

July 11, 2014

Mr. Jeff Killelea
Department of Ecology
PO Box 47696
Olympia, Washington 98504-7696

via email

Re: Comments on 2014 Draft Industrial Stormwater General Permit and Fact Sheet

Dear Mr. Killelea:

Please accept the following comments on the Draft Industrial Stormwater General Permit and Fact Sheet issued by the Department of Ecology (Ecology) in May 2014.

Draft Industrial Stormwater General Permit

S4.B.6. Sampling Requirements/Consistent Attainment

Permittees should be allowed to use 2013 and 2014 data, as appropriate, to fulfill the consistent attainment requirement of eight consecutive quarterly samples. The issuance of a new permit (with the same benchmark values) should not invalidate these recent data.

S6.A. General Requirements for Discharges to Impaired Waterways

Condition A is confusing. It implies that S5. can be skipped; all permittees must comply with S4. and S7.

S6.C. Additional Sampling Requirements

What is the intended difference between a "303(d)-listed waterbody (Category 5)", as used in S6.C.1., and an "impaired (Category 5)" waterbody as used in S6.C.1.b.?

Does "at the time of permit coverage" mean January 1, 2015?

Ecology's publication of a list of 303(d) waterbodies on January 1, 2015, would be helpful. Ecology's publication of a list of waterbodies impaired (Category 5) for any sediment quality parameter on January 1, 2015, also would be helpful.

Pursuant to condition S6.C.1.a., permittees cannot rely on Ecology's Appendix 4 to determine applicability of the new effluent limitations ("Facilities subject to these limits include, but may not be limited to, facilities listed in Appendix 4"). The draft permit broadly applies a TSS effluent limitation to dischargers to "impaired (Category 5) [waterbodies] for any sediment quality parameter at the time of permit coverage." To assist permittees in making this determination, we recommend that Ecology issue step-by-step instructions- presumably done using Ecology's 303(d)/305(b) Integrated Report Viewer.

As written, the draft permit also applies a TSS effluent limitation to "Puget Sound Sediment Cleanup Sites" that are broadly defined to include all dischargers to Bellingham Bay, Budd Inlet (Inner), Commencement Bay (Inner), Commencement Bay (Outer), Dalco Passage and East Passage, Duwamish Waterway, Eagle Harbor, Elliot Bay, Everett/Port Gardner, Hood Canal (North), Liberty Bay, Port Angeles Harbor, Rosario Strait, Sinclair Inlet, and Thea Foss Waterway. The inclusion of (or references to) the exact areas defined as such is needed in the permit.

Permittees with a new effluent limitation for TSS must comply with the associated limit effective January 1, 2015. While permittees can begin voluntarily sampling for TSS this fall, this leaves little time to design and install treatment equipment that may be necessary to meet the limitation by January 1. The permit must include provisions for such permittees to request a compliance schedule to meet the limitation; provisions could be comparable to the conditions Ecology is proposing to delete.

Table 6

The Table 6 title requires modification.

The first sentence of footnote f implies that permittees discharging to a Puget Sound Cleanup Site or a waterbody impaired (Category 5) for any sediment quality parameter must *sample* for TSS but not meet the TSS numeric effluent limit.

The second sentence of footnote f states: "In addition, permittees discharging to a waterbody impaired for any sediment-quality parameter must clean out storm drain lines, per S6.C.1.c." This sentence is confusing (in part due to the erroneous reference to S.6.C.1.c.) and is inconsistent with the proposed requirements of S6.C.2., which apply only to permittees discharging to a "Puget Sound Sediment Cleanup Site." The draft Fact Sheet notes this, also.

Is it Ecology's intent to add a storm drain line cleaning requirement to permittees that discharge to waterbodies impaired for any sediment-quality parameter? If so, this sentence should be moved out of the table footnotes and into the text of the permit (if not deleted per comments further below).

The second sentence of footnote f presumably should include a reference to Category 5. For consistency with the permit text (S6.C.1.b.), footnote f also should be modified to add "at the time of permit coverage."

S6.C. Additional Sampling Requirements/Storm Drain Cleaning, Sampling

Pursuant to existing permit conditions, all permittees must comply with mandatory preventive maintenance BMPs including inspection and maintenance of stormwater drainage systems, cleaning catch basins when the depth of debris reaches 60% of the sump depth, and keeping the debris surface at least 6 inches below the outlet pipe (condition S3.B.4.b.i.3)). Additionally, the permit already requires compliance with applicable Operational Source Control BMPs in Ecology's Stormwater Management Manuals (or other approved manuals), which include the applicable requirements of *BMPs for Maintenance of Stormwater Drainage and Treatment Systems*. Additionally, Ecology is proposing to add a mandatory preventive maintenance requirement to "maintain ponds, tanks/vaults, catch basins, swales, filters, oil/water separators, drains, and other stormwater drainage/treatment facilities in accordance with the Maintenance Standards set forth in the applicable Stormwater Management Manual (SWMM) or other guidance documents or manuals approved in accordance with S3.A.3.c." (draft condition S3.B.4.b.i.3)b)). Proposed condition S6.C.2.a. specifies that certain permittees perform storm drain line cleaning at least once prior to October 1, 2017. Are these cleaning requirements intended to supersede the mandatory cleaning requirements already included in the permit? Is the condition intended to require these permittees to clean their drainage systems more frequently than needed per the mandatory SWPPP BMPs, for example, if the depth of debris has reached just 20% of the catch basin sump depth? What is the intent of proposed cleaning requirements?

Proposed condition S6.C.2.a. also requires permittees to "conduct line cleaning operations (e.g., jetting, vacuuming, removal, loading, storage, and/or transport) using BMPs to *prevent* sediment discharges to storm drains and/or surface waters" [emphasis added]. While methods can be

employed to block drain lines during a cleaning operation, they likely won't "prevent" some amount of solids from remaining in the system and/or to subsequently be conveyed beyond the section of drain line that has been cleaned. We suggest modifying the requirement to state the use of "BMPs to prevent or control sediment discharges..."

Permittees whose storm drain lines also convey stormwater from off-site facilities, public streets, etc., do not control these sources. While the proposed cleaning and sampling requirements apply only to systems owned or controlled by the permittee, additional text should be added to make it clear that such permittees are excluded.

Proposed condition S6.C.2.a. includes procedures to waive the cleaning requirements. As noted above, all permittees are required to implement BMPs for storm drain maintenance. Including a waiver provision for these cleaning requirements and this subset of permittees is confusing. Additionally, the required demonstration ("that storm drain line cleaning is not necessary to prevent downstream sediment contamination or recontamination") is so nebulous that achieving a waiver seems quite improbable.

One function of a catch basin, a sump, and an oil/water separator is to provide for solids settling/separation from the stormwater flowing through the device. The concentration of metals, PAHs, petroleum hydrocarbons and/or PCBs in the settled solids does not represent the concentration of residual metals, PAHs, petroleum hydrocarbons and/or PCBs that may be conveyed past these devices and discharged to a waterbody. Thus it would be difficult for Ecology to use the solids data generated per condition S6.C.2. to "screen for site-specific issues not adequately addressed by the ISGP, and determine if additional sampling, source control, and/or treatment is necessary..." as stated in the draft Fact Sheet; i.e., these solids data represent the proper functioning of the devices in settling solids and associated pollutants out of the stormwater, and not the solids/pollutants conveyed to the waterbody.

If it is Ecology's intent to use the solids data to "screen for site-specific issues not adequately addressed by the ISGP, and determine if additional sampling, source control, and/or treatment is necessary..." for contaminants not currently covered by a benchmark or effluent limit, then proper evaluation and rulemaking procedures should be followed before the permittees are required to sample for the additional parameters listed in Table 7. Analysis of storm drain solids for the Table 7 list of parameters is expensive and onerous. *If* the requirement is retained, analytes should include only those parameters for which the permittee has benchmarks or effluent limitations. As the data will reflect solids that have settled out of the stormwater (and thus have *not* reached the impaired waterbody), a requirement for total organic carbon and grain size distribution analyses makes no sense.

The proposed waiver provisions require a "detailed technical basis" to support a waiver from the solids sampling and analysis requirement, as well as a permit modification. As discussed in the draft Fact Sheet, Ecology has made a determination, based upon best professional judgment, that stormwater discharges with less than 30 mg/L TSS will not cause or contribute to a violation of sediment management standards. A permittee's DMR submittal of TSS results below 30 mg/L should be sufficient to exclude them from the sampling/analysis requirement, with no need for a waiver/permit modification. Eight consecutive TSS results below 30 mg/L, collected between January 1, 2015 and September 30, 2017 (or similar window), could constitute the demonstration.

Additional language is needed in the permit and in the Fact Sheet to explain the rationale for proposed condition S6.C.2. and the Table 7 parameters, with a detailed discussion of how the data are intended to be used by Ecology. Permittees should then be given the opportunity to provide comments on this rationale before the requirements are added to the ISGP.

Existing permit conditions already compel all permittees to maintain their storm drain systems and the new application of a TSS effluent limitation requires hundreds of permittees to further monitor and control the discharge of solids to impaired waterways. Proposed condition S6.C.2.a. is duplicative, adds confusion and complexity to the permit, and should be deleted. More thorough rulemaking is needed (or further explanation published) before an S6.C.2.b.-type provision is implemented.

S8.D. Level Three Corrective Actions- Treatment BMPs

We support the proposed deletion of the requirement for a licensed or certified professional to design and stamp that portion of the SWPPP addressing stormwater treatment structures or processes. This requirement overlapped with existing engineering report requirements.

S9.E. Reporting Permit Violations

Draft condition S9.E. requires a permittee to submit a detailed written report to Ecology within 5 days. For the exceedance of an effluent limitation, this should be modified to state "within 5 days of receipt of the laboratory report."

Draft Fact Sheet

Due to its overlap with existing cleaning requirements, the proposed generation of data that will reflect pollutants *not* conveyed to a waterway, and lacking an explanation of intent, condition S6.C.2. appears ill-conceived. As noted above, a detailed explanation/rationale is needed in the Fact Sheet for proposed condition S6.C.2., the proposed Table 7 parameters, and intended use of the data by Ecology. The public should then be provided an opportunity to review and comment on this information.

Economic Impact Analysis

Ecology's May 2014 Economic Impact Analysis is missing key proposed changes to the permit: costs associated with the sampling required by Table 6, the S6.C.2. solids sampling, analysis and reporting requirements, and estimated capital expenditures for compliance with the proposed effluent limitations. The document should be amended to include this information.

Thank you for the opportunity to comment on the proposed permit and Fact Sheet.

Sincerely,
Dawson Consulting LLC



Linda Dawson
Principal