



April 21, 2011

Via: E-mail

Mr. Charles R. Hoppin, Chairman
Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street
P.O. Box 100
Sacramento, CA 95812

Re: CMI Comments on the Draft NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

Dear Mr. Hoppin:

The Can Manufacturers Institute (CMI) appreciates this opportunity to submit comments concerning the Draft General Permit for Discharges of Storm Water Associated with Industrial Activities (Industrial General Permit). CMI is the national trade association of the metal can manufacturing industry and its suppliers in the United States. CMI members account for the annual domestic production of 130 billion food, beverage and general line metal cans; together they employ some 35,000 people with plants in 36 states. CMI member companies have more plants, 26, and more employees, 3650, in the state of California than in any other state in the nation.

The CMI Storm Water Group currently operates under the Industrial General NPDES Permit and is composed of four can manufacturers, with a total of nine facilities. CMI endorses the comments filed by the Workable Approach to Environmental Regulations (WATER) coalition, and as a member of the the regulated community, CMI specifically opposes the Boards efforts to eliminate the group option and the establishment of burdensome numerical limits. CMI urges the Board to seriously consider our comments on the Draft Industrial General Permit. They are as follows:

Prohibits Cost-Effective Group Compliance: The existing Industrial General Permit allows facility operators in industrially similar operations to comply with the conditions of the permit by participating in a Group Monitoring Plan (GMP). Group monitoring adds an additional layer of compliance review, streamlines the reporting process, and significantly reduces the costs associated with regulatory compliance. At present, there are approximately 1,600 facilities that participate in 30 Storm Water Monitoring Groups in California. Unfortunately, the draft permit does not provide for GMPs and proposes to remove this cost-effective system for storm water compliance. Removing the GMP from the General Industrial Permit is directly contrary to the SWRCB's objectives for revising the permit in the first place which are (1) improve data quality, (2) improve compliance consistently and (3) provide incentives to reduce compliance burden.

Removing the GMP participation from the permit will create unnecessary, significant additional costs for can manufacturer facilities subject to the permit.

Economic Impact of Duplicative Regulations: California companies that manufacture metal cans are an important part of the state's economy. Manufacturers of cans, along with the companies that provide supplies and materials for the cans, provide well paying jobs in California and pay significant amounts in tax to the State and Federal governments. The cumulative cost of regulations is already a huge burden for businesses which are still hurting from the economic recession. This permit appears to duplicate many existing regulations, thus adding new and unnecessary costs. Implementation of this permit will impair the ability of our members to do business in California and create new jobs.

Arbitrary Numeric Limits Increase Costs and Uncertainty: Requiring numeric limits will be very costly for business, schools, ports, cities, transit agencies, counties and employers. At a time when public agencies already are facing budget deficits, this permit would mean even further cuts to vital services. For can manufacturing, the added costs could mean the difference of hiring or retaining employees and expanding operations and business opportunities. Furthermore, it's unclear whether these arbitrary and costly numeric limits would have any impact on water quality.

CMI appreciates the opportunity to submit these comments on this important matter of mutual concern. Please contact me at 202-232-4677 with any questions.

Sincerely,



Geoffrey Cullen, Vice President of Government Relations, CMI

cc: Linda Adams, Acting Secretary for the Environment