



Seattle Public Utilities
700 5th Avenue, Suite 4900
Seattle, WA, 98104

Ms. Lucienne Banning
Washington Department of Ecology
Water Quality Program
Olympia, WA 98504-7696

Re: Comments on May 15, 2024 draft of proposed reissuance of Industrial Stormwater General Permit.

Dear Ms. Banning,

The City of Seattle ("Seattle" or "SPU") appreciates the opportunity to provide comments on the draft Industrial Stormwater General Permit (the "Permit" or "the ISGP") published by the Washington Department of Ecology ("Ecology") on May 15, 2024.

Seattle understands that many months of preparation and discussion go into authoring these permits. Seattle has long supported the goal of protecting the region's waters and respectfully submits the following comments for Ecology's consideration when finalizing the Permit. We look forward to your responses to these comments and requests for clarification.

- *Summary of Permit Reports & Submittals:* This table describes the timeframe for submitting a notification of noncompliance under S9.F to be within 30 days of the noncompliance event. However, S9.F.1.c requires Permittees to submit a noncompliance notification "within 5 days of the time the Permittee becomes aware of the [noncompliance] circumstances" and provides a shorter timeframe for certain subcategories of events. Seattle recommends that the summary be amended to conform to the actual notice deadlines set forth in S9.F to avoid ambiguity on this issue.
- *S1.E.1, Discharges to ground:*
 - This section contains the first use of "PFAS." Seattle recommends defining the term at its first appearance or provide a definition elsewhere in the documents.
 - Please clarify if the phrase "discharges to ground (e.g. infiltration)" includes all stormwater that goes to a permeable surface, or whether it is limited to discharges from the surface that are likely to intercept groundwater (e.g. underground injection control wells).
 - Please clarify if stormwater discharges to ground will need to be sampled regardless of whether other discharges offsite are occurring, and if substantially identical discharge point considerations may be made for this requirement, if applicable.

- *S3.B.1, SWPPP site map requirements:*
 - Please clarify whether the phrase “off site,” when referring to discharges, is defined by the practical boundary of industrial operations or by the property line of the tract on which the operation is located.

- *S3.B.4.b.i.5, Employee Training:*
 - Please clarify whether “contractors/vendors” are required to complete the same level of training as “employees” as used in this section.
 - S3.B.4.b.i.5.d requires a training log to be “kept with the SWPPP.” For trainings that are administered electronically in a centralized training system, “keeping a log with the SWPPP” may not be feasible. Please include language clarifying that logging trainings electronically, followed by regularly generating a report of trainings and placing it with SWPPP documents satisfies this requirement.

- *S3.B.4.b.i.4.c.iv, SPECP, Required spill kit contents:* Please clarify if a “non-metallic” shovel is required or if the intent is for operations to have a shovel that will not create sparks when in use (i.e. *non-sparking*). For example, aluminum alloy shovels with non-sparking specifications are available for general purchase and may be sturdier and less susceptible to theft than plastic alternatives.

- *S3.B.4.b.i.4.i, SPECP: “Any liquid chemical release onsite regardless of size or flowability is considered a spill and must be logged and addressed”.*
 - Please define “chemical” as it is used in this section. Specifically, SPU does not consider dechlorinated or non-chlorinated potable or deionized water, or uncontaminated non-air conditioning condensate (e.g. electric vehicle tailpipe discharge) to be “liquid chemical releases” that should be regulated under the Permit.
 - SPU interprets “onsite” as is used in this section as “areas of industrial activity that may discharge to the stormwater system.” Please confirm if this interpretation is correct.

- *S4.B.5.g, Laboratory Documentation:* Seattle recommends changing “Sampling Narrative” to “Case Narrative,” with a definition of “Case Narrative” to mean the narrative provided in a laboratory report describing the condition of the samples upon laboratory receipt; how they were stored at the laboratory; any issues with analyses; and related quality assurance/quality control issues that may affect data integrity/useability, as applicable.

- *S4.B.6, Records:* Please better define “onsite,” and provide whether this means keeping physical records at the Permitted location, or if the definition includes records kept electronically and accessible at the Permitted location.

- *S4.D, Laboratory Accreditation:* This section states that the Permittee shall ensure that all analytical data required by Ecology is prepared by a laboratory registered or accredited under the provisions of Accreditation of Environmental Laboratories, Chapter 173-50 WAC. This regulation indicates that laboratories must be accredited by Ecology, or be WA ELAP-accredited, to be considered accredited by this Permit provision.
 - According to Ecology’s Lab Search as of July 2024, only one laboratory in Washington is WA ELAP accredited for PFAS analysis by EPA Method 1633, and no other laboratories in the Pacific Northwest are WA Environmental Laboratory Accreditation Program (ELAP) accredited. The National Environmental Laboratory Accreditation Conference (NELAC) institute laboratory accreditation system indicates that only 30 labs nationwide are National Environmental Laboratory Accreditation Program (NELAP)-accredited for EPA Method 1633.
 - According to Ecology’s Lab Search as of July 2024, only one laboratory (MEL) is WA ELAP accredited for 6PPD-quinone by MEL730136, Version 1.2, and no laboratories are WA ELAP accredited for draft method 1634. The NELAC institute laboratory accreditation system indicates that no laboratories are NELAP-accredited for draft method 1634.

SPU requests that an exception made to this provision for laboratories that have accreditations other than WA ELAP accreditation for PFAS and/or 6PPD-Quinone analysis until more laboratories can become WA ELAP accredited.

- *S5, Table 3, Additional Benchmarks and Sampling Requirements applicable to Specific Industries:*
 - With respect to the use of the term “diesel fraction” when requesting reporting data yielded by method NWTPH-Dx, this method does not yield fractionated results per “Analytical Methods for Petroleum Hydrocarbons” (1997); only the presence, location, and concentration of TPH of diesel-range organics and heavy oils can be analyzed using this method. Please consider using the full term “diesel-range organics and heavy oils” when describing the analyte throughout the table and Permit, or define the term in that manner in the glossary of the Permit. This may help reduce confusion around the need to sum diesel-range organics and heavy oil results for DMR reporting when given separately in laboratory reports.
 - PFAS
 - PFAS is listed as an analyte for various sectors; please define the acronym and clarify which PFAS compounds are required to be analyzed. Method 1633 may yield up to 40 distinct compounds.
 - Please clarify if the 2 nanograms per liter (ng/L) quantitation limit is applicable to a total PFAS result or to distinct compound results (e.g., PFOA).

If the limit is applicable to “total PFAS,” please define which specific analytes should be included in the sum.

- Please clarify if Permittees must report the sum of PFAS compounds detected (including provisions for non-detects in totals) or if each individual PFAS compound will be reported on DMRs.
- Prior to implementing corrective action requirements subsequent to PFAS sampling, SPU requests that Ecology provide ample opportunities to learn more about the PFAS monitoring data, future water quality standards, and impacts on Permittees, ahead of any potential permit modification.

SPU suggests implementing the PFAS monitoring requirements with a phased approach and reduced sampling frequency for the following reasons:

- Samples may be difficult for site operators to collect due to stringent sample collection requirements which may require Permittees to hire consultants to collect these samples; the options for this may be delayed due to procurement processes and high demand. There is a need for technical Ecology-approved support documents or standard operating procedures to support operators who do not currently have experience following the strict protocols required for PFAS stormwater sampling.
 - As noted above, very limited laboratories are available to analyze PFAS samples.
 - Due to the scarcity of laboratories, it may be necessary to ship samples out of state which may cause sample preservation and data quality issues.
 - Laboratory analysis presents a financial burden on Permittees and ratepayers.
 - Overwhelmed laboratories may require extended turnaround times that may prevent timely reporting on DMRs.
- *S5.D: Conditionally Authorized Non-Stormwater Discharges* - Please consider placing the conditionally-authorized non-stormwater discharge section as a SWPPP evaluation section (in S3), rather than after sampling requirements (in S5). The conditionally-authorized non-stormwater discharge evaluation requires permittees to identify the source and discharge location, characterize the discharge, and implement BMPs to reduce or eliminate the discharge or to control pollutants or flow volumes. This may better fit within the evaluation of the facility’s operations in the SWPPP (facility assessment section, or similar).
 - *S6, Table 6, sampling requirements and effluent limits applicable to discharges to impaired waterbodies*: This table requires Permittees to sample and analyze for fecal coliform, E. coli, and enterococci. WAC 173-201A-200, table 200(2)(b), indicates that the use of fecal coliform to determine compliance with bacteria criteria in primary contact recreation freshwater expired December 31, 2020. Please remove fecal coliform from the bacteria analyte list due to its irrelevance.

- *S6.e.ii, Storm Drain Solids monitoring:* Please provide the updated due date for solids and sampling and analysis waiver (currently listed as May 15, 2021).
- *S8.C and D, Level Two and Three Corrective Actions:* Per Ecology guidance, Level 2 and Level 3 corrective action provisions, by default, require Permittees to perform corrective actions for the entire facility even if benchmark exceedances were in separate drainage basins at separate discharge locations over the course of several quarters. Guidance from Ecology has indicated that Permittees may request a waiver for implementing Level 2 or Level 3 corrective actions if they are not necessary to correct an issue, such as at a discharge point that only had one annual exceedance; Ecology may grant this waiver if the technical basis provides sufficient justification to waive treatment. Please provide clarifying language in Section 8 regarding applicability to the entirety of a site rather than at discrete discharge locations if this interpretation is correct.