



SPECIAL HEARING

2/3/05

cc: BD, DI, DWQ

e-cys: BD, CC, HMS, TH, CMW

Comments submitted regarding SWRCB Water Quality Order No. 05-01-DWQ, by Brash Industries, Marvin H. Sachse, SoCal GMP Storm Water Group Program Manager.

Meeting at Rancho Cucamonga City Council Chambers, January 31, 2005.

1. Numeric effluent limits are inconsistent with National Toxic Rules, California Toxic Rules, and the Ocean Plan as these limits are established for receiving waters, which could be separated by miles storm channels, and creeks and MS4. Significant physio chemical, gravity settling, and physical processes occur to the discharge water being transported to the receiving waters.
2. The permit requires more sampling from all permitted facilities. The Permit fees include an 18.5 % surcharge fee. It would be appropriate if this surcharge fee is eliminated due to the additional costs of the sampling program and collection of the same data.
3. Increased enrollment of NEC businesses and their \$200 fee should greatly increase program revenues. Due to the increased revenues will there a reduction in the \$750 base permit fees?
4. We support all comments against the change of emphasis from a BMP based program to an effluent based program.
5. Please clarify the relationship between Benchmarks, a guideline number and TMDLs an effluent number.
6. Does required retesting of a benchmark exceedance include all analytes, or only those benchmarks that have been exceeded?
7. How does the Permit address effluent exceedances caused by non industrial activities such as:
 - a. Facilities with pervious soil that have minerals that leach out.
 - b. Contamination caused by aerial deposition.
 - c. Contamination caused by potable, irrigation, or recycled purple pipe water.
 - d. Contamination caused by run-on water.
 - e. Contamination caused by non industrial, structures, galvanized roofs, chain link fencing, galvanized down spouts.
8. The establishment of effluent limits could trigger numerous Citizen Suits against Permitted facilities that have implemented BMPs, established training, monitoring and sampling programs, and have exceedances caused by non industrial activities. Page XIV

states exceedances of these benchmarks are not automatically considered permit violations. Does this statement imply protection from Citizen Suit Litigation? Can protection from Citizen Suit actions for facilities complying with this Permit be obtained?

9. The terms “Structural BMPs” and “Non-structural BMPs” have been replaced with “Minimum Required BMPs” and “Facility Specific BMPs.” Who or how are Minimum and/or Facility Specific BMPs established?
10. Page XVIII refers to Section VIII.10. Where is it?
11. Page XIX indicates NEC sampling will be required once every five years. Is that within this Permit’s life or in the year after the Permit is expired.
12. Is LARWB Storm Water Instructions (No. SWII 97-02) superseded? (Analytical Parameters for Automobile Salvage Yards Covered By the General Industrial Storm Water Permit.)
13. Paragraph 6.b refers to “Subsection 7.a, above. It is believed that it is referring to subsection 5.a, above.
14. IX Group Monitoring. 2. v. (4) Requires the preparation and submission of a Group Leader inspection. It is assumed that these reports apply only to the two required inspections per five years.
15. It is assumed that SWPPP personnel lists will be satisfied with job descriptions not individual names?