

## Washington State Department of Ecology Reveals Potential Features of 2014 Industrial Stormwater General Permit

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The Washington State Department of Ecology recently described possible features of a revised Industrial Stormwater General Permit in a series of “listening sessions” held at various locations throughout the State. The draft Industrial Stormwater General Permit is scheduled for release on April 16, 2014, and may include several significant changes to the Permit.<sup>1</sup>

### I. First flush monitoring in September.

Under the current Permit, Permittees monitor quarterly. With the exception of monitoring the first storm event after October 1<sup>st</sup>, Permittees have some flexibility regarding when they monitor within a quarter. The requirement to monitor the first storm event after October 1<sup>st</sup> is intended to document the so-called “first flush” event. This first flush event is assumed to contain higher contaminant concentrations following accumulation over drier summer months. In 2009, Ecology noted that first flush events result in “outliers” that skew the distribution of data for most contaminant parameters.<sup>2</sup> When monitored in October, Permittees have time to take additional results in the fourth quarter and possibly reduce their average for the quarter.

Ecology is considering moving the obligation to monitor the “first flush” storm event from October to the first flush storm event in September. Sampling for first flush in September will cause some Permittees to trigger a Level 3 corrective action more quickly, in part because it eliminates any opportunity for averaging. Results from samples taken after mid-September

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<sup>1</sup> Ecology expects to close the public comment period on June 2 and issue the final permit on October 15. The deadline for appeals to the Pollution Control Hearings Board would be November 14. The Permit would become effective on January 1, 2015.

<sup>2</sup> Washington Department of Ecology, Industrial Stormwater General Permit –Fact Sheet (June 3, 2009) at 34.

will typically not be ready in time for facilities to take additional samples before the end of the month. With this change, Permittees that trigger a Level 1 corrective action on April 1 are more likely than before to trigger a Level 3 corrective action six months later.

This change may also result in questionable monitoring results. Permittees may attempt to monitor the first flush storm event after September 1, even if discharge conditions are inadequate to allow a representative sample.

## **II. Monitoring requirements and effluent limits related to 303(d)-listed waterbodies.**

Ecology is considering additional numeric effluent limits for facilities discharging to waterbodies undergoing cleanup (e.g., the Duwamish). Under the current Permit, Ecology imposes a Total Suspended Solids limit for discharges to 303(d)-listed waterbodies where the waterbody is listed for a sediment quality parameter. Other effluent limits may apply if the receiving water is listed for that parameter.

Ecology is considering an expansion of those obligations. This may include numeric limits for facilities that are either upstream or within the drainage basin of a Superfund site, including the Thea Foss Waterway in Tacoma and the Duwamish area in Seattle. This may dramatically increase the number of facilities subject to numeric effluent limits.

## **III. Condensed Level 3 Engineering Report.**

A condensed Level 3 Engineering Report, consisting of eight items, may replace the requirements of Chapter 173-240 WAC. Ecology did not indicate any intention to eliminate the requirement that a Professional Engineer (PE) stamp the engineering report.<sup>3</sup> Ecology also did not describe the eight items that would be included in the revised engineering report.

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<sup>3</sup> Ecology can waive this requirement under the current ISGP.

#### **IV. Annual reports due on an escalated timeframe.**

Ecology indicated it intends to move the deadline for submission of Annual Reports from May 15 to February 14. As it stands, facilities may have several items due May 15, including Annual Reports, Discharge Monitoring Reports, Engineering Reports, and requests for a time extension or waiver. February 14 is the deadline for submitting 4<sup>th</sup> quarter discharge monitoring reports.

Under the current Permit, facilities already have the option of submitting an Annual Report by February 14. Moving the deadline removes this discretion—forcing facilities to prioritize their Annual Report.

#### **V. Other significant potential revisions.**

- Additional BMPs for sediment removal.
- TPH sampling for transportation facilities: Ecology is considering a 10 mg/L TPH benchmark for Transportation facilities.
- Electronic permit application and electronic DMR filing: Ecology will expect all Discharge Monitoring Reports to be filed electronically starting in 2015. Facilities not currently using Ecology's web-based system will have an early introduction to that system, as Ecology is also requiring permit re-application requests to be submitted electronically.

Permit re-application requests are likely due around July 1, 2014—several months before Ecology has revealed the final draft of the Permit.