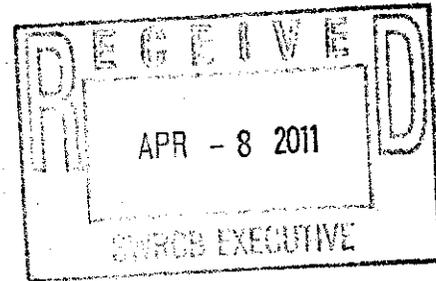


April 5, 2011

Keith Hamblin
1975 Placer Street, Suite A
Redding, CA 96001
CPESC 912, Construction QSD/QSP 137



**WRITTEN COMMENTS
TO
DRAFT INDUSTRIAL PERMI**

Dear State Water Resources Control Board:

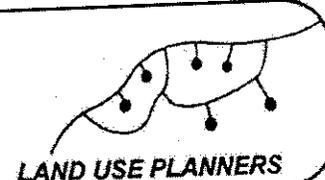
Below is a list of my comments to the proposed updated order. I will be brief in my discussions and to the point. Staff can contact me directly if they have a question regarding my statements. I will list the things I like first and then state where I disagree. On certain items, I will reference the page the particular statement is listed on either the Draft Permit or Fact Sheet.

THINGS I LIKE:

1. Requirement that a QSP is open to all individuals. There are just too many sites for a narrow group of professionals to monitor. I am a certified QSD and QSP per the Construction Permit and a certification program similar in construction permit is sufficient.
2. There should be an "idle mine" exemption. Pages 4 and 43 of Draft Order. Unfortunately, the exemption is too restrictive. First, all QSDs should be allowed to certify that a mine is "idle" not just civil engineers. Second, the exemption needs to be broadened so that a mine is "idle" if:
 - a. They are closed during the winter season due to:
 - i. Lack of business and a seasonal shut down is part of their operating method.
 - ii. If there is a physical or climatic reason for the closure such as snow.

A large part of my business is in mine permitting, monitoring and compliance. Many of my mines are in rural areas and they only operate during the summer months and they close during the winter season. Certain of my mines are at high elevations and they do not operate since there is 5 feet of snow. Lastly, many mines are only used on an interim basis since they are only for highway projects. These mines could be idle for years until a highway project is in the area. An alternative to an "idle" exemption would be to "terminate" each year and apply for a new permit the coming season. This would be silly. I have mines that are 100-150 miles from Redding. It is impossible for me go to these mines and test them and not cost my client \$600+ a

THE LAND DESIGNERS
1975 PLACER STREET, SUITE A
REDDING, CA 96001
(530) 244-0506



month. Some of my mine operators are at the same distance from the mine and they cannot monitor the mine in the winter season.

- b. A couple of requirements for the "idle mine" exemption that could be put in the permit are as follows:

A yearly statement by the operator that the mine will be closed for operation from --- date to --- date each year. A statement as to the reason for the closure - snow, can't produce asphalt during cold season, etc. A review of the industrial site after closure by a QSD. A statement by the QSD that the site is stabilized, and that BMPs have been implemented per the SWPPP. Maybe there is an "idle mine section BMPs in SWPPP.

There may be an option by the RWQCB to require visual monitoring or a reduced testing requirement based on distance to mine, climate (such as desert or snowbound areas), etc.

There would also need to be a clause that re-opens testing and monitoring if the mine re-opens during the winter season for some reason. The mine may have riprap and there is an emergency work that needs to be performed is an example of opening.

3. P38. I like the idea of sampling reductions if after a certain number of tests there is no problem.

ITEMS THAT NEED TO BE CHANGED IN ORDER:

4. The professions that can be QSDs needs to be enlarge to include other groups. CPESC and CPSWQ need to be included. These professionals are QSDs on the General Construction permit. Also Environmental Engineers, REAs. I am a CPESC and I present do both construction and industrial permits.
5. Have testing methods for the water samples in units that can detected by portable instruments. There are portable machines that read NTUs, SC, pH. I do not think there is a portable instrument that reads oil and grease. Reasons for portables are:
- a. They are cheaper to use than labs.
 - b. You get instantaneous results and are able to address a problem right away.
 - c. Sending results to labs is very onerous on rural businesses since a certified lab can be hundreds of miles away. I have one client in Callahan, CA. He would have to drive to Yreka CA, mail his samples to Redding, and then wait for the results. If certain tests are time sensitive, a test taken on a Friday may not get to the lab in time.

Possible options are to have alternative testing procedures such as either TSS or NTUs. Maybe reduce the number of oil and grease sampling times if a company can show it would be an economic hardship to send samples to a registered lab. Other reasons for a reduction

could be lack of industrial activity during winter season. Examples are mines, maybe lumber mills.

6. If a business is required to have a SPCCP this document should be made part of the SWPPP. This would reduce redundancy and possible contradictions between plans.
7. Have of list of standard BMPs. The Construction General Permit uses this approach. It reduces redundancy and treats all facilities the same.
8. P19. There is a tendency to make SWPPPs go into minutia in describing BMP activities. Sweeping is an example. Just say if a broom or machine will be used or both. There is no reason to go into how many times a day and who is doing the sweeping. We are not writing a book on these issues! There are standards already stated in BMP books by CASQA etc. Make the operator or owner responsible to make sure is it done properly and timely.
9. P30 NAL exceedance. There is a need to make an exception to exceedance if the problem is not within the control of the owner. Examples would be natural background levels in the soil, run on, and aerial deposition.
10. Do not make setting up the rules a revenue generating source. Uses fines as a last resort and give the option to go to an individual permit. There needs to be monitoring of the exceedance levels compliance rates to determine if too many companies can't meet them and change the requirements if this is the case. The Order must state that the fines are based on the actual threat of the discharge and not a uniform volume or other measurement.
11. The glossary in Attach K does not have a definition of a "compliance storm event".
12. P. 30 C.6. The monitoring and reporting of all storm events can be excessive. It may be ok for the desert, but in a place like Eureka CA the numbers could be tremendous. Monitoring needs to be based on the amount of rainfall a location receives to be fair. 0-10" of rainfall has so many visual inspections, etc. Another option is to set the number observations based on a certain percentile of rainfall. In this case areas of real low rainfall may need to use a minimum event of 1/4".
13. P36 XIII.B. Testing sites with ground disturbance should only test for turbidity. There is no reason to monitor the other parameters since erosion is the issue.