

**2025 Draft Industrial Stormwater General Permit - Public Comment Submittal
United States Bakery**

Draft ISGP Section	Comment
S1.A, Table 1	<p>Transportation facilities which have vehicle maintenance, equipment cleaning, material handling/ storage, or airport deicing within listed associated NAICS groups are required to be covered under the ISGP in accordance with Table 1. The new definition of Industrial Activity in the draft ISGP includes material handling activities such as storage, loading/unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product. This addition of material handling and storage to the list of industrial activities required to be covered under the ISGP include activities that do not contribute contaminants to stormwater, is vague and over reaching. Many material handling/storage activities involve materials and processes that do not generate pollutants, are not industrial activities, or the activities are conducted in areas not exposed to stormwater. Ecology should continue to align this NAICS code with the federal definition for transportation facilities in 40 CFR 122.26 b.(14) (viii).</p>
S1.F.3.a	<p>Proposed edits state that Ecology will respond in writing to approve or deny CNE exemption requests. In the 2020 ISGP, a Permittee automatically received a No Exposure exemption 90 days after Ecology receives the CNE request. Removing this 90-day timeline causes hardship for Permittees expecting a timely response so they can allocate or procure resources appropriately to manage stormwater and meet requirements. A prolonged response period exposes Permittees to allegations of ISGP noncompliance from third parties if their CNE request is delayed or ultimately denied.</p>
S3.B.4.b.i.3	<p>Proposed edits state that the SWPPP shall include a maintenance log for completing each maintenance task related to stormwater drainage, source controls, treatment systems, and plant equipment and systems that could result in stormwater contamination. This creates an administrative and financial burden for Permittees who potentially perform such tasks multiple times a day.</p> <p>For instance, a facility with a maintenance shop might service multiple pieces of oil-containing equipment daily, necessitating numerous log entries. Similarly, recording routine activities like sweeping around catch basins would add to the workload. This requirement not only increases administrative tasks but also poses a challenge since many maintenance personnel are not familiar with or responsible for SWPPP documentation, increasing the risk of errors and inaccuracies. Errors in SWPPP documentation provide further opportunity for third parties to identify and allege non-compliance, even if maintenance activities are being performed in accordance with the SWPPP.</p> <p>Ecology should remove the requirement to keep a maintenance log with the SWPPP or limit it to documenting only maintenance activities related to stormwater drainage structures and treatment systems, excluding source control and equipment maintenance activities.</p>

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S3.B.4.b.i.4.i	<p>Proposed edits state that any liquid chemical release on site regardless of size or flowability is considered a spill and must be logged [in the spill log] and addressed. To Permittees, this revision suggests that even a drop of oil qualifies as a spill, requiring immediate response and logging in the spill log. In addition, anything can technically be considered a liquid chemical, including milk or window cleaner. While it seems unlikely that Ecology intended such a strict interpretation, this is the literal requirement as stated. This places unnecessary burdens on Permittees and opens the door for third-party allegations of noncompliance, even for minor oil stains on paved surfaces.</p> <p>It is impractical for Permittees to treat small drips of oil, milk, or window cleaner with the same urgency as a 15-gallon diesel spill. The SWPPP addresses how Permittees control and manage leaks and drips. This new requirement to log any liquid chemical release not only increases administrative tasks but also presents challenges defining what should be reported as a spill to the company Pollution Prevention team.</p> <p>Recording all liquid releases, regardless of size or flowability, may also be impractical. For instance, employee and customer parking areas often collect oil drips from vehicles, making it impossible to track time, amount, and cause of the drips/ leaks as required by the spill log.</p> <p>Additionally, small drips and leaks on industrial sites are common, and Permittees typically implement BMPs that effectively prevent these minor releases from entering stormwater discharge.</p>
S3.B.4.b.i.5.c	<p>Proposed edits require that all employees be trained on the SWPPP within 30 days of hire. Since the hire date often precedes the start date by several weeks, Ecology should update the language to "start date" or extend the training requirement to 60 days.</p>

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S3.B.4.b.i.5	<p>Proposed edits require that all contractors/ vendors who have duties in areas of industrial activities subject to the ISGP be trained on the SWPPP. Contractors/vendors may be excluded if the Permittee has an employee who has been trained on the SWPPP supervising the activity at all times. Many facilities include office and administration buildings within their areas of industrial activity, this proposed edit as written would require package and office supply delivery vendors to undergo SWPPP training. This requirement is unnecessary and impractical for these types of vendors, and it is challenging for staff to supervise them constantly due to limited resources. It is reasonable for contractors and vendors who engage in activities that could impact stormwater to be trained on the SWPPP. Therefore, Ecology should revise the requirement to include only those contractors and vendors performing industrial activities that have the potential to generate pollutants in stormwater.</p>
S4.B.2.e	<p>Proposed edits outline that Ecology will provide a written response to a Sampling Point Waiver Request, submitted as a Modification of Coverage Form. However, the ISGP does not specify a timeline for Ecology's approval or denial of the waiver request. This lack of clarity poses challenges for Permittees who rely on timely responses to effectively allocate resources and manage stormwater in accordance with requirements. An extended waiting period increases the risk of third-party allegations of ISGP noncompliance against Permittees, as they await Ecology's response without knowing how much time will elapse.</p>
S4.B.5	<p>The proposed edits require the Permittee to retain lab reports on-site that include the following new items: a) time of analysis; and g) sampling narrative.</p> <p>Ecology should remove the requirement to include the time of analysis on lab reports. Laboratories typically do not provide this information on standard lab reports, and it is uncertain whether they will provide it even upon request. This places an undue burden on the Permittee to manage a task that is the responsibility of the laboratory, over which the Permittee has no oversight.</p> <p>Additionally, the term "sampling narrative" is unclear. Ecology should either define "sampling narrative" or remove this requirement altogether. A sampling narrative is redundant given that sampling requirements are stipulated in the ISGP and described in the SWPPP.</p>

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S5.B, Table 3	<p>Transportation facilities listed in Table 3 of the draft ISGP are required to sample for 6PPD-quinone quarterly beginning January 1, 2028. Currently, most laboratories are unable to provide testing for 6PPD-quinone. Permittees are concerned that local laboratories will not be equipped to test for 6PPD-quinone by 2028 and laboratories capable of performing this test may become overwhelmed with requests, potentially delaying lab reports beyond the reporting and corrective action deadlines. Ecology should delay this requirement until regional laboratories are equipped to handle 6-PPD-quinone analyses.</p>
S5.B, Table 3	<p>The draft ISGP, Table 3, requires waste management and air transportation facilities to sample for PFAS. Permittees are concerned that local laboratories will not be equipped to test for PFAS by 2025, and those capable of performing this test may become overwhelmed with requests, potentially delaying lab reports beyond the reporting and corrective action deadlines. Additionally, PFAS sampling is highly sensitive to cross-contamination, necessitating specific clothing and equipment for sampling personnel. Many Permittees lack the education and resources to sample for PFAS correctly, making it unlikely they will be able to provide accurate results due to the high likelihood of cross-contamination.</p>
S6.C, Table 6	<p>Table 6: Sampling and Effluent Limits Applicable to Discharges to 303(d)- listed Waters now has designated effluent limits for copper, lead, zinc, and pentachlorophenol. The copper and zinc effluent limits are significantly lower than previously required. It is very difficult for industrial discharges to meet these low levels, especially the copper effluent limit of 5.8 ug/L.</p>
S6.C, Table 8	<p>Table 8: Sampling and Analytical Procedures for Storm Drain Solids in the 2020 ISGP and draft 2025 ISGP specifies test method EPA 8270D to test for the PAH compounds analyte. However, test method EPA 8270E is also necessary to test for all the PAH compounds listed in Footnote C of Table 8. By not listing EPA 8270E in addition to EPA 8270D, Permittees may spend additional time and effort resampling and/ or reanalyzing samples to acquire all required compounds. This oversight should be corrected and addressed in the new ISGP.</p>

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Appendix 2	<p>The definition of Substantially Identical Discharge Point in the draft ISGP was updated to include the following requirement: 5) discharges to the same surface waterbody or waterbodies with similar water quality, or the same segment of a storm sewer. The determination of whether the stormwater quality at two or more discharge points is substantially identical should be based on the characteristics of the contributing drainage area not where the stormwater discharges to. The receiving water body or storm sewer line does not effect the quality of the stormwater discharging from a site. It is more logical to assess substantially identical discharges based on the contributing drainage characteristics including site conditions, BMPs, operations, and pollutant generating sources. This approach ensures an appropriate assessment of whether the water quality from different drainage areas are substantially identical. The proposed addition of "discharges to the same surface waterbody or waterbodies with similar water quality, or the same segment of a storm sewer" should be removed as a factor to determining Substantially Identical Discharge Points.</p>
S8	<p>Section 8, Corrective Actions, of the draft ISGP lacks guidance on interpreting corrective actions for sites with multiple drainage basins and/or outfalls. Permittees have received conflicting information from Ecology on this matter, leading to confusion, rework, and potential noncompliance. Clarification in the ISGP would be beneficial.</p> <p>Ecology should clarify in the permit that exceedances, regardless of different drainage basins or outfalls, count towards corrective action for the entire site.</p>
S8.C.4.c	<p>Proposed edits state that Ecology will notify the Permittee in writing to approve or deny modification of coverage requests submitted via a Modification of Coverage Form concerning a Level 2 Corrective Action. This edit eliminates Ecology's requirement to approve or deny a request within 60 days of receipt of a complete Modification of Coverage Form. Removing this 60-day timeline causes hardship for Permittees, who need a timely response to allocate or procure resources appropriately to manage stormwater and meet requirements. A prolonged response period could also expose Permittees to allegations of ISGP noncompliance from third parties.</p>

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S8.D.5.c	<p>Proposed edits state that Ecology will notify the Permittee in writing to approve or deny modification of coverage request submitted via a Modification of Coverage Form concerning a Level 3 Corrective Action. This edit eliminates Ecology's requirement to approve or deny a request within 60 days of receipt of a complete Modification of Coverage Form. Removing this 60-day timeline causes hardship for Permittees, who need a timely response to allocate or procure resources appropriately to manage stormwater and meet requirements. A prolonged response period could also expose Permittees to allegations of ISGP noncompliance from third parties.</p>
S9.F.1.d	<p>In the Reporting Permit Violations section of the draft ISGP, Ecology may waive the requirement for a written report triggered by a noncompliance. If a waiver is requested, the Permittee must obtain written confirmation of a waiver from Ecology.</p> <p>Ecology should specify how to obtain a written waiver from Ecology and who is the appropriate party to provide a written waiver. It is unclear how to obtain this waiver, especially if the noncompliance notification was made via phone call.</p>
S11.C	<p>Permittees are concerned about the new requirement to submit a Gross Annual Revenue Form to Ecology due to privacy issues, potential for misinterpretation of financial data, and potential for competitors to access the information. Permittees would be more comfortable providing the requested information if Ecology could confirm in the ISGP that the Gross Annual Revenue Form will not be publicly available, unlike other Water Quality Portal submissions.</p>

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Appendix 2	<p>The new definition of Industrial Activity in the draft ISGP includes material handling sites; sites used for the storage and maintenance of material handling equipment; and shipping and receiving areas. Material handling activities are defined as the storage, loading/unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product.</p> <p>This expanded definition could significantly impact businesses by broadly categorizing any area of a site that moves any material as an industrial activity. As it stands, this definition could encompass facility mail rooms and retail operations that may be wholly separate from the industrial activities of a facility and are not normally considered industrial.</p> <p>The vagueness of this definition could lead to confusion and unintentional noncompliance. Ecology should specify what types of material handling are considered pollutant-generating and are included in the industrial activity definition. This clarification would help businesses better understand their responsibilities.</p>
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