

July 15, 2024

Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696
Submitted electronically via Ecology website:
<https://wq.ecology.commentinput.com/?id=tx2Ba6krSR>

SUBJECT: COMMENTS ON THE DRAFT 2025 INDUSTRIAL STORMWATER GENERAL PERMIT

Dear Lucienne Banning:

Floyd|Snider appreciates this opportunity to provide comment on the Washington State Department of Ecology (Ecology) draft 2025 Industrial Stormwater General Permit (ISGP). Floyd|Snider is an environmental consulting firm based in Seattle that currently provides stormwater management technical and regulatory support to several industrial private and public sector clients in western Washington. These comments on the draft 2025 ISGP are provided on behalf of several of Floyd|Snider's clients, with the intent to ensure that the 2025 ISGP will efficiently achieve Ecology's goals without creating undue uncertainty, confusion, or burdens for permittees.

6PPD-QUINONE MONITORING REQUIREMENT

Condition S5.B.3 of the draft 2025 ISGP requires transportation industry facilities that do not qualify as a "small business" to perform report-only quarterly monitoring for 6PPD-quinone beginning on January 1, 2028.

Floyd|Snider understands the importance of gathering information about the emerging contaminant 6PPD-quinone from permitted facilities. However, current availability of analytical laboratory service providers is such that this requirement risks creating an undue burden on permittees. Floyd|Snider shares Ecology's hope that this situation will improve by January 1, 2028, but notes there is no certainty of such improvement.

The key concerns are as follows:

- Analytical costs currently range from \$400 to \$535 per sample, which represents a substantial added analytical expense compared to current monitoring requirements.
- No commercial laboratories in Washington State currently perform analysis for 6PPD-quinone, thus requiring permittees to ship of samples out of state. Neither of the labs Floyd|Snider identified, which currently offer 6PPD-quinone quantification

(Eurofins, Sacramento, California, and SGS AXYS, Sidney, British Columbia), are accredited by Ecology for this analysis.

- Analytical turnaround times may currently exceed the period covered by each quarterly discharge monitoring report (e.g., SGS ASYX is currently reporting 6PPD-quinone results over 3 months after receiving samples).

It is possible that some of the above challenges will be resolved by 2028. However, it is just as likely that increased analytical demand due to the 2025 ISGP requirements would further tax laboratory capacity and lead to additional delays in the reporting of analytical results.

Floyd|Snider suggests that rather than requiring transportation facilities to sample for 6PPD-quinone samples at every discharge monitoring location, Ecology could require permittees to collect and analyze samples from one or two locations, which could be chosen to represent the expected range of facility discharge concentrations. Larger transportation facilities with multiple points of discharge could be required to sample at one discharge location representing a high traffic facility area, and at a second representing a low traffic facility area.

Additionally, Ecology may need to modify its online webDMR portal to avoid penalizing permittees for delays resulting from long analytical turnaround times for 6PPD-quinone (or other emerging analytes).

NAICS DESIGNATION

Condition S5.B.3 of the draft 2025 ISGP would require transportation facilities to sample for 6PPD-quinone unless they qualify as a “small business.” As discussed above, the 6PPD-quinone sampling requirement may present a burden for some permittees, particularly those with limited outdoor operations or lower traffic turnover where lower levels of tire wear would be expected.

Floyd|Snider suggests that Ecology include additional sampling exemptions for these permittees beyond the “small business” designation. Specifically, Floyd|Snider suggests requiring 6PPD-quinone sampling only at facilities whose primary North American Industry Classification System (NAICS) designation is in the transportation industry, exempting those who are only categorized as transportation industry by their secondary NAICS classification. Floyd|Snider also suggests exempting low traffic transportation facilities from this sampling requirement. This could be defined using the criteria already described in the Stormwater Management Manual for Western Washington¹ (SWMMWW) for determining whether oil control best management practices (BMPs) are required: specifically, low traffic facilities would be defined as having an average daily traffic less than 100 vehicles per 1000 square feet of gross building area, less than

¹ Washington State Department of Ecology. 2024. Stormwater Management Manual for Western Washington. Publication Number 24-10-013. July.

300 trip ends per day, or storage or maintenance of fewer than 25 vehicles over 10 tons gross weight.

PFAS MONITORING REQUIREMENT

Condition S5.B.1 and Table 3 of the draft 2025 ISGP would require air transportation and waste management and remediation services facilities to perform report-only sampling for per- and polyfluoroalkyl substances (PFAS) using USEPA Method 1633 with a reporting limit of 2 nanograms per liter, once per quarter from each substantially identical discharge monitoring point. Special Condition S1.E.1 and Condition S4.B.2.b of the draft 2025 ISGP would also require these facilities to sample stormwater discharges that infiltrate to ground for PFAS. At the June 24 listening session, Ecology clarified that groundwater sampling could be done either by sampling stormwater prior to infiltrating or (as with the Sand and Gravel General Permit) by installing a groundwater monitoring well where samples representative of infiltrated surface water can be collected.

Ecology's May 15, 2024, Fact Sheet provided with the draft 2025 ISGP (Fact Sheet) indicates the rationale for PFAS sampling at these industries is based on historical use of Aqueous Film Forming Foam (AFFF) at airports, and receipt of PFAS contaminated materials or water from off-site sources at landfills and recycling facilities. From an Ecology response at the June 24 listening session and the Fact Sheet, Floyd|Snider understands these monitoring requirements are borne out of a desire to better understand and control sources of PFAS before they enter the environment, and to guide further investigation and corrective action. Floyd|Snider agrees with source identification, elimination, and reduction as a pollution control strategy. However, it is not clear that introduction of a PFAS monitoring requirement will accomplish these goals, particularly because neither the draft 2025 ISGP nor the 2024 SWMMWW it references require implementation of any specific BMPs to control PFAS releases from these sources.

As the science around PFAS is still evolving, implementing a quarterly monitoring requirement for airports and waste management and remediation services industries seems premature.

PFAS compounds are ubiquitous. There are numerous commercial and industrial sources and uses of these compounds, many of which are still unknown. Though Washington State recently passed legislation to restrict PFAS in certain consumer products, the myriad uses of PFAS in products manufactured nationally and globally mean that reducing or eliminating PFAS in industrial and consumer products will be a decades-long endeavor with no easy or obvious solutions.

As recognized by Ecology, PFAS are mobile in the environment and can travel long distances in air and water. Nationally and globally, PFAS have been detected at elevated levels even in remote and rural areas. Washington State has not developed an ambient background concentration for PFAS compounds in these media, and Floyd|Snider is not aware of any state-wide efforts to quantify ambient concentrations of PFAS in Washington State stormwater or groundwater.

There are no current state or national standards for PFAS in stormwater or groundwater; the only currently available criteria are federal Maximum Contaminant Levels (MCLs) developed for drinking water. The Fact Sheet notes that “since all groundwater in Washington has a designated use of drinking water, these MCLs are subsequently amended into the state groundwater quality standards.” However, many groundwater aquifers across Washington State are not a current or expected future source of drinking water. Therefore, application of a drinking water standard to stormwater results could result in an unnecessary level of public concern regarding stormwater concentrations and potential effects from exposure via a pathway that is not active.

In the absence of ambient background concentrations, which can reasonably be expected to exceed federal MCLs in urban areas, it can be challenging to perform meaningful data interpretation and cost benefit analysis. For example, there is significant environmental benefit to performing metal recycling operations, even if PFAS are present in stormwater discharges at these facilities, because these operations reduce the need for mining, which causes more relative harm to the environment.

Additionally, increased regulatory focus and lack of certainty with respect to PFAS regulatory criteria and requirements has already begun to shape landfill acceptance policies, which has consequences for cleanup implementation. For example, many Subtitle D landfills are no longer accepting PFAS-containing materials, including dredged sediments or other excavated soils that may contain PFAS as a result of historical or industrial operations. In the absence of ambient background concentrations, there is justifiable concern among those performing cleanup that if landfills require testing for PFAS as a condition of material acceptance, any detections of PFAS could require the material to be disposed at a Subtitle C landfill. This would increase both the time and cost required to complete cleanups and could have unintended environmental consequences related to increased transportation distances material may have to travel prior to disposal.

Finally, analytical turnaround time and expense for PFAS analysis and validation are both significantly more onerous for PFAS than for other parameters that permittees must currently collect samples for under the current ISGP. Thus, comments made above with respect to 6PPD-quinone regarding webDMR portal data submission and sample analysis costs are also applicable to PFAS.

Floyd|Snider suggests removing the PFAS sampling requirement from the draft 2025 ISGP until after Washington State ambient background concentrations in stormwater are better understood.

If a PFAS sampling requirement is retained in the draft 2025 ISGP, Floyd|Snider suggests revising the permit language such that the PFAS sampling requirement applies to airports with known current or historical use of AFFF and landfill or recycling services permittees; and reducing the sampling frequency and reporting requirement for these permittees to once annually, rather than quarterly. Collection of five samples across the permit cycle would provide adequate insight into

relative magnitude of PFAS concentrations in stormwater discharges at those facilities required to sample for PFAS.

UPDATED EMPLOYEE TRAINING REQUIREMENTS

Condition S3.B.4.i.(5) of the draft 2025 ISGP updates employee training requirements to include a requirement to train all employees “and contractors/vendors who have duties in areas of industrial activities subject to this permit,” unless contractors/vendors are always supervised by an employee who has been trained on the Stormwater Pollution Prevention Plans (SWPPP).

Floyd|Snider agrees that employee training is an integral part of pollution reduction programs. However, the draft 2025 ISGP introduces unduly burdensome requirements for facilities that rely on contractors or vendors to perform materials handling operations. Many facilities often do not have a contractual relationship with the contractors performing these operations. Requiring the permittee to provide additional training would provide little additional value, as these contractors already receive training relevant to their duties prior to obtaining their Commercial Driver’s License.

Floyd|Snider suggests clarifying permit language to require that permittees provide training for contractors/vendors hired by the permittee.

SAMPLING POINT WAIVER REQUEST

Condition S4.B.2.c of the draft 2025 ISGP adds new provisions for sampling points located in areas that are unsafe to sample. Specifically, as an alternative to requiring the permittee to move the sampling location, Ecology may require permittees to “add sampling structures to areas where regular sampling can occur via an administrative order or permit modification.” Draft permit Condition S4.B.2.e describes a new Sampling Point Waiver Request provision to be implemented if a permittee believes that it is not possible to move a sampling point or add a sampling structure such that regular sampling can occur. The focus sheet describes the intent of this provision to be “to help with safety and logistical issues of sampling wharves and piers at marine cargo handling facilities.”

The draft permit states that “until the permittee receives an approved waiver/modification, all sampling location requirements of the ISGP remain enforceable and in effect” without providing any timeline for Ecology review and approval of the request. This means that at facilities where operating conditions prevent safe sampling under any circumstance, the permittee would be in violation of its permit for failing to collect a sample in unsafe conditions while waiting for Ecology to approve its Sampling Point Waiver Request.

Floyd|Snider recommends Ecology revise the draft ISGP language to allow for automatic approval of Sampling Point Waiver Requests for suspension of sampling if the technical basis for the request includes persistent safety concerns, consistent with permit condition S4.B.1.e (“Permittees need not sample outside of regular business hours, during unsafe conditions...”).

LIQUID CHEMICAL RELEASE

Draft permit Condition S3.B.4.b.i.(4)(i) adds new clarification that “any liquid chemical release onsite regardless of size or flowability is considered a spill and must be logged and addressed.” The current permit language is overly broad and creates an unreasonable reporting standard, particularly when the permit does not define what is considered a “release.”

Floyd|Snider recommends removing this proposed addition. However, if the new language is kept, Floyd|Snider suggests adding language that allows permittees define appropriate site-specific release reporting practices in their SWPPP, based on the nature of liquid chemicals stored, used, and handled at the facility.

CONCLUSION

Floyd|Snider supports and shares Ecology’s goal in updating the ISGP to improve protections for surface water of the state from pollutant discharges associated with industrial stormwater. Floyd|Snider appreciates the opportunity to comment on the draft 2025 ISGP and hopes these comments are received in the spirit in which they are provided, with the goal of efficiently achieving the ISGP’s goals without creating an undue burden on permittees. Please feel free to reach out with any questions via phone (206-292-2078) or email (emily.jones@floydsnider.com).

Sincerely,

FLOYD | SNIDER



Emily Jones, PE
Associate Principal