

## General Comments:

1. Please continue to show terms that are defined in the glossary in bold throughout the glossary. It often helps remind the reader when important terms are used.
2. Please continue to list the page leading section and subsections. It helps the reader to accurately and efficiently identify sections when communicating with others, providing comments, etc.
3. Include “report only” in the glossary
4. Clarify where are PSSCs. Link to a map that’s easy to understand and identify.
5. Clarify intent and authority for Ecology to defer NPDES enforcement authority to “local authority”

## Specific Comments

**Table 1: Concerns regarding SIC/NAICS crosswalk complications** (*below represents one example. The SIC/NAICS crosswalk is complicated and shouldn’t be glossed over*).

*Washington State log yards are categorized by Ecology under SIC 2411 in the ISGP Implementation Manual for Log Yards*

### **Required Industrial Stormwater General Permit Coverage based on Standard Industrial Classification (SIC)**

The best management practices (BMPs) specified in this document apply to log yards at facilities for which permit coverage is required. Classifications for these facilities are:

- **SIC 2411** – Logging (Industrial uses limited to rock crushing, gravel washing, **log sorting, and log storage**)

<u>SIC Code</u>	<u>SIC Description</u>	<u>NAICS Code</u>	<u>NAICS Description</u>
2411	Logging	113310	Logging

#### 2411 Logging

Establishments primarily engaged in cutting timber and in producing rough, round, hewn, or riven primary forest or wood raw materials, or in producing wood chips in the field. Independent contractors engaged in estimating or trucking timber, but who perform no cutting operations, are classified in nonmanufacturing industries. Establishments primarily engaged in the collection of bark, sap, gum, and other forest products are classified in Forestry, Major Group 08.

- Bolts, wood: e.g., handle, heading, shingle, stave
- Burls, wood
- Driving timber
- Fuel wood harvesting
- Last blocks, wood: hewn or riven
- Logging contractors
- Logs
- Mine timbers, hewn
- Peeler logs
- Pickets and paling: round or split
- Piling, wood: untreated
- Pole cutting contractors
- Poles, wood: untreated
- Posts, wood: hewn, round, or split
- Pulpwood camps
- Pulpwood contractors engaged in cutting
- Rails fence: round or split
- Saw logs
- Skidding logs
- Stumping for turpentine or powder manufacturing
- Stumps
- Timber (product of logging camps)
- Veneer logs
- Wood chips, produced in the field

## 113310 - Logging

This industry comprises establishments primarily engaged in one or more of the following: (1) cutting timber; (2) cutting and transporting timber; and (3) producing wood chips in the field.

Cross-References. Establishments primarily engaged in--

- Trucking timber without cutting timber--are classified in Industry [484220](#), Specialized Freight (except Used Goods) Trucking, Local; and
- Producing wood chips in sawmills--are classified in U.S. Industry [321113](#), Sawmills.

**Redline PDF page 04, S1.B.1.** – Please provide a measurable definition of significant contributor of pollutants (SCOP). Addition of clarifying criteria Ecology intends to use when identifying a facility discharging to the ground to be a SCOP is helpful. Please prepare similarly defining criteria Ecology would use to identify other facilities to be SCOPs.

**Redline PDF page 04, S1.C.3.** – Note that Ecology is expanding coverage to anyone discharging to the ground. This clear intent is in opposition to the EPA’s recent clarifying statements that discharges to groundwater are NOT covered under the NPDES program.

<https://www.epa.gov/newsreleases/epa-issues-guidance-clean-water-act-permitting-requirements>

**Redline PDF page 04, S1.C.3.** – Please consider including the clarifying language listed on Fact Sheet page 27 limiting SCOP designation to “under conditions where groundwater is impacted or legacy pollutants may cause long term contamination”.

**Draft ISGP Fact Sheet pg. 27** - The term “legacy pollutants may cause long term contamination” is too broad and subject to interpretation and argument.

**Draft ISGP Fact Sheet pg. 27 item 3** - identifies several categories of facilities that could unreasonably draw numerous facilities under ISGP coverage “vehicle maintenance, repair, recycling, or service..., concrete or asphalt recycling”. Recycled asphalt is used ubiquitously throughout Washington, would all of the areas where these materials be used be subject to the ISGP and/or 3<sup>rd</sup> party action?

3. Industrial facilities that discharge stormwater only to groundwater (e.g., on-site infiltration) with no discharge to *surface waters of the state* under any condition, **provided the facility doesn’t meet the requirements of S1.B.1.**

**Redline PDF page 05, S1.D.1.** – Please define the significance and reasoning to strike the reference to 40CFR 449.11(a) “Airports with more than 10,000 annual jet departures.”

**Redline PDF page 07, F. (CNE) 1.** – The new description includes “Industrial materials and activities” which is not included in the glossary though it is defined in this new section to “include but not be limited to **material handling** equipment or activities,....”. It is recognized that the definition has been taken from the federal regulation and also appears verbatim in the EPA’s Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on “No Exposure” of Industrial Activities to Storm Water (EPA 833-B-00-001, June 2000). If it’s Ecology’s intent to be consistent with the EPA regulation please reference the guidance manual in the ISGP as a governing document.

**F. Conditional "No Exposure" Exemption**

1. ~~Any~~ A facility engaged in industrial activity ~~identified for coverage under Condition S1.A. that is eligible~~ may qualify for a Conditional “No Exposure” Exemption (CNE) if there is no exposure of industrial materials and activities to rain, snow, snow melt, and/or runoff.

Industrial materials and activities include, but are not limited to, **material handling** equipment or activities, industrial machinery, raw materials, intermediate products, by-products, and final products, or waste products.

Material handling activities include storage, loading and unloading, transport, or conveyance of any raw materials, intermediate product, by-product, final products, or waste products.

United States  
Environmental Protection  
Agency

Office of Water  
(4203)

EPA 833-B-00-001  
June 2000



## Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On “No Exposure” of Industrial Activities to Storm Water

**Redline PDF page 07, F. (CNE) 2.** – The phrase “following materials or activities” appears to be misplaced and the sentence cannot be interpreted as written.

**Redline PDF page 10, S3. (SWPPP) A.** – Revision requires the SWPPP to be developed by “qualified personnel” defined ambiguously in the glossary. The new requirement and associated definition provide an opportunity for 3<sup>rd</sup> party challenge of who possesses appropriate “qualifications” where the previous version did not. Recommend leaving the language as is.

### S3. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

#### A. General Requirements

± All Permittees and applicants for coverage under this permit shall ~~develop and~~ implement a Stormwater Pollution Prevention Plan (SWPPP) ~~for the permitted facility~~ developed by qualified personnel as follows:

**Qualified Personnel** means those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and evaluate the effectiveness of best management practices required by this permit.

**Redline PDF page 11, S3. (SWPPP) A.3.a.** – The revision removes the words “applicable” and “or state” which effectively removes a permittees ability to challenge the applicability of a “local regulatory authority” to require a SWPPP update. The ISGP is a State-issued NPDES permit, it is the State’s responsibility to enforce it not “local regulatory authorities.”

**Redline PDF page 12, S3. (SWPPP) B. (Specific SWPPP Requirements) 1.c.** – Adds “significant structures” which is undefined.

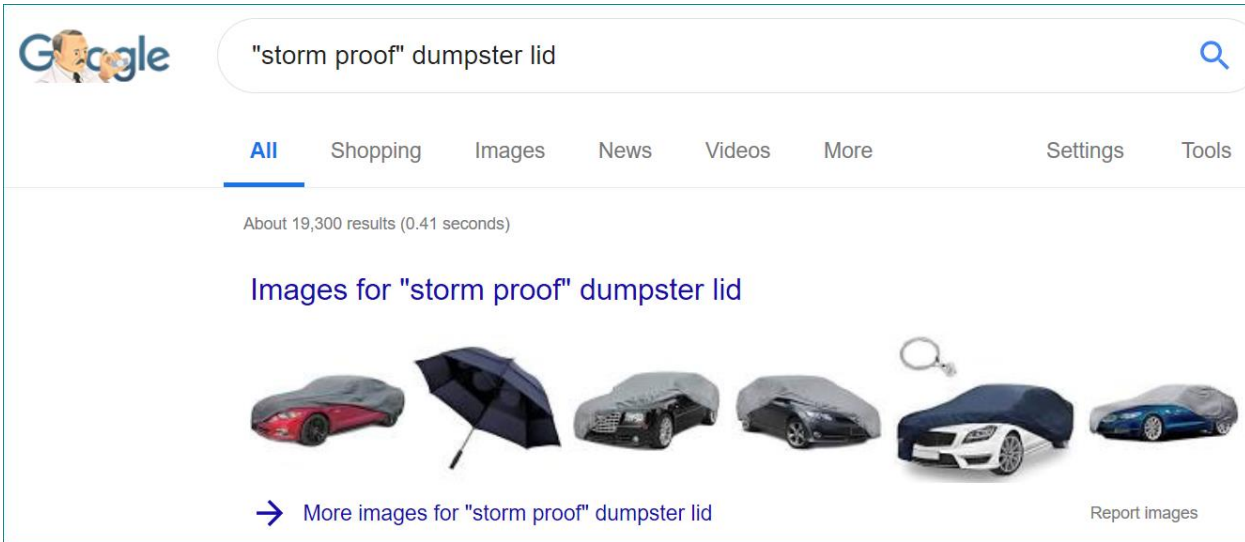
**Redline PDF page 12, S3. (SWPPP) B. (Specific SWPPP Requirements) 1.e.** – Adds “structural control measures” which is undefined.

**Redline PDF page 12, S3. (SWPPP) B. (Specific SWPPP Requirements) 1.i.** – Adds “locations of actual and potential pollutant sources” which is ambiguous exposing permittees to 3<sup>rd</sup> party challenge.

**Redline PDF page 13, S3. (SWPPP) B. (Specific SWPPP Requirements) 1.n.** – Adds requirement for permittees to identify “Combined sewers” which is unreasonable to require.

**Redline PDF page 13, S3. (SWPPP) B. (Specific SWPPP Requirements) 1.p.** – Adds requirement for permittees to identify “run-on...that may contain pollutants.” which is unreasonable to require.

**Redline PDF page 15, S3. (SWPPP) B. (Specific SWPPP Requirements) 4. (BMPs).b.i.2)d)** – Adds requirement for dumpsters to be fit with a “storm proof lid”. The term is undefined, ambiguous and the requirements subjects permittees to 3<sup>rd</sup> party challenge. Ecology should specify and require acceptable dumpsters and lids be made available to permittees.



Note the dumpster lid considered unacceptable during Ecology inspection:



Photo 2 – Dumpster lacking stormproof lid. Lid has cracks between the plates that allow precipitation to seep in (Photo 3). Dumpster needs to be turned around so water sheds off. Metal shavings noted on ground around dumpster (Photo 4). Dumpster has been changed out for one with storm proof lid by July 27 inspection (see photo 11).

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**Redline PDF page 16, S3. (SWPPP) B. (Specific SWPPP Requirements) 4. (BMPs).b.i.4)a** – Adds “chemical solid or liquid materials” to list of items required to be stored on impervious surface within containment. Though the list of items is improved over that being replaced, the added term is undefined, ambiguous, and the requirements subjects permittees to 3<sup>rd</sup> party challenge.

**Redline PDF page 16, S3. (SWPPP) B. (Specific SWPPP Requirements) 4. (BMPs).b.i.4)c)i** – Adds requirements for facilities with “SPCCP”. This term is undefined in the document or in industry. If Ecology intended to reference federal SPCC regulations, the requirement is inappropriate as the SPCC requirements are independent of NPDES or State Waste Regulations.

**Redline PDF page 21, S4. (General Sampling Requirements) B. (General Sampling Requirements) 1.b.** – First fall storm event moved up to September 1<sup>st</sup>. Please define the purpose of the change. Ecology doesn’t review the first fall event data as they have specified as the purpose of the sampling.

**Redline PDF page 22, S4. (General Sampling Requirements) B. (General Sampling Requirements) 2.c.** – Language allowing Ecology to require moving sampling locations may be inappropriate and subject to Ecology opinion rather than actual facility conditions.

**Redline PDF page 22, S4. (General Sampling Requirements) B. (General Sampling Requirements) 2.d.** – Language requiring notification of moving sampling locations. Delete, already required.

**Redline PDF page 22, S4. (General Sampling Requirements) B. (General Sampling Requirements) 3. (Substantially Identical Outfalls).** – “Outfall” in the title should be changed to “discharge point” for consistency of language.

**Redline PDF page 22, S4. (General Sampling Requirements) B. (General Sampling Requirements) 4. (Sample Documentation).d.** – Please define what “it” is.

**Redline PDF page 23, S4. (General Sampling Requirements) B. (General Sampling Requirements) 7.c.** – Requiring annual sampling for those having reached CA negates the permittee benefit.

**Redline PDF page 24, S4. (General Sampling Requirements) D. (Laboratory Accreditation) 2.** – Clearly state Ecology’s allowance for and/or expectations for permittees to sample pH and Turbidity in the field also specifying appropriate methods, meters, equipment, etc. necessary to achieve compliance.

**Redline PDF page 24, S5. (BMs, Els, & Specific Sampling Requirements) A.3.** – Delete paragraph following “Condition S8.” The requirement is stated in S4.B.1.f.

**Redline PDF page 26, S5. (BMs, Els, & Specific Sampling Requirements) B.2.** – Delete paragraph following “Condition S8.” The requirement is stated in S4.B.1.f.

**Redline PDF page 29, S3. (SPCCP)** – The regulation is called Spill Prevention, Control, and Countermeasure (SPCC) not the “Spill Prevention, Containment, and Countermeasures Plan (SPCCP)”. This term is undefined in the document or in industry. If Ecology intended to reference federal SPCC regulations, the requirement is inappropriate as the SPCC requirements are independent of NPDES or State Waste Regulations. The “minimum anticipated spill” is also undefined in the document.

- i) Oil absorbents capable of absorbing 15 gallons of fuel. Facilities with a Spill Prevention, Containment, and Countermeasures Plan (SPCCP) must have enough oil absorbents capable of absorbing the minimum anticipated spill amount if more than 15 gallons.