



REGION 10

SEATTLE, WA 98101

July 10, 2024

Ms. Lucienne Banning
Washington State Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Re: U.S. Environmental Protection Agency (EPA) Comments on Washington Department of Ecology (Ecology) Proposed Reissuance of the Industrial Stormwater National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit

Dear Ms. Banning:

This letter transmits the EPA's comments on the proposed reissuance of the Ecology Industrial Stormwater NPDES and State Waste Discharge General Permit (Industrial Stormwater General Permit or Draft Permit), which Ecology made available for public comment from May 15, 2024, through July 15, 2024. The EPA conducted this review in accordance with the procedures outlined in the *NPDES Memorandum of Agreement between the State of Washington and the United States Environmental Protection Agency Region 10*, dated July 2018.

Ecology's Industrial Stormwater General Permit is critically important to protect and restore Puget Sound and other waters throughout the state, and to aid in recovery of Endangered Species Act (ESA) listed salmon and orca. The EPA recognizes the importance of healthy and abundant salmon populations to Tribes, Tribal resources, and Tribal treaty rights. To this end, the EPA acknowledges and supports proposed revisions to the permit that are intended to reduce the impacts from stormwater discharges, which include additional protections at transportation facilities using state authority and monitoring for per- and poly-fluoroalkyl substances (PFAS) and 6PPD-quinone. The EPA also supports Ecology's proposal to extend PFAS monitoring to protect state waters, such as groundwaters.

Please see below for the EPA's specific comments and recommendations.

Comment # 1 - PFAS Monitoring

Requiring PFAS monitoring at facilities where PFAS are expected or suspected to be present in stormwater discharges in order to obtain more comprehensive information regarding the sources and quantity of PFAS discharged by these sources is consistent with the *PFAS Strategic Roadmap: EPA's Commitments to Action 2021–2024*¹. The EPA supports Ecology's proposed PFAS monitoring of stormwater discharges at air transportation and waste management facilities and encourages Ecology to consider requiring PFAS monitoring at the additional industrial sectors listed in the *PFAS Strategic Roadmap* and associated guidance documents.

¹ *PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024*.
https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf

Comment #2 - 6PPD-quinone Monitoring

The EPA supports Ecology's proposed requirements for monitoring of 6PPD-quinone at transportation facilities; this will inform decisions on how best to protect human health and the environment by identifying sources of this pollutant.

Comment #3 – Provide rationale for new effluent limits

Part S6.C of the draft permit, Table 6: Sampling and Effluent Limits Applicable to Discharges to 303(d)-listed Waters, proposes numeric maximum daily effluent limits to marine waters for total copper, total lead, total zinc, and pentachlorophenol. Under the current permit, Ecology assigned site-specific effluent limitations at the time of permit coverage for the discharge of those four parameters to 303(d) listed marine waters. The fact sheet discussion does not explain how the new proposed numeric effluent limits for these four parameters were calculated and indicates a site-specific limitation will still be calculated at the time of permit coverage for those parameters. Please clarify Ecology's rationale regarding the change from site-specific to a single value for each parameter, demonstrate how the specific values were calculated and how an anti-backsliding analysis was applied to the final effluent limitations if applicable. The EPA recommends updating the fact sheet and Permit Table 6 as needed.

Comment #4 - pH Monitoring Method

To be consistent with the allowable analytical methods of 40 CFR Part 136, the EPA recommends Ecology require the use of a calibrated pH meter for all pH monitoring within this permit (including benchmark monitoring) and discontinue allowing the use of pH paper, which is not an approved method per 40 CFR Part 136.

Comment #5 - Fact Sheet Omissions

The fact sheet should serve to explain the rationale and assumptions used in deriving limitations, as well as the methodological and policy questions considered in preparing the draft permit. In addition to the information outlined in Comment #3, the fact sheet incorrectly states that total lead and total silver benchmarks have changed in the proposed permit in Part S5.3 and fails to include Ecology's rationale for changing the definition of substantially identical discharge points to include similar characteristics of the receiving waterbody in Appendix 2. The EPA recommends updating the fact sheet to include or correct these items.

Thank you for the opportunity to provide comments on this draft permit during the public notice period. For questions or concerns with the EPA's comments, feel free to contact Jill Seale at seale.jill@epa.gov.

Sincerely,

Erin Seyfried
Manager, NPDES Permitting Section
Water Division