

June 27, 2019

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

**Re: Comments on Washington's Draft National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Industrial Activities**

Dear Ms. Bartlett and Mr. Porter:

The purpose of this letter is to provide comments on Washington's draft National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater General Permit (ISGP) released May 1, 2019.

The Port of Seattle (Port) supports the efforts to improve stormwater quality put forth in the draft ISGP. Managing stormwater discharges and protecting Washington's receiving waters is a critical goal for the Port. 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 achieving environmental protection and regulatory predictability while balancing the economic needs of local and regional businesses.

The Port appreciates that this draft maintains important water quality benchmarks and includes new language addressing:

- clarified multiple sampling events per day and per quarter
- added electronic Stormwater Pollution Prevention Plan option to improve public availability
- clarified the Conditional No Exposure Exemption

The Port does not support expansion of required permit coverage beyond the federal NPDES program when there are no compelling and science-supported reasons to do so. Ecology's proposed expansions include adding industries beyond those federally defined, requiring permit coverage for areas without industrial activity as defined per 40 CFR 122.26, and adding discharges to groundwater as covered activities. These changes could cause significant operational and economic impacts to local and regional businesses with no clear benefit or improvement to water quality. Further, many of these changes are beyond the scope of Ecology's delegated authority under the Clean Water Act. To the extent Ecology seeks to impose more stringent state requirements, Ecology should clarify that these requirements are pursuant to the State Water Pollution Control Act (RCW Chapter 90.48).

The Port's suggestions for improving the draft ISGP language fall into five categories as follows:

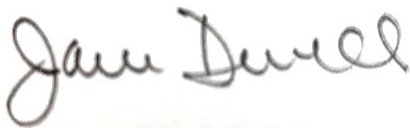
1. Explicitly announce when Ecology is expanding the ISGP's scope, and under what authority, to allow for a truly transparent public process
2. Use science to justify the expansion of the ISGP to new activities and provide a public process
3. Acknowledge those provisions of the ISGP that Ecology regards as enforceable under the Clean Water Act, and those Ecology has adopted under state authority alone
4. Eliminate or clarify definitions that inject uncertainty into the ISGP, in order for permittees to better understand and implement permit requirements
5. Provide additional time for level three corrective actions for complex facilities, consistent with what is typically necessary for facilities installing large treatment systems

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

We believe the state can continue a strong, consistent, science-based stormwater regulatory framework to improve water quality without negatively impacting the state economy. We include Attachment A with this letter, which contains more detail. Thank you in advance for considering our comments.

If you have any questions concerning the contents of this letter or attachment, please contact me at (206) 787-4668.

Sincerely,



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