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Sheri Call
Washington Trucking Associations
President & CEO



July 15, 2024

Via Online Comment Portal

Lucienne Banning
State of Washington Department of Ecology
P.O. Box 47696
Olympia, WA 98504-7696

Re: Comments on Draft Industrial Stormwater General Permit

Dear Ms. Banning:

The Washington Trucking Associations appreciates the opportunity to provide the enclosed comments on the draft Industrial Stormwater General Permit.

WTA member companies range in size from small, single truck operators to Fortune 500 companies, as well as the businesses that provide them with products and services. The trucking industry in Washington takes immense pride in our role as a safe and service-oriented sector, dedicated to serving our customers, our communities, and the nation's robust supply chain.

In Washington, where 80% of communities rely solely on trucks for their goods, the significance of our industry cannot be overstated. Trucks shoulder the responsibility of transporting approximately 70% of the freight that traverses our highways.

We appreciate your consideration of these comments and urge Ecology to carefully weigh the environmental benefits from expanding coverage in the transportation sector and adding new compliance requirements to the Industrial Stormwater General Permit.

Sincerely,

Sheri Call
President & CEO

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S1.A.1 Permit Coverage	<p>This statewide permit applies to facilities conducting industrial activities that discharge stormwater to a surface waterbody or to a storm sewer system that drains to a surface waterbody.</p> <p>The term "indirectly discharge" is included in the 2020 ISGP but only in reference to discharges "through a stormwater drainage system" to an impaired water or Puget Sound Sediment Cleanup site.</p>	<p>This statewide permit applies to facilities conducting industrial activities that <u>directly or indirectly</u> discharge stormwater to a <u>surface water of the state, water which includes but is not limited to roadside ditches and storm sewer systems.</u></p>	<p>The change in this condition could vastly expand coverage since the definition of surface waters of the state is all encompassing. It includes any internal ditches, surface water runoff conveyance and containment facilities, infiltration structures, and treatment, evaporation ponds. Coverage should be limited to facilities that discharge off site to a surface waterbody.</p> <p>Ecology is not authorized under law to treat discharges to internal stormwater collection and conveyance structures including ditches as water of the state for the purposes of compliance with benchmarks or effluent limitations.</p> <p>We recommend that Ecology retain the existing permit language.</p>

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<p>S1.A.2 and 3 Industrial Activities - Definition</p>	<p>Industrial Activity means (1) the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14)(i-xi) that must apply for either coverage under this permit or no exposure certification, (2) any facility conducting any activities described in Table 1, and (3) the activities occurring at any facility identified by Ecology as a significant contributor of pollutants. Table 1 lists the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14)(i-xi) in a different format.</p>	<p>Industrial Activity mean industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by a facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this definition, material</p>	<p>Ecology has modified the definition of Industrial Activity by replacing the list of 11 industrial categories by SIC code found in 40 CFR 122.26(b)(14)(I - xi) with the prior text description found in 40 CFR 122.26(b)(14). The list of Industrial Activities by NAICS Groups in Table 1 (S1.A) does remain the same as in the 2020 ISGP except for coverage to all transportation facilities not just transportation facilities that have vehicle maintenance activities. Ecology states in the Fact Sheet that this expansion is based on state authority under Chapter 90.48 RCW to revise the definition of Industrial Activity as adapted from the EPA definition but excluding the language that excluded portions of Transportation facilities (if they weren't involved with vehicle maintenance, equipment cleaning operations, airport deicing operations). Ecology states that this revised definition will have the intended effect of clarifying that material handling and storage activity at a transportation facility results in the discharge of solid or waste material to waters of the state and requires ISGP coverage, based on state authority, RCW 90.48.160</p> <p>Ecology has not adequately disclosed the basis for what appears to a vast expansion of coverage under the ISGP. The Fact Sheet is devoid of any information or data that justifies expanding coverage to transportation facilities that do not have activities associated with vehicle maintenance, equipment cleaning, and airport deicing. Ecology should make clear that the expanded coverage is a state-only requirement and not a Clean Water Act, NPDES permit determination.</p> <p>Ecology should also provide a compliance period for facilities that are going to be covered for the first time on this determination under RCW 98.48.160. It is unreasonable to</p>

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		<p>handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on a site separate from the facility's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above-described areas</p>	<p>expect new facilities to be in compliance with the permit on its effective date.</p> <p>It is also unclear how Ecology will manage a large increase in the number of facilities covered under the permit. This will impact how Ecology conducts inspections, reviews reporting, Level 3 corrective actions, applications for coverage, SEPA review for new applications for coverage, notice of termination, and applications for conditional non-exposure status.</p> <p>We recommend retaining the existing permit terms for Table 1 and the definition of <i>industrial activity</i>.</p> <p>The new permit terms appear to be a response to rulings in federal court and the Pollution Control Hearings Board regarding the extent of coverage for transportation facilities under existing permit language. Ecology has prevailed in both matters obviating any need to adopt new terms that will substantially increase the number of facilities covered under the permit.</p>

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<p>S1.E.1 and new 3 Discharges to Ground</p>	<p>1. For sites with a discharge point to groundwater the terms and conditions of this permit shall apply. However, permittees are not required to sample on-site discharges to ground (e.g., infiltration), unless specifically required by Ecology (Condition G12)</p>	<p><u>The terms and conditions of this permit apply to sites with a discharge point to groundwater. For sites with a discharge point to groundwater the terms and conditions of this permit shall apply</u> However, permittees are not required to sample on-site discharges to ground (e.g., infiltration), unless 1) the facility is subject to PFAS sampling per condition S5.B, 2) is specifically required by Ecology (Condition G12), or 3) discharge point to groundwater is deemed by Ecology to constitute a functional equivalent to a point source discharge to surface waters. in accordance with County of Maui v Hawaii Wildlife Fund, 140 S. Ct. 1462 (2020) (Maui)</p> <p>3. Facilities discharging to ground (e.b., infiltration, Class V UIC wells, etc.) must have all treatment/infiltration</p>	<p>Ecology should clarify that no facility is covered under Special Condition S1.E.1 until Ecology has made a determination subject to administrative review that a discharge constitutes a functional equivalent to a point source discharge to surface water.</p> <p>Ecology should also clarify that BMPs required under Special Condition S1.E.3 are based on the 2019 stormwater manuals or extend the comment period on this permit for sixty days to address the final 2024 manuals. Ecology has not allowed sufficient time to review and comment on the 2024 manuals as incorporated into the draft permit.</p>

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		<p><u>BMPs designed, installed and maintained in accordance with Special Condition S3.A.2</u></p>	
S1.F.3.a Conditional Nonexposure	Same	The draft ISGP removes the automatic approval of a conditional no exposure status and instead requires Ecology approval for CNE is approved.	<p>The existing permit already provides a 90-day period for Ecology to review a CNE determination. There is no evidence that the existing permit has resulted in improper application of the CNE status to any facility. Under that language, Ecology can still conduct an inspection and require coverage at any time. The additional language will only serve to effectively preclude CNE status for many facilities.</p> <p>We recommend that Ecology not include the additional language in the final permit.</p>
S3.A.2.a, b, c Applicable stormwater management manuals	Previous Permit cited the 2019 Stormwater Management Manuals	Draft permit cites the 2024 stormwater management manuals	Ecology cannot lawfully adopt by reference versions of the stormwater management manuals that have not been finalized prior to the date the draft permit was submitted for comment. Special Condition S3 requires compliance with the to be adopted 2024 manuals. We cannot provide meaningful or substantive comments on the draft NPDES without the opportunity to comment on any revisions to the 2024 manuals

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			issued one week before the close of the comment period on the draft permit. We recommend that Ecology rely on the existing 2019 manuals or extend the comment period for at least 60-days.
S3.A.3 c. Updates to SWPPP	The 2020 ISGP provided only 30 days to update the SWPPP to meet the 2020 ISGP requirements (updated due by January 30, 2020)	Draft permit provided 2 months to update the SWPPP to meet 2025 ISGP permit requirements: c. If a Permittee covered under the 2020 ISGP needs to update their SWPPP to be consistent with the <u>2025 ISGP, the update shall be completed and implemented on or before March 1, 2025</u>	The term "implemented" is not in the 2020 ISGP. Depending upon any necessary changes it may not be possible to have these "implemented" by March 1, 2025. For example, if a site must update a BMP, it may not be feasible to have a new BMP installed by March 1, 2025. Even if this condition is only referring to updating maps, Ecology should allow up to 90 days, April 1, 2025, to have the new required changes incorporated and new site maps created. There also needs to be a longer compliance period for facilities that will be covered for the first under the expanded coverage for transportation facilities. It is unrealistic to think that newly covered facilities will be able to adopt and implement a new SWPPP by March 1 st .
S3.B.4.i.2.d dumpster requirements and new definition for "Dumpster"	d) Keep all dumpsters under cover or fit with a storm resistant lid that must remain closed when not in use. (Tarps are not considered storm resistant.)	d) Keep all dumpsters under cover or fit with a storm resistant lid that must remain closed when not in use. (<u>Poly</u> tarps are not considered storm resistant.) <u>Lid must prevent litter from blowing out of the dumpster and prevent stormwater</u>	If a dumpster does not contain materials that have the potential to contribute pollutants to stormwater (e.g., all materials in the dumpster are inert or otherwise do not contain pollutants), the permittee should not be required to cover that dumpster. The permittee should be able to document information on the contents of these dumpsters in the SWPPP. Covering such a dumpster should only be required if the contents of the dumpster changes, and the materials in the dumpster have the potential to contribute pollutants to stormwater.

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		<p><u>generating or releasing leachate.</u></p> <p><u>New Definition”</u> Dumpster means a solid waste or recyclable material container that meets the requirements for reusable containers or detachable containers under WAC 173-350-300 QUESTION: Does the extent of the proposed changes in the Draft 2025 ISGP require application of "Significant Legislative Rule"?</p>	
<p>S3.B.4.i.4 Spill Prevention and Emergency Cleanup Plan (SPECP) -</p>	<p>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.</p>	<p>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. <u>Any liquid chemical release onsite regardless of size or flowability is considered a spill and must be logged and addressed</u></p>	<p>The proposed change to this condition is excessive and is not supported by any information in the Fact Sheet. Mechanical equipment is susceptible to minor drips. It is unrealistic and provides no environmental benefit to log and respond to each drip as a spill that must be logged and addressed. These events are adequately managed under SWPPP requirements, maintaining BMPs, inspections, and corrective actions. It is excessive and infeasible for a facility to maintain “drip” logs.</p> <p>We recommend that Ecology retain the current permit language and clarify that the condition not include minor drips and releases of material that are addressed in the SWMPP and facility BMPs.</p>

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S3.B.4.i.4.a Spill containment	Same	Added language: “Stormwater conveyance systems cannot be used as part of the secondary containment calculation.”	<p>The Fact Sheet does not provide any information or details on the proposed changes to this section. (See page 45 of Fact sheet for only reference to Spill Prevention and Emergency Cleanup Plan).</p> <p>EPA SPCC regulations as well as Ecology spill prevention for facilities requirements, do not include any references to use or prevention of use of stormwater conveyance systems as part of secondary containment calculations. This proposed change appears to be not relevant to this section of the permit. This section is specific to the storage of substances and materials stored in tanks as well as BMPs and containment requirements for tanks, transmission pipeline transfers and transfer pipelines. Equipment storage is regulated under permit condition g) and there are no proposed changes in that condition.</p> <p>The proposed change only results in confusion and potential misapplication/interpretation.</p> <p>We recommend that this change be removed from the permit.</p>
S3.B.4.i.5 Employee Training	5) The SWPPP shall include BMPs to provide SWPPP training for employees who have duties in areas of industrial activities subject to this permit.	5) The SWPPP shall include BMPs to provide SWPPP training for <u>all</u> employees <u>and</u> <u>contractors/vendors</u> who have duties in areas of industrial activities subject to this permit. <u>(Contractors/vendors may be excluded if the permittee has an</u>	<p>Providing training to all employees, contractors/vendors is unclear, impractical, and infeasible.</p> <p>Many contractors work on onsite intermittently with variable staff. Permittees reasonably rely on a dedicated stormwater team and training for employees working within areas covered under the permit to ensure compliance with the ISGP. It is unreasonable to require training for every contractor that may come on site. It is likewise unreasonable to require training for all employees where there are no job duties that implicate compliance with the ISGP and facility SWPPP.</p>

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		<p><u>employee who has been trained on the SWPPP supervising the activity at all times)</u></p>	<p>It is also unreasonable for all contractors and vendors to be trained across all facilities they visit. Consider a waste vendor that visits many locations each day and a permittee who has a different driver onsite each week. There is no reasonable method to track and verify each driver has had training.</p> <p>At a minimum training for contractors and vendors should be limited to those who have duties in areas and have the potential to impact stormwater quality. The term “Supervision of the activity” needs definition if this permit change is applied.</p>
S3.B.4.i.5.c Frequency of training	c) The frequency/schedule of training. The Permittee shall train employees annually, at a minimum.	c) The frequency/schedule of training. The Permittee shall train <u>all</u> employees annually, at a minimum. <u>All employees must be trained within 30 days of hire regardless of full, part, or seasonal time</u>	<p>Due to the volume of training and number of new hires, it is infeasible to have new training complete within 30 days of hire. Also "date of hire" is not the same as date on site to start work.</p> <p>We recommend that the additional language be removed from the final permit. In the alternative, please provide a 90-day period after an employee is on site to start work to complete training</p>
S3.B.4.b.i.5.d Training Logs	Same	The following language is added to the requirement to maintain a log for employee training: “This log must be kept with the SWPPP and made available upon request.”	<p>The proposed language is anachronistic and does not reflect long-standing practices for maintaining training logs. Most facilities maintain training logs electronically so they cannot be “kept with the SWPPP.” Many facilities also track SWPPP training with other employee training in electronic databases. To our knowledge Ecology inspectors have never had problem receiving and viewing training records in these formats. There is no justification or rationale for the additional and confusing language.</p> <p>We recommend that it not be included in the final permit.</p>

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S4.B.2.a Sampling Locations	a. The Permittee shall designate sampling Location(s) at the point(s) where it discharges stormwater associated with industrial activity off-site	a. The Permittee shall designate sampling Location(s) at the point(s) where it discharges stormwater associated with industrial activity off-site, <u>or to an on-site receiving surface waterbody of the State (e.g., a stream flowing through a site, etc).</u>	<p>The proposed change is unclear. For example, if a stream does flow through a facility, does this imply that there is a requirement to sample the discharge to the stream or where the stream exits the property? What if there is a lake or pond that doesn't flow off the property, but infiltrates? The next condition in the permit under this section (b.) states that on-site dischargers to ground are not required to be sampled (with some exceptions). So why is a sample point location required?</p> <p>Please provide clarification on the surface water "interior to a site" that are required to be sampled - such as a pond, lake, swale, raingarden, etc. that does not have surface flow off the property</p>
S4.B.2.c and e Sampling Locations	c. Ecology may require sampling points located in areas where unsafe conditions prevent regular sampling be moved to areas where regular sampling can occur.	<p>c. Ecology may require sampling points located in areas where unsafe conditions prevent regular sampling be moved <u>or add sampling structures</u> to areas where regular sampling can occur <u>through an administrative order or permit modification (Condition G12).</u></p> <p>-----</p> <p><u>e. Sampling Point Waiver Request Process</u> <u>i. If a permittee believes that the sampling location requirements of this</u></p>	<p>If the technical basis for the sampling point waiver request is based upon safety concerns, Ecology to provide an automatic conditional approval for suspension of sampling during the approval process.</p>

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		<p><u>section are not feasible, Ecology may authorize case-by-case waivers from and/or adjustments to sampling locations by approving a Modification of Permit Coverage.</u></p>	
<p>S5.B. Table 3 Section 4 Air Transportation</p>	<p>2020 ISGP has a footnote on 4. Air Transportation (481xxx). Footnote C: For airports where a single Permittee, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average basis, monitor these additional five parameters in those discharge points that collect runoff from areas where deicing activities occur. The 5 parameters are: Total Ammonia, BOD, COD, Nitrate+Nitrite</p>	<p><u>For Air Transportation^c (481xxx), Ecology has added the requirement to sample quarterly for PFAS (units ng/L) as a report only, using EPA Test Method 1633, lab quant level of 2.0 ng/L</u></p>	<p>Fact Sheet, starting on page 31, states that the rationale for adding PFAS monitoring is EPA's final rule to establish MCLS for 6 PFAS. Ecology states that "all groundwater in WA has a designated use of drinking water" - HOWEVER, WAC 173-200-040 (d) states: The use of criteria based on drinking water quality shall in no way be interpreted to mean that all groundwaters are used for drinking water or that all groundwaters are presently suitable for drinking water.</p> <p>Ecology should acknowledge, notwithstanding WAC 173-200-040(d), that it cannot amend the state groundwater quality standards without complying with the significant legislative rulemaking requirements of the state Administrative Procedures Act.</p> <p>The statement in the Fact Sheet that since EPA finalized MCLS for 6 PFAS, WA Groundwater standards are automatically amended is legally incorrect.</p> <p>The stated purpose for PFAS monitoring - per Fact Sheet page 32, is to allow Ecology to characterize PFAS in stormwater from identified sectors, assess the effectiveness of BMPs and other permit requirements to reduce PFAS and help identify certain discharges and/or sites for further investigation and/or corrective actions.</p>

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	Nitrogen, as N and Petroleum Hydrocarbons, diesel fraction		<p>It is premature to impose these requirements in advance of actual surface water quality standards for PFAS and the development of BMPs or corrective actions to manage PFAS.</p> <p>Monitoring for PFAS is expensive and requires specialized collection techniques. It is not appropriate for routine ISGP monitoring and is not likely to result in any actionable data. We are also concerned that using test method 1633 results in data for 40 congeners. There are currently NO EPA approved aquatic life or human health water quality standards for any PFAS related chemicals. EPA's drinking water rule specified MCLs for 6 PFAS analytes.</p> <p>We recommend that Ecology delete requirements for PFAS monitoring in the permit pending more information on the applicable water quality standards, monitoring feasibility, and appropriate BMPS to address PFAS.</p>
S5.B.3 Additional Sampling Requirements for Specific Industrial Groups	N/A	<p><u>New Requirement: 3. For the Transportation Facilities listed in Table 3, Section 1, the sampling requirements for 6PPD-quinone go into effect on January 1, 2028. These requirements do not apply to any facilities that meet the definition of a "small business"</u></p>	<p>This requirement, even though it does not apply until Jan 1, 2028, is premature due to lack of any water quality standards, EPA approved test method(s). Also see Review on S5.B table 3</p> <p>The Fact Sheet, starting on page 29, provides Ecology's basis for adding 6PPD-q monitoring only to select list of permittees based upon NAICS codes. The Fact Sheet references a 2022 Report on the Summary of Current Knowledge and Understanding of 6PPD and 6PPD-quinone. The report highlights the significant data gaps, at the time in BMP performance.</p> <p>On June 10, 2024, EPA published a 6PPD-q screening level of 11 ng/L. In that report, EPA details important points as to why EPA cannot develop water quality standards at this time for 6PPD-q.</p>

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			<p>Ecology also states that the purpose for monitoring only from selected sectors is to assess the effectiveness of BMPs and other permit requirements to reduce 6PPD-q and may also help identify certain discharges and sites for further investigation and corrective actions.</p> <p>This goal is premature as the permit does not specify any BMPS or other requirements for the management of 6PPD-q.</p> <p>The Washington Stormwater Action Group is conducting various pilot studies for municipalities. Ecology should defer monitoring for 6-PPD-q until this work is completed.</p>
S5.B Table 3	N/A	<p><u>Ecology has added the requirement to sample quarterly starting Jan 1, 2028 for 6PPD-q (Lab Quantitation Level: 2.0 ng/L) as a report only, using EPA Draft Method 1634, MEL730136 V 1.2 or other equivalent method for the following sectors:</u></p> <ul style="list-style-type: none"> * 482XXX, 488210 - <u>Transportation Facilities, Railroad Transportation</u> * 485xxx, 488490, 487110 - <u>Transit and Ground Passenger Transportation</u> * 491xxx - <u>Postal Service</u> * 483xxx, 487210, 4883xx, 532411 - <u>Water Transportation</u> * 481xxx, 487990 - <u>Air</u> 	<p>There is currently no approved test method for 6PPD-q, nor are there any water quality standards. A monitoring requirement using one of two or perhaps three different test methods is not reasonably calculated to obtain data that could be used for any regulatory purpose.</p> <p>We recommend that monitoring for 6PPD-q be removed from the permit.</p>

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		<u>Transportation</u> * 4247xx - Petroleum Bulk stations and terminals * 493xxx, 531130 - <u>Warehousing and Storage Facilities</u>	
Summary of Permit Reports Table, S8.D	Level 3 Engineering Report Due Date: May 15th, prior to Level 3 deadline - This table was not updated after the appeal and is in conflict with Section S8.D due dates agreed to in appeal decision	Draft permit did not update the table. It conflicts with S8.D due dates	<p>Summary Table due date to be changed to meet current (unchanged in 2025 draft) due dates specified in Section S8.D.3.b: The engineering report shall be submitted no later than no later than 6 months after the last day of the calendar year in which the Level 3 was triggered, i.e., due June 30th; unless an alternate due date is specified in an administrative order.</p> <p>We recommend that Ecology update the table to be consistent with the corrective action deadlines in the draft permit.</p>

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Summary of Permit Reports Table, S11	Gross Revenue Form not required in 2020 ISGP	Summary Table includes new requirement to annually submit a Gross Revenue Form. Section S11 requires the form by May 15th, summary table has March 15th	The Table S11 needs to be corrected to reflect the deadline of May 15 to submit a Gross Revenue Form
S8.C Corrective Actions Level Two	<p>If needed, see Level 2 actions required in 2020 ISGP.</p> <p>Condition 4a. And 4b. Level 2 Deadline, no proposed changes for 2025.</p> <p>Condition 4.c To request a time extension or waiver, a Permittee shall submit a detailed explanation ... by May 15th prior to Level 2 Deadline. Ecology will approve or deny the request within 60 days of receipt of a complete</p>	<p>No proposed changes to Level 2 actions or deadline.</p> <p>Ecology proposed the following specific to time extension or waiver request:</p> <p>Condition 4.c To request a time extension or waiver, a Permittee shall submit a detailed explanation ... by May 15th prior to Level 2 Deadline. Ecology will approve or deny the request within 60 days of receipt of a complete Modification of Permit Coverage request and notify the Permittee in writing</p>	<p>The deadline for requesting a waiver of a Level 2 corrective action is proposed to be moved to the deadline for implementing a Level 2 corrective action. The draft permit also proposes to remove the requirement that Ecology respond to a waiver request within 60 days of submission.</p> <p>We recommend that the ISGP further provide an extension to implement a Level 2 corrective while a waiver request is pending.</p>

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	Modification of Permit Coverage request.		
S8.D.3.b Level Three Corrective Actions.	b. The engineering report shall be submitted no later than the May 15th prior to the Level 3 deadline, unless an alternate due date is specified in an order	b. <u>The engineering report shall be submitted no later than 6 months after the last day of the calendar year in which the Level 3 was triggered, i.e., due June 30th; unless an alternate due date is specified in an administrative order.</u> The engineering report shall be submitted no later than the May 15th prior to the Level 3 deadline, unless an alternate due date is specified in an order	We appreciate and support the more reasonable approach to the Level 3 corrective action deadlines.

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S8.5.5 and footnote 17 Level Three Corrective Actions	5. Level 3 Deadline: The Permittee shall sign/certify and fully implement the revised SWPPP according to Permit Condition S3 and the applicable Stormwater Mgt Manual as soon as possible, but no later than Sept 30th of the following year.	5. Level 3 Deadline: The Permittee shall sign/certify and fully implement the revised SWPPP according to Permit Condition S3 and the applicable Stormwater Mgt Manual as soon as possible, but no later than Sept 30th of the following year <u>provided, however, for corrective actions that require the submission of an engineering report to Ecology, treatment shall be installed and operational no later than Sept 30th of the second following year.</u> ¹⁷ <u>Footnote 17: For example, if a facility triggers a Level 3, based on copper benchmark exceedances during the 2nd, 3rd and 4th quarters of 2026, they 1) need to submit an engineering report to Ecology no later than 6/30/2027 and 2) need to complete installation of</u>	We appreciate and support the more reasonable approach to the Level 3 corrective action deadlines.

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		<u>the level 3 Treatment by 9/30/28</u>	
S8.D.c Level Three Corrective Actions	c. To request a time extension or waiver, the Permittee shall submit ... request ... to Ecology in accordance with Condition S2.B, by May 15th prior to the Level 3 Deadline. Ecology will approve or deny the request within 60 days of receipt of a complete Modification of Coverage request.	c. To request a time extension or waiver, the Permittee shall submit ... request ... to Ecology in accordance with Condition S2.B, by May 15th prior to the Level 3 Deadline. Ecology will approve or deny the request <u>within 60 days of receipt of a complete Modification of Coverage request and notify the permittee in writing.</u>	We appreciate and support the more reasonable approach to the Level 3 corrective action deadlines.
S8.D.5.e Level Three Corrective Actions	e. For the year following the calendar year the Permittee triggered a Level 3 corrective	e. <u>During the period of time after a facility triggers a Level 3 corrective action but prior to the corresponding Level 3</u>	We appreciate and support the more reasonable approach to the Level 3 corrective action deadlines.

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	action, benchmark exceedances (for the same parameter) do not count towards additional Level 2 or 3 Corrective Actions.	<u>corrective action implementation due date.</u> For the year following the calendar year the Permittee triggered a Level 2 corrective action, benchmark exceedances (for the same parameter) do not count towards additional Level 2 or 3 Corrective Actions.	
S9. F.1.c Reporting Permit Violations	c. Submit a detailed written report to Ecology within 5 days ... i. A description of the noncompliance, including exact dates and times.	c. Submit a detailed written report to Ecology within 5 days ... i. A description of the noncompliance and its cause , including exact dates and times.	It is not always feasible to be able to clearly identify the cause of noncompliance and its cause, if known, within 5 days. We recommend that the additional language be removed from the final permit.
Appendix 2 Definitions - Immediate Reporting	N/A	<u>Immediate reporting - Report permit violations immediately without delay of any interval of time from the moment the permittee becomes aware of the violation. Priority should first be given to stopping an active noncompliance.</u>	"Immediate" conflicts with 24 hour and 5-day notice requirement under the reporting requirement S9.F. Reporting Permit Violations (redline page 61) The Fact Sheet provides no explanation or basis for this new definition. We recommend that the additional definition be deleted

Washington Trucking Associations Comments on Draft Industrial Stormwater General Permit
July 15, 2024

Permit Section	2020 Permit	Draft Permit	Comment
Appendix 2 Definitions - Single Event Violation	N/A	<u>Single Event Violation - means violations that are documented during a compliance inspection, reported by the facility, or determined by other compliance monitoring methods by Ecology or another regulatory agency</u>	Ecology's redline version of the draft permit includes a new definition for "single event violation" but it is crossed out. However, the definition is included in the draft Fact Sheet. Since there is no reference to "Single Event Violation" in any of the permit conditions, the reference in the Fact Sheet should be deleted.
Appendix 4 and 5	Appendix 4 - List of Existing dischargers to impaired water bodies Appendix 5 - Dischargers Subject to TMDL Requirements	<u>Ecology is deleting both of these Appendices</u>	Ecology provides no explanation in Fact Sheet for deletion of these appendices. Without these, it appears Ecology will not be directly providing this information and leave it up to Permittees to determine if their facility discharges to a 303(d) listed waterbody or a waterbody with a TMDL It is critical that Ecology include in this list facilities that will be covered under the ISGP for the first time. Those facilities will need to be aware of 303(d) requirements as soon as possible with a reasonable compliance schedule for coming into compliance.