October 2, 2026

Shannon McClellan
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504

RE: Puget Soundkeeper Alliance's Comments on the Draft Modification of the 2025 Industrial Stormwater General Permit

Dear Ms. McClellan,

Puget Soundkeeper Alliance ("Soundkeeper") is a 501(c)(3) non-profit organization founded in 1984, with a mission to protect and enhance the waters of Puget Sound for the health and restoration of our aquatic ecosystems and the communities that depend on them. Soundkeeper has programs focused on monitoring and enforcement, policy and civic engagement, and education and stewardship. Soundkeeper has a long history of public engagement on the Industrial Stormwater General Permit and other stormwater-related advocacy. Soundkeeper submits these comments on the draft modification of the 2025 Industrial Stormwater General Permit ("ISGP") on behalf of thousands of members, supporters, and volunteers.

I. Legal Framework & Facts

The ISGP provides National Pollutant Discharge Elimination System ("NPDES") permit coverage for nearly 1,200 industrial facilities across Washington.[1] Ecology has historically reissued the ISGP every five years—most recently in 2025. Pursuant to 40 C.F.R. § 122.41(b), if a permittee wishes to continue an activity regulated by a NPDES permit after the expiration date, the permittee must apply for and obtain a new NPDES permit. The Washington Administrative Code ("WAC") contains an analogous provision that states "[a]ll permittees covered under a general permit shall submit a new application for coverage under a general permit or an application for an individual permit at least one hundred and eighty days prior to the expiration date of the general permit under which the permittee is covered."[2] ISGP General Condition G8 echoes this directive and sets forth the requirement that "[i]f the permittee wishes to continue an

[1] State of Washington, Dep't of Ecology, Focus on: 2025 Industrial Stormwater General Permit, 24-10-024, p. 1 (November 2024) (last visited September 23, 2026).
[2] WAC 173-226-220(2).

activity regulated by this permit after the expiration date of this permit, the permittee must reapply for the permit at least 180 days prior to the expiration date of this permit."[3]

The 2025 ISGP went into effect on January 1, 2025, and expires on December 31, 2029.[4] On August 4, 2026, Ecology published a public notice announcing the draft major modification of the ISGP for review and comment.[5] Ecology is proposing to (1) change the current 2025 ISGP permit expiration date from December 31, 2029, to December 31, 2028; and (2) change the subsequent Duty to Reapply date from July 3, 2029, to July 3, 2028.[6] Ecology articulated two reasons for proposing this major modification, including "a settlement agreement between Ecology and industrial appellants and Ecology's internal permit development workload[.]"[7]

II. Soundkeeper Requests that Ecology Clarify that All Requirements Under the Current Permit Term Apply to the New Permit Term and Modify the 6PPD-quinone Sampling Effective Date to Ensure Adequate Time for Data Collection and Analysis Prior to the Issuance of the 2029 ISGP

While Soundkeeper acknowledges Ecology is only soliciting comments on the portions of the permit that are pending modification,[8] Soundkeeper must provide specific comments on three conditions of the permit that may be impacted by the proposed modification but remain unaddressed by Ecology in the draft major modification of the ISGP and the accompanying fact sheet.

A. Ecology Should Provide Clarification That All Permit Conditions Remain Applicable Despite the Proposed Modification of the Permit Expiration Date

Soundkeeper writes to urge Ecology to ensure that the proposed modification of the 2025 ISGP will not allow permittees to delay corrective actions or other required actions that must occur within the permit term. Soundkeeper requests that Ecology clarify that all corrective action and other action-related timelines will remain applicable in the proposed modified permit term for those permittees that trigger such actions during the modified permit term. Ecology's clarification on this point is necessary to avoid any possibility that permittees may interpret the modified permit expiration date as a means to delay or forgo taking actions intended to address pollution and protect water quality.

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[3] 2025 Industrial Stormwater General Permit, p. 71.
[4] *Id*., p. 6.
[5] State of Washington, Dep't of Ecology, Public Notice: Announcing the Draft Major Modification of the Industrial Stormwater General Permit for Review and Comment, p. 1.
[6] *Id*., p. 2.
[7] *Id*; *See also* Addendum to Fact Sheet for the 2026 Modification of the Industrial Stormwater General Permit, p. 3; *See also* State of Washington, Dep't of Ecology, Industrial Stormwater General Permit (last visited September 23, 2026) ("Changing these dates will allow us to release the next version of the general permit in 2029 instead of 2030. We are proposing this draft modification to help our internal workload (create more space between this permit and another major general permit) and to help address conditions in a settlement agreement.").
[8] State of Washington, Dep't of Ecology, Addendum to Fact Sheet for the 2026 Modification of the Industrial Stormwater General Permit, p. 3 ("Ecology requests that reviewers of this proposed permit modification limit comments to the expiration and duty to reapply dates.").

B. Ecology Should Modify the Effective Date for 6PPD-quinone Sampling to Begin on January 1, 2027

Soundkeeper requests that Ecology modify the date that sampling requirements for 6PPD-quinone are set to take effect under the current permit term to allow adequate time for necessary data collection and analysis under the proposed modified permit term. Under Condition S5.B.3 of the current permit, permittees are required to sample 6PPD-quinone effective January 1, 2028.[9] Soundkeeper requests that Ecology change the effective date of this requirement to January 1, 2027. Soundkeeper makes this request to ensure that Ecology achieves its stated goal of enacting this sampling requirement for the purpose of using the reported sampling data to "allow Ecology to characterize 6PPD-q[uinone] in stormwater discharges from these sectors, assess the effectiveness of BMPs and other permit requirements to reduce 6PPD-q[uinone], and it may also be help to identify certain discharges and/or sites for further investigation and/or corrective action."[10] As Ecology has acknowledged, 6PPD-quinone "has been determined to be one of the most toxic chemicals to aquatic organisms" and is "the chemical culprit causing acute Coho salmon death in small streams after rain events . . . and can contaminate stormwater anywhere tires are used." [11]

In response to comments on the 2025 ISGP, Ecology made clear that the sampling requirements for 6PPD-quinone were required to ensure the protection of water quality. Ecology stated that the 6PPD-qunione monitoring requirement was intended to "help Ecology gather more data on the chemical of emerging concern and which sites may warrant further investigation to protect the waters of the State and its inhabitants."[12] In its response to comments on the 2025 ISGP, Ecology also stated a major reason for delaying implementation of the 6PPD-quinone sampling requirement was due to limited laboratory capacity.[13] Currently, per Ecology's lab search webpage, there are 10 laboratories with stated capacity for analyzing 6PPD-quinone, including five Washington laboratories employing EPA Draft Method 1634 (1/24).[14] Moreover, Ecology finalized its Aquatic Life Toxics Criteria rule in 2024 and should be following the regulatory standards it promulgated to protect water quality and human health regardless of approval by EPA.[15]

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[9] 2025 Industrial Stormwater General Permit, 34.
[10] 2025 Industrial Stormwater General Permit Fact Sheet, p. 31.
[11] *Id*., p. 30; State of Washington, Department of Ecology, 23-10-001, Focus On: Best Management Practices for 6PPD-q, p. 1 (2023) (last visited September 24, 2026); *See also* U.S. Environmental Protection Agency, 6PPD-quinone (2025) (last visited September 24, 2026) (acknowledging that studies have linked coho salmon death to 6PPD-quinone in stormwater and that studies show that concentrations in stormwater were found to be lethal for coho salmon following exposures lasting only a few hours); *See also* State of Washington, Department of Health, 6PPD and 6PPD-quinone (last visited September 24, 2026) (acknowledging 6PPD-quinone may cause human health effects and describing how effects on salmon harm human health).
[12] Ecology Response to Comments on the 2025 Industrial Stormwater General Permit, p. 58.
[13] *Id*., p. 53 ("According to Ecology's Lab Search as of July 2024, only one laboratory (MEL) is WA ELAP accredited for 6PPD-quinone by MEL730136, Version 1.2, and no laboratories are WA ELAP accredited for draft method 1634.")
[14] State of Washington, Dep't of Ecology, Lab Search: Search by Analyte – 6PPD-quinone (last visited October 1, 2026).
[15] WAC 173-201A-240(5); *See also* Ecology Response to Comments on the 2025 Industrial Stormwater General Permit, p. 61.

If Ecology is going to modify the expiration date of the 2025 ISGP and shorten the permit term by a year, it must balance that shortened permit term with expedited implementation of urgently needed 6PPD-quinone sampling that Ecology acknowledges will shape implementation of water quality-based effluent limits or benchmarks for the next iteration of the ISGP. If Ecology does not adjust the effective date of 6PPD-quinone sampling requirements to January 1, 2027, it threatens to delay gathering the requisite data necessary to implement the effluent limits or benchmark values for 6PPD-quinone that it has stated are critical to protect water quality and human health. The adjustment of the 6PPD-quinone sampling timeline is also necessary to combat potential claims from permittees that Ecology has not gathered enough sampling data to be able to formulate enforceable permit conditions in 2029. It is of paramount importance that Ecology has enough time to be able to collect and analyze the requisite data it needs to impose such effluent limits or benchmark values for 6PPD-quinone in the 2029 ISGP.

C. Ecology Should Clarify that the Requirements of Permit Conditions Related to the Puget Sound Sediment Cleanup Sites Remain in Effect for the Proposed Modified Permit Term

Soundkeeper also urges Ecology to ensure that permittees remain subject to the requirements in Conditions S6.C.2.d and S6.C.2.e during the modified permit term. Condition S6.C.2.d. requires permittees that discharge to a Puget Sound Sediment Cleanup Site, either directly or indirectly through a stormwater drainage system, to "remove accumulated solids from storm drain lines (including inlets, catch basins, sumps, conveyances lines, and oil/water separators) on or beneath [their] facility at least once in the term of the permit."[16] Soundkeeper requests that Ecology clarify in the draft permit modification that the requirement to conduct this action applies to the proposed new permit term and must be completed by December 31, 2028. Soundkeeper also urges Ecology to consider waiver requests for this condition (as authorized by S6.C.2.d.ii) only for those facilities that apply for them. Similarly, Condition S6.C.2.e requires permittees that discharge to a Puget Sound Sediment Cleanup Site, either directly or indirectly through a stormwater drainage system, to "sample and analyze storm drain solids in accordance with Table 8 at least once in the term of the permit." Soundkeeper requests that Ecology clarify in the draft permit modification that the requirement to conduct this sampling and analysis applies to the proposed new permit term and must be completed by December 31, 2028. Soundkeeper also urges Ecology to consider waiver requests for this condition (as authorized by S6.C.2.e.ii) only for those facilities that apply for them.

Soundkeeper thanks Ecology for its consideration of these comments.

Sincerely,

s/Kathryn Rizzo

Kathryn Rizzo
Staff Attorney
Puget Soundkeeper Alliance

[16] 2025 Industrial Stormwater General Permit, p. 48.