

Port of Bellingham

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July 12, 2024

The purpose of this letter is to provide comments from the Port of Bellingham (Port) on the Draft Industrial Stormwater General Permit (ISGP) that was issued for public comment on May 15, 2024 by the Washington State Department of Ecology (Ecology). The Port appreciates the opportunity to submit comments on the draft permit for Ecology's consideration.

The Port of Bellingham currently has 2 sites under Industrial Stormwater General Permit (ISGP) coverage in the transportation sector. One facility has 2 dedicated employees, and the other has 22 employees. Both permitted locations are facilities where the Port is the ISGP permittee, with numerous tenant businesses operating at the facilities under the Port's permits. The Port of Bellingham currently employs 126 people in total.

General comments:

It is evident that the draft ISGP, if issued in its current form, will significantly increase direct costs to the Port for stormwater management and permit compliance and likely will require the addition of new staff to complete the burdensome new administrative tracking requirements which do not appear to offer commensurate environmental benefits.

Specific comments:

Comments related to the addition of PFAS and 6PPD-Q to stormwater monitoring (S5. Table 3)
The Port anticipates that adding 6PPD-Q to our stormwater monitoring will increase the annual monitoring costs at one permitted site by \$15,000 annually based on 6 monitoring locations, representing a 185 % increase. We estimate it will increase the annual monitoring cost at the second location by \$5000 based on 2 monitoring locations, a 942% increase. The estimates are based on anticipated analytical costs of \$625/sample.

The Port estimates that the addition of PFAS sampling will increase the annual monitoring cost at one location by \$5000 based on 2 monitoring locations, a 942% increase. This estimate is based on an anticipated analytical cost of \$625/sample.

The Port is concerned that non-stormwater sources of PFAS could be introduced during the sampling or analysis process affecting sample results which could lead to an erroneous site characterization. Example PFAS sources could include coatings on paper products, lab or glassware, personal care products, fabric waterproofing treatments and laundry cleaners containing PFAS to name just a few.

The addition of PFAS and 6PPD-Q to stormwater monitoring would complicate the sampling procedure because samples would need to be packed and sent via courier or air freight quarterly, taking staff time away from other duties. Our local laboratories are not accredited for either test. We utilize local laboratories for all our other stormwater analytical needs. Extra steps and additional costs related to the new sampling requirements could include procuring coolers quarterly for sample shipping, ensuring coolers are packed to limit ice melt and leakage to meet sample preservation requirements, arranging and paying for courier service or air freight, finding labs with

capacity to process our samples quarterly along with all other permittees scrambling to find certified labs.

Linking 6PPD-Q with industrial facilities when ubiquitous in our society does not seem appropriate. Freeways, roadways and locations with heavy traffic and vehicle use are known sources of tire wear particles and these are not specific to industry, they are related to the role and prevalence of vehicles in modern society.

Comments related to Conditional No Exposure (CNE) (S1.F) – Requiring businesses to obtain ISGP permit coverage while waiting for their CNE application approval does not make sense. The cost to gear up and successfully implement the ISGP on a site requires a significant investment of time and resources which would seem to be wasted if the business is operating per CNE requirements and expecting to maintain that certification for on-going operations. Small businesses operate within tight margins and this change in the CNE approval process will be a heavy burden to them. This change can potentially impact many Port tenant operations with unnecessary legal exposure.

SWPPP CHANGES

Operational Source Control Preventative Maintenance (S3.B.4bi3) -This comment addresses the new maintenance log required in the SWPPP for maintenance on the stormwater system and all plant equipment and site systems with the potential to contaminate stormwater. This type of log is generated and maintained at Port Maintenance, a separate location with different staff. To have a duplicate log and keep it up-to-date in the SWPPP at permitted facilities would be a burdensome and time-consuming task and could lead to data gaps. The Port is also seeking clarity as to whether the permittee would be required to include in the maintenance log equipment or systems owned and operated by tenants at the Port permitted sites. If so, we anticipate this requirement will be even more burdensome, time-consuming and cost prohibitive.

SWPPP map (S3.B.1)

The permit adds the requirement to map where industrial activity is conducted and where cargo is located. This can and does change from day to day. At a small marine terminal, site uses are subject to change frequently as tenants come and go or change their operations. This change would require frequent reproduction of the SWPPP map and an increase in staff time and associated costs to do so.

Training (S3.B.5)

This comment relates to the new requirement to train contractors/vendors on the stormwater SWPPP, or escort/supervise their activity at all times by an employee who has been trained on the SWPPP.

A historical review of stormwater incidents at Port facilities does not support the addition of this training requirement. Outside vendors/contractors and delivery personnel are not a significant source of stormwater incidents at our ISGP covered locations. Requiring SWPPP training which takes at least 1 hour for individuals who likely are only spending 15 minutes on site or less is a heavy-handed approach and out of scale when compared to the risk presented by these site visits. Requiring training for these individuals would be extremely difficult to implement as deliveries and vendor/contractor visits are not scheduled. Delivery staff are not likely to be consistent over time and may have lots of staff turn-over making training difficult to track and monitor for compliance.

Escorting or supervising vendors/contractors would cost significant staff time and extensive coordination with tenant businesses to be successful. The Port currently does not have staffing to cover this proposed requirement. For context and to describe the potential scale of this requirement, at one of our permitted locations there are 679 tenants comprised of private individuals and 25 tenant businesses. There are 12 businesses providing outside support/deliveries to the tenant businesses and together they have 35 employees. There are 31 businesses providing outside support/deliveries for Port operations and together they have 148 employees. To train and track training, or to provide supervision on this scale represents a significant operational change that would challenge the fundamental business model and the Port's ability to provide the public services the citizens of our county expect.

Regarding the draft requirement to train all employees within 30 days of hire, regardless of full, part or seasonal time, this requirement would be exceedingly difficult to implement and document in a setting where there are many businesses operating at the facility instead of just the permittee entity itself. This draft requirement would also be complicated by the fact that some tenant businesses have rotating staff who work at many tenant hubs across the region. Tracking those employees' training requirements if they did not work in Bellingham during their first 30 days of employment presents a challenge.

Spill Tracking (S3.B.4)

The new requirement that any liquid chemical release onsite regardless of size or flowability is considered a spill and must be logged and addressed represents a burdensome and excessive requirement. For example, implementing this requirement on a 186-acre site with tenant businesses, transient customers, personal and commercial aircraft, ground support vehicles, and other associated equipment would require a significant increase in staff to accomplish.

Comments on permit language (S3.B.4.iii1) The permit language currently reads:

"Use treatment BMPs consistent with the applicable documents referenced in Condition S3.A.3."

Suggested change to: "Use treatment BMPs consistent with the applicable documents referenced in Condition S3.A.2."