



King County
Department of
Natural Resources and Parks

Director's Office
King Street Center
201 S. Jackson St, Suite 5700
Seattle, WA 98104-3855

July 15, 2024

Lucienne Banning
Industrial Stormwater General Permit Comments
Washington Department of Ecology - Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

RE: King County Comments on the Draft 2024 Industrial Stormwater General Permit

Dear Ms. Banning:

Thank you for the opportunity to review and provide comments on the 2024 Industrial Stormwater General Permit. The permit is a critical tool in the region's effort to prevent environmental degradation caused by stormwater runoff. King County is a strong advocate of comprehensive stormwater management and believes this permit plays an essential role in controlling upstream sources of pollution and protecting clean water and healthy habitat.

King County appreciates the collaborative efforts Ecology has led over the years with permittees and stakeholders. This engagement has been valuable in helping our region work toward common goals and approaches to stormwater management that better protects the environment.

The attached spreadsheet includes detailed comments related to clarity and technical considerations in the draft permit language and has been submitted electronically through Ecology's Water Quality Portal.

Thank you again for the opportunity to review this draft language. We look forward to working with Ecology on permit implementation to better protect the environment and advance solutions that are most effective in addressing the impacts of stormwater pollution on our communities and environment. If you have any questions about these comments, please contact:

Angela Gallardo, Environmental Programs Managing Supervisor,
Stormwater Services Section, King County
Water and Land Resources Division (WLRD)
Angella.gallardo@kingcounty.gov; 206-477-5892.

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Sincerely,

DocuSigned by:

397943501675477...

John Taylor
Director, King County Department of Natural Resources and Parks (DNRP)

Enclosures

cc: Josh Baldi, Division Director, WLRD, DNRP
Pat McLaughlin, Division Director, Solid Waste Division, DNRP
Kamuron Gurol, Division Director, Wastewater Treatment Division, DNRP
Ade Franklin, Division Director, Transportation Facilities, Metro Transit Department
Angela Gallardo, Environmental Programs Managing Supervisor, Water Quality
Compliance Unit, Stormwater Services Section, WLRD, DNRP
Ashley Evans, Policy and Government Relations Manager, WLRD

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Section	Page	Topic	Comment
Overall		Permit Layout	It would be helpful for both draft review and overall use of the permit to have the Section number -- and perhaps even subsection -- in the header or footer of each page.
S1.C.3 & S1.E.1	pg. 11	Permit Coverage - Facilities Not Required to Obtain Coverage	Sites discharging all stormwater to ground are not required to obtain coverage (S1.C.3). It is not clear whether this condition (S1.E.1; pg. 14) applies to those sites anyway or if this is referring to sites that must obtain coverage AND have discharges to ground. Please revise permit language for clarity. Recommended language: "The terms and conditions of this permit apply to sites <u>facilities required to seek coverage under this general permit per S1.A</u> with a discharge point to groundwater."
S1.C.3	pg. 11	Permit Coverage - Facilities Not Required to Obtain Coverage	Recommended language: "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 unless the facility doesn't meet the requirements of <u>is required to have coverage per any of the conditions</u> in S1.B.1."
S1.C.9	pg. 12	Permit Coverage - Facilities Not Required to Obtain Coverage	This section should be expanded to include landfills closed prior to adoption of WAC 173-304 and under 173-351 WAC, as well as those closed under 173-304 WAC. Recommended language: "Closed landfills that are capped and stabilized, in compliance <u>accordance</u> with <u>applicable WAC requirements in effect at the time of closure Chapter 173-304 WAC</u> , and in which no significant materials or industrial pollutants remain exposed to stormwater"
S1.D (broadly)	pg. 12	Facilities Excluded from Coverage	If the other permit that would otherwise be obviating application of the ISGP has requirements that are less protective than ISGP requirements, then at least the portion of the ISGP that is more restrictive should apply to the other permit, even if only by reference.
S1.D.5	pg. 13	Facilities Excluded from Coverage	We'd prefer for facilities to have the most protective permit required. Recommended language: "Any facility authorized to discharge stormwater associated with industrial activity under an existing NPDES individual or other general permit, <u>excluding Municipal Stormwater Permits and Construction Stormwater General Permits.</u> "
S1.E.1	pg. 14	Discharges to Ground	1. The first sentence is inconsistent with the subsection title. Recommended language: "The terms and conditions of this permit apply to sites with a discharge point to ground water ". That groundwater is at risk is implicit. 3. " <u>New or modified facilities</u> Facilities discharging to ground (e.g., infiltration, Class V UIC wells, etc.) must have all treatment/infiltration BMPs designed, installed and maintained in accordance with Special Condition S3.A.2. <u>New permittees and existing permittees who have changed the design, construction, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged must ensure all requirements in Ecology's SWMMWW section V-5.6 Site Suitability Criteria (SSC) are met. If chemical treatment is used, additional monitoring requirements may apply.</u> "

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S1.F.3.a.	pg. 16	Conditional "No Exposure" Exemption - Request	Lack of a timeline introduces uncertainty for facility operator. While awaiting a determination, what are Ecology's expectations for a facility?
S1.Table 1	pg. 10	Activities Requiring Permit Coverage and the Associated NAICS Groups - Classification of Solid Waste Facilities	As evidenced by the different numerical series, solid waste collection facilities (562111) are NOT transportation facilities, but instead fall under Waste Management and Remediation Services (562xxx). If Ecology wishes to apply specific permit requirements to solid waste collection facilities, they should be identified separately. Truck Transportation 484xxx, 562111
S2.C.	pg. 18	Permit Coverage Timeline	The actions required to establish an ISGP program at a newly-covered site can take quite some time. In recognition of the planning and preparation needed to prepare a SWPPP, train staff, and contract with service providers such as consultants and/or analytical labs, it would be helpful for the ISGP to allow specified windows of time for complying with major portions of the permit. For example, a SWPPP must be developed and certified no later than the end of the first full monitoring period following coverage, sampling requirements take effect during the second full monitoring period following coverage, etc.
S3.B.1.d	pg. 22	Specific SWPPP Requirements - Site map	As written, this disallows the use of topo maps for depicting the direction of surface stormwater flow, despite being an effective means of including that information. Please revise language to allow for any effective means of depicting flow direction. Recommended language: "d. Direction of surface and conveyance stormwater flow. (use arrows) Use, for example, arrows, topographic contours, or other effective means of depicting flow direction."
S3.B.4.i.2.d	pg. 25	Dumpster Requirements	Dumpsters are often the property of commercial waste haulers, not permittees. Individual permittees have limited influence with their franchised hauler over dumpster specifications and have no option for choosing to contract with a different hauler. Encourage Ecology to work with franchise haulers to establish systemic standards for dumpsters used at ISGP covered sites rather than placing the burden on permittees. There needs to be more thought about what needs to be covered instead of having a blanket statement on all dumpsters. In solid waste management, there are many dumpsters that hold benign material i.e. carboard, yard waste that would create an undue burden to constantly open and close these all the time.
S3.B.4.i.3.	pg. 25	Specific SWPPP Requirements - Preventative Maintenance	By title, the SWPPP is a plan. Plans describe work that is to happen. Plans do not document work that has happened. Therefore, inclusion of a maintenance log, except as an example/template of what will be used for recordkeeping purposes, does not belong in a SWPPP. Maintenance logs should be a separate document. If anything, require mention in the SWPPP as to how maintenance is tracked and how to access records.
S3.B.4.b.i.4.i	pg. 27	Specific SWPPP Requirements - Spill Log	Additional clarification is needed by Ecology. "Any liquid chemical release onsite regardless of size or flowability is considered a spill and must be logged and addressed." Factors—such as location (e.g., inside a building, secondary containment), quantity/volume, and toxicity—should be considered when requiring a spill report. Additionally, spills shouldn't be restricted to liquid chemicals. A spill of granular biocide can impact the environment just as much as a liquid biocide. If intent is to focus reporting on spills that are hazardous or have potential to impact the environment, please consider identifying spills that would not need to be logged, e.g., those that are non-hazardous, de minimus, or occurring within secondary containment.

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S3.B.4.b.i.5	pg. 28	Specific SWPPP Requirements - Employee Training	<p>Clarification is needed to identify which types of contractors/vendors may need training. Is the training for contractors/vendors required to be site specific or can it be generic industrial stormwater training? Either way, generic or specific training for contractors/vendors will take time to implement and thus permittees should be given a year or two to establish and implement training protocols.</p> <p>Recommended language:</p> <p>"The SWPPP shall include BMPs to provide SWPPP training for all employees and contractors/vendors who have duties in areas of industrial activities subject to this permit. <u>Contractors/vendors are only required to have training if they are performing actions/duties found within Ecology's SMMWW Vol. 4.</u> Contractors/vendors may be excluded if the permittee has an employee who has been trained on the SWPPP supervising the activity at all times. At a minimum, the training plan shall include:"</p>
S3.B.4.i.5.c.	pg. 28	Employee Training	<p>It is reasonable to require some level of training within 30 days of commencing duties within industrial areas subject to this permit. However, requiring full training that is often provided by a contracted vendor would appear to trigger up to 11 additional training sessions per year. We request that Ecology consider expanding timeline for requirement of full training to 90 days to support efficient training of staff.</p>
S3.B.4.b.i.7	pg. 29	Specific SWPPP Requirements - Illicit Discharges	<p>Recommended lanuage:</p> <p>"Water from washing vehicles or equipment, buildings, pavement, steam cleaning and/or pressure washing is considered process wastewater. The Permittee must not allow this process wastewater <u>to infiltrate to ground or</u> to comeingle with stormwater or enter storm drains <u>the stormwater drainage system</u>; and must collect in a tank for off-site disposal, or discharge it to a sanitary sewer, with written approval from the local sewage authority. <u>Washwater may be discharged to the ground after proper treatment in accordance with Ecology guidance WQ-95-056, "Vehicle and Equipment Washwater Discharges," June 1995. The quality of any discharge to the ground after treatment must comply with Ecology's Ground Water Quality Standards, Chapter 173-200 WAC."</u></p>
S3.B.4.b.iii.3	pg. 30	Specific SWPPP Requirements - Treatment BMPs	<p>Recommended language:</p> <p>"Obtain Ecology approval before beginning construction/installation of all treatment BMPs that include the addition of chemicals to provide treatment. <u>Chemicals used in treatment BMPs and byproducts produced as a result of the treatment must be included in the sampling plan's list of parameters analyzed."</u></p>
S3.B.5.a	pg. 31	Specific SWPPP Requirements - Sampling Plan	<p>Modify language to include locations not captured in original language. Ex., a ditch is not a stormsewer but it could be used to convey water offsite. By using "stormwater drainage system" it includes all components that have the potential to carry water offsite.</p> <p>Recommended language:</p> <p>"Identify points of discharge to surface water, storm sewers, or discrete groundwater <u>waters of the State, the stormwater drainage system, and</u> infiltration locations, e.g., direct discharge to surface waterbodies, stormwater retention and detention BMPS/facilities, and infiltration facilities/BMPs."</p>
S4.B.1.f	pg. 33	Sampling Requirements	<p>While the DMR reporting form already reflects the intent of the revision below, it may be beneficial for the permittee to have the intent clearly stated in the permit.</p> <p>Recommended language:</p> <p>"Permittees monitoring more than once per quarter shall average all of the monitoring results <u>from the same discharge point</u> for each parameter (except pH and visible oil sheen) and compare the average value to the benchmark value. However, if Permittees collect more than one sample during a 24-hour period, they must first calculate the daily average of the individual grab sample results collected during that 24-hour period; then use the daily average to calculate a quarterly average."</p>

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S4.B.2.a	pg. 34	Sampling Locations	<p>Recommended language:</p> <p>"The Permittee shall designate sampling location(s) at the point(s) where it discharges stormwater associated with industrial activity off-site, or to an on-site receiving surface-waterbody waters of the State (e.g., a stream flowing through a site, etc.), <u>or, for sites required to monitor discharges to ground, to an infiltration BMP or facility.</u>"</p>
S4.B.2.b	pg. 34	Sampling Locations	<p>Recommended language:</p> <p>"The Permittee is not required to sample on-site discharges to ground (e.g., infiltration) or sanitary sewer discharges, unless 1) the facility is required to sample PFAS in discharges to groundwater per Special Condition S5B), or 2) specifically required by Ecology (Condition G12), or 3) a discharge point to groundwater is deemed by Ecology to constitute a functional equivalent to a point source discharge to surface waters in accordance with County of Maui v. Hawaii Wildlife Fund, 140 S. Ct. 1462 (2020) (Maui), <u>or 4) chemical treatment is used prior to the discharge point.</u>"</p> <p>For assigning or waiving monitoring requirements for discharges to ground, Ecology should do a reasonable potential assessment of each individual business just as it does for NPDES point source permits. It should be stated in the ISGP that Ecology will do an assessment.</p>
S4.B.5.g	pg. 36	Sample Narrative in Lab Report	<p>It isn't clear what information the "Sampling Narrative" would provide that wouldn't be contained in the COC and the permittee's Sample Documentation. If Ecology wants more details about the sample event, I suggest adding those specific requirements to the Sample Documentation rather than the Laboratory Documentation.</p> <p>Recommended language:</p> <p>g-Sampling Narrative</p>
S4.B.7.c.	pg. 37	Annual Sampling	Please clarify whether a first fall storm event sample is needed if the permittee is allowed to sample annually through consistent attainment.
S5.B Table 3	pg. 39	PFAS Sampling	The table only says to use EPA 1633. Other Ecology NPDES permits (e.g., municipal wastewater) have started to include PFAS sampling requirements. In those permits, Ecology provides much more guidance with regards to analytical method and what to do if an accredited lab cannot be located. It is advised that Ecology add similar notes to this permit.
S5.B Table 3	pg. 39	Additional Benchmarks and Sampling Requirements Applicable to Specific Industries: 6PPD-quinone	<ol style="list-style-type: none"> 1.) Recommend requiring concomitant analysis for 6PPD. 2.) Establish whether Truck Transportation (484xxx) includes interstate high traffic volume truck stops or not, and if not, explicitly include those - by addition of another code if necessary. 3.) Add motorized vehicle racetracks. 4.) Add sports fields that use crumb rubber infill. Consider adding rubber athletic running tracks. 5.) Add runoff from EPDM rubber roofing and any other rubber roofing. 6.) Add any uncovered e-waste storage area.
S5.B Table 3	pg. 39	Additional Benchmarks and Sampling Requirements Applicable to Specific Industries	Consider categorizing composting facilities separately from the broader group, "2. Chemical and Allied Products (325xxx), Food and Kindred Products (311xxx-312xxx)". As with "10. Marine Industrial Construction (ECY003)", require "Report Only" for Arsenic, Total -- but specify Analytical Method "EPA Method 200.8 or SM 3125B". Specify Arsenic, Total; and Laboratory Quantitation Level of 0.4 µg/L, and Method Detection Limit Target of 0.074 µg/L -- with a requirement to report both the LQL and the MDL values.

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S5.B Table 3	pg. 41	10. Marine Industrial Construction (ECY003)	Speciation not stated. Suggest following table subsection 4. Hazardous Waste Treatment . . . " and use "Arsenic, <u>Total</u> "
S5.B Table 3	pg. 41	7. Transportation Facilities	Solid Waste Collection facilities are included under Transportation Facilities in Table 1 but are not included in Table 3. Was it Ecology's intent with this update to add Solid Waste Collection Facilities to Transportation Facilities with both Tables 1 and 3?
S5.B.Table 3	pg. 41	9. Waste Management and Remediation Services - PFAS Monitoring	<p>King County supports efforts to better understand the extent and magnitude of PFAS compounds in the environment. Rather than focusing solely on two industrial sectors (air transportation and waste management), King County would like to see Ecology broaden the scope of facilities assessed for the presence of PFAS compounds and to do so through a project similar to PFAS sampling Ecology undertook at landfills across Washington State beginning in 2019. In that project, landfills were invited to allow Ecology to collect leachate samples on a voluntary basis. Ecology developed the sampling plan, conducted the sampling, coordinated laboratory analysis, reviewed data, and prepared a summary report. Ecology also funded each of those activities. King County would like to see the proposal for report-only sampling of discharges to ground at air transportation and waste management sites replaced with a voluntary project across all industrial sectors subject to the permit with funding support from Ecology.</p> <p>Benefits to this alternative means of improving the collective understanding of PFAS compounds in our region include:</p> <ul style="list-style-type: none"> - PFAS data across many sectors instead of just one or two - No delay while waiting for sufficient private labs to achieve accreditation for PFAS methods - Eliminate the risk of violations for delayed reporting of PFAS results, which can take substantial lengths of time to receive - Lowers the burden on permittees, many of whom may be passive receivers of PFAS compounds
S5.B.Table 3.9	pg. 41	9. Waste Management and Remediation Services - Closed landfill exclusion	Please include C.9 (Closed Landfills) in the list of Waste Management sites excluded from monitoring requirements.
S5.D.1.b.vi.	pg. 45	Conditionally Authorized Non-Stormwater Discharges	<p>Recommended language:</p> <p>"Identify <u>and implement</u> appropriate BMPs for each discharge to control pollutants and or flow volumes."</p>
S5.D.2.b.	pg. 45	Conditionally Authorized Non-Stormwater Discharges	<p>Recommended language:</p> <p>"Fire protection system flushing, testing and maintenance <u>of systems that do not utilize PFAS-containing aqueous film-forming foam (AFFFs).</u>"</p>
S5.D.2.c.	pg. 45	Conditionally Authorized Non-Stormwater Discharges	<p>Recommended language:</p> <p>"Discharges of potable water including water line flushing, provided that water line flushing must be de-chlorinated <u>and subsequently adjusted for pH prior to discharge. See SWMMWW S441 BMPs for Potable Water Line Flushing, Water Tank Maintenance, and Hydrant Testing for details.</u>"</p>
S5.D.2.e	pg. 45	Conditionally Authorized Non-Stormwater Discharges	<p>Recommended language:</p> <p>"Landscape watering and irrigation drainage <u>with an on-record requirement for, and an in-place, a landscape management plan minimizing the use of fertilizers and pesticides; e.g., use of mechanical means only for weed control (no chemicals), use of plants that require little or no fertilizer; insect/blight/fungus resistant plants, plants that require little irrigation and/or irrigation system/planning to minimize irrigation runoff.</u>"</p>

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S6.C.1	pg. 47	Permittees discharging to a 303(d)-listed waterbody (Category 5)	"Permittees discharging to a 303(d)-listed waterbody (Category 5)" Revised language: "Permittees discharging to a <u>waterbody that is either (1) currently designated as Category 5, 4, or 2 because of exceedance or concern for exceedance of any of the state's quality standards, or (2) is currently designated by the local jurisdiction as an impaired waterbody based on credible data indicating exceedance or concern for exceedance of the state's water quality standards, or (3) where subject to any other local, state, or federal cleanup plan or contaminated site designation</u> ; either directly or indirectly"
S6.C.1, Table 6	pg. 47	Sampling and Effluent Limits Applicable to Discharges to 303(d)-listed Waters	Arsenic should be added to the table. Effluent limits should be based on Human Health Criteria for Consumption; but noting that the 173-201A value of 10 µg/L, has been repeatedly disallowed by US EPA. Per EPA's entry in the Federal Register re: WA State WQS, and per notices to Ecology: under U.S. EPA directive from the National Toxics Rule, the WA state freshwater standard for human health is 0.14 µg/L (marine, organism only, inorganic) 0.018 µg/L (freshwater organism + water, inorganic). These EPA NTR values should be the basis of limitations.
S6.C.2.e	pg. 50	Additional Sampling Requirements...Impaired Waters and PS Sediment Cleanup Sites	Recommended language: "Permittees shall sample and analyze storm drain solids in accordance with Table 8 at least once in the term of the permit. Storm drain solids must be collected/sampled from a representative catch basin, sump, pipe or other feature within the storm drain system that corresponds to the discharge point where total suspended solids samples are collected per Condition S6.C. Samples may be either a single grab sample or a <u>must be</u> composite samples. Samples must be representative of the storm drain solids generated and accumulated in the facility's drainage system. To the extent possible, sample locations must exclude portions of the drainage system affected by water from off-site sources (e.g., run-on from off-site properties, tidal influence, backflow, etc.)."
S7.A.1.	pg. 54	Inspection Components	Recommended language: "The Permittee shall conduct and document visual inspections of the site each month <u>with at least one week in between inspections.</u> "
S7.B.3.b.	pg. 54	Inspection Components	Recommended language: "The Permittee shall eliminate the illicit discharge within 30 days. <u>Illicit connections shall be eliminated within 6 months.</u> "
S8.C.4.e.	pg. 57	Level 2 Corrective Action	This represents a change from no possibility of a corrective action in the year following a level 2 to the possibility of a level 2 corrective action that year. Please change language back to that contained in the 2020 ISGP, "For the year following the calendar year the Permittee triggered a Level 2 corrective action, benchmark exceedances (for the same parameter) do not count towards additional Level 2 or 3 Corrective Actions."
S8.D.3	pg. 58	Level Three Corrective Actions – Treatment BMPs	1.) Chemical treatment BMPs should have the same monitoring requirements as stipulated under SWMMWW BMP C251 Construction Stormwater Filtration utilizing chemical treatment -- whether discharging to surface water or to ground. 2.) The requirements for monitoring chemical treatment BMPs should apply to any facility using such treatment regardless of the reason such treatment is in place; i.e., whether for L3 corrective action, as stipulated by Ecology for any other reason, stipulated by the local jurisdiction, or installed proactively by the permittee. 3.) Ecology should consider that any runoff that requires treatment above and beyond typical stormwater BMPs -- e.g., wetponds wet vault, sand filter, bioretention, 'emerging technology' BMPs approved through TAPE or CTAPE -- should be recognized as more closely aligned with process water, and should require an NPDES point source discharge permit, or State Waste Discharge to Ground permit, or a combined permit.
S8.D.5.c.	pg. 60	Time Extension or Waiver Request	King County supports this proposed change.

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S9.D.1.i	pg. 63	Records Retention	States "Copies of all laboratory reports as described in Condition S3.B.4." Should be updated to S4.B.5. As a general note, all references to specific permit sections should be cross checked.
S9.F.1.b.	pg. 64	Reporting Violations	This section says the permittee must contact Ecology by phone. Recommend expanding the communication methods to include email and online reporting, both of which are already available to permittees.
S11.C	pg. 64	Permit Fees	Public facilities should only have to complete this form once per permit cycle. Their status as a public facility will not change so long as the permit holder does not change, in which case the permit would need to be transferred anyway. Public facilities do not need to report gross revenue information, so there is no value in asking public permit holders to complete this administrative task annually.