

January 10, 2008

Mr. Lionel Klikoff  
Washington State Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600  
industrialstormwatercomments@ecy.wa.gov

**Subject: Comments on Draft Industrial Stormwater General Permit dated 21 November 2007**

Dear Mr. Klikoff:

Conglobal Industries (Conglobal) has reviewed the Department of Ecology's 21 November 2007 Public Notice of the Draft Industrial Stormwater General Permit (Draft Permit). Conglobal's main comments on the Draft Permit pertain to the method used to select zinc and copper benchmarks and how the corrective action requirements are triggered.

Benchmarks in the Draft Permit were selected using the median value for zinc and copper discharge data submitted to Ecology in 2005 through 2007. This approach was recommended in a November 2006 report entitled *Evaluation of Washington's Industrial Stormwater General Permit*. This approach does not tie the permit benchmarks to concentrations that may impair surface water and designated uses. Using this method would cause half of the data collected to exceed the benchmark.

The November 2006 evaluation report states that the new benchmarks are "realistic, technology-based benchmarks". This approach assumes that each of facilities are similar and the facilities with lower discharge concentrations have implemented effective best management practices (BMPs) when compared to other facilities. Due to the wide variety of facilities under the current permit it is more likely that a majority of the lower concentrations were reported by facilities that have less industrial activities that could impact stormwater and are not due to improved BMPs. Because an analysis of BMPs used to treat stormwater runoff was not conducted for each group of similar facilities, there is not sufficient information to determine that attaining the proposed permit benchmarks is realistic.

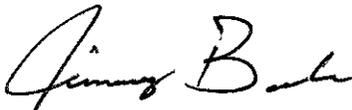
Because the benchmarks are not based on Washington State water quality standards and would cause half of the data collected in 2005 through 2007 to exceed the benchmarks, the potential cost to be

The Draft Permit requires treatment BMPs to be evaluated and installed when a benchmark is exceeded but the current permit would not require this costly BMP unless concentrations were above an action level. This is a significant change because the new lower benchmarks are

treated as action levels in the current permit. Maintaining the approach in the current permit seems appropriate which only requires treatment BMPs when a higher action level is exceeded. The action level could be the benchmark value multiplied by a conservative dilution factor (e.g., 5).

When compared to the Current Permit, our cost for compliance with the Draft Permit will be significantly higher if treatment BMPs are needed to meet the new benchmark values. Because the median was used to select the proposed benchmark, the additional cost imposed on industry by the Draft Permit is not scientifically justified.

Sincerely,

A handwritten signature in black ink that reads "Jimmy Banks". The signature is written in a cursive, flowing style.

Jimmy Banks  
Regional Manager  
ConGlobal Industries