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Washington State Department of Ecology
NPDES Industrial Storm Water
Jeff Killelea
300 Desmond Drive
Lacey, WA 98503

Dear Mr. Killelea,

Thank you for the opportunity to provide comments to the draft NPDES industrial permit, we appreciate the opportunity. The hard work and dedication the department has put into this permit is obvious. However, there are a few points we wish clarification on and we suggest some possible changes for your consideration.

General Comments

Surface waters of the state and water bodies' definitions and usages should be consistent throughout the permit and consistent in interpretation by Ecology. As it stands now, Ecology can find that any standing or moving water on public or private property can be determined to be a surface water of the state. As previously defined with other items in the past, (engineering report format for example), Ecology could define more sharply the definition of surface waters of the state for the purposes of discharge and the NPDES Industrial Storm Water Permit. Specifically, excluding ponds and ditches on private property as surface waters of the state would eliminate confusion among permittees and provide for better interpretation of the permit. We suggest excluding private retention and detention ponds, ditches, and other structures or conveyance systems for the purposes of treating, storing, or conveying storm water as surface waters of the state for permit purposes.

Currently, regional treatment systems on private property that serve multiple businesses have no advantage in terms of the industrial storm water permit. Specifically, for a business park that has a regional treatment facility on private property (retention pond for example), that serves several businesses; Ecology requires that the individual business sample their discharged storm water at their lease line rather than from the output of the regional retention pond. Our understanding is that Ecology, in this case, treats the pond as surface waters of the state and has concerns about dilution or comingling before sampling. Ecology suggests that industrial sites in this situation sample both at their lease line and also at the output of the regional treatment system suggesting that if there are problems at the lease line, the permittee can appeal to Ecology, through the waiver program, to not require level 2 or level 3 action if the final discharged storm water is below benchmark levels. We believe that this suggestion from Ecology adds complexity, expense, and burdensome requirements to sites where these situations occur. We believe that

this interpretation by Ecology may discourage builders and developers from providing private regional storm water treatment systems as an enticement to businesses and serves no purpose in protecting the environment of public surface waters of the state. We suggest that Ecology should encourage the building of regional storm water treatment systems on private land and allow for sampling at the output of the treatment facility rather than the input. To this, Ecology should clarify that if a site discharges to a private regional treatment system, the site can sample at the lease line or at the output of the regional treatment system.

This new storm water permit will require the modification of most all storm water pollution prevention plans to include the additional requirements listed in the permit (erosion control changes, sediment sampling, etc). The new permit is scheduled to be official on November 9th, 2014 thus providing almost two months to prepare a new SWPPP. We suggest that the new permit add language indicating that SWPPP changes will be required and that sites new SWPPPs should be completed and re-certified by January 1st of 2015.

Specific comments

Table 2 and other places in the permit, *If the Permittee uses an alternative method it must report the test method and QL on the discharge monitoring report.* With the requirement for e-dmr's, we suggest that Ecology clarify where and how this is reported.

S4 B 1 b, *Permittees shall sample the stormwater discharge from the first fall storm event each year. "First fall storm event" means the first time on or after October 1st of each year that precipitation occurs and results in a stormwater discharge from a facility.* We suggest that clarification should be added as to when to sample if the first fall event storm water discharge occurred during a period when sampling was not required, for example, after business hours.

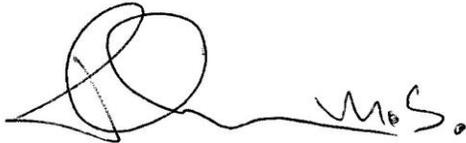
S6 C 2, We suggest that the permit should directly reference Appendix 4 to determine if the site discharges to a Puget Sound Sediment Cleanup Site. It is unreasonable to expect individual permittees to determine if the final point of discharge is one of these cleanup sites. As the permit language now stands, the permit appears to indicate that only those sites that direct discharge to a sediment cleanup site are affected and not those that have their storm water conveyed by tight lines or ditches. Further discussion with Ecology has led us to understand that all facilities that discharge to these cleanup sites via storm water conveyance systems or ditches will be required to comply with this section. It is for this reason we suggest that Ecology take the responsibility to list the sites that do so in appendix 4 and refer to this appendix in the permit language.

S6 C 2, We think that clarification of where the sediment sampling should occur is required. Laboratory fees for the required sediment sampling parameters at just one location is approximately \$650. If Ecology wishes samples obtained from each storm water drainage basin, and there are several basins at the site, the laboratory costs alone could run into the thousands of dollars. If Ecology wishes to obtain representative samples for the total sediment discharge from a given site, we suggest that allowances be made for composite samples of which the percent sediment volume contribution from each individual drainage basin be calculated by the percent surface area of each drainage basin as compared to the entire site surface area. At a minimum, Ecology should consider the costs of the sediment sampling and work towards specifying the minimum amount of samples required to meet Ecology's needs.

S8 D 2 b i, The section “*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; or the treatment BMP doesn’t require site-specific design or sizing (e.g., off-the-shelf filtration units, etc.)*” was deleted from the permit. This section allowed small businesses the opportunity to design and implement, upon convincing of Ecology that they were capable, level 3 treatment systems without the cost of an Engineering report. Many commercial systems available, while sized for surface area and location, are easy to install and many of the vendors provide the sizing calculations needed for proper installation. Removal of this section from the new permit unduly removes an avenue for the small business to reduce costs. We believe it should be re-instated.

S8 D 3 a, We appreciate the reduction in complexity from the engineering report requirement. We suggest that these should require the treatment alternatives to include an estimate of the ongoing operation and maintenance costs as well as an estimate for the disposal of any spent media. Typically, a site has to choose between higher capital costs and lower O&M costs or lower capital costs and higher O&M costs in picking a storm water treatment system. We think these costs should be described in the engineering report.

Thank you for the opportunity to comment on the Draft permit, if you have clarifying questions, please do not hesitate to contact me at the above email address or phone number.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of loops and a final flourish that ends in a period.

John Allen, MS
Nisqually Environmental & Consulting