

## WSF Comments on Draft Industrial Stormwater General Permit to be Issued Nov. 19, 2014

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Washington State Ferries (WSF) Eagle Harbor Boat Repair Facility operates under a National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Industrial Activities. Below are comments compiled by the WSF on the Department of Ecology's Draft Industrial Stormwater General Permit to be issued November 19, 2014.

### General Comments

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- (1) As written, WSF finds this permit to be extremely confusing and difficult to identify applicable requirements. WSF recommends the addition of a decision tree or flow diagram at the beginning of the permit to help permittees identify relevant permit requirements for their facilities.

For example: Applicable sampling requirements for the WSF Eagle Harbor Boat Repair Facility are complicated by the existence of 303(d) listed waterbodies, Puget Sound Sediment Cleanup sites, and 4(b) sediment impairments.. It is unclear to us which impairments trigger sampling and at what frequency sampling should occur. To help us clearly understand our obligations, Section S6 must provide clear guidance on applicable sampling requirements associated with each category of possible impairment. For example, Eagle Harbor is Category 5 listed for pollutants in fish tissue, which should trigger sampling per Section S6. However, Page 23 of the *Fact Sheet* provides important guidance that tissue impairments do not trigger sampling. As written, WSF cannot accurately assess sampling costs associated with the draft permit due to ambiguity in S6, something we must do for planning, budgeting, and programing purposes. The draft permit increases the complexity of compliance monitoring and cost without a clear articulation how the data/information will be used.

- (2) The permit deadlines do not consider or allow for a state agency's 2-year budget processes to request sufficient funds to carry out these increased permit compliance activities. At present WSF is unable to determine the exact cost increase of this permit because we have been unable to define the exact requirements. However, some of the projected costs we have identified are beyond what is the maximum extent practicable and are currently unfunded for the Washington State Ferries Division, thus WSF will have to request additional funds from the legislature. Cost increases for WSF will have to be budgeted, but the timing of the new permit requirements does not allow sufficient time for WSF to fold these increased expenses into the 2015-2017 budgets. Given the permit requirements must be completed within the 2015-2017 biennium.
- (3) WSF believes the information gained by the increased sampling and cleanouts will improve the overall understanding of the Eagle Harbor sediment cleanup sites nor will it significantly change the cleanup timeline:
  - a. Sampling Locations: Currently, WSF samples at two locations that represent 4.5 acres of the 4.9 acre site. The remaining three locations are considered "substantially identical outfalls." However, S4.B.2.c. in this draft permit would require that we sample the

additional three locations which represent 0.4 acres of the site. We are having difficulties understanding the value this would provide, particularly given the added expense.

- b. Sampling Parameters: Due to confusion as to which sampling requirements would apply at the Eagle Harbor Boat Repair Facility, we cannot project exact costs, but we estimate the following:
    - Current Sampling Costs per year are \$5,225.
    - Future sampling costs associated with increased number of outfalls from two to five is \$13,029. Estimate is based on:
      - Parameters currently required by the permit and do not include TSS or additional parameters required in Table 6.
    - As stated above, WSF cannot accurately assess sampling costs associated with the draft permit as it relates to impaired waters. However, due to the number of impairments in Eagle Harbor, we anticipate additional sampling per Tables 6 and 7.
  - c. Cleanout per year is an additional increase in cost estimated at \$5,858.25.
  - d. Another area where costs are increased with questionable benefit to the environment is the requirement to do an annual inspection for illicit connections in instances where the entire storm sewer system is mapped and contained completely within the permittees property. This situation is the case for the Eagle Harbor storm sewer system. There are no outside connections flowing onto the property, the property is capped and secured because it is a Superfund Site. Yet there is no permit exemption to reflect a situation like this one. WSF recommends that if a site has already been mapped, is secured from illicit connections facility managers should not have to continue to conduct annual inspections for illicit connections.
- (4) The draft permit leaves many terms undefined and areas creating an uncertain and confusing regulatory instrument. These undefined terms and areas need to be clarified prior to permit issuance (and preferably providing stakeholders and opportunity to review). For example
- a. Section 6 C 2 (a and b) "Ecology may waive requirement"
  - b. The purpose of the monitoring in S6 and how it will be used (such as compliance, as a violation or does it trigger corrective actions). Will the monitoring apply to S9?
  - c. S9 E Does the changes in this section mean that whenever a facility exceeds "numeric" limits that the process developed for corrective actions is void and the facility is in immediate violation status?
- (5) Definitions in the permit are lacking. Ideally definitions would be consistent across the various stormwater permits (i.e., municipal, construction and industrial).
- a. For example, there is no definition of an "outfall" although there are definitions of "systems" like *stormwater* and *sewer systems*. WSF is assuming that the definition of an *outfall* would be the end of a storm sewer piped system which discharges to a surface receiving water.
- (6) S6 Table 6 Footnote "i" (discourage birdlife attractions) contradicts what we are being asked to do at our other sites by the wildlife agencies to leave roosting sites and other habitat features, etc. for birdlife. This BMP also doesn't recognize the abundant wildlife and birdlife at Eagle

Harbor. Nor does it recognize that the structure used to protect the superfund site, asphalt cap, is attracting birds that drop shellfish on it to crack open the shells. Are we correct in assuming that our integrated pest management and *do not feed wildlife and birds* policies and procedures adequately cover this BMP? The SWPPP can be modified to reflect these best management practices. Otherwise we find ourselves in a catch-22 situation in terms of expectations between Department of Ecology and wildlife agencies.

### Recommendations

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- 1) Provide a diagram and or a decision tree to help permittee decide which parts of the permit are applicable to their facility and which parameters need to be sampled.
- 2) S62a sets October 1, 2017 for conducting sediment cleanouts, inspections and mapping; change the date to October 1, 2018 to give state agencies an opportunity to allow time for planning and budgeting for this requirement since the new budget for 2015-2017 is already developed.
- 3) Allow for a process similar to the existing permit's benchmark system where a system of corrective actions rather than punitive violation status occurs for facilities falling under numeric limits.
- 4) The cost benefit for the increased monitoring, inspection and cleanout requirements should be reanalyzed. At a minimum WSF costs will increase ten times to add monitoring etc. to include less than 5% more of the remaining identical discharge area. Explicitly allow for exemptions from inspecting and mapping for illicit inspections on an annual basis if a permittee can document that the site has already been mapped and is not connected to any other system (i.e., wholly contained within a secured area).