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April 28, 2011

Via E-mail & U.S. Mail

Charles R. Hoppin, Chair, and Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Attn: Jeanine Townsend, Clerk to the Board
(commentletters@waterboards.ca.gov)

Dear Chair Hoppin and Members of the Board:

SUBJECT: Comment Letter – Draft Industrial General Permit

Eastern Municipal Water District (EMWD) appreciates the opportunity to provide our comments on the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities. We support the State's goal to update the Industrial Storm Water Permit in protecting surface water objectives. The General Permit has significant changes and additional requirements that present concern to EMWD.

EMWD currently provides potable water and water reclamation services to a population of 650,000 people in a service area of 550 square miles. Two (2) Water Filtration Plants and one (1) desalinization facility, in addition to MWD connection and local wells, provide potable water to the customers the District serves. Additionally, four (4) POTWs provide wastewater services to a portion of western Riverside County that include a number of cities. As the provider of both water and water reclamation services, EMWD shares responsibility to effectively manage the surface and groundwater basins within our District boundaries.

EMWD understands the State Water Resources Control Board's rationale and requirement to update the General Permit regarding Industrial Activities. However, we are concerned with this NPDES Draft especially imposing Numeric Limitations without BMP implementation evaluation.

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Numeric Levels

EMWD is in agreement with the California Stormwater Quality Association (CASQA) analysis that the inclusion of U.S. EPA's Benchmarks as Numeric Action Levels (NAL) and Numeric Effluent Limits (NEL) would not be appropriate for inclusion in this General Industrial Permit. These proposed NELs could cause permittees to have to install costly treatment systems and expose permittees to fines and third party litigation for being out of compliance with an unsupported limitation. This is especially troublesome noting the fact that there has been no acknowledgement of background levels that may put a facility into perpetual non-compliance.

Additional Action Level

The Numeric Limitation at Level 3 appears to be unjustified since the Action Level 2 requires the implementation of Structural and/or Treatment Corrective Actions without the ability to evaluate compliance after implementation. We recommend that an additional level be implemented where increased monitoring for evaluation and corrective action can be enforced. For example, increased monitoring would be required for every qualifying storm event to be sampled. This additional monitoring is important since storm events, especially in Southern California, are not as frequent.

Additional Comments

EMWD provides the following comments and recommendations to the General Permit:

1. Page 7, I.E.46, states that atmospheric deposition does not apply towards any NAL correction action trigger determination, yet it is unclear on how and what parameters would be needed to prove compliance or not. More clarification is needed.
2. Page 16, VII.B, if the State Board is going to require Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP) certification, it is important that the State Board has developed a training program and has scheduled and conducted enough of these training courses and certification exams well before any deadlines for SWPPP completion and implementation are imposed by the General Industrial Permit.
3. Page 17, VIII., B., 2., "...implement any necessary revision to their SWPPP no later than ninety (90) days [insert date of adoption] after the adoption of the General Permit." Will there be a program in place to have training and certification for QSD (and QSP) available before this General Permit is issued?
4. Page 19, VIII.E, recommend that exception for reporting language is input into this section describing the facility map and the marking of chemical locations. This is due to the fact that some permittees store certain chemicals where the location within the facility should not be known by the general public per homeland security requirements.
5. Page 28, VIII., I., 4., f., "A certification of compliance with this General Permit." Is this the same as ACFCE?
6. Page 29, IX., C., 2. Footnote #2 does not have a reference.

7. Page 32, X., K., For both pH and EC required as a field analysis, not all industries will have this equipment, know-how and ability to correctly calibrate these field instruments. In addition, this requirement could increase safety concerns due to the fact that sampling conditions are usually not ideal. It should be accepted that EC be allowed to be sampled and analyzed within the laboratory since this has an acceptable regulatory holding times. As for pH, the condition of "where possible" conduct pH immediately but allow for the condition to have this parameter analyzed at the laboratory is justified.
8. Page 32, XI., recommend replacing the statement as follows: "The discharger shall electronically report through SMARTS all analytical results ~~within 30 days of obtaining the results~~ before the last day of the following month."
9. Page 32, XI., "SMARTS will calculate the daily average (DA) for each constituent reported..." For TSS values that are less than (<) RDL, how will SMARTS calculate the average?
10. Page 38, XVI, A., 1. There should be consistency in the requirements for requesting exemptions from monitoring. For example, "The discharger must have sampled ten consecutive quarters in which qualifying storm events occurred" to allow sampling and analysis reduction. However, in Section XXIII, C., "a minimum of 6 consecutive storm events demonstrating compliance with the G-SIRT standards." Therefore, it is suggested that sampling and analysis reduction monitoring should be similar to the G-SIRT demonstration requirement.
11. Page 40, XVII, C., 1., "... the discharge shall repeat steps 1 through 6." This statement is unclear as to which this applies to, Level 1 or Level 2.
12. Page 40, XVII, C., 2., "...the discharge shall employ a to evaluate and select additional structural source control BMPs and or treatment BMPs..." The sentence is missing an important word or statement to clarify.
13. Page 40, XVII, 5., 6., 7., & 8. Should paragraphs No. 6, 7, & 8 be subparagraphs for Paragraph 5 or is there a statement(s) missing?

Finally, there is no statement of conditions that allows for exiting Levels 1, 2 or 3 when compliance is achieved. This is important at Level 3 where NEL are imposed and where minimum mandatory penalties are enforced.

Thank you for the opportunity to comment, if you have any questions, please feel free to contact Al Javier at (951) 928-3777 extension 6327 or at javiera@emwd.org.

Sincerely,


Javier, P. E.
Director of Environmental & Regulatory Compliance

JJ/AJ: tg

cc: Records Management

