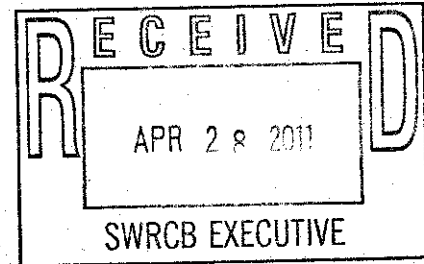


April 28, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, California 95814
Sent via email to: commentletters@waterboards.ca.gov



Subject: Comment Letter – Draft Industrial General Permit

Dear Ms. Townsend:

This letter is a written comment on the Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit). We have developed these comments based on over 20 years of experience implementing storm water pollution prevention plans (SWPPPs) for more than 300 industrial facilities and otherwise implementing California storm water Industrial General Permit requirements, as well as input from our clients regarding their experiences in complying with these requirements.

We appreciate your review and consideration of our comments on the following elements of the Draft Industrial General Permit.

Limitation of Four Professional Registrations that can be QSDs

Currently, the following are proposed to be required for being a QSD:

- i. California registered professional civil engineer
- ii. California registered professional geologist or engineering geologist
- iii. California registered landscape architect
- iv. Professional hydrologist registered through the American Institute of Hydrology

In our experience, an environmental professional developing an industrial facility SWPPP must have expertise with environmental regulations and management of hazardous materials and wastes, whereas general knowledge of civil engineering or geology may not be applicable. In the 20 years since the regulations were passed, a variety of environmental professionals in California have successfully developed SWPPPs for industrial facilities.

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Bureau Veritas recommends that the Board also designate the following professional registrations as meeting the requirements for being a QSD:

- Registered Professional Chemical Engineers
- Certified Hazardous Material Managers
- Registered Environmental Assessors

Limitation for Certification of Documents to Registered Professional Civil Engineers

The Draft Order includes multiple references to items that have to be prepared, signed, or certified by a registered professional civil engineer, including the following:

- Certification for Inactive Mining Operations
- Conditional Exclusion - No Discharge Certification
- Green Storm Water Impact Reduction Technology (G-SIRT)
- Suspension of Numeric Effluent Limitations (SNEL) request

No basis is presented for this new exclusion of other types of engineers and other environmental professionals that have provided these services in the past. Since the Draft Order requires QSDs and QSPs to attend state-required classes and pass a written test, it should be expected that QSDs will know the regulatory permit requirements and take into account good engineering and professional environmental principles in writing and implementing SWPPPs, regardless of whether they are registered professional civil engineers.

Again, we recommend including Registered Professional Chemical Engineers, Certified Hazardous Material Managers and Registered Environmental Assessors who have completed the applicable state-required training as being qualified to sign and certify documents referenced in the Draft Order.

Increased Reporting Costs for Complaint Businesses

The Draft Order includes requirements to perform monitoring and sampling more frequently than is currently required. This will require more time for industrial facilities to perform inspections, collect and analyze samples and evaluate data. Our clients are understandably concerned that this places a new burden on compliant facilities. On their behalf, we request that the Board review this requirement to determine if increased monitoring requirements will have a beneficial effect for the environment sufficient to justify the additional burden to compliant businesses.

Implementing Numeric Action Levels

The Draft Order establishes Numeric Action Levels (NALs). This is different from the majority of regulatory agencies in the United States, which do not have published numeric limits for storm water that are enforceable and can lead to penalties or fines. We assume that one objective for publishing NALs may be to help a facility determine if it is in compliance with the storm water permit requirements for BAT/BCT. However, the most prominent effect is likely to be an increased risk to California businesses of



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liability for agency fines and third-party lawsuits, given that some of the NALs are for parameters over which an industrial facility may have no control, such as specific conductance (see comment below).

We ask that the Board consider eliminating the publication of NALs for California industrial facilities. If NALs are retained, we recommend providing a means for establishing background conditions as an alternative action level when a background concentration exceeds its applicable NAL. For example, "background" samples collected from other areas of a site not impacted by industrial activities could be used, or net contamination from a site's industrial activities could be evaluated based on a review of sample results for run-on and run-off.

Numeric Action Level for Specific Conductance

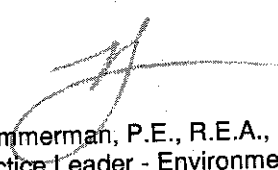
The Draft Order proposes to implement a NAL for specific conductance at 200 umhos/cm. Several states have implemented specific conductance limits that are an order of magnitude greater than the value proposed for California facilities. Furthermore, the proposed NAL is significantly lower than the California drinking water secondary MCL for specific conductance of 900 umhos/cm. The proposed value of 200 umhos/cm can be an issue for a number of industrial facilities due to factors outside their control and that may have nothing to do with their management of potential contaminants onsite.

We ask that the Board consider using a higher value for specific conductance or include a means for comparing specific conductance values to "background" values as noted above.

CLOSING

If you have any questions, please contact me at (925) 426-2681 or via email at mike.zimmerman@us.bureauveritas.com.

Sincerely,


Michael J. Zimmerman, P.E., R.E.A., C.P.E.A.
National Practice Leader - Environmental Compliance
Health, Safety, and Environmental Services