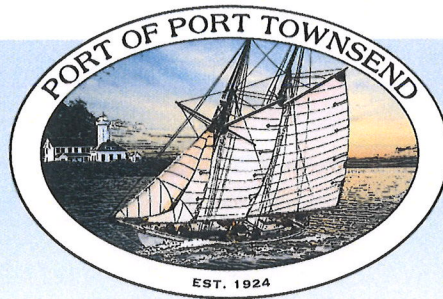


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July 15, 2024

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

Dear Lucienne,

Thank you for the opportunity to comment on the proposed updates to the Industrial Stormwater General Permit (2025). We strongly believe that economic and environmental health begins with the participation and collaboration of agencies and the public and appreciate the chance to express our concerns during this comment period.

Currently, there are 75 ports in Washington State employing approximately 200,000 people. Port-connected international trade is expected to continue to grow 4-5% over the next 20 years (Pacific Northwest Waterways Association, 2021). Improving the health of our state's waters is clearly a top priority for Washington ports; environmental sustainability means jobs for years to come. In Jefferson County, one out of five residents have maritime-related jobs, highlighting the economic importance of port facilities for our community. We recognize that economic vitality is intrinsically linked to our commitment to environmental stewardship, and we continue to demonstrate this through past and present projects, such as the rock nursery installation and eel grass plantings that occurred in conjunction with our Point Hudson Jetty project, and our Boat Haven boatyard stormwater upgrade that will use natural biofiltration processes to remove heavy metals. We understand the need to undertake regulatory changes in response to a changing environment. However, we question the feasibility of some of the proposed changes to the ISGP.

First, we are concerned with the expanded definition of "industrial activity". This change presents enormous challenges to ports. Currently the ISGP covers areas of activity that include maintenance activities, equipment cleaning operations, and airport deicing – all activities performed in designated areas that were developed for the regulatory control of stormwater. To expand this coverage to all industrial transportation activity areas will, in effect, require expanding the permitted area to "site-wide" coverage. This will require substantial changes to our SWPPP, as well as the implementation of new Best Management Practices, new requirements for tenants, training employees on new procedures, and designating and approving new sampling sites. For some ports, it could also mean large-scale engineering modifications to meet benchmarks in areas that were previously not regulated. To impose such extensive changes is to risk the economic viability of Washington ports.

Another concern is the proposed changes to sampling requirements, specifically testing for PFAS and 6PPD-quinone. As of January 31, 2024, the Environmental Protection Agency has not approved any methods under 40 CFR part 136 for testing for PFAS. Moreover, because testing for such parameters is

only one of those is located Washington State (EPA, 2023). As of 2022, a single lab was in the process of obtaining accreditation for 6PPD-q testing. The practical feasibility of finding a lab to conduct such testing is highly problematic. If required to sample and test for these parameters, even if they are *report only*, agencies like ours will be left scrambling to find an accredited lab. In sum, it is inappropriate to require testing for contaminants when no monitoring or testing standards have been established, and very few labs conduct such testing.

Moreover, the cost of PFAS and 6-PPD-quinone testing can run anywhere from \$400-700, which is a 500-1000% increase in cost from our normal \$73 per quarter of testing. While we understand that collecting data on these pollutants is vital for better understanding their impact on the environment, transportation facilities statewide should not be required to pay for these tests while they are in a preliminary, investigatory, stage.

The updated ISGP also states that Ecology will not only have the authority to require sites to sample for PFAS in groundwater discharge but will also have the authority to designate a discharge point to groundwater as a point source discharge, thereby establishing new sampling requirements at the site. The Port of Port Townsend's Jefferson County International Airport (JCIA) is a 303-acre, mostly vegetated property with significant infiltration throughout that is conveyed to bioswales. Per the current ISGP, we are required to sample where JCIA facilities discharge to surface waters, which is a single sampling point. We sample from this site because we are familiar with the topography, the discharge flow patterns, the property lines, and current infrastructure, and for these reasons can make an educated guess as to the most representative sample for the site. It should not be assumed that Ecology will have the same understanding of our facilities as we do, and therefore ports should be given reasonable discretion and authority to determine representative sampling locations, without onerous legal process requirements.

The proposed changes to the ISGP identified above present critical challenges to Washington Ports, including the Port of Port Townsend. Ports across the state are already doing innovative work in implementing successful stormwater management practices. However, without identifying specific goals and the environmental benefits that will be achieved by expanding the ISGP as proposed, measuring success will not be possible. Accordingly, as Ecology considers modifications to the ISGP, we strongly urge a holistic approach that ensures achievable and demonstrably beneficial environmental outcomes.

Thank you in advance for carefully considering the Port of Port Townsend's concerns, and for ensuring that the final permit balances environmental protection with maintaining the continued economic and fiscal viability of Washington's ports.

Sincerely,



Eric Toews
Deputy Director
Port of Port Townsend