

Industrial Stormwater Draft General Permit Formal Comments

Comment 1: ISGP Benchmark Values & Municipal Stormwater General Permit (MS4 permit)

Industrial facilities are authorized under the Industrial Stormwater General Permit to discharge concentrations of pollutants (turbidity, metals, and etc. in S5. Table 2.) in runoff to a permitted municipal drainage system (MS4) where that same discharge could violate the state surface water quality standard (Marine waters WAC 173-201A-210 and Fresh waters WAC 173-201A-200) a municipal permittee must comply with (MS4 permit S4.B).

The ISGP turbidity compliance thresholds are described as; ≤ 25 NTU = compliant, >25 NTU = take action to address problems or collect another sample to attempt to average down below the benchmark value of 25 NTU. Take for example an industrial site discharging 25 NTU runoff to an MS4. The turbid runoff could be causing a surface WQ violation downstream as it discharges from the municipal permittee's MS4 into the receiving water. This situation can also occur at less than 25 NTU if the receiving water background NTU level was low compared to the MS4 discharge NTUs. In this scenario the municipal permittee might not know about the municipal permit violation that could technically be considered a compliant discharge on the part of the ISGP permittee.

Ideally, the ISGP permit would state that Industrial permittees must report elevated turbidity (and other) discharge concerns directly to the MS4 receiving the discharge. All municipal permittees are required to have a spill reporting line for calls related to illicit discharges. Language in the ISGP should be added to clarify this permit compliance overlap.

Additionally, if an ISGP facility identifies an oil sheen when conducting quarterly sampling, MS4 permittees should be notified using the spill reporting line.

The ISGP section G7. Compliance with other Laws and Statues states that "nothing in this permit shall be constructed as excusing the Permittee from compliance with any applicable federal, state, or local statues, ordinances, or regulations". This section addresses the issue stated above but lacks specific requirements of ISGP permittees when this common issue occurs. G7 is consistently overlooked and not properly applied by industrial facilities.

Solution to address issue:

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- Ecology clarify language in ISGP to require notifying the MS4 Permittee when turbidity and other pollutants exceed the state’s water quality standard.
- Consider adding the following language to section G7. – “The Permittee shall notify local municipalities of noncompliance upon discovery including sample results that exceed state surface water quality standards”.

Comment 2: Industrial Permit and Stormwater Treatment

The Industrial Stormwater General Permit holder may need to construct stormwater treatment facilities to meet their ISGP requirements, but in some instances that treatment may not fulfill Municipal Stormwater Permit requirements.

Solution to address issue:

- Ecology clarify in the Industrial Stormwater General Permit that one Permit does not necessarily fulfill compliance with other Permits.
- Ecology clarify how discharges authorized by one NPDES or state waste discharge permit applies to the Industrial Stormwater General Permit.
- Recommend Ecology SWMMWW BMPS are defined that intend to meet both Industrial and MS4 Permit objectives where applicable.

Comment 3: Reporting of IDDE and Spills

Suggest adding to section S9.F.1 – Reporting Permit Violations to include similar verbiage from the Municipal Stormwater Permit for consistency across permits.

“The Permittee must take the following actions when it violates or is unable to comply with any permit condition. **In addition to, if a Permittee has knowledge of a discharge, including spills, into or from their stormwater system or to a receiving water which could constitute a threat to human health, welfare, or the environment, the Permittee shall:”**.

Comment 4: Conditionally authorized non-stormwater discharges (S5.D.1.b.v.)

Suggest adding : “v. Evaluate compliance of the discharge with the state water quality standards **and local municipal codes and regulations”**.”.

Comment 5: ISGP & Municipal Stormwater General Permit

From experience in the field, Industrial permittees are mindful of ISGP compliance, but miss the regulatory framework that cities/municipalities can have more strict requirements. Many ISGP permittees don’t apply the “only rain down the drain” code that many municipalities have adopted.

It is the responsibility of the permittee to understand the requirements of the permit they hold, but specifying explicit requirements can ensure compliance between the ISGP and the MS4 permit.

Suggest adding in a section Ecology sees appropriate:



“Responsibilities and Liabilities

This Permit does not relieve Permittees that cause illicit discharges, including spills of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.”

Comment 6: Source Control Best Management Practices

The Industrial Stormwater General Permit holder may need to construct structural source control BMPS to fulfill Municipal Stormwater Permit requirements by the local jurisdiction’s code and ordinance. It is common for the local jurisdiction to get push back from the Industrial Permit holder. The industrial Permit holder often notes that the source control BMP is not required because the permittee’s sampling results have not indicated an issue, have been under benchmark/limit, and have not triggered any Corrective Actions to require additional BMPs. The permittee may be meeting water quality benchmarks as part of their Industrial Permit. This rationale conflicts with the MS4 Permit language, in which the local jurisdictions source control requirements are required for all uses in the most currently adopted Ecology SWMMWW.

- In section S3.B.4.b. suggest adding: “The permittee must justify each BMP omission in the SWPPP **unless required by local municipality**”.
- Ecology should clarify Municipal Permit obligations on industrial sites in relation to source control BMP implementation and enforcement when those sites also have Industrial permits coverage. Please add that local regulations shall be required and adhered to.
- Ecology should clarify how source control requirements are enforced with Industrial Permit holders; i.e., is there opportunity between the Permittees to achieve source control goals without duplicating efforts for compliance with local codes and Municipal Permit obligations.

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