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05/16/24

Department of Ecology
Water Quality – Storm Water
Olympia, WA

Re: NPDES general Storm Water Permit 2025 Public Comment

Dear Permit Writer,

Thank you for the opportunity to comment on the draft 2025 General Storm Water Permit. Please see below comments by section:

S1 A: Please clarify if holding ponds, retention ponds, channeling ditches that are within a permitted site are defined as surface waters of the state. It is unclear, based on the definition of “Surface Waters of the State” in the appendix, and the re-write of S1 A, if they are defined as surface waters of the State. Further, with the new changes in S1 A, which includes “storm sewer systems” as defined as surface waters of the State, would the permit holder be list the storm sewer system as the receiving waters and not the location where that sewer discharges too?

S1 E 3. This section appears to be inconsistent to section S1 A (who needs coverage) in that if a site infiltrates all of their storm water to ground, they do not need a storm water permit but section S1 E 3 states that a site that discharges to ground, (permitted or not?) needs to follow the SWMM’s for their site. If it is Ecologies intention to permit those that infiltrate all their storm water, that should be made clearer. If Ecology is referring to sites that discharge storm water “sometimes” but also have infiltration, that should be made clear as well.

S3B4bi3 (Preventive maintenance): The inclusion of a maintenance log requirement in this section of the permit implies that a log is required to note the monthly inspections and to note the use of the spill log required later in the permit. It is most likely Ecologies intention to have a log created and maintained to note the maintenance activities performed on the catch basins, ponds, OWS’s, and other structures that may become “full” with use. As this section is written now, the permit holder is required to keep a log of their required and documented monthly activities and to log the use of a spill log. Please consider adding the requirement to log section a and b only. Perhaps it would be better stated that the permit holder needs to keep records that the appropriate BMP’s are being maintained. Otherwise, please define “Maintenance log” and specifically what needs to be included in it.

S3B4bi5 (Employee Training): The addition of contractors and vendors to this section seems to be not thought out, including the exception for those vendors/contractors who are “supervised at all times”. For operations that receive deliveries, large or small (Amazon, Fedex, water bottles, vending machines, letter carriers) or use contractor drivers for their trucks for deliveries and

pick-ups of manufactured goods, it seems unreasonable to impose the action that each of these must either be trained in the site-specific storm water permit OR be supervised at all times (included bathroom breaks?). Expecting sites to maintain logs of which vendor or contractor who enters their site is trained or not trained in the storm water permit, not allowing those who are not trained on the site OR assigning a person to follow them and stay with them until they leave the site seems not tenable (and not included in the cost estimation for the new permit). A more reasonable expectation may be to have those who are working in the industrial areas trained in the storm water permit be aware, as part of their training, that contractors and vendors are not trained in their site-specific storm water requirements and as such, the employees daily work in these areas should include awareness that others may have affected their site in terms of storm water compliance and this should be mandated in the site training.

S3B4bi5c (frequency and schedule for training): Inserting the requirement that employees must be trained in all aspects of their storm water permit within 30 days of their hire seems reasonable for those who work outside in high impact positions like maintenance or fueling operations but seems unreasonable for all other employees. A more reasonable approach would require new employees to review a simplified checklist outlining that the site has a storm water permit, the storm water that runs off the site goes directly a waterbody, untreated, all spills need to be reported to their supervisor immediately, and where the spill kits are. Detailed storm water training for all employees would still occur on an annual basis. It generally seems unreasonable to train employees, who primarily work inside, twice in their first year or to expect the site to determine, on a rolling yearly calendar, whom has been trained in the last 12 months.

S42e (Sampling point waivers): This section should be modified to allow for sampling of a regional pond or storm water treatment system that receives water from multiple users in an adjacent area. As it is written now, only feasibility is a trigger for using this option. Assuming that they regional ponds or storm water treatment systems are not classified as “Surface Waters of the State”, which they should not be, they are designed to treat storm water before the stormwater reaches surface waters of the State. Sampling from these ponds for compliance seems reasonable. This type of arrangement is currently allowed in the construction storm water permit system and so it is not unheard of. Allowing sites in an industrial park (with a retention pond) to negotiate with their landlord to allow them to sample from the discharge of that pond for their individual storm water permit seems both helpful to the tenants AND to the environment and would promote landlords to include more of these type of structures in their business parks. Internally to the business park, if there are parameters that exceed benchmarks, there would be direct pressure from the other tenants to determine where that value is coming from and addressing it promptly. If the regional pond has exceeding values, the permittee could sample at their lease line to determine if they are at fault and address the issue to the satisfaction of the landlord.

S5D2d and f (uncontaminated): It is unclear what “uncontaminated” means in this section. Previous inquiries to multiple people at Ecology claimed that “uncontaminated” meant “non-detect” for all parameters (and no, a list of those parameters was not provided). Please provide a proper definition of “uncontaminated” in the appendix or in this section. Currently, all sites that have discharges from air conditioners, compressors are in violation of the permit based on this section and lack of definition. A reasonable approach would be to list the parameters of concern

and either have the limit less than the storm water permit benchmarks or less than the water quality limits and require them to be tested once per permit period.

S6 Footnote 12 Puget Sound Cleanup Site: The change from Cat 4A&B and Cat 5 to Cat 4 A-C and Cat 5 should have been listed on your focus sheet. This is a major change.

S6 In general, it is difficult to understand how to determine if a sites receiving water is a Cat 4 or Cat 5 waterway. The general descriptions in footnote 12 are generally inconsistent with the water quality atlas. Specifically, within these listed general areas there may be sections that are not Cat 4 or Cat 5 areas. For example, Inner Commencement Bay has confined areas that are Cat 5 though most of the area is Cat 4 A-C. Listing a way to determine, at the time of permit coverage, if the receiving water is a Cat 4 A-C or a Cat 5 would be helpful.

Since all of Tacoma discharges “directly or indirectly” to either inner or outer Commencement Bay or the Thea Foss Waterway, does every site in Tacoma discharge to a Cat 4 waterway (or possible Cat 5?). Please define “directly or indirectly”, is discharging to the Puyallup River an indirect discharge to inner Commencement Bay?

S8 Corrective Actions Waiver Requests. The removal of the 60-day time limit to approve or deny requests is most likely due to employee shortages inside Ecology. However, not having a time limit on an approval or denial seems to put undue risk on the permit holder. With this current change, there is no recourse for the permit holder if Ecology takes a long time to respond to the waiver request. It seems more reasonable to leave in the 60 day limit or add the provision that the timeline to install the level 2 or level 3 actions START at the denial letter date.

S9F1d The additional direction seems untenable. It is unlikely that Ecology will provide written confirmation of a granted waiver within the 5 days allowed to submit the written report. Does an email from Ecology constitute a “written confirmation”?

G3. What is the definition of and how does one determine if a person coming on to a site is an “Authorized Contractor”?

Appendix 2

303(d)-Listed water body: It would be nice if Ecology provided a way to look this up.

Dumpster: This addition requires all dumpsters to have a closed fitting lid and therefore excludes dumpsters that an open topped but stored under cover. Please reconsider this definition. Many sites have spent monies to construct structural covers for their dumpsters to make it easier for operations and to get around the difficulty in having dumpster contractors deliver dumpsters with lids.

Immediate reporting: It seems that if I am giving priority to stopping the issue I would be in direct violation of the definition of “without delay”. Please reconsider this wording.

Impaired Waterway: It would be nice if you included a definition.

Thank you for the opportunity to comment on the new permit. I do appreciate the work that Ecology does and the folks that work there.

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