



May 27, 2011

Santa Ana Regional Water Quality Control Board  
3737 Main Street, Ste. 500  
Riverside, CA 92501  
Attn: Michael Adackapara



MAY 31 2011



**Re: Comment Letter  
Draft Sector-Specific General Permit  
Scrap Metal Recycling Facilities – Santa Ana Region**

Gentlemen:

This comment letter is in regard to a number of storm water issues in the Scrap metal sector specific general permit currently under discussion by the Regional Board.

A number of items in the Sector-specific Draft permit have the potential to adversely affect our company's ability to stay in business. These comments are to alert you and the Board to the problems with each of these issues and offer some suggestions to change the draft permit. Our initial comments are general; document specific comments follow them.

**First** of all, we do not speak for any other company; neither do we necessarily accept the comments by any others. Do not assume that a vocal party or persons represent a consensus.

**Second**, it is our professional opinion that this document, coming prior to the adoption of the statewide permit is pre-mature. A number of technical and procedural issues should be addressed at the state level first (issues such as types of chemical analysis methods, i.e. specific conductance vs. turbidity, etc. etc.) rather than each regional board "doing its own thing."

**Third**, the draft sector specific permit did not include attachments B, C, D or E! Since these attachments address very specific parts of the permit, it is impossible to evaluate the impact or the specific issues, much less respond to them. This may even be found in violation of the state's openness criteria for public laws and regulations.

**Fourth**, setting a target of 90 days to be in compliance with this permit – especially without having seen all of it – is absurd. Many of the items alluded to in the draft sector specific permit require time, training and materials, to say nothing of finding qualified personnel.

Our specific comments below are listed in the order found within the Draft sector-specific permit of April 2011.

*Customers are #1*

## **Part II.A. General Findings**

### **Sec. A – Background**

Who/what is the “Metal Water Quality Standards Committee??” Who appointed them? Was this a group appointed by the Legislature?? Is it approved in statute or regulation??? (If not, this may be a violation of the Brown Act.)

We were not informed that such a committee even existed! We were certainly not invited to participate. Perhaps the Board should invite, via e-mail or by regular mail, the sector specific regulated entities *[listed in Attachment A of the draft Permit]* to participate!!

### **Sec. H – Technology Based Effluent Limitations**

#### Item 25

What were the “technologies” considered in the setting of, or background information for, these effluent limits? There are none given, only a vague reference to “professional judgment.” The footnote is to a document from several years ago which may not be the latest available technologies.

What were/are the specific treatment technologies considered in this “professional” evaluation? Without those details, it is again impossible to provide a responsible evaluation of the technologies under consideration.

#### Item 26

What are the results of the “independent evaluation of a number of treatment technologies??” Where are they published?? Are they available to the public?

What are the technologies even being considered?? What are the criteria used in ‘best professional judgment??’ Where were the referenced studies performed??? Was there scientific or professional oversight of the “studies?”

#### Item 31

As is increasingly being re-discovered, there is a substantial contribution to pollutants in storm water from atmospheric deposition and forest fires. In addition to these issues, there is no explanation of allowances to be made for ‘run-on’ to site property prior to discharge, or the contributions from previously existing soil contamination!!

As an example, we reviewed electrical conductivity or specific conductance (SC) as a Benchmark pollutant and the impact on conductivity of sources beyond the control of a facility.

Conductivity measures the amount of dissolved solids in storm water runoff – regardless of the source. We are concerned with the contribution of other sources of dissolved solids in the discharged stormwater which are outside the control of the facility. These include atmospheric dustfall, run-on from other properties and previously contaminated soils existing on site.

A quick review of atmospheric dustfall data from around the world indicates that the amount of settleable particulate matter (“dustfall”) varies from 40 – 800 lb/acre/month (South Africa, Brazil, Iran).

For an industrial facility with no on-site activity, a three month dry spell followed by a qualifying storm event and discharge would subject the facility to enforcement action with no contribution from the industrial activity!! This would of course drive the business to shut down, even if the site were covered with Teflon sheets!

Also, in this section there no accounting for mass loading of pollutants, only a total reliance on concentrations of pollutants in stormwater discharges, regardless of the volume of the discharge.

All of these issues need to be carefully thought out before an imposition is made of an approach which contributes little, or even "*de minimus*," contaminant loads to the overall water quality.

We urge the Board to consider other alternatives to these criteria; perhaps including an approach similar to the risk analysis and risk assessment approaches provided for in other NPDES permits where the degree of toxicity, etc. is evaluated prior to automatic violations being instituted.

### **Sec. I – Water Quality Based Effluent Limitations**

#### Item 35

BMPs are mandated in this section regardless of applied treatment technologies. What is the rationale for mandating BMPs if a discharger installs and operates treatment technologies??

The draft state permit states:

*"BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges are appropriate in lieu of numeric effluent limitations..."*

Imposition of BMPs is a heavy handed application of design standards when performance standards are already mandated (NALs and NELs).

We urge the Board to adopt appropriate and attainable performance standards and eliminate the BMP mandates when treatment is installed.

#### Item 37

What is the mechanism for the approval of the "comprehensive SWPPP plan prior to the compliance date" by the Regional Board??

How long prior to the date of compliance is the 'SWPPP plan' (*sic*) to be presented to the Regional Board??? What is the turn-around time by the Regional Board for their evaluation?

We note that that the California General Industrial Permit states:

*".... (the) General Permit does not require each Discharger's SWPPP to be reviewed and approved by the Regional Water Boards."*

We urge this Board to eliminate the regional "approval" requirement as it is effectively a separate, individual permit for each facility on top of all other requirements and retain the SWPPP as a flexible, 'living' document.

Additionally as it stands, this requirement will delay implementing more effective storm water management and add to the costs of the Board's staff.

**Sec. L – Training Requirements and  
Sec. M – SWPPP's**

In its existing draft form the state's QSD (Qualified SWPPP Developer) Certification is highly restrictive by being limited to California licensed civil engineers, with no allowance for other scientific or engineering disciplines with specific experience in analyzing storm water, its discharges, pollutant loads, sources, amelioration and removal processes.

Examples of such technical disciplines which have the potential to provide equal or superior registration and experience - directly pertaining to storm water discharges - include licensed chemical engineers, industrial engineers, mechanical engineers, chemists, or petroleum engineers.

The QSD qualification limitation also unnecessarily limits the ability of qualified minority individuals to analyze, prepare, and write SWPPPs.

We urge this Board to drop the registration requirement for QSDs or include those engineering and technical disciplines with more direct engineering experience and practice - such as licensed chemical or mechanical engineers - for the QSD qualification.

**Part III. Permit Requirements**

**Sec. D – Effluent Limitations and Discharge Specifications**

Item 1

Table 1, showing the proposed NELs, the initial constituents for regulation, and the average and instantaneous maxima are for turbidity and oil and grease (O&G). However, the draft state-wide industrial permit uses total suspended solids [TSS] and Total Organic compounds [TOC].

We question why the fastest method for determining organic materials dissolved in storm water - the 'Total Organic Compounds' [TOC] method - was dropped as an option.

We have found that TOC is a simpler and faster lab method than the 'oil & grease' (O&G) method. Also, O&G costs about 45% more than the TOC method, which is again a concern in these difficult economic times.

What is the rationale using these constituents - Turbidity and O&G - for just one industrial sector for one region when the entire state is using different pollutants??

In addition, turbidity requires expensive equipment, highly trained and educated personnel, tight scheduling and calibration standards - all of which increases cost and complexity for very little, if any, increase in accuracy of monitoring.

TSS samples are faster to take and store; are not limited to a maximum 15 minute holding time needed for 'turbidity'; and do not require expensive equipment, calibrations and maintenance.

Additionally, there is a track record of using the original TSS and TOC analysis methods over the last 10 years. This provides for continuity for interpretation of monitoring data, especially when one is evaluating BMPs, treatment technologies, etc.

We urge the Board to return to the methods with the proven track records - TSS and TOC in the place of Turbidity and O&G.

We note and compliment the Board for proposing an effluent limit for specific conductance [1500] which is:

- a.) more reasonable,
- b.) more attainable and
- 3.) closer to acceptable drinking water standards.

#### Item 4

The referenced web address ([epa.gov/oaintmt/documents/epa\\_swm\\_guidance.pdf](http://epa.gov/oaintmt/documents/epa_swm_guidance.pdf)) for the design storm event was not found. The internet reply was "requested item was not found on the EPA's Web Server."

Please provide the correct reference.

#### Item 5.a – Qualification Requirements

Please see our comments above (§ II.L and II.M ) in reference to the QSD program. As noted earlier, the state's QSD (Qualified SWPPP Developer) Certification is highly restrictive by being limited to California licensed civil engineers, with no allowance for other scientific or engineering disciplines with specific experience in analyzing storm water, its discharges, pollutant loads, sources, amelioration and removal processes.

Examples of such technical disciplines which have the potential to provide equal or superior registration and experience - directly pertaining to storm water discharges - include licensed chemical engineers, industrial engineers, mechanical engineers, chemists, or petroleum engineers.

We urge this Board to include those engineering and technical branches with more direct engineering experience and practice - such as licensed chemical or mechanical engineers – for the QSD qualification.

#### Item 6.a.2 – Preventive Measures

Since treatment technologies are now preferred to meet the NALs and NELs, it is rather absurd to require absolute **design** standards (called "minimum control measures") in addition to **performance** standards (NALs and NELs).

We note that use of the phrase "**shall implement**" **MANDATES** that all measures "I" through "xxiii" (paving all industrial areas; documentation and recordkeeping; R.E.A.P.s; covering exposed materials in the event of a "predicted storm"; percolation basins; roofing over operating areas; constructed diversion pathways, etc.) be implemented whether they are needed or not!!

We note that the same applies to BMPs – they are effectively mandated regardless of applied treatment technologies. The state permit specifically states:

"BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges are appropriate in lieu of numeric effluent limitations..."

We note that many of those items are redundant as they are already included in other local, state and federal programs such as the Spill Prevention, Control, and Countermeasures program and the Business Emergency plan requirements as well as Fire Department requirements.

**We urge the Board to drop this entire suite of "preventative measures" in favor of performance standards (NALs & NELs) in the actual discharge and leave the methods of attaining those standards up to the individual facilities.**

Item 6.a.3 – Mitigative Measures

Please see comments above re: duplication of activities already required by other plans and programs [such as the SPCC and Business Emergency plans mandated by other regulations], and our comments on Performance standards vs. design standards.

**Closure:**

Overall, we find that the following items associated with this draft permit:

- ◆ missing attachments in the draft permit,
- ◆ dependence on 'forecasted' rain events rather than weekly inspections,
- ◆ duplicative requirements [such as those for SPCC plans and fire departments];
- ◆ multiple inspections and observations;
- ◆ purchase of turbidity meters, pH meters, conductivity meters (with all of the requisite calibration solutions, documentation and QA/QC requirements) for every facility;
- ◆ voiding of professional certifications and qualifications of those with direct storm water expertise (by requiring a "QSD" professional as currently outlined by the state); and
- ◆ Complicated corrective actions, etc.

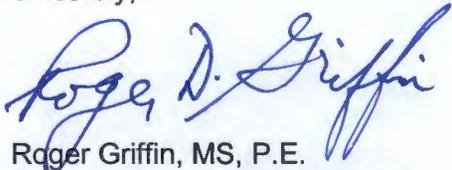
are exceedingly burdensome, confusing and will cost every affected company - especially those with multiple locations subject to the statewide Industrial Permit - on the order of \$300,000 per year per facility over and above existing stormwater compliance costs.

In addition mandating design standards, in addition to performance standards, is unnecessary and imposes costs without corresponding benefit.

**We urge the Board to carefully review these issues and eliminate the bulk of the items listed in this response above.**

If you have any questions, please contact us at the address above, by phone at (562) 921-9974 or by e-mail to "rgriffin@ecoparts.com."

Sincerely,



Roger Griffin, MS, P.E.  
Director, Environmental Compliance

cc: C. Siroonian  
R. Coffman