

Legislative proposal: Revise bacteria requirement in state's Industrial Stormwater General Permit

The state Department of Ecology (Ecology), under the Water Pollution Control Act, administers the Industrial Stormwater General Permit.

This permit is a primary tool to protect Washington waters against polluted runoff from industrial sites. The permit regulates runoff from industrial activities and materials exposed to stormwater. If not properly managed, polluted runoff draining away from industrial sites can carry toxic chemicals and sediment downstream into waters or storm drains where it is usually not treated. Storm drains are essentially the upper reaches of our lakes, rivers, streams and Puget Sound.

The problem

The permit has strict limits for bacteria in stormwater to protect waters that already suffer from bacteria pollution.

Bacteria pollution poses a risk to human health, especially if it is caused by failing septic tanks, sewage overflows or cross-connections. In some areas, improper livestock management or pet waste can cause bacteria pollution and shellfish bed closures.

Ecology does not consider industrial facilities to contribute a significant source of bacteria in Washington's waters. However, because industrial facilities are visited by seagulls and other birds, industrial facilities are often unable to comply with currently required "numeric" limits for bacteria, regardless of their pollution prevention measures. The resulting non-compliance with bacteria limits places businesses in violation of state and federal water quality laws and permits, without the availability of a clear pathway for compliance.

MORE INFORMATION

Approximately 1,200 industrial facilities across the state have coverage under the state's Industrial Stormwater General Permit. Approximately 70 percent of those sites are in the 12 counties that border Puget Sound. Examples of business types needing this permit are lumber, paper, printing, chemicals, petroleum, leather, manufacturing, metals, landfills, transportation, mills and food.

Contact information

Don Seeberger
don.seeberger@ecy.wa.gov
360-407-6489

Bill Moore
bill.moore@ecy.wa.gov
360-407-6460

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The solution

Ecology proposes changing a section in RCW 90.48.555 to remove the requirement for industrial stormwater to comply with hard-to-meet numeric effluent limits for discharges into waters that have existing bacteria pollution.

Ecology proposes to revise the RCW to require narrative effluent limits (best management practices) for discharges into bacteria-impaired water bodies, rather than end-of-pipe numeric effluent limits.

In addition, Ecology plans to modify the permit and conduct a full public process on the proposed change beginning approximately Feb. 1, 2012.

For this change to occur, this legislative proposal needs to be enacted and the permit modified.

The change will not affect the permit's effectiveness to prevent bacteria pollution, and it will continue to focus on heavy metals, petroleum, and other water quality pollutants associated with industrial activity.

How it will work

If adopted, this change would ensure that the Industrial Stormwater General Permit is modified to appropriately regulate bacteria in stormwater runoff from industrial facilities, while other regulatory programs (Municipal Stormwater Permits, and water clean-up plans) will appropriately identify and control bacteria in stormwater runoff.

The modified Industrial Stormwater General Permit will also address the 2011 Pollution Control Hearings Board ruling regarding an appeal of the permit. The Board ordered Ecology to make changes regarding sampling and corrective actions.

How it will benefit Washington

Industries need to thrive for a healthy economy. Equally important, they need to do their part to prevent pollution. This change helps industries and does not reduce environmental protections.