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June 19, 2014

Submitted by email to: industrialstormwatercomments@ecy.wa.gov

Subject: Draft Industrial Stormwater General Permit and Fact Sheet

Dear Mr. Killelea,

The monitoring requirements in Ecology's proposed industrial stormwater general permit are insufficient for (1) Characterizing the impacts of stormwater discharges on receiving waters, or (2) Assessing compliance with effluent limitations for impaired waters. Washington regulation requires that discharge monitoring include representative sampling (WAC 173-226-090(b)):

> Each effluent flow or pollutant required to be monitored pursuant to (a) of this subsection shall be monitored at intervals sufficiently frequent to yield data that reasonably characterizes the nature of the monitored effluent flow or pollutant.

However, Section S4.B.1. of Ecology's draft permit incorrectly identifies a "single grab sample" as a "representative sample," contrary to its own definition of "representative sample" in Appendix 2 of the permit (i.e., ". . . a sample of the discharge that accurately characterizes stormwater runoff . . ."), and contrary to Ecology's own policies, quoted below.

> Ecology identified the following three sampling methods for evaluating whether new treatment technologies will meet the Ecology stormwater treatment goals:
> 1. Automatic flow-weighted composite sampling.
> 2. Discrete flow composite sampling.
> 3. Combination Method.
>
> (from Ecology, *Guidance for Evaluating Emerging Stormwater Treatment Technologies, Technology Assessment Protocol - Ecology (TAPE)*, January 2008)

> The (event mean concentration) accurately depicts pollutant levels from a site and is most representative of average pollutant concentrations over an entire runoff event.
>
> (from *Ecology, Standard Operating Procedure for Automatic Sampling for Stormwater Monitoring, Version 1.0*, September 16, 2009)

Therefore, monitoring data from the non-representative grab sampling allowed in the proposed permit are insufficient to demonstrate compliance or non-compliance with effluent limitations applicable to impaired waters. Also, Section S10.B.of the proposed permit is effectively meaningless because the presumption of compliance must be based on monitoring results that are inadequate to assess violations of water quality standards.

To comply with federal and state law, Ecology must ensure that its NPDES industrial stormwater general permit identifies the monitoring necessary to characterize stormwater effluents and to determine whether those pollutant loadings threaten the receiving waters of the state. Reliance on quarterly grab samples to accomplish this is woefully inadequate.

Sincerely,

Carl Tonge
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