

TO:

Lucienne Banning  
WA State Department of Ecology, via upload  
PO Box 47696  
Olympia, WA 98504-7696

FROM:

Troy Lautenbach  
Lautenbach Recycling  
13084 Ball Road  
Mount Vernon, WA 98273  
troy@Lautenbachrecycling.com

RE: Comments on specific sections of the Proposed Industrial Stormwater General Permit Renewal for 2025. Outline follows Redline ISGP\_2024\_PermitRedline.pdf that was provided by Ecology

Comments below are segmented by issues below:

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Summary of Required Onsite Documents Pg 6 of 89.

Comment:

A list of documents required to be onsite is provided.

Question:

Do the documents need to be in printed format?

Additional Comment:

If printed documents are required, we propose only the SWPPP and signature pages and possibly field inspections be required in paper form unless uploaded. Much of the information listed is already stored electronically through PARIS electronic file center. All other documentation should be able to be exclusively maintained electronically. By taking advantage of technology we can save resources.

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F 3. pg. 14 of 89, Regarding application for Conditional "No Exposure" Exemption. To apply for an exemption, an electronic application must be submitted to Ecology's Water Quality Permitting Portal7.

Ecology is proposing to remove the 90day response time in the proposed permit.

Comment:

With no time line to respond, an applicant will not have certainty if permit documents and permit requirements are applicable causing applicant to follow permit guidance (SWPPP development, testing, etc.) even if not technically required to do so.

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S3 B4 I, Pg. 22 or 89, Operational Source Control BMP.

Ecology's Proposed Language Change:

d) Keep all dumpsters under cover or fit with a storm resistant lid that must remain closed when not in use. (Poly tTarps are not considered storm resistant.) Lid must prevent litter from blowing out of the dumpster and prevent stormwater generating or releasing leachate.

Comment:

Request the addition of additional language underlined in RED to clarify where the industry mandated BMP is required and allows for flexibility where BMP is chosen due to site-specific or use reasoning.

d) Keep all **dumpsters** that contain more than a de minimis amount of garbage, semisolid or liquid waste under cover or fit with a storm resistant lid that must remain closed when not in use. (Poly tTarps are not considered storm resistant.) Lid must prevent litter from blowing out of the dumpster and prevent stormwater generating or releasing leachate.

Reasoning:

Without the additional language (in red), the CDL&C (Construction, Demolition, Landclearing and Composting) sector of the recycling industry, along with other industries, would be immediately out of compliance with the Permit.

Open-top boxes have long been this sector of the recycling industry standard for the collection of CDL&C for diversion from landfills along with similar boxes used for metal collection and occasionally used for short-term collection and transportation of other commodities and some waste material. Without specific accounting, Ecology's language could put hundreds of open-top box users out of permit compliance immediately with collectively thousands of boxes that are estimated to be in use across the State for hauling materials considered generally inert or of minimal environmental consequence.

The universe of CDL materials includes a vast majority of items that have been exposed to the elements for years; roofing, concrete, asphalt, dirt, wood, brush and metal objects such as water and sewer pipes, bathtubs, sinks, fencing, nails and plastic items or items covered in plastic like wiring that are not subject to quick decay while in transit.

The Composting industry relies on open-top for the same reasoning and same justification (food waste is collected as a garbage type material).

The overall Permit parameters require “reasonable” steps be taken to assure water quality. To our knowledge, industry is unaware of any evidence to support the generalized requirement across open-top box use, and to the contrary, our experience and knowledge through testing has confirmed open-top box use does not negatively impact water quality at facilities that employ other BMPs to mitigate any impact.

Open-top boxes are an industry standard for many reasons and some that are beneficial to the environment. From a use perspective, they allow unhindered loading from the top or rear of the box. The open-top allows for mechanical compaction and increased load height, greatly improving efficiencies through increased payload while reducing transportation impacts and keeping recycling costs competitive with disposal rates.

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S3 B4, Pg. 23 or 89, Operational Source Control BMP

Proposed Ecology Language:

4a ) Spill Prevention and Emergency Cleanup Plan (SPECP):

a) Store all hazardous substances, petroleum/oil liquids, and other chemical solid or liquid materials that have potential to contaminate stormwater on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater, or use double-walled tanks. [Stormwater conveyance systems cannot be used as part of the secondary containment calculation.](#)

Comment:

The current language should not be revised to reflect a theoretical “potential” for all situations, but rather should reflect a true threat of environmental damage a chemical release from a specific container, at a specific location, can have considering BMPs in place for that location.

The Current language is being interpreted to require all chemicals, whether within an enclosed structure or under cover to have secondary containment if there is a potential pathway (doorway) to exit the structure in any quantity. This is not “reasonable” or necessary and can create an employee safety threat while manipulating totes or containers trying to achieve secondary containment.

Consultation with many long-time industry representatives (and enforcement officers) on the subject has not produced any conformation that a large plastic tote (250gal+/-) or a small (5gal or less) have actually released (while in storage under cover on impervious floor, not being handled) causing a release to the environment. Additionally, containers that are used daily will not allow leaks/drips to go unnoticed.

A lot of effort and risk is being taken to achieve the mandated BMP. Strap lifting totes over containment walls or while elevating over containment is a hazard that should be avoided

unless acutely necessary. Loading small containers or co-mingling products in tubs create avoidable risk. Given that all permitted facilities have spill response plans and many have heavy equipment to respond as necessary, this requirement should be discretionary based upon site specific conditions, use and needs, distance from stormwater conveyance systems, established BMPs and the chemical itself.

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S3 B4, Pg. 25 of 89, Spill Prevention and Emergency Cleanup Plan (SPECP)

Ecology Proposed Language:

4 h) Use drip pans below leaking vehicles (including inoperative vehicles and equipment) in a manner that catches leaks or spills. Drip pans must be managed to prevent overfilling and the contents disposed of properly drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible. Drain fluids from equipment and vehicles prior to on-site storage or disposal if feasible.

Comment:

Consider revising language as proposed in red underline:

Use drip pans below leaking vehicles (including inoperative vehicles and equipment) in a manner that catches leaks or spills that have a reasonable potential to be released to waters of the State. Drip pans must be managed to prevent overfilling and the contents disposed of properly drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible. Drain fluids from equipment and vehicles prior to on-site storage or disposal if feasible

Additional Comment:

The current language is being interpreted to claim that any drip or stain is a violation of the permit regardless of size or if other BMPs are in place to control and contain such a release and, even though outfall testing confirms BMPs are functional. This is not “reasonable” and does not add value to protecting the waters of the State.

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S3 B4 I, Pg. 25 of 89 Spill Prevention and Emergency Cleanup Plan (SPECP)

Ecology’s Proposed Language:

i) Maintain a spill log that includes the following information for chemical and petroleum spills: date, time, amount, location, and reason for spill; date/time cleanup completed, notifications

made and staff involved. Any Liquid chemical release onsite regardless of size or flowability is considered a spill and must be logged and addressed.

Comment:

Mandating every drip be logged and addressed is not “reasonable” with respect to best available and reasonable control technology. Logging a drip is not a control technology. It is a very time consuming and unproductive activity with respect to protection of stormwater leaving the site. Responding to drips and spills as-needed and logging the response on a incident and site-specific basis is reasonable, taking into account potential for negative impact on water leaving the site.

Many facilities have 50 to far in excess of a 100trips per day without control over who drives through the yard or what they are driving. Logging drips and identifying where the drips occurred in a yard, from their vehicles, would be unreasonable and impossible. Drips are why other BMPs are employed, and stormwater inspection and testing validates the BMPs employed.

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S3 B5, Pg. 25 of 89, Employee Training

5) Employee Training: The SWPPP shall include BMPs to provide SWPPP training for all employees and contractors/vendors who have duties in areas of industrial activities subject to this permit.

d) A log of the dates on which specific employees received training. This log must be kept with the SWPPP and made available upon request.

Comment:

Similar to comments to Summary of Required Onsite Documents Pg. 6 of 89 above, training logs should be able to be kept electronically for accuracy, organization, and for preservation of resources, (paper and storage space).

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END