

Highfill, Kelsey (ECY)

From: Suzanne Tilley [stilley@macpiper.com]
Sent: Thursday, June 19, 2014 4:03 PM
To: ECY RE Industrial Stormwater Comments
Subject: Comments on the draft stormwater permit

Good afternoon.

I would like to comment on Ecology's draft stormwater permit, which says in Section S4.B.6(a) that consistent attainment means eight consecutive quarterly samples collected *after the effective date of the new permit* with readings at or below benchmark. We understand Ecology's concern about sites that reached consistent attainment at the beginning of the current permit cycle and, therefore, have not submitted sampling results to Ecology for three years. However, we will reach consistent attainment in the third quarter of 2014. Then after one quarter off, we will have to start sampling all parameters again for eight consecutive quarters to once more reach consistent attainment. This seems excessive. In effect, we will have to sample for 16 quarters to achieve consistent attainment.

Sampling is very costly for us. We have two permits, which require us to sample nine parameters at four outflows. Our quarterly cost for the lab testing alone is \$900.00. We also accrue costs for the labor and travel time needed to collect the samples and deliver them to the lab.

We would like to see some sort of rolling sampling schedule that would allow a permit holder to spend two years (or more, allowing for dry quarters) reaching consistent attainment, then have three years off before resuming sampling for consistent attainment again. This rolling schedule would remain in effect regardless of when the current permit ends and a new one takes effect.

Allowing consistent attainment to last for three years, regardless of permit cycle, would encourage companies to stay well below benchmarks, therefore, improving water quality discharges over all. It would be better for permit holders and for Ecology to just require a maximum three year pause in sampling due to consistent attainment. This would allow permit holders to install BMPs and reach permit compliance, while still encouraging them to reach consistent attainment for eight quarters, regardless of when in the permit cycle they reach benchmark compliance. For illustration purposes, the following are two sampling scenarios.

Under the current permit guidelines (Option A):

- 5 year Permit Cycle 1
 - Years 1-3- Install BMPs to reach benchmark compliance (Year 1 monitor, Year 2 install structural controls/treatment, Year 3- install advanced treatment)
 - *Years 4-5- Reach consistent attainment*
- 5 year Permit Cycle 2
 - *Years 6-7- Resample to reach consistent attainment*
 - Years 8-10- No sampling due to consistent attainment
- 5 year permit Cycle 3
 - Years 11-12- Resample to reach consistent attainment
 - Years 13-15- No sampling due to consistent attainment

If Ecology switched to a maximum 3 year pause in sampling, regardless of permit cycle (Option B):

- 5 year Permit Cycle 1

- Years 1-3- Install BMPs to reach benchmark compliance (Year 1 monitor, Year 2 install structural controls/treatment, Year 3- install advanced treatment)
- Years 4-5- Reach consistent attainment
- 5 year Permit Cycle 2
 - Years 6-8- No sampling due to consistent attainment
 - Years 9-10- Sample for consistent attainment
- 5 year Permit Cycle 3
 - Years 11-13- No sampling due to consistent attainment
 - Years 14-15- Sample for consistent attainment

The same amount of sampling occurs over the 15-year period for either Option A or Option B. But in Option A, companies have no incentive to try and reach consistent attainment criteria once they get to the start of Year 4. In Option B, companies can be encouraged to reach consistent attainment criteria no matter when they get the site below benchmarks. If Ecology desires high performance and constant improvement, automatically re-setting consistent attainment criteria at the start of every permit cycle is counterproductive.

Thank you for your consideration.

Suzanne Tilley
Interfacilities Manager
MacMillan-Piper, Inc.
P.O. Box 3514
Seattle, WA 98124-3514

stilley@macpiper.com
206-624-5135