



June 24, 2024

Washington State Department of Ecology
Attn: Lucienne Banning
PO Box 47696
Olympia, WA 98504-7696

RE: 2025 Draft Industrial Stormwater General Permit Comments

Dear Ms. Banning,

I write to share our comments on the 2025 Draft Industrial Stormwater General Permit (ISGP), which is currently open for public comment from May 15, 2024, until July 15, 2024. The Port of Everett is one of several public seaport facilities within the Puget Sound, playing a vital role in both environmental stewardship and economic development in our region.

The Port of Everett is a leader in seaport sustainability efforts, having completed several projects in recent years to enhance and protect the waters of the Puget Sound and surrounding environments. These projects include the opening of Norton Terminal, a new cargo handling facility that provides enhanced stormwater treatment to 40 acres of the site's drainage, the installation of stormwater treatment at the Port's modernized South Terminal Wharf, and various other environmental initiatives ranging from habitat restoration to the implementation of a comprehensive climate strategy.

We greatly value the opportunity to collaborate with the Department of Ecology and express our support, as well as our concerns, regarding various aspects of this draft permit. Additionally, we extend our gratitude for the Department of Ecology's willingness to engage with the Washington Public Ports Association (WPPA) in a discussion regarding these proposed changes. We recognize the ISGP as an essential tool for protecting water quality in our state and look forward to working together to ensure its effective implementation.

This being said, below you will find several sections of the draft permit, referenced by permit section, and a justification for why the Port is in agreement, or opposed, to the proposed revisions.

SUPPORT: [S4.B.2.e] Sampling Point Waiver Request Process:

The Port supports the proposed sampling point waiver request process introduced by Ecology. This process has been absent in past iterations of the permit and is particularly crucial for the Port, where sampling is a union duty. In situations where safety issues are raised, there is often little recourse. This is especially critical for sampling on overwater structures such as piers and wharfs, where fall hazards are a significant concern. The Port anticipates that Ecology will exercise good and reasonable judgment in

evaluating safety claims as they arise. We strongly support retaining this language in the final version of the permit.

SUPPORT: [S8.D.3.b] Engineering Report Deadline:

The Port supports the proposed revision to the deliverable date for Engineering Reports triggered by a Level Three Corrective Action. The current deadline of May 15th often proves insufficient, failing to provide adequate time to contract a professional engineer, especially following public procurement processes, and to perform thorough investigative work and alternative analysis. We strongly recommend Ecology retain this language in the final version of the permit.

SUPPORT: [S8.D.5] Level Three Corrective Action Deadline

The Port supports the extension for implementing Level 3 Corrective Actions. Similar to the situation with Engineering Reports, the current deadline for Level 3 Corrective Actions often does not provide sufficient time to contract a qualified design engineer, produce bid documents, put a contract out to bid, obtain permits, and construct engineered stormwater treatment. We strongly recommend that Ecology retain this language in the final version of the permit and appreciate their awareness of this issue.

CONCERN: [S3.B.4.b.i.5] Employee Training

Regarding the additional training requirements introduced in the Employee Training BMPs, the Port is extremely concerned about the feasibility of implementing such a requirements. Seaports, which function as large and complex logistical hubs, have minimal to no control over many of the contractors and vendors that serve this industry, either directly or indirectly through on-site leasing tenants.

The Port of Everett and the Department of Ecology share a similar vision for the waters of our state, and we look forward to continued partnership opportunities. Whether through ongoing dialogue, grant funding initiatives, or joint projects aimed at enhancing and protecting water quality, we are committed to working together to achieve our shared goals. By fostering a cooperative relationship, we can ensure that our efforts are aligned and mutually beneficial, ultimately leading to the betterment of our state's waterways and the communities that depend on them.

Sincerely,



Jacob Kirschner
Environmental Project Manager