by exceeding a parameter, then take appropriate corrective action and demonstrate stormwater discharge below benchmark levels over a period of time. If, at some point, the generator starts exceeding a different parameter benchmark or action level, in the Draft Permit it appears that the structural source control BMPs now must be applied. This would make some sense if the corrective action required the same BMPs, but if an entirely different corrective action is required (the source may be in a different operational area, or from a new activity), then why would a facility start with structural source control BMPs, rather than operational source control BMPs? While we understand the difficulty for Ecology in tracking this type of information, unless it can be shown that the parameters and their exceedances are related, it seems that the automatic requirement for structural source control BMPs would be more extreme than necessary to control the new exceedance.	Corrective Actions	Level 2	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Environmental Compliance Tools	S3.4: Erosion and Sediment Control BMPs: First Paragraph - Please consider adding clarification that the BMPs should prevent "significant" erosion that may contribute to or cause a water quality violation in the receiving water. The current language can be interpreted, by some parties, to mean all erosion even if it doesn't result in stormwater pollution, all off-site turbidity (0 NTUs) and all off-site sedimentation (0 TSS).	SWPPP	Erosion and sediment control	S3.4	Clarifying language has been added to this section.	Yes	The SWPPP shall describe the BMPs necessary to prevent the erosion of soils and other earthen materials (crushed rock/gravel, etc.) and prevent turbidity and off-site ~~turbidity and~~ *sedimentation* and violations of water quality standards.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Environmental Compliance Tools	S3.4(b): Erosion and Sediment Control BMPs: Permittees should not be required to use specific technologies, such as filtration BMPs, indiscriminately and under all circumstances, without regard to site specific conditions. This is an undue burden for facilities when it may or may not even help to minimize stormwater pollution based on site-specific conditions. There are situations where benchmarks are being met at facilities through use of other controls (e.g., detention ponds). Why should these facilities now be required to install filtration BMPs if they are already meeting benchmark levels? There are facilities that are using a combination of street sweeping and storm sewer system cleaning that are meeting benchmarks. Why should these facilities be required to install filtration BMPs? The permit already requires permittees to maintain these control structures so why are filtration BMPs being required in addition? Please consider removing this requirement or making it guidance.	SWPPP	Erosion and sediment control	S3.4(b)	The permit allows permittees to deviate from the specific BMP requirements if "site conditions render the BMP unnecessary or not possible, and the exception is clearly justified in the SWPPP". No change.	No	
Environmental Compliance Tools	S3.5(e): Sampling Plan: Please provide clarification on what is required for the visual inspection check list. If this information is contained in another section of the permit, please consider adding a reference to the applicable section to this paragraph.	SWPPP	Sampling Plan	S3.5(e)	Ecology agrees with the suggestion, and has added a reference to S7.C, and also moved this permit condition out of the "sampling plan" section and into the "inspection and recordkeeping" section. Clarified that it can be an inspection report or checklist.	Yes	Revised and moved to S3.B.3.i.7.b: Contain a visual inspection report or check list that includes all items required by Condition S7.C.
Environmental Compliance Tools	Compliance with S3.A.2(a) should be enough to meet the requirements of S3.A.2.(b) and S3.A.2.(c)	SWPPP	AKART	S3.A.2	Agree with comment, but Ecology has retained the language (with some clarifying edits) to ensure the permit meets the minimum legal requirements.	No	
Environmental Compliance Tools	S3.B.1(g): Please add clarification to the permit to provide permittees with guidance concerning meeting this requirement. Shouldn't this be self-evident or are you looking for something specific?	SWPPP	Inventory of activities and materials	S3.B.1(g)	Yes, this should be self-evident to the permit holder	No	
Environmental Compliance Tools	Discharge to Ground: Do we need to assign a unique identifying number to large pooling areas (e.g., mud puddles) that discharge to ground or is this requirement for control structures (e.g., drywells) that discharge to ground?	SWPPP	Identify groundwater discharge locations	S3.B.1.(d)	No, this requirement does not apply to mud puddles, but does apply to control or infiltration structures that discharge to ground (e.g., drywells, bioinfiltration areas, infiltration ponds, etc.)	No	
Environmental Compliance Tools	Facilities where each storm drain inlet discharges separately to an MS4 and/or an industrial park storm sewer system: Does Ecology believe that each storm drain inlet should be considered an outfall or discharge point and must have a unique identifying number?	SWPPP	Identification of storm drains	S3.B.1.(d)	Yes	No	
Environmental Compliance Tools	Please clarify how you want sheet flow discharges to be identified. Can we show an outline of the discharge area and identify them as DA1, DA2, etc (DA=drainage area)?	SWPPP	Identification of discharge points	S3.B.1.(d)	Yes, you may identify sheet flow discharge in this manner.	No	
Environmental Compliance Tools	S3.B.2: Some of the requirements in this section can be met through information that will be readily available on the site map. It may be of benefit for Ecology to add a statement to this section of the permit that the SWPPP can reference the site map for some of this information.	SWPPP	Needs Clarification	S3.B.2	Ecology agrees that the SWPPP can reference the site map for this information; this is already permissible. No change.	No	
Environmental Compliance Tools	S3.B.2.c.ii: The permittee is required to assess monitoring data in many many other areas of the SWPPP. Why do we then have to update the narrative in the inventory of materials to verify the presence or absence of these pollutants? This really adds to the complexity of the SWPPP and keeping the SWPPP current for no real benefit that I can ascertain. Please consider removing the last sentence of this paragraph.	SWPPP	Inventory of activities and materials	S3.B.2.c.ii	This requirement was included in the previous versions of the Industrial Stormwater General Permit, and is intended to make sure that the list of materials is as current as possible; this is appropriate given the permits' emphasis on ongoing adaptive management based on sampling and inspections. No change.	No	

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Environmental Compliance Tools	S3.B.3.b.i.3(a) – Good Housekeeping: Permittees should not be required to use specific technologies, such as vacuum sweepers, under all circumstances, without regard to site-specific conditions.	SWPPP	Vacuum Sweeping	S3.B.3.b.i.3(a)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Environmental Compliance Tools	S3.B.3.b.i.3(b) – Good Housekeeping: Please add clarification to this requirement. Consider adding "All *on-site significant* sources of dust…"	SWPPP	Dust	S3.B.3.b.i.3(b)	will clarify by adding "on-site" i.e., on-site sources of dust...	Yes	add .."on-site" sources of dust…
Environmental Compliance Tools	S3.B.3.b.i.3(c) – Good Housekeeping: There are times when open-top dumpsters (e.g., roll-offs) are necessary and BMPs can be implemented to address issues associated with them. Please consider modifying this requirement to suggest dumpsters with lids unless not feasible (e.g., during building modification projects, roof repairs) and if open-tops are necessary to incorporate the appropriate BMPs (e.g., all material that can be blown out by the wind must be bagged, no materials with surface contamination = clean pallets, etc). The current language seems unduly restrictive when there are situations when open-tops can be used without the potential for stormwater pollution.	SWPPP	Dumpsters	S3.B.3.b.i.3(c)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Environmental Compliance Tools	S3.B.3.b.i.5: Spill Prevention and Emergency Cleanup Plan: Please consider adding a statement that paragraphs a to h are guidance and should be applied on a site-specific basis. These requirements are again very restrictive and don't allow flexibility for site-specific conditions. The permit has already stated in the initial paragraph that the SPECP must include BMPs to prevent spills to contaminate stormwater. Why can't the permittee determine on a site-specific basis what those BMPs shall be? If the SPECP meets this goal, without including all of the extremely specific non-flexible BMPs outlined in paragraphs a to h, why shouldn't this be sufficient?	SWPPP	SPECP	S3.B.3.b.i.5	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Environmental Compliance Tools	S3.B.3.b.i.5(a): Spill Prevention and Emergency Cleanup Plan: This requirement is far to inflexible and specific. What about cans or gallons of fluids? What about fluids that are kept inside automotive shops? Do they still need containment? What about housekeeping fluids in a closet? What about small rural facilities with dirt lots, surrounded by vegetated areas with no structural controls (e.g., catch basins) or surface water bodies nearby that store a 55-gallon drum of antifreeze outside? This should be guidance and not a requirement and should only be necessary if there is a significant risk of these fluids causing surface water and/or stormwater pollution. Again, why can't the permittee come up with site-specific BMPs that meet the goal of preventing stormwater contamination from spills? Please consider making this guidance or removing this requirement.	SWPPP	SPECP	S3.B.3.b.i.5(a)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Environmental Compliance Tools	S3.B.3.b.i.5(b): Spill Prevention and Emergency Cleanup Plan: What if the storm drain in the fueling area discharges to sanitary? What about small rural facilities with dirt lots, surrounded by vegetated areas with no structural controls (e.g., catch basins) or surface water bodies nearby? Is this exact list of spill kit materials needed? Please add some flexibility to this requirement or make it guidance. Again, why can't the permittee come up with site-specific BMPs that meet the goal of preventing stormwater contamination from spills? Please consider making this guidance or removing this requirement.	SWPPP	SPECP	S3.B.3.b.i.5(b)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Environmental Compliance Tools	S3.B.3.b.i.5(c): Spill Prevention and Emergency Cleanup Plan: Why is this required if there have been no spills associated with fueling at these facilities? This could be a corrective action if spills occur. Again, why can't the permittee come up with site-specific BMPs that meet the goal of preventing stormwater contamination from spills? Please consider making this guidance or removing this requirement.	SWPPP	SPECP	S3.B.3.b.i.5(c)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Environmental Compliance Tools	S3.B.3.b.i.5(d): Spill Prevention and Emergency Cleanup Plan: Why if there have been no spills associated with fueling at these facilities is Ecology requiring that the storm drain be covered? This could be a corrective action if spills occur frequently. You have required that drain covers be in the spill kits, so why do they have to be in-place during fueling. What if the nearest storm drain is 300 feet across a dirt lot? What if the storm drains discharge to sanitary? This will be extremely difficult to implement and is unnecessary if there has been no history of spills at the facility. Again, why can't the permittee come up with site-specific BMPs that meet the goal of preventing stormwater contamination from spills? Please consider making this guidance or removing this requirement.	SWPPP	SPECP	S3.B.3.b.i.5(d)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Environmental Compliance Tools	S3.B.3.b.i.5(e,f,g): Spill Prevention and Emergency Cleanup Plan: Again, why can't the permittee come up with site-specific BMPs that meet the goal of preventing stormwater contamination from spills? Please consider making this guidance or removing this requirement.	SWPPP	SPECP	S3.B.3.b.i.5(e,f,g)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Environmental Compliance Tools	S3.B.3.b.i.5(h): Spill Prevention and Emergency Cleanup Plan: Define "spill". Do you really want permittees to spend time and effort on recording the cleanup of dribbles and leaks? Shouldn't permittees be focusing their limited resources on the goal of preventing stormwater pollution not on doing paperwork? What purpose does this serve?	SWPPP	SPECP	S3.B.3.b.i.5(h)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Environmental Compliance Tools	S3.B.3.b.i.7(c): Inspections and Recordkeeping: What purpose does this serve? It is unclear how we are supposed to meet this requirement because it should be self-evident. How detailed do we have to be to meet this requirement? Exactly what is expected of permittees to define how we will get a signature and why is this important as long as the signature is obtained? Why can't the permittees just meet the signature requirement and not have to explain in the SWPPP how we are going to do this? This adds to the complexity of the SWPPP and makes it more and more unreadable, unmanageable and unimplementable. The more a permittee has to "describe" in the SWPPP the less flexible it becomes in allowing the permittee to just simply meet the goal of reducing stormwater contamination.	SWPPP	Delegation	S3.B.3.b.i.7(c)	Ecology believes the SWPPP is the appropriate place to document how the permittee will comply with the reporting requirements, including the signature requirements.	No	

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Environmental Compliance Tools	S3.B.3.b.i.8: Illicit Discharges: Many permittees have already met this requirement during previous permit cycles. Please add clarification that the evaluations conducted in previous permit cycles can be used during his permit cycle if the evaluation is still valid and accurate.	SWPPP	Illicit Discharges	S3.B.3.b.i.8	Since industrial activity and site conditions can be change, illicit discharge detection and elimination is an ongoing requirement.	No	
Environmental Compliance Tools	S3.B.3.b.iv: Stormwater Peak Runoff Rate and Volume Control BMPs: Do paragraphs 2, 3 and 4 apply to all permittees or just to new facilities and facilities that have significant process change?	SWPPP	Flow control	S3.B.3.b.iv	Ecology has revised the criteria for flow control which may only apply to facilities with "new development or redevelopment".	Yes	Revise S3.B.3.b.iv: Facilities with new development or redevelopment shall evaluate whether flow control BMPs are necessary to satisfy the state's AKART requirements, and prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3. Definitions for *new development* and *redevelopment* have also been added to Appendix 2 - Definitions.
Environmental Compliance Tools	S3.5(d): Sampling Plan: Please consider removing paragraph d, as this information should be included in meeting the paragraph b. Simplifying these plans should be a goal.	SWPPP	Sampling Plan	S3.B.5.d	Ecology agrees with the suggestion; S3.B.5.d has been deleted. Ecology has also revised S3.B.4.b to be consistent with EPA's MSGP, which requires specific documentation when "substantially identical" discharge points are not sampled.	Yes	(If applicable) Include documentation of why each discharge point is not sampled per S4.B.2.c, because the pollutant concentrations at one or more discharge points are substantially identical: i. .Location of which discharge points are not sampled because the pollutant concentrations are substantially identical to a discharge point being sampled; ii. Description of the general industrial activities conducted in the drainage area of each discharge point; iii. Description of the Best Management Practices conducted in the drainage area of each outfall; iv. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges; v. A description of the impervious surfaces in the drainage area that could affect the percolation of stormwater runoff into the ground (e.g., asphalt, crushed rock, grass, etc.); and b.vi. Why the discharge points are expected to discharge substantially identical effluents.
Environmental Compliance Tools	General Comment: Please consider revising the monitoring program to increase the permittees flexibility in meeting the basic goal of this program. Consider replacing quarterly monitoring with the requirement to collect four samples throughout the wet season (Oct 1 to May 31). The permit could require several weeks of separation between sample-collection to spread collection throughout the wet season. Or, consider allowing additional samples throughout the calendar year to make up for quarters when samples were not collected and there was a discharge. This would go a long way to assisting permittees in complying with the monitoring requirements and would not diminish the goal of reducing stormwater pollution.	Sampling	Sample Frequency	S4	Ecology gave serious consideration to the comment, but has decided to retain the 1/quarter sampling, which is consistent with the EPA MSGP and the previous ISWGP.	No	

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Environmental Compliance Tools	S.4.B.2.e: Sample Location(s): Currently there are few storm drain filtration inserts that are well designed to allow for sample collection through the filter insert. Therefore, there are circumstances where the insert must be removed for sample collection. Please consider adding some flexibility to this paragraph.	Sampling	Sampling Location	S4.B.2.e	The intent is to ensure that the samples reflect "post-treatment" stormwater quality. This condition has been struck to reduce confusion, but will be addressed in guidance materials.	Yes	Delete: ~~The Permittee shall take all samples after the stormwater passes through on-site BMPs, as close to the point of discharge off-site that can be achieved safely.~~
Environmental Compliance Tools	Consistent Attainment Accounting: There have been many issues with the way that Ecology counts whether a facility has achieved consistent attainment that are not specified in the current permit. Currently, Ecology restarts the count back to zero if a permittee doesn't collect a sample during a quarter when there was a discharge during a qualified event. This is contentious because it is not specified in the current permit, or in this draft permit, that the count has to go back to zero under these circumstances. It is my belief that the logic behind why a permittee is allowed to waive the monitoring requirement for a specific parameter is that the monitoring results show the stormwater discharging from the facility is consistently and reasonably not at risk of being excessively contaminated with a specific pollutant. Based on this goal, it seems that missing a sample during a quarter should not negate the fact that the overall results indicate the parameter is not a problem. Consider allowing the facility to collect two monitoring samples during the next quarter that there is a discharge to make up for a sample that is missed during a quarter. Many permittees are trying very hard to meet the current permit requirements and are not trying to "get away with something" when they don't collect a sample during a quarter. Making the "rules" more flexible makes it easier for permittees to meet the goal of monitoring their stormwater and reducing stormwater contamination. Shouldn't the goal be reduction of stormwater pollution not how well permittees can meet the "rules" of the monitoring requirements? Also, does the word "consecutive" mean that when a discharge doesn't occur during a quarter and you don't have an opportunity to collect a sample Ecology will role the count back to zero? Please provide additional clarification on when permittees have to restart the count back to zero.	Sampling	Consistent Attainment	S4.B.6	Ecology believes that carrying forward values for consistent attainment purposes adds too much complexity and would introduce data tracking problems, especially for parameters with different benchmark values. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value. The reported value is based on the average value. Language has been added to S4.B.6 to address this.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Environmental Compliance Tools	Retention of Current Consistent Attainment: If a facility has attained consistent attainment for certain parameters during the current permit cycle please consider reducing the requirements to retain consistent attainment status for these parameters. Why does a permittee have to monitor for eight more consecutive quarters to regain consistent attainment for these parameters when it has been shown during the current permit cycle that stormwater discharges from this facility are at low risk for contamination from these parameters? Please consider allowing permittees to retain consistent attainment status for those parameters currently under consistent attainment after two results that are equal to or less than the applicable benchmark, or within the specified pH ranges, after the effective date of the new permit.	Sampling	Consistent Attainment	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Change S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Environmental Compliance Tools	S.4.B.6: Consistent Attainment: Achieving Consistent Attainment: Please consider allowing consistent attainment to be achieved if the mean of eight consecutive quarterly results is equal to or less than the benchmark or is within the specified pH ranges. This allows for variability in storm events and sample collection issues that impact the results (e.g., new samplers that do not collect the samples properly).	Sampling	Consistent Attainment	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Environmental Compliance Tools	S.4.B.6.c: There are many parameters that will never be below detection (e.g., dissolved oxygen) and many parameters for which a small amount is well below water quality standards. Please consider allowing these facilities to use the same criteria as other facilities to achieve consistent attainment (paragraphs a and b), which indicates that the facility is unlikely to cause or contribute to a water quality violation.	Sampling		S4.B.6.c	The entire reference to 303(d) has been deleted from the Consistent Attainment section, as these are not benchmarks, they are numeric effluent limitations are may not be suspended.	Yes	Delete S4.B.6.c

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Environmental Compliance Tools	S5. Table 2: Turbidity: Please consider revising the turbidity benchmark to 50 NTU's, which is the EPA's benchmark level in the MSGP 2008 for sectors that require monitoring for turbidity. The fact that the current benchmark level of 25 NTU's was based on field observations by Ecology staff seems to be a peculiar way of determining a scientifically valid (not arbitrary and capricious) way of establishing a benchmark.	Benchmark	Turbidity	S5. Table 2	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Environmental Compliance Tools	Oil Sheen: Please provide practical guidance on how permittees should determine what constitutes a reportable oil sheen (a "Yes" on the DMR). Is it only a reportable "Yes" on the DMR if there is a visible sheen floating on the top of the grab sample? Is this observation limited to the grab sample or does it include runoff that is flowing toward the collection point? What if a very small string of sheen is visible on otherwise clear runoff coming toward the collection point that was caused by a small dot of oil no bigger than a quarter that came from a customer's car or an employee's car?	Benchmark	Oil Sheen	S5. Table 2	The oil sheen benchmark pertains to discharges of stormwater associated with industrial activity; and therefore does not apply to stormwater runoff from employee or customer parking areas. The presence of oil sheen would be evaluated at the stormwater sampling location (e.g., discharge point, storm drain inlet, etc.) where other grab samples are collected. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Environmental Compliance Tools	S.7.A.2: Inspections: Please indicate, in this section of the permit, what a Certified Industrial Stormwater Manager (CISM) is and how to obtain this certification. The only place I could find this information was in the Fact Sheet and this information was lacking. The fact sheet also indicates that "Certified Industrial Stormwater Manager" is a tentative title. Therefore, before we start writing SWPPPs with this title in them we would greatly appreciate either a firm decision on the name or additional language in the permit indicating "or equivalent" or something to provide flexibility so that all the SWPPPs don't need to be changed later. Please add the flexibility for permittees to certify someone of their own choosing who can then certify individuals as CISMs within their own organization at any time that schedules allow and can be an employee to keep costs down. Some permittees will need to train up to 50 people within their organization at locations throughout the entire state. These permittees should be able to certify a "trainer" within their organization, or an outside person/consultant of their choosing, who can then certify other employees whenever necessary during the permit cycle. This will ensure that permittees are not faced with unnecessary costs to certify individuals as CISMs and will ensure quick certification of new CISMs throughout the permit cycle as a result of personnel changes. This option can be in addition to the other options Ecology has proposed (e.g., courses taught by Ecology throughout the state, on-line courses, video courses). Permittees should be provided all flexibility possible to meet the goal of having qualified personnel perform the inspections. The goal is what is important, not how you get there. To restrict certification to only Ecology courses, even on-line or video courses, places an unnecessary financial and scheduling burden on permittees, especially those that have multiple facilities all over the state. To allow "in-house trainers" that can then certify personnel at facilities all over the state allows permittees to more economically meet this requirement and provides the flexibility to meet very difficult personnel work-schedules at remote facilities. Throughout the permit cycle personnel changes will require that new CISMs be certified and an in-house trainer is better able to respond to this situation.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Environmental Compliance Tools	S.7.A.2: Inspections: The Certified Professional in Stormwater Quality (CPSWQ) is a national certification program that requires specific qualifications in stormwater management. Just because someone has a Professional Engineering (PE) license does not necessarily mean they have a background in stormwater management or are even qualified to perform these inspections. I have a BS in Chemical Engineering and a MS in Environmental Engineering and have been working in the stormwater industry since 1990. I am not a licensed PE. However, I do have a CPSWQ, as I felt this certification better reflected my engineering experience, my educational background and my current work. An engineer can obtain a PE license in many different areas of expertise. Is a PE that took the electrical engineering exam or the mechanical engineering exam qualified to do these inspections? Maybe, based on their background and experience, but not based on the PE license alone. Please consider removing the PE license from this requirement or adding clarification that the PE should be in an applicable area of expertise and that they should have similar backgrounds and experience levels of a CPSWQ.	Inspections	CPSWQ/P.E.	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.

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Environmental Compliance Tools	S.7.C.1.c and d: Inspection Results: Please clarify what Ecology considers a "non-compliance" (or refer to a part of the permit that provides this clarification). Is a dumpster lid being left open a non-compliance with permit conditions? If there wasn't a storm drain cover in the spill kit is this a non-compliance with the permit conditions? Please provide some examples of what can be considered an inspection finding (e.g., dumpster lid is open, drain cover is missing) that IS and IS NOT a non-compliance with the permit conditions. As currently worded, any inspection finding could constitute a non-compliance with permit conditions no matter how insignificant or quickly correctable the finding is. Why can't we just comply with paragraph S.7.C.1.d and delete paragraph S.7.C.1.c? Please consider revising paragraph S.7.C.1.d to "If the site inspection indicates findings….." instead of "is out of compliance".	Inspections	Reports of Non-Compliance	S7.C.1.c and d	Condition S7.C.1.d refers back to S9.D; therefore, non-compliance notification (per S9.D) would only pertain to noncompliance that could result in the discharge of pollutants *which may endanger human health or the environment, or the facility experiences any bypass or upset which causes an exceedance of any effluent limitation in the permit* [revised to be consistent with 40 CFR §122.41]. This reporting threshold is case-specific, so Ecology is unable to provide examples of situations that do not trigger non-compliance notification.	Yes	E. Reporting Permit Violations 1. In the event the Permittee is unable to comply with any of the terms and conditions of this permit which may endanger human health or the environment, or the facility experiences any bypass or upset which causes an exceedance of any effluent limitation in the permit, the Permittee shall:
Environmental Compliance Tools	S.7.D: Reports of Non-Compliance: It would be nice to have additional clarification in this section of the permit concerning what Ecology considers a "non-compliance" that would require reporting under Condition S9.D. [refer to comment above.]	Inspections	Reports of Non-Compliance	S7.D	Condition S7.C.1.d refers back to S9.D; therefore, non-compliance notification (per S9.D) would only pertain to noncompliance that could result in the discharge of pollutants *which may endanger human health or the environment, or the facility experiences any bypass or upset which causes an exceedance of any effluent limitation in the permit* [revised to be consistent with 40 CFR §122.41]. This reporting threshold is case-specific, so Ecology is unable to provide examples of situations that do not trigger non-compliance notification.	Yes	E. Reporting Permit Violations 1. In the event the Permittee is unable to comply with any of the terms and conditions of this permit which may endanger human health or the environment, or the facility experiences any bypass or upset which causes an exceedance of any effluent limitation in the permit, the Permittee shall:
Environmental Compliance Tools	S.8. Corrective Actions:General Comment: This is incredibly complicated. Do all these reports really ensure that stormwater pollution will be reduced, or is this just "paperwork" that seems to provide proof to those who never had to write or comply with SWPPP that the permit is being complied with. Isn't this the chicken and egg dilemma? If you make a permit more complex and harder to comply with won't you then be disappointed by permittees who don't comply? Maybe the fact that the current permit requires an onerous amount of confusing reports has caused the appearance of gross non-compliance thus making some want even more reports to show compliance? The bottom line is will these reports, especially the Appendix 3 –SWPPP Certification Form. It doesn't seem to me that this certification form serves any purpose at all. In accordance with the BASIC permit requirements this SWPPP is supposed to be in compliance with the permit requirements and we are supposed to modify the SWPPP as necessary to bring monitoring results down to below benchmarks. Why add this additional layer of paperwork with is REALLY difficult to comply with when you have multiple facilities. I can provide MANY examples of situations when the SWPPP does not need to be updated just because a benchmark has been exceeded. We should only have to recertify the SWPPP, in accordance with requirements that are already in other areas of the permit, if we feel modifying the SWPPP is necessary to ensure further pollutant reductions. Please reconsider these reporting requirements in this section and simplify them. Again, please consider the goal of stormwater pollutant reduction. Is adding to the paperwork nightmare really helpful or does it actually withdraw resources and attention away from this goal.	Corrective Actions	Complexity	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Environmental Compliance Tools	S.8.A: Level One Corrective Actions: Please consider simplifying this requirement and allowing the permittee to record the cause of the exceedance and corrective actions they are taking on the DMR (a report they are already required to submit) and deleting all other language in this section. Please don't add to the already onerous reporting requirements when we can just include information on the DMRs to explain the causes of the exceedances and the corrective actions we determine best address these causes. The corrective actions can include SWPPP revisions if the permittee determines they are needed based on the cause(s) of the specific exceedance. S.8: Level Two, Level Three and Level Four Corrective Actions: Please consider simplifying these requirements and allowing the permittee to record what they are doing to address exceedances on the DMR each quarter. Please don't add to the already onerous reporting requirements when we can just include information on the DMRs to explain the causes of the exceedances and the corrective actions we determine best address these causes, including structural BMPs. This puts all the information in one place, on a single document, the DMR, which makes it easier for everyone to follow the monitoring results, the causes of exceedances and the corrective actions completed during each quarter. All these additional reports spread this information out, create confusion, unnecessarily increase costs and don't really ensure that stormwater pollution will be reduced. Can't we reduce the reporting burden and get all the information needed by all parties on ONE PLACE and on one document? The DMR can serve this purpose. Also, why do we even need these reporting levels? If all the information is on the DMR, can't Ecology use the DMR information to determine when to set up site visits with permittees to develop site-specific actions that will address consistent exceedances? Ecology could base these site visits on the number of benchmark exceedances, the actual results and how far they exceed benchmark, the listed causes of the exceedances and the corrective actions taken to address these causes. Based on a meeting with the permittee and a site inspection Ecology could then determine on a site-specific basis if the actions listed in Level Four Corrective actions (S.8.D.1) are needed instead of including them in the permit without flexibility. Please consider removing all four level reporting requirements and including the pertinent information on the DMR so that Ecology and the permittee can work together to determine what actions best suit each facility.	Corrective Actions	Complexity	S8.A	Ecology has reconsidered the reporting requirements for the permit, and has decided to adopt EPAs approach of requiring annual reports to summarize the status of stormwater management at the facility. Ecology believes that the DMRs are not the right place to submit this information to Ecology, since the actual cause of the exceedance and solutions implemented may not be apparent or finalized at the time the quarterly DMRs are due.	Yes	Revise S9.B. Annual Reports: 1. The Permittee shall submit a complete and accurate Annual Report to the Department of Ecology no later than May 15th of each year (except 2010) using a form provided by or otherwise approved by Ecology. 2. The annual report shall include corrective action documentation as required in S8.B-D. If corrective action is not yet completed at the time of submission of this annual report, the Permittee must describe the status of any outstanding corrective action(s). 3. Permittees shall include the following information with each annual report. The Permittee shall: a. Identify the condition triggering the need for corrective action review. b. Describe the problem(s) and identify the dates they were discovered. c. Summarize any Level 1, 2 or 3 corrective actions completed during the previous calendar year and include the dates it completed the corrective actions. d. Describe the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, and identify the date it expects to complete corrective actions. 4. Permittees shall retain a copy of all annual reports onsite for Ecology review.
Environmental Compliance Tools	S.8.C.3: Level Three Actions: Please reconsider the requirement to have a Professional Engineer (PE) design and stamp portions of the SWPPP that address stormwater treatment structures or processes. This is a VERY restrictive and costly requirement for permittees to comply with and won't ensure that these treatment structures or processes are designed correctly. If you would like to ensure that a qualified person designs the treatment structures and/or processes, please consider broadening this requirement to include professionals certified under the Certified Professional in Stormwater Quality (CPSWQ) program and/or professionals that that have appropriate educational and professional backgrounds in stormwater quality. This is an extremely restrictive requirement and excludes many very qualified professionals from performing this function, with no reason or ensured benefit. As stated above, a CPSWQ is a national certification program that requires specific qualifications in stormwater management and should be allowed perform this function. Just because someone has a Professional Engineering (PE) license does not necessarily mean they have a background in stormwater management or are even qualified to perform this function. I have a BS in Chemical Engineering and a MS in Environmental Engineering and have been working in the stormwater industry since 1990. I am not a licensed PE. However, I do have a CPSWQ, as I felt this certification better reflected my engineering experience, my educational background and my current work. An engineer can obtain a PE license in many different areas of expertise. Is a PE that took the electrical engineering exam or the mechanical engineering exam qualified to perform this function? Maybe, based on their background and experience, but not based on the PE license alone.	S.8.C.3	Level 3	S8.C.3	Ecology has decided to allow other stormwater quality professionals to provide treatment certification, including Certified Professionals in Storm Water Quality.	Yes	Revise S8.D.2.b: A licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality shall design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

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Environmental Compliance Tools	The permit should address leased facilities. Leaseholders should not be held responsible for building materials they don't own and/or sturctural controls they cant change.	General	Leased Facilities	N/A	According to 40 CFR 122.21, when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain and comply with the permit. Ecology believes that these kinds of issues can be addressed through the use of waivers, which leaseholders can request if it is infeasible to perform structural or treatment BMPs.	No	
Fabricated Products, Inc.	G8. No days have been specified for permit reapplication.	General Conditions	Typo	G8	Ecology agrees with the comment, and G8 will require reapplication 180 days before expiration.	Yes	G8: add "180 days"
Fabricated Products, Inc.	S2.C Permit coverage or Permit Modification What is the timeline Ecology must follow to notify an applicant that it regards the application is incomplete or more information is required? Could an applicant proceed based on the timelines in 1 before 2 and/or 3 have been executed by Ecology?	Application for Coverage	Timeline	S2.C	S2.C.3 has been revised to address this question: When additional time is required: a. Ecology will notify the applicant in writing <u>within 30 days</u> and identify the issues that must be resolved before a decision can be reached.	Yes	Revise S2.C.3: When additional time is required: a. Ecology will notify the applicant in writing <u>within 30 days</u> and identify the issues that must be resolved before a decision can be reached.
Fabricated Products, Inc.	S3.A General Requirements Does compliance with the specific requirements in S3.B meet the general requirements in S3.A?	SWPPP	AKART	S3.A	In general, compliance with S3.B would result in compliance with S3.A, but S3.A contains some important requirement that are not fully addressed in S3.B. For example, S3.A 1. requires the development and implementation of a SWPPP per S3. Also, S3.A.5 sets forth requirements for SWPPP modification; and S3.A.6 requires SWPPPs to be signed and certified according to Condition G2.	No	
Fabricated Products, Inc.	S3.A.6 Does the G2 signatory requirement apply to all inspection reports or specifically the inspection in S7? A facility might require a daily inspection of the facility or parts of the facility as a BMP, having a corporate officer or designee sign these every day would impose a needless burden on the facility. Inspections conducted under these circumstances should require only the signature of the inspector.	SWPPP	Delegation	S3.A.6	The signature requirements for inspection reports only pertain to the inspections required by Condition S7.	No	
Fabricated Products, Inc.	S4.B We appreciate the simplification of event criteria for sampling.	Sampling	Sampling Criteria	S4.B	Ecology has revised the criteria for sampling.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.
Fabricated Products, Inc.	S5.B.2 The copper benchmark seems unattainable at a reasonable cost; we suggest retaining the copper benchmark of 63.6 ug/L in the current permit.	Benchmark	Copper	S5.B.2	Since the previous permit benchmark was based on stream hardness of 100 mg/L, it is not typical of receiving waters in Washington State. Ecology believes that the basis for the proposed copper benchmark is technically sound.	No	

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Fabricated Products, Inc.	S7.A.2 The requirement of certifying inspectors adds cost to implementing the permit without adding any obvious value. The qualification of inspectors seems to us to require site specific knowledge of the facility processes, layout, potential pollutant sources, and BMPs, as well as how these interact with each other. The training and knowledge is site specific. We believe this requirement should be deleted.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Fabricated Products, Inc.	S8 Corrective Actions Does the phrase “exceed any benchmark value for any 4 separate quarterly monitoring periods” mean exceed the benchmark four times for a specific parameter or does it mean that exceeding turbidity in two quarters and exceeding phosphate in two other quarters triggers the action level? The fact sheet indicates the former but the permit seems ambiguous to me.	Corrective Actions	Triggers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Gandalf Consulting Ltd.	The requirements that a only a Professional Engineer (PE) can sign off on some of the remedial measures/documents and that PEs are exempt from having to qualify as a Certified Inspector seems restrictive as Geologists/Hydrogeologist (G/H) licensed under the state system may also be qualified to sign and seal the required documents. As professional both PE’s and G/H are bound by a code of ethics to only act in areas in which they have demonstrated expertise. I am not suggesting that Licensed Geologists/Hydrogeologist sign off on engineering type drawings just the inclusion of PE’s seems restrictive and does not recognize other licensed professionals operating in this field. I would recommend that the definition of who can be a qualified person be expanded to include Licensed Geologists/Hydrogeologists	Inspections	CISM	S7	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Gary Merlino Construction Co Inc	S3 B5 b Spill Kits New requirements including booms and requiring storm drains to be plugged are unnecessary especially if facilities have treatment BMPs such as oil water separators etc in place.	SWPPP	Spill kits	S3 B5 b	The permit allows permittees to deviate from the specific BMP requirements if "site conditions render the BMP unnecessary or not possible, and the exception is clearly justified in the SWPPP". No change.	No	
Gary Merlino Construction Co Inc	S3 B5 g change to make more stringent, only requiring drip pans under leaky vehicles is a weak requirement.	SWPPP	Drip Pans	S3 B5 g	This language is consistent with EPA's Multi-Sector General Permit. Ecology is unable to revise with something that is more stringent, but still reasonable. Permittees are encouraged to provide BMPs beyond the minimum requirements where appropriate.	No	
Gary Merlino Construction Co Inc	S3 A2 b & c should fall within A3 a & b and thus are not needed.	SWPPP		S3.A.2.b	Agree with comment, but Ecology has retained the language (with some clarifying edits) to ensure the permit meets the minimum legal requirements.	No	

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Gary Merlino Construction Co Inc	S3 B3 under Operational Source Control BMPs section 3 “Good housekeeping” should be eliminated. These are case by case BMPs and should be listed as such and not required. Requiring each site to have a vacuum sweeper and dumpsters to have lids is outrageous. The cost of a sweeper is unreasonable for most sites and most large bin containers can not be fitted with lids.	SWPPP	BMPs	S3.B.3.b.i.5.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Gary Merlino Construction Co Inc	S5 A2 Zinc levels are way too low for Western Washington especially when you do not have an ample plan to reduce zinc airborne emissions.	Benchmark	Zinc	S5.A. - Table 2	Ecology acknowledges that stormwater discharges under this permit may contain pollutants that originate from off-site sources (dust, aerial deposition, etc.). If off-site pollutants accumulate on impervious surfaces at an industrial facility that drain to stormwater discharge points, it is often necessary to remove the pollutants (e.g., vacuum sweeping, etc.) or treat the resulting stormwater runoff with a combination of BMPs (e.g., catch basin inserts, vegetative filter strips, roof downspout filter drains, infiltration trenches, etc.) to meet the benchmarks and prevent violations of water quality standards.	No	
Gary Merlino Construction Co Inc	In S1 Table 1, SIC codes should not be used as they are being replaced.	Permit Coverage	SIC codes	S1.	Ecology gave serious consideration to replacing SIC codes, but since the switch to NAICS could result in some confusion and compliance issues, Ecology has decided not to make the switch at this time.	No	
Gary Smith	I manage a small vehicle recycling facility and I'm very concerned about the new Stormwater Permit. I believe it will cripple our industry and put the majority out of business. Everbody I talk to is struggling to keep their head above water, sales are down, money is tight. Most of the business are downsizing. This new permit will add more of a burden than we can stand. We drain all oils, antifreeze, refrigerants and recycle them properly. When we are gone, what is going to happen to these fluids? The illegal auto wreckers drain everything on the ground, and nobody catches up with them until they created their mess and left. This problem will just compound. The State will loose millions from our sales and taxes we pay, along with new costs of performing the functions we do now, not counting the costs of cleaning up after the illegal scrappers are done. The permit needs to be made simpler for us to understand and cut down on the copper restrictions, we are not the cause of the problems. Our highways and parking lots are the major contributors of this problem. IBA has proposed serveral suggestions for this permit to work for small businesses. I wish you would take another look at these. I believe our industry as a whole is providing a proper way of handling the waste stream of junk vehicles at no cost to the State. We need to stay in business and provide revenue to the State, jobs for our employees. Thank You for considering these thoughts,	General	Economic Impact	N/A	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
General Recycling of Washington	S1.C. The current Industrial Stormwater General Permit (ISGP) is explicit in stating in section S1.B that facilities that discharge all of their stormwater to the ground are not required to obtain ISGP coverage. The language explaining this exclusion from coverage is lacking in the Draft ISGP section S1.C, "Facilities Not Required to Obtain Coverage". Please clarify that this exclusion from coverage will remain in the new ISGP. Section S1.E in the Draft ISGP, "Discharges to Ground", does not further clarify the exclusion from coverage for facilities that infiltrate all stormwater via swales or infiltration basins or other means that would not fall under the Underground Injection Control (UIC) regulations (Chapter 173-218 WAC).	Permit Coverage	Discharge to Ground	S1.B. & C.	Ecology will add a statement to S1.C stating that facilities that discharge only to ground do not need permit coverage.	Yes	Add to S1.C.3: Industrial facilities that discharge stormwater only to groundwater (e.g., on-site infiltration) with no discharge to surface waters of the state under any condition.

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General Recycling of Washington	S4.B.6. The Draft ISGP does not provide for an extension to the suspension of sampling for parameters for which we have achieved consistent attainment under the current permit. This, in essence, negates past improvements we have made to our stormwater system and past changes to our operational and structural source control best management practices (BMPs) to achieve consistent attainment for certain parameters. We recommend that Ecology provide a mechanism in the new ISGP to continue the suspension of sampling for parameters in consistent attainment under the current permit for facilities that have not undergone a significant process change since achieving consistent attainment.	Sampling	Consistent Attainment	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than “visible oil sheen”) based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
General Recycling of Washington	S5 Table 3. The new benchmark for copper in the Draft ISGP is set at 14 llg/L. On page 83 of the Public Notice Fact Sheet Ecology "has determined that in order to meet the proposed copper benchmarks, permittees will be required to meet AKART, and many will be required to install active stormwater treatment systems". We would concur with the determination that many facilities will likely require further engineering studies and the installation of expensive treatment systems in order to meet this stormwater effluent limit. Reliable treatment technologies are not, in our opinion, fully developed or vetted enough to provide a cost effective solution for copper removal and may results in an endless "do-loop" of engineering studies and technology evaluations for facilities trying to attain this benchmark. This seems to be placing an undue burden on industrial permit holders to treat copper in stormwater while municipalities or runoff from highways do not appear to be equally burdened. We additionally note that the current Boatyard General Permit sets the benchmark for copper at 384 /ug/L for boatyards that discharge to rivers with tidal fluctuations (such as General Recycling does). Please clarify this stark contrast in regulating copper discharges from ISGP holders as compared to other regulated and non-regulated entities. Water Quality Risk Evaluation for Proposed Benchmarks/Action Levels in the Industrial Stormwater General Permit, February 9, 2009. 2 Ecology 2009. Industrial Stormwater General Permit Fact Sheet, June 3, 2009.	Benchmark	Copper	S5 Table 3	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. The boatyard permit covers a more narrow range of facilities, with a greater proportion discharging to marine waters and rivers with tidal fluctuation. Considering the size of the permit universe (approximately 1,200 facilities), and need to reduce complexity and confusion, Ecology chose not to distinguish between various categories of receiving waters in the industrial stormwater permit.	Yes	Numerous changes to S8 Corrective Actions.
General Recycling of Washington	• S5 Table 3. Ecology has revised the benchmark values for copper, lead, and zinc in the Draft ISGP. As these new benchmarks will have major implications on many permittees, we request that Ecology further explain how these benchmarks were arrived at. Ecology states that the revised numbers are based on the 2009 Herrera Evaluation1 in which a dilution model was used to "evaluate the risk of exceeding acute water quality standards given the proposed benchmarks and action levels for copper, lead, and zinc, and different levels of dilution within the receiving water". In the dilution calculations presented in the Herrera Evaluation hardness dependent water quality standards were used. This would indicate that the calculated benchmarks would be more applicable to permittees that discharge to fresh water. Please clarify how this benchmark level is applicable to industrial stormwater discharges to marine waters or tidally influenced rivers. It is also not clear to us what Ecology's justification is for the use of a dilution factor of 5 to determine the benchmark. Per the Public Notice Fact Sheet which accompanies the Draft ISGP, Ecology states on page 83 "that a modest dilution factor of (sic) 5 is consistent with WAC 173-201 A-400". Please clarify what is meant by this statement and the basis of the dilution factor of 5.	Benchmark	Dilution Factors; marine waters;	S5. Table 3	As a result of litigation on the boatyard general permit the benchmarks will be reduced significantly. The draft modification released for public notice last spring contained copper benchmarks of 14.7 average and 29 maximum for all surface water dischargers. These benchmarks were based on full scale pilot studies at boatyards with high concentrations of copper in the stormwater runoff. To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	

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General Recycling of Washington	S5 Table 3. From the 2009 Herrera Evaluation, Ecology used the receiving water concentrations at the facility point of discharge calculated from the dilution model to obtain benchmark values for copper, lead, and zinc that "correspond to a 90% probably of meeting water quality standards in the receiving water, with an assumed dilution factor of 5. Please elaborate what the regulatory basis is for the use of a 10% exceedance threshold risk level used in determining the benchmarks for copper, lead, and zinc.	Benchmark	Risk Analysis	S5. Table 3	RCW 90.48.555 (8)(a) states "The adaptive management mechanism shall include elements designed to result in permit compliance and shall include, at a minimum, the following elements: (i) An adaptive management indicator, such as monitoring benchmarks". For the sake of allowing some comparative assessment of the proposed benchmarks in relation to water quality risk, it was assumed that a 10 percent probability of exceeding the applicable numeric criteria would be considered acceptably low by most people.	No	
General Recycling of Washington	• S8 overall comment. The Draft ISGP does not appear to contain any off ramps for a permittee once a Corrective Action is triggered. Furthermore, as we are listed in Appendix 6 of the Draft ISGP as being at Level 2 under the current permit, we can never be below a Level 2 response throughout the life of the Draft permit if enacted. This will present a burden to permit holders who may wish to transfer the land along with the permit in a real estate transaction. We also have concerns that this may represent a liability for our company from the standpoint of citizen lawsuits. Please consider revising S8, Corrective Actions, to include a mechanism for permittees to go to a lower level after they demonstrate compliance with the permit benchmarks following corrective actions.	Corrective Actions	Allow off-ramps from Corrective Action Levels	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
General Recycling of Washington	S8 Table 6. The corrective action deadlines set in this table for Levels 3 and 4 seem wholly unreasonable. The timeframe for completing Level 3 corrective actions, installation of treatment BMPs, was reduced from 12 months under the current permit to 6 months in the Draft ISGP. It is not feasible for an industry to contract with an engineering firm, potentially complete treatability studies, design documents, procure, construct, and install treatment system components within this timeframe. Also with the case by case approach taken under the proposed Level 4 corrective actions, it seems even more unreasonable that a facility can complete the required corrective actions (whatever they may be) within the 3 months specified in Table 6. In our opinion this will lead to numerous permit modifications, each requiring the requisite public notice requirements, for facilities that cannot meet these tight schedules. We are concerned that this will also increase our liability with regards to citizen lawsuits. We request that you amend Table 6 to provide at least 12 months for completing both Level 3 and Level 4 corrective actions.	Corrective Actions	Levels 3-4	S8. Table 6	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
General Recycling of Washington	S8.C. Level 3 Corrective Actions. Under the draft provisions in S8.C, permittees that were not listed in Appendix 6 will trigger a Level 3 Response after 8 separate quarterly monitoring periods result in one or more parameters above permit benchmarks. Those facilities that are listed in Appendix 6 only have 4 quarters of monitoring after which Level 3 is triggered if any benchmark is exceeded. As we are listed in Appendix 6 of the Draft ISGP, we will enter this permit in a Level 2 Response mode and will therefore trigger a Level 3 Response after 4 separate quarterly monitoring period results in any parameter being above the permit benchmarks. Considering the lowering of some benchmark levels in the Draft ISGP, this will place an undue burden on the facilities listed in Appendix 6 to trigger the installation of treatment BMPs after 4 benchmark exceedances for parameters that they were not in exceedance of under the current permit. We ask you to consider revising the second bullet in S8.C to language similar to the following bullet, which will trigger an expedited Level 3 Response (after 4 quarters of monitoring) for facilities listed in Appendix 6 for only those parameters which triggered corrective actions under the current permit: Facilities listed in Appendix 6 (Level 2) that exceed the benchmark(s) for the parameters for which they are in Level 2 during any 4 separate quarterly monitoring periods after January 1, 2010;	Corrective Actions	Appendix 6	S8.C	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Green Garden Food Products, Inc.	Green Garden Food Products, Inc., would like to submit the following comment for section S3, Part B. Specific SWPPP Requirements, section B. Best Management practices, b. i. 3) Good Housekeeping. a) The permittee shall vacuum paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated pollutants a minimum of once a quarter. The permittee shall vacuum paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated pollutants a minimum of once a quarter. Our comments: The frequency of once per quarter is excessive for our facility and operation. Our company is located in a business park in Kent with many businesses that are not required to have a stormwater discharge permit. Our paved areas are well maintained and we have inserts in the catch basins near areas of industrial activities. We feel it is more appropriate for individual companies to determine the necessity of vacuum sweeping and frequency with approval from their DOE industrial stormwater inspector.	Good Housekeeping BMPs	Sweeping	S3. B	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Hecla Limited	The 11/21/07 draft of this permit had a clear exception to sampling for inactive and unstaffed sites (condition S4.C). This exception no longer appears in the current draft and we are uncertain there was an oversight and this exception was inadvertently left out of the current draft permit or if DOE is now handling this issue through the definition of “normal business hours”. We could not find any discussion in the Fact Sheet about dropping this exception, thus we believe it still exists in some form or was inadvertently left out. Such an exception is appropriate and we would appreciate DOE clarifying this issue.	Sampling Requirements	Exceptions for Inactive and or Unstaffed Facilities	S4.B.	This is covered under the exception for sampling discharges that occur outside of normal working hours.	No	
Helca Limited	It also appears that monthly inspections are required for inactive and unstaffed sites. Monthly inspections do not seem necessary for inactive and unstaffed sites and were not required by the expired permit. EPA’s current general permit only requires an annual compliance evaluation for inactive and unstaffed sites. We would appreciate DOE considering a similar frequency for inactive and unstaffed sites.	Inspections	Exceptions for Inactive and or Unstaffed Facilities	S7.A	Ecology considered language regarding exceptions for inactive or unstaffed sites, but decided it to reduce complexity and eliminate a seldom invoked permit condition.	No	
Helca Limited	A new requirement is found at draft permit condition S7.A.2 for inspections. A Certified Industrial Stormwater Manager, Certified Professional in Stormwater Quality, or Professional Engineer must conduct visual inspections. We request that DOE consider an exception from such a requirement for inactive and unstaffed sites.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Independent Business Association	Appendix 2 Definitions There is no definition for “adaptive management” and there should be as the term is used in the permit an is a key concept in the design of this permit.	Definitions	Needs Clarification	Appendix 2	The one reference to "adaptive management requirements" (in the Appendix 2 definition of "benchmark") has been deleted, and replaced with "corrective actions" which are specified in Condition S8.	Yes	Revise: Benchmark means a pollutant concentration used as a permit threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. When pollutant concentrations exceed benchmarks, ~~adaptive management requirements~~ corrective actions take effect. Benchmark values are not water quality standards and are not numeric effluent limitations; they are indicator values.

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Independent Business Association	G1 Defines a violation of the permit as, “Any discharge of any pollutant more frequently than, or at a level in excess of that indentified and authorized by the general permit, shall constitute a violation of the terms and conditions of this permit.” This is a totally unacceptable provision of this draft permit. The basic concept behind this permit is adaptive management if the Permittee exceeds a benchmark. Yet this provision immediately defines any Permittee that exceeds a benchmark to be in violation of the permit. This provision must be changed to recognize the adaptive management element of this permit. Consider language such as, ““Any discharge of any pollutant more frequently than, or at a level in excess of that indentified and authorized by the general permit, shall constitute a violation of the terms and conditions of this permit except when the facility is in compliance with the provisions of S8 of this permit.”	Discharge Violations	Presumptive Approach	G1	This comment is mistaken in that those numeric values that are defined as benchmarks are not numeric effluent limits. Benchmarks are numeric values that have an adaptive management process associated with them when the values are exceeded. General Condition G1 does not conflict with this process. General Condition G1 comes directly from WAC 173-220-150(1)(c) and is not subject to change without a change in regulation.	No	
Independent Business Association	G 13 Penalties for Violating Permit Conditions This provision coupled with the provision in G1 that. “Any discharge of any pollutant more frequently than, or at a level in excess of that indentified and authorized by the general permit, shall constitute a violation of the terms and conditions of this permit.” Is unacceptable as written and fails to recognize one of the key concepts in this permit, adaptive management. The recommended revision to G1 is critical to correct this issue.	Penalties	Presumptive Approach	G13	This comment is mistaken in that those numeric values that are defined as benchmarks are not numeric effluent limits. Benchmarks are numeric values that have an adaptive management process associated with them when the values are exceeded. General Condition G1 does not conflict with this process. General Condition G13 comes directly from 40 CFR 122.41(a) and WAC 173-220-150(1)(a) and is not subject to change without a change in these regulations.	No	
Independent Business Association	G3 C Allows a representative of the Department of Ecology to enter upon the premises where the discharge is located and inspect. This must be revised to ensure proper safety requirements are met. An inspector must not be allowed to wander around a facility without proper safety precautions. This provision must be revised to read something like: “To inspect, at reasonable times, any facilities, equipment …. required under this permit, provided the representative has received all necessary safety briefings and is using all required personal protective safety equipment” This is required under both federal and state safety laws (RCW 49.17.070 and WAC 296-800-14005. Why would the Department of Ecology put its inspectors in harms way to enter a facility not knowing what equipment may be used, .i.e. a forklift or hoists where the inspector could be injured. Why would the Department of Ecology put its inspectors in harms way to enter a facility not knowing what equipment may be used, .i.e. a forklift or hoists where the inspector could be injured, and break another state law for worker safety?	Right of Inspection and Entry	Safety	G3.C	General Condition G3 comes directly from WAC 173-220-150(1)(e), and is not subject to change without a change in these regulations. The Department of Ecology does not put its inspectors in harm's way, and there are specific policies regarding access to private property and safety. Ecology inspectors use appropriate safety gear during site inspections. When Ecology inspectors visit a facility, they speak to a person of authority and seek permission to access the site and obtain relevant safety information at that time.	No	
Independent Business Association	G3 D Allows a representative of the Department of Ecology to enter upon the premises where the discharge is located and do sampling or monitoring. This must be revised to ensure proper safety requirements are met. An inspector must not be allowed to wander around a facility without proper safety precautions. Ecology, as an employer, has a statutory responsibility to protect its employee’s safety. This provision must be revised to read something like: “To sample or monitor……at any location……..authorized by the Clean Water Act, provided the representative has received all necessary safety briefings and is using all required personal protective safety equipment” This is required under both federal and state safety laws (RCW 49.17.070 and WAC 296-800-14005). Why would the Department of Ecology put its inspectors in harms way to enter a facility not knowing what equipment may be used, .i.e. a forklift or hoists where the inspector could be injured, and break another state law for worker safety?	Right of Inspection and Entry	Safety	G3.D	General Condition G3 comes directly from WAC 173-220-150(1)(e), and is not subject to change without a change in these regulations. The Department of Ecology does not put its inspectors in harm's way, and there are specific policies regarding access to private property and safety. Ecology inspectors use appropriate safety gear during site inspections. When Ecology inspectors visit a facility, they speak to a person of authority and seek permission to access the site and obtain relevant safety information at that time.	No	
Independent Business Association	G5 B Revocation of Coverage Under The Permit Ecology can require a discharger to apply for and obtain an individual permit. Requiring a small business to apply for and get an individual permit is an extremely onerous requirement for small businesses. The Department failed to even evaluate this requirement in its small business economic impact statement. This provision should either be dropped entirely or provide an exception for a small business with 50 or fewer employees.	Revocation of Coverage	Economic Impact	G5.B	General Condition G5 comes directly from WAC 173-226-240 and 40 CFR 122.62, and is not subject to change without a change in these regulations. WAC 173-226-120 states that the cost of complying with permit conditions required by federal NPDES regulations can not be included in the Economic Impact Analysis of compliance costs.	No	
Independent Business Association	G8 Duty To Reapply There is a blank between “at least __ days…” that needs to be filled in.	Duty to Reapply	Typo	G8	Ecology agrees with the comment, and G8 will require reapplication 180 days before expiration.	Yes	G8: add "180 days"

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Independent Business Association	There are firms otherwise required to be covered by this permit but that do not have any surface discharge from their property. The Department has historically given firms otherwise required to have coverage under the permit but that has now discharge off-site a letter stating they had no need to be covered under the permit. This has been an acceptable process and IBA recommends the Department continue this letter approach.	Permit Coverage	Discharges to ground	S1	These letters are outside the scope of the permit conditions. The permit clearly states that facilities that discharge entirely to ground do not require permit coverage.	No	
Independent Business Association	S1 E – No Exposure Why is this permit applying to "all ground water discharges?" There are different regulations for ground water discharges under the Department's UIC rules and this requirement that this permit applies to ground water discharges is extremely confusing and unfair to Permittees as proposed. What is a Permittee to do when the provisions of this permit conflict with the requirements of the UIC rules? The current permit much more appropriately addresses this issue through the following provisions: .B. When is Coverage under the Industrial Stormwater General Permit Not Required? The types of facilities listed below are not required to obtain coverage. However, coverage is not categorically prohibited and these facilities may request coverage if applicable. 3. Industrial facilities that discharge all of their stormwater to the ground and have no point source discharge to surface water or a municipal storm sewer unless determined to be a significant contributor of pollutants to ground water. Discharge to ground includes infiltration basins, dry wells, drain fields, and grassy swales. Facilities that discharge to a drywell, drainfield, or an infiltration system that uses perforated pipe to discharge to the subsurface must comply with the Underground Injection Control Program (UIC) regulations, 173-218 WAC. IBA strongly urges the Department to revise the permit and to include language such as that contained in the current permit to exempt ground water discharges from the scope of this permit. This provision should be revised as follows: "For sites that discharge to both surface water and ground water, the terms and conditions of this permit shall apply to all surface ground water discharges	Permit Coverage	Discharges to Groundwater	S1.E	This permit does not apply to "all ground water discharges". However, certain sites that discharge stormwater to ground water are covered under the permit. Some of these covered facilities discharge only a portion of their stormwater to ground (e.g., only certain drainage areas, or only during certain time of the year), and others may discharge all of their stormwater to ground (e.g., significant contributor of pollutants). Under the authority of Chapter 90.48 RCW, if a facility has the permit, any discharge to ground (via UIC or otherwise) is subject to permit conditions including, but not limited to, Conditions S1.E (if UIC), S3, S7, S10, and S12 to ensure ground water quality is protected. Discharges to ground do not require sampling (per S4), unless specifically required by Ecology order.	No	
Independent Business Association	S10 S 10 sets forth compliance standards for the permit. It is CRITICAL for the entire purpose of this permit that the following provisions be added to S 10 from the current permit. Otherwise, the Permittee has little to no protection from allegations that they are in violation of the permit. "Compliance with water quality standards shall be presumed under this permit when the Permittee is: 1. In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and 2. Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.	Compliance with Standards	Presumptive Approach	S10	Ecology has included the language from RCW 90.48.555, as requested.	Yes	Add to S10.B: Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is: (a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and (b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control. Add to Appendix 2 Definitions: Demonstrably equivalent means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:

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							(A) The method and reasons for choosing the storm water best management practices selected; (B) The pollutant removal performance expected from the practices selected; (C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected; (D) An assessment of how the selected practices will comply with state water quality standards; and (E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.
Independent Business Association	S 13 sets forth the conditions for a Notice of Termination. In the past, small firms have applied for coverage under the permit and sought to comply with the permit. Upon seeking technical assistance from the Department of Ecology, the Department advised the Permittee that they had no discharge and thus had no need to be covered by the permit. S13 must be revised to allow a Notice of Termination for such a situation.	Notice of Termination	No Discharge	S13	Ecology agrees and has revised S13.A.3 to provide a mechanism for permittees to terminate coverage if the site is reconfigured to discharge to ground and prevent discharges to surface water	Yes	Revised S13.A.3. All permitted stormwater discharges associated with industrial activity that are authorized by this permit cease are prevented because the stormwater is redirected to sanitary sewer, or discharged to ground (e.g., infiltration, etc.).
Independent Business Association	S13 A1 This sets a condition for approving a Notice of Termination of the permit as requested by a Permittee. Clarification is needed as follows: 1. All permitted stormwater discharges to surface waters from the permitted facility associated with industrial activity that are authorized by this permit cease because the industrial activity has have ceased, and no significant materials or industrial pollutants remain exposed to stormwater that will be discharged to surface waters, This clarification is critically important because this permit applies to stormwater discharges to surface waters. There are other existing state regulations for stormwater discharges underground and there should not be confusion or conflicts between this permit and those underground discharge regulations now in place.	Notice of Termination	No Discharge	S13.A.1	Ecology agrees and has revised S13.A.3 to provide a mechanism for permittees to terminate coverage if the site is reconfigured to discharge to ground and prevent discharges to surface water	Yes	Revised S13.A.3. All permitted stormwater discharges associated with industrial activity that are authorized by this permit cease are prevented because the stormwater is redirected to sanitary sewer, or discharged to ground (e.g., infiltration, etc.).
Independent Business Association	S2 A There is a conflict between S2 A that provides for automatic coverage under this permit for those covered under the current permit, and S9 B1b that requires that the Permittee retain the following documents onsite, “A copy of the permit coverage letter” S9 B1b must be modified to read, “A copy of the permit coverage letter unless the Permittee was automatically covered under provision S2 A of this permit.”	Application for Coverage	Automatic coverage	S2.A	In these situations, the permittee will still be given a permit coverage letter. Upon receipt, this document is subject to the recordkeeping requirements in S9.	No	
Independent Business Association	S2 C IBA suggests you split the “Permit coverage or Permit Modification Timeline” as they are significantly different and as written are likely to confuse many smaller businesses required to be covered by this permit	Application for Coverage	Complexity	S2.C.1.a	Ecology believes the revised language is a clear as possible, and minimizes the length of the permit.	No	

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Independent Business Association	S2 C1a This provision sets up a critical timing element in the coverage under the permit and is based on "…receipt by Ecology of a completed application…" But this provision does not provide any feedback to the permit applicant that the Department received the application or that the application was complete. This must be modified to provide a confirmation by the Department that these two significant requirements have been met by the permit applicant, that a complete application was received by the Department. The Department has a responsibility to send a confirmation to the applicant for this provision to have the intended effect. It is only a common courtesy to the Permittees and provides increased assurances of protecting the environment.	Application for Coverage	Automatic coverage	S2.C.1.a	Ecology has made changes to S2.C: Permit Coverage or Permit Modification Timeline 1. If the applicant does not receive notification from Ecology, permit coverage or modification of coverage automatically commences on whichever of the following dates occurs last: a. The 31st day following receipt by Ecology of a completed application for coverage or modification of coverage form. b. The 31st day following the end of a 30-day public comment period. c. The effective date of the general permit.	Yes	Revise S2.C: Permit Coverage or Permit Modification Timeline 1. If the applicant does not receive notification from Ecology, permit coverage or modification of coverage automatically commences on whichever of the following dates occurs last: a. The 31st day following receipt by Ecology of a completed application for coverage or modification of coverage form. b. The 31st day following the end of a 30-day public comment period. c. The effective date of the general permit
Independent Business Association	S3 B3bi(5)(h) Requires the Permittee to maintain a "…spill log." There must be the addition of language to not require the logging of de minims spills so that this provision reads something like, "A spill log shall be maintained for other than de minims spills. A de minims spill is one that is cleaned up and is unlikely to pose a risk to human health or the environment) that includes …." See Dept of Ecology Focus Sheet 92-119.	SWPPP	Spill Log	S3 B3bi(5)(h)	Ecology does not agree to the change suggested, as it would require the permittee to decide what kinds of spills are "unlikely to pose a risk to human health or the environment". No change.	No	
Independent Business Association	S3 B3bii(1) Calls for "Structural Source Control BMP's listed as 'applicable' in Ecology's SWMM's." Ecology has prepared several industry specific guidance documents that should also be allowed to meet this same requirement without the Permittee having to also go through the SWMM. This should be modified to read, "Structural Source Control BMP's listed as "applicable in Ecology's SWMM or other approved manual or guidance document as listed in appendix -- of this permit."	SWPPP	Applicable BMPs	S3 B3bii(1)	Upon review of these documents Ecology has decided not to reference these guidance documents, as they do not include all the applicable BMPs from the SWMMMs. No change.	No	
Independent Business Association	S3 A3c Identifies "…manuals…" or "guidance documents….that are approved by Ecology…" This needs to be revised and refer to a new appendix to this Permit that references those manuals or documents. Otherwise, Permittees are left almost guessing which manuals and documents are approved and which ones are not. This element of the permit should be dynamic as the Department develops new manuals and guidance documents and adds them in the new appendix to this permit.	SWPPP	Equivalent manuals	S3.A.3.c	Ecology agrees and has chosen to reference Appendix 10 of the Phase I Municipal Stormwater permit, which lists the approved stormwater management manuals, including WSDOT's.	Yes	S3.A.3.c revised: Revisions to the manuals in S3.A.3. a & b., or other stormwater management guidance documents or manuals which provide an equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-220-190. ; For purposes of this section, the documents listed in Appendix 10 of the Phase I Municipal Stormwater Permit are hereby incorporated into this permit;
Independent Business Association	S3A3di Calls for the Permittee to provide "The technical basis for selection of all stormwater BMPs…" This must be clarified that providing the "technical basis" is not required if the Permittee relied on one of the Department's approved manuals. We support the "presumptive approach" contained in the current permit.	SWPPP	Presumptive Approach	S3.A.3.d.i	The "technical basis" assessment required by S3.A.3.d. would not be triggered if the permittee used BMPs from the Ecology Stormwater Management Manuals (or approved equivalent manuals). S3.A.3.d has been clarified. The "presumptive approach" has been added to S10.	Yes	Clarified S3.A.3.d, and added "presumptive approach" to S10.
Independent Business Association	S3 A3dii Calls for the Permittee to provide "An assessment of how the BMPs will satisfy AKART…" This must be clarified that this assessment is not required if the Permittee relied on one of the Department's approved manuals. We support the "presumptive approach" contained in the current permit.	SWPPP	AKART	S3.A.3.d.ii	The AKART assessment required by S3.A.3.d. would not be triggered if the permittee used BMPs from the Ecology Stormwater Management Manuals (or approved equivalent manuals). Ecology believes that this is clear and no change is required. S3.A.3.d has been clarified.	Yes	Clarified S3.A.3.d, and added "presumptive approach" to S10.
Independent Business Association	S3 A4a Calls for the Permittee to "…modify the SWPPP if, ….it is determined that the SWPPP is, or would be ineffective…." This is extremely problematic for IBA. What does, "or would be ineffective" mean? Ineffective in what situation? In all situations? In 100 year storm events? In 10 year storm events? After an earthquake? This is a permit provision that no one can comply with. This permit is a legal document that will be litigated in the future, and this provision must be struck.	SWPPP	SWPPP modification	S3.A.4.a	This condition is necessary to promptly address significant SWPPP or BMP deficiencies noted during Ecology inspections. Ecology determinations under this subsection will be made in consideration of Condition S8 Correction Actions.	No	

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Independent Business Association	S3 A6 Calls for the Permittee to "…sign and certify all SWPPP's, inspection reports…." IBA recommends you provide references such as, "inspection reports (see S9), Level 1, 2, and 3 SWPPP Certification Forms (see S8)…" to make the permit easier for Permittees to read.	SWPPP	SWPPP Certification	S3.A.6	Ecology agrees with the suggestion and has revised the permit condition: The Permittee shall sign and certify all SWPPPs in accordance with General Condition G2, including each time a SWPPP is revised or modified to comply with Conditions S3.A.4 (Update of the SWPPP), S7 (Inspections) or S8 (Corrective Actions).	Yes	Revise S3.A.6: The Permittee shall sign and certify all SWPPPs in accordance with General Condition G2, including each time a SWPPP is revised or modified to comply with Conditions S3.A.4 (Update of the SWPPP), S7 (Inspections) or S8 (Corrective Actions).
Independent Business Association	S3 B1d Calls for the Permittee to identify each "…stormwater discharge point off-site…" and goes on to say "…(including discharges to groundwater).." IBA very strongly recommends the (including discharges to ground water) be stricken as it is regulated under separate UIC regulations.	SWPPP	Identify groundwater discharge locations	S3.B.1.d	Under the authority of Chapter 90.48 RCW, the permit authorizes discharges to groundwater. Therefore, these discharge points, many of which are not regulated under the UIC program, are of interest to Ecology and the permittee and need to be identified in the SWPPP.	No	
Independent Business Association	S3 B1g Calls for the Permittee to "Identify areas of pollutant contact (actual or potential)…" The "or potential" element of this statement is excessively onerous for a small business required to be covered by this permit and should be dropped. This is a requirement that is totally beyond the capability of most small business owners that must apply for this permit to comply with this permit as there is no knowledge of what potential pollutant many will come into contact with, i.e. recycling facilities. This adds an insurmountable requirement that could easily become the basis for costly litigation that could easily force businesses to close, and eliminate jobs and revenues to the state. At a minimum, the Department should replace the word "potential" with the word "likely" to provide more clarity to Permittees.	SWPPP	Inventory of activities and materials	S3.B.1.g	Ecology strongly disagrees with this comment. EPA uses the term "potential" or "potentially" over 125 times in it's 2008 Multi-Sector General permit, primarily in the SWPPP requirements (e.g. "... potential *pollutant* sources", "... *potential* spills and leaks", "... materials handled at the site that *potentially* may be exposed to precipitation", etc.). A pollution prevention plan that disregards potential sources of stormwater contamination is not adequate and is unlikely to meet the state's AKART requirements. No change.	No	
Independent Business Association	S3 B1j Calls for the Permittee to "Identify areas of existing or potential soil erosion (in a significant amount)." The "or potential" element of this statement is excessively onerous for a small business person required to be covered by this permit and should be dropped. This is a requirement that is totally beyond the capability of most small business owners that must apply for this permit to comply with. They would all need to be soils engineers or hire soils engineers in order to comply with this requirement. The provision (in a significant amount) is extremely subjective. Significant to one person may not be significant to another person. These provisions add insurmountable requirements that could easily become the basis for costly litigation that could easily force businesses to close, and eliminate jobs and revenues to the state. At a minimum, the Department should replace the word "potential" with the word "likely" to provide more clarity to Permittees, and clarify (in a significant amount likely to exceed the benchmark for turbidity).	SWPPP	Identify potential soil erosion	S3.B.1.j	Ecology strongly disagrees with this comment. EPA uses the term "potential" or "potentially" over 125 times in it's 2008 Multi-Sector General permit, primarily in the SWPPP requirements (e.g. "... potential *pollutant* sources", "... *potential* spills and leaks", "... materials handled at the site that *potentially* may be exposed to precipitation", etc.). A pollution prevention plan that disregards potential sources of stormwater contamination is not adequate and is unlikely to meet the state's AKART requirements. No change.	No	
Independent Business Association	S3 B2 Calls for the Permittee to prepare an "…inventory of facility activities and equipment that could contribute to have the potential to contribute…. or have the potential to contribute to pollutants to stormwater." The "or potential" element of this statement is excessively onerous for a small business person required to be covered by this permit and should be dropped. This requires Permittees to become visionaries (IBA knows of no state recognized visionaries) and is totally beyond the capability of most small business owners that must apply for this permit to comply with as there is no knowledge of what potential pollutant many will come into contact with, i.e. recycling facilities. This adds an insurmountable requirement that could easily become the basis for costly litigation that could easily force businesses to close, and eliminate jobs and revenues to the state and yet provide no value to water quality. At a minimum, the Department should replace the word "potential" with the word "likely" to provide more clarity to Permittees.	SWPPP	Inventory of activities and materials	S3.B.2	Ecology strongly disagrees with this comment. EPA uses the term "potential" or "potentially" over 125 times in it's 2008 Multi-Sector General permit, primarily in the SWPPP requirements (e.g. "... potential *pollutant* sources", "... *potential* spills and leaks", "... materials handled at the site that *potentially* may be exposed to precipitation", etc.). A pollution prevention plan that disregards potential sources of stormwater contamination is not adequate and is unlikely to meet the state's AKART requirements. No change.	No	
Independent Business Association	S3 B2b Calls for the Permittee to identify "…industrial activities…that have been or may potentially be sources of pollutants…" The "may potentially" element of this statement is excessively onerous for a small business person required to be covered by this permit and should be dropped. This requires Permittees to become visionaries (IBA knows of no state recognized visionaries) and is totally beyond the capability of most small business owners that must apply for this permit to comply with as there is no knowledge of what potential pollutant many will come into contact with, i.e. recycling facilities. This adds an insurmountable requirement that could easily become the basis for costly litigation that could easily force businesses to close, and eliminate jobs and revenues to the state and yet provide no value to water quality. At a minimum, the Department should replace the word "potential" with the word "likely" to provide more clarity to Permittees.	SWPPP	Inventory of activities and materials	S3.B.2.b	Ecology strongly disagrees with this comment. EPA uses the term "potential" or "potentially" over 125 times in it's 2008 Multi-Sector General permit, primarily in the SWPPP requirements (e.g. "... potential *pollutant* sources", "... *potential* spills and leaks", "... materials handled at the site that *potentially* may be exposed to precipitation", etc.). A pollution prevention plan that disregards potential sources of stormwater contamination is not adequate and is unlikely to meet the state's AKART requirements. No change.	No	

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Independent Business Association	S3 B2c Calls for the Permittee to "…inventory of material…that potentially may be exposed to precipitation…" The "that potentially may be exposed to precipitation" element of this statement is excessively onerous for a small business person required to be covered by this permit and should be dropped. This requires Permittees to become visionaries (IBA knows of no state recognized visionaries) and is totally beyond the capability of most small business owners that must apply for this permit to comply with as there is no knowledge of what potential pollutant many will come into contact with, i.e. recycling facilities. This adds an insurmountable requirement that could easily become the basis for costly litigation that could easily force businesses to close, and eliminate jobs and revenues to the state and yet provide no value to water quality. At a minimum, the Department should replace the word "potentially" with the word "likely" to provide more clarity to Permittees.	SWPPP	Inventory of activities and materials	S3.B.2.c	Ecology strongly disagrees with this comment. EPA uses the term "potential" or "potentially" over 125 times in it's 2008 Multi-Sector General permit, primarily in the SWPPP requirements (e.g. "... potential *pollutant* sources", "... *potential* spills and leaks", "... materials handled at the site that *potentially* may be exposed to precipitation", etc.). A pollution prevention plan that disregards potential sources of stormwater contamination is not adequate and is unlikely to meet the state's AKART requirements. No change.	No	
Independent Business Association	S3 B3b requires Permittees to install a significant number of BMPs "…unless site conditions render the BMP unnecessary or not plausible, and the exemption is clearly justified in the SWPPP." IBA recommends that there be a footnote added for each of the BMP requirements in S3 B3b(ii), S3 B3b(iii), and S# B3b(iv) that reverences the exemption to minimize confusion by Permittees.	SWPPP	Exception to mandatory BMPs	S3.B.3.b	Ecology has decided against this to reduce the length of the permit. Ecology will attempt to make this point clear in SWPPP guidance documents.	No	
Independent Business Association	S3 B3bi(1) Calls for "Operational Source Control BMP's listed as 'applicable' in Ecology's SWMM." Ecology has prepared several industry specific guidance documents that should also be allowed to meet this same requirement without the Permittee having to also go through the SWMM. This should be modified to read, "Operational Source Control BMP's listed as 'applicable' in Ecology's SWMM or other approved manual or guidance document as listed in appendix -- of this permit."	SWPPP	Applicable BMPs	S3.B.3.i.1	Upon review of these documents Ecology has decided not to reference these guidance documents, as they do not include all the applicable BMPs from the SWMMMs.	No	
Independent Business Association	S3B3(b)(i)(3)(a) requires Permittees to "…vacuum paved surfaces with a vacuum sweeper …. to remove accumulated pollutants a minimum of once per quarter." This is an extraordinary requirement that is extremely unreasonable and detrimental to small businesses. It is a BMP that has no clear nexus to the release of any pollutant yet it can prove to be extremely costly. This is a totally unreasonable requirement that should be struck from the permit.	SWPPP	Vacuum Sweeping	S3.B.3.i.3.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Independent Business Association	S3 B3bi(3)(b) Calls for the Permittee to identify "…all sources of dust…" This is a requirement that is totally beyond the capability of most small business owners that must apply for this permit. Dust comes from both on-site and off-site sources. This must be rewritten to read something like, "All source of onsite dust (i.e. bag houses, sand blasting operations, or similar) shall be identified …." for this to be a reasonable requirement. Otherwise, it could easily become the basis for costly litigation that could easily force businesses to close, and eliminate jobs and revenues to the state.	SWPPP	Dust	S3.B.4b.i.2.b	will clarify by adding "on-site" i.e., on-site sources of dust...	Yes	Revise S3.B.4.b.i.2.b): ~~All sources of dust shall be identified and prevented from accumulating on hard surfaces at the facility~~. Identify and control all on-site sources of dust to minimize stormwater contamination from the deposition of dust on areas exposed to precipitation.
Independent Business Association	S3 B5a Requires the Permittee to include a sampling plan that includes "…discharge to surface water, storm sewers, or discrete ground water infiltration locations, such as dry wells or detention ponds." This appears to be a major expansion of this permit by including "or discrete ground water infiltration" Discharges to ground are covered by a totally different regulation under the UIC rules. The inclusion of "discrete ground water infiltration" is an unnecessary expansion of this permit and should be stricken.	SWPPP	Identify groundwater discharge locations	S3.B.5.a	While the permit requires all discharge points to be identified (e.g., discharges to surface water and groundwater), it does not require all discharge points to be sampled (e.g. discharges to ground).	No	

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Independent Business Association	S3 B5b Requires the Permitee to "Include a discussion of representative sampling…" The definition of "representative sampling" appears to conflict with S4 B2c that calls for, "…sample only the discharge point with the highest concentration of pollutants." IBA believes the term "representative sample" is the correct term and the language in S4 B2c should be stricken for a number of reasons. How does a Permittee know which discharge point has the "highest concentration of pollutants?" Requiring a Permittee to identify the discharge point with the highest concentration of pollutants is clearly NOT representative. What process would the Permittee use to identify the point of "highest concentrations of pollutants?" What if there are two discharge points and multiple substances to sample for, and the concentration of one substance is highest at one sampling point while the concentration of another sample is highest at another sampling point? Which sampling point is the Permittee required to sample at? The requirement to sample at the "highest concentration of pollutants" is unworkable and must be stricken.	SWPPP	Representative Sampling	S3.B.5.b	To provide additional clarity, S3.B.5.B&D and S4.B.2 were revised (adapted from EPA's MSGP) to provide additional clarity on sampling locations, and how permittees document decisions not to sample outfalls that are substantially similar to others being sampled.	Yes	Revise S3.B.5.B: (If applicable) Include documentation of why each discharge point is not sampled per S4.B.2.c, because the pollutant concentrations at one or more discharge points are substantially identical: A. Location of which discharge points are not sampled because the pollutant concentrations are substantially identical to a discharge point being sampled; B. Description of the general industrial activities conducted in the drainage area of each discharge point; C. Description of the Best Management Practices conducted in the drainage area of each outfall; D. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges; E. A description of the impervious surfaces in the drainage area that could affect the percolation of stormwater runoff into the ground (e.g., asphalt, crushed rock, grass, etc.); and F. Why the discharge points are expected to discharge substantially identical effluents. Delete: S3.B.5.d Revise S4.B.2.c: The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. If two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions) permittees may monitor the effluent of
Independent Business Association	S3 B5d Requires the Permittee to "…determine the differences in exposure to pollutants, pollutants likely to be in each discharge, and a relative comparisons of probable pollutant concentrations." First, this provision does not really make sense to IBA. What does, "…differences in exposure to pollutants…" mean? We at IBA cannot understand what is being asked for here to be included in the Permittee's SWPPP. What does, "…pollutants likely to be in each discharge…" mean? Specific sites are directed by the permit to sample for specific substances, so what other "pollutants" should be they concerned about besides those they are required to sample for? What does, "…relative comparisons of probable pollutant concentrations…" mean? How is a small business person to make this determination? What is the importance of the "…relative comparison of probably pollutants…?" Why is this requirement here? This is a wide open-ended requirement with no clear way to comply. This entire provision, S3 B5d(ii), MUST be struck as it is impossible to comply with. At a minimum, we believe language similar to that contained in the EPA MSGP that contains language like "…the rationale for any substantially identical outfall determinations…" is superior and more workable for small businesses as compared to the proposed language in S3 B5d as now proposed.	SWPPP	Representative Sampling	S3.B.5.d	To provide additional clarity, S3.B.5.B&D and S4.B.2 were revised (adapted from EPA's MSGP) to provide additional clarity on sampling locations, and how permittees document decisions not to sample outfalls that are substantially similar to others being sampled.	Yes	Revise S3.B.5.B: (If applicable) Include documentation of why each discharge point is not sampled per S4.B.2.c, because the pollutant concentrations at one or more discharge points are substantially identical: A. Location of which discharge points are not sampled because the pollutant concentrations are substantially identical to a discharge point being sampled; B. Description of the general industrial activities conducted in the drainage area of each discharge point; C. Description of the Best Management Practices conducted in the drainage area of each outfall;

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							D. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges; E. A description of the impervious surfaces in the drainage area that could affect the percolation of stormwater runoff into the ground (e.g., asphalt, crushed rock, grass, etc.); and F. Why the discharge points are expected to discharge substantially identical effluents. Delete: S3.B.5.d Revise S4.B.2.c: The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. If two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions) permittees may monitor the effluent of just one of the outfalls.
Independent Business Association	S3 B5i What does "Identify parameters for analysis, holding times and preservatives, laboratory quantification levels, and analytical methods" is unnecessarily obscure. We suggest the following language instead, "Identify parameters for analysis, holding times and preservatives, laboratory quantification levels, and analytical methods. (NOTE: In most cases this information will be provided by the laboratory the Permittee uses to analyze their stormwater samples)."	SWPPP	Analytical methods	S3.B.5.i	Ecology believes the current language is clear; no change.	No	
Independent Business Association	S4 B1b Calls for "The Permittee shall obtain representative samples…." This then conflicts with S4 B2a that requires "The Permittee shall designate sampling locations … with the greatest exposure to significant sources of pollution." IBA believes the term "representative sample" is the correct term and the language in S4 B2a must be struck for a number of reasons. How does a Permittee know which discharge point has the "greatest exposure?" Requiring a Permittee to identify the discharge point with the greatest exposure to pollutants is clearly NOT a representative sample. What process would the Permittee use to identify the point of "highest concentrations of pollutants?" What if there are two or more discharge points and multiple substances to sample for (which there usually are), and the concentration of one sampling substance is highest at one sampling point while the concentration of another sampling substance is highest at another sampling point? Which sampling point is the Permittee required to sample at? The requirement to sample at the "greatest exposure to significant sources of pollution."" is unworkable and must be stricken.	Sampling	Representative Sampling	S4.B.1.b	To provide additional clarity, S3.B.5.B&D and S4.B.2 were revised (adapted from EPA's MSGP) to provide additional clarity on sampling locations, and how permittees document decisions not to sample outfalls that are substantially similar to others being sampled.	Yes	Revise S3.B.5.B: (If applicable) Include documentation of why each discharge point is not sampled per S4.B.2.c, because the pollutant concentrations at one or more discharge points are substantially identical: A. Location of which discharge points are not sampled because the pollutant concentrations are substantially identical to a discharge point being sampled; B. Description of the general industrial activities conducted in the drainage area of each discharge point; C. Description of the Best Management Practices conducted in the drainage area of each outfall;

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							D. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges; E. A description of the impervious surfaces in the drainage area that could affect the percolation of stormwater runoff into the ground (e.g., asphalt, crushed rock, grass, etc.); and F. Why the discharge points are expected to discharge substantially identical effluents. Delete: S3.B.5.d Revise S4.B.2.c: The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. If two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions) permittees may monitor the effluent of just one of the outfalls.
Independent Business Association	S4 B2a The reference to Sc B5 appears to be incorrect	Sampling	Typo	S4.B.2.a	This typo has been corrected.	Yes	Typo corrected.
Independent Business Association	S4 B2c Requires a Permittee to " … the discharge point with the highest concentration of pollutants." This appears to conflict with S4B2a that references a "representative sampling location." Please see our comments for S3 B5b.	Sampling	Representative Sampling	S4.B.2.c	Revise S4.B.2 The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall.", per S3.B.5.b. If two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions) permittees may monitor the effluent of just one of the outfalls and shall analyze each sample separately.	Yes	Revise S3.B.5.B: (If applicable) Include documentation of why each discharge point is not sampled per S4.B.2.c, because the pollutant concentrations at one or more discharge points are substantially identical: A. Location of which discharge points are not sampled because the pollutant concentrations are substantially identical to a discharge point being sampled; B. Description of the general industrial activities conducted in the drainage area of each discharge point; C. Description of the Best Management Practices conducted in the drainage area of each outfall;

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							D. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges; E. A description of the impervious surfaces in the drainage area that could affect the percolation of stormwater runoff into the ground (e.g., asphalt, crushed rock, grass, etc.); and F. Why the discharge points are expected to discharge substantially identical effluents. Delete: S3.B.5.d Revise S4.B.2.c: The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. If two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions) permittees may monitor the effluent of just one of the outfalls.
Independent Business Association	S4 C Requires the Permittee to "…ensure that analytical methods used to meet the sampling requirements … conform to the latest revisions …contained in 40 CFR Part 136." This is a grossly unreasonable expectation to impose on small business Permittees. How in the world are small business Permittees expected to comply with this requirement? Clearly, the Department knows who the Permittees are and the Department has a responsibility to inform Permittees of any changes in the analytical methods used to meet the sampling requirements contained in 40 CFR Part 136. Plus, the laboratories are approved by the Department to do stormwater sample analysis and the laboratories are responsible for the "analytical methods." IBA strongly believes this provision must be struck as it relates to Permittees.	Sampling	Analytical methods	S4.C	40 CFR 122.41(j)(4) requires monitoring results to be conducted according to test procedures under 40 CFR 136 *Guidelines for Establishing Test Procedures for the Analysis of Pollutants* , unless alternative test methods are required. The labs used by permittees will be aware of the permits' analytical methods, but it is ultimately the permittees responsibility.	No	

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Independent Business Association	S5 Table 3 Sets a benchmark for Copper at 14 parts-per-billion in Western Washington and 32 parts-perbillion in Eastern Washington. This is an extremely low level for copper and will put many small Permittees out of business, destroy the jobs they now provide, and eliminate major beneficial environmental facilities in Washington State. This will hit particularly hard on the recycling industry (for products they do not produce but instead waste they manage for environmental benefit for the general population) at risk of failing this extremely low benchmark value as compared to the 63.6 benchmark value and the 149 action level in the current permit. A 77% decrease in this benchmark value that is also 94% lower than the action level in the current permit is extreme and must be revaluated and reset at a higher level. Otherwise, there will be very high new costs to taxpayers and serious environmental damage to the state resulting from the elimination of most recycling facilities in Washington State. The Fact Sheet for the draft permit states that the mean concentration for copper from vehicle recycling firms is 26, meaning at least half of the vehicle recycling firms in western Washington are exceeding the proposed copper benchmark by about 185%. The Fact Sheet incorrectly states, "Potential Sources of Pollutants: Outdoor storage of engines, transmissions, radiators, batteries, brakes, power steering units, and differential gears which contain fluids." One of the most common BMP's for the vehicle recycling industry is to keep hoods or other covers in place over engine compartments to avoid contamination of stormwater. This is already a common practice in the industry. The Fact Sheet goes on to state for vehicle recycling firms "..many will be required to install active stormwater treatment systems. This is based upon Boatyard Stormwater Treatment Study – Final Report, March 2008 (Taylor Associates, Inc.), and Noling 2009, comments on preliminary draft ISWGP, via email May 8, 2009." The Boatyard Stormwater Treatment Study estimated the cost of active stormwater treatment for copper at $225,000 per acre. For the vehicle recycling industry, this will destroy any such facility required to do active stormwater treatment for copper. In the Department of Ecology report, "Control of Toxic Chemicals in Puget Sound Phase 2: Improved Estimates of Loadings from Surface Runoff and Roadways, August 2008, Publication Number 08-10-084, it states that the copper in stormwater runoff from public highways is 18.7 micrograms per liter – significantly above the benchmark the Department is proposing for this permit. The 14 microgram per liter benchmark proposed for this permit is grossly unfair and inequitable to those covered by this permit. The exposure to highway stormwater runoff is millions of times greater than the runoff from the facilities covered by this permit. In a report of public drinking water systems in Washington State, the Environmental Working Group reports in its National Tap Water Database, that public drinking water in Washington State between the years of 1998 and 2003, the highest level of copper was 1718 parts-per-billion of copper to a low of 170.5 parts-per-billion out of 237 public water supplies in Washington State. Those values are 12300% times and 1700% of the proposed copper level for the new permit for Western Washington. See the attachment to these comments for part of that report. Setting a level of 14 part-per-billion for stormwater in this permit is simply ludicrous. The same report goes on to say the major sources of copper are: "During the year 2002, 345,120,802 pounds of copper and copper compounds were released, according to a Toxics Release Inventory (TRI) report released in 2004. Industries releasing over 9 million pounds during the year included solvent recovery (nearly 10 million pounds), electric utilities (17 million pounds), metal mining (93 million pounds) and primary metals (209 million pounds). The recycling industry was not mentioned as a source. The Department of Ecology can view this 24 page report on the Internet at: http://www.ewg.org/tapwater/statereports/state_contaminant.php?state=WA&contam=1022	Benchmark	Copper	S5 Table 3	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Current state and federal water quality laws do not allow limitations in NPDES permits to be raised to levels that could cause aquatic toxicity in receiving waters while regulatory mechanisms are established to eventually phase out various products that tend to cause stormwater contamination at industrial facilities. The copper benchmarks were set using a risk-based methodology based on the acute water quality criteria, which is very low due to the toxicity of dissolved copper on salmonids at very low levels. Since the benchmarks are derived from the copper criteria in the water quality standards, the resulting benchmark is necessarily low. Ecology believes that there are lower cost source control and treatment options available than those that cost $225,000/ac. Ecology plans to work collaboratively with the auto recyclers and other small businesses to ease the transition into the new permit, and provide technical assistance to facilities who need it.	Yes	Numerous changes to S8 Corrective Actions.
Independent Business Association	S5 A Table 2 Sets "No Visible Oil Sheen" as a benchmark value. This is unreasonable as a visible sheen can come from many non-petroleum sources including vegetation. In addition, in S5 Table 3 sets a benchmark value for "total Petroleum Hydrocarbons (THC)" at 15 mg/L which is far more appropriate and based on a reliable scientific analysis. IBA suggests two options to address this: 1. Eliminate any requirement for doing a test for Total Petroleum Hydrocarbons THP for any industry in Table 4 if there is a "no visible sheen" discharge, or 2. Eliminate the "visible sheen" benchmark in Table 2	Benchmark	Oil Sheen	S5.A	The visible sheen from decaying vegetation is easily distinguished from the oil sheen associated with petroleum products. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Independent Business Association	S5 F1 Requires Permittees to manage stormwater to prevent the discharge of: "Synthetic, natural or processed oil …. identified by an oil sheen…" This is unreasonable as a visible sheen can come from many non-petroleum sources including vegetation. In addition, in S5 Table 3 sets a benchmark value for "total Petroleum Hydrocarbons (THC)" at 15 mg/L which is far more appropriate and is based on reliable scientific analysis. IBA suggests two options to address this: 1. Eliminate this requirement for S5 F1, or 2. Eliminate the "visible sheen" benchmark in Table 2	Effluent Limitations	Oil Sheen	S5.F.1	Ecology believes that the presence of a visible oil sheen at a stormwater discharge location could indicate a failure of BMPs to prevent water pollution, and therefore a reasonable and prudent requirement. The visible sheen from decaying vegetation is easily distinguished from the oil sheen associated with petroleum products. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Independent Business Association	S5 F2 Requires Permittees to manage stormwater to prevent the discharge of: "Trash and floating debris" This is extremely unreasonable as every year in the fall months of the year, leaves fall from trees and are often floating on stormwater discharges. Also, during the year, evergreen trees shed their needles which also float on stormwater. This prohibition is unworkable and unreasonable and must be removed.	Effluent Limitations	Floating Debris	S5.F.2	This term is self explanatory and consistent with EPA's MSGP and the previous permit, so no changes will be made.	No	

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Independent Business Association	S6 This section is very confusing and IBA cannot understand what a small business Permittee must do to comply with this section. A great deal of work must be done to make this section understandable, especially to small business Permittees.	303(d)	Complexity	S6	Ecology will notify facilities affected by Condition S6 of any additional permit requirements (sampling, benchmarks, etc.) when they receive coverage under the permit.	No	
Independent Business Association	S7 A2 Requires Permittees to have a Certified Industrial Stormwater Manager, Certified Professional in Stormwater, or Professional Engineer conduct inspections of their facility relative to stormwater. This is a totally unacceptable requirement for small business Permittees and imposes a HUGE and disproportionate economic hardship on small business Permittees as compared to larger business Permittees. RCW 19.85 directs agencies to minimize disproportionate economic impacts of agency requirements on small businesses. The Department of Ecology own small business economic impact statement for this permit states, "…Ecology assumes a staff wage of $22.57 per hour." Ecology also estimates the time it taxes for the inspection is ½ hour each month for a total annual cost of $90. This estimate is ludicrous given the requirement of the person doing the inspection having to be a Certified Industrial Stormwater Manager, Certified Professional in Stormwater, or Professional Engineer. As written, this requirement is in violation of RCW 19.85 and must be revised. The delay in implementation date for smaller firms is an unacceptable mitigation of this provision. The Department has failed to demonstrate any need for this certification and has not even developed any criteria for this proposed certification. This certification requirement must be eliminated.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Independent Business Association	S7 B2 Requires the Permittee to make visual inspections for "…presence of floating materials, visible sheen…" As stated previously, these two requirements are extremely unreasonable and unreliable in protecting stormwater quality as they result in far too many observations that provide no net benefit to protecting stormwater contamination. As stated previously, a visible sheen can come from many nonpetroleum sources including vegetation. In addition, in S5 Table 3 sets a benchmark value for "total Petroleum Hydrocarbons (THC) at 15 mg/L which is far more appropriate and based on a reliable option using scientific analysis. Plus, every year in the fall months of the year, leaves fall from trees and are often floating on stormwater discharges. Also, during the year, evergreen trees shed their needles which also float on stormwater. These two requirements must be removed.	Inspections	Oil Sheen	S7.B.2	Ecology believes that the presence of a visible oil sheen at a stormwater discharge location could indicate a failure of BMPs to prevent water pollution, and therefore a reasonable and prudent requirement. The visible sheen from decaying vegetation is easily distinguished from the oil sheen associated with petroleum products. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Independent Business Association	S8 – B, C and D Each of these corrective action levels allow for "…a time extension or waiver…" Given the fact that the benchmarks in this permit will likely result in a business having to go out of business because it cannot afford to install and operate the required BMP and continue to operate profitably, the waiver should clearly allow the Permittee to request a waiver from having to meet the benchmark for particular parameters due to infeasibility. This concept is supported in the Fact Sheet on page 38 where it states, "Courts have recognized that there are circumstances when numeric effluent limitations are infeasible and have held that EPA may issue permits with conditions (e.g., Best Management Practices or "BMPs") designed to reduce the level of effluent discharges to acceptable levels:	Corrective Actions		S8	The permit contains waiver provisions from having to install additional source control and/or treatment BMPs if it is infeasible to do so. If such a waiver is granted, the inability the benchmark is moot, and not going to result in the facility having to go out of business.	No	
Independent Business Association	S8. It appears to us that most facilities that trigger a Level 3 requirements will likely not be able to get treatment facilities designed and installed before triggering a Level 4 Corrective Action. The timing here is unreasonably short and must be extended.	Corrective Actions	Level 3	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Independent Business Association	S8 D1a(ii) Requires a small business Permittee to "Submit an engineering report…." This requirement discriminates against small business Permittees in that the cost for an engineering report will be may times the percentage of sales or net profit for a small business as compared to a larger business. Getting an engineering report is likely to cost $20,000 to $70,000 depending on the issues involved. For most small business Permittee's, such a cost will put them out of business, destroy the jobs they provide and eliminate the taxes they pay to the State of Washington. This is in violation to RCW 19.85 and is totally unacceptable to IBA. The Department has a responsibility to provide small businesses with technical assistance in meeting the requirements of S8 D1a(ii) in lieu of requiring an engineering report. RCW 19.85 requires the Department of Ecology to mitigate the disproportionate cost impact of requiring an engineering report.	Corrective Actions	Level 4	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Independent Business Association	S8 B and C Permittees will be allowed to request a waiver to implementing BMPs "at least 90 days prior to the applicable Corrective Action Deadline". Ecology then has 60 days to respond. If denied, the Permittee will be out of compliance for at least 30 days. Timelines should be provided so the Permittees can maintain compliance.	Corrective Actions	Waivers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Independent Business Association	S8 – B, C and D Four and one-half months (about 135 days) are allowed from DMR submittal triggering the corrective action status and the requirement to install structural or treatment BMPs. This is an unreasonably short timeframe to research, secure funding, design, apply for and get permits, arrange construction, and install appropriate methods in most cases.	Corrective Actions		S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Independent Business Association	S8 C3 Requires a Certification Form "…stamped by a professional Engineer…" This requirement discriminates against small business Permittees in that the cost for a stamp by a professional Engineer will be may times the percentage of sales or net profit for a small business as compared to a larger business. Getting a professional Engineer's stamp is likely to cost $10,000 to $50,000 depending on the issues involved. For most small business Permittee's, such a cost will put them out of business, destroy the jobs they provide and eliminate the taxes they pay to the State of Washington. This is in violation to RCW 19.85 and is totally unacceptable to IBA. The Department has a responsibility to provide small businesses with technical assistance in meeting the requirements of S8 C in lieu of requiring a professional Engineers stamp. RCW 19.85 requires the Department of Ecology to mitigate the disproportionate cost impact of requiring a professional Engineer's stamp.	Corrective Actions	Level 3	S8.C.3	Ecology has decided to revise S8.D (Level 3) to allow for a one-time waiver from the requirement to have a licensed or professional design/stamp the SWPPP.	Yes	Revise S8.D.2.b: A licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality shall design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes. i. Ecology may waive the requirement for a licensed or certified professional upon request of the Permittee and demonstration that the Permittee or treatment device vendor can properly design and install the treatment device. ii. Ecology will not waive the Level 3 requirement for a licensed or certified professional more than one time during the permit cycle.
Independent Business Association	S8 D1c, d and e Each of these provisions allows the Department to require the Permittee to get an individual permit, impose new permit requirements, or terminate coverage. None of these provisions allow for an appeal which is otherwise required by state law. Each must be made subject to an appeal process if sought by a small business Permittee, and that process should be referenced within each of these sections such as, "The Permittee has a right to appeal such an order to the Pollution Control Hearings Board"	Corrective Actions	Level 4	S8.D.1	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Independent Business Association	S8.D.1.Table 6 – Ecology should allow a temporary suspension of monitoring requirements while Level 2 and 3 activities are performed. Under the current scenario those trigger a Level 2 or Level 3 response could be well on their way to triggering a Level 3 or Level 4 response before they are able to show results from their Level 2 or Level 3 corrective actions.	Corrective Actions		S8.D.1	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Independent Business Association	S8 D1a(i) Requires a small business Permittee to "Submit a receiving water study…." This requirement discriminates against small business Permittees in that the cost for a receiving water study will be may times the percentage of sales or net profit for a small business as compared to a larger business. Getting a receiving water study is likely to cost $20,000 to $70,000 depending on the issues involved. For most small business Permittee's, such a cost will put them out of business, destroy the jobs they provide and eliminate the taxes they pay to the State of Washington. This is in violation to RCW 19.85 and is totally unacceptable to IBA. The Department has a responsibility to provide small businesses with technical assistance in meeting the requirements of S8 D1a(i) in lieu of requiring an engineering report. RCW 19.85 requires the Department of Ecology to mitigate the disproportionate cost impact of requiring an engineering report.	Corrective Actions	Level 4	S8.D.1.a.i	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Independent Business Association	S9 A5 Requires electronic DMR reporting. About 25% to 33% of small businesses currently are not proficient with using the Internet and IBA estimates that holds true for the small businesses required to be covered by this Permit. Thus, imposing this Internet reporting requirement discriminates against small business Permittees and will result in significantly higher costs for small businesses that are not currently Internet proficient. RCW 19.85 requires agencies to mitigate disproportionate costs imposed on small businesses. The Department has a responsibility to provide small businesses with an alternative to Internet reporting of DMRs. RCW 19.85 requires the Department of Ecology to mitigate the disproportionate cost impact of requiring Internet DMR reporting. IBA stands ready to assist the Department in defining appropriate mitigation options.	Reporting	e-DMR	S9.A.5	Ecology has decided that eDMR (WebDMR) is an optional way to comply with the reporting requirements, rather than a requirement.	Yes	Revise S9.A.5: DMRs shall be submitted using Ecology's WebDMR system or by mail to the following address: Industrial Stormwater Permit Administrator Department of Ecology Water Quality Program PO Box 47696 Olympia, Washington 98504-7696
Independent Business Association	S9 A6a This provision for reporting a DMR with "…no stormwater sample was obtained…" should be modified to allow for the reporting of "no discharge during the quarter" as there are numerous small business Permittees that do not have any discharge during some quarters of the year. It is VERY important for the Department to have correct information about why no sampling was done and "no sample obtained" is not the only appropriate and singular option.	Reporting	No Discharge	S9.A.6.a	Ecology believes the draft and final permit make an appropriate distinction between quarters during which no sample was collected: *a. If no stormwater sample was obtained from the site during a given reporting period, the Permittee shall submit the DMR form indicating "no sample obtained", or "no discharge during the quarter", as applicable.*	No	
Independent Business Association	S9 B1b Requires that the Permittee retain the following documents onsite, "A copy of the permit coverage letter" There is a conflict between S9 B1b and S2 A that provides for automatic coverage under this permit for those covered under the current permit. Thus, S9 B1b must be modified to read something like, "A copy of the permit coverage letter unless the Permittee was automatically covered under provision S2 A of this permit."	Recordkeeping	Automatic coverage	S9.B.1.b	Ecology sends all permittees a copy of their permit coverage documents. Upon the permittees receipt those records, they are subject to the applicable Recordkeeping requirements in S9.C.	No	
Independent Business Association	S9 B1f Requires a Permittee keep records of "All equipment calibration records" Clearly, this is intended to apply to only stormwater equipment calibration records and not calibration records for other equipment for other purposes. IBA recommends this be revised to read, "All equipment calibration records for equipment required to comply with this permit, if any"	Recordkeeping	Maintain original records onsite	S9.B.1.f	This permit condition applies only to equipment calibration related to sampling and permit compliance. It is not necessary to state this in the permit. No change.	No	
Independent Business Association	S9 B1h Requires a Permittee keep "All original recordings for continuous sampling" Clearly, this is intended to only apply to those who have done or been required to do continuous sampling. IBA recommends this be revised to read, "All original recordings for continuous sampling, as required, if any"	Recordkeeping	Maintain original records onsite	S9.B.1.h	This permit condition applies only to facilities who perform continuous sampling. It is not necessary to state this in the permit.	No	
Independent Business Association	S9 B1k Requires a Permittee keep "Records of all data used to complete the application for this permit" Clearly, this is intended to only apply to those who have used some records to complete this application. IBA recommends this be revised to read, "Records of all data used to complete the application for this permit, if any"	Recordkeeping	Maintain original records onsite	S9.B.1.k	This permit condition applies only to facilities who used data to complete the permit application. It is not necessary to state this in the permit.	No	
Independent Business Association	S9 D1b Requires a Permittee to notify the Department immediately of the Permittee's inability to comply with any terms of the permit. The Department needs to include the appropriate phone number and address in this part of the permit for making that notification. IBA strongly recommends this information be in the permit and not in a permit coverage letter or other such document.	Noncompliance Notification	Reports of Non-Compliance	S9.D.1.b	The noncompliance notification would be directed to the regional office, which is provided on the coverage letter issued at the time of permit coverage. If there are questions, the permittee should contact Ecology.	No	
Independent Business Association	S9 D1c Requires a Permittee to submit a detailed written report to the Department of the Permittee's inability to comply with any terms of the permit. The Department needs to include the appropriate address in this part of the permit for where that written report is to be sent. IBA strongly recommends this information be in the permit and not in a permit coverage letter or other such document.	Noncompliance Notification	Reports of Non-Compliance	S9.D.1.c	The noncompliance notification would be mailed to the same address where DMRs are mailed, which is provided at the time of permit coverage. If there are questions, the permittee should contact Ecology.	No	
Independent Business Association	S9 E Requires the Permittee to make the SWPPP, etc. available to the Department and the local jurisdiction. This permit is between the Department and the Permittee and this provision offers no protection to the Permittee if the "local jurisdiction" should remove or otherwise revise or deface any of the permit documents referenced. IBA recommends "or the local jurisdiction" be removed from this section to protect the Permittee.	Recordkeeping		S9.E	Ecology has considered the comment, and has decided not to make a change in this requirement. Any instances of local governments removing or defacing documents required by this permit should be brought to Ecology's attention.	No	

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Independent Business Association	S9 E1 (Very Important Technical Revision) Requires "A copy all plans and records shall be provided to Ecology within 14 days of receipt of written request for the SWPPP from Ecology" There are 3 very important problems here: Did the Permittee ever receive the "written request" What if the Permittee is unavailable during that 14 day period, like gone on vacation or is in a hospital undergoing care, etc. The provision does not make sense, it talks about all plans and records and then it states a "…written request for the SWPPP…." Plans and records and the SWPPP may well be two different sets of information and documents. This provision must be revised to read something like: "A copy all plans and records of the SWPPP and associated requested documents shall be provided to Ecology within 14 days of receipt of written request (either personally served on the Permittee with signed receipt or mail delivery with signed receipt) except the 14 day requirement may be extended in cases where the Permittee has a reasonable cause for not being able to meet the 14-day production of requested plans and records…"	Recordkeeping	Written Requests	S9.E.1	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Independent Business Association	S9 E2a Requires the Permittee to provide plans and records "…to the requestor within 14 days..." There are 4 very important problems here: o Did the Permittee ever receive the "written request" o What if the Permittee is unavailable during that 14 day period, like gone on vacation or is in a hospital undergoing care, etc. o The provision does not make sense, it talks about all plans and records and then it states a "…written request for the SWPPP…." Plans and records and the SWPPP may well be two different sets of information and documents. o What if the requestor does not choose to receive or review the records within the 4 remaining days of the original 14 days of providing the requested SWPPP, etc. Is the Permittee in violation of this permit? This provision must be must be rewritten to read something like the following: "Notify the requestor within 10 days of receipt of the written request (except the 10 day requirement may be extended in cases where the Permittee has a reasonable cause for not being able to meet the 10-day notification response requirement) of the location and times within normal business hours when the Permittee's SWPPP and associated requested documents plans and records may be viewed and …" .	Recordkeeping	Written Requests	S9.E.2.a	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Independent Business Association	S9 E2b Requires the Permittee to "Notify the requestor within 10 days of receipt of the written request of the location and times … when the plans and records may be viewed…" There are three very important problems here: What if the Permittee is unavailable during that 10 day period, like gone on vacation or is in a hospital undergoing care, etc., The provision does not make sense, it talks about all plans and records and then it states a "…written request for the SWPPP…." Plans and records and the SWPPP may will be two different sets of information and documents, and If the requestor does not choose to receive or review the records within the 4 remaining days of the original 14 days, is the Permittee in violation of this permit?	Recordkeeping	Written Requests	S9.E.2.b	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Independent Business Association	S9 E3 Requires the Permittee to "…provide reasonable access to copying services…" This is a totally unacceptable and unworkable requirement for many small business Permittees because many of them do not have coping equipment at their businesses. This provision must be struck.	Recordkeeping	Public access	S9.E.3	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.
Independent Business Association	As drafted, this permit will be very challenging for most small business people to follow. The bill drafting requirements for legislation do not allow so many sub-levels. A Permittee can easily get lost trying to find a section listed something like: S3B3b(i)(4)(b) We urge the Department to consult with the Code Reviser's office to simplify the draft to make it more readable for Permittees.	General	Cross-references confusing	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand.	Yes	Numerous changes to improve formatting, readability, and organization.
Independent Business Association	We find the Small Business Economic Impact Analysis to be totally inadequate and a totally unrealistic representation of likely costs to be experienced by a small business required to be covered by this permit. The SBEIA grossly understates likely costs and thus is effectively of no real value to the Department or to small business likely to be covered by this proposed permit. For example, this SBEIA: o Fails to quantify the cost of the new requirement that the person conducting the monthly inspections having to be Certified Industrial Stormwater Manager. Instead it uses the average cost for an average – non-Certified – employee to conduct these inspections. o Understates the time it takes to conduct a visual inspection by at least one-half because it fails to consider the time the person doing the inspection must take to prepare an inspection report. o Fails to quantify any costs related to the additional BMP requirements listed in S3B3b such as vacuum sweeping parking lots, installing or upgrade berming or curbing, installing oilwater separators, booms skimmers to eliminate or minimize oil and crease contamination. o Fails to quantify costs for applying for waivers from these requirements by Permitttees. o Fails to quantify the costs for active stormwater treatment that can exceed $225,000 per acre as the Fact Sheet state "..many will be required to install active stormwater treatment systems." o The math on the wage inflation rate was incorrectly calculated using the data presented in the SBEIA o The data for the wage inflation was grossly understated and was based on an Implicit Price Deflator, not real wage inflation as reported by the U.S. Department of Labor Bureau of Labor Statistics. The wage inflation factor used in the SBEIA was 4.7% total over 2009 – 2009. According to the Bureau of Labor Statistics the average wage rate inflation over that same period of time was actually 17.2%, not 4.7%. Thus the wage calculations in the SBEIA were significantly understated. Before the Department moves ahead with approving this Permit, it must complete a realistic Small Business Economic Impact Analysis to truly reflect the impacts on small businesses.	Economic Impact Analysis	Economic Impact	N/A	The rationale for why certain costs were included or excluded from the analysis is contained on pages 10-12 of the EIA: http://www.ecy.wa.gov/pubs/0910041.pdf. Ecology's EIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact. Ecology has reduced the costs of the permit to extent possible. Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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J.R. Simplot Company	As a minimum, for benchmark testing, we recommend that if benchmark values are not exceeded within the first year of testing, subsequent testing for the remainder of the permit period is not required. This recommendation is consistent with the EPA MSGP. For those situations where the benchmark values are not exceeded, Ecology has not provided any justification for why sampling beyond the first year of the permit term is beneficial.	Sampling	Consistent Attainment	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
J.R. Simplot Company	2 Simplot believes that Ecology has not provided any documentation as to the environmental benefits of requirements that have gone beyond the EPA MSGP or utilization of benchmark values as discharge limits.	Benchmark	Too Stringent	S5	Ecology believes that the rationale for the permit conditions are explained in the fact sheet and consistent with state and federal laws and regulations. Ecology disagrees with statement that the benchmarks are used as discharge limits, since it is not a violation if a benchmark is exceeded.	No	
J.R. Simplot Company	Turbidity - The draft ISWGP has a proposed benchmark for turbidity of 25 NTU. The Fact Sheet (page 73) describes the basis of this being "Ecology best professional judgment." The Fact Sheet also has the following statement: "Based on field experience, Ecology staff determined that a stormwater discharge of 25 NTU or less will typically cause no water quality violation." The benchmark value of 25 NTU is relatively low; the benchmark value for turbidity needs to be based on what typical Best Management Practices (BMPs) can achieve (see discussion in section "Use of Benchmarks". The value needs to be at least 50 or 75 NTU until a more technical basis is determined. Also, the statement by Ecology staff about a value of 25 NTU not resulting in water quality violations is misplaced. As also discussed in the section on "Use of Benchmarks" the original concept of benchmarks was they represent what could be achieved by BMPs; benchmarks should not be equivalent to water quality criteria nor effluent discharge limits.	Benchmark	Turbidity	S5.A.	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
J.R. Simplot Company	**Zinc -** Zinc is used as a surrogate parameter for copper and lead in the draft ISWGP. There are various sources of zinc (such as from tires). Data from stormwater monitoring in Washington has shown that typical measured values are much greater than the proposed benchmark. As described earlier and in the section "Use of Benchmarks", benchmark values need to be based on what BMPs can realistically achieve. The value proposed by Ecology is based on a theoretically calculated value to achieve a water quality standard. The benchmark value should be changed to be reflective of what BMPs can achieve.	Benchmark	Specific	S5.A.	Ecology acknowledges that stormwater discharges under this permit may contain pollutants that originate from off-site sources (dust, aerial deposition, etc.). If off-site pollutants accumulate on impervious surfaces at an industrial facility that drain to stormwater discharge points, it is often necessary to remove the pollutants (e.g., vacuum sweeping, etc.) or treat the resulting stormwater runoff with a combination of BMPs (e.g., catch basin inserts, vegetative filter strips, roof downspout filter drains, infiltration trenches, etc.) to meet the benchmarks and prevent violations of water quality standards.	No	
J.R. Simplot Company	**Benchmarks -** The overall benchmark and action parameters and levels in the draft ISWGP far exceed the current EPA Multi Sector General Permit (MSGP) that has recently been issued for the Food and Kindred Products SIC code (2037). The Draft ISWGP requires monitoring for all food product subsectors for a number of parameters: BOD" nitrate/nitrite, total phosphorus, turbidity, pH, oil sheen and total zinc. In contrast, Subpart U of the MSGP (which covers the food industry) does not require benchmark monitoring for certain subsectors, and for subsectors that benchmark monitoring is required, the parameters are total suspended solids (2041-2048) and total suspended solids, BOD, COD and nitrate plus nitrite nitrogen (2074-2079). Thus, for several subsectors, EPA believes that visual assessment is proteelive of the environment and provides a simple and cost effeelive way of determining stormwater compliance. The draft ISWGP does not provide the justification to require all food subseelors/plants to conduelthe sampling/analysis of the additional parameters. Simplot recommends that Ecology re-evaluate what testing is needed for the Food and Kindred Produels seelor based on the requirements of EPA MSGP.	Benchmark	Additional benchmarks applicable to specific industries	S5.A.	Ecology gave serious consideration to applying the Food and Kindred Products sector-specific monitoring from EPA's 2008 MSGP. However, Ecology believes such a change would add considerable complexity to the permit, and could be inconsistent with the anti-backsliding provisions of the Clean Water Act; therefore Ecology is going to retain the Chemical and Allied Products (28xx), Food and Kindred Products (20xx) benchmarks from the previous ISWGP.	No	
J.R. Simplot Company	Petroleum/Oil & Grease - The draft ISWGP has changed the benchmark from 15 mg/L to a "no visible oil sheen." Ecology should remove the "no visible oil sheen" and return to a 15 mg/L value. Natural substances (such as wood) can produce an "oil" sheen on water; in fact on slow-moving waters in creeks and wetlands it is common to see such an "oil" sheen.' Having a numeric benchmark value provides an objective target.	Benchmark	Specific	S5.A.	The visible sheen from decaying vegetation is easily distinguished from the oil sheen associated with petroleum products. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	

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J.R. Simplot Company	Specific Benchmark Values - Several of the proposed benchmarks need to be reconsidered and revised by Ecology.	Benchmark	Too Stringent	S5.A.	Several benchmarks have been revised.	Yes	
J.R. Simplot Company	S7 Certified Stormwater Manager - S7 requires that routine monthly visual inspections be performed only by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. It is impractical and unreasonable to require that every permitted facility either retain consultants for routine monthly inspections or provide the extensive and time consuming training to facility personnel necessary to obtain one of these certifications. Also, EPA's MSGP does not have such a requirement. Routine monitoring does not involve complicated determinations that would warrant such extensive training requirements. The permit should be modified to allow facility personnel to perform routine monthly inspections.	Inspection Frequency	Certified Inspector	S7.	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
J.R. Simplot Company	**Use of Benchmarks -** S8 in the draft ISWGP essentially results in benchmark requirements being *de facto* effluent discharge limits. The Fact Sheet (page 89) states that "benchmark values are not numeric effluent limitations", however S8 is structured in such a way that benchmark values are used as effluent discharge limits. S8 (as currently in the draft ISWGP) requires installation of controls to achieve the benchmarks. No engineering or technical studies have been done to justify the use of the benchmarks as effluent limits. As Ecology knows, effluent limits are derived through one of two processes: technology based or water qualify based. Developing these limits is an extensive process; Ecology has not taken any process to relate these benchmarks to a technology standard. Instead, Ecology discusses that by exceeding benchmarks "the potential for a violation of water qualify standards increases."	Corrective Actions	Benchmarks	S8.	The benchmarks are not numeric effluent limitations; and therefore discharges above the benchmarks do not constitute permit violations. However, as stated in the Fact Sheet (p.54), Special Condition S8 includes a non-numeric effluent limitation that requires facilities that exceed water quality-based numeric benchmark values (Special Condition S5.A&B) trigger incremental revisions to the facilities Stormwater Pollution Prevention Plan (SWPPP) to include additional Best Management Practices (BMPs). In accordance with RCW 90.48.555(8), the adaptive management mechanism requires monitoring, evaluation, and reporting requirements to ensure that stormwater discharges are controlled by adequate best management practices (BMPs) that prevent violations of water quality standards.	No	
J.R. Simplot Company	One of the major original concepts in the management of stormwater was that Best Management Practices (BMPs) would be utilized to control pollutants and that "benchmarks· would be used as a method to evaluate the effectiveness of the BMPs. Benchmarks were to be reflective of the appropriate BMPs for that industry sector. Ecology's process of increasing requirements for "controls" goes beyond using benchmarks as an evaluation method to one of actually being a discharge limit. Rather than using benchmarks as effluent discharge limits ***(which is the practical effect*** of the draft ISWGP) and then assuming that exceeding those may cause a water quality criterion issue, it is more appropriate to use the benchmarks to evaluate whether appropriate BMPs are being utilized and if there is a water quality concern (as determined through proper water quality monitoring), then site and source specific limits can be put in place for both stormwater and point-sources to address the concern.	Corrective Actions	BMPs	S8.	The benchmarks are not numeric effluent limitations; and therefore discharges above the benchmarks do not constitute permit violations. However, as stated in the Fact Sheet (p.54), Special Condition S8 includes a non-numeric effluent limitation that requires facilities that exceed water quality-based numeric benchmark values (Special Condition S5.A&B) trigger incremental revisions to the facilities Stormwater Pollution Prevention Plan (SWPPP) to include additional Best Management Practices (BMPs). In accordance with RCW 90.48.555(8), the adaptive management mechanism requires monitoring, evaluation, and reporting requirements to ensure that stormwater discharges are controlled by adequate best management practices (BMPs) that prevent violations of water quality standards.	No	
J.R. Simplot Company	Level Four corrective actions are even more complex, expensive, and time consuming than the Level Three corrective actions discussed above. These can include completion of a receiving water study and/or design and construction of complex treatment facilities such as chemical treatment, electro-coagulation or ion exchange. The proposed new ISWGP allows only three months for complete implementation of a Level Four corrective action.	Corrective Actions	Level 4	S8.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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J.R. Simplot Company	S8 • Corrective Action Requirements – Timeframes - S8 imposes unreasonably short timeframes for implementation of Level Three and Level Four corrective actions: Level Three corrective actions involve design and construction of Treatment facilities such as detention ponds, biofiltration systems, or constructed wetlands. Any such facility must be designed and determined to be AKART by a professional Engineer (typically Ecology only accepts AKART determinations from consultants). The process of securing funding, consultant selection, facility design, and construction must be completed "Immediately, but no later than the deadline specified in Table 6." Table 6 allows a maximum of six months from triggering a Level Three corrective action to completion of construction. Design and construction of such treatment systems can be extremely expensive, potentially over one million dollars for a single facility, and often will require purchase of additional land to accommodate the treatment system because these systems require far more space than is available at many industrial facilities. Budget planning for such a large expenditure and securing the needed land would typically require at least a year before the design process can begin. A six month timeframe is unreasonably short for implementation of this requirement.	Corrective Actions	Timeframes	S8.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
J.R. Simplot Company	Termination of ISWGP - Paragraphs D.1.d. and D.1.e. provide for potential termination of coverage under the ISWGP by Ecology, which may force a facility to cease operation or be exposed to undue regulatory risk. The permit needs to be clear about providing an administrative path for challenging such a decision by Ecology. It would be helpful to have the ISWGP provide a clear path for an altemate permit, such as if Ecology determines that a general permit is not appropriate, that a facility has 90 days to apply for an individual permit and if that application is submitted within that 90 days that the facility retain coverage under the general permit until an individual permit is issued.	Corrective Actions	Permit termination	S8.D.1.d and e	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
J.R. Simplot Company	**Costs -** An issue that needs considerable deliberation is the cost to benefit ratio of this permit. These comments point out a number of requirements that increase costs without (in our opinion) any significance environmental value.2 In our experience, the costs for implementation of the ISWGP program for a site far exceed previous estimates of the Department of Ecology. •Consultant requirements for the initial site contour surveys and runoff evaluation alone have run thousands of dollars in excess of Ecology estimates. • Additional parameter testing. • Additional monitoring required for benchmarks • The need for a "certified" stormwater manager • Corrective action requirements - AKART study. The development of an AKART document costs thousands of dollars. Simplot recently had an AKART document prepared for only a "screening" of potential processes; a subsequent Engineering Report was required once the specific process was chosen. There is a tremendous amount of time, money and effort on both the industrial discharger and Ecology for review and approval process. There may be some instances when this is required, but the low benchmark and action levels for certain parameters, especially metals, will add a burden to a program where there will be little additional benefit to water quality. • Corrective action requirements i.e., new controls, due to using benchmark values as de facto end of pipe treatment standards. As discussed earlier, the utilization of benchmark values as effluent discharge limits has not undergone any technical evaluation nor has there been any demonstration of the need for these limits to meet water quality standards.	Economic Impact Analysis	Cost	N/A	The rationale for why certain costs were included or excluded from the analysis is contained on pages 10-12 of the EIA: http://www.ecy.wa.gov/pubs/0910041.pdf. Ecology's EIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact. Ecology has reduced the costs of the permit to extent possible.	No	
Jeff Hector	I work for a wrecking yard in Washington and I've just become aware of changes in the Stormwater permit regulations. As I understand it, the permit will require the stormwater runoff to be cleaner than drinking water. This restriction will shut down my employer and end my job, yet people that don't have a legal wrecking yard could continue to not do anything properly. We recycle the oil, antifreeze, freon properly. What's going to happen when we can't do that anymore? What are your plans for the million miles of roads where these pollutants are running off into the ditches? Auto recycling yards are not the problem. You need to make this permit easier to comply with and understand so we can keep doing our job properly. We need to generate revenue, not expenses.	General	Economic Impact	N/A	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.

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Jensen Shipyard	We are a family owned and operated boatyard in Friday Harbor, WA. We will be celebrating our 100th anniversary next year so we've seen quite a change in environmental standards over the years. In 1992 +/- the Department of Ecology passed new regulations requiring us to provide tarps under dry dock work areas, install a recycled water system and wash pad (for both our marine travel lift and railway) and follow best management practices. Although these new boat yard permit requirements were a drastic change for us and at large expense, we saw them as improvements and were happy to comply. These were reasonable and tangible improvements with measureable and valuable results for protecting the land and water that surround our facility. In the recent years the list of requirements for our boatyard permit has become increasingly long. The list of do's and don'ts are that much harder to enforce and the time it takes to be in compliance is taking up a lot of time that would otherwise be spent serving our customers. Nothing can compete with the importance of protecting and preserving our environment. Albert Jensen & Sons, Inc. supports the recent proposed changes to modify the current boatyard permit. We feel these changes will not compromise the integrity of our environment and will also allow us to continue our business that has been serving our community for the last 99 years. Without changes as proposed, we risk not being able to afford to do business any longer.	General	Economic Impact	N/A	Ecology appreciates the support for the proposed boatyard permit modifications and thanks you for the time and effort spent to protect water quality.	No	No
Jeremy Block	I am an employee at a small sized vehicle recycling yard. I wake up every morning at 7am to be at work at 8:30am. It is my job to disassemble the vehicles. This includes pulling & properly disposing of mercury switches, draining the oil, antifreeze, fuel and putting them in designated containers. From this point, the vehicle is void of any contaminants and I can continue disassembling the vehicle. Now I may not be the fastest or best employee, but I get my job done right no matter how long it takes. So I know personally that I am not responsible for putting contaminants into the environment. Also, I was trained by 3 other guys to complete my job by properly disposing of hazardous material, so I can honestly say that this recycling firm does not take shortcuts in waste disposal. So far as passing the contamination blame onto these places that properly dispose of hazardous materials, I don't believe that is justified. I suggest figuring out some form of control of faulty vehicles driving up and down our highways and parking lots and you will see a drastic drop in contamination. Placing the recycling facilities under stricter rules will place these companies under such financial distress they can't possibly keep from failing unless the means for us to abide by these stricter rules are provided at no cost to us somehow. Thank you for taking the time to consider what I have said and I hope my words will persuade you to reconsider the new draft proposal so many local businesses can stay afloat and not bring the economy & unemployment rates down any further.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
John M. Klitzke	I would like to request that you stop and rewrite the Industrial Stormwater General Permit you are putting together. The permit as it stands will basically put me and other small businesses in Washington State out of business. This is too much for a small business owner to grasp and be required to comply with. You want us to become water quality experts. We are not, just small business owners. The permit will want storm water cleaner than most drinking water within the state. Surface water / storm water is not normally for Human consumption. Consider that auto wreckers dispose of and part out over 200,000 car and trucks in the state, collect sales tax, pay insurance, recycle anti freeze, oil, mercury, gasoline, lead, copper, aluminum and tires. This permit needs to be written so auto recyclers can stay in business, not driven out of business.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Jorgensen Forge Corporation	The 200 ug/L zinc benchmark level was derived based upon a simple model that uses input parameters that account for the broad range of facility types and receiving waters that would be covered under the ISWGP. Therefore, the proposed benchmark level does not incorporate site-specific information from our facility's receiving water body (ie., Lower Duwamish Waterway) which would in turn increase the benchmark level. Specifically, the model inputs were based on total suspended solids, hardness, and background concentrations documented in freshwater rivers which are typically much different than those encountered in the higher turbidity brackish waters in the Lower Duwamish Waterway. The 200 ug/L zinc benchmark level is also based on a number of assumptions that are not adequately supported and significantly affect the chosen benchmark level, including the use of a 10 percent exceedance threshold and a receiving water dilution factor of 5. As shown in Figures 7, 8 and 9 of the Analysis Report - Water Quality Risk Evaluation for Proposed Benchmarks/Action Levels in the Industrial Stormwater General Permit (Herrera 2009), the zinc benchmark level increases by a factor of two if a dilution factor of 10 is used at the 10 percent exceedance threshold and the benchmark increases more marginally for increased exceedence thresholds. We request additional clarification on the technical rationale for the selected model input parameters. The 200 ug/L zinc benchmark level is also below typically encountered ubiquitous sources of zinc concentrations at industrial facilities. Jorgensen Forge has been required to submit selfmonitoring data to Ecology on a quarterly basis since 2003, including analysis of total zinc. Ecology identified that self-monitoring data by facilities in Western Washington has showed that a high percentage of permittees have experienced continued exceedances of the zinc benchmark level (117 micrograms per liter [Ilg/LJ) and action level (372 Ilg/L) identified in Section SA of the IGSP. Due to these exceedances, Ecology conducted regional stormwater studies and literature research to determine the potential sources of the identified zinc concentrations and typical concentration ranges for each source. Ecology's findings were summarized in A Survey of Zinc Concentrations in Industrial Storm water Runoff (January 2006). Further, Ecology developed a report entitled Suggested Practices to Reduce Zinc Concentrations in Industrial Stormwater Discharges (June 2008) to assist businesses reduce zinc concentrations. The Ecology reports document the ranges of zinc concentrations typically encountered in industrial areas in Western Washington and other portions of the country due to a number of ubiquitous sources (e.g., runoff from parking areas, paved grounds, loading docks, buildings, and roofs) that are very difficult to control.	Benchmark	Zinc	S5	A general permit that covers over 1200 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit. Ecology disagrees that the dilution factor of 5 is unreasonably conservative - the zinc benchmark is reasonable and protective. Provisions exist to obtain waivers if a permittees feels that benchmark exceedances don't necessarily warrant additional BMPs if the facilities current level of stormwater management does not pose a risk to the receiving water, based on site specific conditions. Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This inequity relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit but, as a whole, may contribute greater pollutant loading to the state's receiving waters.	No	

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	The ranges of identified concentrations are above the proposed zinc benchmark level of 200 llg/L in the Draft Permit. More specifically, the reports summarize the following results: • Every quarter, approximately 50 percent of reporting facilities have shown ZInC concentrations exceeding the IGSP zinc benchmark level of 117 llg/L. • Every quarter, about 20 percent of reporting facilities statewide have shown concentrations exceeding the ISGP zinc action level of 372 llg/L. • The National Stormwater Quality Database (NSQD) includes data from 3,770 separate storm events from 66 agencies in seven states. NSQD findings show industrial total median zinc concentrations of 210 llg/L respectively (Pitt et al. 2004). • Concentrations of total zinc in galvanized roof runoff have been reported in a range of 1,100-12,200 llg/L (Good 1993; Quek and Forster 1993; Thomas and Greene 1993). • National data show typical zinc concentrations of 225 llg/L for stormwater runoff from industrial parking lots (Claytor and Schueler 1996). • Zinc concentrations in runoff from roofing and building materials of types other than galvanized metal have been reported as typically 30 to 500 llg/L (Boller 1997; Good 1993; Heaney et al. 1999; Mason et al. 1999; Quek and Forster 1993; Thomas and Greene 1993; Zobrist et al. 2000). • A number of Western Washington stormwater studies found runoff from roofs with galvanized ducts ranging from 217 to 500 llg/L zinc (Golding 2006); a level of 2,030 llg/L from the SR520 bridge galvanized metal downspouts; and levels of 1,590 llg/L 3 and 298 llg/L in both unpainted and painted Galvalume (similar to galvanized steel but with aluminum as a constituent) roof surfaces, respectively. The above findings indicate that typical industrial facilities in Western Washington, such as the Jorgensen Forge, that have continued to employ the Ecology-identified operational and housekeeping stormwater best management practices (BMPs; e.g., installation of filter fabric in catch basins, frequent sweeping/vacuuming of paved surfaces, painting of galvanized surfaces, etc.) still maintain a high probability of exceeding the proposed Draft Permit 200 llg/L zinc benchmark level due to the ubiquitous nature of potential zinc source loadings. In the Fact Sheet that accompanies the Draft Permit, Ecology recognizes this fact by stating "Based on Ecology's best professional judgment and experience under the previous permIttmg cycle, Ecology has determined that in order to meet the proposed zinc benchmarks, permittees will be required to fully apply AKART, and many will be required to install active stormwater treatment systems." Installation of active treatment systems will require extensive costs and an undue burden on our business, and will likely not lead to attainment of the benchmark level given expensive treatment systems may not achieve sufficient zinc removal due to high influent concentrations and/or high dissolved concentrations. Additionally, potentially much higher untreated source loadings of zinc above the benchmark level will continue to discharge to adjacent waterways from public right-of-ways roadway runoff and other non-treated sources (e.g., the immediately adjacent upstream King County International Airport Middle Outfall/Combined Sewer Overflow #156). Expensive treatment of relatively low discharges by small businesses will have very little effect on water quality if much larger sources continue untreated. The Draft Permit will also require Jorgensen Forge to employ						
Jorgensen Forge Corporation	The Jorgensen Forge facility discharges to the Lower Duwamish Waterway (LDW), which is a 303(d)-listed water body without an EPA-approved total maximum daily load (TMDL). Section S6.A states that, "Permittees with coverage under this permit that discharge to a 303(d)-listed water body shall conduct sampling and inspections in accordance with Conditions S4, S6, and S7." Further, Section S6.C states that "Beginning July 1, 2010, permittees discharging to a 303(d)-listed water body that does not have an EPA-approved total maximum daily load (TMDL) shall comply with the applicable sampling requirements and effluent limitations in Table 5. For purposes of this condition, 'applicable sampling requirements and effluent limitations' means the sampling and effluent limitations in Table 5 that correspond to the specific parameter(s) the receiving water is 303(d)-listed for at the time of permit coverage, or Total Suspended Solids (TSS) if the waterbody is 303(d)-listed for any sediment quality parameter at the time of permit coverage." Review of the 303(d)-listed parameters for the LDW shows dissolved oxygen and fecal coliform are the only parameters listed for water, and a number of parameters are listed for sediment. Therefore, per the Section S6 statements above, Jorgensen Forge is only required to sample for TSS, given that the Jorgensen Forge classification code is not identified in footnote h of Table 5. We request confirmation from Ecology that sampling for the baseline parameters identified in Table 2 and additional specific industry parameters included in Table 3 of Section S5 are not required. We also request clarification on how "site specific benchmark criteria" for facilities discharging to 303(d)-listed water bodies will be determined, as footnoted in Table 5 in Draft Permit, in case our facility is required to sample for these additional analytes due the potential addition of the noted parameters to the LDW 303(d) list at some point in the future.	303(d)	Need clarification	S6.C	Ecology has revised the table of effluent limitation applicable to discharges to 303(d) listed impaired waterbodies. All facilities discharging to fecal coliform-listed waters will be subject to sampling and limits, rather than just certain kinds of industrial facilities (SIC codes). The table was revised so that the fecal coliform limits are dependant on the receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL). Based on the information provided in the comment letter, the commentor's facility would be subject to TSS and Fecal Coliform sampling and 303(d) effluent limitations in S6.C Table 5.	Yes	Add footnote explaining how FC limits are based on receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL).

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Jorgensen Forge Corporation	Section S8.C requires that facilities listed in Appendix 6 (Jorgensen Forge is on this list) that exceed any benchmark value during any four separate quarterly monitoring periods after January 1, 2010 implement a Level 3 Corrective Action. This open-ended timeline for exceedances following January 1 means that if our facility has an isolated exceedance every 1 to 2 years, then after 4 to 8 years (assuming the Draft Permit maintains the same corrective action schedule beyond the proposed expiration on January 1, 2015) we will be required to install treatment BMPs. As discussed above, given the ubiquitous nature of parameters such as zinc and the proposed benchmark levels below the concentration documented for general roadway runoff, there is a high likelihood that no matter how many operational and/or structural BMPs we implement, we will document isolated exceedances over time. Small businesses should not be forced into expensive treatment actions due to ubiquitous sources that are very difficult to completely eliminate. Section S8.C also states that, "If installation of Treatment BMPs is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard, Ecology may waive the requirement for Treatment BMPs by approving a Modification of Permit Coverage." We think this is an important waiver given our concerns about the benchmark level, and given that installation of treatment BMPs may not be feasible for all permittees or not necessary to protect water quality. We request clarification on what types of information and or actions Ecology will require the Permittee to collect and/or take, under the Modification of Permit Coverage approval process to make the demonstration that implementation of treatment BMPs is not feasible or not necessary to prevent water quality exceedences.	Corrective Actions	Level 3	S8.C	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Jorgensen Forge Corporation	Ecology's cost analysis supporting the Draft Permit severely underestimates the costs for small businesses to comply with the proposed revised regulations. Specifically, the cost estimate: • Does not include direct costs for required additional employee training. • Does not include costs for revising Stormwater Pollution Prevention Plans (SWPPP)s • Severely underestimates annual monitoring analytical costs. • Does not estimate the number of businesses that will be required to implement treatment BMPs (Level Three Corrective Action) or the costs for each business to employ the required treatment BMPs. • Does not include the costs of defending and addressing third party lawsuits that are based on administrative and inconsistent interpretation of the stormwater compliance process. • Does not include estimated costs for Level Four Corrective Action. The additional cost elements above will significantly increase the cost impacts to our business to maintain compliance with the Draft Permit revisions. The Draft Permit needs to more accurately incorporate these costs and account for and address the high potential that significant money may be spent on stormwater treatment with no assurances 'that the identified benchmark levels will ultimately be achieved. Small businesses should not be required to conduct expensive treatment without assurances that the benchmark level will be achieved.	SBEIA	Economic Impact	N/A	The rationale for why certain costs were included or excluded from the analysis is contained on pages 10-12 of the EIA: http://www.ecy.wa.gov/pubs/0910041.pdf. Ecology's EIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact. Ecology has reduced the costs of the permit to extent possible. Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Ken Vanderburgh, and several others	I have lived in Spokane most my life. Spokane water is cold and refreshing. I'm sure that Spokane feels the same way. They feel that, this little girl is drinking a safe drinking water. If we all agree on that, you expect the run off water of property owner's to have less copper content than drinking water. DOES THAT REALLY MAKE SENSE?	Benchmark	Copper	S5	It is not surprising that the human health (drinking water) criteria for copper is different from the aquatic life criteria for copper. A great deal of scientific literature demonstratives that low levels of copper can be toxic to certain kinds of aquatic life, while those same levels of copper have no health effect on humans who drink it. The same is true of other drinking water constituents such as chlorine, which can also be toxic to fish at levels that are not toxic for human consumption.	No	

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Kendal Smith	I own a small recycling facility and am very concerned with the new draft Washington State Industrial Stormwater General Permit. I fear this will put myself and other small businesses out of business without even addressing the real source of the problems. I strongly object to the draft Permit as now proposed. First of all, it is way too complex for me to understand. I am trying my best to keep my head above water in running my business in these very challenging times, so I don't have the understanding or the time or resources to figure it out and comply with it. I have no source of expertise to figure this out so it must be much simpler for people like me to understand and implement. Also, the ridiculously low limit on copper in stormwater is crazy. The copper from automobiles on highways is so many millions time above the miniscule amount we contribute it isn't worth comparing. So the permit as proposed will do a lot to kill our business and most other small businesses in our industry, while at the same time doing nothing to reduce the amount of copper in our rivers and lakes because nearly all of it is coming off public roads, streets, and highways. Thirdly; the cost to our state will be staggering in lost productivity and lost revenues from our industry in the event of our demise. The amount will be well over $50,000,000 annually due to the lost revenues from our industry and new costs to the state to do what we do, which is re-use of the end-of-life vehicle waste stream. This, as you know, is the highest environmental priority set in state law for any waste stream, yet this permit will effectively eliminate the vehicle recycling industry. This doesn't make any sense to me at all. Next; who will handle the junk vehicle waste stream when we no longer are here to do it? You know who will do it, illegal operations that drain the wastes who knows where across this state to prepare junk cars for recycling. And they will disappear without a trace except for the huge environmental toll left behind. In conclusion; The vehicle recycling industry is struggling to survive and this draft permit could well be the straw that breaks our back if not re-written. So I sincerely hope you will carefully review the suggestions of the Independent Business Association on how to make this permit work far better for small businesses and ultimately for our environment and our future. Thank you for considering what I have written, and thank you in advance for making changes to the permit so our industry can survive and most efficiently manage the junk vehicle waste stream (re-use), while at the same time protecting the environment by collecting and properly disposing of many substances from junk vehicles. This will allow us to continue to collect taxes for the state, employ workers, pay our business taxes, and help keep the cost of auto repairs and vehicle insurance down through our sale of used auto parts.	General	Economic Impact	N/A	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	Based on a review of business listings for the state of Washington, it is apparent that many existing 'cottage industries' in Washington require coverage under the Industrial Stormwater General Permit (ISGP) based on their Standard Industrial Classification (SIC) code. Many of these industries fall under 'catchall' SIC codes which include the phrase "not elsewhere classified." Examples of these catchall SICs which require ISGP coverage include 2079, 2087, 2099, 2252, 2259, 2269, 2299, 2329, 2339, 2369, 2389, 2399, 2429, 2449, 2499, 2519, 2599, 2679, 2732, 2741, 2759, 2789, and over 50 additional. As an example, there are currently over 400 existing facilities in Washington State with less than 5 employees and less than $100,000 in annual sales classified under SIC 3999 alone (Manufacturing Industries, Not Elsewhere Classified). Specific to these 400, facilities under 3999 may 'manufacture' small quantities of relatively benign products such as candles, embroidery kits, lamp shade frames, puppets and wind chimes (etc.) and pose little potential as a stormwater contaminant source.Due to the size and scope of many of these operations, it is estimated that a large proportion of facilities falling under these SICs would qualify for Conditional No Exposure Certification and/or represent little impact to water quality due to indoor operations. The draft permit suggests that these facilities must apply for permit coverage, and pay the permit application fee before applying for Conditional No Exposure Certification. We recommend that Ecology incorporate criteria into the ISGP which would define or identify cottage industries (by a combination of SIC, annual sales, employment, facility size, etc.) and allow them to apply for Conditional No Exposure without first applying for the permit. Such a contingency could easily be incorporated into the draft by adding verbiage to S1.F, as well as a definition of cottage industry to Appendix 2. By doing so, existing unpermitted cottage industries who may have previously avoided the ISGP due to financial, staff, expertise and/or time constraints will have an incentive to come into compliance with the ISGP and Clean Water Act while minimizing their time and capitol expenditures.	Conditional No Exposure	Without First Applying for Permit	S1.F	This concern is already addressed in two areas of S1: 1) S1.C.1 states that facilities that submit an application for and qualify for a Conditional No Exposure Exemption are not required to obtain coverage under the permit; and 2) The second paragraph in S1.A states that "Facilities conducting industrial activities listed in Table 1 or S1.A2-5 shall apply for coverage under this permit or apply for a Condition No Exposure exemption, if eligible (Condition S1.F)".	No	
Kennedy/Jenks Consultants	Please clarify the definition of vehicle maintenance provided in the definition of Industrial Activity included in the glossary. The definition of maintenance provided includes broad categories, including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication. Mechanical repairs may be performed at numerous locations at many facilities, varying from vehicle rehabilitation in designated maintenance shops to replacing headlights in administrative parking lots (defined to not require ISGP coverage under S.1.C.3.). Some Ecology inspectors have indicated that the area where any vehicle maintenance is performed at a facility requires coverage under the ISGP. The perceived intent of the ISGP is to cover vehicle maintenance performed outdoors at a vehicle maintenance shop that may contribute a significant amount of pollutants. General maintenance performed outside of the vehicle maintenance shop area, while implementing appropriate source and operational control best management practices (BMPs), should not be covered under this definition.	Permit Coverage	Vehicle Maintenance	S1.A.1	Ecology disagrees with the commentor's suggestion that maintenance activity conducted away from the maintenance shop is not covered under the permit. The intent of the ISWGP is to cover all vehicle maintenance activities at industrial facilities, not just those performed at the physical location of the shop.	No	
Kennedy/Jenks Consultants	Please clarify whether mobile or fixed fueling alone are operations requiring coverage under the ISGP at sites without vehicle maintenance shops. Also, at many sites, only those portions of the site where vehicle maintenance occurs are covered and included in the facility Stormwater Pollution Prevention Plan (SWPPP). Requiring coverage for areas where fueling alone occurs or where mobile fueling occurs at sites with vehicle maintenance shops would expand coverage considerably, including marinas and many commercial and general aviation operations.	Permit Coverage	Vehicle Maintenance	S1.A.1	EPA recently clarified to Ecology that mobile fueling (or other vehicle maintenance activity) at transportation facilities does in fact trigger permit coverage.	No	

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Kennedy/Jenks Consultants	S1.A.1. Table 1 – Ecology should retain the language in Appendix 1, Section C.8. of the current permit, requiring permit coverage for Transportation Facilities (SIC codes 40XX, 41XX, 42XX, 43XX, 44XX, 45XX and 5171), which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Also retain the language in the body of the permit that "only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity." Though this language is provided by reference to 40 CFR 122.26(b)(14)(i-xi) in the glossary definition of Industrial Activity, the limitation of permit coverage will not be recognized by many permitees unless clearly stated in the permit.	Permit Coverage	Vehicle Maintenance	S1.A.1.	Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities [40 CFR 122.26(b)(14)]. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
Kennedy/Jenks Consultants	Please clarify which permit conditions apply to discharges to groundwater, including monitoring, inspections, etc. The statement included in S4.B.2.b. that "onsite discharges to ground (e.g., infiltration, etc.) are not sampled unless specifically required by Ecology (Condition G12)" should be included in this section.	Sampling	Discharge to Ground	S1.E1	Under the authority of Chapter 90.48 RCW, if a facility has the permit, any discharges to ground are subject to applicable permit conditions (including, but not limited to, Conditions S1.E, S3, S7, S10, and S12) to ensure ground water quality is protected. Discharges to ground do not require sampling (per S4), unless specifically required by Ecology order; it is not necessary to repeat this in S1.E.	No	
Kennedy/Jenks Consultants	It will be difficult for most permitees to find the applicable sections defining the terms and conditions required to emonstrate no exposure listed in 40 CFR 122.26 (g). Ecology should consider including the proper section as an appendix to the permit.	No Exposure	Clarity needed	S1.F1	The criteria for No Exposure listed in 40 CFR are listed on the Ecology's CNE application. Ecology has decided not to add these criteria to the permit as way to minimize the length of the permit.	No	
Kennedy/Jenks Consultants	How should a permitee verify that they have installed all applicable and appropriate BMPs necessary to meet Condition S10.A? Also, please see comment 5 above.	Compliance With Standards	AKART	S10.B.	Permittees that implement a SWPPP consistent with Condition S3, including the BMPs considered "applicable BMPs" from the Stormwater Management Manuals, are presumed to be in compliance with S10.A [RCW 90.48.555 (6)]. The Stormwater Management Manual for Eastern Washington explains the difference between applicable BMPs and recommended BMPs: Chapter 8, Section 8.1.5 *Distinction between Applicable and Recommended BMPs.*	No	
Kennedy/Jenks Consultants	Timeframe for Ecology notification when additional time is required needs to be defined.	Permit Coverage	Clarity needed	S2.C.3.a	S2.C.3 has been revised to address this question: When additional time is required: a. Ecology will notify the applicant in writing <u>within 30 days</u> and identify the issues that must be resolved before a decision can be reached.	Yes	Revise S2.C.3: When additional time is required: a. Ecology will notify the applicant in writing <u>within 30 days</u> and identify the issues that must be resolved before a decision can be reached.
Kennedy/Jenks Consultants	This has been a subject of discussion for years. Please define all known, available, and reasonable methods of prevention, control, and treatment (AKART) for stormwater discharges. Is it solely implementing what is in the Stormwater Management Manual (SWMM)? If so, that should be stated. If not, how is a facility to know what constitutes AKART?	SWPPP	Define	S3.A.2.a	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions. No change.	No	

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Kennedy/Jenks Consultants	Does the identification of areas of pollutant contact include materials of construction (roofs, galvanized fences, drainage systems, parking lots, roadways, etc.) that are not associated with specific industrial activities? Guidance defining these common materials as pollution-generating would be helpful to permitees.	SWPPP	Non-Industrial Areas	S3.B.1.g.	The inventory is intended to address all materials located within areas draining to *stormwater discharges associated with industrial activity* authorized by this permit. Ecology plans to continue providing technical assistance on the Stormwater Management Manual and AKART, including additional guidance documents on materials that can cause stormwater contamination.	No	
Kennedy/Jenks Consultants	Clarification as to what constitutes a vehicle service area should be included. See comment 2 above.	SWPPP	Vehicle Service Area	S3.B.1.k	This has been changed to "vehicle maintenance" to be consistent with other requirements of the permit.	Yes	Revised S3.B.1.k: change "vehicle service" to "vehicle maintenance".
Kennedy/Jenks Consultants	"Materials and products" is a broad term, further definition is appropriate.	SWPPP	Clarity needed	S3.B.2.b.ii.	This term is intended to be broadly interpreted and consistent with the dictionary definitions of "materials" and "products".	No	
Kennedy/Jenks Consultants	Many permitees are likely not aware of common materials that present the potential to contribute pollutants in stormwater. See comment 7 above.	SWPPP	Clarity needed	S3.B.2.b.ii.	Ecology agrees and plans to continue providing technical assistance on stormwater management, including additional guidance on common materials that contribute pollutants to stormwater runoff.	No	
Kennedy/Jenks Consultants	States that "all sources of dust shall be identified and prevented from accumulating on hard surfaces at the facility." It will be impossible to prevent dry deposition from ambient air from accumulating on hard surfaces between sweepings.	SWPPP	Dust	S3.B.3.b.i.3.b	This has been clarified: b) Identify and control all on-site sources of dust to minimize stormwater contamination from the deposition of dust on areas exposed to precipitation.	Yes	Revised S3.B.3.b.i.3.b): Identify and control all on-site sources of dust to minimize stormwater contamination from the deposition of dust on areas exposed to precipitation.
Kennedy/Jenks Consultants	Making a permitee in violation of their permit and the Clean Water Act if they forget to close the lid on their dumpster seems inappropriate. A clause should be included to allow dumpsters placed under cover to be exempted from this requirement. Also, permittees may have limited control over dumpsters provided by outside vendors, or in situations where industrial facilities lease parcels from other entities.	SWPPP	Dumpsters	S3.B.3.b.i.3.c.	Permit allows SWPPP to exclude required BMPs if "if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. Ecology has also added clarifying language regarding covered dumpsters: c) All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit. Revise S3.B.4.b.i.3.c: All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.
Kennedy/Jenks Consultants	All vehicles leak to some degree. Discussion of incidental leakage should be included. Also, larger facilities may have hundreds of pieces of equipment and vehicles present. Inspection of all equipment on a monthly basis could be a full time job. Who has the responsibility to inspect vehicles owned and operated by service providers or contractors?	SWPPP	Vehicles	S3.B.3.b.i.4.b.	Permit allows SWPPP to exclude required BMPs if "unless site conditions render the BMP unnecessary or not possible, or the Permittee provides alternative and equally effective BMPs, and clearly justifies its decision in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. The permittee has the responsibility to comply with applicable permit conditions.	No	

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Kennedy/Jenks Consultants	Does the secondary containment requirement apply to mobile equipment, tanks, and trucks used for fueling? The draft states that “all chemical liquids, fluids and petroleum products, shall be stored …” This passage is overly general, as ‘fluids’ may refer to water storage or other innocuous liquids present at industrial facilities. It would be appropriate to restrict the list of fluids to those that are hazardous. In addition, federal SPCC plans required under the Clean Water Act do not require containment of 110% of the largest tank. Rather, the SPCC regulations require containment of the largest tank, plus sufficient capacity for rainfall. These containment requirements should be consistent.	SWPPP	Secondary Containment	S3.B.3.b.i.5.a.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Kennedy/Jenks Consultants	Are permitees required to plug storm drains when performing mobile	SWPPP	Mobile Fueling	S3.B.3.b.i.5.d.	For purposes of this condition, fueling includes stationary and mobile fueling. Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary or not possible and the exception is clearly justified in the SWPPP" [S3.B.3.b].	No	
Kennedy/Jenks Consultants	The phrase ‘on-site storage’ needs to have a defined time component. If fluids are to be drained from equipment and vehicles prior to onsite storage, is it assumed that vehicles idled or retired must be drained within a week? Within a month? If vehicles are stored onsite while a part is ordered, must they be drained in the interim? As it stands, the draft suggests it would be a permit violation not to drain fluids for temporary onsite storage. Could Ecology please define the difference between temporary and long-term storage and clarify whether this passage is appropriate to both?	SWPPP	Drain fluids	S3.B.3.b.i.5.g.	This language is consistent with EPA's Multi-Sector General Permit, and Ecology has decided to not to distinguish between temporary and permanent storage. Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary or not possible and the exception is clearly justified in the SWPPP" [S3.B.3.b].	No	
Kennedy/Jenks Consultants	How should the storm-resistant covering requirement be extended to mobile fueling operations?	SWPPP	Mobile Fueling	S3.B.3.b.ii.2.	The BMPs used to minimize the exposure of mobile fueling areas to rain, snow, snowmelt, and runoff is site-specific. Permittees may exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Kennedy/Jenks Consultants	As written, this section would require all permitees to employ oil control devices, even if releases are unlikely. This provision should be applicable only to facilities where treatment BMPs are required.	SWPPP	Oil Control	S3.B.3.b.iii.2).	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Kennedy/Jenks Consultants	The basis for why flow control is necessary to satisfy AKART and to comply with water quality (WQ) standards is unclear. How does flow control relate to either? Also, this requirement applies to new facilities and those having a significant process change, not to existing facilities. Requirements for installation of flow control are defined under municipal permit minimum technical requirements for new development and redevelopment. Please explain the duplication of requirements.	SWPPP	Peak Flow	S3.B.3.b.iv.1 .	Ecology has revised the criteria for flow control which may only apply to facilities with "new development or redevelopment".	Yes	Revise S3.B.3.b.iv: Facilities with new development or redevelopment shall evaluate whether flow control BMPs are necessary to satisfy the state's AKART requirements, and prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3. Definitions for *new development* and *redevelopment* have also been added to Appendix 2 - Definitions.
Kennedy/Jenks Consultants	Discussion of erosion and sediment control BMPs provided in this section may be better included under “BMPs” in S3.B.3. It should be made clear that erosion and sediment control BMPs (in addition to those deemed mandatory by the draft) are only required “if necessary” based on self-evaluation allowed under S9.B.4. of the current permit. As written, all permitees would be required to implement and maintain sediment control and filtration BMPs, even if a site is completely paved.	SWPPP	Erosion and Sediment Control	S3.B.4.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Kennedy/Jenks Consultants	Language from Section S4.D.2. of the current permit should be retained. “Benchmark values are not water quality standards and are not permit limits. They are indicator values.”	Benchmark	Clarity needed	S4	Ecology agrees; this statement will be added to the final permit in Appendix 2 "Benchmark"	Yes	Add to Appendix 2 Definitions [*Benchmark*]: "Benchmark values are not water quality standards and are not numeric effluent limitations; they are indicator values."
Kennedy/Jenks Consultants	Reference to Ecology’s “how to” sampling guidance should be included in this section.	Sampling	Guidance	S4.A	Ecology disagrees with the suggestion to reference the sampling guidance document.	No	

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Kennedy/Jenks Consultants	Given the inherent variability in runoff monitoring data, it seems inevitable that most permitees will exceed benchmarks and enter the corrective action phases given enough time. Ecology should reconsider the use of the seasonal median presented in previous draft permit revisions.	Benchmark	Seasonal Median	S4.B	Ecology has decided against the use of seasonal medians, as it has the potential to cause confusion and tracking problems.	No	
Kennedy/Jenks Consultants	Is it Ecology's expectation that all permitees must reinitiate sampling for all benchmark parameters to prove consistent attainment even if they achieved consistent attainment under the current permit and their sampling results are within acceptable levels given the revised benchmarks? If this is the case, it should be clearly stated. May a permitee who collects multiple samples in a given quarter average the results for a given parameter when considering the applicability of consistent attainment?	Sampling	Consistent Attainment	S4.B.6	Ecology believes that carrying forward values for consistent attainment purposes adds too much complexity and would introduce data tracking problems, especially for parameters with different benchmark values. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value. The reported value is based on the average value. Language has been added to S4.B.6 to address this.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Kennedy/Jenks Consultants	Ecology should define what level below which consistent attainment can be reached. Is this the practical quantification level (PQL) listed in the tables?	Sampling	PQL's	S4.B.6.c.	The entire reference to 303(d) has been deleted from the Consistent Attainment section, as these are not benchmarks, they are numeric effluent limitations are may not be suspended.	Yes	Delete S4.B.6.c
Kennedy/Jenks Consultants	Ensuring the proper analytical methods should be a laboratory certification requirement. Few permitees are likely to understand how to achieve this requirement.	Sampling	Lab Certification	S4.C.	40 CFR 122.41(j)(4) requires monitoring results to be conducted according to test procedures under 40 CFR 136 *Guidelines for Establishing Test Procedures for the Analysis of Pollutants* , unless alternative test methods are required. The labs used by permittees will be aware of the permits' analytical methods, but it is ultimately the permittees responsibility.	No	
Kennedy/Jenks Consultants	Floating debris should be better defined or the requirement removed. As stated, it is a permit violation for anything floating to be discharged.	Effluent Limits	Floating Debris	S5.F.2.	Ecology disagrees with the comment and believes "floating debris" is self explanatory and consistent with EPA's MSGP and the previous permit, so no changes will be made. According to the American Heritage Dictionary *debris* means *1) The scattered remains of something broken or destroyed; rubble or wreckage. 2) Carelessly discarded refuse; litter.*	No	
Kennedy/Jenks Consultants	Many permitees will have trouble meeting the turbidity benchmark, ultimately triggering runoff treatment. Given that turbidity is not an accurate surrogate for total suspended solids (TSS), reducing the level requiring Action for turbidity will likely result in large expense for permitees with little actual benefit to water quality.	Benchmark	Turbidity	S5.Table 2	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Kennedy/Jenks Consultants	Oil sheen should be deleted from the list. Few positive responses for benchmark exceedance are expected to be reported, and sheens from organic sources may trigger false reports. If the benchmark is retained, it should be clarified that the sheen will need to be observed on the monitored discharge.	Benchmark	Oil Sheen	S5.Table 2	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Kennedy/Jenks Consultants	"Meter" is listed as an acceptable analytical method for turbidity monitoring. Acceptable meters to be used should be defined.	Sampling	Turbidity	S5.Table 2	The analytical methods are specified in the permit, and given the large numbers of meters are on the market, Ecology is unable to list them all out. It is the permittees responsibility to determine which meters are acceptable.	No	

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Kennedy/Jenks Consultants	Many water bodies are listed for a single 303(d) parameter that is not on this list. This could be interpreted to mean that monitoring for these parameters is not required if the water body is on the 303(d) list.	303(d)	Clarity needed	S5.Table 2	Ecology agrees with the suggestion, and the title will be changed to "Table 2. Benchmarks and Sampling Requirements Applicable to All Facilities"	Yes	Change title of S5. Table 2 to "Table 2. Benchmarks and Sampling Requirements Applicable to All Facilities"
Kennedy/Jenks Consultants	The zinc benchmark is too conservative. Zinc concentrations in runoff from common building materials, roadways, and parking lots could exceed this requirement having nothing to do with the industrial activity requiring permit coverage. Also, the need to reduce the zinc benchmark is not supported by existing ambient water quality data, which do not show many water bodies as impaired for zinc.	Benchmark	Zinc	S5.Table 2	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Current state and federal water quality laws do not allow limitations in NPDES permits to be raised to levels that could cause aquatic toxicity in receiving waters while regulatory mechanisms are established to eventually phase out various products that tend to cause stormwater contamination at industrial facilities. Ecology is pleased that not many waterbodies are impaired for zinc but disagrees that this is a reason not to have a protective zinc benchmark. Ecology routinely measures common water quality characteristics at hundreds of stations around the state, but metals (copper, zinc, etc.) are only monitored bi-monthly at a few of stations. Ecology's ambient samples are collected independent of stormwater runoff events. It's possible even some of the areas where Ecology has monitored may have high zinc concentrations for short periods of time.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	Increasing the pH benchmark lower range to 6.0 will trigger corrective actions and be problematic for many industrial facilities. The pH of rainwater is often below this level, and pH adjustment of runoff will ultimately be required at numerous facilities. The lower end of the benchmark should be maintained at the current action level value of 5.0.	Benchmark	pH	S5.Table 2	Since rainfall in Washington State commonly occurs outside of the range of 6-9 s.u., Ecology has decided to revise the pH benchmark to 5-9 s.u., as discharges within this range are very unlikely to cause a violation of the water quality standards for pH.	Yes	Revise pH benchmark from 6-9 to 5-9.
Kennedy/Jenks Consultants	The listed copper benchmarks are likely much lower than the discharge monitoring data for many facilities and have been measured to exceed ambient rainfall concentrations at some industrial facilities. The treatment required to reliably reduce runoff concentrations to below the listed benchmarks will not be economically achievable for many. Also, the need to reduce the copper benchmark is not supported by existing ambient water quality data, which do not show many water bodies as impaired for copper. Reduction of the levels triggering corrective action for five-day biochemical oxygen demand (BOD5), nitrate/nitrite, ammonia, and lead will be similarly problematic for numerous permitees.	Benchmark	Too Stringent	S5.Table 3 (Category 2)	The copper benchmarks were set using a risk-based methodology based on the acute water quality criteria. Ecology agrees that the copper benchmark is very low; this is due to the toxicity of dissolved copper on salmonids at very low levels, and the inherent inability to do site-specific water quality-based permitting in a statewide general permit. The fact that there are relatively few instances of copper-impaired waterbodies on the state 303(d) list is not compelling justification to remove or adjust the benchmarks, or apply them only to discharges to 303(d) waters. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	This section will be very difficult for permitees to understand and determine what, if any portions, apply to them.	303(d)	Clarity needed	S6	Ecology has made this section as clear as possible, and will ensure that each affected facility receives clear guidance in their permit coverage documents and Discharge Monitoring Report.	No	

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Kennedy/Jenks Consultants	This section should refer permitees to the appendix listing 303(d) listed water bodies or list of dischargers to these water bodies. Ecology should make it easy for permitees to establish whether the requirements apply to them.	303(d)	Appedix 4	S6.A.	Ecology will add a reference to Appendix 4 to S6.C.	Yes	Add reference to Appendix 4 in S6.C: a. Facilities subject to these limitation include, but may not be limited to, facilities listed in Appendix 4.
Kennedy/Jenks Consultants	How does Ecology propose to determine that a permitee is unable to comply with the applicable effluent limits by 1 July 2010? This timeframe allows for the collection of 2 quarters of data after the permit becomes effective. This is very little time to assess and implement adequate solutions.	303(d)	Compliance Schedules	S6.C.1.b.	Ecology will notify facilities affected by Condition S6 of any additional permit requirements (sampling, benchmarks, etc.) when they receive coverage under the permit. This notification will include the process for permittees to request compliance schedules per S6.C.1.c. Ecology will make determinations about S6.C.1.c after the issuance of the permit, but prior to July 1, 2010. Additional language has been added to improve clarity about the compliance schedule process and ensure consistency with ESHB 2222.	Yes	Revise S6.C.1: c. Permittees may request a compliance schedule for relief from the July 1, 2010 deadline to comply with an applicable effluent limit in Condition S6.C. Permittees shall submit requests for compliance schedules in writing to Ecology no later than January 31, 2010 and shall include the company name, facility location, industrial stormwater permit number, and the reason for requesting a compliance schedule. d. Ecology will consider all compliance schedule requests submitted by January 31, 2010. If Ecology determines that a Permittee is unable to comply with the applicable effluent limits by July 1, 2010, Ecology will establish a compliance schedule to require compliance as soon as possible, and no later than twenty-four months, or two complete wet seasons, after the effective date of this permit. Ecology will send its decision regarding the request for compliance schedule to the Permittee no sooner than April 1, 2010.
Kennedy/Jenks Consultants	Is it Ecology's intent to require permitees to monitor for all of the parameters listed in Table 5 if they discharge to any 303(d) listed water or just for the parameter applicable given the discharge limitation at their point of discharge? Many permitees will have trouble meeting these limitations. It is not clear to which permitees these will apply.	303(d)	What parameters required	S6.C.1.Table 5.	No, the permit (S6.C.1.a) states that the sampling and limits correspond to the specific parameter(s) the receiving water is 303(d)-listed for. Affected permittees will be shown on Ecology's website (linked from Appendix 4) and will receive site-specific information at the time of permit coverage.	No	
Kennedy/Jenks Consultants	Does Ecology have an expectation with regard to monthly inspections to be performed during wet or dry periods?	Inspections	Inspection frequency	S7.A.1	No, to reduce complexity and confusion, the monthly inspections are required year-round, during both dry months and wet months.	No	
Kennedy/Jenks Consultants	Several situations could be imagined where 30 days would be insufficient to eliminate an illicit discharge. Perhaps an extension could be granted if the situation is reported and approved by Ecology.	Inspections	Components	S7.B.3.b.	Ecology has decided against adding complexity to this aspect of the permit. No change	No	

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Kennedy/Jenks Consultants	[S7.C.1.c. and e.] If inspections are conducted by consultants, they will not be able to certify compliance with the SWPPP or permit. Consultants can sign the inspection form, but they cannot represent the permittee. Since an authorized representative of the facility also needs to sign the report, they should provide the certification.	Inspections	Inspection Results	S7.C.1.c. and e.	Ecology has considered this comment carefully, and has decided the current language is appropriate. This is based in part on the "in the judgment of the person" preface which implies that the inspector's professional judgment is to be made to the best of their ability, and may be limited by several factors including incomplete information (e.g., DMR compliance, etc.). Ecology has also revised Condition S7.C.1.c to include the compliance certification by the person with signature authority. The compliance/noncompliance statement will be required by the inspector as well as the person with signature authority.	Yes	c. Statements that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Condition G2.A; the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and this permit.
Kennedy/Jenks Consultants	Please define what will be required of permitees currently in a Level 2 or Level 3 response condition under the existing permit for a parameter that they will not be required to monitor for under the new permit (e.g., copper).	Corrective Actions	What if parameter (copper) no longer required	S8.	Ecology has reconsidered the applicability of copper monitoring, and has determined that all sectors will be required to sample for copper, therefore the issue raised is no longer relevant.	No	
Kennedy/Jenks Consultants	Please clarify whether corrective actions need to be implemented in the basin where monitoring is performed or for the entire facility.	Corrective Actions	Where to apply corrective actions	S8.	When pollutant types at one or more discharge points are "substantially identical", permittees are allowed to select a single discharge point. If sampling results at this discharge point trigger corrective actions, the permittee must implement corrective actions in all basins (drainage areas) being represented by that discharge sampling point. For facilities that rely on a single discharge sampling location to characterize stormwater quality for the entire facility, the corrective actions would apply to the entire facility.	No	
Kennedy/Jenks Consultants	Ecology has indicated that the corrective actions defined in this section will be triggered by exceedance of ANY benchmark parameter. An example could be envisioned that a facility could exceed benchmark values for four different parameters in four separate quarters triggering a Level 2 response for permitees not listed in Appendix 6. If this is Ecology's intent, it needs to be clearly stated, as many permitees will not understand the requirement and how to apply appropriate corrective actions.	Corrective Actions	pollutant-specific	S8.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	Several facilities are currently implementing very labor intensive and expensive operational and source control BMPs though they will be unable to achieve benchmark values applying these methods. If a facility implements treatment, these operational and source control BMPs may become unnecessary. Ecology should include language in the permit allowing the cessation of mandatory BMPs under this scenario.	Corrective Actions	When BMPs not necessary	S8.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Kennedy/Jenks Consultants	The timeframes listed for modification of permit coverage defined in these sections are unrealistic and could be extremely problematic from a permit compliance standpoint. For example, a permitee wishing to request a modification for permit coverage because structural source control is not a viable option at their facility (e.g., very large sites) would need to submit a Notice of Intent no later than 49 days following the discharge monitoring report (DMR) date where a Level 2 corrective action is triggered. If Ecology rejects the request after the allotted 60 days for consideration of modification, the permitee would be required to implement structural source control within one month of receiving the notice. This timeframe is not realistic and could cause many permitees to be in violation of the Clean Water Act and subject to third party lawsuits.	Corrective Actions	Level 2	S8.B.4.c. and S8.C.4.c.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	Ecology should define that the required treatment flowrate is specified as the WQ flowrate defined in the SWMM and that higher flows are allowed to bypass untreated.	SWPPP	Flow Control	S8.C	Ecology has decided to defer to the applicable stormwater management manual for the details on flow control.	No	
Kennedy/Jenks Consultants	The treatment BMPs listed in the SWMM will not be adequate to reduce pollutants to below benchmark values at many industrial facilities. Will implementation of the treatment BMPs defined in the applicable SWMMs be considered AKART?	Corrective Actions	AKART	S8.C.2.	Reliance on treatment alone may not be enough to reduce pollutants below benchmark levels. It will likely require a combination of source control and treatment to meet the benchmarks.	No	
Kennedy/Jenks Consultants	If permitees enter a Level 4 Corrective Action status, are they shielded from third party lawsuit while awaiting further guidance from Ecology?	Corrective Actions	Level 4	S8.D.1.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	No guidance is given concerning the components and requirements of a “receiving water study.”	Corrective Actions	Receiving Water Study	S8.D.1.a.i	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	If revoked or terminated, what response is required by the permitee?	Corrective Actions	Level 4	S8.D.1.d. and e.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	The corrective action deadlines are unrealistic and, in many cases, will be unachievable. Determining the best course of action and implementing solutions within 1.5 months of triggering a Level 1 corrective action will be problematic for many. Similarly, 4.5 months are allowed from DMR submittal, triggering Level 2 and 3 corrective actions requiring installation of structural or treatment BMPs. This will not be enough time to research, secure funding, design, arrange construction, and install appropriate methods in most cases. Ecology should consider respite or removal of monitoring requirements while Level 2 and 3 activities are performed. Under the current scenario, those currently in a Level 2 or 3 condition could be well on the way to a Level 3 or 4 condition before the results of the Level 2 or 3 efforts can be realized.	Corrective Actions	Timeline	S8.D.1.Table 6.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Kennedy/Jenks Consultants	It appears that failure to collect a sample during any quarter is a permit violation unless it was found to be unsafe to collect, runoff only occurred outside of regular business hours, or no runoff was produced. If this is the case, it should be clearly stated in this section.	Sampling	When not required	S9.A.6.a.	Ecology believes this is sufficiently clear in Condition S4.A and B. No change.	No	
Kennedy/Jenks Consultants	In situations where an industrial facility leases land or parcels (i.e., many port facilities), the draft permit does not discuss the division of responsibility between lessor and lessee with regard to the ISGP. Please provide guidance for the responsibilities of the property owner and operators of facilities.	General	Leased Facilities	N/A	According to 40 CFR 122.21, when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain and comply with the permit. Ecology believes that these kinds of issues can be addressed through the use of waivers, which leaseholders can request if it is infeasible to perform structural or treatment BMPs.	No	

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Kennedy/Jenks Consultants	Table of Contents, Page 5 – Add “Corrective Action Certifications” to the “Summary of Required Onsite Documentation.	Table of Contents	Summary of Required On-site Documentation	N/A	Ecology added a footnote to "SWPPP": *with signed and completed SWPPP Certification Form(s) – see Appendix 3* . Ecology has also added Annual Reports to the list of required on-site documentation.	Yes	Revise Summary Table: Add footnote to "SWPPP": *with signed and completed SWPPP Certification Form(s) – see Appendix 3* . Add Annual Reports to the summary table.
Kennedy/Jenks Consultants	Much of the language contained in Sections S3.F. (Mixing Zones) and Section 7 (Compliance with Standards) of the existing permit has not been included in the draft ISGP. Is this an oversight or intentional deletion of those provisions?	Compliance With Standards	Mixing Zones	S10	Ecology is not aware of any stormwater general permit in the United States that includes a process for permittees to request authorization for a mixing zone. The substantive procedural steps that are required to grant a mixing zone in Washington State cannot be accommodated in the general permit program, and therefore Ecology has decided not to include such a process in this permit. Mixing zones are still an option for individual permits. The "presumption of compliance" language found in RCW 90.48.555 has been restated in S10.B.	Yes	Add to S10.B: Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is: (a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and (b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control. Add to Appendix 2 Definitions: Demonstrably equivalent means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:

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							(A) The method and reasons for choosing the storm water best management practices selected; (B) The pollutant removal performance expected from the practices selected; (C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected; (D) An assessment of how the selected practices will comply with state water quality standards; and (E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.
King County Department of Natural Resources and Parks	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	Appendix A - Definitions		Appendix 2	Agree with comment. Will add WAC citation to Underground Injection Control Well definition.	Yes	Add WAC citation to UIC Well definition
King County Department of Natural Resources and Parks	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…"	Permit Coverage	Typo	S1.A	This typo has been corrected.	Yes	Typo corrected
King County Department of Natural Resources and Parks	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…"	Permit Coverage	Typo	S1.A.2	In response to another comment, Ecology has clarified this statement: 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 [40 CFR Subpart 122.26(b)(14)] shall obtain permit coverage.	Yes	Revise 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 [40 CFR Subpart 122.26(b)(14)] shall obtain permit coverage.
King County Department of Natural Resources and Parks	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 the 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.	Permit Coverage	Significant Contributor of Pollutants	S1.B.3	Ecology has decided to retain the language without change, and may require individual facilities to obtain permit coverage if they are engaged in industrial activity, or has a SIC code, with stormwater characteristics similar to those listed in Table 1. These decisions are not made by facility managers, they are made by Ecology, and are appealable to the PCHB.	No	

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King County Department of Natural Resources and Parks	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.	Permit Coverage	Vehicle Maintenance	S1.D.5	Municipally owned vehicle maintenance and storage facilities are classified as SIC 16xx (which is not in S1.A.Table 1) and therefore are not categorically required to obtain permit coverage. If a municipality operates a facility that is listed in S1.A. Table 1, permit coverage under the Industrial Stormwater General Permit is required. To improve clarity and reduce confusion, S1.D.5 has been revised.	Yes	Revise S1.D.5.: Any facility authorized to discharge stormwater associated with industrial activity under an existing NPDES individual or other general permit. ~~This exclusion does not apply to stormwater discharged under the authority of a Phase I or Phase II municipal stormwater permit, except the Washington State Department of Transportation (WSDOT) municipal stormwater permit, which authorizes the discharge of stormwater associated with industrial activity from WSDOT vehicle maintenance facilities.~~
King County Department of Natural Resources and Parks	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"	SWPPP	Equivalent manuals	S3.A.3	Ecology agrees and has chosen to reference Appendix 10 of the Phase I Municipal Stormwater permit, which lists the approved stormwater management manuals, including WSDOT's.	Yes	S3.A.3.c revised: Revisions to the manuals in S3.A.3. a & b., or other stormwater management guidance documents or manuals which provide an equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-220-190. ; <u>For purposes of this section, the documents listed in Appendix 10 of the Phase I Municipal Stormwater Permit are hereby incorporated into this permit;</u>
King County Metro Transit	Another point that needs to be made is in regards to the requirement to include various operational, structural, treatment and flow-control BMPs from one of Ecology's Stormwater Management Manuals. Further clarification needs to be given regarding which BMPs are required of new and/or significantly remodeled facilities and which BMPs will be required of everyone. As the permit language stands, there is quite a bit of confusion regarding this fact.	SWPPP	Flow control	S3.B.3	Ecology has revised the criteria for flow control which may only apply to facilities with "new development or redevelopment".	Yes	Revise S3.B.3.b.iv: Facilities with new development or redevelopment shall evaluate whether flow control BMPs are necessary to satisfy the state's AKART requirements, and prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3. Definitions for *new development* and *redevelopment* have also been added to Appendix 2 - Definitions.

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King County Metro Transit	A few issues that I would like to single out for special mention include the proposed Spill Prevention and Emergency Cleanup Plan (SPECP), the selection and requirement of assorted BMPS and the stormwater sampling standards. Though a relatively minor part of the overall permit, the SPECP concerns me as it appears like a last-minute add-on to the permit. Some more time needs to be spent refining this section in order for it to live up to its potential. I have included some such refining comments in the following pages, but in general, the Federal Spill Prevention, Control & Countermeasure regulations found in 40CFR112 could provide a very firm foundation upon which the SPECP could be built.	SWPPP	SPECP	S3.B.3.i.5	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
King County Metro Transit	Finally, I am very concerned that Ecology has not taken enough steps to address the fact that chemical parameters within stormwater can be highly variable as noted by Ecology itself in the Fact Sheet associated with this permit. As it stands, progression up the corrective action response tree is a one-way ladder with the only possibility of reprieve being a proposed minor step down for Level 3 facilities to Level 2. Given th highly variable nature of stormwater quality, and the fact that even stormwater system maintenance itself can be the cause of some exceedances, some additional leeway should be given to permittees.	Corrective Actions	Triggers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Kirkland Builders Group	Current value of undeveloped real estate is zero. This is due to only Washington State mandated regulations. This new regulation will take that zero number to a negative number. Therefore, business will have to move, and take their jobs with them to more progressive states that welcome businesses. My question is: As regulations further shut down business activities, which shuts down Sales Tax revenues to the State, where do you think your wages will come from?	General Comment	Economic Impact	N/A	Ecology disagrees that the current value of undeveloped real estate is zero; and disagrees that value of any particular piece of real estate is due only to Washington State mandated regulations. Ecology disagrees that business will have to move because of this permit; and believes the permit will not shut down sales tax revenues to the state.	No	
Landau Associates, Inc.	[S7.C.1.] In many cases, the person conducting the site inspection is not in a position to make such a judgment, especially in cases where the Permittee has contracted with a consultant to conduct the inspection/monitoring. The current permit requires that quarterly visual monitoring reports be signed and certified by the person making the observations (see S4.D 1 of the current permit) and that the report be reviewed and signed by a duly authorized representative of the facility, at which time the representative provides the above-described declaration as to compliance or noncompliance with the SWPPP and the permit. This current framework provides a more workable approach and eliminates the possibility that the field inspector will be required to provide a certification that he or she is not capable of making. For example, the inspector may not be aware if the proper DMRs have been submitted or if the proper parameters are being sampled.	Inspections	Certification	S7.C.1.	Ecology has considered this comment carefully, and has decided the current language is appropriate. This is based in part on the "in the judgment of the person" preface which implies that the inspector's professional judgment is to be made to the best of their ability, and may be limited by several factors including incomplete information (e.g., DMR compliance, etc.). Ecology has also revised Condition S7.C.1.c to include the compliance certification by the person with signature authority. The compliance/noncompliance statement will be required by the inspector as well as the person with signature authority.	Yes	c. Statements that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Condition G2.A; the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and this permit.

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Lee Hock	I work for a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put on the business I work for and other small firms in our industry out of business. I strongly object to the draft Permit as now proposed. The owner of the recycling firm I work for is trying to operate a small business in a very difficult economy. The permit is very difficult to understand and needs to be far simpler for a small business to understand and implement. This permit will put recycling businesses out of business but do nothing to reduce the amount of copper in our lakes and rivers because nearly all of it is coming off public roads and streets. This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new costs to the state to replace the functions we now perform: Putting our industry out of business eliminates the re-use of the end of life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream-yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who will handle this junk vehicle waste stream when we are gone? Illegal operations that drain anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'l1 find the messes they will leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for small businesses. Please carefully review their suggestions and put them in this permit. The vehicle recycling industry is struggling to survive. Too many in our industry have already gone out of business mostly due to extremely costly government regulations. Thank you for considering our comments and making changes to the permit so our industry can continue to provide the highest management of the junk vehicle waste stream (re-use), continue to protect the environment by collecting and properly disposing of many substances from junk vehicles.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Leon Albert, and several others	This goes against every bone in my body. I'm quoting some Report from California. How I'm reading this, anything less then 170 ppb (copper) is a safe number for drinking water. Washington State wants runoff water to be less the 10% of safe drinking water. I live in Washington State to get away from that type of thinking.	Benchmark	Copper	S5	It is not surprising that the human health (drinking water) criteria for copper is different from the aquatic life criteria for copper. A great deal of scientific literature demonstratives that low levels of copper can be toxic to certain kinds of aquatic life, while those same levels of copper have no health effect on humans who drink it. The same is true of other drinking water constituents such as chlorine, which can also be toxic to fish at levels that are not toxic for human consumption.	No	
MacMillan-Piper, Inc.	Section S7.A of the draft permit says that by 2012/2013, stormwater inspections must be conducted by a Certified Industrial Stormwater Manager. What is a Certified Industrial Stormwater Manager? I could not find a definition or requirements on the Ecology website. Does Ecology offer a program for certification, or can it provide a list of institutions that do provide certification?	Inspections	CISM	S7.A	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Manufacturing Industrial Council of Seattle	Before the Department of Ecology finalizes the Draft Washington State Industrial Storm Water Permit, we urge department staff to hold a workshop on the draft permit in Seattle. Adequate time is still available to conduct such a workshop without compromising DOE's goal of finalizing the permit by the end of October. Seattle is home to the largest marine business cluster on the west coast of the United States. It is also a major regional hub for companies engaged in metal trades, boat building, construction and transportation. We feel it would be a major missed opportunity for DOE to not extend its workshop outreach program to this community given the need for more effective regulations to clean up Puget Sound. Some of our members who are tracking the draft permit process feel DOE already made a few changes that clarified or simplified provisions that would have posed unintended barriers to water quality and habitat improvements. However, concerns continue to exist regarding the practical challenges and costs of complying with many other provisions. A workshop in Seattle would provide an appropriate forum to dispel or respond to these concerns.	General	Outreach	N/A	Ecology has a legal obligation to issue the permit by November 1, 2009, and is unable to stop the process and add additional workshops. It is hoped that interested parties in the Seattle area were able to attend the workshops held in Tacoma or Mount Vernon. Ecology will consider Seattle a key location to hold workshops in the future.	No	

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MILLER NASH LLP	We also disagree that permittees who are listed in Appendix 6 should automatically be required to implement additional structural source control BMPs. The list appears to include all facilities that ever triggered a Level Two or Three Response under the existing permit. If those facilities took appropriate action and are now discharging clean stormwater, they should not have to automatically implement additional source control BMPs solely because they once triggered a Level Two Response.	Corrective Actions	Appendix 6	Appendix 6	Ecology has made substantive changes to S8 Corrective Actions, including adding a new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.". Therefore, Ecology has deleted Appendix 6 from the permit.	Yes	Add new section to S8A: "In addition to the Corrective Action Requirements of S8.B-D, permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater General Permit(s). Permittees shall continue to operate and/or maintain any source control or treatment BMPs related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.".
MILLER NASH LLP	It appears from the Fact Sheet that only new facilities or those undergoing redevelopment are subject to the Volume/Flow Control BMPs. It is unclear from the language of the permit, however, whether Sections S3.B.3.b.iv.2-4 apply to all facilities or just new ones and those having significant process changes. Section S3.B.3.b.iv should be revised to make it clear which facilities are subject to the Volume and Flow Control BMPs.	SWPPP	Flow Control	S3.	Ecology has revised the criteria for flow control which may only apply to facilities with "new development or redevelopment".	Yes	Revise S3.B.3.b.iv: Facilities with new development or redevelopment shall evaluate whether flow control BMPs are necessary to satisfy the state's AKART requirements, and prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3. Definitions for *new development* and *redevelopment* have also been added to Appendix 2 - Definitions.
MILLER NASH LLP	S3. Stormwater Pollution Prevention Plan There appears to be a mistake in Section S3.BA, Erosion and Sediment Control BMPs. It requires all facilities to implement and maintain sediment control BMPs such as detention and retention ponds and bioswales. This does not make sense on sites where there is no potential for soil erosion. The existing permit requires BMPs only if there is a "reasonable potential for soil erosion of a significant amount." This language should be retained in the new permit.	SWPPP	Erosion and sediment control	S3.BA	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
MILLER NASH LLP	S4. Sampling We support the changes in the draft that eliminate all the timing requirements for when samples must be collected. This will make it much easier for permittees to obtain valid samples and increase the number of samples reported to Ecology.	Sampling	Sample timing	S4.	Ecology has revised the criteria for sampling.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.

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MILLER NASH LLP	We support Ecology's proposal to use zinc as a surrogate for the presence of copper and lead. Because zinc is more commonly associated with stormwater than copper and lead and because zinc is usually present when copper and lead are present, applying source control and treatment BMPs for zinc will also control copper and lead.	Benchmark	Zinc, Copper, and Lead	S5.	Ecology appreciates the comment.	No	
MILLER NASH LLP	S5. Benchmarks and Effluent Limitations With the possible exception of oil and grease, action is now required at lower concentrations or at a greater range of values (pH) for all of the core parameters as well as copper and lead. When nearly a third of permittees are already at Level Two or Three because they have been unable to meet existing action levels, it is a mistake to dramatically tighten the permit requirements. According to the Fact Sheet, 45% of the samples in the Fabricated Metal Products Category exceeded the existing action level of 372 ug/L for zinc and the median value was 310 ug/L. Lowering the action level to 200 ug/L will therefore cause more than half of the samples to qualify as exceedances. The same is true for turbidity in the Motor Freight Category. The Fact Sheet indicates that 48% of samples currently exceed 25 NTU. Lowering the action level to 25 NTU will therefore cause nearly half of the samples to qualify as exceedances. The dramatic lowering of action levels, in combination with the uncoupling of corrective action from specific parameters and outfalls, is likely to result in a wave of permittees cycling through the process into Level Four, although the number may be somewhat reduced by the business closures that will be caused by the heightened compliance burden.	Benchmark	pH, Zinc, Turbidity, Copper, lead	S5.	Ecology has made significant revisions to S8 so it is less complicated and more likely to reduce the amount of pollutants discharged. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
MILLER NASH LLP	We have particular concerns about increasing the range of pH values that triggers corrective action. Currently, a Level Two or Three response is triggered by values outside the range of 5.0-10.0. Corrective action is required under the draft permit by values outside the range of 6.0-9.0. We are concerned that the permit does not properly take into account local variations in the pH of rain and that some permittees may be required to take corrective action solely because of the pH of the rain, and not because of any pH problems at the site. As noted in the Fact Sheet, the new range essentially mirrors the state water quality standard. This contrasts with the benchmark for zinc which corresponds to a 90% probability of meeting water quality standards using an assumed dilution factor of five. We urge Ecology to consider applying the same analysis to pH to evaluate whether the range of "compliance" should be broader.	Benchmark	pH	S5.	Since rainfall in Washington State commonly occurs outside of the range of 6-9 s.u., Ecology has decided to revise the pH benchmark to 5-9 s.u., as discharges within this range are very unlikely to cause a violation of the water quality standards for pH.	Yes	Revise pH benchmark from 6-9 to 5-9.
MILLER NASH LLP	S8. Corrective Actions Corrective action should only be triggered by consistent exceedances of particular parameters at particular outfalls. Under the proposed permit, a new permittee could trigger Level Two Corrective Action by exceeding four different parameters at four different outfalls. The purpose of an adaptive management approach is to gather information so that responses can be tailored accordingly. The proposed permit undermines that approach by requiring action in the face of inconsistent results. What additional structural source control BMPs are appropriate when a permittee exceeds zinc, turbidity, pH, and notices an oily sheen one time each over a period of three years? A notable side effect of the proposed change is that permittees will cycle through the corrective action levels much more quickly than under the current permit. According to the Fact Sheet, almost one third of existing permittees are already at Corrective Action Level Two or Three. Those permittees will more quickly move to Corrective Action Level Four and others will soon join them under this proposal. There was a notable absence of explanation in the Fact Sheet about why Ecology decided to undermine the adaptive management approach by unlinking corrective actions from specific parameter and outfall exceedances. We request that the Department reconsider this approach or at least explain the reasoning behind it and provide guidance to permittees on how to decide what BMPs are appropriate when the sampling data is erratic. We understand the desire to decrease the complexity of the permit, but the permittees and the adaptive management process should not be sacrificed in the name of simplicity.	Corrective Actions		S8.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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MILLER NASH LLP	We support the change in the permit to no longer require submissions to Ecology for Level Two corrective actions. As Ecology well knows, it is difficult for permittees to comply with the complicated paperwork and recordkeeping requirements of the permit. The Fact Sheet states that no more than 10% of facilities can be considered in full compliance with the permit. We believe that eliminating this requirement reduces the burden on permittees and properly allows them to focus on stormwater improvements rather than paperwork.	Corrective Actions	Level 2	S8.B	Ecology has reconsidered the reporting requirements for the permit, and has decided to adopt EPAs approach of requiring annual reports to summarize the status of stormwater management at the facility.	Yes	Revise S9.B. Annual Reports: 1. The Permittee shall submit a complete and accurate Annual Report to the Department of Ecology no later than May 15th of each year (except 2010) using a form provided by or otherwise approved by Ecology. 2. The annual report shall include corrective action documentation as required in S8.B-D. If corrective action is not yet completed at the time of submission of this annual report, the Permittee must describe the status of any outstanding corrective action(s). 3. Permittees shall include the following information with each annual report. The Permittee shall: a. Identify the condition triggering the need for corrective action review. b. Describe the problem(s) and identify the dates they were discovered. c. Summarize any Level 1, 2 or 3 corrective actions completed during the previous calendar year and include the dates it completed the corrective actions. d. Describe the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, and identify the date it expects to complete corrective actions. 4. Permittees shall retain a copy of all annual reports onsite for Ecology review.

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MILLER NASH LLP	S9. Reporting and Recordkeeping Our next comment relates to requests from the public under S9.E, Access to Plans and Records. We are opposed to requiring permittees to supply the public with copies of all "plans and records" within 14 days of a request. Such plans and records can be voluminous and it is burdensome to make copies on such a short time frame. We are not opposed to supplying Ecology with such copies in that time frame because we are confident that Ecology will only make such requests when necessary and will be reasonable about which documents it requires. We do not have the same level of confidence with respect to private requests and are worried about repeated burdensome requests from the public.	Reporting and Recordkeeping	Public access to records	S9.	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

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MILLER NASH LLP	Drafting Concerns Our remaining comments relate to drafting concerns. It appears that Section S9.E.3 is an alternative to S9.E.2(a) and S9.E.2(b). If so, and subject to the substantive comments above, it should be converted to S9.E.2(C) to make that clear.	Reporting and Recordkeeping		S9.	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

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MILLER NASH LLP	S9. Reporting and Recordkeeping - This section should be revised to allow 28 days to provide copies andpermittees should be allowed to charge a reasonably copying fee. Most importantly, permittees should not have to provide all "plans and records" which includes all records required by the permit. The list of such records is extensive as detailed in S9.B. It includes such things as "all equipment calibration records" and "any other documentation of compliance with permit requirements." The existing permit only. requires provision of the SWPPP. The new permit should only require provision of the SWPPP and copies of any documents submitted to Ecology. The existing provision regarding confidential business information and security concerns should also be included in the new permit.	Reporting and Recordkeeping		S9.	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs. Condition S3.B already addresses confidential business information: The Permittee shall identify any parts of the SWPPP which the facility wants to claim as Confidential Business Information.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.
Miller Shingle Co., Inc.	Our second concern is with the proposed requirement for mandatory vacuum sweeping of paved surfaces. Perhaps you are not aware that pavement cleanup in most log yards is performed weekly, if not daily, and involves truckloads of bark debris. Vacuum sweeping of this type of debris is not practical. In our case, Miller has already resolved this matter by directing all stormwater run off from the paved portions of our log yard to zero out-fall surface infiltration ponds. That “structural source control BMP” (Best Management Practice) has prevented stormwater out-fall from the most active portion of the log sorting yard. The result is a major improvement in the site’s subsequent DMRs (Discharge Monitoring Reports). The proposed permit should allow for this or similar more comprehensive and superior BMPs to be used in lieu of the proposed mandatory vacuum sweeping.	SWPPP	Vacuum Sweeping	S3	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Miller Shingle Co., Inc.	Our first concern is with the proposed turbidity benchmark (standard) of 25 NTU. Based on data in your "Industrial Stormwater General Permit – Fact Sheet" dated June 3, 2009, assuming that failing DMRs are somewhat uniformly distributed over the 962 reporting facilities, it appears that over 1/3 of the reporting facilities could find themselves failing to comply with the proposed benchmark (standard). The ultimate cost of meeting this specific proposed benchmark (standard) must have a significant role in setting the proposed benchmark (standard). The new benchmark (standard) should be based on the existing permit's "action level" of 50 NTU. While we are working diligently trying to meet the 25 NTU benchmark, we are perplexed that the "receiving waters" could seldom, if ever, meet the proposed standard. That raises the question: Is this proposed benchmark (standard) truly based on good science? With this in mind, Ecology should also consider an optional benchmark (standard) of "5 NTU over the background receiving waters".	Benchmark	Turbidity	S5	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Miller Shingle Co., Inc.	Our third concern with Ecology's development of the "Appendix 6 –Facilities to Complete Level 2 Corrective Action" list as part of the proposed General Permit. As outlined above, during the five-year life of the current permit, Miller implemented a major structural BMP that greatly improved the site's stormwater out-fall quality and subsequent DMRs and yet our facility is listed in Appendix 6. As you may recall, others at your Mount Vernon June 26, 2006 workshop fell into this same category. By developing the Appendix 6 list based on DMRs from the entire five-year life of the current permit, Ecology has not taken into account the advances made by many permit stakeholders. We consider this methodology flawed and recommend that it should be abandoned or at least revised to allow permit stakeholders to move down as well as up in their "Corrective Action Level". A " Corrective Action Level" based on the last four (4) quarter's DMRs would far better reflect each site's current condition. That four (4) Quarter up or down scoring approach should apply for the life of the proposed new permit.	Corrective Actions	Appendix 6	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Miller Shingle Co., Inc.	Our fourth and final concern with Ecology's proposed General Permit is its lack of focus on identifying facilities that should be included in the General Permit. In today's competitive market place, the cost of complying with the Industrial Stormwater General Permit puts our facility at a distinct disadvantage to similar facilities that are not in compliance. More effort should be directed at leveling the playing field.	General	Level Playing Field	N/A	Ecology agrees and is committed implementing effective strategies to level the playing field.	No	
Milne Fruit Products, Inc.	The most noticeable issue is the lowering of the action level limits. With the existing levels, our plant has exceeded the action levels occasionally and has performed the action level response to remedy the occurrences. The proposed lower limits will make the solutions that much more difficult and costly to implement. Our area is very dry and windy. With so few rain events, dust and debris accumulates around the facility, especially the roofs. With the annual precipitation of 7" to 10", many of the levels are going to be very difficult to comply with due to the timing between rain events. This permit is very long and has many, over 50, requirements for this plant to comply with. This plant is very lean in manpower. To make sure we comply with all the requirements, we have all the "Best Management Practices" implemented, and to able to achieve the "All Known and Reasonable Treatment Technologies," the plant will require a consultant or an additional person on staff. This is a huge expense for a plant that just had a 5 week shutdown and layoff due to the current global economic environment. If the facility has to install a new treatment system to meet the new requirement levels, it will cause a significant financial burden. I believe our current economic situation may not support that kind of capital expenditure, let alone the additional management support required for such a system. Will the State of Washington be able to help facilities install and finance such a treatment system? Or help with the design of a system?	Benchmark	Economic Impact	S5	Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. State law would not allow Ecology to provide general revenue funds directly to private corporations to offset the costs of their capital improvements. However, Ecology is committed to provide technical assistance to those who need it.	No	

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Murphy Plywood	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 ofthe 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 2-1 0 NTU under most conditions, taking into account season, stream size, and ambient turbidity. The turbidity benchmark of25 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.	Benchmark	Turbidity	S5	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Murphy Plywood	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.	Benchmark	BOD5	S5.B	Ecology has reviewed the comment and, based on the based on the benchmark values in EPAs MSGP, has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to these categories, while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
NAI Puget Sound Properties	As an industrial real estate agent and small developer, I work with many companies who need new space to do business in, and this permit will add to what is already a very expensive, in face one of the most expensive, commercial real estate markets in the United States. This, combined with the regulations to increase stormwater detention will drive businesses out of the state. This state has gone too far with both the proposal of the permit and other stormwater regulations. Please don't allow our state to become so outrageously expensive and prohibit me from doing business as more clients and businesses are driven away.	General	Economic Impact	N/A	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.

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NATIONAL MARINE FISHERIES SERVICE	With the proposed benchmark level for zinc set at a level that does not provide protection necessary for salmon growth and survival, and with copper being identified as a widespread pollutant in industrial facilities, we do not believe using zinc as a surrogate of copper and limiting copper monitoring to 5 sectors will adequately protect listed salmon.	Benchmark	Copper	S5 A. Table 2	Ecology has decided to apply copper monitoring as a core sampling parameter for all facilities.	Yes	Add copper as core sampling parameter
NATIONAL MARINE FISHERIES SERVICE	Adverse effects of dissolved copper and zinc on listed salmon occur at very low levels (values ranging from 0.18 to 2.1 µg/L in freshwater for copper (Hecht et. al, 2007) and at 5.6 µg/L in freshwater for zinc (Sprague 1968)). Adverse effects of copper include interference with fish sensory systems and important behaviors that underlie predator avoidance, juvenile growth and migratory success. These effects occur at pollutant levels that are 6 to 77 times lower than the proposed benchmark level for total copper (14 µg/L).In addition, the proposedbenchmark level for zinc in this permit (200 and 255µg/L total Zn) is higher than thelevel proposed for the 2007 Industrial permit (115 µg/L total Zn). We do not believe these proposed benchmark levels avoid more than minor detrimental effects to listed salmon and steelhead. Similarly, adverse effects of zinc include altered behavior, blood and serum chemistry, impaired reproduction, and reduced growth. These effects occur at pollutant levels that are 35 and 45 times lower than the proposed total zinc benchmark levels (200 µg/L for Western Washington and 255 µg/L for Eastern Washington).	Benchmark	Copper & Zinc	S5 A. Table 2 and 3	The benchmarks used in this permit are derived using existing Washington State Surface Water Quality Standards. Ecology understands the adverse affects of copper on salmonids at very low levels. However, since the benchmarks are measured "end-of-pipe" (100% stormwater runoff) rather than in the actual receiving waters where salmon are present, believe that copper and zinc may be discharged at the benchmark levels without causing excursions of the water quality standards 90% of the time.	No	
NATIONAL MARINE FISHERIES SERVICE	Ecology determined that the proposed benchmarks and action levels should be considered based on a dilution factor of 5 and a 10 percent risk for exceeding the applicable water quality standard for each metal. While this may be a viable approach for setting benchmark levels across a broad range of facility types and receiving waters, it is not an approach that provides adequate protection for listed salmon. We cannot accurately assume that a dilution factor of 5 will always be provided where listed salmon are present.	Benchmark	Dilution factor	S5 and Factsheet	The use of a dilution factor in deriving the benchmark is not considered the authorization of a mixing zone, but Ecology has determined that a modest dilution factor 5 is consistent with WAC 173-201A-400. Based upon Ecology's best professional judgment and experience under the previous permit cycle, Ecology has determined that in order to meet the proposed copper and zinc benchmarks, permittees will be required to fully apply AKART, and many will be required to install active stormwater treatment systems.	No	

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Nisqually Environmental Sampling and Consulting LLC	7. In the "Non-Compliance" section, the permit states "In the event the Permittee is unable to comply with any of the terms and conditions of this permit that could result in the discharge of pollutants in a significant amount, or any bypass or upset, the Permittee shall:" and then lists a series of steps the permitee must perform. This seems inconsistent with section G25 where allowed bypasses are described as "Bypass of stormwater is consistent with the design criteria and part of an approved management practice in the applicable stormwater management manual." In one section, all bypass and upset must be reported, in section G25, bypasses that are consistent with the design criteria are allowed. This ambiguity should be clarified in the permit.	Bypass	Reports of non-compliance	G25	Stormwater bypasses are allowable if the bypass is unavoidable, unanticipated, and results in non-compliance with the permit; if the criteria in G25.A.3.a-c are met. Included in these criteria is G25.A.3.c, which requires notification of the bypass per S9.E. To be consistent with PCHB 05-157 Associated General Contractors of Washington, Snohomish County & PSA v. Ecology the permit will be revised to clarify such notification is only required for "unanticipated bypass and/or upset which exceeds any effluent limitation in the permit". In addition, "...that could result in the discharge of pollutants in a significant amount" was replaced with the correct language: "...which may endanger human health or the environment"	Yes	Revise S9.D: replace upset or bypass" with "unanticipated bypass and/or upset which exceeds any effluent limitation in the permit". In addition S9.D was revised as follows: 1. In the event the Permittee is unable to comply with any of the terms and conditions of this permit ~~that could result in the discharge of pollutants in a significant amount~~ which may endanger human health or the environment, or any bypass or upset which exceeds any effluent limitation in the permit, the Permittee shall
Nisqually Environmental Sampling and Consulting LLC	3) Section S10 describes the prohibition to violate water quality standards, however, it appears to be possible to violate water quality standards and still be in compliance all other sections of the permit (zinc, copper, turbidity). Language was removed from the previous permit (Section S7) that stated "Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is: In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and 2. Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control." The removal of this protective language from the permit would appear to open most all clients to lawsuits under the CWA. This original language should be returned to the new permit.	Compliance with Standards	Presumptive Approach	S10	Ecology has included the language from RCW 90.48.555, as requested.	Yes	Add to S10.B: Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is: (a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and (b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.

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							Add to Appendix 2 Definitions: Demonstrably equivalent means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document: (A) The method and reasons for choosing the storm water best management practices selected; (B) The pollutant removal performance expected from the practices selected; (C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected; (D) An assessment of how the selected practices will comply with state water quality standards; and (E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.
Nisqually Environmental Sampling and Consulting LLC	3. In the section where it is stated “All treatment BMPs that include the addition of chemicals to provide treatment must be approved by Ecology before beginning construction/installation.” Includes the word “chemicals” but “chemicals” is not defined. All treatment systems use chemicals in some degree, and the “approval” method is not provided in the permit. This should be clarified in the permit.	SWPPP	Treatment chemicals	S3	Ecology believes this is sufficiently clear and has retained the language without change.	No	
Nisqually Environmental Sampling and Consulting LLC	2. The term “chemical” should be specifically defined and the requirements for secondary containment should be consistent with local codes. Propane, reclaimed water, fuel, all are chemicals, on many sites, and are generally stored per local codes. Additionally, the section is not specifically clear that this section only applies to chemicals stored outside, but rather applies to “chemicals that can contaminate stormwater”. Therefore, the storage of all chemicals, delivered in bottles, drums, totes, etc, whether stored inside or outside, are required to have a secondary containment berm. This section adds additional burdens that are not required by local and other state and federal codes. This section should be clarified to include a list of chemicals that this is required of (HPM’s for instance), where it applies (outside only), and allowances to demonstrate that secondary containment is not required (double walled tanks for fuel for example).	SWPPP	Storage of chemicals	S3	This permit condition is intended to ensure that BMPs are adequate to prevent spills of any substance that can contaminate stormwater. In some cases, large indoor spills could get outside and contaminate stormwater. Therefore Ecology believes the language is appropriate and no changes will be made. The permit also contains a mechanism to allow permittees to forgo a particular BMP if "site conditions render the BMP unnecessary or not possible, and the exception is clearly justified in the SWPPP".	No	
Nisqually Environmental Sampling and Consulting LLC	1. In the section where it is stated “all equipment and vehicles shall be inspected for leaking fluids…during monthly site inspections. Leaking equipment shall be taken out of service…” It appears that only “equipment” is required to be repaired or taken out of service, while “vehicles” are excluded. If vehicles are included, then employee vehicles should be specifically excluded from this requirement. If this is not the intent, then this section should be clarified.	SWPPP	leaking vehicles	S3	This sentence has been revised to improve clarity.	Yes	Revise S3.B.3.b:Leaking equipment <u>and vehicles</u> shall be taken out of service or prevented from leaking on the ground until repaired.

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Nisqually Environmental Sampling and Consulting LLC	4. The removal of the oil and grease sampling and replacing it with monitoring for "oil sheen" is a good attempt to save money for the Permitees and is appreciated; however, there are issues with this attempt. Specifically, where the oil sheen is to be observed is not specific in the permit and the loss of the quantification tool to control zinc seems detrimental to the clients. Many clients monitor their discharge through manholes or culverts that either have the storm water monitoring location many feet below grade or the water is moving very quickly. Monitoring for sheen in these locations would be almost impossible. If it is the intent of the department to monitor for sheen at any location on the site, then this would open all clients to civilian lawsuits under the CWA as almost all locations will have an employee vehicle that will have a fluid drip that will appear as sheen. Finally, with the zinc issues in Western Washington, the loss of the quantification of the oil and grease levels in the stormwater with the removal of sampling requirements will remove one of the tools the permitee can use to reduce their zinc levels (recall that most oil and grease sources on industrial sites contain about .75 percent of zinc). The department should either specify the location of the "oil sheen" monitoring or remove this requirement and revert back to the sampling of this parameter.	Benchmark	Oil Sheen	S5.A	The oil sheen benchmark pertains to discharges of stormwater associated with industrial activity; and therefore does not apply to stormwater runoff from employee parking areas. The presence of oil sheen would be evaluated at the stormwater sampling location (e.g., discharge point, storm drain inlet, etc.) where other grab samples are collected. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Nisqually Environmental Sampling and Consulting LLC	8. The additional requirement that all permitees inspect their industrial site on a monthly basis appears to be an attempt to increase awareness of potential issues to the sites management. This increase in inspection frequency may be warranted for sites that enter into a level 1,2, 3, or 4 status but seems to be an unnecessary burden and cost to those sites that are full, or nearly full, compliance. Perhaps this requirement should be a step that is used when a site enters a level 2 or higher status, and not required for those sites that are in compliance.	Inspections	Inspection frequency	S7	Ecology believes that monthly site inspections are a proactive and cost effective way of preventing stormwater pollution. Ecology has decided to reduce complexity and confusion by applying this requirement to all sites rather than just those at various levels of adaptive management.	No	
Nisqually Environmental Sampling and Consulting LLC	2) There does not appear to be a way for Permitees to be removed from a level 1, 2, 3, or 4 statuses. If the steps taken per the permit mitigate the issue, then a procedure to be officially removed from this status seems prudent and a motivation tool for sites to comply with the permit.	Corrective Actions	Allow off-ramps from Corrective Action Levels	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Nisqually Environmental Sampling and Consulting LLC	6. In the section defining the level four processes, the requirement to submit a "receiving water study" is listed; however, the definition of such a study is not defined. This should be made clear either through definition or reference to the applicable WAC code.	Corrective Actions	Level 4	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Nisqually Environmental Sampling and Consulting LLC	5. The permit states "If installation of Structural Source Control BMPs is not feasible or not necessary to prevent discharges that may cause or contribute to a violation of a water quality standard, Ecology may waive the requirement for Structural Source Control BMPs by approving a Modification of Permit Coverage." However, modification of permit coverage is not defined in the permit appendix. Is it the intent that the permitee be moved to an individual permit or will the general permit be modified for that specific permitee? This process should be clear in the permit.	Corrective Actions	Modification of Permit Coverage	S8	The modification would change the permit conditions for an individual permittee. The steps are specified in S2.B (Revised to improve clarity).	Yes	Revise S2.B. Modification of Permit Coverage A Permittee anticipating a significant process change, or otherwise requesting a modification of permit coverage, shall submit a complete Modification of Coverage Form to Ecology. The Permittee shall: 1. Apply for modification of coverage at least 60 days before implementing a significant process change; <u>or by June 1st prior to a Corrective Action deadline, if requesting a Level 2 or 3 time extension or waiver request per Condition S8.B-D.</u>

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Nisqually Environmental Sampling and Consulting LLC	The cost evaluation performed and presented to the State Government severely underestimates the potential costs to small, medium, and large businesses in the area and, with the current economic climate, may be detrimental to the economy. At the least, the costs should be estimated accurately so that our lawmakers can make informed decisions. 1) The cost evaluation seems incomplete for the following reasons: a. It appears from the draft permit that every permitee will be required to re-write their SWPPP to include the new provisions (air emissions, inclusion of applicable SWM BMP's, etc), this will have a definite cost to all business, compete revisions to SWPPPs can cost from $2000 to $10,000 depending on the firm used These costs should be included in the cost evaluation. b. The requirement for certification of the inspector lists a certification program that is not in place, and most likely will not be in place, by the permit implementation date. Specifically, the CISM program and certification does not exist per conversations with the department and as such, the cost of such certification does not exist. Therefore, the cost associated with the use of a PE or a CPSWQ should be used in the cost evaluation. Since most facilities do not have a PE or a CPSWQ on staff, the costs for the contract hiring of these certified professionals should be included in the evaluation. These costs should be for at least 3 hours per month and should range from $100 to $150 per hour ($3600 to $4200 per year). c. The requirement that every site include a sediment filtration system, most likely a catch basin insert, should be included in the cost evaluation. Of note is the requirement under the closing of a construction stormwater permit that all socks (and all other sediment controls) be removed before closure is granted, and now the requirement that these be reinstalled seems inconsistent. With sock costs of approximately $120 per sock, assuming 5 catch basins for small companies, 10 for medium companies, the initial cost will range from $600 and $1200 up front. d. The requirement that every site use a vacuum sweeper on all paved areas should be included in the cost evaluation. The purchase cost of a Tennant 650 vacuum sweeper is about $30,000; the rental cost is around $450 per occurrence. Assuming vacuuming monthly, the rental cost will be $5400 per year. This cost is not included in the cost evaluation but should be. e. The requirement that all liquid chemicals stored outside shall be included in a bermed area and roofed if possible is a cost that is not included in the cost evaluation. Additionally, the term "chemical" is not defined in the appendix. Many sites recycle non-potable water; have double walled fuel tanks, and propane tanks (liquid chemical inside the tank) outside, all of which are installed per other applicable codes. The cost to include additional secondary containment is not included in the cost evaluation but this cost will most likely affect most all Permitees. These costs should be estimated and included in the evaluation. f. Many level three sites have installed treatment systems that use "chemicals", either solid or liquid, and the requirement that these treatment systems now must be approved by the department, through a method that is not defined, is a cost that should be included in the cost evaluation.	SBEIA	Economic Impact	N/A	The rationale for why certain costs were included or excluded from the analysis is contained on pages 10-12 of the EIA: http://www.ecy.wa.gov/pubs/0910041.pdf. Ecology's EIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact. Ecology has reduced the costs of the permit to extent possible. Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Northland Services	Review of the 303(d)-listed parameters for the LDW shows dissolved oxygen and fecal coliforms are the only parameters listed for water and a number of parameters listed for sediment. We request confirmation from Ecology that sampling for the baseline parameters identified in Table 2 of Section S5 is not required.	303(d)	Clarity needed	S5 A. Table 2	Not requiring baseline (core) sampling for facilities discharging to 303d listed water bodies was not our intent. Table 2 should be clear as to its applicability to 303d listed water bodies too. Benchmarks and Sampling Requirements should apply to them too except when 303d requirement are more restrictive.	Yes	Change the label and drop the 303d reference.
Northland Services	We also request clarification on how "site specific benchmark criteria" for facilities discharging to 303(d)-listed water bodies will be determined, as footnoted in Table 5 in Draft Permit, in case our facility is required to sample for these additional analytes due the potential addition of the noted parameters to the LDW 303(d) list at some point in the future.	303(d)	Clarity needed	S6 C Table 5	The methodology for these limits is described in the fact sheet, pp. 51 53. In addition, as a result of public comments, the fecal coliform limits will be based upon the bacteria standards that apply to the specific receiving water (e.g., 100, 200, 400).	Yes	Add footnote explaining how FC limits are based on receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL).
Northland Services	Review of the 303(d)-listed parameters for the LDW shows dissolved oxygen and fecal coliforms are the only parameters listed for water and a number of parameters listed for sediment. We request confirmation from Ecology that sampling for the baseline parameters identified in Table 2 of Section S5 is not required.	303(d)	Clarity needed	S6 C. Table 5	All facilities, including those discharging to 303(d) waters, are subject to the requirements of Table 2. To make this more clear, the title will be changed to "Table 2. Benchmarks and Sampling Requirements Applicable to All Facilities"	Yes	Change title of S5. Table 2 to "Table 2. Benchmarks and Sampling Requirements Applicable to All Facilities"
Northland Services	Proposed Zinc Benchmark Level: Ecology stated "Based on Ecology's best professional judgment and experience under the previous permitting cycle, Ecology has determined that in order to meet the proposed zinc benchmarks, permittees will be required to fully apply AKART, and many will be required to install active stormwater treatment systems"., The Draft Permit will also require Northland to employ treatment if isolated exceedences of the zinc benchmark level occur over long periods of time. Instead, the Draft Permit should incorporate a limited timeframe for requiring the Level Three Corrective Action so that infrequent exceedences of this ubiquitous chemical do not require extensive treatment implementation that will burden both business and Ecology alike in terms of expense and man hours.	Corrective Actions	Timeline	S8 C 4	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Northland Services	Level 3 Corrective Action Initiation and Schedule Section S8.C requires that facilities listed in Appendix 6 that exceed any benchmark value during any four separate quarterly monitoring periods after January 1, 2010 implement a Level 3 Corrective Action. This open-ended timeline for exceedances following January 1 means that if Northland's leased facility has an isolated exceedance every 1 to 2 years, after 4 to 8 years we would be required to install treatment BMPs. Section S8.C also states that "If installation of Treatment BMPs is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard, Ecology may waive the requirement for Treatment BMPs by approving a Modification of Permit Coverage." We request clarification on what types of actions are required under the Modification of Permit Coverage approval process.	Corrective Actions	Modification of Permit Coverage	S8.C	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Northland Services	Ecology's cost analysis (in the SBEIA) supporting the Draft Permit significantly underestimates the actual costs for industry to comply with the proposed revised regulations.	SBEIA	Economic Impact	SBEIA	Ecology's SBEIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact.	No	
Northwest Food Producers Association (NWFPA).	Condition S13 does not allow permit termination if a facility uses dry well, swales or other BMPs to contain all stormwater on-site. Such BMPs are well represented in Ecology's Stormwater management manuals; use of BMPs to eliminate discharges to surface water should be included in allowed conditions for a Notice of Termination. Condition S1A of the permit states "This statewide permit applies to facilities conducting industrial activities that discharge stormwater to a surface water body or to a storm sewer system that drains to a surface water body." It stands to reason that, if all off-site stormwater discharges are terminated through use of approved BMPs, the permit should also terminate.	Notice of Termination	Eligibility to terminate	S13.	Ecology agrees and has revised S13.A.3 to provide a mechanism for permittees to terminate coverage if the site is reconfigured to discharge to ground and prevent discharges to surface water	Yes	Revised S13.A.3. All permitted stormwater discharges associated with industrial activity that are authorized by this permit cease are prevented because the stormwater is redirected to sanitary sewer, or discharged to ground (e.g., infiltration, etc.).
Northwest Food Producers Association (NWFPA).	Organization of Conditions S3.B.3 and S3.B.4 is confusing, with structural source control, treatment, and volume control BMPs in S3.B.3.ii through iv while erosion and sediment control BMPs are in S3.B.4.	SWPPP	Erosion and sediment control	S3.B.3 & S3.B.4.	Ecology has made formatting changes to improve clarity.	Yes	Numerous formatting changes to S3.
Northwest Food Producers Association (NWFPA).	Condition S3.B.3.b.i.5.a states "All chemical liquids, fluids, and petroleum products shall be…" This requirement should be rephrased to clarify that it applies only to hazardous chemicals and petroleum products. Inclusion of the word "fluids" is particularly troublesome in that this could be interpreted as any liquid (e.g., drinking water).	SWPPP	Storage of chemicals	S3.B.3.b.i.5.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Northwest Food Producers Association (NWFPA).	Condition S3.B.4 requires all dischargers to construct both sediment control and filtration BMPs. This is excessive and inappropriate for many industrial facilities, particularly for facilities that have little exposed soil (as is typical of industrial facilities). Erosion and sediment control BMPs should be required only at specific facilities where excessive erosion or sediment generation is a problem.	SWPPP	Erosion and sediment control	S3.B.4.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Northwest Food Producers Association (NWFPA).	De-coupling the lead and copper sampling from the zinc benchmark excedance is an improvement and this proposed change is one that we support.	Benchmark	Lead and copper	S5. A	Ecology appreciates the comment. While the copper and lead will not be tied to zinc exceedances, Ecology has decided to add copper to the list of core sampling requirements for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Northwest Food Producers Association (NWFPA).	The overall benchmark and action parameters and levels far exceed the current EPA Multi Sector General Permit (MSGP) that has recently been issued, especially for the Food and Kindred Products SIC code (2037). Subpart U of the MSGP (which covers our industry) does not require benchmark monitoring for certain subsectors, and for subsectors that benchmark monitoring is required, the parameters are total suspended solids (2041-2048) and total suspended solids, BOD, COD and nitrate plus nitrite nitrogen (2074-2079). EPA believes that visual assessment is protective of the environment and provides a simple and cost effective way of determining stormwater compliance. As a minimum, for benchmark testing, we recommend that if benchmark values are not exceeded within the first year of testing, subsequent testing for the remainder of the permit period is not required.	Benchmark	Additional benchmarks applicable to specific industries	S5. A & B.	Ecology has given consideration to revising the sampling requirements and benchmarks that apply for this sector. A review of DMR data shows that such revisions could be inconsistent with the antibacksliding provisions of the Clean Water Act and therefore Ecology has decided not to make changes to the sampling and benchmark requirements for this sector.	No	
Northwest Food Producers Association (NWFPA).	Changing the fats, oils, and grease standard from 15 mg/L to a no visible sheen requirement is not recommended. Modifying the compliance standard to a less definable approach by visible observation is inconsistent with a good practice to define the impact. The standard for Fats, Oils and Grease should either stay the same at 15 mg/L, or be eliminated due to the significant compliance achieved in this area. No visible sheen determinations can be difficult and highly subjective throughout a 24 hour period and there can be (and often are) visible sheens created from non-petroleum hydrocarbon sources.	Benchmark	Oil sheen	S5.A. - Table 2	The visible sheen from decaying vegetation is easily distinguished from the oil sheen associated with petroleum products. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Northwest Food Producers Association (NWFPA).	BOD, TSS, COD, and nitrate plus nitrite nitrogen should not be required on all sectors of the food processing industry. The Multi Sector Group Permit for storm water only identifies sampling requirements for specific operations within the food kindred products. The sectors identified are Grain Mills Products (SIC 2041-2048) for TSS, and Fats and Oil Products (SIC 2074-2079) for BOD, COD, nitrate plus nitrite nitrogen, and TSS. The justification to require all food plants to conduct this special sampling is not described and the significance is undetermined. Using a potential monthly BOD average discharge standard from a treated waste water municipal facility to apply to storm water discharges is inappropriate and technically without merit in the control of storm water discharges. The BOD/COD ratio of food processing wastewaters changes through the treatment sequence from untreated to fully treated. Applying a final treated water BOD/COD ratio to an initial raw storm water BOD/COD ratio and extrapolating across all segments of the food processing industry is incorrect. The BOD/COD ratio on an untreated stormwater discharge that is controlled by Best Management Practices would be more representative at a ratio of 0.7 to 0.6. This would lead to a BOD benchmark of 72 mg/L to 84 mg/L based upon the COD of 120 mg/L.2	Benchmark	Additional benchmarks applicable to specific industries	S5.B - Table 3	Ecology has given consideration to revising the sampling requirements and benchmarks that apply for this sector. A review of DMR data shows that such revisions could be inconsistent with the antibacksliding provisions of the Clean Water Act and therefore Ecology has decided not to make changes to the sampling and benchmark requirements for this sector.	No	

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Northwest Food Producers Association (NWFPA).	The fecal coliform benchmark based upon recreational waters is inappropriate and overly restrictive for water quality purposes and goals in the state. This coliform requirement would classify all waters as recreational in regards to storm water, even though discharge standards from municipal wastewater treatment facilities would be permitted on an ongoing basis to discharge significantly higher levels on fecal coliforms. Requiring untreated storm water discharges to meet standards beyond requirements for wastewater treatment facilities is without technical basis on how a system of best management practices is able to achieve requirements with microbiological materials that are naturally present in soil bacteria.	303(d)	Fecal coliform	S6. - Table 5	The table will be revised so that the fecal coliform limits are dependant on the receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL). While there may be individual NPDES permit that allow higher levels of bacteria to be discharged, such limits would be based upon site specific discharge and receiving water information, which is not possible within the context of a statewide general permit.	Yes	Add footnote explaining how FC limits are based on receiving water use classification (100 colonies/100 mL, 200 colonies/100 mL, or 400 colonies/100 mL).
Northwest Food Producers Association (NWFPA).	S7 requires that routine monthly visual inspections be performed only by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. It is impractical and unreasonable to require that every permitted facility either retain consultants for routine monthly inspections or provide the extensive and time consuming training to facility personnel necessary to obtain one of these certifications. Routine monitoring does not involve complicated determinations that would warrant such extensive training requirements. The permit should be modified to allow facility personnel to perform routine monthly inspections.	Inspections	Certified inspectors	S7.	The draft permit allows facility personnel to perform the monthly inspections if they meet the criteria for training and certification. Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Northwest Food Producers Association (NWFPA).	Furthermore, S8 in the draft ISWGP essentially results in benchmark requirements being de-facto effluent discharge limits. The Fact Sheet (page 89) states that “benchmark values are not numeric effluent limitations,” however S8 is structured in such a way that benchmark values are used as effluent discharge limits.	Corrective Actions	Benchmarks are defacto effluent limits	S8	The benchmarks are not numeric effluent limitations; and therefore discharges above the benchmarks do not constitute permit violations. However, as stated in the Fact Sheet (p.54), Special Condition S8 includes a non-numeric effluent limitation that requires facilities that exceed water quality-based numeric benchmark values (Special Condition S5.A&B) trigger incremental revisions to the facilities Stormwater Pollution Prevention Plan (SWPPP) to include additional Best Management Practices (BMPs). In accordance with RCW 90.48.555(8), the adaptive management mechanism requires monitoring, evaluation, and reporting requirements to ensure that stormwater discharges are controlled by adequate best management practices (BMPs) that prevent violations of water quality standards.	No	
Northwest Food Producers Association (NWFPA).	For the draft ISWGP corrective action requirement (S8), if either the benchmark or action levels are exceeded, the results can produce an administrative nightmare, and can go as far as require AKART review and production of an Engineering Report. As a minimum, there needs to be a “quantitative qualifier” for small sites and small discharges, as the draft ISWGP only evaluates qualitative discharge levels.	Corrective Actions	Complexity	S8	Ecology believes that this concern can be addressed during a Level 2 or 3 waiver request, based on a determine that additional source control/treatment BMPs not being necessary to prevent a violation of water quality standards.	No	

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Northwest Food Producers Association (NWFPA).	As discussed above, for the ISWGP requirement, S8, if either benchmark or action levels are exceeded, the results can go as far as require AKART review and production of an Engineering Report. AKART (from WAC 173-201A-020 Definitions for Water Quality Standards for Surface Waters of the State of Washington): "AKART" is an acronym for "all known, available, and reasonable methods of prevention, control and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices," typically applied to nonpoint source pollution controls is considered a subset of the AKART requirement. AKART is usually incorporated into the Engineering Report and usually requires an extensive analysis of known practices and a determination of applicability, effectiveness and cost (both capital and operating) of each practice. For Industrial Wastewater Facilities, the Engineering report (WAC 173-240-130) is an extensive (and detailed) list of requirements that would need to be considered for each AKART process. For example, one NWFPA company recently went through an AKART analysis in an Engineering Report, 14 processes were analyzed in the initial report and Ecology requested an additional 2 process reviewed. This document costs several thousand dollars and was used only for "screening" the AKART processes, a subsequent Engineering Report was required once the specific process was chosen.There is a tremendous amount of time, money and effort on both the industrial discharger and Ecology for review and approval process. There may be some instances when this is required, but the low benchmark and action levels for certain parameters, especially metals, will add a burden to a program where there will be little additional benefit to water quality.	Corrective Actions	AKART and engineering reports	S8.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Northwest Food Producers Association (NWFPA).	S8 imposes unreasonably short timeframes for implementation of Level Three and Level Four corrective actions: Level Three corrective actions involve design and construction of treatment facilities such as detention ponds, biofiltration systems, or constructed wetlands. Any such facility must be designed and determined to be AKART by a professional Engineer (typically Ecology only accepts AKART determinations from consultants). The process of securing funding, consultant selection,facility design, and construction must be completed "Immediately, but no later than the deadline specified in Table 6." Table 6 allows a maximum of six months from triggering a Level Three corrective action to completion of construction. Design and construction of such treatment systems can be extremely expensive, potentially over one million dollars for a single facility, and often will require purchase of additional land to accommodate the treatment system because these systems require far more space than is availableat many industrial facilities. Budget planning for such a large expenditure and securing the needed land would typically require at least a year before the design process can begin. A six month timeframe is unreasonably short for implementation of this requirement. Level Four corrective actions are even more complex, expensive, and time consuming than the Level Three corrective actions discussed above. These can include completion of a receiving water study and/or design and construction of complex treatment facilities such as chemical treatment, electro-coagulation or ion exchange. The proposed new ISWGP allows only three months for complete implementation of a Level Four corrective action.	Corrective Actions	Level 3 and 4 requirements, time and cost constraints	S8.C. and S8.D.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Northwest Food Producers Association (NWFPA).	Paragraphs D.1.d. and D.1.e. provide for potential termination of coverage under the ISWGP by Ecology, which may force a facility to cease operation or be exposed to undue regulatory risk. Thepermit needs to be clear about providing an administrative path for challenging such a decision by Ecology. It would be helpful to have the ISWGP provide a clear path for an alternate permit, such as if Ecology determines that a general permit is not appropriate, that a facility has 90 days toapply for an individual permit and if that application is submitted within that 90 days that the facility retain coverage under the general permit until an individual permit is issued.	Corrective Actions	Level 4	S8.D	The administrative process for challenging permit revocation is set forth in WAC 173-226-240: (2) The director may require any discharger to apply for and obtain an individual permit, or to apply for and obtain coverage under another more specific general permit. In cases where the director requires any discharger to apply for an individual permit, or for another general permit, the discharger must be notified in writing that another permit is required. This notice shall include a statement of why another permit is being required, an application form, and a time limit for submitting the application. (5) Where the department has determined that a discharger should no longer be covered under a general permit it shall notify the discharger in writing stating the reason(s) why coverage is no longer appropriate, and any actions required of the discharger in order for coverage under the general permit to remain effective. (6) The discharger shall have thirty days to respond to any notification provided pursuant to subsection (5) of this section before coverage under a general permit shall be automatically revoked. [Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-240, filed 5/5/93, effective 5/19/93.]	No	
Northwest Food Producers Association (NWFPA).	The draft ISWGP itself is quite complex, especially for smaller sites. For such sites, the onsite personnel will have trouble coping with the various requirements.	General	Complexity	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Northwest Food Producers Association (NWFPA).	In our experience, the costs for implementation of the ISWGP program for a site far exceed previous estimates of the Department of Ecology. Consultant requirements for the initial site contour surveys and runoff evaluation alone have run thousands of dollars in excess of Ecology estimates.	General	Economic Impact	N/A	Ecology's EIA concluded that there was a disproportionate impact on small businesses covered under the permit, and therefore the permit contains mitigation to help offset the impacts. If the impacts were estimated to be higher (more costly), the SBEIA still would have concluded there was a disproportionate impact. Ecology has reduced the costs of the permit to extent possible. Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Northwest Pulp and Paper Association (NWPPA)	Second, NWPPA objects to establishing overly stringent pollutant parameter benchmarks (e.g. turbidity and TSS) and believes that such targets are unrealistic and unnecessarily costly to the regulated community.	General	Economic Impact	S5 Table 3	Ecology has retained the 25 NTU turbidity benchmark from the previous permit. Ecology has raised the TSS benchmark to 100 mg/L to be consistent with the EPA Multi-Sector General Permit (MSGP). The rationale for the TSS benchmark is contained in the MSGP fact sheet and is hereby incorporated by reference.	Yes	Revise S5, table 3, Category 5: Total Suspended Solids (TSS) 100 mg/L

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Northwest Pulp and Paper Association (NWPPA)	First, NWPPA is gravely concerned with the scope and new requirements of the proposed draft permit, and questions whether the implementation costs for regulated sources will generate proportional environmental benefits.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Northwest Pulp and Paper Association (NWPPA)	Third, NWPPA believes that logical steps should be made to control stormwater discharges including adaptive management steps/loops that are achievable given the current state of our built environment and the reliability and costs of stormwater control technologies.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Northwest Pulp and Paper Association (NWPPA)	Finally, in this economic environment, NWPPA believes that Ecology should rethink their proposal to realistically assess whether the draft permit requirements are cost-effective regulation or whether requirements could be streamlined to reduce both the permit holders' and Department's costs.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Ocean Beauty Seafoods, LLC	2. Requalification for Consistent Attainment. Proposed ISGP Condition S4.B.6. provides: "After the effective date of this permit, the Permittee may suspend sampling for one or more parameters based on consistent attainment of benchmark values when: ... " The introductory clause of this provision apparently requires facilities that have previously established consistent attainment to re-qualify. We request that Ecology remove the introductory clause to proposed Condition S4.B.6 and allow facilities that have established consistent attainment under the current ISGP to carryover those results to the proposed ISGP. This proposed modification will save permit holders costs without any risk of harm to water quality. In the alternative, we propose that Ecology establish a standard for "confirmation" or "verification" of consistent attainment that is less onerous than two years of further sampling for a parameter that has previously met the consistent attainment standard. For example, Ecology could require a facility to conduct two quarters of confirmation sampling and file a verification that the facility has not made any substantive changes to its operations or facility that would impair its historic "consistent attainment." This proposed modification would address any concerns Ecology may have about the possibility of changed conditions and allow permit holders to verify ongoing compliance at lower cost than permitted under the ISGP as presently proposed.	Sampling	Consistent Attainment	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Change S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Ocean Beauty Seafoods, LLC	1. Elimination of Action Levels. The current ISGP has both "benchmarks" and "action levels." The action levels are substantially higher than the benchmarks and play an integral role in triggering corrective action. The proposed ISGP eliminates action levels. As Ecology states in its "Industrial Stormwater General Permit - Fact Sheet" (June 3, 2009 Public Comment Draft), because "benchmark values are not numeric effluent limitations, discharges that exceed a benchmark value are not automatically considered a permit violation or a violation of water quality standards." The benchmarks do, however, trigger corrective action. By eliminating action levels from the proposed ISGP, Ecology has made the benchmarks the effective action levels, in some instances at much lower levels than the action levels under the current ISGP. For example, the proposed ISGP would reduce the 50 NTU action level in the current ISGP to what is effectively a 25 NTU action level under the proposed ISGP (the same level as the turbidity benchmark under the current ISGP). This change may require us to take corrective action for stormwater discharges outside our control. For example, our Seattle facility is impacted by turbidity arising from pollutants arising from an unpaved right-of-way that we do not own or control but must use in order to access the facility. We have taken appropriate action to mitigate such impacts and believe that it would be more appropriate for Ecology to set the turbidity benchmark in the proposed ISGP at 50 NTU. We therefore question the scientific rationale for Ecology's proposal to eliminate action levels and request that Ecology clarify whether exceeding a benchmark is now a permit violation or provide scientific and legal support for those benchmarks that are effectively lower action levels under the proposed ISGP.	Benchmark	Turbidity	S5	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	

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Ocean Beauty Seafoods, LLC	4. New Inspector Training. Proposed ISGP Condition S7.A.2. requires that, beginning January 1,2012, "visual inspections shall be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer." We anticipate that this provision will increase, perhaps substantially, permit holders' costs for completing visual inspections. This anticipated cost increase is amplified by the proposed increase in visual monitoring frequency from quarterly in the current ISGP (Condition S4.D.I) to monthly in the proposed ISGP (Condition S7.A.). Ocean Beauty, and probably many other permit holders, will likely have its stormwater compliance employees trained and qualified to conduct these inspections according to the proposed ISGP standards. We request, therefore, that Ecology develop a standardized "online" course for this training. We further request that Ecology subsidize the training or charge a nominal fee that makes it affordable for permit holders to have their staff trained.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Ocean Beauty Seafoods, LLC	3. Mandatory Level Two Corrective Action. Proposed ISGP Condition S8.B. mandates Level Two Corrective Action for facilities that "triggered Corrective Action Level 2 and/or Level 3" under the current ISGP. As proposed, each facility listed in Appendix 6 to the proposed ISGP, including Ocean Beauty, will be required to submit a Level Two Corrective Action whether or not the facility has already completed and submitted to Ecology an equivalent "level two source control report" under the current ISGP. The proposed ISGP requires reporting on specific forms that will be appendices to the proposed ISGP. It appears, therefore, that a facility cannot rely on prior reports and materials submitted to Ecology. We request that Ecology clarify that level two source control reports previously submitted to Ecology are sufficient to meet proposed Condition S8. In the alternative, we request that Ecology modify the proposed ISGP to allow facilities listed in Appendix 6 to rely on such materials. To do otherwise would not meet the ISGP's goals and would place unfairly duplicative and unnecessary administrative burdens and costs on facilities that have already addressed corrective actions.	Corrective Actions	Level 2	S8.B	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Olympic Panel Products; Interfor Pacific	Ecology decided to use a single dilution factor of 5 in establishing the zinc benchmarks, on the basis of an insufficient technical study conducted by Herrera. Use of a one-size-fits-all dilution factor of 5 is unreasonably conservative and arbitrary given the inherent variability of stormwater discharges and receiving water flows throughout the state. Most stormwater discharges are very small relative to the flows in the receiving water, and dilution is usually quite rapid. Almost all stormwater discharges will readily attain dilution factors much greater than 5 within seconds to a few minutes following discharge. For this reason, use of a single dilution factor of 5 ignores real-world dilution effects and results in overly conservative benchmarks. Alternatively, Ecology should use (or allow the permittee to use) a site-specific dilution model to reflect actual site-specific conditions. OPP encourages Ecology to use a site-specific model to establish more reasonably balanced benchmarks that are both fully protective of receiving water quality and economically reasonable.	Benchmark	Zinc	S5. A.	A general permit that covers over 1,200 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit. Ecology disagrees that the dilution factor of 5 is unreasonably conservative - the zinc benchmark is reasonable and protective. Provisions exist to obtain waivers if a permittees feels that benchmark exceedances don't necessarily warrant additional BMPs if the facilities current level of stormwater management does not pose a risk to the receiving water, based on site specific conditions.	No	

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Olympic Panel Products; Interfor Pacific	There is virtually no technical or regulatory information to support the appropriateness of a benchmark value for turbidity at 25 nephelometric turbidity units (NTU). This benchmark value appears to be arbitrary. The permit lacks any explanation on how the turbidity benchmark value relates to the WAC 173-201A water quality criterion for turbidity. Similarly, as the proposed turbidity benchmark value appears to serve as an effective numeric water quality-based effluent discharge limitation, there is no accounting for how the RCW 90.48.555(4) criteria have been addressed. The 25 NTU value should be withdrawn and a technical evaluation process undertaken to establish a reasonable and defensible benchmark value in accord with statutory and regulatory criteria. Ecology's justification supporting the 25 NTU turbidity benchmark in the draft ISGP is limited to:"Ecology best professional judgment." "Ecology retained the turbidity benchmark of 25 NTU from the existing permit. Based on field experience, Ecology staff determined that a stormwater discharge of25 NTU or less will typically cause no water quality standards violation." (2002 ISGP Fact Sheet, page 34) "The median turbidity reported for all permitted facilities is 15 NTU." These 'Judgments" have no numeric basis for achieving water quality standards and result in a turbidity benchmark that is extremely difficult and expensive to achieve. Specifically: Ecology makes no attempt in the permit Fact Sheet to explain how a stormwater discharge of25 NTU turbidity relates to the specific elements of the turbidity water quality criteria in WAC 173-20IA-200 and -210 (e.g., allowed fixed or percent increase from background to downstream) or implementation issues such as where upstream/downstream measurement should occur. If this is the basic logic, how does Ecology account for the RCW 90.48.555(4) criteria that existing controls, pollutant discharge variability, and dilution of stormwater in the receiving water be considered for ISGP permittees? Available performance data from ISGP permittees coupled with the corrective action process suggest that hundreds of ISGP permittees will be confronted with very expensive Level 4 requirements because of an inability to continuously achieve the 25 NTU turbidity benchmark value. OPP evaluated technologies and costs for meeting the 25 NTU turbidity benchmark in a pilot treatment study. Results of the study were submitted to Ecology in a Level 3 Response Action Engineering Report prepared by Parametrix in September 2008. Results ofthe study showed an advanced chemical treatment process would be needed at a cost of $1.2 million to treat stormwater from a 3.3-acre log yard area. Ecology has made recent regulatory determinations that all known, available, and reasonable methods of treatment (AKART) control for turbidity in stormwater discharges is 50 NTU. It is simply not credible that a benchmark value for turbidity in this draft ISGP would be more stringent than an AKART determination in contemporaneous individual construction stormwater permits. For example, there are numerous and recent individual construction stormwater NPDES permits where Ecology has made regulatory determinations that AKART is 50 NTU.' Further, these permits direct that best management practices (BMPs) contained in the Stormwater Management Manualfor Western Washington, Ecology 2005, will be used. Monitoring data produced from the Timber Products Industry has indicated that 5I percent of the sample data were reported as above 25 NTU, with 33 percent of the data above a value of 50 NTU.2 These results are not surprising. Facilities in this industry are predominately located in Western Washington, are 10 to 100 acres in size with expansive outside storage of raw materials and finished products, and have significant heavy equipment travel on both paved and rocked surfaces. For these reasons, turbidity and suspended solids concentrations will typically be higher in stormwaters discharging from Timber Products Industry facilities even following the application of applicable BMPs. Accordingly, Ecology's judgments based on median turbidity values from all industries combined is not an appropriate measure for the Timber Products Industry.	Benchmark	Turbidity	S5. A.	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	

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Olympic Panel Products; Interfor Pacific	The benchmark values for BOD and chemical oxygen demand (COD) should be withdrawn and a regulatory process completed to establish a benchmark value consistent with statutory and regulatory criteria. At this time, the permit lacks any explanation on how the BOD and COD benchmark values relate to the WAC 173-201A water quality criterion for dissolved oxygen. In addition, OPP has specific pilot plant information to show that the BOD benchmark is technically infeasible, even with the most advanced treatment methods. Ecology makes no attempt in the permit Fact Sheet to explain how a stormwater discharge of BOD at 30 mg/l and COD at 120 mg!l relate to the specific elements ofthe dissolved oxygen water quality criteria in WAC 173-20IA. On the contrary, for the purposes of addressing new stormwater discharges into waterbodies listed on the CWA 303(d) for dissolved oxygen (DO), the agency has concluded that high BOD (and certainly COD) discharges have a "far-field" effect and "that can make it difficult to show a direct relationship between the discharge of oxygen-demanding substance and a low DO problem without site-specific water quality modeling."Given that Ecology has explained that benchmark values are "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation," and that the sole purpose for the Timber Products Industry benchmarks for BOD and COD must be to protect against violations of the WAC 173-201A DO criterion, it seems Ecology's logic would support elimination of these benchmarks. The Fact Sheet states that the BOD benchmark of 30 mg/L is based on the federal secondary treatment standard applicable to municipal wastewater treatment plant. However, the characteristics of municipal wastewater, as well as municipal wastewater treatment technologies, are very different from those associated with industrial stormwater discharge. For example, municipal wastewater is composed of readily degradable BOD, which is treated in very large and expensive biological treatment processes. In contrast, effluent from log yard areas, even following advanced mechanical and chemical separation of solids, contains dissolved, recalcitrant forms of BOD associated with tannins, lignands, and other natural elements of wood. OPP evaluated technologies and costs for meeting the 30 mg/L BOD benchmark in a pilot treatment study. Results of the study were submitted to Ecology in a Level 3 Response Action Engineering Report in September, 2008. Results of the study showed that the BOD benchmark was unattainable, even using the most advanced and expensive treatment methods of chemical precipitation, polymer settling, microfiltration, chemical oxidation, and carbon adsorption. 1 See for Example: Issaquah Highlands, NPDES Permit No. WA-003I88-7; Brightwater Conveyance System Project, NPDES Permit No. WA-003205-1; Brightwater Wastewater Treatment Plant, NPDES Permit No. WA-003204-2; Snoquahnie Ridge II, NPDES Permit No. WA-00320 1-8; Redmond Ridge East, NPDES Permit No. WA-003208-5. 2 Evaluation ofMonitoring Data From General NPDES Permits for Industrial and Construction Stormwater, page A-I, prepared for the Department of Ecology by Herrera Environmental Consultants, March 23, 2006.	Benchmark	Additional benchmarks applicable to specific industries	S5. B	Based on several comments and a review of the EPA MSGP, Ecology has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to category 5 industries [Timber Product Industry (24xx), Paper and Allied Products (26xx)], while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
Olympic Panel Products; Interfor Pacific	Given the exorbitant treatment costs imposed by the proposed zinc, BOD and turbidity benchmarks, OPP supports provisions in the Draft ISGP that allow Ecology to waive structural source control BMPs, Treatment BMPs, or Active Treatment Technologies that are deemed infeasible or unnecessary to prevent water quality standards exceedances. See Draft ISGP S8.BA.b and c, S8.CA.b and c, and S8.D.I.b and c. For example, OPP has already conducted a Level 3 Response Engineering Report that shows that source control, structural, and treatment BMPs have already been implemented at the log yard to the maximum extent practical. Active treatment BMPs were evaluated in a pilot study and were shown to be extremely costly for meeting the turbidity benchmark and technically infeasible for meeting BOD benchmarks. On the basis of the already completed Level 3 Response Action Engineering Report, OPP should be able to obtain a waiver and forgo repeating a Level 2, 3, and 4 process. Also, because site-specific receiving water and dilution models provide a scientifically sound basis on which to base treatment waiver requests, OPP suggests that Ecology explicitly authorize their use in the treatment waiver process, and eliminate the arbitrary 90-day requirement in which to seek such a waiver.	Corrective Actions	Waivers	S8.B.C.D.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Pacific Topsoils, Inc.	Facilities with multiple locations should be allowed to pay fees based on gross revenue of each individual facility, rather than gross revenue for the total company. If possible, we would request a mechanism to establish permit fees based on revenue for each individual facility.	Permit Fees		S11	The suggestion has merit, but permit fees are outside the scope of this general permit. For more information about the water quality permit fee rule development process and water quality permit fee task force, see Ecology's website: http://www.ecy.wa.gov/programs/wq/permits/permit_fees/	No	
People for Puget Sound	Non-Industrial portions of sites. Finally, we have a clarifying question: Do Municipal General Stormwater NPDES permits apply to the non-industrial aspects of the facility sites? Has Ecology clarified this with local jurisdictions?	General	Relationship to Muni Permits	S1.C.4	If the "site" is owned or maintained by the municipality (e.g., a City administration building co-located with a city industrial permittee), then the permit has a direct relationship, via the Good Housekeeping provision ("Establish and implement policies and procedures to reduce pollutants in discharges from all lands owned or maintained by the Permittee and subject to this permit, including but not limited to parks, open space, road right-of-way, maintenance yards, etc...These policies shall address but are not limited to: application of fertilizers, pesticides, and herbicides..., sediment and erosion control landscape maintenance and vegetation disposal, trash management, building exterior cleaning and maintenance. If the site/area is not owned/maintained by the city, it's subject to the city-wide "Prohibited Discharge" ordinance (i.e., prohibition of discharge of non-stormwater into the MS4--with a few exceptions). Phase II counties have a slightly different requirement in that the permit does not apply throughout the jurisdiction but only in specified areas, so the ordinance may be similarly limited.	No	
People for Puget Sound	Exterior surfaces at sites. The permit does not address the actual surfaces that are used for structures or ground cover at the industrial sites. We believe that this should be included in the permit. The permit should address both the cleaning of surfaces (vacuuming, etc.) and the actual coatings or materials of the surfaces. Roof materials and coatings are a concern. For example, if a new roof is installed, the new roof should be made of inert materials. Also, in some areas, the caulking between concrete pads adjacent to and in older buildings or adjacent to airport runways, etc. contains PCBs.	SWPPP	Surface Materials	S3	The concerns raised are valid, but Ecology is not able to address all the possible materials and surfaces that can contaminate stormwater, and has chosen to have the sources of stormwater contamination identified and addressed through the existing inspection, sampling, and adaptive management (corrective action) requirements.	No	
People for Puget Sound	d. The draft permit allows permittees an extension to the current permit deadline for SWPPPs. The existing permit requires that SWPPPs be prepared and implemented prior to discharge. The SWPPP under the existing permit already includes a pollution prevention team, good housekeeping, preventative maintenance, emergency spill controls, employee training, and inspections, and record keeping. The draft permit allows a reprieve until July 2010. This represents additional backsliding.	SWPPP	SWPPP Timeline	S3	Ecology disagrees that this is backsliding. A short timeframe is provided to address several new BMPs. To address the concern, language will be added to require the SWPPP requirements from the previous permit cycle to be followed prior July 1, 2010.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
People for Puget Sound	Specific SWPPP Requirements. The permit should require that the owner of each stormwater-related feature (drain, outfall, etc.) on the site be identified. There are many situations around the regions in which there are drains that cross parcels which are owned by entities other than the site owner.	SWPPP	Identification of storm drains	S3	S3.B.1 has been revised to include the stormwater drainage structure owner's name (if owned by a party other than the permittee).	Yes	Revise S3.B.1: Identify stormwater drainage and discharge structures. <u>For any stormwater drainage or discharge structures owned by a party other than the permittee, identify the owner's name</u>.

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People for Puget Sound	Sample Documentation. Photographs should be required for each sample collection event. This is now standard protocol for agencies and there is no reason that sampling photographs should not be required in this permit.	Sampling	Sample Documentation	S4	Ecology has decided against requiring photographic documentation of sampling.	No	
People for Puget Sound	Outside of business hours. People For Puget Sound has repeatedly requested that Ecology require sampling (especially for larger or more polluting industrial sites) outside of business hours. Many sampling devices can be set up to work at water level triggers and this should be required for sites above specified thresholds. Ecology should not allow important storms (first flush, etc.) to be bypassed.	Sampling	Sampling Criteria	S4	Ecology has retained the exemption from sampling discharges that occur outside of normal working hours.	No	
People for Puget Sound	Section S4: Sampling. The proposed sampling (once per quarter) is no different from the current permit. Yet the current strategy has resulted in the majority of permittees obtaining fewer that three samples per year. The proposed permit will not remedy this situation and allows continued abuse of the system.	Sampling	Sampling Frequency	S4	Ecology plans to increase enforcement on facilities that fail to comply with the sampling and reporting requirements.	No	
People for Puget Sound	Oil and Grease/TPH. Additionally, relaxing sampling for oil and grease and Total Petroleum Hydrocarbons is contrary to the need to reduce our loads of these chemicals to the Puget Sound basin as has been demonstrated in the recent Toxics Loadings studies.	Sampling	Oil Sheen	S4	The visible sheen from decaying vegetation is easily distinguished from the oil sheen associated with petroleum products. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
People for Puget Sound	b. Second, the proposed permit does not provide criteria for sampling storm events. The current permit has such provisions. The lack of storm criteria and antecedent dry conditions allows savvy permittees to sample after the first flush has passed and concentrations are lower. Although the current storm criteria have not been particularly functional, the lack of storm criteria coupled with the higher benchmark allows the permittees to use dilution. This amounts to backsliding.	Sampling	Sampling Criteria	S4	Ecology has revised the criteria for sampling.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.
People for Puget Sound	Finally, the use of dilution factors is the equivalent of granting a mixing zone, contrary to the ruling by the PCHB.	Benchmark	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	
People for Puget Sound	Effluent Limitation. The proposed permit does not provide for effluent limitations for hazardous waste landfills. While there are currently no hazardous waste landfills in the state, a disposal facility could be located in the state at a point in the duration of the permit. The effluent limits equivalent to EPA's MSGP should be contained in the permit.	Effluent Limitations	Landfills	S5	The limits for hazardous waste landfills were deleted because there currently are none of these facilities covered under the permit, and Ecology has determined that if any needed an NPDES permit in the future, an individual permit would be issued.	No	
People for Puget Sound	c. Additional evidence of backsliding involves the failure of the Department to propose a benchmark for copper for all industries. While Ecology has used zinc as a surrogate for copper (and lead) based on EPA's MSGP, copper is a more highlighted problem in Washington and especially in Puget Sound (as indicated by recent Puget Sound Toxics Loading studies). Failure to monitor for a parameter of concern that is monitored for under the current permit is backsliding. Further, many of the current permittees are not meeting the current benchmark for copper. It is critical that benchmark for copper be included in the permit.	Benchmark	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.

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People for Puget Sound	Section S5: Benchmarks. There are several areas in which the proposed permit violates the federal Clean Water Act's "anti-backsliding" provisions. a. As you are aware, the benchmarks are part of a narrative effluent limit – the other part being the corrective actions. Both of these facets of the draft permit have become less stringent. The existing permit holds permittees to a benchmark of 117ug/L for zinc. The study conducted under SB 6514 indicated that the median reported value was 120 ug/L. which means that at least 50% of the permittees could achieve this benchmark. In fact, by Ecology's own admission, most of the permittees studied were not implementing appropriate BMPs. How then can Ecology propose a benchmark that is 1.7 to 2 times higher than what permittees were already achieving? This is not only backsliding, but also does not meet federal requirements. Moreover, this approach violates 90.48 RCW requirements for implementation of technology-based standards as the first line of water quality protection.	Benchmark	Zinc	S5	Ecology has decided to retain the previous zinc benchmark of 117 ug/L.	Yes	Change zinc benchmark to 117 ug/L
People for Puget Sound	We also have concerns regarding the ability of Ecology staff to make affirmative determinations as to whether a discharger is in compliance with the water quality criteria at the end of pipe. Currently the staff who issue permits do not necessarily have the technical expertise to make an affirmative determination of this sort. Further, these staff members are under pressure to ensure that permits are issued within 60 days of receipt of a complete application. The resources of the regional staff are also over taxed. If Ecology does not dedicate the resources towards making these determinations, they become a license to continue to degrade the already impaired waters.	303(d)	Compliance with Water Quality Standards	S6	Ecology acknowledges the challenges with adequate program funding, but we have a system in place to identify discharges to impaired waters and require additional monitoring and water quality based numeric effluent limits to ensure compliance with water quality standards.	No	
People for Puget Sound	The permit needs to state that waterbodies that are listed for dissolved oxygen must be sampled for the appropriate nutrient(s) causing the waterbody to be depleted in oxygen. Generally phosphorus is the limiting nutrient in freshwaters and nitrogen species are the appropriate nutrients in marine waters.	303(d)	Dissolved Oxygen	S6	Within the context of a stormwater general permit, it is not possible to do TMDL-like modeling necessary to derive appropriate water quality based numeric effluent limitations for nutrients or other pollutants that can contribute to low-D.O. impairments. Therefore Ecology has decided not to require additional monitoring or effluent limitations for discharges to low dissolved oxygen waterbodies. The full rationale for this decision is provided in the Fact Sheet.	No	
People for Puget Sound	Since mercury is not hardness dependent, Ecology should list the effluent limit in Table 5.	303(d)	Mercury	S6	Ecology agrees with the comment, and the permit will be revised to include a mercury limits for freshwater and marine receiving waters. The limits are based upon the acute criteria in WAC 173-201A, with a translator value of 0.85, applied end-of-pipe.	Yes	Calculate limit(s) for mercury and add to S6
People for Puget Sound	All permittees discharging fecal coliform to a listed waterbody should sample for and have a limit established for the pollutant. This is particularly a problem in older sections of cities, where many cross connections between sanitary and storm sewers go undetected. Permittees may unknowingly be contributing to impairment for fecal coliform. All permittees discharging to waters listed for fecal coliform (not just those listed in footnote "h" to Table 5) should prove that they are not contributing to the degradation.	303(d)	Fecal Coliform	S6	Ecology agrees with the comment, and the permit will be revised accordingly	Yes	Have all facilities discharging to bacteria-listed waters (Category 5) subject to effluent limitation.
People for Puget Sound	Section S6: Discharges to 303(d) -Listed Waters. a. For purposes of determining whether a discharger is a new discharger to meet the requirements of 303(d), Ecology must use EPA's definition. A "new discharge" discharging to a 303(d) listed water body is one that began discharging after about 1973, not one that began discharging after the issuance of this permit. As you are no doubt aware, there is recent case law on this topic. At a minimum, the permit should define a "new discharger" as one beginning discharge after the listing of a waterbody on the 303(d) list.	303(d)	New Discharge	S6	Ecology agrees with the comment, and the permit will be revised accordingly	Yes	Change definition of new discharger to be consistent with 2008 EPA MSGP: New Discharger – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

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People for Puget Sound	Section S7: Inspections. The requirement for qualified inspectors CISMs or CPSWQ is a needed and positive requirement. Having said that, January 2011 would be a more appropriate deadline for this requirement.	Inspections	CISM	S7.B.3	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
People for Puget Sound	b. We also disagree that Level 1 Corrective Action requirements be reduced as this will lead to less public involvement as well as less transparency.	Corrective Actions	Level 1	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
People for Puget Sound	c. The Level 2 Corrective action allows permittees who have already been in a Level 2 corrective action (Appendix 6) under the current permit to get another extension of six months to comply with a new, less stringent benchmark. Again, this is backsliding. Ecology also provides for a third extension by allowing the permittee to claim that installation within 6 months is not feasible and to process that with a modification of coverage request. This condition makes the permit a nothing more than a “paper tiger,” rather than a tool to improve stormwater.	Corrective Actions	Level 2	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
People for Puget Sound	d. The number of exceedances of a benchmark to arrive at Level 3 will require at least two years and more likely three years of sampling (see comment on abuse of sampling requirements). Again in Level 3, Ecology provides for a claim that installation within 6 months is not feasible or not necessary.	Corrective Actions	Level 3	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
People for Puget Sound	It is safe to assume that no permittees will complete a Level 4 Corrective Action within this five-year permit cycle. Permittees who see that their benchmarks are high will simply not monitor and claim no discharge for the quarters necessary to ensure that they will not move to this level.	Corrective Actions	Level 4	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
People for Puget Sound	The proposed permit has a less stringent corrective action regime which also represents backsliding. This provision allows permittees currently in Action Level two or three additional time to comply with a less stringent standard (see comments on the Corrective Actions below).	Corrective Actions	Timeline	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
People for Puget Sound	Section S8: Corrective Actions a. The Corrective Action portion of the permit continues to be complicated and promotes continued discharge of pollutants without serious commitment to remedying the situation.	Corrective Actions	Timeline	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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People for Puget Sound	All in all, this permit does not meet our expectations nor does it comply with federal and state law. We hope to work with you to correct these serious deficiencies before final issuance.	General	Permit not protective	N/A	Ecology believes that the new permit is consistent with state and federal laws. Numerous changes have been made to the final permit based on public comments on the draft.	Yes	Numerous changes to permit.
People for Puget Sound	We are concerned that the revised permit is not adequate to protect water quality in Puget Sound. While we were willing to accept flexibility in the first round of the permit, it is disappointing that this version does not represent a significant step forward. In fact, it is our view that the permit is, in some ways, less stringent than the current Industrial Stormwater General Permit. In particular, there are now 4 levels of corrective actions and more opportunities to delay compliance. We view this approach as backsliding. In addition, we support Puget Soundkeeper Alliance's extensive comments including issues of lack of adequate "reasonable potential" analysis by Ecology, loosened sampling requirements (including first flush), relaxed benchmarks (dilution), reduced treatment requirements, inadequate public notification of facility modification, extended timelines, specificity and clarification of sampling requirement (representative samples, pollutant types, etc.), comprehensive coverage of all discharge points, lessoning of corrective action requirements, clarity of reporting requirements, and inadequate requirement for public access to records (including SWPPPs). That this draft permit is weaker than the previous permit is contrary to Governor Gregoire's Puget Sound Initiative and the new Puget Sound Partnership Action Agenda. How does Ecology justify this?	General	Permit not protective	S8	Ecology appreciates the concern but, disagrees with the claim that the draft permit was weaker than the previous permit. Ecology believes that the new permit is consistent with state and federal laws, as well as Governor Gregoire's Puget Sound Initiative and the new Puget Sound Partnership Action Agenda. Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous change to S8 Corrective Actions.
Pierce County Recycling, Composting and Disposal, LLC dba LRI	1. Municipal solid waste (MSW) landfills are subject to the requirements of both Construction and Industrial NPDES Permits. In order to meet the requirements of the Solid Waste Handling Permit and operate in an efficient manner, MSW landfills are required to have ongoing construction projects to build out and subsequently close portions of the facility. These projects involve the excavation, movement, and placement of large volumes of soil, often exceeding 100,000 cubic yards for each project. Given the scope of ongoing construction required to develop and close the landfill, it does not appear reasonable that the Permittee should be held to a 25 NTU benchmark/trigger level (Section S5 Table 2) while a similar adjacent construction project, such as a commercial development project, would be held to an Action Level of 250 NTU. Ongoing construction activities at the landfill will certainly tend to have the highest potential to cause turbidity. It does not appear reasonable to implement corrective actions (Section S8 B & C), particularly storm water treatment (Level 3), based on turbidity alone for such an industrial site. Instead, we believe corrective actions should also be tied to the exceedances of effluent limitations applicable to non-hazardous landfills (Section S5 C Table 4.).	Benchmark	Turbidity	S5	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Pierce County Recycling, Composting and Disposal, LLC dba LRI	2. It Section S9 of the draft Industrial Permit, it is not clear which data are required to be included on the Discharge Monitoring Report (DMR) for a facility that is subject to both a Construction NPDES Permit and an Industrial NPDES Permit. Under the Construction Permit the site will be inspected and monitored for turbidity on a weekly basis. However, under the Industrial Permit the site is only required to be monitored for turbidity on a quarterly basis. It appears that the Permittee could select any one of the turbidity results to include on the Industrial DMR as long as the sample was representative and collected during the quarter. Clarification of the data that should be reported when more than one monitoring event is conducted would be useful.	Reporting and Recordkeeping	Data submission when a site has both Construction and Industrial permits	S9.	Language has been added to address the averaging of sampling results.	Yes	S4.B.6: Permittees monitoring more than once per quarter shall use the average of all monitoring results for each parameter to determine if a quarterly sample is equal to or less than the benchmark value.
Port of Bellingham	13. G8: The number of days before permit expiration to reapply needs to be added. The number of days is blank.	Duty to reapply	Number of days before expiration	G8	Ecology agrees with the comment, and G8 will require reapplication 180 days before expiration.	Yes	G8: add "180 days"
Port of Bellingham	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."	SWPPP	Spill Kit	S3.B.3.b.i.5.b	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Port of Bellingham	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.	SWPPP	SPECP	S3.B.3.b.i.5.e	Fueling is not included within the definition of a "fuel transfer" operation. Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary or not possible and the exception is clearly justified in the SWPPP" [S3.B.3.b].	No	
Port of Bellingham	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."	Benchmark		S4	Ecology agrees; this statement will be added to the final permit	Yes	Add to Appendix 2 Definitions [*Benchmark*]: "Benchmark values are not water quality standards and are not numeric effluent limitations; they are indicator values."
Port of Bellingham	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.	Sampling	Monitoring Results	S4	Ecology has added language regarding averaging.	Yes	S4.B.6: Permittees monitoring more than once per quarter shall use the average of all monitoring results for each parameter to determine if a quarterly sample is equal to or less than the benchmark value.
Port of Bellingham	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.	Benchmark	Suspend Sampling	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than “visible oil sheen”) based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Port of Bellingham	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 of6.0 will result in permittees implementing BMPs to treat rainfall, not conditions associated with their industrial activity.	Benchmark	pH	S5 Table 2	Since rainfall in Washington State commonly occurs outside of the range of 6-9 s.u., Ecology has decided to revise the pH benchmark to 5-9 s.u., as discharges within this range are very unlikely to cause a violation of the water quality standards for pH.	Yes	Revise pH benchmark from 6-9 to 5-9.
Port of Bellingham	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.	Inspections	Training Program	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Port of Bellingham	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.	Corrective Actions	Modification of Permit Coverage	S8	Ecology agrees that additional clarity would improve understanding of how a Modification of Coverage is done, so a cross-reference to S2. B will be added to the permit.	No	Cross reference between S8.B &C and S2.B (Modification of Coverage).

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Port of Bellingham	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.	Corrective Actions		S8: Section 8B, 8C and Table 6	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Port of Bellingham	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.	Reporting and Recordkeeping	E-DMR	S9.A.5	Ecology has decided that eDMR (WebDMR) is an optional way to comply with the reporting requirements, rather than a requirement. WebDMR guidance will be provided outside of the general permit.	Yes	Revise S9.A.5: DMRs shall be submitted using Ecology's WebDMR system or by mail to the following address: Industrial Stormwater Permit Administrator Department of Ecology Water Quality Program PO Box 47696 Olympia, Washington 98504-7696
Port of Bellingham	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."	Reporting and Recordkeeping	Records Retention	S9.B	Ecology has clarified that records need to be kept on site and be made available to Ecology upon request, without making them an explicit requirement of the SWPPP. If maintenance records can be "quickly accessed" they are considered "on-site".	No	
Port of Bellingham	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).	Access to Plans	Public Records Access	S9.E	The suggested change is not acceptable, as it would be inconsistent with previous permit appeals and settlement agreements on this issue.	No	
Port of Bellingham	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 ifthe 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.	Corrective Actions	Timeframes	S8	Based on experience under the old permit, Ecology believes the adaptive management timeframes are set appropriately and allow for time extensions on a case by case basis. Ecology also believes that many permittees can and will begin research, funding, etc. for new BMPs well in advance of the actual DMR deadline that triggers the next level of adaptive management.	Yes	Numerous change to S8 Corrective Actions.
Port of Bellingham	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 then the existing permit.	General Comment	Complexity	S8	Ecology appreciates the comment and agrees that the new permit is better organized and easier to understand.	No	
Port of Bellingham	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.	Corrective Actions	Timeline	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Port of Seattle	Comment #3: S1. B. 3. Under SI.B.3, a facility may be deemed to be a "significant contributor of pollutants" if it "conducts industrial activity, or has a SIC code, with stormwater characteristics similar to any industrial activity or SIC code listed in SI.A. " Comment/Proposal Information on activities associated with SIC Code is unclear. It would be most helpful if Ecology could provide guidance on this in an associated guidance manual. Comment/Proposal Intent In working with businesses located on port properties, a better understanding of which activities Ecology expects to be covered would aid businesses and Ports in facilitating compliance.	Permit Coverage	Significant Contributor of Pollutants	S1.B.3	Ecology has decided to retain the language without change, and may require individual facilities to obtain permit coverage if they are engaged in industrial activity, or have a SIC code, with stormwater characteristics similar to those listed in Table 1. These decisions are not made on a case by case basis by Ecology, rather than businesses or Ports.	No	
Port of Seattle	Comment #2: Summary of Permit Reports and Submittals (page 5) S3.A.4.c. SWPPP, if Per Ecology request Within 2 weeks of request requested by Ecology This appears to be an incorrect reference.	SWPPP	Typo	S3.A.4.c	This typo has been corrected.	Yes	Changed to S9.E.1

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Port of Seattle	Comment #1: S8. CORRECTIVE ACTIONS - Table 6: Corrective Action Timelines Background and Comments Section S8.C contains the Corrective Actions that are required for specified facilities that exceeded benchmarks for a specified period of time. Once a facility is at Level Three, it must incorporate treatment technologies into its stormwater system. Under subsection (4), the permittee must "fully implement" the treatment BMPs by the deadlines listed in Table 6. There are three problems with these requirements. The first is that the new permit requires that Corrective Actions be triggered when any benchmark is exceeded, as opposed to the same benchmark being exceeded multiple times. This significantly increases the likelihood of Corrective Actions being triggered when compared that of a single pollutant benchmark being exceeded multiple times. The second is that Section S8 requires these technologies to be implemented in an unreasonably short period of time. The third is that, while Ecology has proposed a solution to these problems in the form of a Modification ofPermit Coverage to handle this potential scenario, there is little to no information on how a permittee goes about or stays in compliance with the permit during the period of Modification. The term Modification of Permit Coverage is not even defined in the permit. What's involved in a Modification of Permit Coverage and what steps are needed is unclear. To demonstrate, the following example is provided. Example Facility This facility has five outfalls. The facility starts sampling in January while attempting to implement operational, structural and treatment BMPs at the same time. If the facility then exceeds the benchmarks for eight consecutive quarters, the facility would be required to install treatment technology for five outfalls by the end of the first 2 years and 6 months of the permit (see attached permit schedule). It is estimated that each outfall treatment structure would cost from $500,000 to $1,000,000 each. The total cost for this facility to stay in compliance with the permit would be $ 2.5 to 5 million dollars. Given the permit schedule, this money would have to be budgeted, spent and capital improvements implemented in six months after triggering the Level 3 corrective action. For most organizations, whether public or private, this timeframe is completely unrealistic. In addition, such timing doesn't make sense because the permittee would not have had time to evaluate the operational or structural BMPs implemented in Level 1 and Level 2 (structural BMPs would not have a complete set of 4 quarters of sampling before Level 3 would be triggered). In summary, the facility would have to pour millions of dollars into its facility without completely understanding what was working and what was not. In reality, most or potentially all organizations do not have the contracting, purchasing or construction capabilities that would be required to meet this demand. Proposal Problem 1 - What triggers Corrective Actions Exceedances of any benchmark (as opposed to exceedances of the constituent four times) will move permittees quickly and potentially prematurely through the Corrective Action Levels to treatment and beyond. Different and unrelated problems that could be potentially flxed by operational bmp adjustments (sweep the site more frequently, for example) will push permittees into expensive treatment installations. A much better approach would be to continue to use the individual constituents (for example Zinc) and trigger Corrective Action once that constituent benchmark had been exceeded for four, eight or twelve times.	Corrective Actions	Timeline	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Port of Seattle	Permit Organization We appreciate the effort that Ecology made in reorganizing this permit. It will certainly help permittees understand what is required. In addition, many have commented on how much easier it is to find what's needed in the permit.	General	Format	N/A	Ecology appreciates the support for the improved permit format and organization. Additional formatting changes have been included in the final permit.	Yes	Numerous formatting and "plain-talk" revisions to improve readability and reduce complexity.
Port of Seattle	In general, the ports support the efforts to improve stormwater put forth in the permit. Improvement to stormwater discharges and the associated protection of waters of the State is a critical goal for Washington's ports. However, environmental regulations have the potential to create significant economic impact to businesses. The Industrial Stormwater NPDES permit has the ability to create a major economic impact to ports, port tenants and other businesses, particularly in today's economic climate. While we are supportive of this permit, there is one significant part that remains fundamentally unworkable. This concerns the requirements and timelines provided for implementing treatment technologies in Section 8. We agree that treatment of stormwater discharges is often necessary and appropriate, where such treatment is reasonably achievable. However, we do not believe that the timing for implementation of treatment is reasonable or that the technology to achieve the proposed benchmark is affordable. These comments are submitted in an attempt to achieve environmental improvements while balancing the economic need. We appreciate the opportunity to submit these comments.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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Port of Vancouver	S1. Permit Coverage The current permit states (Appendix 1 C8): Transportation Facilities classified under SICs below, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity. 40XX Railroad Transportation,41XX Local and Interurban Passenger Transportation, 42XX Motor Freight Transportation and Warehousing (except 4221 Farm Product Warehousing and Storage; 4222 Refrigerated Warehousing and Storage; and 4225 General Warehousing and Storage; see Category 11), 43XX United States Postal Service, 44XX Water Transportation, 45XX Transportation by Air, 5171 Petroleum Bulk Stations and Terminals The Draft permit still requires coverage for the above SICs, but the following language has been omitted: Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity. Is it Ecology's intent to cover these facilities in their entirety as opposed to just the portions that are involved in vehicle maintenance? The Port recommends that the permit language remain consistent with the existing permit and that the Draft permit be revised to reflect that. Many Washington ports are covered under the ISWGP as SIC 44xx Water Transportation, as are many tenants on port properties that fall into one of the Transportation Facility SIC categories. Moreover, many ports are also covered under a NPDES Municipal Stormwater Permit. Requiring more coverage under stormwater permits for areas outside of the vehicle maintenance shops, equipment cleaning operations, or airport deicing operations is not warranted.	Permit Coverage	Vehicle Maintenance	S1	Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
Port of Vancouver	S3. Stormwater Pollution Prevention Plan (SWPPP) S3.A.2.a states, "Specify the Best Management Practices (BMPs) necessary to provide all known, available, and reasonable methods of prevention, control, and treatment (AKART) of stormwater pollution." Ecology should further define AKART. The draft permit is unclear whether or not AKART is specifically implementing the Stormwater Management Manual (SWMM). If AKART is solely implementing prevention, control, and treatment according to the SWMM, then it should be stated in the permit. S3.B.4 states that, "The SWPPP shall describe the BMPs necessary to prevent the erosion of soils and other earthen materials (crushed rock/gravel, etc.) and prevent off-site turbidity and sedimentation." These BMPs should only be a requirement for facilities that have pervious surfaces (with the exception of pervious pavement or pavers), as it does not apply to facilities that are completely paved. Fully paved sites do not have soils, rock or gravel that would erode into stormwater systems.	SWPPP	AKART	S3.A.2	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). The permit allows permittees to deviate from the specific BMP requirements if "site conditions render the BMP unnecessary or not possible, and the exception is clearly justified in the SWPPP". No change.	No	
Port of Vancouver	S3.B.2.b.ii states that you must identify, "Outdoor storage of materials or products." Ecology needs to further define "storage of materials or products." The phrase is very broad and can be misinterpreted. For example, [insert something from Port property to make the point]	SWPPP	Outdoor storage	S3.B.2.b.ii	This term is intended to be broadly interpreted and consistent with the dictionary definitions of "materials" and "products".	No	

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Port of Vancouver	S3.B.3.b.i.3.c states that, "All dumpsters shall be fitted with a lid that shall remain closed when not in use." When referring to dumpsters clarification is needed to define what Ecology considers a dumpster: garbage only, recycling bins, wood debris bins, metal debris bins, dust and material collection bins? This clarification would be helpful so that it is not left up to the interpretation of the permit holder. Is it Ecology's intent to make the absence of lids on dumpsters a permit violation? Lack of dumpster lids should not cause a violation unless it was noted by inspectors over several inspections. Additionally, if dumpsters are under cover, or inside a building it would not seem necessary to have lids.	SWPPP	Dumpsters	S3.B.3.b.i.3.c	Permit allows SWPPP to exclude required BMPs if "if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. Ecology has also added clarifying language regarding covered dumpsters: c) All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit. Revise S3.B.4.b.i.3.c: All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.
Port of Vancouver	S3.B.3.b.i.5.d states that, "Storm drains that receive runoff from areas where fueling is conducted shall be blocked, plugged or covered during fueling." Does this include areas where mobile fueling is conducted? Ecology needs to clarify this in the permit language.	SWPPP	SPECP	S3.B.3.b.i.5.d	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Port of Vancouver	S3.B.4 states that, "The SWPPP shall describe the BMPs necessary to prevent the erosion of soils and other earthen materials (crushed rock/gravel, etc.) and prevent off-site turbidity and sedimentation." These BMPs should only be a requirement for facilities that have pervious surfaces (with the exception of pervious pavement or pavers), as it does not apply to facilities that are completely paved. Fully paved sites do not have soils, rock or gravel that would erode into stormwater systems.	SWPPP	Erosion and sediment control	S3.B.4.a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Port of Vancouver	S5.A.2.Table 2 states that the previous oil and grease testing will be replaced with a visible inspection for oil sheen. Although this will reduce permittee's lab costs associated with the permit, it may increase detections due to false positive inspections. Many times sheen is visible in water, but it is not associated with an oil or petroleum product. Organics in the water can produce sheens that can easily be mistaken for oil sheen. In the Port's experience, oil and grease has not been a problem based on laboratory testing results. But changing to visible inspections may undeservingly create one in the future. The Port suggests a requirement that sheen be reported as part of the quarterly outfall inspection and if sheen is found then the permittee must test for oil and grease. Having the actual test result will provide documentation of whether the sheen is actually contributing to a water quality problem. If test results do indicate a result over the previous benchmark of 15 mg/L, only then should it be considered an exceedance potentially requiring action. In summary, visible sheen should only be an indicator (trigger?) of whether or not to sample and test for oil and grease.	Benchmark	Oil Sheen	S5.A.2. Table 2	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Port of Vancouver	S5. Benchmarks and Effluent Limitations S5.A.2.Table 2 states that the new benchmark value for total zinc in Western Washington will be 200 ug/L. This level is too low to be unachievable by many permit holders. Zinc sources are abundant and most are unavoidable. Furthermore in some situations zinc is not a cause of actual industrial activities, but from building materials, transportation, and fencing. The effects of the new zinc benchmark will unfairly require implementation of costly BMPs that are not required of other equivalent or more substantial sources of zinc not subject to the industrial permit. The same issue applies to the lowering of the copper and lead benchmarks. Permittee's want to be in compliance, but when the benchmark values become as low as this, it makes it very difficult and impractical for permittees to find the funding needed install treatment BMPs that will consistently keep them below these values.	Benchmark	Zinc	S5.A.2. Table 2	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Current state and federal water quality laws do not allow limitations in NPDES permits to be raised to levels that could cause aquatic toxicity in receiving waters while regulatory mechanisms are established to eventually phase out various products that tend to cause stormwater contamination at industrial facilities.	Yes	Numerous changes to S8 Corrective Actions.
Port of Vancouver	S5.A.2.Table 2 states that the new low range value for pH will be increased from 5.0 to 6.0. There are occasions where rainwater, before coming in contact with the ground is already below 6.0 S.U. By increasing this benchmark value, many facilities will be required to implement treatment for pH even though their operations have not adversely affected the pH level of the runoff. The value of the pH benchmark should remain at the current level of 5-9 So.	Benchmark	pH	S5.A.2. Table 2	Since rainfall in Washington State commonly occurs outside of the range of 6-9 s.u., Ecology has decided to revise the pH benchmark to 5-9 s.u., as discharges within this range are very unlikely to cause a violation of the water quality standards for pH.	Yes	Revise pH benchmark from 6-9 to 5-9.
Port of Vancouver	S7. Inspections S7.A.1 states that, "The permittee shall conduct and document in the SWPPP visual inspections of the site each month." Conducting monthly inspections of the site will be costly and may not be warranted for all permittees. The Port suggests that monthly inspections only be required once a permittee has triggered a Level 3 Corrective Action.	Inspections	Inspection Frequency	S7.A.1	Ecology believes that monthly site inspections are a proactive and cost effective way of preventing stormwater pollution. Ecology has decided to reduce complexity and confusion by applying this requirement to all sites rather than just those at various levels of adaptive management.	No	
Port of Vancouver	S8.Corrective Actions General Comments: The fundamental problem with the Corrective Actions section of the draft permit is that any combination of benchmark exceedances triggers corrective action, instead of multiple exceedances for a particular parameter. This will increase the number of Corrective Actions but has little potential to improve water quality. For example, a permittee may have a pH exceedance one quarter, turbidity the next, oil & grease the next, and so on. Random and unconnected benchmark exceedances will not allow permittees to address real problems with their stormwater systems using BMPs. Instead, it will lead to "wild goose chases" for one-time issues. The permit should only require corrective action for repeated exceedances of the same parameter or, perhaps, for parameters that are potentially connected. In addition, Ecology should re-evaluate the deadlines for the Corrective Actions - starting with the Level 1 Corrective Action - to give the permittee time to evaluate the effectiveness of BMPs before being automatically put into a Level 2 or 3. The time frame in the draft permit will not give the permittee a full understanding of whether or not the Level 1 or 2 BMPs are actually working before having to apply new, additional BMPs.	Corrective Actions	Timeline	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Port of Vancouver	S8.B.4.c and SB.C.4.c state that, "To request a time extension or waiver, a permittee shall submit an Application for Coverage form to Ecology in accordance with condition S2.B, at least 90 days prior to the applicable Corrective Action Deadline, requesting "Modification of Coverage". Within 60 days of receipt of a complete Modification of Coverage request, Ecology will approve or deny the request." These deadlines will be very difficult for many facilities to meet, the deadlines should be re-evaluated with a more realistic timeframe. Also, how does a permittee stay in compliance during this "Modification" period?	Corrective Actions	Waivers	S8.B.4.c; S8.C.4.c	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Port of Vancouver	S8.D.1.Table 6 states the Corrective Action deadlines. These deadlines will be very difficult for facilities to meet. Ecology would only be giving a permit holder 1 ½ months to complete their Level 1 Corrective Actions after submitting the quarterly discharge monitoring report. The permit holder is only given 4 ½ months to have Level 2 and 3 Corrective Actions completed. Level 2 and 3 Corrective Actions that include treatment and structural BMPs can take much longer than 4 ½ months because they would potentially involve state or local permitting, budget approval and construction associated with implementation. The SEPA process for a project like this alone could take 2 months before construction is even started; in addition there could be other permits required by the city or state, such as a grading permit or a construction stormwater permit which also has its own approval timeline. For larger, more complex structural changes, it can take much longer than 4 ½ months to secure the funds needed for such a project, but these are exactly the type of projects that can lead to huge improvements in water quality. Some facilities may even need to have projects of this nature budgeted in the previous budget year. The Port suggests that these deadlines be increased to provide adequate time to secure the proper funding, complete design stage, obtain proper permits, hire general contractor for construction, and complete installation. The permit should maintain the deadlines that are currently used in the permit for Level 2 and Level 3 responses (6 months and 1 year).	Corrective Actions	Timeline	S8.D.1 Table 6	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Port of Vancouver	S8.D.I.a.i states that, "When a facility triggers a Level 4 Corrective Action, Ecology will take one or more of the following actions: Issue an administrative order, requiring permittee to: i. Submit a receiving water study." Ecology needs to define more clearly what a "receiving water study" is, what it requires the permit holder to have studied and what Ecology intends to do with this information (i.e. what is the purpose of performing a receiving water study?).	Corrective Actions	Level 4	S8.D.1.a.i	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Port of Vancouver	The Port of Vancouver supports Ecology's efforts to improve stormwater quality as set forth in this permit and applauds your efforts to streamline and simplify the permit.	General	Support	N/A	Ecology sincerely appreciates the support.	No	
Precision Iron Works	The permit has extensive requirements to identify and install best management practices from the Stormwater technical manual to achieve All Known and Reasonable Treatment Technology (AKART). To be honest we just don't have the capital to implement all the best management practices that it calls for in the manual.	General	AKART	S3	AKART requirements appear in many Washington water pollution control statutes and regulations, including RCW 90.48.010, 90.48.520, and 90.52.040 and WAC 173-201A-070, 173-216-020 and 173-216-110. It would be unlawful for the permit to not require dischargers to implement AKART. Specifically, WAC 173-216-110 states, in relevant part: *(1) Any permit issued by the department shall specify conditions necessary to prevent and control waste discharges into the waters of the state, including the following, whenever applicable: (a) All known, available and reasonable methods of prevention, control and treatment* [AKART];	No	
Precision Iron Works	This permit is 71 pages long with a 119 pages of Fact Sheet and has 58 requirements in it for me to comply with. This is extremely troublesome and concerning to us because we are going to have to hire a consultant to come into our business and evaluate how we are going to attain these impossible new benchmarks that you have set	General	Complexity	S5	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
Precision Iron Works	This permit changes the action levels at which I must increase my stormwater management response. The new levels are so strict that based on industry norms it is probable that we will need to install an extensive new treatment system.	Benchmark	Too Stringent	S8.C	A general permit that covers over 1,200 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit. Provisions exist to obtain waivers if a permittees feels that benchmark exceedance don't necessarily warrant additional BMPs if the facilities current level of stormwater management does not pose a risk to the receiving water, based on site specific conditions.	No	

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Puget Sound Energy	The draft ISGP in Condition S3.B.3 establishes a new mandatory best management practice (BMP) by stating "The permittee shall vacuum paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated pollutants a minimum of once per quarter." However, the Draft Fact Sheet describes S3.B.3 as having a greater required frequency with "Specified mandatory BMPs, including monthly vacuum sweeping…" PSE seeks to clarify that the intended frequency for sweeping will be no greater than quarterly. Flexibility should be left in the ISGP to determine the adequate frequency of sweeping. Monthly, or even quarterly, vacuum sweeping may be more than is necessary for some facilities to attain benchmark values and to not cause violation of State surface water quality criteria.	SWPPP	Vacuum Sweeper	S3.B.3	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Puget Sound Energy	PSE wishes to express its support for the change in stormwater sampling requirements to allow sampling anytime during stormwater discharge from the facility and for the elimination of the conditions for sampling during first hour of discharge, after 24 hours of dry weather, and for a storm event of at least 0.1 inches of rainfall in a 24-hour period. The change will be a much needed simplification of the stormwater sampling process.	Sampling	Sampling Criteria	S4	Ecology has revised the criteria for sampling.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.
Puget Sound Energy	PSE supports the increase in the zinc benchmark from 117 ug/L to 200 ug/L in Western Washington and 255 ug/L in Eastern Washington. Zinc is a ubiquitous compound at facilities of all types due to its widespread use in common materials (e.g., galvanized fencing, galvanized piping, roofing materials, tire wear), and the zinc benchmark value should therefore reflect reasonable expectations of stormwater dilution as is discussed in Ecology's Draft ISGP fact Sheet.	Benchmark	Zinc	S5.A.	Ecology appreciates the comment.	No	
Puget Sound Energy	The change in triggering Level 2, Level 3, and now Level 4 Corrective Actions by exceeding benchmark values, rather than by higher "action levels" poses a concern, especially for turbidity. The benchmark for turbidity is proposed to remain at 25 NTU, which is representative of very clear water, and action levels are proposed to be eliminated. Currently, measurements of turbidity above 25 NTU benchmark but below 50 NTU action level would trigger a Level 1 response but could not trigger a Level 2 or higher responses. That approach seems appropriate given that turbidity values between 25 and 50 NTU are a possible concern worthy of further (e.g. Level 1) examination but in many cases would not come close to causing a violation of State surface water quality standards in the receiving water. If this proposed permit change becomes effective, it could entail costly and onerous Level 2, 3 or 4 Corrective Actions for those facilities with minor benchmark exceedances. PSE appreciates Ecology's efforts to simplify the permit, but Ecology has provided no apparent justification for the decrease in the trigger for higher level response actions from 50 to 25 NTU. PSE requests that the trigger value for the Level 2 and especially Level 3 and Level 4 Corrective Actions, (whether or not it is called an action level) remain at 50 NTU.	Benchmark	Turbidity	S5.A.2	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Puget Sound Energy	PSE also supports the proposed change to eliminate the need to sample copper and lead for most of the industry types and limiting sampling of those metals to select industries. Given the common presence of zinc, it can be an unnecessary cost to monitor for copper and lead based on just two exceedances of the zinc benchmark.	Benchmark	Copper and Lead Exception	S5.B.	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Sound Energy	Proposed Condition S7.A.1 would require that visual inspections of the facility be conducted and documented in the SWPPP each month. PSE personnel routinely monitor the facility conditions and would act to quickly address any identified pollutant source or inadequate stormwater BMP. However, the addition to the ISGP of a formal monthly monitoring event and documentation and recordkeeping of those monthly inspections becomes an added administrative task and exposes the Permittee to a greater risk of enforcement action by Ecology or a lawsuit by a third-party environmental group for paperwork issues versus actual water quality issues. PSE requests that formal visual inspections be maintained at the current quarterly frequency plus the annual dry season inspection.	Inspections	Inspection Frequency	S7.A.1	Ecology believes that monthly site inspections are a proactive and cost effective way of preventing stormwater pollution, and has decided to retain the monthly inspection frequency.	No	

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Puget Sound Energy	Proposed Condition S7.A.2 would require, beginning January 1, 2012, that visual inspections be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. Given that the personnel currently responsible for stormwater visual inspections and monitoring do not meet these criteria and that (due to vacations, illness and other reasons), multiple personnel at each facility may be called upon to conduct the visual inspections, this proposed change would impose a significant added training cost to the Permit holder. PSE requests that the personnel conducting visual monitoring inspections continue to receive annual ISGP and SWPPP training, as required by the current permit, but that additional certification type training or licensing not be required.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition G8. Duty to Reapply. Permittees must apply for permit renewal at least 180 days before the expiration of the permit. WAC 173-226-210.	General Conditions	Duty to Reapply	G8	Ecology agrees with the comment, and G8 will require reapplication 180 days before expiration.	Yes	G8: add "180 days"
Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Condition S1.F.1.a states that Ecology will automatically grant No Exposure exemptions 60 days after receipt of a complete and accurate No Exposure Certification Form from any permittee, unless Ecology notifies the permittee in writing. Condition S1.F.1.b states that Ecology will automatically terminate permit coverage when it grants a No Exposure exemption to a permitted facility. PSA is concerned that Ecology will allow permittees to obtain No Exposure exemptions and permit terminations without any oversight or inspections from Ecology ensuring that the permittees meet the requisite standards.	Permit Coverage	No exposure	S1.F	Ecology typically conducts an inspection of facilities seeking No Exposure Exemptions, although it is not a statutory requirement.	No	
Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Will Ecology conduct an inspection of each facility that submits a No Exposure Certification Form to ensure that it meets the requirements of Permit Condition S.13 ("Notice of Termination") before terminating a facility's ISGP permit?	Permit Coverage	No exposure	S1.F	Ecology typically conducts an inspection of facilities seeking No Exposure Exemptions. The NOT criteria in S.13 do not apply to facilities seeking No Exposure Exemptions, and therefore are not a consideration in Ecology inspection.	No	
Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Will Ecology conduct an inspection of each facility that submits a No Exposure Certification Form to ensure that it meets the requirements of 40 C.F.R. § 122.26(g) before granting a No Exposure exemption to the facility?	Permit Coverage	No exposure	S1.F	Ecology typically conducts an inspection of facilities seeking No Exposure Exemptions, although it is not a statutory requirement.	No	
Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	What is the intent of Ecology with respect to the nature and detail to be made available to the public when a permittee requests modification of the ISGP permit terms as applied to the permittee, either for significant process changes, or for changes to adaptive management requirements under S8., or otherwise? PSA believes that the public notice should include details of the modification requested and the basis for the request. Does Ecology agree? If not, why not? If so, PSA is concerned that the S2.B.2. requirement for public notice is inadequate. S2.B.2. states that the permittee need only comply with the requirements of WAC 173-226-130(5), which, at -130(5)(b) - requires only that the public notice contain identification of the permittee, identification of the activities that result in a discharge, the name of the permit under which coverage is requested, and a statement about the opportunity for public comment. Please explain and describe the requirements for the contents and methods of the public notice for modifications of permit coverage, where these requirements are found, and how they adequately inform the public of the nature and reasons for the changes in permit coverage requested.	Permit Coverage	Modification of coverage	S2.B	Ecology's Modification of Coverage form will include a public notice template to ensure that the nature of the permittee's modification request is explained in sufficient detail.	No	

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Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	PSA strongly objects to draft ISGP Condition S3.B.3.b, which allows permittees until July 1, 2010, to incorporate all required BMPs into their SWPPPs and to ensure that the BMPs are implemented. Under the current ISGP, each permittee is already required to have an updated SWPPP. The draft ISGP only requires minor changes to each permittee's SWPPP, and permittees are already on notice of the future required changes to their SWPPPs through Ecology's release of the draft ISGP, and will be provided with additional advance notice due to the expected extended period between permit issuance and effective dates. It is unreasonable for Ecology to allow permittees until July 1, 2010, to incorporate all required BMPs into their SWPPPs – Ecology should require all permittees to incorporate all required BMPs into their SWPPPs (and to implement them) starting on the effective date of the permit. What BMPs does the draft permit require permittees to implement at their facilities during the period from January 1, 2010 to July 1, 2010? How does the draft ISGP ensure that discharges from permittees do not cause or contribute to violations of a water quality standard during the period of January 1, 2010 to July 1, 2010? How does it ensure that permittees continue to implement AKART during this period? What options has Ecology considered for notifying ISGP permittees of the changes to the SWPPP requirements in the draft ISGP in advance of the January 1, 2010 effective date? Has Ecology selected any of these options? Why or why not?	SWPPP	SWPPP timeline	S3.B.3.b	Ecology thinks it would be unreasonable to require instantaneous compliance with the new SWPPP/BMP requirements in the permit, therefore will retain the July 1, 2010 deadline to upgrade the SWPPP. Ecology added language to clarify the SWPPP requirements that apply prior to June 30, 2010.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Furthermore, the draft ISGP does not clearly state what BMPs (if any) are required of permittees from January 1, 2010, until July 1, 2010. From January 1, 2010 to July 1, 2010, the draft permit does not require implementation of AKART, much less ensure that discharges will not cause or contribute to violations of water quality standards. It is absolutely outrageous that Ecology proposes to allow permittees to stop implementing BMPs and SWPPPs, albeit for a six month period, that have already been required for years by previous ISGPs. Please explain Ecology's rationale for this and the legal basis to suspend the basic technology-based requirements that have been in place for years.	Permit Coverage	SWPPP timeline	S3.B.3.b	Ecology will retain the July 1, 2010 deadline to upgrade SWPPP. Ecology added language to clarify the SWPPP requirements prior to June 30, 2010.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Puget Sound keeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Must the sampling plan identify all points of discharge from the site?	SWPPP	Sampling Points	S3.B.5.	Yes, all discharge points must be identified.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Appendix 2 – Definitions. "Facility". The definition of "facility" does not make sense: "Facility means any industrial activity identified in Condition S.1 including, but not limited to associated land, structures, stormwater, conveyance systems, and appurtenances. Including those aspects separated by distance." Ecology should correct this definition.	Definitions	Facility	Appendix 2	Ecology has revised the definition to be consistent with the EPA MSGP: "*any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2* ".	Yes	Change definition of facility to: "any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2".

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	According to the Industrial Stormwater General Permit Fact Sheet, June 3, 2009, Comment Draft ("ISGP Fact Sheet") at pp.46-47, the critical period for both acute and chronic toxicity is the stormwater discharge that occurs after the summer dry period, identified as approximately October 1. However, the draft ISGP requires no sample collection and analysis of a discharge from this first seasonal flush. Instead, only quarterly sampling is required, which allows a permittee to avoid taking a sample during critical discharge conditions when sampling is mostly likely be indicative of contamination and discharge quality problems. Furthermore, in the appeal of the previous ISGP, the PCHB specifically ordered Ecology to require in the ISGP statewide sampling of the first fall storm event. Puget Soundkeeper Alliance et al. v. Washington State, Department of Ecology, PCHB Nos. 02-163 and 02-164 (August 4, 2003) ("2003 ISGP decision"). It is outrageous that Ecology is apparently choosing to disregard the clear order of the PCHB as concerns the monitoring requirements in the ISGP, especially when Ecology admits that the first fall storm event represents the critical conditions for both acute and chronic toxicity of the regulated discharges. Please explain the factual and legal basis for Ecology's disregard of the PCHB's order. Ecology's choice to disregard this order makes a mockery of the rights of the public to participate in the permit process through appeal to the PCHB, and may constitute a strong argument for withdrawal of the NPDES permit program delegation. Should Ecology decline to abide by the orders of the PCHB, PSA may resort directly to the superior court for an order to stay the permit and to have Ecology comply with the PCHB's explicit directive. PSA suggests that the sampling requirement be supplemented with a requirement to sample the first discharge after the summer dry period to make a total of five annual sample events as recommended by the Herrera Evaluation.	Sampling	First Seasonal Flush	S4	Ecology agrees and will incorporate comment per Puget Soundkeeper Alliance et al. v. Washington State, Department of Ecology, PCHB Nos. 02-163 and 02-164 (August 4, 2003) ("2003 ISGP decision").	Yes	Revise S4.B.1.b: b. Permittees shall sample the stormwater discharge from the first fall storm event each year. "First fall storm event" means the first time after October 1st of each year that precipitation occurs and results in a stormwater discharge from a facility.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	S4.B.1.b. requires the permittee to obtain "representative" samples. "Representative sample" is defined as "a sample of the discharge that accurately characterizes stormwater runoff generated in the designated drainage areas of the facility." PSA is concerned that there is nothing in the permit that clearly requires samples to be representative of the discharge from the facility as a whole. A facility can consist of numerous "drainage areas," some of which are likely to be of differing sizes and levels of stormwater pollutant generation potential. S4.B.2.c. is confusing and unclear with respect to which point of discharge must be sampled. For example, what are "pollutant types"? The basic requirement that each distinct point of discharge off site must be sampled and separately analyzed is sound, but the exception is poorly worded. Who determines which points of discharge are to be sampled if fewer than all are to be sampled, and how is this determination made? If the determination is to be made by someone other than Ecology, will Ecology review these determinations or require them to meet some specific standard? What standard? PSA urges that sampling at all points of discharge off site be required until an adequate number of samples are collected, perhaps 8 samples, to see whether any points of discharge are adequately characterized by others and thus their removal from the sampling plan justified. The selection of the sampling location for permittees with multiple points of discharge off site is, in PSA's experience, a significant opportunity for permittee gamesmanship offering much potential for permittees to hide the most contaminated discharge streams. The loose wording of these permit conditions would allow this gamesmanship. The S4.B.2.c. exception from all points sampling does not even require sampling of the discharge point with the highest pollutant concentrations, stating only that the permittee may sample only this point. These conditions are very sloppy and need careful examination and reconstruction with the input of Ecology ISGP inspectors and enforcement staff.	Sampling	Representative Samples	S4.B.1.b.	To provide additional clarity, S3.B.5.B&D and S4.B.2 were revised to provide additional clarity on sampling locations, and how permittees document decisions not to sample outfalls that are substantially similar to others being sampled.	Yes	Revise S3.B.5.B: (If applicable) Include documentation of why each discharge point is not sampled per S4.B.2.c, because the pollutant concentrations at one or more discharge points are substantially identical: A. Location of which discharge points are not sampled because the pollutant concentrations are substantially identical to a discharge point being sampled; B. Description of the general industrial activities conducted in the drainage area of each discharge point; C. Description of the Best Management Practices conducted in the drainage area of each outfall;

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							D. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges; E. A description of the impervious surfaces in the drainage area that could affect the percolation of stormwater runoff into the ground (e.g., asphalt, crushed rock, grass, etc.); and F. Why the discharge points are expected to discharge substantially identical effluents. Delete: S3.B.5.d Revise S4.B.2.c: The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. If two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions) permittees may monitor the effluent of just one of the outfalls.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	May permittees take samples on-site, for example in a catch basin on-site? S4.B.2.e. appears to disallow this. Please clarify where samples must be taken.	Sampling	Sampling Locations	S4.B.2.e.	The intent is to ensure that the samples reflect "post-treatment" stormwater quality. This condition has been struck to reduce confusion, but will be addressed in guidance materials.	Yes	Delete: ~~The Permittee shall take all samples after the stormwater passes through on-site BMPs, as close to the point of discharge off-site that can be achieved safely.~~
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	How does Ecology justify reducing the monitoring requirements for oil and grease in the draft permit as compared to the current ISGP?	Sampling	oil sheen	S5	The draft permit changes, but not reduces, the monitoring requirements to better detect the presence of oil and petroleum products in stormwater discharges. The rationale is provided in the fact sheet. Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	The prohibition on oil sheen in S5.F.1. is similarly vague. Please explain where and under what conditions an oil sheen indicates a violation via this condition.	Sampling	oil sheen	S5	The presence of oil sheen would be evaluated at the stormwater sampling location (e.g., discharge point, storm drain inlet, etc.) where other grab samples are collected.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	The S5.A. requirement to monitor visible oil sheen is unclear. Where is the monitoring to take place, at the point of discharge only, in any water on the ground of the site, in catch basins? What if the discharge is rapidly flowing water, in which a visible sheen may never been seen no matter how much oil is in the discharge? For how long and over what area must a permittee look for a visible sheen? Must a supplemental light source, flashlight or other, be used if daylight is low? How much sheen is visible sheen? Does a thin thread of apparently oily surface constitute a visible sheen? PSA is concerned that this requirement is so vague as to be meaningless.	Sampling	oil sheen	S5	The presence of oil sheen would be evaluated at the stormwater sampling location (e.g., discharge point, storm drain inlet, etc.) where other grab samples are collected. Ecology believes that the presence of a visible oil sheen at a stormwater discharge location could indicate a failure of BMPs to prevent water pollution, and therefore a reasonable and prudent requirement.	No	

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology's use of Dilution Factors in benchmark calculations: Ecology claims that its use of a dilution factor in the calculation of benchmarks in the ISGP does not result in granting mixing zones to all permittees. ("The use of a dilution factor in deriving the benchmark is not considered authorization of a mixing zone…". ISGP Fact Sheet at pp.74-75). This claim is not consistent with the boatyard permit case. In the Findings of Fact, Conclusions of Law, and Order, the PCHB explained how using a dilution factor in the calculation of a benchmark implicates mixing zones in the context of the Boatyard General Permit ("BGP"): "[a]lthough Ecology has not specifically articulated a grant of a mixing zone in the 2005 BGP, it derived the copper benchmarks from the same variables used to formulate site-specific mixing zones in individual permits, particularly a dilution factor." Puget Soundkeeper Alliance et al. v. State of Washington, Department of Ecology, PCHB Nos. 05-150, 151, 06-034, and 06-040 (January 26, 2007), at p. 50. The PCHB then rejected Ecology's use of a dilution factor in calculating benchmarks – not only could Ecology not show that it had performed any site-specific analysis, but there was evidence of a lack of BMP implementation among the permittees: "the grant of a mixing zone to formulate effluent limitations (i.e., benchmarks) is not warranted in circumstances where there is a lack of application of AKART and evidence of widespread, ongoing violations of water quality standards." Id. at p.51. In other words, compliance with the BGP was such that Ecology could not meet the requirements of WAC 197-201A-400.	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	What does Ecology mean by its statement at pages 74-75 in the ISGP Fact Sheet that "Ecology has determined that a modest dilution factor 5 is consistent with WAC 197-201A-400"?	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	How did Ecology select which SIC codes will be required to sample for TPH? Why does Ecology not require all permittees to sample for TPH?	Sampling	TPH	S5	Ecology based the TPH sampling requirements on best professional judgment that these pollutants are reasonably likely to be present in stormwater discharges from facilities in the applicable industrial sectors.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	PSA objects to Ecology's decision to discontinue laboratory testing for oil and grease and to limit Total Petroleum Hydrocarbons ("TPH") sampling to approximately one-fourth of ISGP permittees. Ecology should retain the requirement for permittees to submit stormwater samples to laboratories for analysis of oil and grease.	Sampling	Oil & Grease	S5	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	The Phase 1 Report considered oil and grease to be a "chemical of concern", and found that by far, the largest source of oil and petroleum products loading in Puget Sound is from surface runoff – over 99 %, or a total of 22,580 metric tons/year. Phase 1 Report at pp. 5-6. Furthermore, the Phase 2 Report found that the commercial/industrial land use category had the highest median concentration of TPH at 6,000 ug/L. Phase 2 Report at p. 16. While this category is not the largest contributor of loading of petroleum products in the Sound3, the high median of TPH in commercial/industrial runoff discharges nonetheless confirms that these facilities are significant dischargers of this parameter into Puget Sound.	Sampling	Oil & Grease	S5	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	PSA is concerned with Ecology's proposal to reduce monitoring of this parameter to an inspection for visible sheen in discharges. In our experience, very few, permittees admit to having seen a sheen on their discharge in their quarterly visual inspections. While this may be due to proper housekeeping at permittee sites, we suspect that some dischargers are not as careful in their observation of this condition as is required. This suspicion is reinforced by Ecology estimates that the majority of permittees are not complying with permit conditions. See 2008 Survey; and email from Jeff Killelea to Work Group, particularly "Current ISWGP DMR Submittal Rates" attachment (September 24, 2008). Requiring permittees to send stormwater samples to a lab adds objectivity to the monitoring of this parameter that is appropriate in light of its presence in stormwater and the Sound. As with copper, PSA is disappointed that Ecology would diminish monitoring and regulation of a parameter in the face of evidence indicating that the commercial/industrial sector, in particular, is a discharging oil and grease in high concentrations. This, in turn, implicates the same legal considerations regarding Ecology's responsibility under the CWA as described in the copper monitoring section above.	Sampling	Oil & Grease	S5	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	PSA is also concerned that reducing the monitoring requirements for oil and grease may constitute prohibited backsliding. Pursuant to 33 U.S.C. § 1342(o) and 40 C.F.R. § 122.44(l), effluent limitations in renewed or reissued permits must not be less stringent than in the previous permit, with several exceptions that do not apply here. Information gathered during the current permit term, described above, shows that oil and grease (and petroleum generally) remains a prevalent pollutant in stormwater runoff into the Sound. However, Ecology is relaxing the permit's regulation of this parameter. Under the current permit, permittees are required to visually monitor for oil and grease sheen on a quarterly basis and measure the amount of oil and grease in discharge on a quarterly basis through laboratory testing. Under the draft permit, permittees must only visually monitor for oil and grease sheen. This constitutes a reduction in the stringency of permit terms regulating this important parameter.	Sampling	Oil & Grease	S5	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Similar to the BGP, Ecology has documented a lack of application of AKART and a lack of permit compliance by the ISGP permittees which would make application of a dilution factor and a general mixing zone inappropriate and illegal. On average, Ecology inspectors estimate that only 34% of permittees have a Stormwater Pollution Prevention Plan ("SWPPP") on site, and that only 21% of those SWPPPs (on average) meet permit requirements. Washington State Department of Ecology, 2008 Survey of Ecology Inspection and Enforcement Staff (distributed to Work Group members) ("2008 Survey"). Ecology has also found that only 60-70% of ISGP permittees can identify one or more BMPs that were maintained to manage stormwater. ISGP Fact Sheet at p.36. Ecology's own analysis shows that only between 56-71% of permittees submit their DMRs to Ecology each quarter as required. Email from Jeff Killelea to Work Group, "Current ISWGP DMR Submittal Rates" attachment (September 24, 2008). In addition, Ecology inspectors have found that ISGP permittees don't know how to select proper BMPs for their SWPPPs and don't implement BMPs after they select them. 2008 Survey. In sum, Ecology concludes that "no more than 10 percent [of ISGP permittees] would be considered in full compliance with all permit requirements." ISGP Fact Sheet at p. 37.	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. Although Ecology is not formally granting a mixing zone in the general permit, it believes that the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201 A-400.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	PSA is also concerned with Ecology's characterization of the dilution factor of 5 that it used to calculate the draft ISGP benchmarks as "modest". ISGP Fact Sheet at pp. 74-75. The use of this "modest" dilution factor has quadrupled the zinc benchmark from between 45-50 ug/L to 200 ug/L (for Western Washington). Water Quality Risk Evaluation for Proposed Benchmarks/Action Levels in the Industrial Stormwater General Permit, Herrera Environmental Consultants (Feb. 9, 2009) (comparing benchmark levels at different dilution factors, and assuming a 10% risk of violating receiving water quality, a zinc benchmark with a dilution factor of 1 is between 45-50 ug/L, while a zinc benchmark with a dilution factor of 5 is 200 ug/L). The use of any dilution factor is prohibited and inappropriate in benchmark calculations for general permits, no matter how "modest".	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	On what legal basis is Ecology relying for its inclusion of dilution factors in the calculation of benchmarks for the draft ISGP?	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Is it Ecology's position that small or "modest" dilution factors are legally acceptable in general permit benchmark calculations, while larger dilution factors are not? If so, why?	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	If Ecology does use dilution factors in the establishment of benchmarks for this permit, essentially authorizing mixing zones, it may not do so in a manner that sidesteps the requirements of the mixing zone regulation. Both the PCHB, in the 2003 ISGP litigation and the boatyard permit case, and the legislature, in RCW 90.48.555(12), have explicitly prohibited the authorization of mixing zones in general permits without adherence to the mixing zone regulations. Besides merely exclaiming that it does not authorize mixing zones in the ISGP, how does Ecology explain its proposed use of dilution factors as other than an effort to sidestep these well-explored legal requirements? This course makes a mockery of the public participation process through which PSA has secured orders and clarifications through the PCHB prohibiting exactly what Ecology is doing with dilution factors. Ecology also effectively renegs on the understanding that Ecology, the permittees, and the environmental community reached in resolving the appeal of the previous ISGP in the development of RCW 90.48.555. PSA is learning that Ecology simply can not be trusted to abide by its agreements, or, for that matter, to implement the law as it is plainly required to do. This does not bode well for the potential for the future of negotiated resolutions of contested issues concerning programmatic decisions about Ecology's water quality program. Ecology's failure to follow the law in the face of inconvenience or expense to the regulated community leaves it to PSA and other conservationists to expend great efforts and resources to use legal machinery, again and again, to force Ecology to do its job.	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Furthermore, in addressing the use of mixing zones and dilution factors in the ISGP, the PCHB has directed that the permittees must be required to conduct receiving water monitoring when it is feasible and there might be a significant environmental risk. Puget Soundkeeper Alliance et al. v. State of Washington, Department of Ecology, PCHB Nos. 02-163 and 02-164 (August 4, 2003). Ecology is also attempting to sidestep this requirement in this ISGP. If dilution is to be used in setting the benchmarks, receiving water monitoring must be required.	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	The Phase 1 Report's found that 77% (or 344 metric tons/year) of the zinc loading to the Puget Sound Basin is from runoff. Phase 1 Report at p. 5. Furthermore, the second phase of that report1 ("Phase 2 Report") confirmed that runoff from commercial/industrial land use category has the highest median zinc concentrations at 120 ug/L. Phase 2 Report at p. 14. This is well above the acute water quality standards in marine water for zinc of 90 ug/L. Commerical/industrial areas are the second largest source of zinc loading into the Sound. Phase 2 Report at p. 19. Clearly, the commercial/industrial sector should be regulated so as to control discharges of zinc in its stormwater even more effectively. However, in the face of this information, Ecology has chosen to raise the zinc benchmark by 83 ug/L. If anything, Ecology should be lowering the zinc benchmark in the ISGP in recognition of the commercial/industrial sector contribution to zinc loading in Puget Sound.	Benchmarks	Zinc	S5	While Ecology understands the basis for this comment, previous PCHB rulings require such a permit modification (with public notice, etc.) in order the change or waive the applicability of permit conditions to an individual facility under the general permit.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	The ISGP Fact Sheet indicates that permittees in many SIC codes are discharging significant levels of copper – not just permittees in the SIC codes that must monitor for copper under the draft permit (33xx, 10xx, 5015, 5093, and 34xx SIC codes). ISGP Fact Sheet, pp. 6-34. The ISGP Fact Sheet shows that permittees in the 17xx SIC code, for instance exceeded the copper benchmark 67% of the time, and the copper action level 33% of the time, during the period for which data is available. ISGP Fact Sheet at p. 9. Permittees in the 22xx exceeded the copper 33% of the time. ISGP Fact Sheet at p. 30. In all, almost every SIC code for which Ecology has data shows permittee exceedences of the copper benchmark, and often of the copper action level as well. However, Ecology exempts the vast majority (75%) of ISGP dischargers from the requirement to monitor for copper, despite this evidence that dischargers across all SIC codes are exceeding the benchmark and action levels and are therefore likely to be causing or contributing to violations of the copper water quality standard.	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Both the Phase 1 Report and the Phase 2 Report also point to stormwater as a major source of copper loading into Puget Sound. The Phase 1 Report found that 62% of copper loading, or 102 metric tons/year, to the Puget Sound Basin is from runoff. Phase 1 Report at pp. 5-6. While the Phase 2 Report found that commercial/industrial sources may not be the largest sources of copper loading, it determined that runoff from the commercial/industrial land use category had the highest median concentrations of copper (25 ug/L). Phase 2 Report at pp. 14; 19. From an "end of the pipe" perspective, this study highlights commercial/industrial stormwater dischargers (as a whole) as significant dischargers of this pollutant. PSA is astounded that, in light of this information, Ecology proposes to decrease regulation and monitoring of copper in stormwater for industrial permittees.	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	There is clearly a reasonable potential for copper to cause or contribute to violations of water quality standards. Ecology is therefore required to include in the ISGP limitations for this parameter to ensure that discharges do not cause or contribute to violations of water quality standards for that parameter. 40 C.F.R. § 122.44; RCW 90.48.555. What are the results of Ecology's analysis of the reasonable potential for copper in ISGP discharges to cause or contribute to violations of water quality standards? Please explain how this analysis was performed. Is Ecology aware that the National Marine Fisheries Service objected to the 14 ug/L copper benchmark included in EPA's draft industrial stormwater general permit on the basis of impacts on the type of Pacific salmon found in many of the waters to which discharges are authorized under the ISGP? How did Ecology consider this expert opinion from the agency charged with protecting threatened and endangered salmon? Does Ecology disagree with NMFS' position? If so, what is the basis of Ecology's disagreement? If not, how does it justify the draft ISGP copper benchmark of 14ug/L? What data and analysis supports Ecology's apparent position that the zinc benchmark of 200 ug/L will ensure that copper discharges above 14 ug/L are detected and appropriate adaptive management responses initiated? Ecology's apparent approach of relying solely upon BMP selection and implementation for controlling copper for approximately 75% of ISGP permittees is inadequate. Without any requirement to monitor discharges for copper, there is no way of gauging the effectiveness of BMPs in preventing copper in stormwater discharge. Furthermore, with no copper benchmark, there is no adaptive management requirement for these permittees even if they are aware of large concentrations of copper in their discharges. Relying on the requirement of Condition S3 of the draft permit that all SWPPPs contain BMPs necessary to comply with AKART and state water quality standards is simply not providing meaningful guidance for most permittees. The available evidence suggests that permittees are neither properly implementing their SWPPPs nor achieving AKART. See 2008 Survey and ISGP Fact sheet at pp. 74-75.	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	How does Ecology interpret the phrase "pollutant specific, water quality based effluent limitations," in RCW 90.48.555(1) to allow the use of a zinc surrogate for copper instead of a copper benchmark or numeric WQBEL? How does Ecology's approach to controlling copper not render this provision of state law effectively meaningless?	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Has Ecology determined that stormwater discharging from facilities not required to monitor for copper does not have a reasonable potential to cause or contribute to violations of water quality for copper in the receiving water? If so, what is the basis for that determination?	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Has Ecology determined that BMP implementation alone, without monitoring, is likely to result in discharges that do not cause or contribute to a violation of the copper water quality standards?	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Does Ecology consider information regarding the existence, effectiveness, or costs of control practices to ensure that industrial stormwater discharges do not cause or contribute to violations of water quality standards with respect to copper to be incomplete? If so, what is the formal adaptive process required by WAC 173-201A-320(6), the Tier II antidegradation requirement, to select, develop, adopt and refine control practices? How does the ISGP ensure that information regarding existence, effectiveness, or costs of control for copper is developed and used expeditiously? How is it possible to satisfy this requirement without collecting and analyzing discharges for copper concentrations?	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology proposes raising the zinc benchmark from 117 ug/L to 200 ug/L. PSA objects to Ecology's proposed zinc benchmark in the draft ISGP for several reasons. First, we believe that the benchmark is too high because it is based on the illegal use of a dilution factor. In addition, Ecology should not increase the zinc benchmark in light of the growing consensus that stormwater runoff is a major contributor to pollution in Puget Sound.	Benchmarks	Zinc	S5	Ecology has decided to retain the previous zinc benchmark of 117 ug/L.	Yes	Change zinc benchmark to 117 ug/L

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	What is the basis for Ecology's decision to select who must monitor for copper based upon SIC codes?	Sampling	Copper	S5	The basis was stated in the fact sheet. Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	How did Ecology pick which SIC codes will trigger the requirement to monitor for copper?	Sampling	Copper	S5	The basis was stated in the fact sheet. Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology states in the ISGP Fact Sheet that copper monitoring is not required for all permittees because Ecology intends to use zinc monitoring as a surrogate for copper (and lead) monitoring. ISGP Fact Sheet at p. 72. However, PSA doubts that zinc monitoring is an appropriate surrogate for copper. In the boatyard permit case, the PCHB rejected Ecology's use of copper as a monitoring surrogate for lead and zinc because the ratios of the three metals in discharges are highly variable. Puget Soundkeeper Alliance et al. v. Washington State Department of Ecology, PCHB Nos. 05-150, 151, 06-034, and 06-040 (January 26, 2007) at pp. 37 – 38. PSA suspects that the same is true for discharges regulated under the ISGP. What are the results of the evaluation of the ratios of these metals in ISGP-authorized discharges that Ecology performed? Please describe this analysis and the data examined. What is the basis of Ecology's conclusion that zinc is an appropriate surrogate for copper and lead? Furthermore, if zinc monitoring is a reliable surrogate for copper monitoring, in theory, Ecology would not need to require any permittee to monitor for copper. Instead, the draft ISGP will require permittees with certain SIC codes to monitor for copper, while other permittees will not. How does Ecology explain the draft permit's requirement for certain SIC codes to monitor for copper, in light of its position that zinc monitoring is a surrogate for copper monitoring?	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	PSA is disappointed by Ecology's decision to exempt certain SIC codes from the requirement to monitor for copper. This is not consistent with the recommendations of the 2006 Herrera report2 or data compiled by Ecology during the course of the Work Group process. Ecology's data indicates that discharges from all SIC codes of permittees monitoring copper between 2006 – late 2008 reported an average copper result of 42 ug/L and a median copper result of 17 ug/L. Email from Jeff Killelea to Work Group, "Overall Percentiles" attachment (September 24, 2008). Both of these results are above Ecology's proposed copper benchmark in the draft ISGP and well above the acute water quality standard in marine water for copper of 4.8 ug/L.	Sampling	Copper	S5	Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	As the PCHB found for the BGP, Ecology may not include a dilution factor in the calculation of benchmarks in the draft ISGP. Using dilution factors in the calculation of general permit benchmarks is analogous to granting a mixing zone. Puget Soundkeeper Alliance et al. v. State of Washington, Department of Ecology, PCHB Nos. 05-150, 151, 06-034, and 06-040 (January 26, 2007). Ecology may not use standard mixing zones in general permits. Id. at p. 50 ("This Board has previously rejected the use of standard mixing zones in general permits as inconsistent with the overall goals of the CWA").	Benchmarks	Dilution Factors	S5	To predict the probability of a stormwater discharge (unknown volume/flow rate) causing a violation of water quality standards in the receiving water, Ecology performed a Monte Carlo simulation. Ecology was required to make a basic assumption about the ratio of the discharge rate relative to the flow rate of the receiving water. A dilution factor of 5 means one part stormwater comingles with 4 parts receiving water. Ecology believes that this is a conservative assumption, with most sites discharging relatively small amounts of stormwater to larger receiving waters that provide greater dilution factors. While Ecology is not granting a mixing zone in the general permit, the consideration of dilution in evaluating the probability of the proposed benchmarks to cause a violation of water quality standards is consistent with the criteria in WAC 173-201A-400.	No	

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	When will Ecology make determinations under S6.C.1.b. about permittees' ability to comply by July 1, 2010? Will these determinations be subject to public notice, comment, and opportunity for appeal? May such determinations be made after the issuance of the ISGP? If so, will such determination require a modification of permit coverage? If so, the permit should clearly indicate this.	303(d)	compliance schedules	S6.C.1	Ecology will notify facilities affected by Condition S6 of any additional permit requirements (sampling, benchmarks, etc.) when they receive coverage under the permit. This notification will include the process for permittees to request compliance schedules per S6.C.1.c. Ecology will make determinations about S6.C.1.c after the issuance of the permit, but prior to July 1, 2010. Additional language has been added to improve clarity about the compliance schedule process and ensure consistency with ESHB 2222.	Yes	Revise S6.C.1: c. Permittees may request a compliance schedule for relief from the July 1, 2010 deadline to comply with an applicable effluent limit in Condition S6.C. Permittees shall submit requests for compliance schedules in writing to Ecology no later than January 31, 2010 and shall include the company name, facility location, industrial stormwater permit number, and the reason for requesting a compliance schedule. d. Ecology will consider all compliance schedule requests submitted by January 31, 2010. If Ecology determines that a Permittee is unable to comply with the applicable effluent limits by July 1, 2010, Ecology will establish a compliance schedule to require compliance as soon as possible, and no later than twenty-four months, or two complete wet seasons, after the effective date of this permit. Ecology will send its decision regarding the request for compliance schedule to the Permittee no sooner than April 1, 2010.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Before the dates given in S7.A.2. for having site inspections conducted by the specified qualified professionals, who may conduct site inspections? The permit should speficify this.	Inspections	CISM	S7.A.2.	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	S7.B.1. should be modified to also require observations at locations where stormwater leaves the site to ensure that all appropriate discharge points are covered. "Discharged to storm drains, and to waters of the state" does not cover many situations, including, for example, when stormwater drains off a site into a public street over a driveway.	Inspections	discharge points	S7.B.1.	Ecology agrees with the suggestion and has revised S7.B.1 to include areas where "stormwater associated with industrial activity is discharged off-site".	Yes	Revise S7.B.1: Observations made at stormwater sampling locations and areas <u>where stormwater associated with industrial activity is discharged off-site; or</u> discharged to waters of the state, or to a storm sewer system that drains to waters of the state.

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	S7.B.2. should require observations for the presence of the identified items in stormwater on the site, not only in discharges.	Inspections	visual observations	S7.B.2.	Ecology believes the permit correctly focuses these observations on the discharges from the site, rather than the entire site. No change.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Is the box on page 34 of the draft ISGP part of the permit? What about the similar boxes on pages 35, 36, and 37? PSA objects to the incorporation into the permit by reference to information not contained in the permit and changeable by nature, in this case apparent lists of BMPs available at specified locations on Ecology's website. To avoid violating the law on the incorporation by reference in general permits of undeveloped or changing guidances, as explained by the PCHB numerous times already, the ISGP should either remove the references to websites in these boxes or make absolutely clear that the permittee must ensure that it adheres to the conditions of the permit instead of just doing what Ecology's website says.	General	Format	S8	The inclusion of text boxes to explain and provide guidance on the meaning of various types of BMPs was intended to help permittees understand and comply with the permit and protect water quality in Washington State. Ecology has deleted the boxes, and plans to provide this information through separate education and outreach materials.	Yes	Text boxes deleted from Condition S8.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	The amount of time the permit allows for completion of Level One Corrective Actions: Ecology proposes giving permittees up to six months to implement Level One Corrective Actions. This is outrageous and not protective of water quality. The current ISGP's Level One adaptive management actions must be completed within two weeks. Ecology should explain its rationale for extending the Level One implementation timeline from two weeks to up to six months, particularly as the new Level One Corrective Actions are almost identical to the current Level One requirements. The main change to this permit term is that it clarifies that permittees must identify and implement additional operational source control BMPs. As operational source control BMPs by definition do not require construction of any pollution control devices, two weeks is adequate for their implementation. Ecology should retain the two week timeline for implementation of Level One Corrective Actions. What is Ecology's rationale for allowing ISGP permittees up to six months to implement Level One Corrective Actions?	Corrective Actions	Level 1	S8.A.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Excusing certain permittees from undertaking Level One Corrective Actions: PSA is also concerned by Ecology's apparent exemption of all permittees listed in Appendix 6 from completing any Level One Corrective Actions. According to the Level One Corrective Action term, only facilities not listed in Appendix 6 (as being at Level Two or Three) must complete a Level One Corrective Action each time that they exceed a benchmark value. Therefore, facilities that are listed in Appendix 6 will skip the Level One requirements for the entire permit term. All permittees should be required to undertake Level One Corrective Actions for each benchmark exceedence because all permittees would presumably improve their discharge quality by implementing additional operational source control BMPs each time their discharge exceeds a benchmark. Ecology should change the Level One Corrective Actions term to require that all permittees must undertake a Level One Corrective Action each time their sampling data indicates a benchmark exceedence. However, we understand that after a certain amount of Level One Corrective Actions a permittee may have no further operational source control BMPs to implement. To address this concern, Ecology could also include a way for a permittee to certify that it has implemented additional operational source control BMPs as part of an earlier Level One Corrective Action, and that it has reviewed its SWPPP and finds no further operational source control BMPs to implement at this time. Why does Ecology not require that all permittees implement additional operational source control BMPs at least once during the permit cycle? Is it likely that implementation of additional operational source control BMPs at the Level Two stage could improve stormwater discharges from permittee sites so as to make them less likely to cause or contribute to violations of a water quality standard? Does the application of additional operational source control BMPs have the potential to reduce exceedences of the permit's benchmarks?	Corrective Actions	Level 1	S8.A.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S8.A. Level One Corrective Actions. Ecology's proposal that permittees need not submit Level One Corrective Action documentation to Ecology – public oversight concerns: PSA objects to the draft ISGP permit term allowing permittees to not submit Level One Corrective Actions to Ecology because it severely diminishes public oversight of permit compliance. Congress specifically directs the States to not only provide for but encourage public participation in CWA enforcement and compliance: Public participation in the development, revision, and enforcement of any regulation, standards, effluent limitation, plan, or program established by…any State under this chapter shall be provided for, encouraged, and assisted by…the States. 33 U.S.C. § 1251(e). Congress further emphasizes this point by providing that all documents obtained by the Administrator (in this case, Ecology) shall be available to the public. 33 U.S.C. § 1318(b). It is clear from these passages that Congress intends full public participation in NPDES permitting and compliance efforts by Ecology. Ecology's decision to reduce the amount of compliance documentation submitted to it directly contravenes this directive by making it more difficult for the public to obtain permit compliance information. Under Ecology's draft permit, members of the public must now request specific documentation (such as Level One Corrective Action documentation) from each permittee, and must potentially visit the place of business of each permittee to see the requested documents. Under the current permit, as permittees must submit to Ecology documentation of all required compliance measures, the public may simply review compliance documentation at Ecology offices. As Ecology is aware, Congress also created a special role for the public in CWA NPDES enforcement through the creation of citizen suits. The public's right to fully and robustly engage in citizens enforcement is integral to the CWA and has been repeatedly recognized as a right that should not merely be tolerated, but encouraged. "Congress made clear that citizen groups are not to be treated as nuisances or troublemakers but rather as welcomed participants in the vindication of environmental interests." Friends of the Earth v. Carey, 535 F.2d 165, 172 (2nd Cir. 1976). "The [citizen suit] provision is directed at providing citizen enforcement when administrative bureaucracies fail to act." 116 Cong. Rec. 33,103 (statement of Sen. Muskie). The public's exercise of its ability to act as "private attorneys general", however, is reliant upon the open availability to the public of permit compliance information. Ecology's proposal to allow permittees to not submit documentation of Level One Corrective Actions will certainly diminish the public's ability to view this information. As described above, the public may now be forced to request information from, and actually travel to the location of, each permittee to see requested documents. Ecology, as delegees of CWA regulation in the state, should certainly not be supporting a policy that implicitly impairs the "important public function" of the public's enforcement rights. EPA Administrator Lisa Jackson has just issued a memorandum addressing the abysmally low rate of permittee compliance with NPDES permits and instructing the agency to address this issue, in part, by increasing transparency. Memorandum on Improving Water Quality through Transparency and Effective Enforcement of Clean Water Act Regulations, Lisa Jackson, Administrator (July 2, 2009) ("Jackson Memo of July 2, 2009"), attached as Attachment 1. She notes that "[d]ata available to EPA shows that, in many parts of the country, the level of significant non-compliance with permitting 14 requirements is unacceptably high and the level of enforcement activity is unacceptably low". Attachment 1, Jackson Memo of July 2, 2009, at p. 1. Therefore, she instructs EPA to increase the transparency with which they deal with NPDES permits so as make the public more aware of NPDES permit compliance issues. She states: Americans have a right to know how their government is doing in enforcing laws to protect the nation's water, and government has an obligation to clearly inform the public about water quality and our actions to protect it. An informed public is our best ally in pressing for better compliance. Id. As EPA's delegee for CWA regulation in the state, Ecology should also prioritize increasing transparency on the issue of NPDES permit compliance.	Corrective Actions	Level 1	S8.A.	Ecology has reconsidered the reporting requirements for the permit, and has decided to adopt EPAs approach of requiring annual reports to summarize the status of stormwater management at the facility.	Yes	Revise S9.B. Annual Reports: 1. The Permittee shall submit a complete and accurate Annual Report to the Department of Ecology no later than May 15th of each year (except 2010) using a form provided by or otherwise approved by Ecology. 2. The annual report shall include corrective action documentation as required in S8.B-D. If corrective action is not yet completed at the time of submission of this annual report, the Permittee must describe the status of any outstanding corrective action(s). 3. Permittees shall include the following information with each annual report. The Permittee shall: a. Identify the condition triggering the need for corrective action review. b. Describe the problem(s) and identify the dates they were discovered. c. Summarize any Level 1, 2 or 3 corrective actions completed during the previous calendar year and include the dates it completed the corrective actions. d. Describe the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, and identify the date it expects to complete corrective actions. 4. Permittees shall retain a copy of all annual reports onsite for Ecology review.
	Part of that effort should be to require permittees to submit all permit compliance documents to Ecology, where they are easily obtainable by the public through a public records act request. Instead, Ecology is moving in the opposite direction – allowing permittees to retain even more documentation on-site, thus frustrating the public's ability to review permit compliance documents. Ecology inspectors also acknowledge that possibility of citizen suits are an important part of NPDES compliance. In the words of one, "[t]he only motivation most facilities have is the threat of enforcement and/or citizen's third-party lawsuits." 2008 Survey at p. 2. Although the permit does allow for the public to request documentation of permit compliance from permittees, requesting the information from the permittee (rather than from Ecology) puts the permittee on notice that they are being inspected. This would be similar to Ecology giving notice to each permittee that it wanted to inspect a facility two weeks ahead of the inspection. While there's no doubt the inspectors would find the sites to be more clean, this would undercut the inspection program in the end – as the whole point is to observe the impact of normal, day-to-day operations. While Ecology may argue that the exemption for submitting Level One Corrective Actions is a cost-saving issue for Ecology, Ecology should not be cutting costs at the expense of diminishing or constraining the public's ability to exercise its rights under the CWA. The permit should be changed to mandate that permittees submit Level One Corrective Action compliance documentation with the DMR for the quarter during which the Level One Corrective Action was undertaken. Furthermore, RCW 90.48.555(8)(a)(v) explicitly requires "reporting to the department" to be part of the "enforceable adaptive management mechanism" that is S8. As federal regulations already require the results of monitoring to be submitted to Ecology, and the parties who negotiated RCW 90.48.555 all knew this, this "reporting" refers to reporting of the "documentation of the remedial actions taken," required by 15 .555(8)(a)(iv). This is yet another instance of Ecology violating both the law and agreements it makes with PSA on general permits. Why does not Ecology not require permittees to submit Level One Corrective Actions to Ecology in the draft ISGP? Ecology's proposal that permittees need not submit Level One Corrective Action documentation to Ecology – compliance concerns: Allowing permittees to not submit documentation of Level One Corrective Actions to Ecology is likely to decrease permit compliance to the point where the permit does not ensure protection of water quality standards. PSA has observed that many permittees already fail to complete Level One Corrective Actions (called "Level One Responses" under the current permit), even when they are currently required to submit them to Ecology.						

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	Ecology already admits that "no more than 10 percent (of ISGP permittees) would be considered in full compliance with all permit conditions". ISGP Fact Sheet at p. 37. We have serious concerns about compliance rates when all oversight of this requirement is removed. Permittee compliance with Level One Corrective Actions is especially important because this may be the only adaptive management that a permittee undertakes for several years under the adaptive management schedule contained in the draft permit. Ecology's own survey confirms our concerns about compliance. As one inspector remarked: "I think there is also a lack of a sense of urgency to implement adaptive management when a benchmark is exceeded". 2008 Survey at pp. 1-2. Even more concerning is another comment in the survey: The Level Responses are poorly understood. Most permittees have never even seen those pages buried in the permit booklet. For those who do understand them, they are cunning enough to know compliance merely requires a modicum of administrative responses for three years before actually having to call in the vactor sweepers or coat a galvanized roof. 2008 Survey at pp. 4-5. This does not bode well for Ecology's expectation that permittees will undertake adequate Level One Corrective Actions in the absence of any oversight whatsoever. If Ecology is going to require Level One Corrective Actions, it should require all permittees to submit documentation of them when complete. Even the 2006 Herrera Report supported the concept to submitting responsive reports describing enhanced BMPs, rationalizing that a feedback loop between the permittee and Ecology would benefit the system as a whole.4 2006 Herrera Report at p. 28. Removing agency oversight will result in a step backwards in permit compliance. 4 The Report was discussing a proposal for changing the sampling schedule, but the point remains the same. Permittees should be required to submit to Ecology documentation of their completion of all Level One Corrective Actions. Ecology should require permittees to submit either a summary report of Level One Corrective Actions taken, or photocopies of the SWPPP sections that were updated as part of the Level One Corrective Action, rather than a certification stating that a Corrective Action has been completed. Ecology should require permittees to submit this documentation with the DMR for the quarter during which the Level One Corrective Action was undertaken.						
	Given Ecology's statements regarding current permit compliance contained in pages 35-37 of the ISGP Fact Sheet and contained the 2008 Survey, what is Ecology's expectation regarding permittee compliance with the Level One Requirements proposed in the draft ISGP? Ecology's proposal that permittees need not submit Level One Corrective Action documentation to Ecology – self-regulation concerns: PSA believes that Ecology's proposal that permittees need not submit Level One Corrective Action documentation to Ecology demonstrating that the Level One Corrective Action was undertaken and how the permittee met the Level One Corrective Action requirements may create an impermissible self-regulating system. The Ninth Circuit addressed this issue in the context of EPA's regulations regarding Phase II municipal permits in Environmental Defense Center, Inc. v. EPA, 344 F.3d 832 (9th Cir. 2003). In that situation, EPA's regulations allowed MS4 dischargers to implement their own stormwater management programs without any EPA oversight ensuring that the programs met the requirements of the Phase II permit, or the CWA itself. As the court described it, after the permittee decides what BMPs it will implement to protect stormwater, "[n]o one will review [the] operator's decision to make sure it was reasonable, or even good faith". Id. at p. 855. The result of this lack of oversight was that EPA could not ensure that the MS4 permits were compliant with CWA standards. As the EPA had set up an "impermissible self-regulatory system" for MS4 permittees, the court found the EPA's rules to be invalid. Id. at p. 856. Ecology's draft ISGP runs into similar problems. The basic scheme of the permit, as in previous iterations, is that Ecology ensures compliance with water quality standards through a system of benchmarks and adaptive management actions involving the addition of BMPs in response to stormwater monitoring. The benchmark and adaptive management actions together form a narrative effluent limit for the permittees. However, a new component of this permit is that Ecology proposes allowing permittees to undertake the first two adaptive management actions without Ecology involvement. Conditions S8.A. and B. require permittees to review the SWPPP, make appropriate revisions and implement additional operational source control or structural source control BMPs, and complete a Level One or Two SWPPP Certification Form and attach it to the SWPPP. Ecology is not notified that a Level One or Two Corrective Action has been started, whether new BMPs have been selected, which BMPs the permittee deemed necessary, and whether the corrective action has been completed. As a result, Ecology cannot ensure that permittees are actually undertaking adaptive management actions, implementing reasonable BMPs, implementing AKART, or that their discharges are not causing or contributing to a violation of water quality standards. A permittee may discharge stormwater that violates water quality standards for over two years (until the deadline for submission of a Level Three), and by the terms of this permit Ecology has no obligation to review the permittee's selected BMPs or SWPPP. This may create an "impermissible self-regulatory system" for ISGP permittees where Ecology is without responsibility for ensuring CWA requirements are met for, potentially, several years.						

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology's proposal that permittees need not submit Level One Corrective Action documentation to Ecology – self-regulation concerns: PSA believes that Ecology's proposal that permittees need not submit Level One Corrective Action documentation to Ecology demonstrating that the Level One Corrective Action was undertaken and how the permittee met the Level One Corrective Action requirements may create an impermissible self-regulating system. The Ninth Circuit addressed this issue in the context of EPA's regulations regarding Phase II municipal permits in Environmental Defense Center, Inc. v. EPA, 344 F.3d 832 (9th Cir. 2003). In that situation, EPA's regulations allowed MS4 dischargers to implement their own stormwater management programs without any EPA oversight ensuring that the programs met the requirements of the Phase II permit, or the CWA itself. As the court described it, after the permittee decides what BMPs it will implement to protect stormwater, "[n]o one will review [the] operator's decision to make sure it was reasonable, or even good faith". Id. at p. 855. The result of this lack of oversight was that EPA could not ensure that the MS4 permits were compliant with CWA standards. As the EPA had set up an "impermissible self-regulatory system" for MS4 permittees, the court found the EPA's rules to be invalid. Id. at p. 856. Ecology's draft ISGP runs into similar problems. The basic scheme of the permit, as in previous iterations, is that Ecology ensures compliance with water quality standards through a system of benchmarks and adaptive management actions involving the addition of BMPs in response to stormwater monitoring. The benchmark and adaptive management actions together form a narrative effluent limit for the permittees. However, a new component of this permit is that Ecology proposes allowing permittees to undertake the first two adaptive management actions without Ecology involvement. Conditions S8.A. and B. require permittees to review the SWPPP, make appropriate revisions and implement additional operational source control or structural source control BMPs, and complete a Level One or Two SWPPP Certification Form and attach it to the SWPPP. Ecology is not notified that a Level One or Two Corrective Action has been started, whether new BMPs have been selected, which BMPs the permittee deemed necessary, and whether the corrective action has been completed. As a result, Ecology cannot ensure that permittees are actually undertaking adaptive management actions, implementing reasonable BMPs, implementing AKART, or that their discharges are not causing or contributing to a violation of water quality standards. A permittee may discharge stormwater that violates water quality standards for over two years (until the deadline for submission of a Level Three), and by the terms of this permit Ecology has no obligation to review the permittee's selected BMPs or SWPPP. This may create an "impermissible self-regulatory system" for ISGP permittees where Ecology is without responsibility for ensuring CWA requirements are met for, potentially, several years.	Corrective Actions	Level 3	S8.B.	Ecology currently does not have guidelines or policies on how waiver requests will be evaluated, but each will be based upon site specific information. These guidelines and policies will be developed prior to the potential submittal of Level 2 or 3 waivers under the new permit. Ecology does not plan to grant waivers that would result in violations of water quality standards. If approved, the waiver will be granted through a modification of permit coverage, and therefore subject to public notice and appeal.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S8.C. Level Three Corrective Actions. Ecology's proposal that Level Three Corrective Actions need not be undertaken until after the permittee exceeds the benchmarks eight times: Ecology should require that permittees undertake Level Three Corrective Actions after four benchmark exceedences, similar to the current permit's requirements for triggering Level Three Responses. The requirements for Level Three Corrective Actions under the draft permit are not significantly different than Level Three requirements under the current permit. However, Ecology proposes to double the times that permittees may exceed the benchmarks before requiring them to implement Level Three Corrective Actions. Increasing the amount of times a permittee's discharge can exceed benchmarks before requiring a corrective action represents another unacceptable step backwards in water quality protection in this permit. Ecology is required to condition the ISGP so that it is protective of water quality standards. 40 C.F.R. § 122.44(d). The benchmarks are the numeric portion of the permit's narrative water quality based effluent limitations. Writing a permit that, in essence, allows permittees to ignore the benchmark for an additional year (or four quarterly monitoring events) before undertaking corrective actions to reduce discharge pollutants is simply not being protective of water quality. Ecology should maintain the requirement from the current permit that Level Three Corrective Actions must be undertaken when a permittee exceeds applicable benchmarks four times. What is Ecology's rationale for increasing from four to eight the amount of benchmark exceedences permittees may report before requiring that a Level Three adaptive management action must be undertaken?	Corrective Actions	Level 3	S8.B.	The adaptive management mechanism, including the benchmark triggers and the way the are used, have been made more stringent. Ecology believes that the timeframes proposed balance reasonableness and protectiveness.	No	

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S8.B. Level Two Corrective Actions. Ecology's proposal that all permittees currently at Level Three only have to complete a Level Two Corrective Action: PSA is outraged by Ecology's proposal that permittees who have triggered a Level Three Response under the current permit are excused from completing Level Three Corrective Actions under the draft ISGP, and instead are only required to complete Level Two Corrective Actions. This new permit condition is impermissible backsliding, in violation of 33 U.S.C. § 1342(o) and 40 C.F.R. § 122.44(l). Ecology must require all permittees who have triggered a Level Three Response under the current ISGP to conduct Level Three Corrective Actions under the draft ISGP. Draft ISGP requirements for Level Three Corrective Actions are substantially the same as the current permit's Level Three Response requirements. In short, they both require permittees to apply treatment to stormwater discharge leaving the site. Adaptive management mechanisms, such as Level Three Corrective Actions and Level Three Responses, are considered effluent limits within the meaning of the CWA. The CWA and federal regulations require that a successive permit may not contain effluent limits less stringent that in the previous permit. For permittees who are already required to implement treatment under the current permit, the new condition in the draft ISGP excusing them from implementing treatment is a less stringent effluent limit. Therefore, the draft permit condition requiring that permittees who are at a Level Three Response stage under the current permit only conduct a Level Two Corrective Action under the draft permit is a violation of the anti-backsliding requirements of the CWA and federal regulations. Once again Ecology rewards industrial delay at the expense of a "level playing field" for permittees who follow the law and permit terms. Why does Ecology propose that permittees who have triggered a Level Three Response under the current permit must only undertake a Level Two Corrective Action (instead of a Level Three Corrective Action) when the draft ISGP becomes effective? What Corrective Action requirements does the draft ISGP impose on permittees who have already completed a Level Three Response under the current permit? Should such permittees undertake a Level Two Corrective Action? Is Ecology concerned with issues of fairness towards ISGP permittees who have already installed treatment at their sites pursuant to the current permit's Level Three Response requirements? If so, how does it respond to charges that it is acting unfairly towards permittees who have already undertaken Level Three Responses by excusing Level Three Response requirements for other permittees who have failed to comply with the permit by failing to undertake Level Three Responses when required? Does Ecology anticipate that Level Two Corrective Actions will protect receiving water quality as much or more than correctly implemented Level Three Corrective Actions? Why or why not?	Corrective Actions	Level 2	S8.B.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology's proposal that permittees need not submit Level Two Corrective Action documentation to Ecology – public oversight concerns: PSA stresses that Ecology's proposal that permittees do not submit any documentation of Level Two Corrective Action compliance to Ecology will result in a unacceptable diminishment of public oversight generally and in the public's ability to prosecute citizen suits in particular. Ecology should modify the permit to require submission to Ecology of Level Two Corrective Action documentation. We incorporate our arguments on this point from the earlier discussion in the Level One Corrective Actions section of these comments, supra pp. 13-16.	Corrective Actions	Level 2	S8.B.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology's proposal that permittees may have nine months to complete Level Two Corrective Actions: PSA disagrees with Ecology's decision to allow permittees a period of nine months to complete Level Two Corrective Actions. Currently, the permit allows permittees six months to complete Level Two adaptive management actions, and, as noted above, the current Level Two adaptive management actions are more stringent than the proposed ones in the draft permit. Permittees should be required to complete adaptive management actions (and thereby improve discharge quality) as soon as possible under permit terms. Clearly, permittees can implement structural source control BMPs within six months – they have been doing so for the last 4 years (since Level Two Response requirements became effective in 2005). Allowing permittees an additional three months to implement Level Two Corrective Actions is another example of Ecology taking a step backwards in water quality protection. The deadline for completing a Level Two Corrective Action should remain six months after the permittee has triggered it. Why is Ecology allowing permittees up to nine months to complete Level Two Corrective Actions in the draft permit, instead of allowing six months as the current permit does?	Corrective Actions	Level 2	S8.B.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology's proposal that Level Two Corrective Actions need not be undertaken until after the permittee exceeds the benchmarks four times: Ecology should require that Level Two Corrective Actions be undertaken if the permittee exceeds a benchmark two times, similar to the current permit's Level Two Response requirements. Ecology's decision to allow permittees to exceed applicable benchmarks four times before triggering a Level Two Corrective Action is especially troubling as the Level Two adaptive management actions required under the draft permit is less stringent than the Level Two adaptive management actions under the current permit. Under the current permit, a Level Two Response includes implementation of additional operational and structural source control BMPs. However, under the draft permit Level Two Corrective Actions require only the implementation of additional structural source control BMPs. Doubling the amount of times a permittee's discharge can exceed benchmarks before requiring a (less demanding) corrective action represents an unacceptable step backwards in water quality protection. Ecology should maintain the requirement from the current permit that Level Two Corrective Actions are triggered when a permittee exceeds applicable benchmarks two times. What is Ecology's rationale for requiring that permittees undertake Level Two Corrective Actions after four benchmark exceedences in the draft ISGP? Why did Ecology change the requirement in the draft ISGP for undertaking a Level Two adaptive management step from two exceedences of the applicable benchmark, as it is in the current permit, to four exceedences? Why does the Level Two Corrective Action in the draft ISGP require implementation of only structural source control BMPs, and not also operational source control BMPs?	Corrective Actions	Level 2	S8.B.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology's proposal that permittees need not submit Level Two Corrective Action documentation to Ecology – compliance concerns: PSA is concerned that Ecology's proposal that permittees need not submit Level Two Corrective Action documentation to Ecology will greatly decrease permit compliance. We incorporate our arguments on this point from the earlier discussion in the Level One Corrective Actions section of these comments, supra pp. 16-17.	Corrective Actions	Level 2	S8.B.	Ecology has reconsidered the reporting requirements for the permit, and has decided to adopt EPAs approach of requiring annual reports to summarize the status of stormwater management at the facility	Yes	Revise S9.B. Annual Reports: 1. The Permittee shall submit a complete and accurate Annual Report to the Department of Ecology no later than May 15th of each year (except 2010) using a form provided by or otherwise approved by Ecology. 2. The annual report shall include corrective action documentation as required in S8.B-D. If corrective action is not yet completed at the time of submission of this annual report, the Permittee must describe the status of any outstanding corrective action(s). 3. Permittees shall include the following information with each annual report. The Permittee shall: a. Identify the condition triggering the need for corrective action review. b. Describe the problem(s) and identify the dates they were discovered. c. Summarize any Level 1, 2 or 3 corrective actions completed during the previous calendar year and include the dates it completed the corrective actions. d. Describe the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, and identify the date it expects to complete corrective actions. 4. Permittees shall retain a copy of all annual reports onsite for Ecology review.

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Ecology's proposal to grant waivers for Level Three Corrective Actions through permit modifications: Ecology must change Condition S8.C.4. to clarify that permit modifications may only be granted if installation of treatment BMPs is not necessary to prevent discharges that may cause or contribute to violation of a water quality standard. PSA incorporates its discussion above on the similar term in the Level Two Corrective Action section of these comments, supra pp. 22-23. Will Ecology waive Level Three Corrective Action requirements to implement treatment BMPs in response to a permittee's request, even if those BMPs are necessary to prevent discharges that may cause or contribute to violations of water quality in the receiving water? How does Ecology interpret the term "feasible", as it is used in draft permit Condition S8.C.4.b? How will Ecology determine whether installation of treatment BMPs is feasible at a permittee's facility? What type of evidence or information will Ecology require permittees to submit in order to make that determination? Will Ecology inspect each permitted facility that requests a waiver of the requirement to implement treatment BMPs based upon lack of feasibility before it grants such a waiver? Will Ecology inspect each permitted facility that requests a waiver of the requirement to implement treatment BMPs before the permit's Corrective Action Deadline based upon lack of feasibility before it grants such a waiver? How will Ecology determine whether installation of treatment BMPs is necessary to prevent discharges that may cause or contribute to a violation of a water quality standard? On what information will Ecology rely to make this determination? Will Ecology inspect each permitted facility that requests a waiver of the requirement to implement treatment BMPs because the facility believes such BMPs are not necessary to prevent discharges that may cause or contribute to violations of a water quality standard before Ecology grants such a waiver? Will Ecology inspect each permitted facility that requests a waiver of the requirement to implement treatment BMPs before the permit's Corrective Action Deadline because the facility believes such BMPs are not necessary to prevent discharges that may cause or contribute to violations of a water quality standard before Ecology grants such a waiver? If Ecology modifies a permittees' permit so as to waive the requirement to implement treatment BMPs as part of a Level Three Corrective Action, would additional benchmark exceedences by that permittee still trigger a Level Four Corrective Action?	Corrective Actions	Level 3	S8.C.	Ecology currently does not have guidelines or policies on how waiver requests will be evaluated, but each will be based upon site specific information. These guidelines and policies will be developed prior to the potential submittal of Level 2 or 3 waivers under the new permit. Ecology does not plan to grant waivers that would result in violations of water quality standards. If approved, the waiver will be granted through a modification of permit coverage, and therefore subject to public notice and appeal.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S8.D. Level Four Corrective Action. The Level Four Corrective Action permit terms, as written in the draft permit, do not meet the state and federal requirements that a NPDES permit explicitly contain all of its terms, do not ensure compliance with AKART, and do not ensure compliance with water quality standards. PSA demands that Ecology either remove the Level Four Corrective Action from the draft permit, or condition it so that it meets state and federal requirements. Federal regulations require that the conditions of NPDES permits must be expressly incorporated, or incorporated by reference to a citation or other requirement. 40 C.F.R. § 122.43(c). The state iteration of this requirement for general permits is at WAC 173-226-080(1)(a), which requires that all discharges authorized by the permit must be consistent with the permit. In sum, NPDES permits must clearly state all permit requirements that a permittee must abide by to remain in compliance. Ecology's proposal of listing various options that it may take when a permittee triggers Level Four does not meet this requirement. Ecology's list of potential actions does not make clear to the permittee what actions it will be required to take to maintain compliance with the permit – instead, as the list commits to no particular action by Ecology, the list has the opposite effect. Uncertain permit terms are actually written into the permit. Furthermore, Ecology must condition its permits so as to not allow discharges that may cause or contribute to violations of water quality. 40 C.F.R. § 122.44(d). Ecology accomplishes this in the ISGP by requiring the application of AKART and compliance with a benchmark (which is the numeric portion of a narrative water quality based effluent limitation) through BMP implementation. The problem with Ecology's proposed Level Four Corrective Action is that when a permittee arrives at Level Four, the compliance requirements "stall out". There are no deadlines for Ecology to act upon (or demand compliance with) any of the Level Four Corrective Action permit terms. And while the permittee is waiting for Ecology to require compliance with Level Four Corrective Actions, it is discharging pollutants that are presumably exceeding benchmarks, but is under no further obligation to take any more corrective actions or apply any more BMPs until Ecology tells it to. Under the permit terms, this state of affairs could continue until the permit expires, or beyond.	Corrective Actions	Level 4	S8.D.	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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	Therefore, the inclusion of the Level Four Corrective Action permit term, as it is written now, means that the ISGP is not protective of state water quality standards. In addition, the open-ending, non-specificity of Level Four violates RCW 90.48.555(8)(a). .555(8)(a) requires "permits" to include an adaptive management mechanism, which "shall include elements designed to result in permit compliance …." This means that the "permit" has to include the elements of the adaptive management mechanism designed to result in permit compliance, including the requirement that discharges not cause or contribute to violations of water quality standards. The draft ISGP, with its current Level Four, fails to do this, instead leaving the concluding steps of the adaptive management mechanism for permitees unable to meet benchmarks with Level Three treatment BMPs to Ecology's further, off-permit action and discretion. RCW 90.48.555(8)(a) does not allow this. PSA suggests that Ecology limit the Level Four Corrective Action to a requirement either that the permitee implement active treatment, as it is defined in the permit, or that general permit coverage is terminated within twelve months of triggering a Level Four Corrective Action. This creates a compliance endpoint within the permit term. On what legal authority is draft permit Condition S8.D based? How does it satisfy the requirements of RCW 90.48.555(8)(a) and those of the federal regulations cited above? If a permittee triggers a Level Four Corrective Action, when will Ecology take one or more of the actions enumerated in draft permit Condition S8.D.1? If a permittee triggers a Level Four Corrective Action, are there any permit terms or legal requirements that will cause Ecology to take one ore more of the actions enumerated in draft permit Condition S8.D.1 by any particular date? If a permittee triggers a Level Four Corrective Action, how will Ecology determine which of the actions enumerated in draft permit Condition S8.D.1 to take? If a permittee triggers a Level Four Corrective Action, will the public be notified of this fact?						
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Lack of Access to SWPPPs. The current ISGP, at Condition S5.A., obligates Ecology to maintain a copy of the SWPPP for each permittee at the appropriate Ecology regional office so that the public may view it. This term should be included in the draft ISGP, but is not. We demand that Ecology include this term in the draft ISGP. The absence of this term from the draft permit is another example of Ecology's diminishment of public access to permitee compliance documents. Presumably, the public is left to resorting to the new Condition S9.E. in order to see these documents – in other words, the public must submit an individual request to each permittee asking to see their SWPPP. Then, the public must travel to the permittee's location to view the SWPPP when the permittee decides to provide access. This is completely unacceptable. The SWPPP is the keystone to the entire adaptive management process and it is outrageous that Ecology is not interested in obtaining a copy for itself, let alone for the public. Even if Ecology is not going to review the SWPPP's, it should at least be able to provide access for the public to the SWPPP - as it is the document containing all the BMPs and all Corrective Action documentation. Ecology should absolutely maintain copies of all permittee's SWPPPs at the regional offices. Why does the draft ISGP not require permittees to submit a current copy of their SWPPPs to Ecology?	Reporting	Public Access	S9	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs. Considering the adequacy of this process and the ongoing SWPPP revisions likely under the new permit, it is not appropriate or necessary to keep an updated version of each facilities SWPPP on file in Ecology offices.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S9.A.6.b. Reporting. Permit Condition S9.A.6.b. should clarify that if sampling has been suspended due to consistent attainment for any parameter, that the permittee shall submit a DMR indicated "consistent attainment" was reached for that parameter.	Reporting	DMR	S9.A.6	Ecology agrees with suggestion.	Yes	Revise S9.A.6.b. "DMR shall be submitted with Consistent Attainment indicated for that parameter(s)."
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S9.C. Additional Sampling by the Permittee. Ecology should clarify how they want permittees to include the results in the calculation and reporting of any additional stormwater sampling in a DMR. For example, in the current permit, Condition S4.C. states that "[a]ny facility monitoring more than once per quarter shall use the average all of (sic) the monitoring results for each parameter monitored during the quarter to determine whether the…adaptive management requirements are applicable."	Reporting	Additional sampling	S9.C	Language has been added to address the averaging of sampling results.	Yes	S4.B.6: Permittees monitoring more than once per quarter shall use the average of all monitoring results for each parameter to determine if a quarterly sample is equal to or less than the benchmark value.
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S9.D.1. Noncompliance Notification. The term "significant amount" is a defined term and therefore should be italicized.	Reporting	Reports of noncompliance	S9.D.1	Ecology has revised S9.E to be consistent with 40 CFR §122.41; non-compliance notification (per S9.E) would only pertain to noncompliance that could result in the discharge of pollutants *which may endanger human health or the environment, or the facility experiences any bypass or upset which causes an exceedance of any effluent limitation in the permit* .	Yes	Revise S9 E. Reporting Permit Violations 1. In the event the Permittee is unable to comply with any of the terms and conditions of this permit which may endanger human health or the environment, or the facility experiences any bypass or upset which causes an exceedance of any effluent limitation in the permit, the Permittee shall:

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	Permit Condition S9.E. Access to Plans and Records. Condition S9.E.2.b. does not give PSA or the public adequate access to permittee records and documents. Ecology should retain the current permit requirements for permitees to submit all Corrective Action documents and a copy of the SWPPP to Ecology. The public is then assured of access to these important permit documents without having to visit each permittee's facility. If Ecology retains draft permit Condition S9.E., it should change the terms of this condition to specify that when the Plans and Records are requested by the public, that permittees may either forward the requested documents to Ecology, or mail them to the requestor. There was recognition in the last Work Group meeting that PSA and the public should not have to go out to individual permittee sites to see permit documentation. This recognition was based mainly upon safety concerns, but we also believe that forcing the public to find and visit individual sites may limit access to the requested documents. If Ecology retains draft permit Condition S9.E., PSA proposes that it be changed as follows: S9.E. Access to Plans and Records. The Permittee(s) shall retain the SWPPP, and all other plans, documents and records required by this permit (hereby called "plans and records"), on site or within reasonable access to the site and make it immediately available upon request to Ecology or the local jurisdiction. 1. A copy of plans and records shall be provided to Ecology within 14 days of receipt of a written request for the SWPPP from Ecology. 2. A copy of plans and records shall be provided to the public when requested in writing, as follows: Upon receiving a written request from the public for plans and records, the Permittee shall provide a copy of the plans and records to Ecology or to the requester within 14 days of the written request. If the plans and records are provided to Ecology under this subsection, the Permittee shall provide written notification to the requester of this fact. a. Providing a copy of the plans and records to the requester pursuant to this section means to mail the plans and records to the requester via first class U.S. Mail, postage pre-paid. Ecology has raised concerns about causing permittees to pay for postage for mailing the Records and Plans to the requestor. PSA points out that Ecology's draft permit Condition S9.E. already contemplates permittees "submitting" records to Ecology for the public's review, without charging postage to the permittee. Nevertheless, PSA observes that Ecology could address any postage payment issues in this permit term as well. PSA strongly prefers that Ecology retain the current permit requirements to submit all important permit documentation to Ecology, or in the alternative, that Ecology adopt the language proposed above. However, if Ecology retains draft permit Condition S9.E. in its current form, PSA's comment is that Ecology should re-number Condition S9.E.3 to make it a part of Condition S9.E.2.b, consistent with the identical permit condition in The Sand and Gravel General Permit. The way that Condition S9.E. is B691 currently written makes it unclear as to what Condition S9.E.3 is referring to.	Reporting	Public Access	S9.E.	Ecology has made minor revisions S9.F, which provides a clear process for public access to SWPPPs.	Yes	Revise S9.F: Public Access to SWPPP The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall: 1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or 2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or 3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

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Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	The fact sheet explains that the permit does not set numeric WQBELs because Ecology has found setting them "not feasible," and therefore that the federal regulations do not require them. However, Ecology is setting numeric WQBELs in this permit for many dischargers – those who are discharging pollutants of concern to most categories of 303(d)-listed waters. This shows that it is indeed feasible to set numeric WQBELs in this permit and thus the federal regulations require them. Please explain the basis for Ecology's decision that setting numeric WQBELs in this permit is "not feasible" when Ecology is in fact doing so for a substantial category of dischargers covered by this very permit? RCW 90.48.555(3)(d) requires this permit to include numeric WQBELs if Ecology determines that discharges have a reasonable potential to cause or contribute to violations of water quality standards and that "effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards." As the PCHB explained in Puget Soundkeeper Alliance et al. v. State of Washington, Department of Ecology, PCHB Nos. 05-150, 151, 06-034, and 06-040 (January 26, 2007) (the boatyard permit case), at n. 8, in drafting the ISGP Ecology must make the determinations mandated by RCW 90.48.555(3)(d). The inclusion of numeric WQBELs in this permit is required by RCW90.48.555(3)(d). Every reasonable study or consideration indicates that discharges regulated by this permit have a strong potential to cause or contribute to violations of water quality standards. Does Ecology disagree? Please explain what Ecology has done and concluded with respect to the reasonable potential for authorized discharges to cause or contribute to water quality standards. In addition, based on the continued elevated levels of metals shown by monitoring results and the low rates of compliance with the permit's very subjective and difficult to enforce nonnumeric requirements, it is plain that nonnumeric BMP-based conditions are inadequate to ensure compliance with water quality standards and that objective numeric WQBELs are necessary to allow enforcement and measure and ensure compliance. Does Ecology disagree? If so, please explain the basis for Ecology's disagreement and specify which nonnumeric BMP-based effluent limitations it sees as being effective in achieving compliance with water quality standards and why.	Effluent Limits	Permit not protective	S5, S8	Ecology has concluded it is not feasible to establish numeric water quality based effluent limits for all the discharges regulated by the industrial stormwater general permit because such discharges are highly variable both in terms of flow and pollutant concentrations. In addition, the discharges regulated by the industrial stormwater general permit are discharged to receiving waters with highly variable receiving water characteristics. With respect to discharges into 303(d) listed waterbodies, the industrial stormwater general permit establishes numeric water quality based effluent limits for those pollutants that are not dependent on receiving water characteristics, other than dilution, for the development of numeric water effluent limits. Since impaired water bodies have little or no dilution capacity with respect to the listed pollutants, this was feasible for discharges of particular pollutants into 303(d) listed waterbodies. However, many pollutants are dependent on receiving water characteristics in addition to dilution for the development of numeric water quality based effluent limits. It is not feasible to establish numeric water quality based effluent limits for these pollutants for the reasons discussed above, which is why numeric effluent limits for these pollutants will be established at the time of permit coverage when Ecology will be able to evaluate specific discharge and receiving water characteristics. Ecology has considered the effectiveness of implementing the new BMPs required by the industrial stormwater general permit and has concluded that the BMPs, coupled with the benchmarks and required responses to benchmark exceedences, will be an effective approach to bring permittees into compliance with water quality standards.	No	
Puget Soundkeeper Alliance, Columbia Riverkeeper, and Spokane Riverkeeper	PSA is deeply disappointed with the contents of the draft ISGP. During the course of our participation in the ISGP Work Group, we learned that industrial stormwater is likely to violate water quality standards, and that permittees in general are not doing a good job of complying with the permit's adaptive management, sampling,Best Management Practices ("BMP"), Stormwater Pollution Prevention Plan ("SWPPP"), and Discharge Monitoring Report ("DMR") requirements. We anticipated that Ecology's reaction to this information would be to draft a permit that is more protective of water quality. Instead, the draft ISGP allows permittees to sample discharges for less parameters; it contains higher benchmarks by illegally using dilution factors in benchmark calculations; it allows permittees to exceed benchmarks more often before requiring adaptive management actions; it requires less permittee accountability; it allows for less public oversight; and it excuses permittees who have already triggered the requirement to implement treatment under the current permit from doing so under the draft permit. On that last point in particular, this permit appears to be getting worse, rather than better, since the Work Group completed its work. In sum, this permit is less protective of water quality and, frankly, represents a backslide on a permit-wide level. We are dismayed that after participating in the ISGP Work Group for nine months that Ecology is once again backing away from its responsibility to protect water quality.The general permit is not supposed to be a vehicle for regulating to the lowest common denominator. Instead, Ecology should use conservative presumptions in the development of the general permit because of the recognition of the significance of stormwater discharges to the contamination of Puget Sound. If permittees are able to show that they deserve more liberal permit terms than are contained in a properly drafted general permit, Ecology should issue them an individual permit. Ecology should not, as it did in this permit, relax general permit terms for all permittees.PSA is extremely frustrated with the Department of Ecology.	General	Permit not protective	S8	Ecology disagrees with the claim that the draft permit was weaker than the previous permit. Ecology believes that the new permit is consistent with state and federal laws, as well as Governor Gregoire's Puget Sound Initiative and the new Puget Sound Partnership Action Agenda. Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous change to S8 Corrective Actions.

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	With this draft permit, Ecology persists with language and approaches that are plainly contrary to law. In particular, as described below, Ecology's failure to require sampling of the first fall storm event, incorporation of dilution factors in the derivation of benchmarks, and the off-permit, Level Four conclusion to the adaptive management mechanism violate applicable law as interpreted by the Pollution Control Hearings Board in PSA's previous challenges to illegal provisions in Ecology's general stormwater permits. Other provisions of this permit are dubious at best in the contorted interpretations of state and federal law that they represent, not to mention subversion of the stated goals of the Clean Water Act and the National Pollutant Discharge Elimination System. PSA is outraged that Ecology persists in bowing to the wishes of polluters in refusing to do its job and implement the admittedly strict and stringent requirements of water pollution law. Scientific research increasingly points at stormwater as a primary source for the ongoing degradation of Puget Sound and Washington's waterways. While Governor Christine Gregoire, Director Jay Manning, and other politicians and government functionaries talk about commitment to addressing stormwater issues, in drafting general permits Ecology abdicates its proper role, forcing citizens to litigate Ecology's illegal permits before the PCHB over and over again.PSA is more than frustrated with Ecology's repeated failures to uphold commitments that it has made to PSA and others in the environmental community in agreements and understandings reached in resolution of previous legal disputes over general permit terms. For instance, PSA considers Ecology's refusal to require submission to Ecology of Level One and Two reports to be contrary not only to the language of RCW 90.48.555, but also in breach of the understanding reached to end the appeal of the previous ISGP in the enactment of that statute. PSA is learning that Ecology's commitments in settlements of these programmatic issues are untrustworthy. Given the decisions that Ecology is repeatedly making in general permitting, here and elsewhere, that are contrary to what it has led PSA to believe that it would do so, PSA is becoming disinclined to participate in these meaningless discussions, much less abandon litigation in reliance on representations made.						
Pullman Heating and Electric, Pullman WA	We are totally for clean rivers and support the concept of discharge monitoring and control. In constructing our new building we have created an oversized detention pond to eliminate runoff from the building and parking lots. However, in reading the draft proposal we find it to be incredibly confusing and burdensome to property owners and businesses. The cost of implementation could easily put some of the companies out of business. Please do what you can to simplify the proposal and make it as simple and economical as possible for businesses to comply with.	General	Economic Impact	N/A	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
rdrengr@aim.com	There are several references to monthly vacuuming hard surfaces as a BMP. A more realistic Management Practice would be to vacuum hard surfaces anytime a spill has occurred. Vacuuming on a monthly schedule results in more opportunity for pollutants to enter the stormwater. In addition, the fertilizer business is seasonable and it would be ineffective to vacuum the surfaces when the plant has shut down, such as for winter.	SWPPP	Vacuum Sweeping	S3	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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rdrengr@aim.com	One area of concern in the proposed changes, which could be needlessly costly to the chemical industry, with no thought regarding the cost-benefit ratio is on page 66, where reference is made to "construction of roofs over storage and working areas." For reasons of economics, storage areas in the fertilizer sector have always been under roofs. Reference herein is to roofs over the working areas. Placing roofs over all working areas could result in an extreme hardship in many of the smaller companies, forcing some out of business. In addition, it could result in giving the advantage to the ancient practice by farmers of injecting anhydrous ammonia directly into the ground. This practice allows up to 60% of the product to escape into the atmosphere. The more sophisticated method results in a product with a yield of nearly 100% utilization by the plants. The anhydrous ammonia process requires no roof, because no processing is required. The more sophisticated process requires considerable working area to produce a more efficient chemical mix. Thus, this element could encourage a polluting Management Practice to prevail over a Cleaner Management Practice. In high precipitation areas, open secondary containments are difficult to manage, while in low precipitation areas, they are quite practical.	SWPPP	Economic Impact	S3.B.4	Ecology appreciates the comment and understands the concern expressed. The permit does not require roofs to be placed over all working areas, but it does require SWPPP to include BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. However the permit has provisions to "omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.B]	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
rdrengr@aim.com	Under the "FACT SHEET" reference is made to the escalating levels of adaptive management. It appears this would give the DOE unrestricted authority to interpret the regulations in any way they see fit.	Fact Sheet	Corrective Actions	S8	No, escalating levels of adaptive management refers to the sequential (Level 1, 2, 3, 4) corrective action process in the draft permit (Condition S8). Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes have been made to S8 Corrective Actions.
Robert N. Johnson	I have been employed by a wrecking yard for 12 years. During this time I have seen the rules and regulations from the Department of Ecology become more and more strict. With each new change in the rules, it causes our facility to become less profitable and once we reach a certain threshold it will cause us to simply shut down. Yet, every Tom, Dick & Henry are allowed to keep any number of junk vehicles on their property without following any rules or regulations.	General	Economic Impact	S8	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Roy Dickmeyer	I work for a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put on the business I work for and other small firms in our industry out of business. I strongly object to the draft Permit as now proposed. The owner of the recycling firm I work for is trying to operate a small business in a very difficult economy. The permit is very difficult to understand and needs to be far simpler for a small business to understand and implement. This permit will put recycling businesses out of business but do nothing to reduce the amount of copper in our lakes and rivers because nearly all of it is coming off public roads and streets. This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new costs to the state to replace the functions we now perform. Putting our industry out of business eliminates the re-use of the end of life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream-yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who will handle this junk vehicle waste stream when we are gone? Illegal operations that drain anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'll find the messes they will leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for small businesses. Please carefully review their suggestions and put them in this permit. The vehicle recycling industry is struggling to survive. Too many in our industry have already gone out of business mostly due to extremely costly government regulations. Thank you for considering our comments and making changes to the permit so our industry can continue to provide the highest management of the junk vehicle waste stream (re-use), continue to protect the environment by collecting and properly disposing of many substances from junk vehicles.	General	Economic Impact	S8	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.

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Schnitzer Steel Industries, Inc.	Stormwater Sampling Prior to Infiltration: References to sampling of infiltrated water are found in Special Conditions S1.E.1, S3.B.1.d, and S3.B.5.a of the draft ISWGP. Previous versions of the ISWGP have focused solely on evaluation of the quality of stormwater discharged to surface water. The current draft ISWGP implies that stormwater discharges which infiltrate prior to reaching surface water may be regulated in a similar fashion as surface water discharges. The option to develop stormwater management systems which provide for infiltration of stormwater to preclude discharges to surface water has been a useful and environmentally protective component of previous versions of the ISWGP. Infiltration is an important method to protect surface water as it reduces contaminant loading of surface water through total loading limitation, even when benchmarks are met. Schnitzer believes conditions within the draft ISWGP which could result in requirements to sample stormwater prior to infiltration have the potential to cause stormwater managers to forgo development of infiltration systems in favor of discharge directly to surface water. If the same sampling requirements will be applied for both methods of discharge, there is no incentive to infiltrate (especially when infiltration facilities consume land which could be developed for other purposes), and increased total contaminant loading to surface water could result. We believe the forthcoming ISWGP should continue to focus on protection of surface water environments, as is implied through it's origins within the U.S. Clean Water Act.	Sampling	Discharges to Ground	S1.E.1, S3.B.1.d, and S3.B.5.a	Certain sites that discharge stormwater to ground water are covered under the permit. Some of these covered facilities discharge only a portion of their stormwater to ground (e.g., only certain drainage areas, or only during certain time of the year), and others may discharge all of their stormwater to ground (e.g., significant contributor of pollutants). Under the authority of Chapter 90.48 RCW, if a facility has the permit, any discharges to ground are subject to applicable permit conditions (including, but not limited to, Conditions S1.E, S3, S7, S10, and S12) to ensure ground water quality is protected. Discharges to ground do not require sampling (per S4), unless specifically required by Ecology order.	No	
Schnitzer Steel Industries, Inc.	All Known And Reasonable Treatment (AKART) Best Management Practices (BMPs): AKART BMP requirements are stated in Special Conditions S3.A.2.a, S3.A.3.d.ii, S3.B.3.b.iv.1, and S1 O.B of the draft ISWGP. Schnitzer believes AKART to be an unnecessary standard for prescriptive BMPs to be applied at all sites regulated under the ISWGP. Notwithstanding concerns associated with the proposed copper benchmark level stated above, Schnitzer believes the most important general standard of the ISWGP is compliance with benchmark levels at points of discharge. In keeping with the basic engineering principle of designing a system to achieve a project goal (benchmark compliance) in the most efficient manner, we believe permittees should be allowed sufficient latitude to design systems which are capable of meeting benchmark levels with methods that are suited to their specific circumstances. In many cases AKART BMPs will not be necessary to achieve compliance with benchmark levels and would thus represent an inefficient distribution of resources. We believe permittees should retain the flexibility to choose appropriate methods to comply with benchmark levels while also preserving the capacity to responsibly allocate resources between various environmental and/or economic needs.	SWPPP	BMPs	S3.	The permit allows permittees to deviate from the specific BMP requirements if "site conditions render the BMP unnecessary or not possible, and the exception is clearly justified in the SWPPP". No change.	No	
Schnitzer Steel Industries, Inc.	Proposed Copper Benchmark Value Reduction: Table 3 of Special Condition S5 of the draft ISWGP proposes a reduced copper benchmark level for Western Washington of 14 parts per billion (ppb). This proposed benchmark level represents an over four-fold reduction from the current ISWGP's Western Washington copper benchmark value. Schnitzer facilities have had little difficulty maintaining compliance with the current benchmark value of 63.6 ppb; however, compliance with the proposed new copper benchmark would present significant compliance difficulties. It is likely that substantial costs required to install sophisticated treatment equipment would be necessary to ensure compliance with the proposed new benchmark for our facilities. It is possible that increased stormwater treatment costs could influence the financial balance at some of our Washington facilities in a manner that could affect our scope of operations. Schnitzer questions whether reducing the Western Washington copper benchmark value from 63.6 to 14 ppb creates an improved level of environmental protection which justifies potentially substantial increased stormwater treatment costs. Such increased treatment costs could result in closure of metals recycling facilities which provide fundamental environmental and economic benefits to the community. At a time when global economic conditions have subjected Washington business to significant stress, we believe imposition of reduced copper benchmark levels, which will require costly infrastructure upgrades to comply, is inadvisable. For comparison purposes we note that the current Washington State Drinking Water Action Level for copper is 1,300 ppb. The City of Lacey reported one drinking water monitoring sample collected in calendar year 2008 at a concentration exceeding the State Action Level (see attached "City of Lacey Water Quality Report 2009"). This information indicates that the current copper benchmark level of 63.2 ppb is more than 20 times more protective of the water fish swim in than the water consumed by Washington's citizens (including Ecology's employees as evidenced by the City of Lacey's 2009 Water Quality Report). The proposed new copper benchmark of 14 ppb would further increase this discrepancy to require stormwater dischargesto be 93 times more protective of aquatic exposure than human consumption. Schnitzer questions whether the proposed dramatic decrease in the copper benchmark level, and associated economic effects, are justified in the absence of reliable environmental studies to quantify the benefits of such a reduction. Benchmark levels for other constituents either remained stable or were increased in the draft ISWGP. We question why the copper benchmark level was decreased so dramatically in the absence of a body of scientific evidence indicating that the reduction will result in additional environmental protection.	Benchmark	Copper	S5.B - Table 3	The copper benchmarks were set using a risk-based methodology based on the acute water quality criteria. Ecology agrees that the copper benchmark is very low; this is due to the toxicity of dissolved copper on salmonids at very low levels, and the inherent inability to do site-specific water quality-based permitting in a statewide general permit. The comparison of the benchmark with the amount of copper found in public drinking water supplies is interesting, but it is not a compelling reason to retain the previous benchmark. A great deal of scientific literature demonstratives that low levels of copper can be toxic to certain kinds of aquatic life, while those same levels of copper have no health effect on humans who drink it. The same is true of other drinking water constituents such as chlorine, which can also be toxic to fish at levels that are not toxic for human consumption.	No	

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Schnitzer Steel Industries, Inc.	Schnitzer is the leading metals recycler within Washington State. Schnitzer is currently engaged in recycling operations at five Washington facilities, four of which are covered under the current ISWGP. Schnitzer's Washington operations result in the recycling of hundreds of thousands of tons of scrap metal each year. Schnitzer's recycling activities provide significant benefits to the citizens of Washington as scrap metal is prevented from being disposed in landfills or illegal dump sites, and is recycled for beneficial use in alternative products. Scrap metal recycling provides additional environmental benefits due to substantially reduced raw material and energy requirements when compared to producing steel products from iron ore. Schnitzer's scrap metal recycling activities reduce waste disposal, raw material mining, and greenhouse gas emissions associated with both mining and steel production processes. Schnitzer is concerned that application of the current draft ISWGP to it's metal recycling operations, without additional revision, could impede not only its ability to provide basic metal recycling activities, but also diminish our ability to reduce raw material use and greenhouse gas emissions.	General	Economic Impact	S8	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Schnitzer Steel Industries, Inc.	The ISWGP is an important permit for Schnitzer because we operate four facilities which are authorized to discharge stormwater under terms of this document. They consist of two scrap metal recycling facilities, a proposed scrap metal/auto recycling facility, and a vehicle parking and equipment storage yard. Schnitzer's ownership of these permitted facilities has given us the opportunity to experience Ecology's general stormwater permits first hand. The comments below are based on our substantial experience with implementation of Ecology's previous stormwater permits dating back more than fifteen years. Regrettably, many experiences we've had with the previous Ecology stormwater permits have been challenging due to complex, burdensome and costly requirements which may not have resulted in additional environmental protection. Schnitzer shares these concerns with many other Washington businesses, including several colleagues within the metals recycling industry.	General	Economic Impact	N/A	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Schnitzer Steel Industries, Inc.	In some cases the terms and conditions of the draft permit have been improved from earlier versions. Schnitzer appreciates Ecology's efforts to improve the ISWGP, fair consideration of previous comments made during the public process, and hard work to address the issues identified. However, we believe additional refinements are necessary to develop an appropriate final permit which balances environmental protection with reasonable resource allocation considerations. Schnitzer's specific concerns related to current draft ISWGP components which appear to be unreasonably burdensome, without providing additional environmental benefit, are discussed below.	General	Too stringent	N/A	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Sean Howden	I work for a small vehicle recycling firm and I am very concerned that the new draft Washington State Industrial Stormwater General Permit will put on the business I work for and other small firms, in our industry out of business. I strongly object to the draft Permit as now proposed. The owner of the recycling firm I work for is trying to operate a small business in a very difficult economy. The permit is very difficult to understand and needs to be far simpler for a small business to understand and implement. This permit will put recycling businesses out of business but do nothing to reduce the amount of copper in our lakes and rivers because nearly all of it is coming off public roads and streets. This permit will kill most of the businesses in our industry, put people out of work and will cost the State of Washington well over $50 million annually due to lost revenues from our industry and new costs to the state to replace the functions we now perform. Putting our industry out of business eliminates the re-use of the end of life vehicle waste stream. Reuse of a waste stream is the highest environmental priority set in state law for any waste stream-yet this permit will effectively eliminate the vehicle recycling industry. That makes no sense. Who will handle this junk vehicle waste stream when we are gone? Illegal operations that drain Anti-freeze into storm drains and CFC gases into the air, etc., in the back streets and alleys across the state to prepare junk cars for recycling. You'll never catch them but you'll find the messes they wi1l leave all over the state. Many suggestions have been made by the Independent Business Association regarding how to make this permit work far better for small businesses. Please carefully review their suggestions and put them in this permit. The vehicle recycling industry is struggling to survive. Too many in our industry have already gone out of business mostly due to extremely costly government regulations. Thank you for considering our comments and making changes to the permit so our industry can continue to provide the highest management of the junk vehicle waste stream (re-use), continue to protect the environment by collecting and properly disposing of many substances from junk vehicles.	General	Economic Impact	N/A	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.

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Stacie Greenwalt	My husband and I run a vehicle recycling business and we are worried that the new Washington State Industrial Stormwater General Permit will put firms in our industry out of business. We do not like or agree with the draft permit as now proposed. The amount of copper being released by our industry is very small compared to the amount coming off of roads and parking lots. In vehicle recycling businesses the cars are just sitting and brakes are not being used, not the same on our roads, highways, and freeways. We feel we do a great service for the state of Washington by properly disposing of vehicles and all of the waste products that go with doing so. Who and how is going to do this when there are no more recyclers out there? I think it will probably be done by illegal scrappers and in peoples backyards and vacant lots. That does not seem like a very good solution to us. How about you? In a time in our world when the economy is not the greatest and unemployment high we say it is not a time to put hundreds of more people out of work. The vehicle recycling industry is struggling to survive as it is. Thank you for your time and we hope that the department will reconsider the new draft permit.	General	Economic Impact	N/A	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Teck American Incorporated	This permit has extensive requirements to identify and install best management practices from the Stormwater technical manual to achieve All Known and Reasonable Treatment Technology (AKART). Due to the complexity of the manual and in determining what AKART means to the Teck Pend Oreille Mine site, there will likely be an increased need for help from Ecology staff and outside expertise to understand the requirements and evaluate the site.	SWPPP	AKART	S3	Ecology plans to continue providing technical assistance on the Stormwater Management Manual and AKART.	No	
Teck American Incorporated	This permit changes the action levels at which Teck will have to potentially increase storm water management response. The new levels are so strict that based on industry norms there is the potential need to install extensive new treatment systems which ultimately leads to more human and capital resources to install and manage new systems. Along with obvious impacts to the Mine operating budget, this may also increase the request for help from Ecology staff in determining what will be required.	Benchmark	Economic Impact	S8	Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Teck American Incorporated	This permit is 71 pages long (with a119 page Fact Sheet) and has 58 requirements in it for our company to comply with. This adds additional work for our limited environmental management staff and could potentially lead to the use of outside consultants or legal counsel in order to understand these provisions to avoid citizen's suits or agency enforcement.	General	CWA Liability	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
TMI Forest Products, Inc.	Then, of course, the fear is always looming out there of some citizen's lawsuit ready to be unleashed upon a company that has done everything we can to NOT put pollutants, etc. into a river that we hold dear to the company, community and individuals who live and work next to it.	General	CWA Liability	N/A	Ecology appreciates the efforts your company has taken to protect water quality.	No	
TMI Forest Products, Inc.	This permit changes the action levels at which I must increase my storm water management response. The new levels are so strict that based on industry norms it is probable that I will need to install extensive new treatment systems. There is no question, the cost of a treatment system would indeed put TMI on the rolls of yet another sawmill that has gone under because of the restrictions that continue to increase in the areas of the environment.	Benchmark	Economic Impact	S5, S8	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.
TMI Forest Products, Inc.	At a minimum, our best estimate is that this permit will cost us nothing less than $80,000 annually. This is only including a vacuum pump truck and a full time employee costing approximately $50,000 per year with benefits we are required to pay under the Union's rules! We are probably going to be forced to hire an outside consultant who tells us that even they as consultants cannot guarantee we will be in compliance with the plan because they are not certain they understand all that is required. We will be forced to increase our man power by at least a full time employee to keep up with the requirements that we have yet to decipher from a 71 page report, and a 119 page fact sheet. TMI Forest Products, Inc. is already struggling with the economic downturn. Our production has been decreased by 25% for the past several months and doesn't look to return to 100% anytime in the near future. In fact, the trends are continuing to decline. Morton is already a depressed area. We are now the ONLY sawmill working in Morton. We have worked hard at trying to keep approximately 125 employees employed. The monetary requirements that are involved in TRYING to stay in compliance with an already difficult set of rules and new regulations that are on the horizon with this plan may very well be the straw that breaks the camel's proverbial back for TMI.	General	Economic Impact	S3	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.

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Tom Brownle, and several others	Over 237 communities in Washington State's drinking water are above health based limits with copper. The BEST ofthe WORST is 170 ppb and the BAD ofthe WORST is 171B ppb. You expect a business in Washington to be less then 20 ppb on their run off water. What is wrong with this picture? I should start a new business, to bottle the run offwater and sell it to those 237 communities. The name ofthe water could be (SAFER THEN YOUR WATER). Somewhere on the label I should put (almost copper free!)	Benchmark	Copper	S5	It is not surprising that the human health (drinking water) criteria for copper is different from the aquatic life criteria for copper. A great deal of scientific literature demonstratives that low levels of copper can be toxic to certain kinds of aquatic life, while those same levels of copper have no health effect on humans who drink it. The same is true of other drinking water constituents such as chlorine, which can also be toxic to fish at levels that are not toxic for human consumption.	No	
Travis Fry	It strikes me as a bit peculiar that in this day and age with our incessant desire to create a greener planet that certain agencies would go so far as to create such a confusing and restrictive act. Its unfortunate that still in this day and age that most environmentalist view legitimate salvage yards as some sort of stigma. Its as though its a foregone conclusion that were all beer drinking hillbillies who just take our old oil and mercury switches and put them in 50 gallon drums only to be buried on the family farm. I won't use wreckless wrecking yards in my argument for why I oppose these amendments to the Storm water permit debacle. Everyone one is aware that they exist, everyone knows that very little is done to stop them, thus making legit salvage yards the scapegoats for the EPA. I would however like to give some statistics. I know every government agency just thrives on statistics. In our salvage yard alone in the last year we processed appx. 2000 cars .. heres what that translates into. 2250 gallons of oil .. most of which is then reused in our CLEAN BURN oil furnace, or picked up by a certified recycler. 1500 gallons of antifreeze, which also is recycled either in the form of being resold or sent to a certified recycler. 500 mercury switches. Now we all know how much havoc can be wreaked if one of those mercury switches were to just be tossed into a body of water. TO think last year alone we prevented that from happening 500 times. YOU hear alot about CFC'S and how bad they are for the ozone, global warming and all that fun stuff. we eliminated roughly 1200 lbs of freon into our recovery unit. I don't know about you .. but to me that means I don't feel the need to have to bump up the SPF of my sunblock up to 98, especially knowing were one of hundreds of yards doing our part. Then there's always those valuable catalytic converters and the precious metals inside them. A 1000 plus cats were meticulously removed and sold to a certified recycler. I don't know how many aluminum and steel wheels we recycled, but you can add that to the 100's of pounds of cancerous causing lead weights we removed, as well as several more 100's of copper wire removed. ' we do our part to keep this great state of washington clean and green. We do not stand alone in this battle for a cleaner planet. we are far from the largest salvage yard in the state. Yet just look at what we as a single yard have done. It would be nearly impossible to . quantify the amounts of recyclable materials that are taken out of the environment by dedicated salvage yards and what the environmental impact would be if these people were left to their own demise with these materials. please take these numbers into consideration, if even half of the salvage yards in washington end up being shut down due to the fact that they can't conform to the strangling proposed restrictions, it would be detrimental not only the environment but the economy as a whole.	General	Economic Impact	N/A	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Trident Seafoods Corporation	Permit Fees - Permit Fees [S11] - While technically not part of the permit, it can not be avoided in noticing the disparity or unfairness in how the permit fees are assessed. A company's gross annual revenue is not a fair representation of a permitted facilities stormwater pollution potential. A fee based on a facility's potential stormwater related acreage would appear to be more representative to a company's environmental impact.	Permit Fees		S11	This comment may be valid, but it outside of the scope of the permit. No change.	No	
Trident Seafoods Corporation	Stormwater Pollution Prevention Plan (SWPPP) - General Housekeeping [S3 (B) (3) (b) (1) (3) (a)] - While quarterly vacuuming of paved surfaces should prove to be helpful in limiting stormwater pollution, some permitted facilities may need to be vacuumed on a weekly or daily basis to achieve any real benefit. Such a schedule could prove to be financially burdensome unless some type of tax credit or fee rebate could be offered to offset the initial capital cost. Also will there be a specific horsepower or size of vacuum appliance to be allowed or will household units be deemed as sufficient on a quarterly basis?	SWPPP	Housekeeping	S3.B.3.b (1) (3) (a)	Ecology agrees that some facilities may benefit from additional (more frequent) sweeping, and believes that the permits' inspection, sampling, and corrective action requirements may result in some facilities sweeping more frequently than the minimum. Ecology has chosen to keep the permit non-specific in regard to horsepower, or sweeper specifications; but may provide additional clarity in guidance documents.	No	
Trident Seafoods Corporation	Employee Training [S3 (B) (6)] - Annual stormwater training for employees engaged in industrial activities that may come in contact with stormwater is important. However the term "employees" could include temporary day labor and contracted vendors on site. It is requested that the term "facility" be added to the sentence "...SWPPP training for *facility* employees who have duties in areas of industrial activity... " This will clarify that only facility employees require training.	SWPPP	Employee Training	S3.B.6.	Ecology has decided against making a distinction between various types of employees at facilities covered under this permit.	No	

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Trident Seafoods Corporation	Benchmarks and Effluent Limitations - Conditionally Authorized Non-Stormwater Discharges [S5 (D) (1) (b) (v)] o This portion of assessment may prove difficult to evaluate as without a visible sheen or laboratory analysis, it could be presumptuous to evaluate untested waters for exceeding listed stormwater parameter benchmarks which are only indicators of possible violations of water quality standards.	Benchmarks - Conditionally Authorized Non-Stormwater Discharges	Meeting Water Quality Standards	S5 (D) (1) (b) (v)	Ecology agrees that this determination can be difficult for certain pollutants. Permittees may be required to make their determination based on the best available information, and any presumptions, uncertainty, or data limitations should be documented in the SWPPP.	No	
Trident Seafoods Corporation	Inspections - The cost and course type should be of a minimal nature as some permitted facilities may require more than one certified stormwater inspector. The person conducting facility inspections or collecting stormwater samples may not possess professional certification or advanced training.	Inspections	Cost	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Trident Seafoods Corporation	Inspections Inspection Frequency [S7 (A) (2)1 - While the certification process is currently unknown and no process is in place for this task, will the certification be provided by the Department of Ecology and will annual training for the certified inspector be required?	Inspections	Frequency	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Trident Seafoods Corporation	Corrective Actions It is requested the Department of Ecology establish a structure or framework for permitted facilities to be delisted from Corrective Actions after having achieved consistent attainment for the offending parameter(s). This should provide an incentive for facilities to reduce their environmental impact.	Corrective Actions	Allow off-ramps from Corrective Action Levels	S8.B	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Trident Seafoods Corporation	Corrective Actions - Level 2 Corrective Actions [S8 (B)l It was stated at the Ecology Stormwater Workshop on July 13th , that a permitted facility in Level 2 Corrective Actions could achieve consistent attainment for all of their testing parameters and still be listed in Level 2 Corrective Actions. This would appear to be counterproductive.	Corrective Actions	Level 2	S8.B	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Unimin	As written, does this mean EVERY applicable Operational Source Control BMP is required and/or justified as unnecessary or not possible?	SWPPP	Applicable BMPs	S3.B.3.b.i.1.	Yes. "Applicable" BMP means the BMPs listed as "applicable" in the 2005 SWMM. This requirement does not extend to the "recommended additional" BMPs listed in this section. Refer to Volume IV of the 2005 SWMMWW; Section 1.6 Distinction Between Applicable BMPs and Recommended BMPs.	No	
Unimin	Vacuuming of paved surfaces quarterly appears to be mandatory. This is an expensive proposition likely to have minimal water quality impact for many facilities. It should be left as an OPTION, not a requirement.	SWPPP	Vacuum Sweeping	S3.B.3.b.i.3.a.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Unimin	Is there a minimum size requirement that would necessitate containment? (As “tanks” are mentioned, I would assume they are the only containers covered, but this is unclear). Would indoor tanks require containment?	SWPPP	Secondary Containment	S3.B.3.b.i.5.a.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Unimin	Spill kit contents should be left to the operator. For example, storm drain plugs/covers are not needed at all operations. I would suggest changing the “shall include” to “should include the following items, as applicable”	SWPPP	SPECP	S3.B.3.b.i.5.b.	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP". [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.

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Unimin	Facilities that have obtained consistent attainment in the past should not have to start over and resample all parameters – if consistent attainment was achieved under the previous permit, it should carry over under the terms of the new permit.	Sampling	Consistent Attainment	S4.B.6.	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value.	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.
Unimin	The benchmark for turbidity has been changed to become the new action limit and the previous action limit of 50 NTUs was eliminated. Based upon the data presented in "Stormwater Characterization by Industrial Group", 25 NTUs is not a realistic action limit for many industrial groups and could put many facilities into level 3 or level 4 corrective action very quickly. We suggest the action levels for turbidity be reestablished at 50 NTUs for at least some industrial groups, and/or establish a variable benchmark related to the NTU level of upstream receiving waters at the time of discharge sampling.	Benchmark	Turbidity	S5.A.	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Unimin	Why are Professional Engineers automatically qualified to conduct inspections? What would an EE or ME for example, know about stormwater? I believe CEPSCs should also be allowed to conduct inspections. It is impossible to comment on the CISM program without knowing more of the details. While additional training is a good idea, who will do the training? What will it cost? If the state will administer the program, are there funds available to do so? The 2012 and 2013 deadlines seem very ambitious. There should be a provision for a training the trainer type of system whereby one person from a facility can receive training and then train others involved in stormwater activities at the facility.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.
Unimin	Unimin Corporation requests Ecology remove them from the table in Appendix 6 for the following reasons: 1. Unimin's facility in Hamilton contains all but extremely large storm events and major floods. No known BMP's could handle the amount of stormwater in these events. Because these are the only event that we have discharges, that is the only time we sample. These samples have not been representative and should not be considered. 2. The sample collection locations did not always include a vegetative filter due to flooding and a suggestion from Ecology to sample at the end of our culvert, which again, omitted the vegetative filter.	Corrective Actions	Appendix 6	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Union Pacific Railroad Company	This comment focuses on the ambiguity, contradiction and inconsistency in the draft ISWGP regarding required permit coverage for railroad transportation facilities (SIC 40xx, 41xx). We believe a revision to the draft permit is necessary to clarify the scope of required coverage for these facilities so it is clear and concise to facilities, Ecology field inspectors and the public. Comment 1 - Section S1 Permit Coverage Table 1 (Activities Requiring Permit Coverage) on page 7 of 71 in the ISWGP identifies SIC codes 40xx and 41xx for railroad transportation facilities. The table specifically notes the following activities which would require permit coverage: Railroad transportation and vehicle maintenance shops (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) The November 2007 draft permit contained a footnote 3 to Table 1 which has now been deleted in the most recent draft permit. In fact, all footnotes to Table 1 have been deleted. Footnote 3 provided some clarification on the application of the permit coverage requirements s follows: " Footnote 3. Only the specified activities (vehicle maintenance shops, equipment cleaning operations….) occurring at a facility require coverage under this permit " (Emphasis added) While Table 1 and the former Footnote 3 appear clear to have limited permit coverage for railroad transportation facilities to "only the specified activities", there are other parts of Section 1 and the accompanying ISWGP permit Fact Sheet that are confusing as to the required coverage. In addition, the deletion of Footnote 3 adds to the confusion. Other examples where the permit is not clear on the coverage are as follows: Section S1A Facilities Required to Seek Coverage under this General Permit - Facilities engaged in industrial activities in Table 1 shall apply for coverage if stormwater from the facility discharges to a surface water body or to a storm sewer system that discharges to a surface water body…. (Emphasis added) Industrial Stormwater General Permit Fact Sheet pg 57, S1. Permit Coverage does not discuss the deletion of the footnotes from Table 1. Summary Based on the above the permit is less clear and still appears to confuse the specific industrial activities that are included and excluded at a railroad transportation facility. It is also our experience during site inspections that Ecology's own Site Inspectors are also not clear on the required permit coverage. At an Ecology public meeting on the November 2007 draft ISWGP, the Ecology presenter implied that clarity would be provided in guidance documents that would be published later on. These documents have not yet been published. Often the intended Ecology guidance documents are never published, are guidance only and not part of the permit. For example, guidance documents intended to be published by Ecology for clarification of the Model Toxics Control Act (MTCA) Cleanup Regulations rule revisions (finalized in 2001) have not yet been completed. Overall, this leads to continuing confusion regarding required permit coverage. The opportunity is available now to make the permit language clear which would eliminate the need for a guidance document later on the issue. We are requesting that the draft permit language be modified so it is clear in advance of the permit going into effect this October 2009 that only the specific activities identified in Table 1 and the former Footnote 3 require permit coverage for railroad transportation facilities.	Permit Coverage	Vehicle Maintenance	S1	Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
WaferTech	1. S3 (SWPPP) B.3.b.i.3)a: Best Management Practices, page 16 Good Housekeeping: “The permitee shall vacuum paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated pollutants a minimum of once per quarter.” This assumes this activity is needed quarterly and will create unnecessary dust, particulates and green house gases, if the paved surface doesn’t need to be cleaned. WaferTech will incur considerable cost for this activity. WaferTech proposes to change wording to: “paved surfaces should be inspected quarterly and vacuumed if accumulated pollutants are found.”	SWPPP	Vacuum Sweeping	S3.B.3.b.i.3)a	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
WaferTech	2. S3 (SWPPP) B.3.b.i.3)b: Best Management Practices, page 16 Good Housekeeping: “All sources of dust shall be identified and prevented from accumulating on hard surfaces at the facility”. All sources of dust may not be able to be identified, if accumulated dust from a source off-site is blown onto Facility surfaces, for instance during a wind storm. WaferTech requests additional description for this requirement, such as “identification for industrially generated dusts” or delete the requirement if not able to do so. Consider making this requirement applicable to	SWPPP	Dust	S3.B.3.b.i.3)b	will clarify by adding "on-site" i.e., on-site sources of dust...	Yes	add .."on-site" sources of dust…

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WaferTech	3. S3 (SWPPP) B.3.b.i.3)c: Best Management Practices, page 16 Good Housekeeping: "All dumpsters shall be fitted with a lid that shall remain closed when not in use." WaferTech has some open dumpsters which are used for recycling wood, plastics and metals. These are not sources which contribute to stormwater pollution and these would become less safe to discard materials into, if a heavy lid was required for them. The bins are owned by AGG & Smurfit for recycling purposes. WaferTech proposes changing the wording to require all solid waste dumpsters, which may create leachate or particulates, to be fitted with a lid & remain closed.	SWPPP	Dumpsters	S3.B.3.b.i.3) c	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
WaferTech	4. S3 (SWPPP) B.3.b.i.4) a: Best Management Practices, page 17 Preventive Maintenance: "Clean catch basins when the depth of debris reaches 60% of the sump depth. However, in no case shall there be less than 6 inches of clearance from the debris surface to outlet pipe." Determining 60% of sump depth will be difficult for sites which have over 100 storm drains. Opening the storm drain frequently is a safety concern due to the heavy lifting of the grate. WaferTech has an inspection & maintenance schedule for the facility storm drains and the storm drains are fitted with oil & debris stormwater inserts. These inserts do not drain, if they are plugged with debris or have reached their removal capacity. WaferTech changes these inserts on an annual basis or sooner if needed. WaferTech proposes that this become a requirement for storm drains which are not fitted with storm drain inserts.	SWPPP	Catch basin cleaning	S3.B.3.b.i.4) a	Permit allows SWPPP to exclude required BMPs if "unless site conditions render the BMP unnecessary or not possible, or the Permittee provides alternative and equally effective BMPs, and clearly justifies its decision in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. The permittee has the responsibility to comply with applicable permit conditions.	No	
WaferTech	5. S3 (SWPPP) B.3.b.i.6) d: Best Management Practices, page 18 Employee Training: "A log of the dates on which specific employees received training, (added to the SWPPP). This creates unnecessary paperwork for companies with electronic training records. WaferTech training records are maintained in a paperless, electronic SAP system, managed by the Learning & Development Department at WaferTech for nearly 1,000 employees. This is an environmentally friendly system, with records easily assessable for review by DOE. WaferTech proposes this requirement to be changed to "training records shall be maintained for 5 years and readily assessable".	SWPPP	Employee Training	S3.B.3.b.i.6) d	This language is consistent with EPA's Multi-Sector General Permit. Nothing in the permit precludes records from being stored electronically, as long as they can be made available to Ecology for review.	No	
WaferTech	6. S5 Benchmarks & Effluent Limitations Table 2, page 24: Zinc, total 2.5 micrograms/ liter lab quantitation level. This low lab quantitation level is unreasonably low. A Portland area certified laboratory has a minimum report limit of 5.0 micrograms per liter for zinc and a minimum detection limit of 2.7 micrograms per liter. Zinc is a background contaminate in numerous sources of soil and water. A lab quantitiation level this low may not be met, simply due to background contamination and not necessarily from the stormwater being contaminated with pollutants. WaferTech is hereby requesting the lab quantitation level for zinc be set at 5. micrograms /L, which is within testing detection limits and will remove background contamination concerns.	Benchmark	Zinc	S5 Table 2	The detection and quantitation levels were derived from EPA methods, Ecology's laboratory, and survey of accredited laboratories. Ecology set the levels to those that are commonly achieved by reporting laboratories in order to reduce the submittal of non-detect data. Interference with the specified levels can be accounted for by laboratory methods given in 40 CFR Part 136. Clarifying language will be added to S5 Table 2, footnote b: "If a Permittee knows that an alternate, less sensitive method (higher detection level and quantitation level) from 40 CFR Part 136 is sufficient to produce measurable results in their effluent, that method may be used for analysis".	Yes	Add to S5 Table 2, footnote b: "However, if a Permittee knows that an alternate, less sensitive method (higher detection level and quantitation level) from 40 CFR Part 136 is sufficient to produce measurable results in their effluent, that method may be used for analysis".
WaferTech	7. S7 Inspections A.2, page 32 Inspection Frequency: "Beginning Jan. 1, 2012 visual inspections shall be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality or a Professional Engineer." There is no discussion on how this requirement will be accomplished. Is WA. DOE planning to hold workshops to certify state-wide environmental staff? WaferTech was able to find one certification class offered in the State of Washington, in the Seattle, which required application fees, 1-day pre-exam preparation, followed by an exam. At a time when resources are stretched for both state agencies and businesses, this is a cost that doesn't seem reasonable and may not provide any actual benefit to the environment. The Department of Ecology needs to provide more information on these certification requirements. WaferTech requests that this requirement be removed or that Washington State Department of Ecology commit to setting up free certification classes at various locations throughout Washington in 2010-2011 to ensure that the industries of this state have an opportunity to comply with this requirement.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
WALLY CLOUGH	I AM EMPLOYED BY A WRECKING YARD FOR 10 YEARS AND I DON'T FEEL LIKE LOSING MY JOB BECAUSE OF ANOTHER PERMIT WE HAVE TO HAVE. THE TIME AND EXPENSE REQUIRED TO MEET ALL OF THE GOVERNMENT REGULATIONS ARE COSTING MORE AND MORE MONEY. SOON,•AFTER WE LAY OFF MOST OF OUR EMPLOYEES, WE WILL SIMPLY CLOSE. THE CLOSING OF WRECKING YARDS THAT ABIDE BY ALL THE LAWS IS GOING TO CAUSE A HUGE IMPACT UPON OUR ENVIRONMENT. AS IT IS, THERE ARE HUNDREDS OF VEHICLES THAT ARE NOTBEING DISPOSED OF PROPERLY. TO REQUIRE ADDITIONAL REGULATIONS FOR LICENSED WRECKING YARDS IS NOT ONLY GOING TO CAUSE AN ECONOMIC HARDSHIP BUT ALSO AN ENVIRONMENTAL HAZZARD. IF YOU LOOK AT THE MANY WRECKING YARDS IN THE STATE, YOU WILL SEE HOW MANY STEPS ARE ALREADY TAKEN TO PROTECT THE ENVIRONMENT. THE IMPOSITION OF THE NEW STORMWATER PERMIT WON'T SOLVE THE SITUATION IT IS TRYING TO ADDRESS AND ECOLOGY NEEDS TO RECONSIDER.	General	Economic Impact	S5, S8	Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Washington Public Ports Association	Additionally, we are concerned with language in Section 8 that would establish lower corrective action levels. The draft permit leaves all facilities in the highest triggered level of corrective action indefinitely, regardless of the effectiveness of the action demonstrated through monitoring results. Rather than pursuing this policy, the permit should provide for an off-ramp for facilities that continuously attain benchmarks after taking necessary and effective actions.	Corrective Actions	Allow off-ramps from Corrective Action Levels	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Washington Public Ports Association	One area of the draft permit that particularly concerns ports is language in Section 8 which concerns corrective actions. While we are generally supportive of the permit, the requirements and timelines for implementing treatment technologies as outlined in Section 8 remain fundamentally unworkable. We agree that treatment of stormwater discharges is necessary and appropriate when such treatment can be reasonably achieved. However, we do not believe the proposed timing for implementation of treatment is reasonable or that the technology to achieve the proposed benchmark is affordable. Specifically, the timelines and triggers outlined in Section 8, Table 6 do not provide enough time to comply with the required actions and are, therefore, technically and economically unfeasible for some port and tenant operations. In addition, the triggering of action levels based on any parameter benchmark being exceeded – as opposed to the same parameter being exceeded more than once – significantly increases the likelihood of corrective actions being taken. This does not allow for adequate source control investigations or other actions based on a particular pollutant.	Corrective Actions	Level 3	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Washington Public Ports Association	We appreciate your efforts to bring transparency to this process and have enjoyed working with Ecology's Industrial Stormwater External Stakeholder Workgroup through our designee Marilyn Guthrie who manages stormwater issues for the Port of Seattle. We believe this workgroup has been a positive force and we especially applaud Ecology's use of a facilitator to resolve the many complicated issues associated with this permit. The process to date has resulted in many positive changes. For example: •Simplification of Sampling Requirements (S4.B.): we appreciate the simplification of the requirements for a qualifying storm water event, removal of the antecedent dry period, and timing of stormwater sampling. This will make it much easier for staff to obtain qualifying samples and result in better data collection. •Benchmarks and Effluent Limitations (S5): the removal of "action levels" simplifies the permit and makes it easier to understand. •Reporting and Record Keeping (S9): we appreciate the more streamlined and straightforward outlines for record keeping. Even with these improvements, however, the ISWGP still has the potential to create a significant economic impact on ports, port tenants and other businesses. This is especially true in the context of the current economic downturn, so we encourage you to be especially sensitive not to impair or further depress economic activity that could serve as the basis for recovery.	General	Economic Impact	S5, S8	Ecology sincerely appreciates the WPPA's support for the ISW Stakeholder Workgroup process. Marilyn Guthrie (Port of Seattle) was a valuable and constructive workgroup member. Ecology understands the concern about the economic impact of the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
Washington State Department of Natural Resources	1. SI.E. If a facility discharges only to groundwater, but not through a UIC, is the facility regulated by this permit? How? Does this permit provide any protection for groundwater quality?	Permit Coverage	Discharges to Groundwater	S1.E	Certain sites that discharge stormwater to ground water are covered under the permit. Some of these covered facilities discharge only a portion of their stormwater to ground (e.g., only certain drainage areas, or only during certain time of the year), and others may discharge all of their stormwater to ground (e.g., significant contributor of pollutants). Under the authority of Chapter 90.48 RCW, if a facility has the permit, any discharge to ground (via UIC or otherwise) is subject to permit conditions including, but not limited to, Conditions S1.E (if UIC), S3, S7, S10, and S12 to ensure ground water quality is protected.	No	
Washington State Department of Natural Resources	2. S1.F. Ecology should inspect those facilities granted a No Exposure Certification. Without a clearly defined inspection process by Ecology, it is unlikely that this process will be meet CWA requirements.	Permit Coverage	No Exposure	S1.F	Ecology typically conducts an inspection of facilities seeking No Exposure Exemptions, although it is not a statutory requirement.	No	

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Washington State Department of Natural Resources	11. p.90 What is an accurate SWPPP? A better adjective might be effective.	SWPPP	Need clarification	S3	An accurate SWPPP is one that accurately reflects the site conditions (facility, pollutants, drainage, etc.) and the stormwater BMPs used to implement AKART.	No	
Washington State Department of Natural Resources	3. S3.A.2. and S3AA. It is unclear how the permitee or Ecology will know which BMPs are necessary to comply with water quality standards. Surely the BMPs within the SWPPP, not the SWPPP itself, minimize the discharge of pollutants.	SWPPP		S3.A.2	Ecology agrees that it is difficult to predict what combination of BMPs are necessary to protect water quality, which is why the permit has minimum SWPPP/BMP requirements combined with sampling and corrective action requirements. No change.	No	
Washington State Department of Natural Resources	4. S3.B.3. How does the permitee know which BMPs will prevent violations of water quality standards?	SWPPP		S3.B.3	Permittees that implement a SWPPP consistent with Condition S3, including the BMPs considered "applicable BMPs" from the Stormwater Management Manuals (or approved equivalent manuals), are presumed to be in compliance with water quality standards; see Condition S10 [RCW 90.48.555 (6)].	No	
Washington State Department of Natural Resources	2. p67 The adjustment of sampling requirements is based upon failures related to lack of training. Is it not one of the goals of Ecology to provide directly or indirectly for that training? That excuse is unacceptable.	Sampling	Sampling criteria	S4	The fact sheet states that the previous permits' complex criteria for sample timing resulted in many facilities failure to collect stormwater samples, even during the wet season in Western Washington. Ecology disagrees with the comment that facilities failure to sample is due to a lack of training. Ecology conducted approximately 20 stormwater sampling workshops that were well attended by permittees and consultants. Ecology also published a guide to stormwater sampling, and provided a great deal of technical assistance to help permittees comply with the sampling requirements. Ecology plans to continue and enhance education and outreach to permit holders.	No	
Washington State Department of Natural Resources	3. p.68. The elimination of the requirement to sample the first flush is unacceptable. This is a clear example of backsliding.	Sampling	Sampling	S4	Ecology has revised the criteria for sampling.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.
Washington State Department of Natural Resources	Although the Permit states that it prohibits discharges that are toxic or violate water and sediment standards, the provisions of the Permit do not effectively protect state lands from continued discharge of toxic substances. The Permit appropriately prohibits discharges that contain toxicants as defined by RCW 90.48.520 but only weakly addresses those discharges. It also states that it precludes stormwater discharges that violate surface water quality standards (WAC 173-201A), ground water quality standards (WAC 173-200), and sediment management standards (WAC 173"-204), but fails to address how they would be identified. The Permit allows for numerous exceedances of benchmarks levels before the facility is required to determine if water quality standards are exceeded. There are no standards for the degree of exceedance of the benchmarks. The lack of restrictions on when the samples are to be taken allows for the permitee to adjust sampling to avoid periods of high exposure of pollutants to stormwater and to discharge pollutants at times when there is no sampling.	Sampling ; Corrective Actions	Sampling criteria ; Permit not protective	S4	Ecology has considered the effectiveness of implementing the new BMPs required by the industrial stormwater general permit and has concluded that the BMPs, coupled with the benchmarks and required responses to benchmark exceedences, will be an effective approach to prevent violations of water quality standards and sediment management standards. Ecology has also revised the criteria for sampling.	Yes	
Washington State Department of Natural Resources	4. p.68. It makes no sense to depart from a statistically sensible use of the median.	Sampling	seasonal average	S4.B	Ecology has decided against the use of seasonal medians, as it has the potential to cause confusion and tracking problems.	No	

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Washington State Department of Natural Resources	5. p.70. It is inappropriate with the very limited sampling requirements to allow for consistent attainment for discharges to listed waters.	Sampling	Consistent Attainment	S4.B	The entire reference to 303(d) has been deleted from the Consistent Attainment section, as these are not benchmarks, they are numeric effluent limitations are may not be suspended.	Yes	Delete S4.B.6.c; Revise S4.B.8: 8. Suspension of sampling based on consistent attainment does not apply to pollutant parameters subject to numeric effluent limits based on federal Effluent Limitation Guidelines (Condition S5.C) or Section 303(d) of the Clean Water Act (Condition S6).
Washington State Department of Natural Resources	5. S4.B.1 The permitee may wait for a long rainy period and then sample? Why ignore first flush considerations? Why bother to wait 24 hours between sampling events with this sampling scenario?	Sampling	Sampling criteria	S4.B.1	Ecology has revised the criteria for sampling.	Yes	Revise S4.B.1.c.: Permittees shall collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12 hours.
Washington State Department of Natural Resources	6. S4.B.2. If the BMPs are designed to prevent contact with stormwater, how can the stormwater pass through them?	Sampling	Sampling location	S4.B.2	This means treatment BMPs, which remove pollutants but allow water to pass through, e.g., catch basin inserts, oil/water separators, bioswales, etc. The intent is to ensure that the samples reflect "post-treatment" stormwater quality.	No	
Washington State Department of Natural Resources	Oil sheen is a poor indicator of TPH. If oil sheen is detected, then require sampling for TPH.	Benchmark	Oil Sheen	S5	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Washington State Department of Natural Resources	7. p.74 90% probably what?	Benchmark	Need clarification	S5	The benchmarks, if met, will result in compliance with the water quality standards in the receiving water 90% of the time.	No	
Washington State Department of Natural Resources	7. Table 2 Why isn't copper included?	Benchmark	Copper	S5.Table 2	The rationale for not including copper was explained in the fact sheet. However, based on public comments, Ecology has decided to add copper as a core sampling parameter for all facilities.	Yes	Remove copper from S5.A.2 Table 3, but add copper to the core sampling requirements in S5.A.2 Table 2.
Washington State Department of Natural Resources	S6.B. Eliminate the first two options. Require the permitee to demonstrate with sampling that the listed parameter is absent or no more discharges of listed contaminants to listed waters at any concentration unless the permitee can demonstrate that the discharge does not elevate the loadings of the contaminate in the receiving water. TMDL is based upon loadings, not simply concentrations.	303(d)	Permit not protective	S6.B	This approach is consistent with EPA's 2008 MSGP and relevant case law.	No	
Washington State Department of Natural Resources	The Permit allows by its silence the discharge of additional pollutants to waters that have been listed as impaired for which no TMDL had been developed. The permitting of the discharge of additional pollutants to impaired waters is not in accord with the recent 9th circuit court decision that prohibited the discharge to an impaired water of any additional pollutants for which the water is listed. The failure to create numeric limits for those discharges is unacceptable. The only mechanism to prevent the discharge of additional pollutants is to require effluent limits for those waters.	303(d)	Require limits for all pollutants causing impairment	S6.C	Ecology believes that the final permit handles discharges to 303(d)-listed in a manner consistent with state and federal law, and the 9th circuit court decision regarding impaired waterbodies.	No	
Washington State Department of Natural Resources	S6.D. All dischargers should comply with future TMDLs. The permit requires that the permitee comply with future stormwater manuals.	303(d)	Permit not protective	S6.D	It is unclear from the comment how dischargers would comply with "future TMDLs" or what kind of language change is suggested. If EPA approves a TMDL that has an impact on stormwater discharges, Ecology could impose those requirements through an administrative order (see S6.D.2).	No	

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Washington State Department of Natural Resources	11. S7.6. How does the permitee determine the effectiveness of BMPs inspected without sampling?	Inspections	Need clarification	S7	Visual inspections can evaluate the effectiveness of many BMPs intended to prevent stormwater pollution. Inspections can detect inadequate cover and containment, petroleum spills and leaks, illicit discharges, improper drainage and run-on, BMPs (e.g., catch basins) that require maintenance.	No	
Washington State Department of Natural Resources	10. S7.B.5. What does reflect current conditions mean? Accurately shows?	Inspections	Need clarification	S7.B.5	Verification that the site map in the SWPPP reflects current conditions means that the map is an accurately shows the current site conditions.	No	
Washington State Department of Natural Resources	18. p.97 If treatment BMPs are required to prevent stormwater contamination, then all permittees must implement treatment methodologies. The intent of the general stormwater Permit is to be commended. However, the real answer to stormwater issues lies not so much in a weak permit, but in effective mechanisms to reduce the discharge of pollutants, including: • the development of alternative products containing fewer pollutants such as tires, oils, brake linings; • development and testing of the effectiveness of BMPs; • frequent and more thorough Ecology inspections; • effective education of storrnwater managers and operators • consideration of the levels of exceedances of benchmark values in addition to the frequency; • consideration of the impacts to sediment; • and public involvement;	Corrective Actions	Permit not protective	S8	Treatment BMPs do not prevent stormwater contamination. Source control BMPs prevent contamination, while treatment BMPs remove pollutants from contaminated stormwater. Ecology agrees that this stormwater permit alone is not the "real answer to stormwater issues". Several of the bullets in the comment make sense, such as the development of alternative products that do not contaminate stormwater, but this is beyond the scope of this permit.	No	
Washington State Department of Natural	12. p. 92 It is unclear what immediately, but no later than means.	Fact Sheet	Need clarification	S8	To improve clarity in Condition S8 (Corrective Actions), Ecology has replaced the term "immediately" with "as soon as possible".	Yes	Replace ~~...immediately~~ , with as soon as possible.
Washington State Department of Natural	12. S8.BA Does this sentence suggest that Ecology may waive requirements that are necessary to meet water quality standards?	Corrective Actions	Waivers	S8.B	No	No	
Washington State Department of Natural Resources	14. p.92 Only at level three is there a clear requirement to meet benchmarks? Why not previously?	Corrective Actions	Level 3	S8.C	Ecology disagrees with the premise of the comment. Levels 1-3 state that the SWPPP revisions and additional BMPs are to be implemented "with the goal of achieving all benchmark values in future discharges".	No	
Washington State Department of Natural	13. S8.CA.Does this sentence mean that Ecology may waive a requirement for treatment BMPs necessary to achieve water quality standards?	Corrective Actions	Waivers	S8.C	No	No	
Washington State Department of Natural Resources	14. S8.D.What is an Active Stormwater Treatment System?	Corrective Actions	Level 4	S8.D	As stated in draft S8.D, Active Stormwater Treatment Systems include, but are not limited to, chemical treatment, enhanced media filtration, electro-coagulation and ion exchange. With significant changes to the corrective action section, the term "active stormwater treatment" has been deleted.	Yes	Delete *Active Stormwater Treatment*
Washington State Department of Natural Resources	16. p.95 What is active stormwater treatment?	Corrective Actions	Level 4	S8.D	As stated in draft S8.D, Active Stormwater Treatment Systems include, but are not limited to, chemical treatment, enhanced media filtration, electro-coagulation and ion exchange. With significant changes to the corrective action section, the term "active stormwater treatment" has been deleted.	Yes	Delete *Active Stormwater Treatment*
Washington State Department of Natural Resources	1. p.55 There is a paucity of data to support the idea that if a benchmark is exceeded many times that the potential for water quality violations increases. The fallacy with the logic and the concept that as the number of exceedances increases the requirements for the facility increase is that such statements are made in the absence of any information on the magnitude of the exceedances.	Benchmark	Permit not protective	S5, S8	Given the number of variables that are necessary to identify a violation of the water quality standards in the receiving water, Ecology believes that it would be inappropriate to base adaptive management at an industrial facility on any single effluent concentration, regardless of how high the value is.	No	

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Washington State Department of Natural	13. p. 93? Does this reflect the uncertainty of the permit?	Fact Sheet	Typo	N/A	The question mark is a typo.	No	
Washington State Department of Natural Resources	The compliance rate for the existing industrial stormwater permit is unacceptable. The fact sheet notes that the compliance rate is approximately 95 % at one point, and then states that many facilities are not in compliance with permit conditions only two paragraphs later. It was noted that only 30 percent of the facilities were submitting DMRs. Only 40 percent of the SWPPPs were up to date. Only 60 top 70 percent of the facilities could identify one or more BMPs. Later on it stated that only 10 percent of the facilities would be in full compliance. For a permit that relies on permitees for implementation of BMPs, monitoring, and inspections these figures represent failure and probable noncompliance with water quality standards. Note also in the Fact Sheet (P83) that it is acknowledged that BMPs are not implemented. Exceedances of benchmarks should require additional inspections by both the facility and Ecology. A fee should be imposed to offset such costs. There is no point in issuing a new permit until Ecology is able or willing to undertake a compliance policy that effectively limits the discharge of toxic substances.	General	compliance rate unacceptable	N/A	Ecology agrees that there are permit compliance issues at many sites covered under the permit, but disagrees with the proposed solutions.	No	
Washington State Department of Natural Resources	The Stormwater Management Program Plans include an iterative adaptive management component as an integral component of the concept. Adaptive management requires within the duration of a permit that periodic examination of implemented Best Management Practices (BMPs) be assessed to determine whether existing BMPs require maintenance, be altered, or be replaced. It is not possible to assess whether implementation of BMPs is effectively reducing the discharge of pollutants or meeting water quality standards based upon the proposed monitoring.	Sampling	Permit not protective	N/A	Ecology disagrees with the comment.	No	
Washington State Department of Natural	p.87 To assume that compliance with this permit is compliance with the TMDL is unconscionable. Compliance with a loosely written permit does not qualify for TMDL compliance.	303(d)	Permit not protective	S6	Ecology disagrees with the comment. This approach is consistent with applicable state and federal laws, the EPA MSGP, and the previous ISWGP. No change.	No	
Washington State Department of Natural	17. p. 97 Clearly this permit authorizes, not prevents, pollution of state waters.	General	Permit not protective	N/A	Ecology strongly disagrees with this comment.	No	
Washington State Department of Natural	6. p.73 and p.75. Is this reduction in CORE requirements backsliding?	Benchmark	Copper	S5	No, Ecology does not consider the proposed sampling requirements to constitute backsliding.	No	
Washington State Department of Natural	15. p.94. Is Ecology stating that it may waive the requirement to meet water quality standards by waiving treatment requirements?	Corrective Actions	Waivers	S8	No, Ecology will not waive the treatment requirements if it would result in a violation of water quality standards.	No	
Washington State Department of Natural Resources	The draft Industrial Stormwater General Permit ("Permit") was developed to protect the waters and sediments of the state from stormwater discharges from certain designated industrial facilities. The management of stormwater and stormwater outfalls is important for the protection of human health, the environment, and the sustainability and continuing development of aquatic resources. DNR welcomes the issuance of the Permit. It is a step in the right direction of addressing the toxic nature of stormwater discharges and its affects on water and sediment. As noted in the Fact Sheet, the issuance of the permit is part of a process that Ecology is undertaking to reduce the toxicity associated with stormwater discharges. However, DNR believes that the draft Permit fails to adequately protect aquatic lands managed by the Department of Natural Resources from pollutants in stormwater discharges originating from industrial facilities. The Department is concerned: • that the permit allows discharges to exceed acute and possibly chronic water quality standards and to adversely affect sediment standards without clear adaptive management processes for reducing those loads; • that notification of exceedances of standards is weak; • that monitoring requirements are inadequate; and • that the Department of Ecology is incapable of undertaking the necessary level of departmental inspections to sustain the permit.	General	Permit not protective	N/A	Ecology agrees that this permit is a step in the right direction of addressing the toxic nature of stormwater discharges and impacts to water and sediment quality. Numerous changes have been made to the final permit which may allay some of DNR's concerns.	Yes	Numerous changes to the permit.

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Waste Management	11. Condition G2.B.1: There is no legal basis to require submittal of a corporate authorization to Ecology. This condition creates yet another unnecessary bureaucratic hurdle to surmount in this Permit. It requires that a person who signs a report must have sent a corporate authorization to Ecology prior to signing. It does not appear that this requirement is found anywhere in WAC 173-220-210(3)(b), in spite of Ecology's representation to the contrary. Not only is this another burden that must be done and updated, this requirement will potentially undermine the monitoring program. As discussed elsewhere in these comments, only a few individuals will be qualified to perform visual monitoring under the Permit. If person is qualified to perform visual monitoring and actually performed the monitoring, the results of that monitoring would nonetheless not be reportable if that person had neglected to transmit the corporate authorization to Ecology. Condition G2.B.1 is a needless and bureaucratic requirement that Ecology should delete to read: B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if: 1. The authorization is made in writing by a person described above. and submitted to the Ecology.	Signature Authority	Delegation	G2	40 C.F.R. § 122.22(b) provides the legal basis for G2.B.1	No	
Waste Management	3. Condition S3.A.4.b: A permittee should have to update its SWPPP only if there is a there a significant "negative" effect on the discharge of pollutants to waters of the state. Waste Management strongly disagrees with this statement. If the exceedance of a benchmark does not constitute a permit violation, the failure to implement a requirement triggered by the exceedance should likewise not automatically constitute a violation. For example, if there is no AKART that will result in benchmark compliance, a facility will be in violation for failing to have implemented a treatment BMP that does not exist or that will not result in meeting benchmarks. Often, there are other explanations for why a benchmark cannot be met, such as background levels of pollutants. The Permittee should not be subject to penalties and citizen suit liability for failure to implement BMPs that will not result in achieving benchmarks. As proposed, Condition S3.A.4.B requires updating a SWPPP if "there is a change in design, construction, operation, or maintenance at the facility that has, or could have, a significant effect on the discharge of pollutants to waters of the state." As a result, a change that results in a significant positive effect would require an update to the SWPPP. This seems to be a meaningless requirement. The Condition should be revised to require a SWPPP update only if there is "a significant negative effect on the discharge of pollutants to waters of the state."	SWPPP	SWPPP modification	S3.A.4.b	Ecology agrees that this condition should address changes that could result in a negative impact to water quality. Ecology has excerpted language from EPA's MSGP and has revised the permit condition: b. The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the facility <u>that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged</u>.	Yes	Revise S3.A.4.b: b. The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the facility <u>that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged.</u>
Waste Management	4. Condition S3.A.5: Plans or other documents that are incorporated by reference into the SWPPP should not be "enforceable" requirements. By including a provision that makes every document incorporated into a SWPPP an enforceable part of the SWPPP, Ecology will create ample opportunity for citizen suits plaintiffs to bring lawsuit based on alleged violations of documents that are wholly unrelated to stormwater of the SWPPP. For example, a facility might cross-reference to an solid waste permit in the SWPPP. If there is a violation of the solid waste permit in an area of the facility where there are no stormwater discharges, a plaintiff might try to argue that the incorporation by reference of the solid waste permit makes the non-stormwater related violation subject to a citizen suit claim under the Clean Water Act.	SWPPP	Other Plans	S3.A.5	This is intended to ease the burden of the SWPPP requirements by allowing the permittees to reference plans intended to address other regulatory requirements. Only the portions of the referenced plans that are necessary to meet the requirements of Condition S3 are enforceable under the permit. For example, a non-stormwater aspects of a solid waste permit referenced by a permittee would not be enforceable under this permit.	No	
Waste Management	5. Special Condition S3.A.5 is unclear in its cross-reference to Condition S3.A.4 This condition references "the availability requirements of the SWPPP (see Condition S3.A.4)." This reference appears to be wrong in that Condition S3.A.4 does not make reference to "availability requirements. Should this reference be to Special Condition S9.E?	SWPPP	Typo	S3.A.5	This typo has been corrected.	Yes	Changed to S9.E.1

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Waste Management	6. Condition S3.B.3.b.i.3.c is unnecessary for facilities that store, repair, and/or manage dumpsters and there is no stormwater exposure to solid waste. Condition S3.B.3.b.i.3.c requires all dumpsters to be stored with lids closed when not in use. This condition is obviously targeted to facilities that use solid waste dumpsters or similar containers to store solid waste prior to collection by solid waste companies. Waste Management strongly supports this condition in those situations. Waste Management does however manage a large number of empty dumpster – including new, refurbished, damaged, undergoing repair, cleaned, etc. – at its facilities. Since these dumpsters are not being used to store solid waste, this condition should not apply to those facilities where dumpsters are being stored for other purposes. Waste Management believes that the exception in S3.B.3.b can be fairly read to allow Waste Management and similar companies to store dumpsters without closed lids when they are clean and not being used to store solid waste prior to collection.	SWPPP	Dumpsters	S3.B.3.b.i.3.c	Permit allows SWPPP to exclude required BMPs if "if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP" [S3.B.4.b]. This condition has been revised to improve clarity. Ecology has also added clarifying language regarding covered dumpsters: c) All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit. Revise S3.B.4.b.i.3.c: All dumpsters shall be kept under cover or, fitted with a lid that shall remain closed when not in use.
Waste Management	1. The Permit conflates the permit benchmarks into effluent limits and permit violations. In spite of comments to the contrary, the Permit represents one step closer to Ecology treating the exceedance of a benchmark as the violation of a numeric effluent limit, and therefore a permit violation or a violation of a water quality standard. Fact Sheet at 89 ("Since benchmark values are not numeric effluent limitations, discharges that exceed a benchmark value are not automatically considered a permit violation or a violation of water quality standards."). Most certainly, exceedances of benchmarks are not violations of effluent limits or water quality standards. 65 Fed. Reg. 64746, 64767 (Oct. 30, 2000) ("The benchmark concentrations are not effluent limitations and should not be interpreted or adopted as such."). Yet, the Permit now imposes mandatory requirements in the event of a benchmark exceedance that has the practical effect of being a violation in everything but name. In other words, if a facility exceeds a benchmark, it is commanded to undertake mandatory actions and is even at risk of having its coverage under the General Permit revoked. By attaching so many mandatory actions to benchmark exceedances, Ecology has subverted the very purpose of benchmarks, which were intended to merely represent a "level of concern" where further consideration of BMPs may be warranted: The ''benchmarks'' are the pollutant concentrations above which EPA determined represent a level of concern. The level of concern is a concentration at which a storm water discharge could potentially impair, or contribute to impairing, water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed by EPA as a level that, if below, a facility presents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's storm water pollution prevention measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or adopted as such. These values are merely levels which EPA has used to determine if a storm water discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing a SWPPP. 65 Fed. Reg. at 64766-67. Ecology should return to the principles behind the use of benchmarks and stop conflating them into effluent limits.	Benchmark	Benchmarks are defacto effluent limits	S5	Ecology acknowledges that the ISWGP is more prescriptive than EPA's MSGP. The Washington approach is consistent with Washington Statute (RCW 90.48.555), which requires an adaptive management indicator (benchmark values) as an integral part of an "enforceable adaptive management mechanism". If benchmarks were simply a "level of concern where further consideration of BMPs *may* be warranted", it would result in a non-enforceable open ended do-loop, which has previously been found to be unlawful. To be consistent with RCW 90.48.555, the "enforceable adaptive management mechanism" must rely on benchmarks to drive meaningful corrective actions within set timeframes, unless a waiver or time extension is requested by the permittee and granted by Ecology.	No	
Waste Management	2. Failure to implement a corrective action does not constitute a permit violation. Ecology, in the Fact Sheet, makes the astounding statement, "However, if a permittee exceeds benchmarks that trigger a corrective action, but does not comply with the specific corrective action requirements in S8, it would be considered a permit violation."1 1 This seems akin to stating, "While driving your car at 55 mph is not a violation of the speed limit, the failure to reduce your speed below 55 mph is."	Corrective Actions	Benchmarks are defacto effluent limits	S5	Ecology does not believe the fact sheet language is astounding. The use of the benchmarks to trigger adaptive management is consistent with RCW 90.48.555. The speed limit analogy provided is not accurate; the failure to lower a facilities discharge values below benchmarks (before or after corrective actions) is not a violation.	No	

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Waste Management	7. Neither the Fact Sheet nor the Permit explains why there are different zinc benchmarks for Eastern and Western Washington. It is not apparent from the Permit or Fact Sheet why Ecology has established different benchmarks for zinc, depending on which side of the Cascade Crest a facility is located. Further explanation is warranted.	Benchmark	Zinc	S5	The fact sheet (p.74) states that "the results of the 2009 Herrera analysis, hereby incorporated into this fact sheet by reference, were submitted to Ecology and titled: Water Quality Risk Evaluation for Proposed Benchmarks/Action Levels in the Industrial Stormwater General Permit, dated February 9, 2009." [http://www.ecy.wa.gov/programs/wq/stormwater/industrial/workgroupdocs/analysisreportwqrisk.pdf] This document explains that since the zinc water quality criteria is hardness dependant, and streams have different (lower) hardness in Western WA, therefore causing the Western WA benchmarks in the draft permit to be lower.	No	
Waste Management	2. Table 5, Note h incorrectly lists SIC code 2873 for compost facilities. Ecology has used the wrong SIC code for compost facilities. SIC code 2873 applies to manufacturers of nitrogenous fertilize and specifically excludes composting. Waste Management believes that the correct SIC code for composting operations is SIC 4953. Although the description of SIC 4953 does not mention compost, the NAICS code 562219 does. http://www.census.gov ("562219 Other Nonhazardous Waste Treatment and Disposal … Compost dumps are included in this industry."). The NAICS code 562219 translates to SIC code 4953.	Effluent Limitations	SIC Code	S5 Table 5	Ecology has deleted the "footnote h" reference to certain categories of industrial activity triggering sampling and effluent limitations for fecal coliform bacteria has been deleted. All facilities discharging to waterbodies 303(d)-listed (category 5) for fecal coliform bacteria will be additional sampling limitations.	Yes	Delete S6, Table 5, footnote h: ~~Permittees in the following industrial categories shall comply with sampling and effluent limitations for fecal coliform bacteria: Food and Kindred Products (SIC Codes 20xx); Treatment Works (SIC Code 4952); Landfills (SIC Code 4953); Compost facilities (SIC Code 2873), unless the Permittee can document that there is no potential source of fecal coliform bacteria from industrial activities.~~
Waste Management	9. Table 4: The Effluent Limits in Table 4 apply only to "contaminated stormwater" as defined in 40 CFR § 445.2(b) Table 4 in the Permit has been derived directly from EPA's effluent limits for Subtitle D landfills, codified at 40 CFR Part 445. The effluent limits in Table 4 are applicable to "contaminated stormwater" and are not applicable to "non-contaminated stormwater", as defined in 40 CFR § 445.2. See 40 CFR § 445.2(f). "Contaminated stormwater" is defined as: storm water which comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in paragraph (f) of this section. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas. 40 CFR § 445.2(b). In contrast, "non-contaminated stormwater" is defined as, storm water which does not come in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater that is defined in paragraph (f) of this section. Non-contaminated storm water includes storm water which flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill. 40 CFR § 445.2(g). Accordingly, Ecology must revise Table 4 and its accompanying footnotes to clarify that the effluent limits are only applicable to contaminated stormwater, as defined in 40 CFR § 445.2(b). EPA, in its Multi-Sector General Permit has adopted this approach. See MSGP at § 8.L.10 note 1.	Effluent Limitations	Non-stormwater discharges	S5. Table 4	Ecology agrees with the suggestion and has revised Condition S5.C.3 to make it clear that the numeric effluent limitations apply only to dischargers subject to 40 CFR Part 445 Subpart B.	Yes	Add footnote to S5.C.3 stating that the numeric effluent limitations apply only to dischargers subject to 40 CFR Part 445 Subpart B: <u>As set forth in 40 CFR Part 445 Subpart B, these numeric effluent limits apply to contaminated stormwater discharges from Municipal Solid Waste Landfills that have not been closed in accordance with 40 CFR 258.60, and to contaminated stormwater discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities: (a)... (b)... (c)..., or (d).</u>

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Waste Management	8. Condition S5.C.4 is vague in its reference to non-hazardous waste landfills subject to the provisions of "40 CFR" As Ecology is aware, Title 40 of the Code of Federal Regulations (40 CFR) includes all EPA regulations for all facilities and all media. They span multiple volumes and include air, underground storage tanks, water, solid waste, hazardous waste, cleanup regulations and many more. Accordingly, it is unclear what landfills are intended to be covered by this condition. Since it is hard to imagine a landfill that in some way is not "subject to the provisions of 40 CFR", it would seem that all landfills would be covered. Are there any landfills that are not covered? The definition of "40 CFR" in the permit is not at all enlightening. Is 40 CFR merely referencing the federal stormwater regulations at 40 CFR Part 122, or 40 CFR Part 445, or does it mean all regulations throughout Title 40. Ecology should clarify this language.	Effluent Limitations	Landfills	S5.C.4	Ecology has revised Condition S5.C.3 to make it clear that the numeric effluent limitations apply only to dischargers subject to 40 CFR Part 445 Subpart B.	Yes	Add footnote to S5.C.3 stating that the numeric effluent limitations apply only to dischargers subject to 40 CFR Part 445 Subpart B: As set forth in 40 CFR Part 445 Subpart B, these numeric effluent limits apply to contaminated stormwater discharges from Municipal Solid Waste Landfills that have not been closed in accordance with 40 CFR 258.60, and to contaminated stormwater discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities: (a)... (b)... (c)..., or (d).
Waste Management	1. Condition S5.D.2.f: Waste Management disagrees with the inclusion of "uncontaminated" ground water or spring water in the list of conditionally approved non-stormwater discharges. Permittees cannot be reasonably expected to be responsible for controlling, treating, or eliminating discharges consisting of contaminated ground water or spring water where such contamination originates off-site, either from another contaminated property or because of natural background conditions. By following the requirements proposed in Condition S5.D.1, to include and describe such discharges in the SWPPP, and by demonstrating through reasonable means that contaminants in such discharges are unrelated to regulated site activities, the permittee should have satisfied their obligations in this regard. Furthermore, there is no explanation or definition as to what "uncontaminated" means. Arguably, the presence of any material at any concentration in ground water or spring water would be considered a contaminant. To address this concern, we suggest that the reference to "uncontaminated" be deleted from the Condition S5.D.2.f.	Effluent Limitations	Non-stormwater discharges	S5.D.2.f	Ecology disagrees with the comment and, within the context of a general permit, plans to implement and interpret this condition on a site-specific basis. EPA's 2008 MSGP also uses the term "uncontaminated" and Ecology has decided to retain the term in the final ISWGP For reference EPA defines "uncontaminated" on page 80 of the 2008 Final MSGP as "*Free from the presence of pollutants attributable to industrial activity*" .	No	
Waste Management	3. Special Condition S7.A.2 requiring a CISM, CPSWQ, or Professional Engineer will undermine the effectiveness of the visual monitoring requirements. While the intention of this condition has superficial appeal, Waste Management believes that it will undermine the effectiveness of the visual monitoring program because it will mean that fewer employees will be able to conduct visual monitoring during a qualifying stormwater event, which in turn may result in stormwater events that cannot be monitored if qualified personnel are not on-site during the storm event. This problem is even more acute because the Permit adds another prerequisite for a person conducting visual monitoring: the person must be either a G2.A signatory or an authorized individual under G2.B, which is limited to a very few persons who can qualify. For example, if the environmental manager is responsible for and certified to do visual monitoring, but is not present during a storm event, an assistant could not perform the monitoring, even if he or she were a CISM because he or she does not have "overall responsibility for environmental matters." As a result, no visual monitoring would occur. While Waste Management understands that it is important for permittees to have a sufficient number of persons trained to perform visual monitoring in case someone is not available, the certification requirement will make it even harder to ensure that the necessary visual monitoring will occur. Ecology should delete Condition S7.A.2 and S7.A.2.a.	Inspections	CISM	S7.A.2	Based on numerous public comments and other considerations, Ecology has deleted the requirement for inspections to be conducted by a Certified Industrial Stormwater Manager (CISM), Certified Professional in Stormwater Quality (CPSWQ), or Professional Engineer. The final permit requires inspections to be conducted by "qualified personnel". The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit. Completion of an optional stormwater training and certification program may be one way to demonstrate that a person meets the definition of "qualified personnel".	Yes	Replace S7.A reference to Certified Industrial Stormwater Manager (CISM) with "qualified personnel"; delete dates, make effective immediately. The following definition (adapted from EPA MSGP) will be added to Appendix 2: Qualified personnel means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.

Commentor	Comment	Issue	Sub-Issue	Condition	Response	Change?	If yes, summary of change to Final Permit
Waste Management	4. Condition S7.C.1.d: The certification should not be required for visual monitoring reports that are maintained as part of the SWPPP. Condition S7.C.1.d requires the person conducting visual monitoring to certify each visual monitoring report. Waste Management disagrees with including this requirement in the General Permit. First, neither 40 CFR § 122.44 nor WAC 173-220-210 requires certification of reports or documents that are not submitted to Ecology. In the Permit, visual monitoring reports are maintained with the SWPPP, but are not reported to Ecology; therefore, there should be no obligation to include the certification. Second, in many instances, the person who does the inspection will not have the necessary authorization to sign a certification in compliance with Condition G2. Condition G2 – and its corresponding requirement under 40 CFR § 122.22(b) – requires that "a duly authorized representative" who signs a certification must meet three requirements: The authorization is made in writing; The authorization is submitted to Ecology; The duly authorized representative must have "overall responsibility" for the facility's operations or its environmental matters. In many instances, persons other than the facility operations or environmental manager will conduct visual monitoring. In that case, the person conducting the inspection could not meet the third criterion and could not sign the certification. Further delegation is not allowed. Accordingly, this Condition will limit the number of persons who can actually perform visual monitoring, which in turn will likely reduce the number of visual monitoring events – i.e., if a "duly authorized representative" is not on-site during a rainfall event, then the permittee would be excused from visual monitoring. This problem is made even more acute given that the Permit will now require that the person conducting the visual monitoring must be a CISM, CPSWQ, or Professional Engineer. In other words, the universe of persons who can perform visual monitoring is reduced to persons (a) who are on-site and available at the time of the storm event, (b) fall into one of the categories under General Condition G2.A or B, and (c) is qualified to undertake visual monitoring as a CISM, CPSWQ, or Professional Engineer. Third, the certification requirement in Condition G2 does not require that the person who actually conducted the inspection to sign the certification. It merely requires that the representative certify that the reports were prepared under his or her direction or supervision and that he or she has made inquiry as to the accuracy of the information presented. Ecology should revise Condition S7.C.1 as follows: e. Name, title, and signature of the person conducting site inspection; and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief." f. Certification and signature of the person described in Condition G2.A, or a duly authorized representative of the facility, in accordance with Condition G.2.B. Alternatively, Ecology could require the person conducting the visual inspection to certify the truthfulness of the inspection, but delete the requirement that the certification be made by a person qualified under General Condition G2. This change would require Ecology only to delete Condition S7.C.1.f.	Inspections	Delegation	S7.C.1.d	Ecology has considered this comment carefully, and has decided the current language is appropriate. This is based in part on the "in the judgment of the person" preface which implies that the inspector's professional judgment is to be made to the best of their ability, and may be limited by several factors including incomplete information (e.g., DMR compliance, etc.). Ecology has also revised Condition S7.C.1.c to include the compliance certification by the person with signature authority. The compliance/noncompliance statement will be required by the inspector as well as the person with signature authority.	Yes	c. Statements that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Condition G2.A; the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and this permit.
Waste Management	5. Condition S8: The Permit should allow permittees to be de-listed from Appendix 6 if there are no benchmark exceedances for four consecutive quarters. The Permit proposes a scheme whereby a permittee that is currently listed on Appendix 6 cannot be removed from the list even after implementing the required BMPs or demonstrating continuing benchmark compliance. This is fundamentally unfair and unnecessary. A facility that currently meets all benchmarks and has implemented all BMPs will nonetheless continue to be listed on the Appendix 6 list, yet an unlisted facility that now exceeds benchmarks will not be listed. Retaining such a facility on the Appendix 6 list serves no purpose. Waste Management proposes that any permittee that is listed in Appendix 6 should be de-listed if the permittee meets all applicable benchmarks for four consecutive quarters (including quarters preceding the issuance of the Permit).	Corrective Actions	Appendix 6	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Waste Management	6. Condition S8: Facilities that are meeting benchmarks for at least two quarters prior to the issuance of the Permit should be de-listed from Appendix 6 now. There are likely a number of facilities listed in Appendix 6 that are currently meeting benchmark limits. Those facilities should be removed from the Appendix 6 list, otherwise Ecology is punishing them for having taken the steps to reduce their discharges to below benchmarks. Removing them from the Appendix 6 list will not impair Ecology's implementation of the Permit since those facilities will be subject to the various Corrective Action responses if they should exceed benchmarks in the future.	Corrective Actions	Appendix 6	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Waste Management	7. Condition S8 is ambiguous, vague, and confusing. The entire Condition S8 is a problem because it is ambiguous, vague, and confusing. For example: • If a facility has four quarters of benchmark exceedances and triggers a Level 2 Corrective Action, what happens if the facility exceeds the benchmark in the fifth quarter? Does it trigger Level 2 again? Does it trigger Level 1? Does it trigger no Corrective Action? • If a facility has four quarters of benchmark exceedances and triggers a Level 2 Corrective Action, what happens if the facility meets the benchmark in the fifth quarter? Does it do another Level 2 response since it still has four quarters of exceedances on "its record"? • If a facility has four quarters of benchmark exceedances and triggers a Level 2 Corrective Action, what happens if the facility meets the benchmark in the next four quarters, but then exceeds a benchmark in the ninth quarter? Does it do another Level 2 response since it still has four quarters of exceedances on "its record"? Does it do a Level 1 response since it now has one benchmark exceedance? Does it do nothing since it already did a Level 2 response and has not yet triggered the Level 3 response? The potential for confusion and even litigation over the meaning of this section is so severe that Ecology should revise and re-publish the permit for further comment.	Corrective Actions	Triggers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Waste Management	8. Condition S8.B, S8.C, & S8.D: The Level 2, 3 and 4 Corrective Action Levels should not preclude the permittee from implementing BMPs applicable to lower Corrective Action Levels. As proposed, once a permittee triggers a Corrective Action Level of 2 or higher, the permittee cannot implement an additional lower level BMP that might result in benchmark compliance. This is unreasonable and technically unsound. It is especially unfair for a facility listed in Appendix 6 where, for example, implementation of an operational source control BMP may result in benchmark compliance. It appears that Ecology is making an incorrect assumption that there is a rigid hierarchy of BMPs in terms of cost, resources, and effectiveness. (E.g., operational BMPs ≤ structural BMPs ≤ treatment BMPs). For example, increasing sweeping frequency would be a Level 1 Corrective Action and construction of a small diversion berm would be a Level 2 Corrective Action. While the sweeping BMP may be more effective and than the berm construction, the Level 2 Corrective Action could not include this operational BMP alone, even if it would achieve benchmarks. Likewise, a Level 2 structural BMP may be more effective than a Level 3 treatment BMP, yet the Permit mandates that the Level 3 BMP be installed. Furthermore, this rigid approach fails to recognize that the selection of BMPs will be based, in part, on the magnitude of the exceedance. For example, if a facility significantly exceeds the TSS benchmark in one quarter, it might increase the frequency of sweeping from monthly to weekly. Even then, there might be another three quarters of de minimis BMP exceedances which trigger a Level 2 Corrective Action. Yet, the most appropriate BMP might simply be to increase the sweeping frequency to every other day, rather than weekly. The Permit would not permit this solution, but would instead mandate a structural and possibly more expensive source control BMP that will achieve the same result as the operational BMP. The Permit's use of a false BMP hierarchy is antithetical to the adaptive management requirements in RCW 90.48.555(8). Rather than allowing for professional judgment in the selection and implementation of BMPs regardless of the type, the Permit prescribes certain categories of BMPs (e.g., operational, structural, and treatment) that must be used, even if another category of BMP would be more effective. Nothing in RCW 90.48.555(8) dictates that adaptive management means establishing a strict hierarchy of types and schedules of corrective actions.	Corrective Actions	Triggers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Waste Management	9. Condition S8: Level 2-4 Corrective Actions should only be triggered if there are benchmark exceedances of the same parameter. As drafted, it appears that exceedances of different benchmarks will all count toward determining whether a higher level Corrective Action has been triggered. There is no good basis for this condition. An exceedance of one parameter in one quarter may indicate a different problem than an exceedance of another parameter in another quarter. Given the stringency of benchmarks already, the combining of different benchmark exceedances will result in most facilities being driven quicker to Level 4 Corrective Action even though they have implemented appropriate BMPs for the benchmark exceedances. Waste Management strongly recommends that the higher Corrective Action levels are triggered only if there are multiple exceedances of the same parameter.	Corrective Actions	Triggers	S8	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Waste Management	10. The Corrective Action deadlines in Table 6 for Level 4 Corrective Actions should be deleted. It is unclear why Table 6 lists Corrective Action deadlines for Level 4 Corrective Actions because Condition S8.D does not specify any Corrective Action deadline for Level 4 Corrective Action. Moreover, it is not apparent why the Corrective Action deadlines for a Level 4 are shorter (three months) than for Level 2 or 3 Corrective Actions (6 months). Rather, it appears that the Corrective Action deadlines will be dictated by the Corrective Action that Ecology selects.	Corrective Actions	Timeline	S8 Table 6	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Waste Management	12. General Comment: Ecology Should Adopt EPA's Section/Paragraph Identification Scheme. Five years ago, Waste Management commented that the General Permit's scheme for numbering conditions and paragraphs makes it difficult and confusing to navigate through the permit. In 2000, EPA provided a good explanation of this problem: Also note that the section/paragraph identification scheme of today's final MSGP has been modified from the 1995 MSGP. The original scheme utilized a sometimes lengthy combination of numbers, letters and Roman numerals (in both upper and lower cases) which many permittees found confusing. Today's reissuance identifies sections/ paragraphs, and hence permit conditions, using numbers only, except in Part 6 (which also incorporates the sector letters from the 1995 MSGP for consistency). Under the original permit, only the last digit or letter of the section/paragraph identifier appeared with its accompanying section title/ paragraph, making it difficult to determine where you were in the permit. In today's reissuance, the entire string of identifying numbers is listed at each section/paragraph to facilitate recognizing where you are and in citing and navigating through the permit. For example, paragraph number 1.2.3.5 tells you immediately that you are in Part 1, section 2, paragraph 3, subparagraph 5; whereas under the 1995 MSGP you would only see an ''e'', thereby forcing you to hunt back through the permit to determine that you were in Part I.B.3.e. 65 Fed. Reg. 64746, 64747 (Oct. 30, 2000). Waste Management suggests that Ecology adopt the same approach. Otherwise, the result is permit conditions that are a headache to trace, such as Special Condition S3.B.3.b.i.3.c. Often, one must page back several pages in the Permit to figure out in which subsection a particular provision falls. While Ecology might have justified not changing the numbering scheme in order to allow for easy comparison of conditions between permits, such a justification cannot be made given the wholesale renumbering of the entire Permit.	General	Format	N/A	Ecology appreciates the comment and agrees that further improvements could be made to the numbering scheme. Ecology is not able to adopt EPA's Section/Paragraph Identification Scheme in the final permit due to time constraints and concerns about causing confusion between the draft and final permits. Ecology believes the current format/numbering scheme is more of a problem for citing permit conditions (e.g., when submitting comments, etc.) but it should not be a barrier to understanding and complying with the permit.	No	

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Weyerhaeuser	S1.A.Table 1, Footnote 1. – The direction that "facilities with activities similar to those described in the Table" need apply for coverage is unacceptably vague and should be removed. A small font footnote is the wrong means to provide notice. Ecology should clearly articulate in S1.A any other categories of industrial facilities subject to the permit. Discussion – The open-ended footnote language is not sufficient to inform on ISWGP applicability. Note that Ecology's remedy for requiring an industrial facility not fitting into a Table 1 SIC code to obtain permit coverage is detailed in S1.B. Significant Contributors of Pollutants.	Permit Coverage	Significant Contributor	S1.A. Table 1	There is no footnote to S1.A.Table 1. No change.	No	
Weyerhaeuser	In S1.A. Table 1 – The draft permit specifies that facilities having "road maintenance shops, equipment cleaning operations, or deicing operations" from SIC codes 40xx, 41xx, and 43xx are required to obtain coverage. The sentence structure and wording indicates the entire physical facility would be subject to the ISWGP. Note that EPA's NPDES regulation at 40 CFR 122.26(b)(14)(viii) includes an important exemption: "Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (b)(14)(i)-(vii) or (ix)-(xi) of this section are associated with industrial activity." (emphasis added) The current ISWGP includes this exemption. It should be retained, either through acceptance of the current permit language or the addition of a footnote to Table 1. There is really no reason why Washington's ISWGP should deviate from the federal requirement on this point.	Permit Coverage	Vehicle Maintenance	S1.A. Table 1	Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities [40 CFR 122.26(b)(14)]. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
Weyerhaeuser	S1.A.2. and S1.D.5. – Eliminate S1.A.2. and simply establish a working practice within the Water Quality Program that any facility regulated through an individual NPDES permit will also authorize and establish appropriate regulatory conditions for all industrial stormwater discharges. Discussion – These two sections potentially create an awkward situation. S1.A.2. directs that discharge authority be obtained under the ISWGP if there are any stormwater discharges associated with industrial activity not otherwise permitted. S1.D.5. excludes from coverage any facility authorized to discharge stormwater under an existing individual or general permit. Providing some clarity now will perhaps avoid some turmoil in the future.	Permit Coverage	Facilities required to seek coverage	S1.A.2 & S1.D.5	Ecology believes that these two permit conditions work in concert to ensure that all stormwater discharges associated with industrial activity [40 CFR 122.26(b)(14)(i-xi)] are covered either under the facilities existing NPDES permit, or the ISWGP.	No	
Weyerhaeuser	S1.F. -- Conditional "No Exposure" Exemption -- Eligibility for a Conditional "No Exposure" Certificate should not be precluded because of flooding conditions arising from storm events greater than the design storm. Discussion – One of the prerequisites for the "No Exposure" Certificate is that "all areas of industrial activity and materials handling…(be)…protected from exposure to …runoff." Is there an exception to this condition for area flooding arising from storm events having a greater magnitude/duration than the "design storm"?	Application for Coverage	No Exposure	S1.F	No, EPA rules do not provide for such an exception.	No	
Weyerhaeuser	S2.C.1. – The relationship between the permit application timeline and permit issuance is still unclear. Do the permitting requirements proceed sequentially or can they occur contemporaneously? Discussion – Must the public notice requirements and SEPA review (through a Determination of Non-Significance) be fully completed for an Application for Coverage to be considered "complete"? Or, would an Application for Coverage be considered "complete" once it is submitted for Ecology processing and with the public notice announcements and SEPA review process running concurrently?	Application for Coverage	Application Timeline	S2.C.1	Both the SEPA and public comment period may run concurrently however, the SEPA determination must be taken into consideration when issuing a permit. Therefore, an application without a SEPA determination and a completed ISWGP public notice comment period is incomplete.	No	
Weyerhaeuser	S2.C.1. – The relationship between the permit application timeline and permit issuance is still unclear. While S2.A.2.b. requires the submittal of a complete and accurate permit application 180 days prior to the commencement of a new discharge, it appears that a permit authorizing the discharge could be issued/effective within 61 days per S2.C.1. Is that correct? Discussion -- The Fact Sheet discussion on this point is inconsistent with permit language (see page 61 of the Fact Sheet). The Fact Sheet indicates that new facilities must submit an Application for Coverage at least 60 days before beginning operation or implementing a significant process change, and makes reference to permit sections that don't exist. Ecology needs to reconcile the permit and Fact Sheet discussion. Note that General Condition G21 refers to a 45 day application process.	Application for Coverage	Application Date	S2.C.1	S2.A.2.b requires a complete and accurate application be submitted 60 days before the commencement of stormwater discharge, not 180 days.	No	

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Weyerhaeuser	S3.A.2. – This subsection creates an open-ended and ambiguous demand that simply will not translate to an understandable set of actions by the typical ISWG permittee. It seems to serve as legal boilerplate to establish the Stormwater Pollution Prevention Plan as the repository for those "necessary" BMPs to satisfy federal and state statutory requirements. Ecology should consider rewording subsection A.2. to assert a positive and definitive message. 2. A SWPPP ~~shall~~ which includes the mandatory Best Management Practices detailed in S3.B., and any required corrective actions detailed in S8., will be presumed to: a. ~~Specify the Best Management Practices (BMPs) necessary to~~ provide all known, available, and reasonable methods of prevention, control and treatment (AKART) of stormwater pollution. b. ~~Specify the BMPs necessary to~~ comply with state water quality standards. c. ~~Specify the BMPs necessary to~~ comply with applicable federal technology-based treatment requirements under 40 CFR 125.3. Discussion – As presently worded this section undercuts one of Ecology's stated goals of this permit development process, which was to write a permit which is less complex, with readily understood requirements, that when implemented would result in confident permit compliance. Our suggested rewording integrates and equates Ecology's requirements for mandatory BMPs and corrective actions with the pro forma legal demands, and has the added advantage of being consistent with RCW 90.48.555(6).	SWPPP	Complexity	S3.A.2.A	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions. No change to this section, but language from RCW 90.48.555(6) has been added to S10.	No	
Weyerhaeuser	S3.A.3. – The requirement to ensure BMPs are "consistent" with the Stormwater Management Manual for Western Washington (or Eastern Washington), or Ecology-sponsored revisions to the Manuals, or to provide equivalent BMPs (with an elaborate demonstration process), deserves the same criticism voiced in Comment 7. This subsection provides little value and should be deleted from the permit. Discussion – Subsection S3.B. consists of a seven-page directive on mandatory BMPs. The S8. Corrective Action section specifies reliance on the Stormwater Management Manuals for BMP selection. Why is it necessary for this permit to include S3.A.3., which provides little useful information and might well conflict with the actual selection of BMPs directed by S3.B. and S8? Also, it would be logical if the Stormwater Management Manuals are stable for the five-year permit term, such that no in-permit term "catch-ups" are required. Finally, whatever the Ecology decisions are on S3.A.2. and S3.A.3., it would be better to bury these subsections at the back of S3. or in the General Conditions section of the permit. As now drafted these subsections will offer little value/direction to the typical ISWG permittee and simply distract from the actions Ecology would like permittees to focus on. A more meaningful presentation for ISWG permittees would have S3. beginning with the Specific SWPPP Requirements in S3.B.	SWPPP	SWMMMs	S3.A.3	Ecology has retained the language (with some clarifying edits) to ensure the permit meets the minimum legal requirements.	No	
Weyerhaeuser	S3.A.4. a. – This subsection should be limited to addressing deficiencies in the content or implementation of the SWPPP. Draft permit section S8. Corrective Actions should be relied on to respond to performance issues; i.e., when benchmark values are not achieved. At present, this subsection creates an opportunity for an Ecology inspector to undercut the S8. Corrective Actions process. The resulting regulatory uncertainty can be avoided if the permit language were modified to say: a. The permittee shall modify the SWPPP if, during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. does not include or has not implemented the specific SWPPP requirements in S3.B. i. The SWPPP shall be modified as necessary to include additional or modified BMPs designed to correct problems identified. ii. i. The Permittee shall modify the SWPPP to correct the deficiencies identified in writing from Ecology within 30 days of notice. Discussion -- Experience under the current permit indicates Ecology inspectors routinely give written direction in site inspection reports demanding BMP upgrades when benchmarks values have not been continuously achieved. These ad hoc determinations typically fall outside the S8. Corrective Actions process and might well create conflicts with on-going Level One, Two or Three responses.	SWPPP	SWPPP modification	S3.A.4.	This condition is necessary to promptly address significant SWPPP or BMP deficiencies noted during Ecology inspections. Ecology determinations under this subsection will be made in consideration of Condition S8 Correction Actions.	No	

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Weyerhaeuser	S3. Stormwater Pollution Prevention Plan – Does permit section S3.B. constitute AKART for this general permit? Ecology should unequivocally declare that achievement of the S3.B. requirements constitutes AKART. To remove ambiguity we suggest the following addition to S3.B. B. Specific SWPPP Requirements The SWPPP shall contain a site map, a detailed assessment of the facility, a detailed description of the BMPs, Spill Prevention and Emergency Cleanup Plan, and a sampling plan. These SWPPP elements, once implemented and maintained in accordance with the SWPPP, constitute all known, available, and reasonable methods of prevention, control, and treatment (AKART). The Permittee shall identify any parts of the SWPPP which the facility wants to claim as Confidential Business Information. Discussion – Washington law (RCW 90.48.040 and RCW 90.48.520) specifies that NPDES permittees install/provide technology-based water pollution controls representing AKART. RCW 90.48.555 specifies that narrative effluent limitations requiring the implementation of best management practices shall be the primary means to achieve AKART requirements. Proposed permit section S3.B. details seven pages of mandatory BMPs and other narrative requirements. Ecology's articulation of AKART is important to the proper administration of this permit. A clean statement in permit language will allow permittees to plan and implement confident actions to ensure compliance with permit conditions. Permittees and Ecology will both benefit from unambiguous, "bright-line" statements directing compliance actions. EPA's Multi Sector Industrial Stormwater Permit provides a good model on this point. EPA asserts that compliance with statutory requirements for Best Practicable Technology, Best Available Technology, and Best Conventional Technology is achieved with the implementation of non-numeric technology-based effluent limits. (which EPA refers to as "control measures")	SWPPP	AKART	S3.B	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions.	No	
Weyerhaeuser	S3.B.1. and 2. Specific SWPPP Requirements – There are a least eight instances in these two subsections where the draft permit creates mandatory requirements to speculate on industrial activities, pollutants, quantities and environmental impacts of pollutants, etc., associated with precipitation and stormwater. The permit phrases include, "have the potential to contribute," "may potentially," "potential...pollutant contact," "potentially may be exposed," "potential of the pollutant to be present," etc. These are unnecessary and blatantly unfair requirements, that will simply divert permittee time and effort from essential work, and will create uncertainty on the legal adequacy of the SWPPP. All of these references should be eliminated. Discussion - Ecology should have an unwavering commitment to draft an ISWGP containing simple, unambiguous and "bright-line" requirements. Directing a permittee to create a SWPPP to address "potential" conditions, stormwater pollutants, and stormwater impacts, simply falls short of this objective. Ecology's regulatory interest should be limited to requiring SWPPP updates/upgrades when actual change occurs at a permitted site. This interest is surely met through the presence of S3.A.4. This subsection provides "The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state." Support for this suggested change comes from EPA's recently issued Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity. That permit does not force permittees to address in the SWPPP this set of speculative/potential requirements.	SWPPP	SWPPP modification	S3.B.1 & 2	Ecology strongly disagrees with this comment. EPA uses the term "potential" or "potentially" over 125 times in it's 2008 Multi-Sector General permit, primarily in the SWPPP requirements (e.g. "... potential *pollutant* sources", "... *potential* spills and leaks", "... materials handled at the site that *potentially* may be exposed to precipitation", etc.). A pollution prevention plan that disregards potential sources of stormwater contamination is not adequate and is unlikely to meet the state's AKART requirements. No change.	No	
Weyerhaeuser	S3.B.3. Best Management Practices (BMPs) – This permit should offer specific direction/references to permittees on where the Operational Source Control, Structural Source Control, Treatment, and Stormwater Peak Runoff Rate and Volume Control BMPs can be located in the Stormwater Management Manuals. To simply refer to "Ecology's SWMM" will be overwhelming to most ISWG permittees. Discussion – The SWMM's are formidable documents. The Western Washington Stormwater Management Manual consists of five volumes, 25 chapters, and over 500 pages of advanced discussion on state-of-the-art stormwater management techniques. Ecology should aspire to develop an ISWGP which is simple and can be understood by the typical ISWG permittee. The current approach of referencing the SWMM's simply fails this test.	SWPPP	Applicable BMPs	S3.B.3	Ecology's approach is necessary to minimize the length of the permit, which is often criticized. EPA's permit, by comparison, is 240 pages long - primarily due to the complex sector-specific SWPPP and BMP requirements. No change.	No	
Weyerhaeuser	S3.B.3.a. General BMP Requirements – This paragraph simply mimics the requirement specified in S3.A.2. It does not add new or different regulatory requirements and should be deleted.	SWPPP	Needs clarification	S3.B.3.a	Ecology believes that there is value in having it in both places.	No	
Weyerhaeuser	S3.B.3. Best Management Practices (BMPs) – This permit should offer specific direction/references to permittees on where the Operational Source Control, Structural Source Control, Treatment, and Stormwater Peak Runoff Rate and Volume Control BMPs can be located in the Stormwater Management Manuals. To simply refer to "Ecology's SWMM" will be overwhelming to most ISWG permittees. Discussion – The SWMM's are formidable documents. The Western Washington Stormwater Management Manual consists of five volumes, 25 chapters, and over 500 pages of advanced discussion on state-of-the-art stormwater management techniques. Ecology should aspire to develop an ISWGP which is simple and can be understood by the typical ISWG permittee. The current approach of referencing the SWMM's simply fails this test.	SWPPP	Applicable BMPs	S3.B.3.a	This suggestion is not practicable; Ecology would be criticized for the increased length of the permit. No change.	No	

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Weyerhaeuser	S3.B.3.b. – This subsection needs to be modified to sanction the most likely reason site-specific adjustments from these mandatory BMPs will occur. Please consider this modification b. No later than July 1, 2010, the Permittee shall include each of the following BMPs in the SWPPP and ensure that they are implemented unless site conditions render the BMP unnecessary or not possible, or there are alternative and equally effective BMPs, and the exception is clearly justified in the SWPPP." Discussion – The central issue is not "feasibility to implement," it is rather to describe the functional BMP that is applicable and appropriate, and responds to the categories presented in S.B.3. So long as the SWPPP includes an explanation documenting good faith efforts to apply the appropriate categories of BMPs, this should be acceptable to Ecology.	SWPPP	SWPPP timeline	S3.B.3.b	Ecology agrees with the suggestion and has revised this section.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, <u>or the Permittee provides alternative and equally effective BMPs</u>; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
Weyerhaeuser	S5.A. – Determinations of Benchmarks. Ecology should provide options and flexibility for ISWG permittees to develop appropriate and relevant, science-based, site-specific benchmark values. The programmatic inefficiencies of forcing all ISWG permittees to work through the S8. Corrective Action process to achieve proposed benchmark values is very large. Specifically, this permit should allow for use of the Kennedy-Jenks probabilistic model to derive permittee and water body-specific benchmarks. The proposed ISWGP should be modified to read A. Benchmarks and Sampling Requirements 1. Permittees may choose to be subject to the benchmark values presented in Table 2 (and Table 3 for specific Industry Groups), or may derive site-specific benchmark values using the Kennedy-Jenks probabilistic model, or other Ecology-approved approach. The permittee will indicate in the Stormwater Pollution Prevention Plan the choice of benchmark values and, in the case of the Kennedy-Jenks model, the input data used to derive the site-specific benchmark values, and the resulting benchmarks. 2. 1. Permittees shall sample their stormwater… Discussion - Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." The proposed S8. Corrective Action process could require enormous monetary expenditures, all tied to an inability to continuously achieve these ill-fitted "water quality-based narrative effluent limits." Ecology should create a regulatory process and encourage individual permittees to develop site-specific benchmark values. The agency should reserve the ability to review and reject any benchmark values that have not been derived in a credible, science-based manner.	Benchmark	Too Stringent	S5.A	A general permit that covers over 1,200 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit. Provisions exist to obtain waivers if a permittee feels that benchmark exceedances don't necessarily warrant additional BMPs if the facilities current level of stormwater management does not pose a risk to the receiving water, based on site specific conditions.	No	

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Weyerhaeuser	S5.A. Table 2 and Table 3 – Does Ecology contend the benchmark values in the Tables 2 and 3 represent the stormwater discharge performance that can be continuously achieved with the provision of AKART? Discussion - Ecology has made recent regulatory determinations that AKART control for turbidity in stormwater discharges is 50 NTU. It is simply not credible that a benchmark value for turbidity in this draft ISWGP would be more stringent than an AKART determination in contemporaneous individual construction stormwater permits. Please consider: - There are numerous and recent individual construction stormwater NPDES permits where the Department has made regulatory determinations that AKART is 50 NTU. Further, these permits direct that best management practices contained in the Stormwater Management Manual for Western Washington, Ecology 2005, will be used. - RCW 90.48 requires Ecology to develop technology-based effluent discharge limitations reflecting the "all known, available, and reasonable methods of treatment" (AKART) in all NPDES permits. AKART is defined in WAC 173-201A as "…the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and non-point sources of pollution. The term "best management practices," typically applied to nonpoint source pollution controls is considered a subset of the AKART requirement." (emphasis added) To summarize this point, Ecology has issued numerous AKART determinations for controlling turbidity in stormwater. Those regulatory determinations indicate the "most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge" could yield discharge waters with a 50 NTU turbidity concentration. How then can Ecology develop a turbidity benchmark value of 25 NTU which is to serve as an indicator of the performance of best management practices contained in approved stormwater management manuals? Stated differently, RCW 90.48.555(6) requires that "all applicable and appropriate" best management practices contained in approved stormwater management manuals be provided to industrial and construction stormwater dischargers authorized under general NPDES permits. Does Ecology believe "all applicable and appropriate" BMPs are somehow different from those BMPs representing the "most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge"?	Benchmark	Turbidity	S5.A Table 2 & 3	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Weyerhaeuser	S5.A. Table 2 – There is virtually no technical or regulatory information to support the appropriateness of a benchmark value for turbidity at 25 NTU. This benchmark value appears to be arbitrary. The 25 NTU value should be withdrawn and a technical evaluation process undertaken to establish a reasonable and defensible benchmark value in accord with statutory and regulatory criteria. Discussion – Ecology's justification supporting the 25 NTU turbidity benchmark in the draft ISWGP Fact Sheet is limited to "Ecology best professional judgment" "Ecology retained the turbidity benchmark of 25 NTU from the existing permit. Based on field experience, Ecology staff determined that a stormwater discharge of 25 NTU or less will typically cause no water quality standards violation. (2002 ISWGP Fact Sheet, page 34)" A Public Disclosure Act request was submitted to the Department of Ecology on June 11, 2009, and then amended on June 16, 2009, requesting an opportunity to review all records in Ecology's possession which support the "Ecology Best Professional Judgment" determination and the "field experience" the agency drew on to establish the 25 NTU turbidity benchmark value. The Department of Ecology has not produced any records as of this date.	Benchmark	Turbidity	S5.A Table 2 & 3	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order. Weyerhaeuser's claim that the "Department of Ecology has not produced any records as of this date" is false. Public records requested were provided to Weyerhaeuser on July 14, 2009. Receipt of these records were verified by telephone on July 14, 2009. Weyerhaeuser's comment letter was submitted to Ecology via email the following day, on July 15, 2009.	No	
Weyerhaeuser	(cont.) This NAL is to provide "operational information regarding the performance of the measures used at the site to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges." While California's construction stormwater permit brings no precedent value to Washington, it is informative that their assessment of an appropriate numeric action level (which seems equivalent to Ecology's evolving view of Washington's benchmark concept) yields a 250 NTU value.	Benchmark	Turbidity	S5.A.	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	

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Weyerhaeuser	S5.A. – If it is necessary for this ISWGP to include a benchmark value for turbidity, Ecology could derive a value based on WAC 173-210A principles and past Ecology regulatory direction. Discussion - Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." If so, the following regulatory factors could be considered in establishing an appropriate turbidity benchmark. • Stormwater permittees employ AKART. Required by statute and ISWGP. • WAC 173-201A water quality criteria allow for some upstream/downstream increase. Depending on the use-class, the acceptable difference is either 5 or 10 NTUs over background when the background is 50 NTUs or less. When background is greater than 50 NTUs, the acceptable maximum increase is either 10 or 20 percent. • WAC 173-201A does not specify the upstream/downstream point for assessing compliance. However, in a number of individual stormwater construction permits Ecology has provided guidance. Consider, for example, the permit issued to Quadrant – Snoqualmie Ridge II "(a) For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from activity causing the turbidity exceedance. (sic) (b) For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of activity causing the turbidity exceedance. (sic) (c) For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of activity causing the turbidity exceedance. (sic) (d) For projects working within or along lakes, ponds, wetlands, estuaries, marine waters or other nonflowing waters, the point of compliance shall be at a radius of one hundred fifty feet from activity causing the turbidity exceedance." (sic) • Assume a typical permittee will have at least a 100:1 mixing ratio in the receiving water, even during critical conditions. • The State of California Water Resources Board has proposed a "numeric action level" of 250 NTU for turbidity in the stormwater "Associated Construction and Land Disturbance Activities" General NPDES Permit.	Benchmark	Turbidity	S5.A.	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Weyerhaeuser	S5.A. Benchmark values for Total Zinc, Total Copper and Total Lead – The Herrera (2009) report, used to establish benchmark values for total metals, is overly-conservative. Ecology's acceptance of Herrera's work will have the result of forcing several hundreds of ISWG permittees through the Level Four corrective action process based on a naïve and unrealistic evaluation of stormwater pollutant discharges on water quality criteria. The transaction and compliance costs to both ISWG permittees and Ecology will be very significant. The proposed metals benchmark values should be withdrawn and a technical evaluation process undertaken to establish a reasonable and defensible benchmark value in accord with statutory and regulatory criteria. Discussion - Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." The agency has apparently decided to establish the benchmark value for permittees based on a very simplistic and conservative "pollutant discharge/reasonable potential to violate water quality standards" scenario. Weyerhaeuser is aware that comments will be submitted by the Copper Development Association that offers a critique of the Herrera report. We endorse those comments.	Benchmark	Too Stringent	S5.A.	Ecology has made significant revisions to S8 so it is less complicated and more likely to reduce the amount of pollutants discharged. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Weyerhaeuser	S5.A. Table 2 – Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." When coupled with the S8. Corrective Action process, the practical effect is that the turbidity benchmark works as a numeric effluent limitation. The 25 NTU value should be withdrawn and a regulatory process completed to establish a benchmark value consistent with statutory and regulatory criteria. As this benchmark value will direct corrective actions for hundreds of ISWG permittees and with a probable cost impact of more than ten million dollars during the permit term, we request an opportunity to review and offer comments on the derivation of the turbidity benchmark value. Discussion - The permit Fact Sheet explains that "Benchmarks are not water quality criteria or numeric effluent limitations; benchmarks are numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." Despite the careful wording, the distinction between a water quality-based narrative effluent limitation and a water quality-based numeric effluent limitation quickly dissolves if a stormwater discharge is unable to continuously achieve a benchmark value. Discharges above 25 NTU will soon trigger the need for a Level Four response in the S8. Corrective Action process. Level Four requires permittee-specific studies and perhaps the installation of an Active Stormwater Treatment System. Ecology's casual and unsupported choice of a 25 NTU turbidity benchmark is overly-conservative and unreasonable.	Benchmark	Turbidity	S5.A. Table 2	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	

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Weyerhaeuser	S5.A. Table 2 – Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." Yet the permit lacks any explanation on how the turbidity benchmark value relates to the WAC 173-201A water quality criterion for turbidity. Please provide the scientific and regulatory basis for the turbidity benchmark. As this benchmark value will direct corrective actions for hundreds of ISWG permittees and with a probable cost impact of more than ten million dollars during the permit term, we request an opportunity to review and offer comments on the derivation of the turbidity benchmark value. Discussion -- Ecology makes no attempt in the permit Fact Sheet to explain how a stormwater discharge of 25 NTU turbidity relates to the specific elements of the turbidity water quality criteria in WAC 173-201A-200 and -210.	Benchmark	Turbidity	S5.A. Table 2	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Weyerhaeuser	In S5.A. Table 2. The ISWGP benchmark value for turbidity of 25 NTU is inconsistent with Ecology's recent determinations on technology and water quality-based effluent limitations placed in the Sand and Gravel General NPDES permit. Discussion - The Response to Comments in the Sand and Gravel General NPDES Permit (2006) evidences a correct evaluation of the WAC 173-201A water quality criterion for turbidity in its determination of an effluent limitation. Ecology asserts that the 50 NTU turbidity effluent limit is both a technology-based and water quality-based limitation. "Ecology interprets the turbidity criteria to be an ambient "in-water" parameter, applied to various class of surface waters in the State of Washington, and not directly applied to point source dischargers….It is assumed that, in a vast majority of situations, a 50 NTU discharge will not cause or contribute to a violation of water quality standards in the receiving waterbody." "In an effort to prevent violations of the turbidity standard within the context of a general permit, Ecology has used Best Professional Judgment (BPJ) and applied a conservative dilution factor of 10 which resulted in the 50 NTU 'end of pipe' effluent limitation." The analysis Ecology employed in the Sand and Gravel permit has direct application to the selection of a benchmark value for this ISWGP. Ecology's Water Quality Program should adhere to a common logic on a turbidity AKART determination and implementation of the WAC 173-201A turbidity criterion.	Benchmark	Turbidity	S5.A. Table 2	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Weyerhaeuser	S5.A. Table 2 – The benchmark parameter listed as "no visible oil sheen" should be deleted. If some justification can be produced, the current benchmark parameter of "Petroleum – Oil and Grease" at a 15 mg/l value, could be retained. Discussion – A benchmark value of "no visible oil sheen" is simply a bad idea, and especially so for the Timber Products Industry. This industry stores large quantities of logs, hog fuel, wood chips, finished wood products, etc., on manufacturing sites. These wood-based materials will degrade and/or express organics which appear on water as a "sheen." It is often difficult to visually distinguish between petroleum and these vegetation-based organics. A benchmark parameter based on any visual detection of "oil sheen" poses a high risk of detecting a false positive for what we assume Ecology's true interests are – the loss of fuels, lube oils, hydraulic oils, greases, etc., to stormwater. Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." The permit Fact Sheet lacks any cogent explanation on how a benchmark value of "No Visible Oil Sheen" relates to any WAC 173-201A water quality criterion. If some measure of petroleum product management practices must remain in the ISWGP, Ecology would be wise to simply retain the 15 mg/l Petroleum – Oil and Grease benchmark value. An alternative will be to allow an option to use this Petroleum – Oil and Grease benchmark in lieu of the No Visible Oil Sheen. The same challenge to demonstrate how O&G works as a "water quality-based narrative effluent limit" will exist, but at least this benchmark parameter will provide objective data.	Benchmark	Oil & Grease	S5.A. Table 2	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
Weyerhaeuser	"Given the small amount of available data for deriving these values and the large difference between the EPA targets, the TSS permit targets should be re-evaluated when more monitoring data are available." The ISWGP should provide the option to use total suspended solids and/or settleable solids as the appropriate adaptive management parameters for solids discharges. A TSS benchmark value of 100 mg/l would conform to the EPA proposed benchmark value in the draft Multi-Sector General NPDES Stormwater Permit (2005) and is less than the State of Oregon's Industrial Stormwater General Permit benchmark value of 130 mg/l (2006). Ecology has long used a settleable solids discharge limitation of 0.1 ml/l as an indication of good solids removal; e,g, see the Water Treatment Plant Industry General NPDES Permit, WAG-64. Finally, Ecology's permit Fact Sheet criticism of a possible TSS benchmark value of 100 mg/l overlooks the obvious reality that rapid mixing of stormwater in a receiving waterbody will in nearly all situations result in a much lower ambient concentration and for limited time periods; i.e., the NOAA concerns of "acute mortality after a few days exposure at this level" (100 mg/l TSS) represents an unrealistic receiving water condition.	Benchmark	TSS	S5.A. Table 2	Ecology has decided to adopt the TSS benchmark of 100 mg/L from the EPA MSGP. The rationale for the benchmark are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Revise Total Suspended Solids (TSS) benchmark from 30 mg/L to 100 mg/L
Weyerhaeuser	S5.A. Table 2 and Table 3 – Is Ecology's development/selection of benchmark values for ISWGP discharges into non-303(d) waterbodies in any way influenced by the anti-backsliding provisions in 40 CFR 122.44(l)? If yes, which benchmark parameters and values?	Benchmark	anti-backsliding	S5.A. Table 2 & 3	Ecology considered the anti-backsliding provisions of the CWA when selecting and deriving all the benchmarks.	No	

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Weyerhaeuser	S5.A. Table 2 and Table 3 – Does this draft ISWGP include any numeric effluent limitations on stormwater discharges into non-303(d) waterbodies? If yes, for which benchmark parameters? RCW 90.48.555(4) defines criteria that Ecology must take account of in establishing numeric effluent limitations if (i) "discharges… have reasonable potential to cause or contribute to violation of state water quality standards; and (ii) Effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards." Does the proposed ISWGP include numeric effluent limitations based on RCW 90.48.555(4) for permittees discharging into non 303(d)-listed waterbodies? If so, what are these proposed numeric effluent limitations?	Effluent Limits	Numeric effluent limitations	S5.A. Table 2 & 3	The benchmark parameters applicable to non-impaired waterbodies are not numeric effluent limitations. The only numeric effluent limitations applicable to non-impaired waterbodies apply only to facilities classified as non-hazardous waste landfills. These are based on EPA effluent limitation guidelines and are specified in Table 4: Effluent Limitations Applicable to Non-Hazardous Waste Landfills.	No	
Weyerhaeuser	S5.A. Table 3 – The benchmark values for TSS applying to the Timber Products Industry should be withdrawn and a regulatory process completed to establish a benchmark value consistent with statutory and regulatory criteria. At this time, the permit lacks any explanation on how the TSS benchmark value relates to the WAC 173-201A water quality criterion for turbidity. Discussion - Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." Ecology makes no attempt in the permit Fact Sheet to explain how a stormwater discharge of TSS at 100 mg/l relates to the specific elements of the turbidity water quality criteria in WAC 173-201A-200 and -210 (e.g., allowed fixed or percent increase from background to downstream) or implementation issues such as where upstream/downstream measurement should occur. Finally, we will resubmit a comment directed to Ecology in the 2005 and 2007 ISWGP renewal activities. Ecology committed in the 2002 ISWGP renewal process to review and, if warranted, to adjust benchmark values. Various stakeholders commenting on the 2002 ISWGP renewal had questions and/or were critical of several benchmark parameters and values incorporated in the permit. One of the complaints was that turbidity would not be a good measure of BMP effectiveness and that the value of 25 NTU was unrealistically low. Ecology responded with an explanation for the choice of the parameter and value, and then offered that Response: …Except for the turbidity benchmark value, all the values are from the EPA multi-sector general permit. Ecology will not consider any revision of these values now but will reconsider them when the permit is reissued in 5 years. The data collected under this permit may provide the basis for such consideration. Response: …Ecology will reassess the use of benchmarks and the values used during the next permit cycle. The data gathered under this permit will be part of this assessment. In summary, the Department of Ecology committed to a data-based review on the appropriateness of the benchmark parameters and values, to occur in conjunction with the 2007 permit renewal activities. Ecology was reminded in early 2006 and again in 2008 of timber products industry interest in a data-based review. The 6415 Final Report actually recommends that TSS be used as the benchmark parameter primarily because "TSS provides a much better reflection of BMP performance." The 6415 Final Report suggests a very low TSS benchmark value but cautions that	Benchmark	Turbidity	S5.A. Table 3	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Weyerhaeuser	In S5.A. Table 3 – The permit Fact Sheet explains that Ecology may be willing to eventually consider an alternative benchmark pollutant parameter for turbidity once sufficient performance data on TSS has been collected and analyzed. This is really unacceptable. Any decision to switch to TSS will certainly occur after this permit has required significant capital/operating investments directed at continuous achievement of the 25 NTU turbidity benchmark value. Ecology should address this issue by offering alternative benchmark parameters and values in this permit renewal. Discussion – Monitoring data produced from the Timber Products Industry has indicated 51% of the sample data were reported as above 25 NTU. Thirty-three percent of the data are above a value of 50 NTU. These results are not surprising. Facilities in this industry are predominately located in Western Washington, are 10-100 acres in size with expansive outside storage of raw materials and finished products, and have significant heavy equipment travel on both paved and rocked surfaces. For these reasons turbidity and suspended solids concentrations will typically be higher in stormwaters discharging from Timber Products industry facilities. This draft ISWGP adds monitoring requirements for the Timber Products Industry to explore the relationship between turbidity and TSS. The idea is that these data might be used to inform the decision for more appropriate benchmark parameters and concentrations in the 2015 ISWGP renewal. This concession on the issue will simply be too late. As the ISWGP is drafted, permittees exceeding benchmark levels will be forced by the S8 Correction Action process into making significant financial investments through the Level Four process.	Benchmark	Turbidity	S5.A. Table 3	Ecology gave serious consideration to allowing permittees the option to compare their discharge turbidity against the background turbidity, and determine if the discharge was within the "5 NTU/10% over background" increase allowed in the surface water quality standards. Since receiving water monitoring is particularly difficult for stormwater discharges from industrial activity, and not even an option for most facilities, Ecology has opted against that approach. The 25 NTU benchmark will be retained from the previous permit, which was upheld in PCHB 02-162, PCHB 02-163 and PCHB 02-164 Findings of Fact, Conclusions of Law and Order.	No	
Weyerhaeuser	S5.A. Table 3 – The benchmark values for BOD and COD should be withdrawn and a regulatory process completed to establish a benchmark value consistent with statutory and regulatory criteria. At this time, the permit lacks any explanation on how the BOD and COD benchmark values relate to the WAC 173-201A water quality criterion for dissolved oxygen. Discussion - Ecology now explains that benchmark values serve as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." Ecology makes no attempt in the permit Fact Sheet to explain how a stormwater discharge of BOD at 30 mg/l and COD at 120 mg/l relate to the specific elements of the dissolved oxygen water quality criteria in WAC 173-201A-200 and -210 (e.g., allowed anthropogenic increase of 0.2 mg/l from background to downstream) or implementation issues such as where upstream/downstream measurement should occur.	Benchmark	BOD & COD	S5.A. Table 3	Based on several comments and a review of the EPA MSGP, Ecology has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to category 5 industries [Timber Product Industry (24xx), Paper and Allied Products (26xx)], while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L

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Weyerhaeuser	S5.A.Table 3 – Please delete the newly-proposed benchmark parameters of COD and TSS for the Timber Products Industry. Discussion – The COD and TSS additions are especially objectionable. - The original request for alternatives to the turbidity and BOD benchmark parameters and values arose with the 2000 and then 2005 ISWGP renewals. Credible regulatory and cience-based arguments were presented to Ecology. The agency has never responded to these comments. For Ecology to now add TSS and COD, as benchmark parameters/values,subject to the corrective action process, is unfair. It would be acceptable to add these parameters as monitoring requirements. - The permit Fact Sheet discussion in support of the TSS and COD benchmarks is especially misleading and shallow. Comparing Timber Products Industry permittees to the total ISWGP population lacks relevance. - As detailed in other comments, no rationale has been offered to support the benchmark parameters values as "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." Please take note of Comments 24, 28 and 29.	Benchmarks & limits	COD & TSS	S5.A. Table 3	Based on several comments and a review of the EPA MSGP, Ecology has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to category 5 industries [Timber Product Industry (24xx), Paper and Allied Products (26xx)], while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
Weyerhaeuser	S5.A. Table 3 -- The benchmark values for BOD and COD applying to the Timber Products Industry should be deleted. Discussion - We note Ecology's own discussion on the limitations of BOD and COD as meaningful indicators of stormwater impact to receiving water quality. For the purposes of addressing new stormwater discharges into waterbodies listed on the CWA 303(d) for dissolved oxygen the agency has concluded that high BOD discharges have a "far-field" effect and "that can make it difficult to show a direct relationship between the discharge of oxygen-demanding substance and a low D.O. problem without site-specific water quality modeling." The analysis for the effect of COD on a receiving waterbody would be the same. As important, the agency notes that low dissolved oxygen in receiving waterbodies typically occurs during the warm summer months when rainfall totals are low and stormwater runoff is rare. Given that Ecology has explained that benchmark values are "numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation," and that the sole purpose for the Timber Products Industry benchmarks for BOD and COD must be to protect against violations of the WAC 173-201A dissolved oxygen criterion, it seems Ecology's logic would support elimination of these benchmarks.	Benchmarks & limits	COD & TSS	S5.A. Table 3	Based on several comments and a review of the EPA MSGP, Ecology has decided to apply a COD and TSS benchmark (COD = 120.0 mg/L; TSS = 100 mg/L) to category 5 industries [Timber Product Industry (24xx), Paper and Allied Products (26xx)], while deleting the BOD5 benchmark. The rationale for the benchmarks are contained in the MSGP fact sheet and are hereby incorporated by reference.	Yes	Chemical Oxygen Demand (COD) 120.0 mg/L Total Suspended Solids (TSS) 100 mg/L
Weyerhaeuser	S5.A.2. Tables 2 and 3 – Ecology has inexplicably shifted the intended function of benchmark values from the original intent in the ESSB 6415 legislation (2004) and since the reissuance of the ISWGP in January 2005. The regulatory concept was that performance producing stormwater discharge values above a benchmark would signal the need for additional BMP evaluation and perhaps implemented. Discussion - Through the development of the ESSB 6415 legislation (2004), and then as codified in RCW 90.48.555, there was general acceptance that "monitoring benchmarks" were to serve as the "adaptive management indicator" to assess the efficacy of BMPs. The legislation does not say that "monitoring benchmarks" are to serve as (effectively) water quality-based effluent limitations. Yet the permit Fact Sheet now explains that "Benchmarks are not water quality criteria or numeric effluent limitations; benchmarks are numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation." Ecology apparently considers a benchmark to be a static value somehow aligned with a water quality criterion. If this is so, it then hardly serves as an "adaptive management indicator." The benchmark concept from the 2004 legislation related to the pollutant discharge performance which might be expected with the implementation of industry-specific best management practices. This modeled EPA development of the benchmark concept. In fact, many of the benchmark values in this current permit originated from EPA development work on their Multi-Sector General Permit for Industrial Activities and are based on statistical analyses of industry specific performance data with BMPs in place (Refer to Table 3, 65 FR 64767, October 30, 2000).	Benchmark	Too Stringent	S5.A.2	Ecology believes that the ISWGP's use of water quality-based benchmarks as an adaptive management trigger is fully consistent with RCW 90.48.555.	No	
Weyerhaeuser	S5.D. -- The ISWGP should simply mimic the regulatory approach for "Conditionally Authorized Non-Stormwater Discharges" chosen by EPA in their Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities. More specifically, Ecology should accept the same list of discharges and then dispense with the requirements in D.1. Discussion – EPA's list includes "Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed)" "Routine external building washdown that does not use detergents." These types of non-stormwaters are not included in S5.D. Why wouldn't Ecology conform the ISWGP list to the comparable EPA list? Ecology should also simply delete D.1. That Ecology chooses to retain this section epitomizes a long-standing problem with the ISWGP. These requirements are illogic, require significant work, and are beyond the ability of ISWG permittees to comprehend and satisfy. Yet, an inadequate response would subject a permittee to CWA enforcement. Ecology would be hard-pressed to quantify meaningful environmental value from full satisfaction of D.1. requirements across the ISWGP population. EPA does not require similar evaluations in the Multi-Sector permit.	Effluent Limits	Non-stormwater	S5.D	Ecology is going to retain the existing list of non-stormwater discharges. The pavement and building washwaters (process wastewater) provided as examples are likely to be contaminated with various pollutants and are best managed in a way to prevent discharges to surface waters (e.g., on-site infiltration, discharge to sanitary sewer, etc.). No change.	No	

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Weyerhaeuser	S5.F. General Prohibitions – Please delete this section. This section is unrealistic and superfluous. Discussion – The ISWGP is 70+ pages long and chock-full of regulatory requirements that are much more detailed and comprehensive in directing how stormwater pollutants will be avoided and controlled. The simple statements in S5.F. to "prevent the discharge" of categories of pollutants is subservient to the many other regulatory requirements in this permit. As a practical matter, this section has been ignored in the past by Ecology inspectors and permittees (and will be in the future) because, taken literally, it makes no sense.	Effluent Limits	Floating Debris/Oil Sheen	S5.F.	Ecology disagrees with the comment and rejects the assertion that it will be ignored by permittees and Ecology because it makes no sense. EPA's MSGP contains a similar requirement: ***Waste, Garbage and Floatable Debris***. *You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.*	No	
Weyerhaeuser	S6.B.3.b. – New Discharges to TMDL or 303(d)-listed Waters – The proposed requirement to demonstrate attainment of "water quality criteria at the point of discharge to the waterbody" is overstated. This section should be reworded to say a. For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria consistent with WAC 173-201A ~~at the point of discharge to the waterbody~~; or Discussion – The permitting objective should be to ensure an impaired waterbody is not further degraded with the addition of a pollutant load above the relevant water quality criterion. Some WAC 173-201A water quality criteria require background/downstream assessments and provide for small anthropogenic pollutant changes (examples include turbidity, dissolved oxygen, pH). These elements of the state water quality standard need to be honored.	303(d)	New Discharge	S6.B.3.b	Ecology has chosen to retain the language from the draft permit, including the demonstration of meeting in-stream criteria "at the point of discharge to the waterbody", which is consistent with EPAs MSGP.	No	
Weyerhaeuser	S6.C. and Table 5 – This section needs to be clarified such that permittees discharging to a 303(d) waterbody will receive effluent limitations and monitoring requirements only for the 303(d) pollutants that the permittee discharges, not the entire Table 5 list of parameters. The following permit modification should be incorporated C. 1. Beginning July 1, 2010, permittees discharging to a 303(d)-listed water body that does not have an EPA-approved total maximum daily load (TMDL) shall comply with the sampling requirements and effluent limitations in Table 5. These requirements only apply to the permittee discharge of the pollutant on which the 303(d)-listing is based.	303(d)	Needs clarification	S6.C. & Table 5	Ecology believes that this concern is already addressed in S6.C.1.a which states that "applicable sampling requirements and effluent limits" means the sampling and effluent limits in Table 5 that correspond to the specific parameter(s) the receiving water is 303(d)-listed for..."	No	
Weyerhaeuser	S8. Corrective Actions – It is inevitable that permittees will request authorization for mixing zones. The permit should anticipate this reality and provide a reasonable process to obtain a mixing zone. Please modify the permit to include this language. S8.E. In lieu of the corrective actions described in S8.A. through D., or at any time during the corrective action responses described in S8.A. through D., a Permittee may request authorization of a mixing zone consistent with WAC 173-201A-400 Mixing Zones. Sufficient information will be provided to the Department to support an evaluation and authorization decision. A decision to authorize a mixing zone will be issued in an Administrative Order. Discussion - As drafted, the S8. Corrective Action process is full of uncertainty. The process will be slow and have very high transaction costs. Most interactions will need customized solutions and there will be disagreements and challenges that will stymie whatever processes Ecology settles on. Permittees will seek to pursue available regulatory mechanisms to gain more favorable and certain outcomes. Mixing zones are authorized by RCW 90.48.555(12) and WAC 173-201A-400. The authorization of a mixing zone would facilitate "reasonable potential" analyses and an effective leapfrogging of the many regulatory deficiencies with generic benchmark values and the S8. Corrective Action process. Ecology should design an intentionally simple regulatory process, and then encourage and facilitate its use. The quality/quantity of information and regulatory analysis in support of a mixing zone authorization should be commensurate with a general stormwater permit. The mechanism to authorize a mixing zone could be through an Administrative Order process.	Corrective Actions	Mixing Zones	S8	Ecology is not aware of any stormwater general permit in the United States that includes a process for permittees to request authorization for a mixing zone. The substantive procedural steps that are required to grant a mixing zone in Washington State cannot be accommodated in the general permit program, and therefore Ecology has decided not to include such a process in this permit. Mixing zones are still an option for individual permits.	No	
Weyerhaeuser	S8.A., B., and C. -- Level One, Two and Three Corrective Actions – The threshold for triggering corrective actions based on "exceed(ing) any benchmark," "during any 4 separate quarterly monitoring periods after January 1, 2010," and "during any 8 separate quarterly monitoring periods after January 1, 2010," respectively, is simply too low. Ecology should design a corrective action process which ratchets the requirements based on a "wet season" average of at least four samples being above a benchmark value. The draft ISWGP should be modified to read A. Facilities not listed in Appendix 6 (at Level 2 or 3) that exceed any benchmark value [in tables (2-6)} based on the average of at least 4 sampling results during a wet season single monitoring period (quarter) after January 1, 2010, shall complete a Level 1 Corrective Action in accordance with S8.A.1-4: The Level Two and Three corrective action levels would be triggered by a second or third years' performance. Discussion – Support for this approach includes: - Basing regulatory determinations on a single stormwater data value (or the accumulation of single data values over a 5 year permit term) overstates the information value of discrete stormwater sampling events. These data can be expected to be highly variable for reasons Ecology is certainly aware of; e.g., grab samples, shifting intensity of storm and runoff event, variability of pollutant discharges during a storm event, competence of the sampler, etc. There can be little certainty that any single sample result properly characterizes the stormwater quality. - EPA's Multi-Sector Permit, Oregon's Industrial Stormwater Permit, and Herrera (2006) all establish or recommend reliance on some average or median value, expressing per ormance over a period of time, as the basis for triggering corrective action. This approach is more credible. - The proposed S8. Corrective Action section begins to impose very high transaction costs once Levels Three and Four are reached. Consequently, a more substantial demonstration of a "problem" should be in evidence before imposing higher cost requirements on permittees.	Corrective Actions	Levels 1 - 3	S8.A, B & C	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.

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Weyerhaeuser	S8.D.1. – Despite a specific request, Ecology has chosen to provide no details on what constitutes a satisfactory "receiving water study," a WAC 173-240 engineering report, "additional water quality monitoring," and an "active stormwater treatment system." This lack of "fair warning" limits the ability of persons commenting on this draft permit to offer relevant and appropriate comments. These sparsely-defined phrases and how Ecology chooses to implement them will determine the expenditure of (potentially) hundreds of millions of dollars during the five-year permit term. Ecology should not issue this permit (or subsection S8.D.1.) until these regulatory requirements are more fully described and stakeholders have an opportunity to offer written comments. Discussion – Ecology's proposed S8.D.1. is irresponsible. No information on Ecology's expectation for the work scope or the agency review process are offered. Are these $1,000 studies or $100,000 activities? Will the level of rigor be that Ecology expects from major NPDES permittees, or will the expectations be scaled back to fit a small business, general permittee? Will each Ecology inspector/engineer decide the needed scope of this project work, or is there a standardized approach? To illustrate the concern, consider these examples - Will the permittee be allowed to define and implement their best judgment on the scope of a "receiving water study," or will Ecology dictate the study scope? The provisions of WAC 173-240 are ill-fitted for a stormwater discharge, so what are Ecology's expectations for complying with that proposed requirement (for example, how would this action differ from the S8.C.3. requirement that the SWPPP be designed and stamped by a professional engineer?)	Corrective Actions	Level 4	S8.D.1	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.
Weyerhaeuser	S8.A.2. and S8.B.2. and S8.C.2. – These subsections direct the identification/implementation of additional BMPs "with the goal of achieving all benchmark values." This amounts to "AKART Creep." Does Ecology intend this goal statement to effectively establish benchmarks as numeric effluent limits? Discussion – It is absolutely necessary for Ecology to define AKART in this permit. Permittees can then plan, develop and implement their SWPPP with confidence, and know with certainty their status against this statutory requirement. The following example illustrates the issue. Does this "goal of achieving" language mean that sweeping/vacuuming a work area once per quarter (see S3.A.3.b.i.3.) needs to occur at an increased frequency if a 25 NTU turbidity benchmark is exceeded even once? If 26 NTU is the result from the next sampling event, then does three times per quarter become the expectation? Then, four quarters later there is another 26 NTU reading. Would Ecology expect another review of the SWMMM and an increased frequency of sweeping/vacuuming? And on, and on. Ecology inspectors are famous for directing the addition of more BMPs until the benchmark value [*sic*].	Corrective Actions	AKART	S8A.2, S8.B.2, & S8.C.2	As stated in the Stormwater Management Manual for Western Washington (Volume I, Section 1.6) and Stormwater Management Manual for Eastern Washington (Chapter 1, Section 1.1.1), stormwater management techniques applied in accordance with [the Stormwater Management Manuals] are presumed to meet the technology-based treatment requirement of State law to provide all known available and reasonable methods of treatment, prevention and control (AKART; RCW 90.52.040 and RCW 90.48.010). However, at any given facility there may be different or additional requirements in order to satisfy the state AKART requirements due to site-specific conditions. No change.	No	
Weyerhaeuser	The development of this renewal ISWGP has admittedly been very challenging. There are many competing interests and the agency has surely had to make tough decisions to balance those. This proposed permit signals that Ecology has largely chosen to ignore or abandon the statutory principles in RCW 90.48.555 which provided a pathway for issuing a legally-sufficient general permit that could - be simple, effective and appropriate for 1200+ permittees with limited regulatory sophistication, - establish efficient permit implementation procedures that fit with capabilities and resources of permittees and the Department of Ecology, - reduce stormwater pollutant discharges through logical adaptive management and continuous improvement processes The Department of Ecology needs to issue a permit that will be successful. If Ecology management has confidence that this is the permit and government resources will be committed to ensure success, then fine. If there is doubt, then note that other permit models have been developed which are less complex/intrusive, and which could be easily adjusted to work in Washington state. These are the EPA Multi-Sector Industrial Stormwater Permit or the AWB draft ISWGP based on RCW 90.48.555 (February 2009).	General	Complexity; Too Stringent	N/A	Ecology agrees that this permit has been challenging and required tough decisions to balance the interests of stakeholders. Ecology disagrees that permit signals that Ecology has ignored or abandoned the statutory principles of RCW 90.48.555, and believes that the reissued permit will be more successful, defensible, and protective of water quality compared to either the EPA MSGP or the AWB proposal.	No	

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Weyerhaeuser	Does Ecology's Water Quality Program have the resources to implement this proposed permit? If a reasoned judgment leaves any doubt, the permit should not be issued in its current form. Discussion – This is a very robust permit. It is arguably the toughest and most complex general stormwater permit in the country. The complexity will demand what will likely be many hundreds of customized interactions between the agency and permittees over the permit term. These will include - Permitting for new discharges into 303(d)-listed or TMDL controlled waterbodies (Administrative Order) - Establishment of site-specific effluent limitations for permittees discharging certain pollutants into 303(d) waterbodies (Modification of Permit Coverage?) - Permittee requests to extend S8. Corrective Action Deadlines (Modification of Permit Coverage?) - Permittee requests to waive S8. Structural Source Control BMPs (Modification of Permit Coverage) - Requirements for a receiving water study, an engineering report, additional water quality monitoring, and/or installation of an active stormwater treatment system, and Ecology review and response (Administrative Orders) - Notify the permittee of AKART and WQ standards achievement (Modification of Permit Coverage) - Notify permittee of a requirement for an individual permit or to terminate the permit - Enforcement - Authorization of mixing zones (see Comment 41) The routine permit interactions with permittees will, of course, continue (new permits, permit transfers, site inspections and follow-up, DMR submittals and data entry, etc.). The best information indicates there will be hundreds of permittees pushed into the S8. processes beginning in 2011. There will be uncertainty, disagreements, and appeals of regulatory actions. The draw on Ecology resources will be substantial.	General	Complexity; Too Stringent	N/A	Ecology acknowledges that this permit requires significant resource and staff resources for successful implementation. Ecology plans to improve database systems and automate aspects of permit implementation to improve efficiency of Ecology operations and process. Ecology has made significant revisions to S8 so it is less resource intensive, less complicated, and more flexible. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated. Ecology will continue to improve program funding and resources to improve several aspects of the stormwater program, including inspections, plan review, enforcement, technical assistance, education, outreach, and research.	Yes	Numerous change to S8 Corrective Actions.
William Drake	I am sure you are a nice guy but it is clear you don't understand much about small businesses because this new stormwater permit you are proposing will kill the small business that I work for. I have worked as a auto dismantler for 2 years and would like to keep my job. Now the state wants to put my employer out of business. Why? This permit and the fact sheet are about 200 pages long. It's filled with a bunch of very technical information and lots of do's and don'ts that frankly, We don't understand. Why is the Department writing such a confusing and challenging document for us to have to deal with? I understand that the permit will require that copper in my stormwater must be cleaner than it is from most public drinking water. That about says it all. This new requirement for copper is way too low. By the way, most of the copper in the water comes from roads and highways were people drive and use their brakes. Our operations aren't where most of the copper is coming from. If you kill our businesses and all the good we do for the state and its citizens, you still will not solve the copper problem because we aren't the problem. No visible sheen of oil on our stormwater. That's usually the case in our facility, but once in a while there may be a sheen for a short time. That puts me in violation of this new permit and you can put me out of business because of that. No problem, let the state spend a few million of taxpayer money a year to build some very fancy facility to handle junk vehicles. They will still probably have a visible oil sheen on their stormwater from time to time. So what have you accomplished? NOTHING!	General	Economic Impact	N/A	Ecology understands the concern that this permit places a greater burden on industrial sites compared to other regulatory programs. This relates directly back to the underlying laws and regulations that require relatively stringent controls on stormwater runoff from industrial facilities compared to other businesses and land owners that are not subject to the permit. Although the action levels (benchmarks) are lower than the previous permit for some parameters, Ecology believes that the revised corrective action section (S8) allows facilities the time and flexibility to make incremental progress is made towards meeting the benchmarks, while facilities remain in compliance with the permit. Ecology is committed to provide technical assistance to those who need it.	Yes	Numerous changes to S8 Corrective Actions.
	If you put us out of business, you'll have a bunch of illegal guys junking cars in the back woods. They cut the hoses and let the anti-freeze drain on the ground, the CFC's go into the air, and they can throw the lead weights on the ground too. That will protect the environment far better than what we are doing, right? And, you will never find them and you'll never catch them. You will only find where they have been. This draft permit will do more environmental harm than you can imagine by putting legitimate vehicle wreckers out of business and replacing them with illegal operations or forcing the state to spend millions a year to do what we are already doing. Instead of us making money for the state, it will cost the state money. It is clear that the Department really doesn't understand the auto wrecking industry or the illegal operations that are ready to take our place. If it did, it would re-write this permit so our businesses can stay in business, keep providing honest jobs, keep collecting taxes for the state, and keep managing the junk vehicles in an environmentally responsibly way. The Department has a big decision to make. Fix this permit to keep our yards in business to protect the environment, or let the illegals take over after we are put out of business and watch the huge environmental damage they will do.						
William R. Houston	I run a small auto recycling business in Washington State. I am very concerned over the proposed Washington State Stormwater General Permit. The language in the permit is very hard for a layman to understand and what I do understand is vague at best. The requirements for copper are stricter than are required for my tap water at home. These regulations will cause auto recyclers to close. The auto recycling industry provides a very important service to the state by carefully recycling and disposing of end of life vehicles. By continuing to regulate the main street recycling businesses you will force the end of life vehicles back to the hills. In the past year we have cleaned up 4 of these illegal operations in our area. Ecology needs to stop, listen and heed the needs of the auto wreckers of Washington.	General	Economic Impact	N/A	Ecology has made numerous changes to make the permit better organized and easier to understand. Ecology has given consideration to the ability of small dischargers to meet the benchmarks and believes the revised permit provides facilities the time and flexibility to make incremental progress towards meeting the new benchmarks.	Yes	Numerous changes to S8 Corrective Actions.

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WSDOT	Appendix A -Definitions WSDOT Comments: As a general comment, the definitions within this section should be consistent with terms and definitions used in other regulations and permits issued by the State of Washington. The term “stormwater” discussed below, is an example of a disparity. Significant Amount means an amount of a pollutant in a discharge that is amenable to available and reasonable methods of prevention or treatment; or an amount of a pollutant that has a reasonable potential to cause a violation of surface or ground water quality or sediment management standards. WSDOT Comments: This definition, as written, implies that discharging pollutants in amounts that do not violate surface water, groundwater, or sediment standards, but are amenable to treatment would be considered a “significant amount.” WSDOT recommends modifying this definition by deleting the language: “an amount of a pollutant in a discharge that is amenable to available and reasonable methods of prevention, control, or treatment; or” This will clarify that discharge of a pollutant is not automatically considered a significant amount just because the pollutant is amenable to available and reasonable treatment. Significant Contributor of Pollutant(s) means a facility determined by Ecology to be a contributor of a significant amount(s) of a pollutant(s) to waters of the state of Washington. WSDOT Comments: It is not clear what basis Ecology will use to determine a significant amount(s)? WSDOT recommends describing the criteria that Ecology will use to decide that a facility is a significant contributor of pollutant(s). Stormwater means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility. WSDOT Comments: The term “stormwater” in the WSDOT municipal stormwater permit is defined as: Means runoff during and following precipitation and snowmelt events, including surface runoff, drainage, and interflow. WSDOT suggests that the term “stormwater” should have one definition across all permits and regulations.	Appendix A - Definitions	Needs Clarification	Appendix A	Ecology agrees that there should be consistency between the terms and definitions used in various stormwater permits, except where there is a legal or technical reason for different definitions. The definition of significant amount relates to the EPA's two-prong approach to waste discharge permits: water quality based (potential violate water quality standards), and technology based (AKART/BAT: a discharge that is amenable to available and reasonable methods of prevention or treatment). The definition of stormwater is consistent with Ecology's Stormwater Management Manuals, and Ecology does not have the technical or legal basis to change it to be consistent with the definition in the Municipal Stormwater Permits.	No	
WSDOT	Table 1: Activities Requiring Permit Coverage and the Associated SIC Code Groups “The following facilities that have road maintenance shops, equipment cleaning operations, or deicing operations: . . . .” WSDOT Comment: WSDOT thinks that the language used for this section in the existing permit is clearer than the proposed permit language. We suggest replacing the proposed language with the language/structure used for this section in the existing permit.	Permit Coverage	Vehicle Maintenance	S1. Table 1	Changes have been made to Table1 to improve clarity. One of these changes is to include "material handling facilities" in the criteria for permit coverage at transportation facilities. Once a transportation facility obtains permit coverage, the specific areas and stormwater discharges authorized by the permit become site specific. Ecology has decided to take the approach in EPA's MSGP and not include the "only those portions of the facility that are involved in vehicle maintenance..." statement.	Yes	Clarification added to S1. Table 1, clarifying what kinds of transportation facilities require permit coverage.
WSDOT	Special Condition 1. Permit Coverage S1.A.1 “The Standard Industrial Classification (SIC) groups generally, but not always, associated with these activities are listed in Table 1.” WSDOT Comment: This sentence is unclear and should be revised.	Permit Coverage	Needs Clarification	S1.A.1	This sentence is necessary to address situations where a facility is discharging stormwater associated with industrial activities, but claims a SIC code other than those listed in Table 1.	No	
WSDOT	S1.A.3. 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 (40 CFR) Subpart 122.26(b) (14) requires the facility to have a stormwater NPDES permit, shall obtain permit coverage. WSDOT Comment: This contains awkwardly written language. Suggest rewording to: “Any facility qualifying as an industrial facility as listed in Table 1 and discharges stormwater to a surface water body or to a municipal separate storm sewer system, that has covered under an existing National Pollutant Discharge Elimination System (NPDES) discharge permit, other than an Industrial Stormwater General Permit or Individual Permit, which does not address all stormwater discharges associated with industrial activity if Title 40 of the Code of Federal Regulations (40 CFR) Subpart 122.26(b)(14) requires the facility to have a stormwater NPDES permit, shall obtain permit coverage under this permit.”	Permit Coverage	Facilities required to seek coverage	S1.A.2	Ecology has replaced this language with: 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 [40 CFR Subpart 122.26(b)(14)] shall obtain permit coverage.	Yes	Revise 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 [40 CFR Subpart 122.26(b)(14)] shall obtain permit coverage.
WSDOT	S1.B. Significant Contributors of Pollutants WSDOT Comment: As written, the language in this section could be interpreted to extend beyond what was described in A.1.of this Section. Suggest rewording as follows: “Ecology may require an industrial facility as listed in Table 1 to obtain coverage under this permit if Ecology determines the facility: 1. Is a significant contributor of pollutants to waters of the state, including ground water; or 2. May reasonably be expected to cause a violation of any water quality standard, ~~or~~ ~~3. Conducts industrial activity, or has a SIC code, with stormwater characteristics similar to any industrial activity or SIC code listed in S1.A.”~~	Permit Coverage	Significant Contributor of Pollutants	S1.B	Ecology has decided to retain the language without change, and may require individual facilities to obtain permit coverage if they are engaged in industrial activity, or have a SIC code, with stormwater characteristics similar to those listed in Table 1.	No	
WSDOT	Special Condition 3. Stormwater Pollution Prevention Plan (SWPPP) WSDOT Comment: Most existing facilities have stormwater management BMPs constructed and developed over years. The requirement to immediately upgrade facilities to comply with the current standards contained in the most recent eastern and western Washington stormwater manuals is impractical. Suggest including a statement requiring the permittee to meet the appropriate stormwater design standards that were required at the time the existing stormwater management facility was permitted for construction. We recommend practical compliance pathway/timelines be incorporated into the permit to bring existing facilities up to current standards.	SWPPP	SWPPP modification	S3	The permit does not require the BMPs to be immediately upgraded to be consistent with the most recent eastern and western Washington stormwater manuals. The permit allows BMPs to be selected from other stormwater management manuals, including WSDOT's.	No	

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WSDOT	S3.B.3.b.i.3) a) "The permitee shall vacuum paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated pollutants a minimum of once per quarter." WSDOT Comment: The source of sediment at the Washington State Ferries Eagle Harbor facility is what blows in (e.g., airborne dust/pollen) or what washes off the vehicles when on the facility. WSDOT currently uses a conventional sweeper once a week at the facility. A quarterly pass with a vacuum sweeper as required by the permit will help, but represents a significant capital equipment cost with an anticipated minimal water quality benefit.	SWPPP	Vacuum Sweeper	S3.B.3.b.i.3) a)	Permit allows SWPPP to exclude required BMPs if "site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. [S3.B.4.b]. This condition has been revised to improve clarity.	Yes	Revise S3.B.4.b: No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial Stormwater General Permit, or Condition S3.B.4 of this permit.
WSDOT	Special Condition 4. Sampling S4.B.2.c. "The Permittee shall sample each distinct point of discharge off-site and shall analyze each sample separately; except where pollutant types, at one or more distinct point of discharge off-site, do not vary (based on industrial activities and site conditions), the Permittee may sample only the discharge point with the highest concentration of pollutants." WSDOT Comment: Sentence length and punctuation make this requirement unclear. Consider revising the text as follows: The Permittee shall sample each distinct point of discharge off-site and shall analyze each sample separately. Where pollutant types at one or more distinct point(s) of discharge off-site do not vary (based on industrial activities and site conditions), the permittee may sample only the discharge point with the highest concentration of pollutants.	Sampling	Sampling Location	S4.B.2.c	Ecology agreed with the suggested changes in punctuation and permit, but has replaced this entire condition with new language, consistent with EPA's MSGP, which is more clear.	Yes	Revise S4.B.2.c: The Permittee shall sample each distinct point of discharge off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. The Permittee is required to monitor only one of the "substantially identical outfalls" if two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions).
WSDOT	S4.B.2.e "The Permittee shall take all samples after the stormwater passes through on-site BMPs, as close to the point of discharge off-site that can be achieved safely." WSDOT Comment: WSDOT compliance with this condition will be difficult due to the design of the existing stormwater management system. At the Eagle Harbor Maintenance Facility, sampling is conducted in a stormwater catch basin because off-site discharge locations are in an intertidal area that cannot be reliably and safely accessed for sampling. Filter socks are used in these catch basins to further reduce sediment and particles in discharges. Since stormwater sampling requires removal of the filter socks, turbidity of the sample would potentially increase and would not be representative of the actual operating conditions. Modifying the stormwater system to facilitate sampling downstream of the existing BMPs (filter socks) would require a major capital expense with no anticipated benefit to water quality. This condition should be revised to allow an alternate method of sampling in situations such as the one at Eagle Harbor.	Sampling	Sampling Location	S4.B.2.e	This means treatment BMPs, which remove pollutants but allow water to pass through, e.g., catch basin inserts, oil/water separators, bioswales, etc. The intent is to ensure that the samples reflect "post-treatment" stormwater quality. This condition has been struck to reduce confusion, but will be addressed in guidance materials.	Yes	Delete: ~~The Permittee shall take all samples after the stormwater passes through on-site BMPs, as close to the point of discharge off-site that can be achieved safely.~~
WSDOT	S4.B.6. After the effective date of this permit, the Permittee may suspend sampling for one or more parameters based on consistent attainment of benchmark values when: WSDOT Comment: As worded, this language would not allow prior sampling to be used to determine consistent attainment of benchmark values. While we think that this approach is reasonable and appropriate for new parameters or parameters with new benchmarks, prohibiting the use of prior sampling results offers no additional environmental protection for parameters whose protocols and/or benchmark values that are not changing from the current ISWGP. WSDOT recommends allowing previous constant attainment status to be carried forward for parameters that have had no change in protocols or benchmark values.	Sampling	Consistent Attainment	S4.B.6	Given the dynamic nature of industrial activity, personnel, and other factors that can affect stormwater quality, Ecology believes that it is necessary to have permittees re-verify consistent attainment. This is especially true for parameters with different benchmarks. However, Ecology has revised S4.B.6 to allow permittees (including those who achieved consistent attainment under the previous permit) to suspend sampling for any parameter when 4 consecutive quarterly stormwater samples are less than or equal to the benchmark value (for pH 4 samples within 6.5 - 8.5 (freshwater) or 7.0 - 8.5 (marine). Quarters with no discharge or no sample are not counted as a "sample less than or equal to the benchmark value".	Yes	Revise S4.B.6: The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of benchmark values when: a. Four consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.

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WSDOT	S5. Benchmarks and Effluent Limitations WSDOT Comment: WSDOT recommends adding sampling for hardness when sampling for metals as hardness is critical in determining the potential toxicity of the metals in stormwater runoff. WSDOT believes that it is inappropriate to use a median state-wide hardness given the disparate geology of the state and the wide variability of hardness in stormwater and receiving waters. The benchmarks used should account for the variability in hardness.	Benchmark	Hardness	S5	Ecology has concluded that it would not be appropriate to have permittees measure the hardness of the stormwater discharge, because it's the hardness of the receiving water (being discharged to) that ultimately affects the toxicity of metals. Ecology agrees that it would be inappropriate to use the median statewide hardness to calculate metals benchmarks, which is why we hired a consultant to perform a water quality risk assessment (Monte Carlo Simulation) as a way to predict the probability of stormwater discharges causing a violation of water quality standards in the receiving water. Ecology's Environmental Information Management (EIM) database was queried to obtain representative hardness data for rivers in eastern and western Washington. Probability distributions (rather than the statewide median) were then used to estimate state water quality standards during Monte Carlo simulations for comparisons to predicted receiving water concentrations at the facility point of discharge. The full methodology is described in *Water Quality Risk Evaluation for Proposed Benchmarks/Action Levels in the Industrial Stormwater General Permit* , which may be downloaded from: http://www.ecy.wa.gov/programs/wq/stormwater/industrial/workgroupdocs/analysisreportwqrisk.pdf .	No	
WSDOT	Condition S5.A.Table 2 “Benchmarks and Sampling Requirements Applicable to Discharges to Non-303(d)-listed Water Bodies.” WSDOT Comment: The draft permit proposes eliminating the existing permit requirement calling for oil and grease sampling along with the previous benchmark of 15 mg/L and replace it with a visual assessment of petroleum contamination using a qualitative observation of visible oil sheen. Using "evidence of oil sheen" as a visual indicator has the potential to trigger reporting and corrective action requirements without the benefit of factoring in the source, nature, or magnitude of the contributing contamination (e.g., a oil sheen can result from a very minute drop of oil in a puddle of rainwater, but the actual concentration may not pose any threat to the receiving water environment). WSDOT recommends adding flexibility so that in the event that a visible sheen is observed, the permittee can follow-up with sampling to assess whether the magnitude of that incident exceeds the existing oil and grease sampling benchmark. Exceeding that benchmark would then trigger the permits corrective action requirements.	Benchmark	Oil Sheen	S5.A Table 2	Ecology has decided to retain the oil sheen benchmark as a core sampling parameter for all facilities.	No	
WSDOT	Comment S5.B.Table 3. Additional Benchmarks and Sampling Requirements Applicable to Specific Industries The proposed benchmark for copper in the draft permit has been lowered from 63.6 µg/L to 14 µg/L and 32 µg/L for Western and Eastern Washington, respectively. The lowered benchmark will trigger escalating response levels that may be impossible for the regulated community to feasibly meet. The study used to derive the benchmarks also raises some questions in terms of it representativeness to real world conditions and WSDOT suggests comparing the approach used in the study with other approaches that have been employed for these purposes.	Benchmark	Copper	S5.B Table 3	A general permit that covers over 1000 facilities around the state cannot rely on site-specific receiving water information to establish benchmarks. Site-specific benchmark derivation would only be practical under an individual NPDES permit. Ecology stands behind the technical basis for arriving at the copper benchmarks. Provisions exist to obtain waivers if a permittees feels that benchmark exceedance don't necessarily warrant escalating levels of additional BMPs if the facilities current level of stormwater management does not pose a risk to the receiving water, based on site specific conditions.	No	
WSDOT	Special Condition 8 Corrective Actions. WSDOT Comments: Some stormwater management maintenance tasks may temporarily degrade effluent quality for a short period of time. General Condition 21 recognizes that some maintenance activities might cause degradation of stormwater effluent. However, there appears to be no mechanism to allow for the permittee to cycle out of the tiered response action plan as a result of exceedences occurring during the maintenance period. In our view, permittees should be allowed to temporarily suspend monitoring during such maintenance activities or be temporarily released from the permit’s tiered response action plan for exceedences occurring during and immediately following such maintenance activities so long as the maintenance is in accordance with methods approved by Ecology.	Corrective Actions	Allow off-ramps from Corrective Action Levels	S8	Stormwater discharges during stormwater management maintenance tasks (e.g., cleaning catch basins) would not be considered "representative" of stormwater discharge, and would typically not be sampled, and given that corrective actions are driven by numerous quarterly samples above the benchmark, not likely to trigger corrective actions.	No	

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WSDOT	S8.C. Level Three Corrective Actions WSDOT Comments: The ISWGP only allows permittees 12 months to implement all practical treatment BMPs at the level three response. For most operations, obtaining the necessary funds and resources required for compliance may be more than a 12 month process. Such a compliance timeline could be challenging given the state agency biennial budgeting process. WSDOT recommends adding permit language that would allow the permittee to submit a timeline to Ecology within 12 months explicitly stating how long it will take to complete the Level 3 response along with the justification for that response time.	Corrective Actions	Level 3	S8.C	Ecology has made significant revisions to S8 so it is less complicated, more flexible, and has clear performance expectations and timelines. The revised S8 includes an annual cycle of sampling and, if necessary, Level 1, 2 or 3 corrective actions for specific pollutant parameters. Level 4 has been eliminated. Appendix 6 has been eliminated.	Yes	Numerous changes to S8 Corrective Actions.