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FAX**3 page(s) total**from: **Conrad Starr**date: **2 - 3 - 05**for: **Ms Debbie Irvin**company: **SWRCB**tel: **916-341-5600**fax: **916-341-5620**re: **COMMENTS ON THE INDUSTRIAL PERMIT DRAFT PROPOSAL**

Dear Ms. Irvin and the State Water Resources Control Board,

Following are mine and my colleagues' reflections on the new Industrial Permit Draft. I attended the January 31st 2005 public hearing in Rancho Cucamonga, and I hope to clarify the comments I made near the conclusion of that meeting. PES Engineering Consultants Inc. is located in Arcadia, CA. We are primarily in the business of storm water consulting, though we do have an engineer, and we sometimes find ourselves doing other environmental work in addition to serving our 200+ Industrial Storm Water Permit holders. Though I'm newer in the field, Harlan Christianson, my boss, and David Conlin, with whom we work very closely both have been involved in storm water compliance issues since 1992 or so and have produced SWPPPs and consulted on monitoring for these twelve-plus years.

I should also add, anecdotally, that we're really eager for the new permit to come out. New SWPPPs for our client facilities have attempted to include the new requirements from the 2003 draft, and we studied this recent draft very carefully to learn what will be required, as we want our clients to learn the program thoroughly and correctly. Approximately one quarter of our clients fall into our two Group Monitoring Plan groups, PES 5015 for dismantlers and PES 5093 for recyclers, and many of my comments pertain directly to aspects of the new GMP regulations.

We find ourselves in agreement with many of the speakers from Monday's meeting. We agree that the new additional sampling requirements fail to account for instances where comparing lab results to EPA Benchmarks will not give any insight into actual pollution from a facility, especially where the ubiquitous Zinc is the problem. As the leader

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of two groups, we pay close attention to trends in exceedances, and we interpret the lab data in light of our first-hand experience of the yards. As Harlan, my boss, loves to say, just because a facility is a mess doesn't mean they're going to have high levels. As we believe is the goal of the regulations, so is it our goal to encourage a big-picture approach to pollution reduction. Sampling already steals the focus away from other compliance issues for our clients, whom we find we are constantly reminding that this program is about far more than sampling. In an effort to keep sampling in its relatively small place (in terms of the annual time expenditure vis-à-vis the many other monitoring and record-keeping tasks), we encourage our clients to record all rains to the best of their ability, including discharge characteristics and the like.

Our clients know, however that sampling costs money, and believe me, \$150 or more for a single rain event is not easy for all of our businesses. I don't mean to act the part of a psychologist, but I do fear that the increased sampling requirement will turn the rainy season duties into a game of getting clean sample results at the expense of the Permits true purpose of pollution reduction/elimination. Whatever the language of the Permit, we'll try and implement it with our clients. We know, however that enforcement is limited, and it seems that the new reporting requirements are going to create a paperwork nightmare, as sampling results become the topic of case-by-case reviews by board staff. Maybe I'm wrong, maybe this will work, but it's hard not to be skeptical when the current belief is that lab data is largely ignored by the board. For these reasons, I have to say that I'm in favor of the elimination of the additional sampling requirement.

I agree with one speaker who encouraged a different approach to the "first hour of discharge" rule. Like her, we have seen high levels on second and third days of storms, and we would like to be given the option of testing outside of the first hour if guidelines can be devised. As we've all noticed, the torrential rain we've experienced this year has failed to conform to the Permit's definition of a qualifying storm event. Believe me, the dischargers think they're lucky.

Should the additional sampling requirement stick, I need to know if it carries over into the next storm water year following the exceedance. This will confuse our group monitoring to no end (but we'll try to sort it all out, as we do already). If this is the case, with a single benchmark exceedance triggering another round of sampling, this will potentially obfuscate any perceived cost-savings incentive to group membership.

On a different but related subject, some of my dischargers are on pervious surfaces which rarely discharge during normal storms. The permit sets very specific guidelines for scheduling group members for sampling, but it does not explain how to handle a facility that does not get a qualifying discharge during a given year. Mr. Cosentini told me he had some answers for me after I'd spoken on Monday - maybe those answers can be included in the permit. (?)



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A COUPLE OF QUESTIONS:

Are the regional boards going to vary their own benchmarks from the EPA, like Region 8 currently does?

Are the regions going to require different test parameters for specific SIC's like Region 4 did with SIC 5015 dischargers?

Please consider adding the italicized text to the existing draft language as follows (from page 16): "Upon written request by a representative of the RWQCB, SWRCB, USEPA, or municipal storm water management agency (local agency), dischargers shall provide a copy of the SWPPP within 5 working days from the date the request is received" *or by the date specified in the letter.* (there is at least one other instance of such a time limit. If you agree with our idea, perhaps you can run a search in the document for "5 working days" and make a similar change)

Table VIII.1 has a little typo in the tests for 5093. Also in the "Fact Sheet Figure 3: Summary of Monitoring Activities..." you have the old "Annual Comprehensive Site Compliance Evaluation," instead of the new ACFCE (which is much harder to pronounce!).

I'm at the deadline, so I'll fax this to you now. I hope my comments are of some use, and that a new permit is adopted soon, so we can get started training our clients on the new regulations.



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