



Notice

Ecology Issues General Permit for Stormwater Discharges Associated with Industrial Activities

Introduction

On August 21, 2002, Ecology reissued the Industrial Stormwater General Permit, a National Pollutant Discharge Elimination System (NPDES) and state waste discharge baseline general permit for stormwater discharges associated with industrial activities in Washington State. This permit will take effect on September 20, 2002 and revokes and replaces the current permit on that date. The reissued permit implements the Federal Clean Water Act and State Water Pollution Control Act. The purpose of the permit is to protect waters of the state through the regulation of industrial stormwater discharges. Stormwater discharges are conditioned to control the discharge of pollutants associated industrial activities.

Most industrial facilities that discharge stormwater to a surface waterbody are included for coverage under this permit. A stormwater discharge includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters [as defined at 40 CFR Subchapter N (Effluent Guidelines and Standards) Part 401 (General Provisions)]; 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 finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

Summary of Public Involvement Process

Ecology provided public notice that the final draft permit was available for public comment and announced public hearings on the permit. Notice was published in the Washington State Register on Wednesday, April 3rd, issue 2-07, WSR 02-07-119, and in the following newspapers: the Bellingham Herald (March 29th), the Olympian (March 29th), the Seattle Journal of Commerce (March 29th), the Spokane Spokesman Review (March 29th), the Aberdeen Daily World (March 30th), the Yakima Herald Republic (March 30th), and the Vancouver Columbian (April 1st). On Friday, March 29th, 2002, Ecology mailed the public notice of draft permit and public hearings to the current permittees, the agency list of associations, the agency list of environmental groups, and the regional lists of parties requesting notice of permits. About 1,800 notices were sent out. In addition Ecology e-mailed to about 500 interested parties and posted the announcement on the Ecology Stormwater home page. There were six public workshops and hearings on the proposed permit which provided interested parties an opportunity to give testimony on the permit. The hearings were held in Spokane, Yakima, Mount Vernon, Bellevue, Vancouver, and Tacoma.

Summary of Revisions Based on Public Comments and Testimony

Ecology received public comments and testimony from over 50 organizations and individuals. The draft permit was revised in response to those comments. Most changes were edits to correct minor errors or to provide greater clarity. The overall direction and intent of the revised permit have not changed but there were changes to enhance the effectiveness and applicability of the permit. These changes include:

- S1.D. – Uses the permit defined term “significant amount” to identify the threshold for requiring a modification of coverage.
- S2.B.2.b. – Defines “existing facilities” as those in operation as of the effective date of the permit. This change is intended to more closely correspond to the definition of “new operation” in WAC 173-226-030 and enhance permit clarity.
- S2.B.6. – Adds a procedure to modify sampling protocol through modification of permit coverage. This change adds requested flexibility but with public disclosure.
- S2.C. – Adds a compliance schedule for existing facilities to add a monitoring plan to their SWPPP by March 1, 2003. Providing a compliance schedule was appropriate for implementing a new task.
- S2.E.3. – Adds clarification on procedure to appeal applicability of revised permit to individual facilities. This change resolves issues that may arise because this permit replaces a permit that has not expired.
- S3.D. – Limits applicability of permit effluent limits for 303(d) listed waters to listings associated with violations of water quality standards. Listings for sediment and tissue are not included as Ecology has not developed appropriate effluent limits for these media.
- S3.D.2. – Revises the compliance schedule to include monitoring of results after changes are implemented, require at least annual reporting to Ecology, and ending the compliance schedule after achieving compliance. The changes were made to better implement the intent of this compliance schedule.
- S3.E.1.c. – Rephrases this requirement for applicability of mixing zone within the context of AKART rather than BMPs. This better reflects WAC 173-201A-100.
- S3.E.4. – Revokes mixing zone for failure to meet eligibility criteria as determined by an Ecology site visit. This addition is consistent with permit intent and concerns about inappropriate mixing zones.
- S4.A. – Clarifies sampling requirements, allows for formal modification of sampling protocol, and provides an alternative to grab samples. The additions provide flexibility where it will enhance monitoring results.
- S4.B. – This new provision consolidates sampling exceptions and adds language to cover inactive/unstaffed facilities. Allows suspension of monitoring on a parameter by parameter basis. These changes were implemented to clarify the intent of the permit on how exceptions to monitoring will occur.
- S4.C (was S4.A.) – This provision was revised to clarify what is expected in visual monitoring. Language was also added to clarify test method expectations.
- S4.F. (S4.D. in draft permit) – Limits applicability of 303(d) listings under this provision to water quality-based parameters. This focuses sampling of listed parameters to those that have limits under S3.

- S4.G. – Adds monitoring for total suspended solids (TSS) for discharges to waters listed for sediment impairment. TSS can be used to identify when discharges are unlikely to contribute to impairment of sediment.
- S5.A. – Changes the discharge monitoring reporting date from 30 days after the end of a quarter to 45 days. The increase should provide sufficient time for a Permittee to receive their lab data and submit it to Ecology.
- S5.E. – Adds language to noncompliance notification to clarify the threshold for reporting. The change is intended to focus this provision on significant compliance issues.
- S7.A. – New language distinguishes a “receiving water” from a “stormwater conveyance system”. This change better implements the permit’s intent of regulating at the receiving water.
- S7.C. (from draft permit) – Deletes provision that identified circumstances where potential water quality violations would not be a permit violation. These circumstances are better handled under bypass provisions of S8.
- S7.D. – Adds language identifying the most current 303(d) listing as the applicable listing for this permit.
- S8. – Revises language of the bypass provision to be more applicable to stormwater.
- S9. – Applies permit defined term “significant amount” to provide a threshold appropriate for listing materials onsite, addressing pollutant sources, and identifying potential for soil erosion. This provides a reasonable basis for decision making.
- S9.A.4. – Changes “Modifications” to “Enhanced/Additional Best Management Practices (BMPs)” and adds exceedence of benchmark as a possible trigger for updating BMPs. The changes clarified that this is not a modification of coverage and further defines when updating BMPs may be necessary.
- S11. – Revises “Notice of Termination” to better identify when it is appropriate to terminate permit coverage, including Conditional Certification of No Exposure.
- G3 – Deletes this general condition because it was not applicable to stormwater discharges.
- Definitions – Adds/revises definitions for AKART, design storm, existing facility, regular business hours, stormwater discharge associated with industrial activities and stormwater management manual.

Ecology has prepared a *Response to Comments*. It includes a complete list of permit changes, Ecology’s response to all the types of issues raised by public comments and testimony, a list of those providing comments and testimony, and the text of comments and testimony. It is available from Ecology’s stormwater home page, <http://www.ecy.wa.gov/programs/wq/stormwater/>, or in hard copy by request to the address on the back page.

Permit Coverage

Those facilities that have coverage under the current permit continue to have coverage under the revised permit unless otherwise notified by Ecology. Non-permitted facilities seeking permit coverage should request an application for coverage from Ecology’s headquarters office at the address on the back page.

Anyone with knowledge as to why a specific facility should or should not receive coverage under this general permit may contact Ecology’s headquarters office at the address on the back page (see appeal procedures).

Appeal Procedures

Pursuant to RCW 43.21.B.310, the terms and conditions of the permit may be appealed within 30 days of the issuance of the general permit . An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington, 98504-0903. In addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, Washington, 98504-7600. The procedures and requirements for the appeal process are contained in RCW 43.21.B.310.

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within 30 days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

Apply for Coverage or Obtain Additional Information:

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Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Keith Johnson at (360) 407-6442. The TDD number is (360) 407-6006.



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