

APR 20 2007

WATER QUALITY PROGRAM



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April 19, 2007

Comments re the draft industrial stormwater general permit (ISWGP).
Comments re the Economic Impact Analysis (EIA)

Dear Jim,

I am writing to comment on the computation of annual labor costs for small and large businesses and the overall impact of the proposed ISWGP. The estimate for total hours per year for small businesses ranges from 13 to 30 hours, and for large businesses ranges from 25 to 56 hours. It is my feeling these figures are greatly under estimated and the financial requirements to fulfill the proposed ISWGP will far exceed the study estimates.

The labor costs fail to track reality for the following reasons.

- The permit is quite complex and requires considerable time in review and frequent re-review just to understand what is required, and considerable time to adjust the SWPPP in order to assure compliance. An estimate of at least an additional 40 hours for this task in the first year, and 20 hours in subsequent years, for each facility, regardless of size, is more reasonable.
- The numerous procedural requirements in the permit require much vigilance and attention to detail.
- The training costs appear to fail to include the time and salaries of those who are being trained, which may only require ½ hour a year, but may also involve every employee. There are also time requirements for preparing training materials and documenting the training that has been accomplished, and keeping track of training needs. New employees may require training outside of the annual training requirements of existing employees. Members of the stormwater pollution prevention team would also require additional training to review sampling and inspection

requirements, as well as to review the intricacies of the permit and the SWPPP.

- The labor costs assume there is never a need for level 1, 2, 3 or 4 responses. These responses require considerable time and documentation by permittees. Trying to identify causes of benchmark exceedances is not a simple task, and will often be well outside the background of the permittee. Each benchmark or action level exceedance presents a unique situation where the answers may or may not be readily apparent.
- The proposed copper benchmark and action levels assures many, if not most permittees will be involved in frequent responses working most likely through level 2, 3 and 4.
- The lower zinc benchmark and action levels will also trigger many responses at least to level 2 and possibly level 3.

The costs estimates do not include any costs associated with implementing additional capital BMPs that level 2 and 3 require.

- The lowered benchmarks and action levels for copper and zinc will force such expenditures and are a significant change from the current permit.
- Level 2 and 3 responses involve substantial additional capital expenditures.
- Level 2 and 3 responses will also probably involve technical consultant expenses as well, as it is unlikely that individual businesses will have the expertise to determine necessary actions. In fact, if individual businesses do not use technical consultants they stand an increased risk of scrutiny and potential of lawsuits by civil action groups.

My intent for outlining these concerns is to persuade the DOE to rewrite the proposed ISWGP making it less complex, easier to manage reducing the financial burden to businesses in western Washington.

Sincerely,

Greg Nolton
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