



March 16, 2012

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Re: Comments on the Draft Modified Industrial Stormwater General NPDES Permit

We appreciate many of the modifications proposed to the Industrial Stormwater General NPDES Permit [not the least of which is the removal of fecal coliform effluent limits for discharges to 303(d) listed water bodies]. Please consider the following comments to improve this permit:

- A. Consider adding to sections S1.D.8 and S6.B the exclusion for the fecal parameter when discharging to 303(d) listed waters.
- B. Under the Conditional No Exposure exemption in S1.F, the words “or material” in the second sentence should be removed or further clarified, such as suggested below:

If there is a change at the *facility* that results in the exposure of industrial activities and associated materials to *stormwater*, the *facility* is required to immediately apply for and obtain a permit.
- C. The six-month window to identify and implement all capital BMPs is less than the typical select-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 imposition of such a deadline, Ecology has provided a mechanism for extensions (per S8.B.4.c). However, the mechanism is a permit modification, a two-month process which must be initiated no more than three months into the six-month project. This is a ridiculous solution to the impractical deadline.

We understand that the Pollution Control Hearings Board (PCHB) ordered Ecology to shorten the deadline for completing a Level 2 corrective action; but reducing the deadline from September 30th to July 30th the following year slashes precious sunshine off the construction season (e.g. not much roofing, paving, excavation, and painting done in April). This problem is exacerbated if the Level 2 corrective action is triggered late in the previous year. The April 1st deadline to request an extension occurs too early in the corrective action cycle, and should be pushed deep into summer. Plus, why should every prudent project manager have to do a complete Modification of Coverage including public notice requirements just to hedge against weather or other common project delays. This highly compressed schedule will inevitably inflate contract costs at a time when public dollars are scarce. Zinc and copper measurements are inherently erratic and the permit limits for them are tough to meet even by the cleanest, best intentioned business; so it is imperative that the

corrective action process be realistic, have a simpler process for obtaining a time extension, and extend into the good weather months of August & September for structural controls.

Also, where is Table 6? The permit should summarize the corrective actions required and their associated timelines in Table 6.

If you have any questions, please contact me at (360) 442-5299.

Sincerely,

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