ADDENDUM TO FACT SHEET FOR THE DRAFT 2025 INDUSTRIAL STORMWATER GENERAL PERMIT

A National Pollutant Discharge Elimination System and State Waste Discharge General Permit for stormwater discharges associated with industrial activities

August 19, 2026

2026 INDUSTRIAL STORMWATER GENERAL PERMIT MAJOR MODIFICATION

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INTRODUCTION

This fact sheet accompanies the proposed 2026 permit modification for the National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater General Permit (Permit).

The current permit has an expiration date of December 31, 2029 and a permit condition that requires all existing permittees to reapply for the permit no later than July 3, 2029 (General Condition G8, Duty to Reapply). Ecology's purpose in modifying the permit is to change the permit expiration date and "duty to reapply" deadline to enable the early reissuance of the ISGP that will go into effect January 1, 2029, per a settlement agreement with industry appellants and to better manage Ecology's permit reissuance workload. Ecology proposes to change the current expiration date of December 31, 2029, to December 31, 2028, and the duty to reapply date from July 3, 2029, to July 3, 2028.

This fact sheet documents the legal, technical, and administrative decisions Ecology has made in the process of modifying the permit. This fact sheet is Appendix B to the May 15, 2024 fact sheet that accompanied the formal draft of the permit which became effective January 1, 2025.

You may download copies of the proposed permit modification documents at: Industrial stormwater permit - Washington State Department of Ecology[1]

PUBLIC INVOLVEMENT

PUBLIC COMMENT PERIOD

Ecology invites public comment on the proposed permit modification from 9 a.m. August 19, 2026, until 11:59 p.m. on October 2, 2026. In order to allow Ecology to adequately address comments, please include the following information with each comment:

- The specific language used in the draft modification subject to your comment. Include the page number(s) and, where indicated, permit section reference (e.g., S8.D.2.b), or reference to the equivalent document.
- A brief, concise comment including the basis for the comment, and in particular the legal, technical, administrative, or other basis for the concern.
- Suggested language or a conceptual alternative to address your concern.

Per the Code of Federal Regulations, 40 CFR 122.62, when a permit is modified, only the conditions subject to modification are reopened. Ecology requests that reviewers of this proposed permit modification limit comments to the expiration and duty to reapply dates.

[1] https://ecology.wa.gov/regulations-permits/permits-certifications/stormwater-general-permits/industrial-stormwater-permit

HOW TO SUBMIT COMMENTS

Ecology will accept written and oral comments on the modified permit and supporting documents until **11:59 p.m., October 2, 2026**. Ecology will accept comments sent in by any of the following three ways:

- **Preferred method – Online via the comment form:** eComments[2]

- By postal mail to:

  Industrial Stormwater Comments
  Shannon McClellan
  Washington State Department of Ecology
  P.O. Box 47600,
  Olympia, WA 98504-7600

- By oral testimony at the public hearings

PUBLIC MEETINGS AND HEARINGS

Online Public Meeting & Hearing

September 23, 2026 – 10 a.m.

Register in advance for this meeting at: Online Zoom Hearing Registration[3]

The purpose of the meeting is to explain the proposed modifications to the permit, and to answer questions about the proposed modifications. Ecology will accept formal oral testimony or comments on the draft permit modification and/or fact sheet after the public meeting, during the hearings. The hearing will immediately follow the meeting and will end after public comments are received.

ISSUANCE OF THE FINAL MODIFIED PERMIT

Ecology will issue the final modified permit after it considers all public comments and makes final changes to the draft modified permit. If public comments cause a substantial change in the permit conditions from the proposed draft modified permit, another public notice of draft modified permit may be published to allow for an additional public comment period.

Ecology anticipates issuance of the final modified permit in late 2026. The permit modification will become effective 30 days later. Ecology will send a copy of the Notice of Issuance to all

[2] https://ecology.commentinput.com/?id=sQFgDx2rWS&utm_medium=email&utm_source=govdelivery
[3] https://waecy-wa-gov.zoom.us/meeting/register/YOIyrRONRTCzZzJslqZrFA?utm_medium=email&utm_source=govdelivery#/registration

persons who submitted written comment or gave oral testimony at the public hearing. Ecology will notify all existing ISGP permittees when the ISGP is modified, providing information about the changes to permit conditions. Permittees who have obtained coverage under the current 2025 ISGP permit are automatically covered under the modified permit.

With the issuance of the final modified permit, Ecology will publish a *Response to Comments* as an Appendix to this fact sheet which will address the comments submitted during the public comment period. People who submit comments will receive a notice on how to obtain copies of the final permit and Ecology's response to comments.

ECOLOGY CONTACT INFORMATION

Please direct questions about the public meeting, hearing, and requests for printed copies of the draft modification to Shannon McClellan 360-280-8370, or shannon.mcclellan@ecy.wa.gov, or

Shannon McClellan
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

INDUSTRIAL STORMWATER GENERAL PERMIT MODIFICATION CHANGES

The proposed modification involves revisions to the permit expiration date and duty to reapply date (deadline).

CHANGES PROPOSED: EARLIER PERMIT EXPIRATION DATE AND DUTY TO REAPPLY DATE

Ecology proposes to revise the expiration date of the current permit, shortening it from December 31, 2029 (five years after the effective date) to a year earlier, December 31, 2028. The proposed modification of the current permit implements the outcome of Ecology's determination to fully reissue the next ISGP early in 2029 for a full 5-year permit cycle. In order to reissue a final ISGP in 2029, Ecology has decided to:

1) revise the permit expiration date, and

2) revise the corresponding "duty to reapply" deadline in ISGP General Condition G8 that requires existing permittees to reapply for the permit at least 180 days prior to its expiration date:

> "*G8. DUTY TO REAPPLY If the permittee wishes to continue an 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.*"

While the process is referred to as a "major modification", Ecology is using the major modification to exclusively revise some dates and is not proposing any other changes with this modification. After the modification is complete, Ecology will start the full permit reissuance process in 2027, at which time the entire permit is open for editing and revision as Ecology develops the draft permit for public comment, with plans to reissue the final permit in late 2028, with an effective date of January 1, 2029.

Context of Proposed Expiration Date and Duty to Reapply Date

Pursuant to 40 CFR 122.62(a)(2), a general permit may be modified if the Director of the Department of Ecology "has received new information" that "was not available at the time of permit issuance" and that "would have justified the application of different permit conditions at the time of issuance." Further, under WAC 173-226-230(1), "[a] general permit may be modified . . . during its term for cause."

The 2025 ISGP became effective on January 1, 2025. Since then, Ecology is now aware of new pieces of information that were not available to Ecology at the time of the initial issuance. This new information includes:

- Ecology's experience issuing the ISGP and the Construction Stormwater General Permit (CSWGP) in close succession;
- New information from settlement agreement with appellants and other relevant court cases.

First, based on Ecology's experience reissuing both the ISGP and the Construction Stormwater General Permit (CSWGP) in 2025 in very close succession, Ecology has concluded that the workload demands associated with reissuing and administrating these two high-volume permits so close together require separating the two permit issuance dates even further.

To facilitate this further separation, Ecology proposes reissuing the ISGP earlier on a five-year cycle in January 2029 rather than January 2030 to reset the cadence between the two permits going forward. This will require amending the expiration date of the current ISGP from December 31, 2029, to December 31, 2028. **Note:** Allowing the CSWGP to expire to make schedule adjustments for workload pressures is not a viable option.

Duty to reapply dates are based on the Code of Federal Regulations (CFR) 40 CFR 122.41 (b) and state regulation WAC 173-226-220 (2). WAC 173-226-220(2) states:

> *"All 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 eighty days prior to the expiration date of the general permit under which the permittee is covered."*

Because the duty to reapply date is based on the expiration date of the permit, Ecology proposes to change the duty to reapply date to reflect the change in the updated expiration date of the permit. Ecology will use its standard process to send out "duty to reapply"

notification reminders to Permittees based on the revised (earlier) duty to reapply deadline in the modified permit.

Additionally, the permit was appealed to the Pollution Control Hearings Board (PCHB) by Puget Soundkeeper Alliance, Spokane Riverkeeper, Washington Trucking Associations, SSA Terminals, LLC, BNSF Railway Company, Northwest Seaport Alliance, Port of Seattle, Port of Tacoma, and Washington Public Ports Association. The PCHB consolidated the appeals under *Puget Soundkeeper Alliance v. Department of Ecology*, PCHB No. 24-088c.

During settlement negotiations a new benchmark calculation was presented and warrants further investigation from Ecology.

Also, on March 4, 2025, the United States Supreme Court issued its decision in *City and County of San Francisco v. EPA*, 604 U.S. 334 (2025). In its decision, the Court concluded that it was inconsistent with the Clean Water Act to impose permit conditions that require permittees to reach an end result without prescribing specific steps. The provision that was struck down contained substantially similar language to ISGP Condition S10.A.

If Ecology had been aware of the *City of San Francisco* decision prior to issuance of the 2025 ISGP, the decision would have justified changes to several conditions (including S10.A) and/or a shorter permit cycle in order to respond to the Court's decision.

Based on the new information— Ecology has determined that it is more effective at this time to focus resources on issuing a new ISGP, rather than significantly modifying the current ISGP. To do this we will need to modify the 2025 ISGP's expiration date and duty to reapply dates, and then fully reissue the ISGP a year earlier.