



Automotive Recyclers of Washington
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June 16, 2014

Jeff Killelea
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Comments on the proposed 2015 Industrial Stormwater General Permit

Submitted both by email and by U.S. Postal Service

Dear Mr. Killelea:

Please accept these public comments regarding the draft proposed 2015 Industrial Stormwater General Permit as proposed by the Department of Ecology (Department).

The Automotive Recyclers of Washington appreciates and supports the concept proposed by the Department to make minimal changes to the permit from its previous version. However the Automotive Recyclers of Washington have a few specific concerns as stated in the following comments.

- Page 17 of the “Track Changes” version of the draft permit: S3 (B) (1) (j) that proposes to remove the words “in a significant amount” following the words “Areas of existing and potential soil erosion”. By eliminating the words “in a significant amount” it requires permittees to identify every area of potential soil erosion from their site, regardless of the potential amount of potential soil erosion. Unlike many of the other business operations covered by the draft permit, most auto recycling firms operate on soil based land which is not totally covered by impenetrable impervious surfaces to protect against soil erosion. Often local land use laws limit the amount of impenetrable impervious surface that is allowed on the property where a vehicle recycler operates. The proposed change to the permit to strike the words “in a significant amount” would require most vehicle recyclers to identify most of their facility as an area of “potential soil erosion” when in fact this is not the case and removing the words “in a significant amount” from the previous permit puts an unfair burden on vehicle recyclers and will likely distort the public understanding of likely generation of soil erosion from vehicle recycling facilities. Thus, we ask the Department to restore the words in the 2015 permit, “in a significant amount” following the words, “Areas of existing and potential soil erosion” If a vehicle recycling facility exceeds the benchmark for “Turbidity” in one of its stormwater samples, it is unrealistic to require that facility to look at all soil areas in preparing a corrective action plan as the source of the problem is most likely to be found in

the areas of potential significant amounts of potential soil erosion which the Department has identified in its publication 94-146 entitled **Vehicle Recyclers: A Guide for Implementing the Industrial Stormwater General National Pollutant Discharge Elimination System (NPDES) Permit Requirements** in which the Department recommends corrective actions.

- Page 19 of the “Track Changes” version of the draft permit S3 (B) (4) (b) (i) (3) (d) that proposes to strike the phrase “etc.” following the words Spill cleanup : ”(e.g. using absorbents, vacuuming)”. By eliminating the phrase “etc.” it unnecessarily eliminates other ways to clean up spills and leaks other than the use of absorbents or vacuuming. It is unrealistic to limit the cleanup to two options. For example, say a container of lead wheel weights was tipped over onto the soil. It would be inappropriate to attempt to clean up the lead wheel weights with a vacuum or with an absorbent. The elimination of the phrase “etc.” assumes all spills or leaks are liquids which is not the case as in our example of spilling a container of lead wheel weights. The Automotive Recyclers of Washington strongly urge that the phrase “etc.” be retained.
- Page 46 of the “Track Changes” version of the draft permit S3 (B) (4) (b) (i) (3) (d) proposes an exemption from electronic reporting of DMRs and SMRs that states, “...DMRs and SMRs shall be submitted electronically using *Ecology’s* WebDMR system Water Quality Permitting Portal, unless a waiver from electronic reporting has been granted (e.g., if a permittee does not have internet access).” The Automotive Recyclers of Washington appreciate this option for an electronic reporting waiver for small businesses. However, this waiver is extremely limited and unrealistically limited for many situations. For example:
 - There are a number of vehicle recycling operations that are operated by older individuals who are not “Internet literate” and for whom this electronic reporting requirement will be a highly unreasonable hardship. This exemption must be extended to apply to those individuals.
 - Most vehicle recycling operations do not have an Internet expert on staff or readily accessible when there is a temporary Internet access problem, such as a temporary interruption of Internet service, an Internet virus or other Internet bug that stops their ability to use the Internet. This exemption must cover those situations.

The Automotive Recyclers of Washington propose the following language for this provision (using track changes) of the 2015 Industrial Stormwater General Permit:

DMRs and SMRs shall be submitted electronically using *Ecology’s* ~~WebDMR system~~ Water Quality Permitting Portal, unless the permittee is unable to submit the report electronically and provides a written statement with the report that explains the reasons why. SMR forms are included with the DMR forms on the Portal. A permittee’s DMRs must be postmarked or by mail delivered to the following address: by the due date:

- Page 48 of the “Track Changes” version of the draft permit S9 (E) (1) (c) proposes to replace the required notice to Ecology of a reason a permittee cannot comply with the permit by striking 30 days and replacing it with 5 days.

The Automotive Recyclers of Washington strongly oppose this proposed revision to the permit. The provision requires a “detailed written report” be submitted. To require this detailed written report to be submitted within 5 days is totally unrealistic for a small operation like most vehicle recycling firms. As written, this includes weekends in the counting of the 5 days. The prior 30 day reporting requirement was also a hardship on a small permittee but far more realistic in its application than a 5 day requirement. In most cases, such a written report may become the subject of a citizen action and thus requires legal counsel to properly prepare such a report before the report is submitted. In addition, there was no economic impact analysis done specifically for this change which is in violation of WAC 173-226-120 (3)(a)(iii).

The Automotive Recyclers of Washington strongly urge the Department to retain the 30-day requirement to submit this written report.

Thank you for considering these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'GS', with a long horizontal stroke extending to the left.

Gary Smith
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