



# Port of Skagit

July 15, 2024

Lucienne Banning  
Washington Department of Ecology  
Water Quality Program, General Permit Unit  
Delivered electronically via the online public comment form web portal

Dear Ms. Banning,

Thank you for the opportunity to comment on the draft 2025 Industrial Stormwater General Permit (ISGP). Port of Skagit County (POSC) staff were able to attend several of the informational workshops and discussions hosted by the Department of Ecology (DOE) to better understand the proposed permit changes. The Port is submitting the following public comments after careful reading and consideration of the draft permit and the information provided in these sessions.

The Port of Skagit takes seriously its commitment to stewardship and values the role that the ISGP plays in identifying best practices to protect water quality. The Port must also be a good steward of tax-payer funds and be mindful of our economic mission and advocate for the competitiveness of the local businesses who are our tenants. The burden of implementing permit compliance demands that the requirements be both logistically feasible for permittees and ensure effective protections for water quality. It is also desirable that the permit language be clear to ensure that permittees can understand requirements and that permit enforcement is consistent and predictable. It is with this framework in mind that we respectfully offer the following comments:

1. The addition of material handling/storage as a trigger for transportation facilities requiring permit coverage (Table 1) is both vague and broad. Almost all enterprises, including those within a transportation facility, have some storage and material handling to support basic operations. It is unclear within the draft what degree and/or type of material handling would meet this threshold. Threshold triggers should ensure that water quality protections would be achieved by regulation of areas with the targeted activity occurring. Has DOE considered that only storage of *some specific types* of materials in *certain quantities*, and material handling using *only certain types* of equipment presents a pollution risk?
2. Table 3 has been modified and now proposes that (5) Air Transportation Facilities<sup>c</sup> have 6 additional parameters with Benchmarks and Sampling Requirements. However, footnote

“c” states that only airports using deicer in quantities above stated thresholds must “monitor these additional 5 parameters”. It is unclear within the footnote which 5 of the 6 parameters listed in Table 3 are required for these airports. For Skagit Regional Airport, which does not use de-icer at the threshold quantity, footnote c does not apply, making it unclear which, if any, of the parameters in Table 3 we must sample for. Clarification of this table and footnote c is needed.

3. It was stated in the DOE hosted workshop that the intent is to require *all* airports to sample for PFAS, although there will not be established benchmarks adopted by the permit. This sampling will be a significant financial burden. POSC estimates that quarterly sampling of PFAS will cost a minimum of \$5,000 annually. This is a high cost being passed to Skagit Regional Airport and other small airports to provide data for future regulatory action to address a problem that is pervasive in society.
4. Table 3 indicates that PFAS has a Benchmark Level of “Report Only<sup>d</sup>”. Footnote “d” states that this “reporting may not be applied to Consistent Attainment”. Language clarification is needed: does this mean Consistent Attainment is not achievable for a report-only parameter given the lack of a benchmark? If so, this creates an additional burden of staff time and sample transit costs for permittees that are not currently performing quarterly water sampling thanks to Consistent Attainment status and their effective stormwater management practices.
5. Given the limited availability of accredited labs for PFAS sample processing, how does DOE intend to ensure permittees are able to meet this sampling requirement and that demand driven pricing does not escalate the financial costs for permittees?
6. S5(B)(3) of the draft permit requires report-only sampling for 6ppd-q, yet provides for a “small business” exemption from the sampling requirements. Appendix 2 defines: “Small business means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees. Clarification is needed that Ports, as a public agency, can be a “small business”. Additionally, many Ports and other organizations have geographically distinct sites and independently operated enterprises; it is unclear if this threshold is fewer than 50 employees across the entire organization, or at each individual site.
7. S3(B)(4)(i)(5) requires SWPPP training for all contractors/vendors with duties within the permit coverage area. This is not realistically achievable. POSC does not have functional knowledge of, nor control over, the vendors and contractors on any given day that may be entering our ISGP coverage area to serve Port tenants. Portions of our ISGP coverage area include publicly accessible roadways and parking areas. The areas of industrial activity have multiple access points and are not monitored. It is logistically infeasible to expect SWPPP training for everyone entering these areas. Has DOE considered thresholds for

vendor/contractor activity and frequency warranting SWPPP training? Specification within the permit of reasonable means and methods of providing this training should be provided.

8. S3(B)(4)(i)(4)(i) states “that any liquid chemical release, regardless of size or flowability, is considered a spill and must be logged”. “Chemical” is not included within the definitions of Appendix 2 and is open to broad interpretation. The immense amount of staff time to document every drop that might be spilled is concerning. While the need to identify patterns and potential opportunities for improvement, as stated in the DOE workshop, is a worthy goal, the documentation of every drop, even if cleaned up and of no impact to waters of the state, does not achieve water quality protection. The sheer volume of potential spill log entries would make it harder, not easier, to identify meaningful spill events and patterns. If the intention of this draft proposal is “not to encourage the absurd”, as stated in the workshop on 6/24/24, this proposal must clarify the threshold that constitutes a spill that must be logged.
  
9. S4(B)(1)(b) states that permittees “shall sample the stormwater discharge from the first fall storm event”; while S4(B)(7)(c), regarding permittees with Consistent Attainment status with a 4<sup>th</sup> quarter only sampling requirement, states “the annual sample does not include the first fall storm event”. Clarification is needed if permittees with Consistent Attainment status during the 3<sup>rd</sup> quarter (June-September) are exempted from the requirement of S4(B)(1)(b) to sample the first fall storm occurring after Sept. 1. And if the first fall storm does not occur until the 4<sup>th</sup> quarter, should it not be sampled per S4(B)(7)(c)?
  
10. S6(D)(3) states permittees “shall comply with all requirements of the TMDL as listed in Appendix 5”, yet the draft permit available for review only includes Appendices 1,2, and 3.

Thank you for the opportunity to provide comments on the draft 2025 ISGP. We are hopeful that the final permit will contain only robust, science-based protections for water quality, while also considering the financial impacts on small Ports and the economic vitality and competitiveness of industrial businesses located on Port property.

Respectfully,



Sara Young  
Executive Director  
Port of Skagit