

August 10, 2015

Ms. Amy Moon
Water Quality Program
Department of Ecology
PO Box 47696
Olympia, WA 98504-7696



Subject: Boeing Comments on Draft 2015 Construction Stormwater General Permit

Dear Ms. Moon:

The Boeing Company (“Boeing”) appreciates the opportunity to provide comments on the July 1, 2015 Draft Construction Stormwater General Permit (“Draft CSWGP”).

Boeing is the world’s largest aerospace company and largest U.S. exporter in terms of sales. Boeing designs and manufactures commercial aircraft, rotorcraft, electronic and defense systems, missiles, satellites, launch vehicles, and advanced information and communication systems. Boeing also provides numerous military and commercial airline support services. Boeing employs approximately 80,000 employees in Washington State to provide these products and services to customers in more than 150 countries around the world.

Boeing agrees with the views expressed in the Fact Sheet that a general permit is an efficient method to establish regulatory requirements for a broad range of construction activities and that a general permit is consistent with EPA’s permitting strategy which provides flexibility under the Clean Water Act for a workable and reasonable permitting system. These qualities of a general permit are important to a company like Boeing, which must operate in an efficient and timely manner in order to meet the needs of its customers.

With regard to the proposed revisions in the Draft CSWGP, Boeing notes that Ecology has characterized the revisions as “minor changes overall” with the exception of the addition of Element 13 as a SWPPP requirement to protect permanent Low Impact Development BMPs by reducing disruption to natural site hydrology. Boeing understands that, aside from the addition of Element 13, Ecology’s primary objectives in the revisions to the CSWGP are to clarify existing requirements in the CSWGP and to promote efficiency in meeting the requirements of the CSWGP. Consistent with the scope of the revisions, Boeing’s comments are directed towards proposed revisions to the CSWGP that are not clear and to procedural aspects of the permit process that could be enhanced to improve efficiency.

Boeing has provided technical comments on specific sections of the Draft CSWGP in Attachment 1. Please note that Boeing’s key concerns with the Draft CSWGP pertain to the proposed new Section S2.A.1.f. As discussed in more detail in Attachment 1, Boeing believes that the proposed new Section S2.A.1.f should be revised so that it tracks the existing language in the Notice of Intent Application and includes a schedule for Ecology review of information on contaminated soil and/or groundwater.

Boeing thanks Ecology in advance for its consideration of Boeing's comments on the Draft CSWGP. Please do not hesitate to contact the undersigned or Paul Wright (phone: (425) 260-8310 or email: paul.j.wright@boeing.com) if you have questions about Boeing's comments on the Draft CSWGP.

Sincerely,



Thomas Gallacher
Director Environment
Engineering, Operations and Technology
The Boeing Company

Enclosures

Attachment 1: Boeing Technical Comments on July 2015 Draft Construction Stormwater General Permit

ATTACHMENT 1

I. Ecology must revise Section S2.A.1.f in order to be consistent with the Construction Notice of Intent (NOI) Application and to include a schedule for Ecology review of information on contaminated soil and/or groundwater.

The Draft Construction Stormwater General Permit (“CSWGP”) includes a new Section S2.A.1.f that would require applicants to notify Ecology “if they are aware of contaminated soils and/or groundwater associated with construction activity” and to provide “detailed information with the NOI (as known and readily available) on the nature and extent of contamination . . .” At the recent workshops, Ecology stated that the proposed new Section S2.A.1.f is intended to be consistent with the NOI Application. However, although the proposed new section of the CSWGP largely corresponds to existing Section VI of the NOI Application, Section S2.A.1.f includes different language from Section VI of the NOI. Specifically, the language in Section S2.A.1.f of the Draft CSWGP uses the phrase “associated with the construction activity,” which is not found in the NOI Application and is not susceptible of a clear interpretation. The language in proposed new Section S2.A.1.f would therefore reduce clarity of the requirements of the CSWGP. Boeing therefore recommends that Ecology revise the language in proposed new Section S2.A.1.f to track the language in the NOI.

Further, as noted above, the current NOI Application Form requires an Applicant to submit detailed information if the Applicant is aware of contaminated soils or groundwater on the site and if the contaminated soil will be disturbed and/or the contaminated groundwater will be discharged due to the proposed construction activity. In some cases, the Ecology review of information on contaminated soil and/or groundwater has resulted in unnecessary delays in approval of permit coverage, which has significant impacts on businesses like Boeing that need to construct new infrastructure on schedule in order to produce and deliver products to customers. Boeing therefore recommends that Ecology establish a schedule, similar to the Permit Coverage Timeline in the Industrial Stormwater General Permit (ISGP), for Ecology review of information on construction projects with contaminated soil or groundwater and for notification of applicants of permit coverage notification.

Boeing suggests the following changes (additions shown in italics/deletions shown in strikethrough) to Section S2.A.1.f of the Draft CSWGP:

~~“f. Applicants must notify Ecology if they are aware of contaminated soils and/or groundwater associated with the construction activity.~~ *If an applicant is aware of contaminated soils or groundwater contamination within the construction site boundary, and such contaminated soils will be disturbed and/or such contaminated groundwater will be discharged due to the proposed construction activity, the applicant must provide detailed information with the NOI Application on the contaminants, contaminant locations, contaminant concentrations, and contaminant depth (if known and readily available), and pollution prevention and/or treatment Best Management Practices (BMPs) proposed to*

control the discharge of soil and/or groundwater contaminants in stormwater. The information should also include related portions of the Stormwater Pollution Prevention Plan (SWPPP) that describe how contaminated and potentially contaminated construction stormwater and dewatering water will be managed. Additional information may include the following:

- i. Map identifying location of contaminants;
- ii. Temporary Erosion and Sediment Control Plans;
- iii. Cleanup order(s) and oversight agency contact information that apply to the construction site.

Provide detailed information with the NOI (as known and readily available) on the nature and extent of the contamination (concentrations, locations, and depth), as well as pollution prevention and/or treatment BMPs proposed to control the discharge of soil and/or groundwater contaminants in stormwater. Examples of such detail may include, but are not limited to,

- i. List or table of all known contaminants with laboratory test results showing concentration and depth,
- ii. Map with sample locations,
- iii. Temporary Erosion and Sediment Control (TESC) plans,
- iv. Stormwater Pollution Prevention Plan (SWPPP) modified to address contaminated soils and/or groundwater,
- v. Dewatering plan and/or dewatering contingency plan.

If Ecology believes that the NOI Application does not include sufficient information to meet the requirements of this Section S2.A.1.f, Ecology will notify the applicant in writing within 15 days of receiving the NOI Application.”

II. Ecology must revise Section S4.D pH range to properly account for Washington rainfall pH.

Ecology has proposed changes to the CSWGP that specify a pH range of 6.5 to 8.5 su. These proposed revisions fail to take into account the fact that the pH range for stormwater permits was previously addressed in the ISGP. Specifically, the benchmark pH range in the ISGP was revised in 2009 to take into consideration the pH of Washington rainfall. In the [2009 Ecology response to comments](#)¹, Ecology stated (on page 17):

“pH. Several commentors objected to Ecology’s proposal to replace the previous permits’ pH benchmark (6.0-9.0 su) and action level (outside 5.0-10.0 su), with a pH benchmark value of 6.0 -9.0 su. Many commentors objected to the lower end of the proposed pH benchmark range (6.0), citing the commonly low pH of rainfall in Washington State (between 5.0 and 6.0 su). Ecology believes that it would be inappropriate for permittees to be performing corrective actions to address pH excursions that were due to acidic rainfall (between 5.0 – 6.0 su), considering the

very low probability of stormwater discharges to cause violations of water quality standard for pH. Ecology has decided to set the pH benchmark range at 5.0 – 9.0 su”.

Ecology’s decision to set the pH benchmark range at 5.0 – 9.0 su was upheld in the 2011 PCHB No.s 09-135 through 09-141 order.

Consistent with the above, Boeing requests that the following sections of the Draft CSWGP be revised (additions shown in italics/deletions shown in strikethrough) to reflect the appropriate “5.0 to 9.0 (su)” range for pH:

- S4.D.1 “... until stormwater pH is in the range of ~~6.5 to 8.5~~ *5.0 to 9.0* (su).”
- S4.D.2 “... stormwater pH is in the range of ~~6.5 to 8.5~~ *5.0 to 9.0* (su).”
- S4.D.6
“ The benchmark value of pH is ~~8.5~~ *9.0* standard units. Anytime sampling indicates that pH is ~~8.5~~ *9.0* or greater, the Permittee must either:
 - a. Prevent the high pH water (~~8.5~~ *9.0* or above) ...
 - b. If necessary, adjust or neutralize the high pH water until it is in the range of pH ~~6.5 to 8.5~~ *5.0 to 9.0* (su) ...”

ⁱ WDOE Industrial Stormwater General Permit, Addendum to Fact Sheet: Appendix C – Response to Public Comments, Page 17 (October 21, 2009)