



January 27, 2012

Ms. Carole H. Beswick  
Chairperson  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Ste. 500  
Riverside, CA 92501  
Attention Mr. Michael Adakapara

CRWQCB - REGION 8  
MJA 2/9/12  
KVB

FEB 07 2012

MES

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

Dear Ms. Beswick,

This is in response to a number of storm water issues in the 6<sup>th</sup> draft Scrap Metal Sector Specific industrial permit currently under discussion by the Regional Board.

As stated in our October letter to the Board, there are a number of these items in this most recent Draft permit that have the potential to significantly and adversely affect our, and other, company's ability to stay in business. These comments are to alert you and the Board to the problems with each of these issues.

**General comments**

First of all, we are extremely disappointed that this 6<sup>th</sup> draft appears very little different to that seen in October!

Second, we looked in vain for a justification in adopting this Permit PRIOR to the State of California adopting their state-wide permit. Most regulations with this degree of impact are based on hard scientific and technical data with exhaustive evaluations by neutral third parties.

We again have to ask, what is the desperate need to adopt a permit for a single SIC code/sector?? We know of no deadline imposed by either the Clean Water Act or lawsuit requiring adoption, especially in light of the concerns presented herein.

Where is the evidence that only one SIC code in one region of the State demands this Permit???

The Board's own data shows that only about 50 facilities in all of Region 8 would even come under the Permit, as opposed to the impact, say, of the large run-off acreage in the region with municipalities, general paved areas/streets, etc.

Consequently, we are urging the Board to delay this "sector specific" permit until the state has adopted its state-wide general permit.

*Customers are #1*

## **Specific Comments**

While there is a significant number of issues presented herein, we have only had time to review and comment on some of the more damaging issues.

We would like to see that you replace all references to "... where practicable....." with "...where economically feasible." This is particularly the case in these difficult times.

For some of the other issues, we offer the comments below.

### **SECTION II - FINDINGS.**

#### ***§ G. Technology Based Effluent Limitations:***

We believe that the Board, affected industries and stakeholders would benefit by deleting all references to "construction" activities. We further believe that deleting all references to "professional judgment" would provide a more sound scientific basis for the regulation.

We believe that effluent standards are appropriate and we support them if they are:

- 1.) reasonable, and
- 2.) attainable.

However, we believe, based on conversations with your staff, that it would be most beneficial to state that the SARWQCB shall specifically fund a full scale demonstration of competing stormwater treatment technologies [particularly in lieu of "professional judgment" statements], at an reference flow of at least 100 gpm.

The top two performing technologies shall be referenced as the basis of TBEL's. This will be the basis of all *Technology Based Effluent Limitations* referenced herein.

Such a commitment on the part of the Board and staff would put any TBEL's on a much more sound basis.

#### ***§ L. SWPPP's:***

We would prefer to make all references to the deadlines, training, etc. for QSD's and QSP's contingent on, and subordinant to, the State-wide Industrial Permit to be adopted this year.

### **SECTION III. PERMIT REQUIREMENTS.**

#### ***§ A – Authorized Non-storm water Discharges:***

We would prefer to insert the following sentence in paragraph 1:

"Storm water which is containerized prior to treatment shall be specifically excluded from the definition of nonstorm water in any context."

#### ***§ E – Effluent Limitations and Discharge Specifications:***

##### **Regarding the mandatory "Shall" language**

We have noted in earlier hearings, and it is still in the draft permit, that the word "**shall**" appears numerous time in the text.

As you know "shall" in a law or regulation makes the action MANDATORY. **As an alternative, we believe that the following changes would make the regulation much feasible.**

Consequently, we would prefer to insert the following in the indicated sections:

1.

**1. - Option 1**

**C., i, 2 Preventative Measures**

For items all prescriptive measures under items *cc, ee, ff, hh, ii, jj, kk, ll, mm, pp, tt, uu, and vv*, insert the phrase, "**.. to the extent economically feasible.**"

For item *dd*, REAP, add the sentence that it ".....shall be implemented ONLY when the 40% or greater rain event has an expected rainfall exceeding 0.20 inches in a calendar day. The record of REAP events shall be kept in a separate log book by date."

For item *qq*, labels, Specify that labeling shall only pertain to containers of hazardous materials, as defined by the California Title 22.

For item *ss*, add the sentence, "Storm water which is containerized prior to treatment shall be specifically excluded from the definition of nonstorm water in any context."

**C., i, 3 Mitigative Measures**

Item *aa* – Add the statement that, " A federal SPCC plan or California APSA plan may be substituted for this spill response procedure."

Item *bb* – Add the phrase, "... by the end of the work shift during which period the spill is visually observed."

Item *cc, dd, AND ff* – Insert the phrase, " To the extent feasible, ....."

**CLOSURE**

**In light of the above comments we highly recommend that the board delay this "sector specific" permit until the state has adopted its state-wide general permit.**

At the very least we prefer that the Board incorporate the comments and changes indicated above.

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

Sincerely,

*Roger D. Griffin*

Roger Griffin, MS, P.E.  
Director, Environmental Compliance  
cc: C. Siroonian  
R. Coffman