



**April 18, 2011**

**The following represents comments to the Draft Permit R8-2011-0011:**

**As prepared by Marvin H. Sachse**

Mr. Sachse is representing the following entities in his comments:

Numerous Scrap Metal Facilities

California Auto Dismantlers Recyclers Association (CADRA) with a membership of approximately 200 auto recyclers.

SoCal GMP is a state approved storm water group monitoring program with a group participation of almost 300 Southern California Auto recyclers.

Mr. Sachse's qualifications included:

Master of Science Degree in Environmental Engineering

Master of Science Degree in Industrial Engineering

Professional Engineer I-2688

CASQA Certified Trainer of Record

QSD/QSP #00008

Certified Professional in Storm Water Quality - CPSWQ\* #200

Certified Professional in Erosion and Sediment Control - CPESC #3407

Certified Erosion and Sediment Storm Water Inspector - CESSWI\* #171

\*EnviroCert approved instructor for these programs

Two forms of comments will be provided, the first will be general the second will be directly associated with a specific Permit section.

**General Comments:**

1. The comment period was far too brief, particularly considering that it overlapped the comment period for the State Industrial Permit.
2. The Permit is requiring the phased in approach of an "advanced media filtration system" (AMFS). No information has been provided that defines the construction of the AMFS.
3. No information has been provided to indicate that use of the AMFS has successfully met benchmarks and that AMFS can meet benchmarks.
4. The concept of BAT is defined as Best Available Technology Economically Achievable which is one of the standards being applied to this Best Management Practices (BMP). No economic analysis was observed in the draft Permit.
5. No provision was made for the presence of background levels of contamination, which occur from naturally occurring sources.

6. The Permit is inconsistent in the application of the appropriate discharge water as to whether Receiving Water Standards are being applied at the point of discharge or are U.S. EPA Benchmarks being applied.
7. Different Benchmarks are applied to the discharge water, one set of benchmarks is derived from the US EPA list of benchmarks, a second set of benchmarks is contained in Table 1, NELs, of the Draft Permit.

**Permit Specific Comments:**

1. ***II.H. 28 - "An independent evaluation of a number of treatment technologies for the scrap metal industry is underway."***

Without results to establish the removal levels, removal efficiencies and cost considerations of these treatment technologies to issue a Permit based upon an anticipated results seems highly speculative and with the potential to be extremely costly to the business community as whole. This is placing the Permit "horse" in front of the results "cart."

2. ***II.H. 30 - NELs and NALs in this permit are appropriate numeric thresholds.....***

What was the basis for this statement? What underlying documents were used to establish the numeric thresholds.

3. ***II.H. 31 - Pollutant in storm water discharges caused by atmospheric deposition or from offsite sources.....do not apply towards an NEL/NAL corrective action trigger determinations.***

Is this construed to include background levels of naturally occurring pollutants? If not, to be consistent, background levels of naturally occurring pollutants should be included.

4. ***II. K. 42 - Therefore, this Order includes monitoring of four storm events per year and a monthly visual inspection.***

It is assumed that this paragraph refers to sending storm water discharge samples to an outside laboratory for chemical analysis. For group members this would represent an eight fold increase in sampling as present group members are required to sample every other year and under the old Permit twice in five years. This is a significant cost increase associated with this program as sampling analysis varies between \$200 - \$300 per analysis, or would increase sampling costs to over \$1,000 per year from \$100/year for group members. This is not an expense small business dischargers can readily absorb. What is the basis for the increased sampling program? Under the present Permit non-group members are only required to sample twice a year, not four times a year.

5. ***II.L. 44 The State board has established a curriculum and a training program to certify persons with the appropriate level of education and training as QSDs and QSPs.***

This training program is under the CGP for Construction site QSDs/QSPs which are typically civil engineers and have little knowledge of Scrap Metal operations, or industrial facilities. Moreover, the draft IGP has defined different QSD and QSP requirements than the CGP. This paragraph

should be more consistent with the IGP than the CGP.

6. ***III.A .1 ... characterize the discharge including potential pollutants and the flow volume, ....***

How is the Permittee able to characterize the flow volume. There is no training or equipment that can estimate flow volume, particularly if some of it is discharged as sheet flow. Estimates would require awareness of both the beginning and the end times of the discharge, along with the discharge flow rate. This is not something that can be assumed to be taken lightly as it could become data subject to disclosure through the SMARTS system, leading to its inclusion as evidence in a legal proceeding.

7. ***III. C.1.a. 1) No .....deleterious materials in the storm water runoff from the Permitted facilities.***

The meaning of the term "deleterious" was not listed in the definition list. Clarification would be appreciated.

8. ***III. C.1.a. 5) There shall be no discharge of wastes in violation of prohibitions contained in Chapter 5 of the Basin Plan.***

The Basin plan is a receiving water standard. Is it not correct to apply receiving water standards to discharge standards.

9. ***III. C.1.a. 6) b. Table 1***

All Effluent Limit and Instantaneous Maximum Limits are based upon Best Professional Judgement. These values, in reality can be any number, depending on which Professional's judgement was utilized. Because of the far reaching implications of this Permit and any subsequent versions, a broader representation of Professionals could have reasonably been anticipated. It appears that there is little or no scientific basis for these number or citations that have been provided. There is a concern that these values could be challenged at some later date which could result in significant changes to this Permit, and vulnerability to litigation.

10. ***III. C.1.a. 6) c. Triggers for Exceedances of NELs and NALs.***

Is an NEL exceedance a Permit violation?

11. ***III. C.1.a. 6) d. All treatment systems shall be designed to treat 95% of the annual average volume of run-off based on a continuous simulation of all rainfall data available for the area where the regulated facility is located.***

To facilitate compliance the amount of water should be as stated as a particular storm event this not more easily be understood if a typical storm event such as a two year or five year storm event as the design storm event.

12. **III. C.1.a. 6) e.** Qualification Requirement of Developing and Implementing a SWPPP. The CGP identifies the qualifications for the QSP to include a civil engineer P.E. registered Hydrologist, registered Geologist, registered Landscape Architect, CPESC, CPSWQ or NICET. The only listed professional with expertise with manufacturing or industrial activities would be the CPSWQ. Other professional fields should be considered such as manufacturing engineering, industrial engineering, mechanical engineering, all which also possess professional standards and certifications.

13. **III. C.1.a. 6) f.1.b .I-iv**  
**iii - pave industrial areas prone to erosion**  
**v - To the extent practicable minimize runoff from the site through low impact development (LID) type of BMPS such as onsite infiltration including percolation and retention basins and pervious pavement.**

These two paragraphs are contradictory. Paragraph iii directs the use paving and paragraph v directs increased perviousness. These are mutually exclusive conditions. Also, for a facility to pave a pervious facility it is converting pervious to impervious surface conditions, which triggers the SUSMP program, which would be cost prohibitive for the small business owner. The most cost effective approach would be to encourage percolation, as long as a WDR was not required.

14. **III. C.1.a. 6) f.1.b .vi - xvi** Record Keeping  
Each subparagraph requires records for activities that are obvious as to their implementation. A needless array of reporting documents is being required which only add cost, and time to Permit compliance, while not providing useful implementation data nor improve the quality of rain water discharged from the site. This record keeping should be reduced or eliminated.

15. **III. C.1.2.b. The facility shall select and design an advanced media filtration system...**  
It would be appreciated if literature or design guidance information, like BMP guidance, was provided by the RWB staff for the discharger to be able to properly design an AMFS. SARWB should also provide substantiating data confirming that the AMFS installation will produce discharge water without NAL and NEL exceedances and will meet the requirements of the Basin Plan, as well as CTR an NTR.