



# ENVIROCERT

International, Inc.

WATER QUALITY PROGRAM  
DEPARTMENT OF ECOLOGY

June 20, 2014

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STATE OF WASHINGTON DEPARTMENT OF ECOLOGY  
P.O. BOX 47696  
OLYMPIA, WASHINGTON 98504-7696  
ATTENTION: MR. JEFF LILLELEA

Subject: **PUBLIC COMMENTS**  
**WASHINGTON STATE INDUSTRIAL GENERAL PERMIT**

Dear Mr. Lillelea:

The Department of Ecology ("Ecology") has proposed to revise the Industrial Stormwater General Permit Level 3 action requirements in a manner that may impose an unreasonable and unnecessary technical and financial burden on both the permittee and Ecology. Since the industrial permit requires a level 3 response if there is one year with 3 or more exceedances it may not provide the permittee with sufficient time to bring in certified stormwater professionals to evaluate the situation and use more environmentally friendly and less costly mechanical methods than treatment to attain compliance. Our specific concern is the use of the term "Engineering Report" for what is a "Level Three Corrective Action Plan".

Ecology personnel at the Vancouver, WA workshop explained that the term "engineering report" triggers a specific requirement under the RCWs for professional engineering certification. This results in the limitations on the certified stormwater professionals who can develop a plan to address the concerns for a specific site. There were other qualified professionals that were previously allowed to certify level 3 plans in the prior permits.

The implication of the Level 3 "engineering report" is that it will focus on use of mechanical treatment systems that would typically be within the purview of professional engineers. The reality is that highly trained certified stormwater professionals are available to create a Level 3 response that can accomplish the following goals:

- More effective using techniques such as industrial Low Impact Development,
- Source control -including product substitution,
- Employee training program enhancements,
- Transportation and storage process revisions; and,
- Augmented structural controls.

There also are a wide range of Ecology approved products on the market known to the stormwater professional that have proven capabilities that do not need professional engineering review and certification. The certified professionals that were allowed to prepare Level 3 documents will know when mechanical treatment system are necessary and can bring in the appropriate skilled PE to design and certify those portion of the corrective action plan.

It should be noted that as a Professional Engineering in the State of Washington, as well as several other states, and the holder of Stormwater credentials in the major organizations throughout the U.S., I am providing an highly technical and unique position in this regulatory arena. Specifically applicable to the Certified Professional in Storm Water Quality (CPSWQ), our registrants meet a high standard for certified professionals. Analogous to the professional engineers, CPSWQ's meet specific education and experience requirements and have passed a comprehensive exam to obtain their certification. As well, they are held to strict Continuing Education requirements annually. Further, they are required to possess local and national expertise. However, the key difference is that the CPSWQ professionals have demonstrated expertise specifically applicable to Ecology's and the public's interest in having the right person addressing industrial permit needs. No branch of engineering is as well aligned with the skill set that is needed to meet the Level 3 requirements, nor are required to demonstrate such experience.

Ultimately the use of certified stormwater professionals will result in a lower cost to the permittee and will ensure that Ecology resources are used in review engineering plans are focused on those situations where trained and certified stormwater professionals have made a determination of need. A properly developed plan will also benefit the environment in that it creates the least impact by using the least intrusive approaches, with focus on initial pollutant prevention. Therefore, the implementation of the CPSWQ will provide not only cost-effective but highly technical and professional design input for this permit.

Based on these lines of analysis and deduction, we recommend that section 4.3 of the draft permit be revised as follows:

1. Change title from engineering report to Level 3 corrective action plan;
2. Modify a.i. to read- provide a detailed review of the alternatives to mechanical treatment and which of those has the potential to achieve the desired discharge benchmarks.
3. Modify a.ii. to read- For the available options identified in a.i. provide justification on why the option chosen was selected. This includes treatment and/or non-treatment approaches.

4. Modify a.iii to read- Provide a description of the treatment and/or non-treatment processes selected, including flow diagram, schedule for each action, and testing program for non-mechanical treatment.
5. Modify a. v. to include: treatment / non treatment process instead of just treatment.
6. Modify a. vi to include: proposed treatment/ non treatment instead of just treatment.
7. Modify a.vii to read: Certification of the level three plan can be made by a CPSWQ, licensed hydro geologist or PE with specific training in stormwater systems. Mechanical calculations for treatment systems will be certified by a PE as a component of the plan.

The above suggestions will provide both the permittee and Ecology with the best opportunity to develop and implement effective and sustainable processes to meet specified discharge standards. Ecology has provided itself with the authority to take this approach by allowing waivers and extensions in five (5) Level 3 Deadlines.

The O&M manual (4.3.c) should also be reviewed and approved by the same certification level that approved the original plan. The O&M manual is critical to achieving effective results and needs to be reviewed with the same rigor as the original designs.

If Ecology determines that an engineer is required, then a stormwater specific certification such as CPSWQ should be added as a secondary requirement to assure that qualified engineers perform the work.

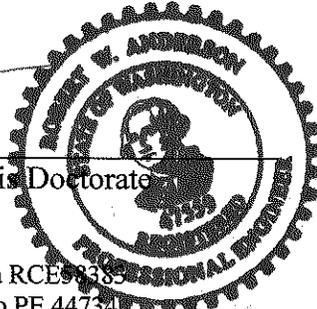
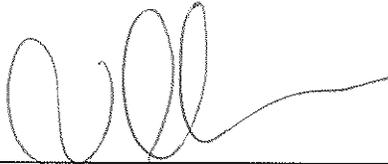
As professional engineers, we respect and value the knowledge and expertise of the professional engineers in the State of Washington, and the comments contained herein are not meant to devalue their expertise. However, as we previously propounded, there is no specific branch of engineering that aligns as well as the professional skills and knowledge that are required to perform a Level Three Corrective Action Plan.

We welcome an open discussion on this topic. If you and your group would be interested in meeting, we will gladly welcome the opportunity. I can be reached at (805) 485-3935 or via email at [Robert.anderson@envirocertintl.org](mailto:Robert.anderson@envirocertintl.org).

Thank you again for your time and efforts.

**ENVIROCERT INTERNATIONAL, INC.**

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