



29 June 2019

Ms. Heather Bartlett
Mr. Travis Porter
Washington State Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Dear Ms. Bartlett and Mr. Porter:

Thank you for the opportunity to comment on the 2020 Draft Industrial Stormwater General Permit (ISGP). Managing stormwater discharges and protecting local receiving waters are critical goals for the Northwest Seaport Alliance (NWSA), and the Port of Tacoma. In today's competitive economic climate, the ISGP has a major economic impact on Washington ports, port customers and related businesses. These comments are submitted with the aim of providing environmental protection and regulatory predictability while also considering the economic needs of local and regional businesses.

The genesis of the ISGP was regulating the discrete activities defined by U.S. Environmental Protection Agency (EPA) as associated with industrial stormwater discharges. The NWSA and Port do not support Washington Department of Ecology's (Ecology's) expansion of the ISGP to reach activities and discharges exempt from the federal National Pollutant Discharge Elimination System (NPDES) program. This includes adding industries not defined by EPA as industrial, requiring ISGP coverage beyond those portions of facilities identified by EPA as industrial, and requiring ISGP coverage for groundwater discharges not subject to the Clean Water Act. These changes will have significant operational and economic impacts on local and regional businesses with no identified benefit to or improvement in water quality.

The comments submitted by NWSA and the Port through Ecology's on-line form and attached matrix generally fall into five categories as follows:

1. The need to explicitly announce when Ecology is proposing to expand the ISGP's scope to allow for a truly transparent public process;
2. Using science to justify the expansion of the ISGP to new activities, areas, and industries and provide a public process;
3. Acknowledging those provisions of the ISGP that Ecology regards as subject to citizen enforcement under the Clean Water Act, and those Ecology has adopted under state authority alone;
4. Eliminating or clarifying definitions that inject uncertainty into the ISGP, increasing the likelihood of third-party lawsuits; and

5. Providing additional time for level three corrective actions for complex facilities consistent with what is already typically necessary for large facilities with large treatment projects.

NWSA and the Port also propose better communication between Permittees and Ecology. As permit holders, we have direct experience implementing the ISGP that should inform subsequent permit drafts. Better communication would help ensure consistency between Ecology regions in their interpretation of the ISGP. Consistency is critical, particularly for Permittees with operations in multiple Ecology regions. NWSA and the Port support and would be willing to help organize a permit workgroup for mutual benefit.

Thank you in advance for your consideration of our comments. We believe the state can continue a strong, consistent, science-based stormwater regulatory framework to improve water quality without negatively impacting the state economy.

Respectfully,



Deanna Seaman
Senior Manager, Water Quality
Northwest Seaport Alliance
Port of Tacoma

Attach: Comment Matrix