

July 15, 2024

Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

Submitted via online portal: <https://wq.ecology.commentinput.com/?id=tx2Ba6krSR>

Subject: Comments on Washington's Draft Industrial Stormwater General Permit

Dear Washington Ecology:

On behalf of our clients, many of whom are commercial and industrial facilities located in Washington state and subject to or potentially subject to Washington's Industrial Stormwater General Permit (ISGP), we provide several comments and/or items for clarification with respect to the draft ISGP. Ashworth Leininger Group (ALG) has worked with industrial and commercial properties in WA for decades and we have a wealth of experience interpreting and implementing environmental regulations in air, water, waste, and sustainability disciplines. Accordingly, we have valuable perspective with respect to implementing regulatory programs at the site level that are actionable and ultimately effective. Our comments are intended to provide constructive feedback and request clarification regarding specific provisions of the draft permit.

Comment 1: PFAS Sampling Requirements

It is impractical to require PFAS sampling for facilities in Washington at this time. According to Ecology Department and EPA websites, only one lab in the state – ALS Kelso Environmental – currently performs EPA draft Method 1633, the required method specified in the permit. Although labs may provide this service in the future, there is no current indication that there will be sufficient laboratory capacity to service many facilities in multiple counties; as such, it will likely be infeasible for facilities to find analytical lab support for PFAS sampling. Therefore, Ecology should consider lab capacity by withdrawing or delaying implementation of PFAS sampling requirements until enough labs are available to perform the analysis.

In addition, the draft permit proposes sampling requirements for certain types of industrial facilities for per- and polyfluoroalkyl substances (known collectively as PFAS) but does not define specific parameters to be monitored. PFAS cover a large group of chemicals, including thousands of different parameters and there is not currently an EPA- or state-approved method for PFAS analysis (EPA's Method 1633 is still a draft protocol). As Ecology's stated purpose in its draft ISGP fact sheet for requiring PFAS sampling is to "characterize PFAS in stormwater discharges from these sectors, assess the effectiveness of BMPs and other permit requirements to reduce PFAS, and it may also help identify certain discharges and/or sites for further investigation and/or corrective action," if PFAS sampling requirements are implemented, defining the parameters to be sampled is critical to developing a useful and comparable data set.

Suggested PFAS parameters to define for monitoring should include the six PFAS parameters regulated by EPA and Washington in drinking water (established as Maximum Contaminant Levels (MCLs)) and state groundwater quality standards: PFOA, PFOS, PFHxS, PFNA, and HFPO-DA as contaminants with individual MCLs, and PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and PFBS. We do not recommend that required parameters for monitoring be identified by analytical method (e.g., EPA Method 1633), particularly when methods have not yet been finalized, because different labs may analyze for different suites of parameters even within the same method.

Comment 2: Expanding SWPPP Training for Contractors/Vendors

The draft permit expands stormwater pollution prevention plan (SWPPP) training requirements from relevant onsite employees to include contractors/vendors that have duties in areas of industrial activities subject to the permit. This is a significant expansion of the training requirement in the current permit and potentially covers most contractors/vendors that visit a site, even for a very brief or single time, including any delivery drivers (i.e., almost all personnel making deliveries to loading docks will be covered by this requirement). The exception that contractors/vendors could be excluded from training if supervised by a trained employee is not a practical exemption, as many such vendors/contractors can visit sites during off-hours, and many sites may have few onsite employees even during business hours to perform this supervision. This is an impractical and possibly infeasible training requirement, as many contractors/vendors are only briefly onsite (i.e., would not have the time for training) and some sites are visited by a very large number of such contractors/vendors. Accordingly, we recommend that this expansion to the training provision be withdrawn in the final permit.

Should a contractor/vendor training provision be retained in the final permit, the content/extent of the required training should be specified, and the training should not be equal in scope to that required of onsite employees. In addition, the timeline and frequency of the training should be stated in the final permit; the draft permit only notes that employees must be trained annually and within 30 days of hire and is silent about the training schedule for contractors/vendors. Further, since the updated SWPPPs are required to be implemented by March 1, 2025, the permit should specify whether training for existing contractors/vendors need to be completed by that time.

We appreciate the opportunity to comment regarding the proposed ISGP. If you have any questions, please contact me at (805) 764-6019 or cwong@algcorp.com.

Sincerely,



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