
July 9, 2014

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

Re: Comments on the Draft Revised Industrial Stormwater General Permit

Dear Mr. Killelea:

This letter provides comments from Gordon Erickson on the Draft Revised Industrial Stormwater General Permit (Draft Permit) released for public comment on May 7, 2014. I am the environmental manager at a shipyard facility located at 313 East F Street, Tacoma, Washington, and I currently manage stormwater discharges under the existing Washington State Department of Ecology (Ecology) Industrial Stormwater General Permit (ISGP).

We agree with most of the revisions included in the Draft Permit. However, Section 6 of the Draft Permit, *Discharges to Impaired Waters*, includes language that is unclear, will produce data that are hard to interpret, and includes requirements that are unnecessary to improve stormwater quality from facilities with ISGP coverage. The unintended consequences and problems associated with the proposed provisions in Section 6 are detailed below.

Expansion of numeric effluent limits associated with discharges to impaired waters is unnecessarily punitive:

- Many facilities that will be subject to the total suspended solids (TSS) effluent limit have not been monitoring for TSS and therefore have no technical basis for assessing future compliance. Comprehensive land use studies show that Ecology's own consultants recommended replacing turbidity with TSS benchmark monitoring in the 2006 *Evaluation of Washington's Industrial Stormwater General Permit*. Monitoring for TSS should not be a "numeric effluent limitation" but rather a narrative effluent limitation or
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- benchmark that allows for data collection and/or adaptive management through progressive best management practices to achieve compliance.
- The Draft Permit does not provide a compliance schedule to collect data and achieve compliance. If adopted, facilities that have not previously been subject to impaired waterbody sampling and analysis should be afforded a compliance schedule through modification of permit coverage (consistent with the approach in the 2010 ISGP).
 - Unfortunately, these proposed revisions to the Draft Permit appear to focus on Ecology's ability to fine permitted facilities, not provide net environmental benefit.

The best professional judgment basis of the TSS effluent limit contains technical mistakes and mistaken interpretation of the law:

- By Ecology's own estimation (see Ecology's 2008 *Industrial Stormwater Discharges to Impaired Water Bodies*), nearly 40% of all discharges will exceed the 30 milligrams per liter (mg/L) effluent limitation.
 - Of the 2,466 ISGP single sample TSS results reported to Ecology from 2010 to present, 726 (or 29%) exceeded the proposed 30 mg/L effluent limitation.
 - The broad expansion of the TSS effluent limit was not included in the *Economic Impact Statement* for the *National Pollutant Discharge Elimination System Stormwater Discharge General Permit*.
 - The proposed TSS effluent limit is likely to be exceeded, even in areas that do not have ongoing industrial operations. See Table 4-1 from the U.S. Environmental Protection Agency's (EPA's) 1999 *Preliminary Data Summary of Urban Stormwater Best Management Practices*.
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Table 4-1. Median Event Mean Concentrations for Urban Land Uses

Pollutant	Units	Residential		Mixed		Commercial		Open/ Non-Urban	
		Median	COV	Median	COV	Median	COV	Median	COV
BOD	mg/l	10	0.41	7.8	0.52	9.3	0.31	--	--
COD	mg/l	73	0.55	65	0.58	57	0.39	40	0.78
TSS	mg/l	101	0.96	67	1.14	69	0.85	70	2.92
Total Lead	µg/l	144	0.75	114	1.35	104	0.68	30	1.52
Total Copper	µg/l	33	0.99	27	1.32	29	0.81	--	--
Total Zinc	µg/l	135	0.84	154	0.78	226	1.07	195	0.66
Total Kjeldahl Nitrogen	µg/l	1900	0.73	1288	0.50	1179	0.43	965	1.00
Nitrate + Nitrite	µg/l	736	0.83	558	0.67	572	0.48	543	0.91
Total Phosphorus	µg/l	383	0.69	263	0.75	201	0.67	121	1.66
Soluble Phosphorus	µg/l	143	0.46	56	0.75	80	0.71	26	2.11

COV: Coefficient of variation

Source: Nationwide Urban Runoff Program (US EPA 1983)

- The current Environmental Protection Agency multi-sector general permit daily maximum limits for TSS ranges from 23 to 100 mg/L depending on the industrial class of the facility. Ecology also currently includes a 100 mg/L benchmark monitoring for specified industrial classes. These established limits/benchmarks further demonstrate that a one-size-fits-all approach is not appropriate for the implementation on a broad scale across many industrial classes and land use types.
- We request that Ecology collect more data over this permit term to develop a technical basis, beyond best professional judgment, for establishing a TSS effluent limit prior to imposing a very low effluent limitation concentration for TSS. This could be accomplished by including TSS as a benchmark or narrative effluent limit in this permit revision cycle.

It is unclear whether “Puget Sound Sediment Cleanup Sites” meet the Category 4b waterbody criteria:

- Category 4b sites are characterized by Comprehensive Environmental Response, Compensation, and Liability Act Record of Decision, Model Toxics Control Act (MTCA) Cleanup Action Plan (CAP), or Corrective Measures status under the Resource Conservation and Recovery Act. Ecology should clarify the criteria for designating “Puget Sound Sediment Cleanup Sites” and remove areas that do not meet the criteria.
- Ecology should add permit language that addresses how categorical status changes at other cleanup sites would be addressed during the permit cycle (e.g., the execution of a MTCA CAP). It is unclear whether Appendix 4 of the ISGP will be updated on an ongoing basis or how a permitted facility will be notified if their status changes.
- Ecology should publish a map showing the location of Puget Sound Sediment Cleanup Sites, which are described in narrative form only in the Draft Permit, in advance of the final ISGP issuance and establish a separate public comment period.

Line cleaning and solids sampling provisions are overly general, will cause confusion, and will create potential releases:

- Ecology should be more specific as to what conditions would be acceptable for system cleaning and sampling waivers. Additional categorical waivers should include the following:
 - All sections of pipe from the most down-gradient in-line structure to the outfall; cleaning these sections of pipe will likely cause releases to the receiving water
 - Pipes and stormwater structures that are inaccessible due to configuration (i.e., non-inline structures)
 - The proposed reporting requirement for solids will produce data that are difficult to interpret and create confusion, as follows:
 - Facilities are already required to characterize solids wastes for the purposes of disposal.
 - Solids scraped from the stormwater structures and pipes are not representative of the water or solids quality at the point of discharge. Solids that accumulate in catch basins or settling basins are a result of an engineered solids removal structure. Therefore, the retention of solids within the basic treatment structure attenuates the potential for solids release at the point of discharge.
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- There is no stated use of the proposed Solids Monitoring Report data. Given that the data are not easily interpreted and there is no data quality objective associated with their collection, Ecology should remove this requirement as characterization for disposal is already required.
- If Ecology does include this requirement in the final permit, the ISGP must specify acceptable sampling types and frequency.

Reporting of numeric effluent limit violations should be simplified.

- The Water Quality Permitting Portal system should be updated to include reporting requirement associated with numeric effluent limit violations.
- The numeric effluent limitation violation reporting timeframe should continue to be 30 days, rather than the five days proposed, to allow for appropriate response coordination.

I appreciate Ecology's consideration of comments on the draft ISGP. I remain committed to maintaining compliance throughout the next ISGP cycle and providing economic opportunity and environmental stewardship to the people of Washington State.

Sincerely,

Gordon Erickson

Vigor Marine Environmental Department

Cc: Elizabeth Appy and David Templeton, Anchor QEA, LLC
