

State Water Board Staff's Responses to Comments

201(Industrial General Permit (IGP)

T&E, 2014

Acronym List for The 2014 Industrial General Permit NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (GENERAL PERMIT)	
Acronym	Stands for
ASBS	Areas of Special Biological Significance
BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
BPT	Best Practicable Control Technology Currently Available
CBPELSG	California Board for Professional Engineers, Land Surveyors and Geologists
DWQ	Division of Water Quality
ELGs	Effluent Limitations Guidelines and New Source Performance Standards
EPA	Environmental Protection Agency
ERA	Exceedance Response Action
MDL	Method Detection Limit
MIP	Monitoring Implementation Plan
ML	Minimum Level
MS4	Municipal Separate Storm Sewer System
MSGP	Multi Sector General Permit
NAL	Numeric Action Level
NAICS	North American Industrial Classification System

NEC	No Exposure Certification
NEL	Numeric Effluent Limitation
NOI	Notice of Intent
NONA	Notice of Non Applicability
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
NSWD	Non Storm Water Discharges
O&G	Oil and Grease
PRDs	Permit Registration Documents
QA/QC	Quality Assurance/Quality Control
QCS	Qualified Combined Samples
QISP	Qualified Industrial Storm water Practitioner
QSE	Qualifying Storm Event
RSR	Representative Sampling Reduction
SFR	Sampling Frequency Reduction
SIC	Standard Industrial Classification
SMARTS	Storm Water Multiple Application Reporting and Tracking System
SWPPP	Storm Water Pollution Prevention Plan
TBEL	Technology Based Effluent Limitation
TDS	Total Dissolved Solids
TMDL	Total Maximum Daily Load
TOC	Total Organic Carbon
TSS	Total Suspended Solids
U.S. EPA	United States Environmental Protection Agency
WDID	Waste Discharge Identification Number
WLA	Waste Load Allocation
WQBEL	Water Quality Based Effluent Limitation
WQS	Water Quality Standard

2014 Industrial General Permit (Permit) Response to Comments

Committer Number	Committer (Submitted by)	Comment	Response to Comment
1.1	Airlines for America (Timothy Pohle)	Airlines for America's 2013 comments have not been addressed, and need a detailed response.	The State Water Board already held a public hearing on the July 2013 draft industrial permit and provided an extended period for written comments. The State Water Board's responses to all significant comments are publicly available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/comments_industrial_permit.shtml .
2.1	Argonaut Ecological Consulting, Inc. (Kathy Kinstand)	The shortened comment period of 15 days is not sufficient to allow the public to adequately comment on the proposed revisions.	As the State Water Board noted in its denial of the requests to extend the deadline for written comments, the revisions to this Permit have gone through three full comment periods, each with a comment period extension. The notice of the 2014 draft Industrial General Permit specifically limited comments to proposed revisions that had been made since July 19, 2013. The changes between the draft Industrial General Permit released on July 19, 2013 and the draft Industrial General Permit released on February 19, 2014 are relatively minor and have been tracked in versions posted for public comment. Because the changes are relatively minor, the changes are easy to identify, and the scope of the comments is limited to the changes, the State Water Board denied the requests for an extension of the comment period. "The law does not require that every alteration in a proposed permit result in a new notice and comment period." (State Water Board Order WQ 2012-0013 (Sacramento Regional Wastewater Treatment Plant).) An additional notice and comment period is not required where interested parties could reasonably anticipate the final version of the permit from the draft permit. (<i>Ibid.</i>) Here, where changes from the 2013 draft Industrial Permit were relatively minor, a new 30-day notice and comment period is not necessary.
2.2	Argonaut Ecological Consulting, Inc. (Kathy	This Permit uses the following language "When developing the next reissuance of this General Permit, the State Water Board expects to have a better understanding of the feasibility and benefits of	Comments regarding any future State Water Board permit decisions should be submitted as part of the record related to the future permit. Receiving water standards apply to not only direct discharges to impaired water bodies but to indirect

	Kinstand)	sector-specific and watershed-based permitting alternatives.” With no definition of “watershed-based permitting” the regulated community has no basis to determine what the intent of this statement is. The concern is the waterboard is once again attempting to apply receiving water quality standards to an entire geographic watershed. The water board must define what the intent of “water shed based permitting” is.	discharges generated within the watershed. No revisions have been made to address the comment.
2.3	Argonaut Ecological Consulting, Inc. (Kathy Kinstand)	Section VII, item B (3) states that the permittee must “Demonstrate the discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard. This demonstrated if: (1) the discharge complies with water quality standard at the point of discharge, or (2) if there are sufficient remaining waste load allocation WLAs in an approved TMDL and the discharge is controlled at least as stringently as similar discharges subject to that TMDL.” This language must be modified to indicate that water quality standard must be met at the point of discharge into the receiving water.	As explained in Finding 37 of the General Permit, “[w]ater quality standards apply to the quality of receiving water, not the quality of the industrial storm water discharge.” Accordingly, section VII.B.3 requires a Discharger to demonstrate that the discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard at the point of discharge into the receiving water. The Discharger’s burden to demonstrate that “the discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard” might require a combination of efforts, including, but not limited to, water quality monitoring of: (1) effluent at the point of discharge from the facility; (2) commingled discharges in municipal separate storm sewer systems; (3) other sources and discharges in the watershed; and (4) receiving water locations (possibly above and below the point of discharge. Because this concept is explained in this Permit, the additional language suggested by the commenter is not necessary.
2.4	Argonaut Ecological Consulting, Inc. (Kathy Kinstand)	Appendix 3 (303(d) listed) has not been through previous public review process and there should be an extension granted to the affected community to review the content.	The Appendix 3 listed water bodies are the water bodies listed in the complete list that can be found in the integrated report. The State Water Board edited the list only to exclude certain impairments with no direct sampling parameter (e.g. hydromodification). These water bodies are in red text, and the Regional Boards can require Dischargers to evaluate for these sources, if appropriate. The integrated report has been posted since 2010; the inclusion of the list to provide clarity for Dischargers does not trigger a public review process.
3.1	BES Environmental LLC	Current language pg. 51,C: Level 1 status “A Discharger’s Baseline status for any given parameter shall change to level 1 status if sampling results indicate an NAL exceeded for that parameter	The State Water Board has made minor revisions to help clarify this subsection.

	(Susan Jew)	in any subsequent reporting year. . ." "Subsequent" should be "preceding" Same issue appears at the bottom of page 52, D Level 2 status	
4.1	Brash Industries (Marvin Sachse)	Paragraph VII. B. New Dischargers: What documentation is required to demonstrate all discharges to the water body have been eliminated?	Section VII.B does require the elimination of all discharges, just the discharges related to the impairment. Dischargers who have implemented storm water discharge retention BMPs, to eliminate all discharges, may refer to the Section XX.C "Requirements for Dischargers Claiming "No Discharge" through the Notice of Non-Applicability (NONA)". No revisions have been made to address the comment.
4.2	Brash Industries (Marvin Sachse)	Paragraph VII. B. New Dischargers: Does this apply to direct discharges only?	Per the public notice for the 2014 "Final Draft Industrial General Permit", this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous "response to comments" documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
4.3	Brash Industries (Marvin Sachse)	Paragraph VII. B. New Dischargers: If commingling with other storm water discharges occur does this Permit section apply?	The State Water Board does not understand the comment. No revisions have been made to address the comment.
4.4	Brash Industries	Paragraph VII. B. New Dischargers: Does this apply to discharges to a municipal storm	This section applies to all storm water discharges subject to this Permit. No revisions have been made to address the

	(Marvin Sachse)	drain system?	comment.
4.5	Brash Industries (Marvin Sachse)	Paragraph X.A.3.F. Glossary – SWPPP List of Industrial Materials The term Industrial Materials appears overly broad, particularly in reading the Glossary definition of Industrial Materials.	The State Water Board is using the definition of "Significant Materials" found in 40 CFR 122.26 and in the US EPA Multi-Sector General Permit as the definition of "Industrial Materials". The term "Industrial Materials" is used to clarify that non-industrial materials are not required to be listed. The Commenter did not cite the part or parts of the definition that is overly broad. No revisions have been made to address the comment.
4.6	Brash Industries (Marvin Sachse)	Paragraph X.A.3.F. Glossary – SWPPP List of Industrial Materials Suggest revision to Potential Polluting Materials or some definition of quantity	The State Water Board does not agree with the commenter. Dischargers must identify and list all industrial pollutants regardless of their potential to be exposed and discharged via storm water. Some industrial pollutants may have considerable outdoor exposure and may be easily transported via contact with storm water. In this case, Dischargers are required to carefully design and implement the minimum BMPs and may need to consider advanced BMPs to reduce the discharge of the industrial pollutant(s). Other industrial pollutants may primarily be stored indoors or in containers. Because of the reduced chance of exposure and potential to discharge, the Discharger would have a less comprehensive set of BMPs – more geared at spill prevention and clean-up BMPs. But the decision on BMPs determinations takes place after the list of industrial materials is developed. The State Water Board does not intend that insignificant amounts of industrial materials be listed as determined by the Discharger. There is no methodology to determine the threshold quantities necessary to be listed. No revisions have been made to address the comment.
4.7	Brash Industries (Marvin Sachse)	Paragraph X.A.3.F. Glossary – SWPPP List of Industrial Materials Should define production process materials with the potential to pollute. One can of WD-40 or one piece of lumber would require listing.	The State Water Board believes the commenter is referring to section X.G.1.a which requires Dischargers to describe industrial processes. There is no section X.A.3.f. State Water Board does not agree with commenter for the same reasons as discussed for the response to the comment above. Industrial processes that have a high potential to discharge pollutants will require different and more substantial BMPs than processes that have little potential to discharge pollutants. No revisions have been made to address the

			comment.
4.8	Brash Industries (Marvin Sachse)	Paragraph X.A.3.F. Glossary – SWPPP List of Industrial Materials Does intermediate products refer to manufactured sub components of subassemblies. This would be extremely difficult to inventory.	"Industrial Materials" includes all intermediate products. Only approximate quantities are required to be provided. No revisions have been made to address the comment.
4.9	Brash Industries (Marvin Sachse)	X.E.e Site map Requires identification of industrial materials storage area and tanks. Does this include storage areas within the confines of a building or the facility?	Per the public notice for the 2014 "Final Draft Industrial General Permit", this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous "response to comments" documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
4.10	Brash Industries (Marvin Sachse)	X.G.d.ii Significant Spills "Spilled or leaked in significant quantity" A definition of guidance in determining what is a significant quantity would be appropriate.	There is no known universal definition of significant quantities that is applicable to all industrial pollutants. Dischargers must exercise their discretion when determining what constitutes a significant quantity. The State Water Board anticipates that guidance on the term will be developed as part of the QISP training.
4.11	Brash Industries (Marvin Sachse)	X.G.2.viii Estimating BMP Effectiveness In what form would the effectiveness estimates be prepared?	The State Water Board anticipates that Dischargers will address this requirement narratively. No revisions have been made to address the comment.
4.12	Brash	X.H.4.b Justification for not using each minimum	Dischargers are required to meet BAT/BCT which in some

	Industries (Marvin Sachse)	BMP of or applicable advanced BMP... As this is a case of proving the negative, greater definition should be provided, particularly as associated with advanced BMPs which are continually changing.	cases may include advanced BMPs when minimum BMPs are insufficient in controlling pollutant discharge. When Dischargers determine advanced BMPs may be necessary to reduce pollutant discharge but the advanced BMPs cannot be implemented because of technological availability and economic practicability and achievability, the Discharger must provide justification. This justification, however, may need revision as less expensive and/or new advanced BMPs become available. Compliance with BAT/BCT may not be static, but can change with improved technology and industry standards. Dischargers with elevated pollutant discharges must remain aware of less expensive and/ or new advanced BMPs and implement those advanced BMPs when they are technologically available, economically practicable and achievable in order to remain in compliance with this Permit. No revisions have been made to address the comment.
4.13	Brash Industries (Marvin Sachse)	X.H.4.b Justification for not using each minimum BMP of or applicable advanced BMP... Recommended that Permit wording include the phrase. "as identified in this Permit."	The State Water Board believes the current language of this section is sufficiently clear and adding the requested language is redundant. No revisions have been made to address the comment.
4.14	Brash Industries (Marvin Sachse)	X.H.2.b.ii BMPs Storm Water Containment and Discharge Reduction BMPs - Does the use of infiltration BMPs trigger the need for a WDR Permit.	Facilities that are infiltrating industrial pollutants to groundwater may need to file a waste discharge report with the appropriate regional board. (Water Code Section 13260.1). Infiltration devices need to be engineered. In the engineering process the responsible engineer in charge will need to make the determination if the trace pollutants found in the industrial storm water pose a threat to human health or the environment by using infiltration as treatment.
5.1	California Coastkeeper Alliance (Sean Bothwell Sara Aminzadeh)	XI.C.5 1. Allows permittees to combine stormwater samples across various best management practices (BMPs)	This Permit has been changed to address the commit: Section XI.C.5.a: The Discharge may authorize the analytical laboratory to combine samples of equal volume from as many as four(4) discharge locations if the industrial activities and physical characteristics (grade, surface materials, BMPs, etc.) within each of the drainage areas are substantially similar to one another.
5.2	California Coastkeeper	The Final Draft Permit's volume-based design storm standards remain unclear and insufficient to	Per the public notice for the 2014 "Final Draft Industrial General Permit", this comment does not address the proposed

	Alliance (Sean Bothwell Sara Aminzadeh)	maintain permit compliance. First, we recognize and appreciate the State Board incorporating our comments that volume-based design storm calculations must be informed by local rainfall history. However, the Final Draft Permit seems to provide three avenues for determining compliance with volume-based storm standards. The Permit is unclear whether a permittee can either: (1) calculate the retention of a 85th percentile 24-hour storm event based on local historic data; (2) calculate the retention of a 85th percentile storm event based on the runoff for the facility; or (3) calculate the volume of annual runoff to achieve 80 percent treatment. We continue to maintain that in order to reduce uncertainty regarding compliance for volume-based design standards, and to provide maximum protection to receiving waters as well as maximize water conservation in our drought-plagued state, the Board should set a minimum standard for volume-based controls that ensures capture of all storms up to the 95th percentile event.	revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous "response to comments" documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
5.3	California Coastkeeper Alliance (Sean Bothwell Sara Aminzadeh)	It remains unclear how the State Board concluded that advanced BMPs are BAT/BCT. The Response to Comments states that "[i]mplementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations." However, the Board does not provide any clarification on the types of advanced BMPs being contemplated, or the types of facilities that will need to implement advanced BMPs to meet the technology based effluent limitations. Moreover, the technology-based effluent limitations must meet the BAT/BCT standards of the Clean Water Act, but there is no evidence in the record that the Board has conducted the analysis required to establish these effluent limitations. This is particularly problematic with respect to the design storm standards. With respect	The State Water Board does not presume that the minimum BMPs in this Permit represent BAT/BCT for all Dischargers. The State Water Board believes that many Dischargers will be in compliance with BAT/BCT by implementing the minimum BMPs required in this Permit. However, many Dischargers have facility operations where pollutants cannot be adequately controlled by the minimum BMPs. An example is a Discharger that handles materials outdoors that are easily mobilized by contact with storm water. Since pollutant loading would increase, such Dischargers must select appropriate advanced BMPs to reduce pollutants in storm water discharges to meet BAT/BCT. The design storm standards do not constitute a compliance storm or BAT/BCT, for which the State Water Board would have performed a technical analysis established criteria that represent BAT/BCT. In order to meet BAT/BCT, it may be necessary in some cases to implement BMPs in addition to the treatment control BMPs, or to design treatment control BMPs to treat more runoff than would be generated by the

		<p>to these standards, the Response to Comments states that the “design storm standard was based on research demonstrating that the standard represents the maximized treatment volume cut-off at the point of diminishing returns for rainfall/runoff frequency.” Yet, the State Board does not provide a proper analysis to determine whether this conclusion is consistent with the required considerations such that the proposed standard meets BAT. The Board must provide a technical analysis justifying its “diminishing return” conclusion; otherwise its development of the design storm aspects of its technology-based effluent limitations has not proceeded in the manner required by the Clean Water Act.</p>	<p>design storm. In addition, the exception to the design storm standard does not apply to discharges to impaired water bodies where more stringent treatment controls may be necessary. The State Water Board reviewed much of the research already conducted establishing the 85th percentile and is satisfied that it represents an adequate balance between water quality protection and cost of compliance for many compliance scenarios. State Water Board staff anticipates that the next five years will involve review of effluent sampling data and Level 2 technical Reports (for specific best management practice performance data) to either adjust the design storm standards or, for some sectors, evaluate the feasibility of compliance storm criteria. No revisions have been made to address the comment.</p>
<p>5.4</p>	<p>California Coastkeeper Alliance (Sean Bothwell Sara Aminzadeh)</p>	<p>The Final Draft Permit fails to provide required protections to ensure that discharges do not cause or contribute to exceedances of water quality standards for receiving waters.</p> <p>Finding 37: “Water quality standards apply to the quality of the receiving water, not the quality of the industrial storm water discharge. Therefore compliance with the receiving water limitations generally cannot be determined solely by the effluent water quality characteristics.”</p> <p>The Final Draft Permit also states that “[t]his General Permit contains monitoring requirements that are necessary to determine whether pollutants are being discharged, and whether response actions are necessary. Data and information resulting from the monitoring will assist in Dischargers’ evaluations of BMP effectiveness and compliance with this General Permit.” While assisting Dischargers and the Board with evaluating compliance is laudable, the law requires that the Permit contain monitoring that is effective in determining compliance with the Permit’s provisions, including the Final Draft Permit’s</p>	<p>This Permit does not require sampling to determine compliance with water quality standards, only with compliance with the narrative effluent limitations (reduce or remove pollutants using BAT/BCT). Additional monitoring requirements can be required under Section XX.B Water Quality Based Corrective Actions and when TMDL implementation requirements are incorporated in this Permit. Additional surface water monitoring that takes place under many other State Water Board programs will also help to inform whether receiving water limitations are being attained.</p>

		Receiving Water Limitations. We therefore ask the Board to confirm that the existing monitoring requirements in the Final Draft Permit are sufficient to determine compliance with Receiving Water Limitations.	
5.5	California Coastkeeper Alliance (Sean Bothwell Sara Aminzadeh)	The recent revisions to the Sampling Analysis Provisions (Section XI.11 and table 2) will Create Confusion and undermine the NAL feedback loop and protection of water quality. Treating results below the detection limits as zero could lead to skewed results of the averaging process and undermine the usefulness and intended water quality protections of the NAL based feedback loop.	NAL annual average exceedances are not by themselves a violation of this Permit and the NALs are only approximate values. Setting the value as zero for values below the method level is an accepted method of addressing censored data and will have a negligible impact in the calculation of the annual NAL averages but will likely greatly simplify and reduce errors. No revisions have been made to address the comment.
5.6	California Coastkeeper Alliance (Sean Bothwell Sara Aminzadeh)	The Permit cannot disregard stormwater discharges associated with regulated activities that are comingled with stormwater from “non-industrial” sources, or with “natural background” pollutants. XII.D.2.b.i allows Dischargers to disregard pollutants in their stormwater discharge if they claim it is “attributable to ...natural background”	Per the public notice for the 2014 “Final Draft Industrial General Permit”, this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous “response to comments” documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
5.7	California Coastkeeper Alliance (Sean	Temporary suspension of an industrial facility’s monitoring requirements should only be allowed on a strict basis. We are concerned that this additional “off-ramp” will allow industrial facilities to suspend	The State Water Board considers the addition of the temporary suspension requirements to be an improvement to the current Permit. Currently, Dischargers are not required to obtain samples outside of facility operating hours. However,

	Bothwell Sara Aminzadeh)	monitoring requirements during a qualified storm event. The commenter requested longer than 10 days, justifications for monitoring not being required in this permit, more justifications from permittees on the suspension, and clarification to the Regional Water Board to deny these suspensions if a permittee is trying to circumvent enforcement during the wet season.	there is no specific requirement to stabilize the facility during lengthy periods when the facility is not in operation or a requirement that the Discharger disclose that the facility is not in operation. This new permitting requirement continues to allow Dischargers to suspend sampling during periods when the facility's activities are suspended, but only if the Discharger first implements stabilization BMPs to remove, clean, or contain sources of pollutants at the facility. Dischargers are required to amend their SWPPPS to provide the stabilization BMPs and notify the State Water Board via SMARTS that the BMPs have been implemented, when the facility's activities are suspended, and when the facility's activities are projected to resume. No revisions have been made to address the comment.
5.8	California Coastkeeper Alliance (Sean Bothwell Sara Aminzadeh)	The Final Draft Permit continues to omit a framework and timeframe to evaluate data and develop numeric limits.	Developing a framework and timeframe to evaluate data and develop numeric limits are not permit requirements and, therefore, outside the scope of this response to comments. It is more appropriate to capture this interest in the Storm Water Strategic Work Plan effort led by State Water Board staff, beginning in April 2014.
5.9	California Coastkeeper Alliance (Sean Bothwell Sara Aminzadeh)	TMDL implementation must be incorporated into the Permit's effluent limitations.	It is not feasible or appropriate for TMDL implementation requirements to be included in this draft without proper translation and input driven by Regional Water Board staff and stakeholders. Once drafted and vetted in accordance with the expectations cited in this Permit, the TMDL implementation requirements will be subject to statewide stakeholder review and consideration by the State Water Board. How the TMDL implementation language will be incorporated into this Permit will be determined by the State Water Board in the future by reopening this Permit and will have the normal review and comment periods as required by law. No revisions have been made to address the comment.
6.1	California Construction and Industrial Material Association (Adam	Support CASQA's comments.	See response to CASQA's comments.

	Harper)		
6.2	California Construction and Industrial Material Association (Adam Harper)	Section XX.C.2.a pg. 71 Details of the NONA should place language into the factsheet instead of the order,	The State Water Board disagrees with the comment. For a permit provision to be enforceable, the permit provision must provide specificity and clarity. No revisions have been made to address the comment.
6.3	California Construction and Industrial Material Association (Adam Harper)	Appendix 3, 303(d) The term watershed has been used instead of water bodies.	This Permit includes requirements to implement water quality standards for all discharges, both direct discharges to impaired water bodies and indirect discharges generated within the watershed. Both direct discharges and indirect discharges are considered to be discharges “to” a water body. All the discharges covered by this General Permit exist in functional watersheds. For each combination of a Discharger and a reach or segment of a 303(d) listed water body, there is usually a single, distinct connection via a watershed. This can be a direct discharge or an indirect discharge. Although the 303(d) list names only water bodies, the Water Boards have had difficulties in past, similar experiences impressing upon the regulated community the concept of evaluating their discharge in terms of its contribution of pollutants associated with any 303(d) listed water bodies. As a result the Water Boards are now using the term “watersheds” in this context for permits where discharges are distributed throughout watersheds. Dischargers should consider the specifics of their watershed when evaluating potential pollutants per Section X.G.2.a.ix. of the General Permit. This language is consistent with the other, recent NPDES permits issued by the State Water Board
7.1	California Council for Environment and Economic Balance (Robert Lucas)	XXI.K.4.a. Electronic Signature and Certification Requirements. The Permit’s requirements for a LRP and EPA’s definition for a Responsible Corporate Officer are significantly different.	This Permit has been revised to address the comment. This Permit uses the language in 40 CFR 122.22 with a minor exception. The subphrase “or any other person who performs similar policy- or decision-making functions for the corporation,” has been removed to avoid confusion. The State Water Board’s experience with paper NOIs is that many Dischargers selected inappropriate staff to sign the NOIs.

	Gerald Secundy)		
8.1	California League of Food Processors (Trudi Hughes)	X SWPPP Implementation and Revisions Condition B3 pg. 25 “With the exception of significant revisions, the Discharger is not required to certify via SMARTS their SWPPP revisions more than once every three (3) months in the reporting year.” Significant revisions should be defined.	This Permit requires the Discharger to make a determination of what constitutes “significant revisions”. The State Water Board anticipates that some guidance will be developed as part of the QISP training. And even if the Discharger errs in making the determination, this Permit requires the Discharger to submit all non-significant revisions, other than corrections to grammatical errors and typos, once every three months. Revisions that only correct grammatical errors and typos do not need to be certified and submitted via SMARTS. No revisions to this Permit have been made to address the comment, but clarifying information has been added to the Fact Sheet.
8.2	California League of Food Processors (Trudi Hughes)	XX.C.2.a p71 and Fact Sheet pg. 70-71 This condition stipulates that facilities that discharge industrial storm water to groundwater that has a direct hydrologic connection to waters of the United States are not eligible to claim “No Discharge” through the Notice of Non-Applicability (NONA) process. We believe that this restriction is arbitrary and will not encourage facilities located near surface water bodies to implement storm water management strategies that focus on evaporating, transpiring, and infiltrating storm water on-site through native soils, vegetation, and bioengineering applications. We believe these practices should be encouraged as they mimic natural drainage systems that enhance storm water quality as well as help maintain dry weather flows and cooler temperatures in surface waters in that in these types of systems storm water typically travels underground to surface waters. In addition, as now written, it would deter some facilities from implementing the BMPs that are supported elsewhere in the permit, that may cease discharges entirely to surface water.	The No Discharge Technical Report shall be signed (wet signature and license number) by a California licensed professional engineer. Facilities will need to carefully analyze their storm water for the potential of the pollutant to reach waters of the United States. Infiltration is encouraged at sites that do not have pollutants the can have negative impacts to human health and the environment. In all cases facility specific details (pollutant present, water balance in the shallow soil, infiltration, treatment etc.) will need to be analyzed by the California Professional Engineer. This Permit does not authorize ground water contamination. Facilities that are infiltrating industrial pollutants to groundwater may need to file a waste discharge report with the appropriate regional board (Water Code Section 13260.1)
8.3	California League of	Receiving Water Limitations: misuse of receiving water limitations as numeric effluent limits for water	Commenter does not cite a specific section of this Permit. This Permit does not contain any numeric effluent limitations.

	<p>Food Processors (Trudi Hughes)</p>	<p>quality are not appropriate. Such limitations must be based on scientifically sound analysis, and not simply on end of pipe water quality objectives.</p> <p>CLFP continues to advocate for including language similar to the existing General Permit, to clarify the process to be followed where a discharge is found to cause an in-stream exceedance of water quality objectives. The law allows best management practices to be used in lieu of numeric water-quality based effluent limits, so a defined process can be used as the receiving water limit itself. We urge that the language in the existing General Permit be continued, at least until conclusion of and any policy clarifications in the present SWRCB review of receiving water limits in the Los Angeles MS4 permit review proceeding.</p>	<p>No revisions have been made to address the comment</p>
<p>9.1</p>	<p>California Metals Coalition (James Simonelli)</p>	<p>Using non-sector specific US EPA Benchmarks as a Numeric Action Levels (NAL)</p>	<p>Per the public notice for the 2014 “Final Draft Industrial General Permit”, this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous “response to comments” documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf</p> <p>SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.</p>

9.2	California Metals Coalition (James Simonelli)	<p>2) Numeric Action Level exceedances are not violations of the General Permit; and NAL triggering actions come from the same discharge location.</p> <p>“NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit.” Section I.N.63. CMC agrees with this statement and appreciates the clarification.</p> <p>Further, Sections I.M.62.B and XII(A)(2) should contain clarifying language that states that an NAL triggering action can only occur when two or more analytical results from any parameter and from the same discharge point occur.</p>	<p>Per the public notice for the 2014 “Final Draft Industrial General Permit”, this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous “response to comments” documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf</p> <p>SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.</p>
9.3	California Metals Coalition (James Simonelli)	Clarifying “New Discharger” in TMDL language	<p>Per the public notice for the 2014 “Final Draft Industrial General Permit”, this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous “response to comments” documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf</p> <p>SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a</p>

			proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
9.4	California Metals Coalition (James Simonelli)	SMARTS: recommend warning prompts before entering erroneous data.	The comment is not germane to this Permit's requirements. Updates to SMARTS in response to this and other permit reissuances, however, will be programmed with input from a user group that will be formed in the future. No revisions have been made to address the comment.
9.5	California Metals Coalition (James Simonelli)	Design Storm - CMC agrees with CASQA's comments on this particular issue. Given the broad definition of Treatment Control BMPs, many simple and effective BMPs that may be employed by a Discharger in satisfying the minimum BMP section may be considered treatment control. CMC does not believe that the State Water Board's intent is to apply the design storm criteria to practices that may be part of the minimum BMP suite.	See response to CASQA's comments
9.6	California Metals Coalition (James Simonelli)	Sampling Event Visual Observations for Bypass The new requirement in this section is unclear and combines statements about sampling and visual observation requirements in the visual observation section of the permit. Observations at the discharge location would be of the combined bypass and treated flow leaving the site. In circumstances where the bypass and treated flow went to different discharge locations, the permit requires all discharge locations be observed; therefore this is an unnecessary and confusing statement.	This Permit has been revised to clarify when bypass must be sampled.
9.7	California Metals Coalition (James Simonelli)	Update of ERA Level 2 Action Plan: it is unnecessary to revise the Technical Report for the same exceedance in the same drainage area.	The State Water Board agrees that revisions are necessary to clarify that only Dischargers that have submitted a Level 2 Technical Report containing an Industrial Activity BMP Demonstrations that is expected to eliminate future NAL exceedances are required to update their Technical Report based on new exceedances of the same parameter and the same drainage area. Additionally, the following language has been added to Section XII.D.3.c: "If there are no changes prompting an update of the Level 2 ERA Technical Report, as

			specified above, the Discharger will provide this certification in the Annual Report that there have been no changes warranting re-submittal of the Level 2 ERA Technical Report.”
9.8	California Metals Coalition (James Simonelli)	Enforcement of non-filers and fees: Request a report illustrating the allocation of resources dedicated to enforcement of non-filers and site inspections of facilities who have not filled a NOI.	The comment is not related to this Permit’s requirements. No revisions have been made to address the comment.
9.9	California Metals Coalition (James Simonelli)	Is there a path to compliance? Small businesses in California want to be in compliance, but when the regulation, or permit is not specific, this can lead to confusion and 3 rd party lawsuits.	Per the public notice for the 2014 “Final Draft Industrial General Permit”, this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous “response to comments” documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
10.1	California Stormwater Quality Association (Gerhardt Hubner)	The language in Section I.E.37 should be consistent with and reference Section XX.B. Section XX.B allows the facility to evaluate its BMPs through a facility evaluation and SWPPP assessment, therefore this should be reflected in Section I.E.37. As such, the language should be changed as noted below. ... If any Discharger’s storm water discharge causes	The mechanism in Section XX.B is not the only method to comply with receiving water exceedances. When this Permit is reopened, there will be TMDL implementation requirements that will address specific pollutants in specific receiving waters that do not meet water quality standards. When developing this Permit language, the State Water Board has sought to minimize cross referencing of requirements unless necessary. No revisions have been made to address the

		or contributes to an exceedance of a water quality standard, that Discharger must comply with the mechanism in Section XX.B. implement additional BMPs or other control measures in order to attain compliance with the receiving water limitation. ...	comment.
10.2	California Stormwater Quality Association (Gerhardt Hubner)	<p>In response to several comments regarding the need for improved clarity regarding the timing of SWPPP revisions and significant changes, new language has been inserted into the permit that further confuses the issue. CASQA's goal is to help ensure that the SWPPP remains a dynamic tool to protect water quality at industrial facilities first and foremost and to fulfill the needs for public access to the SWPPP. To that end CASQA recommends that Discharger update their SWPPPs as needed and as directed by the Regional Water Board and that the Industrial General Permit establish a regular schedule to upload SWPPP updates into SMARTS. The changes proposed in February 19th draft represent a significant and substantive change since the July 19th draft because it imposes an additional requirement to upload non-significant changes to SMARTS. Whereas the previous draft appeared to limit the number of uploads to SMARTS to four times during the reporting year. This draft increases the potential number of uploads significantly. CASQA recommends striking item X.B.3 unless a complete revision of the section could be made to limit the number of uploads to SMARTS to no more than four times during the reporting year, if needed. <i>Option 1-- strike new requirements regarding non-significant revisions, preferably limiting submissions to quarterly for significant revisions, unless otherwise directed by the RWQCB:</i></p> <ol style="list-style-type: none"> 1. Revise their on-site SWPPP whenever necessary; 2. Certify and submit via SMARTS their SWPPP within 30 days after making any significant revisions to the SWPPP provided that such submissions need 	<p>This Permit requires the Discharger to make a determination of what constitutes "significant revisions". And the State Water Board believes when such a significant change occurs it should be disclosed in a timely manner so that the State Water Board and the public. One month to disclose such revisions is not unreasonable. The State Water Board does not believe that most Dischargers have frequent significant operational changes. The State Water Board anticipates that some guidance will be developed as part of the QISP training. And even if the Discharger errs in making the determination, this Permit requires the Discharger to submit all revisions once every three months. The State Water Board does not believe the correction of grammatical errors and typos constitutes a revision that triggers the three months submittal into SMARTS. No revisions have been made to address the comment</p>

		<p>not be made more often than quarterly unless directed under a schedule directed by the Regional Water Board¹. whenever the SWPPP contains significant revisions(s); and</p> <p>3. Not be With the exception of significant revisions, the Discharger is not required to certify and submit via SMARTS their SWPPP revisions more than once every three (3) months in the reporting year.</p> <p><i>Option 2 -- revise section to require quarterly submissions when SWPPPs have been revised:</i></p> <p>1. Revise and certify their on-site SWPPP whenever necessary;</p> <p>2. Certify and submit via SMARTS quarterly any changes made to the SWPPP in the preceding 90 days. their SWPPP within 30 days whenever the SWPPP contains significant revision(s); and,</p> <p>3. Certify and submit via SMARTS any SWPPP changes directed by the Regional Water Board per the time schedule required by the Regional Water Board.</p> <p>3. Not be With the exception of significant revisions, the Discharger is not required to certify and submit via SMARTS their SWPPP revisions more than once every three (3) months in the reporting year.</p>	
10.3	California Stormwater Quality Association (Gerhardt Hubner)	<p>Given the broad definition of Treatment Control BMPs, many simple and effective BMPs employed by a Discharger in satisfying the minimum BMP section may be considered treatment control. For instance, most sediment and erosion controls would be considered “mechanical, chemical, biologic, or any other treatment technology”. By way of example erosion control for disturbed slopes would include track walking (mechanical), a bonded fiber matrix that includes a polymer (chemical), seeds and vegetation (biologic), and fiber rolls along the slope and at the base of the slope (mechanical). CASQA does not believe that the State Water Board’s intent is to apply the design storm criteria to practices that may be part of the minimum BMP suite. Therefore</p>	<p>Section X.H.6 has been revised to accept commenter’s first suggested language to add the desired clarity. Although the State Water Board agrees with the exception to the design storm standards cited, the State Water Board does not believe that the second suggested revision is necessary.</p>

		<p>CASQA recommends the following clarification to specify the design storm standard applies to Advanced BMPs and sediment basins.</p> <p><i>Recommended change shown in highlighted text:</i></p> <p>All new treatment control BMPs employed by the Discharger to comply with Section X.H.2 Advanced BMPs and new sediment basins installed after the effective date of this order shall be designed to comply with the design storm standards in the Section, except as provided in an Industrial Activity BMP Demonstration (Section XII.D.2.a).</p>	
10.4	California Stormwater Quality Association (Gerhardt Hubner)	<p>The new requirement in this section is unclear and combines statements about sampling and visual observation requirements in the visual observation section of the permit. Sampling event observations are required at discharge locations under paragraph XI.A.2. Therefore, CASQA does not believe that this newly inserted statement in XI.A.2.b is needed. Observations at the discharge location would be of the combined bypass and treated flow leaving the site. In circumstances where the bypass and treated flow went to different discharge locations, the permit requires all discharge locations be observed; therefore this is an unnecessary and confusing statement. CASQA recommends the entire new item be removed, however if it maintained CASQA recommends the following edits shown in highlighted text to clarify the intent.</p> <p>b. The Discharger shall ensure that visual observations and sampling of storm water discharges from volume-based or flow-based treatment BMPs include observation of and any bypass that is occurs occurring at the same time the observations are conducted at the same time.</p>	This Permit has been revised for more clarity as to when bypass must be sampled.
10.5	California Stormwater Quality Association (Gerhardt Hubner)	<p>Remove references to hardness from Table 2. The origin of the Numeric Action Levels (NALs) is clearly identified in other sections of the permit. The inclusion of hardness references in this table implies that the Discharger is expected to consider hardness when assessing NALs. <i>Delete the</i></p>	<p>The (H) in Table 2 is qualified by the (**) annotation in the column labeled "Annual NAL". These (**) reference the following text at the bottom of the table: "The NAL is the highest value used by U.S. EPA based on their hardness table in the 2008 MSGP". The (H) means that the sampling result for the identified metal is hardness dependent. Although this</p>

		<p><i>following table notes and the (H) from the parameters listed in column 1: (H) – Hardness dependent ** The NAL is the highest value used by U.S. EPA based on their hardness table in the 2008 MSGP. Zinc, Total (H) Copper, Total (H) Lead, Total (H) Cadmium, Total (H) Nickel, Total (H) Silver, Total (H)</i></p>	<p>Permit does not require that hardness be considered when evaluating whether NAL exceedances have occurred, hardness might be considered for discharges to impaired water bodies or when TMDLs are adopted into this Permit. To properly assess the impact of hardness on the receiving water, samples of the discharge into the receiving water and samples upstream and downstream of the receiving water must be taken. This Permit does not contain sampling requirements to measure compliance for variations in hardness. The State Water Board encourages industry to develop better and consistent BMP practices. Requiring Dischargers to address hardness variation in receiving waters would result in inconsistently developed BMPs.</p>
10.6	<p>California Stormwater Quality Association (Gerhardt Hubner)</p>	<p>CASQA recommends the following language changes to limit the update of the ERA Level 2 Technical Report to changes in conditions at the facility that would warrant reconsideration of actions being undertaken by a facility. Once a Discharger has satisfactorily demonstrated a natural background pollutant source, a non-industrial pollutant source, or Industrial Activity BMPs have been achieved, is it unnecessary to revise the Technical Report for the same exceedance in the same drainage area. This appears to put a Discharger into an endless loop, especially in the cases of the non-industrial or natural background sources. Other provisions in the permit provide for reinitiating the ERA process if there is an NAL exceedance for a new constituent or the same constituent in a different drainage area.</p> <p><i>Recommended change shown in highlighted text:</i> Dischargers with Level 2 status who have submitted the Level 2 ERA Technical Report are only required to annually update the Level 2 ERA Technical Report based upon additional NAL exceedances of the same parameter and same drainage area, facility operational changes, pollutant source(s) changes, and/or information that becomes available via</p>	<p>The State Water Board agrees that revisions are necessary to clarify that only Dischargers that have submitted a Level 2 Technical Report containing an Industrial Activity BMP Demonstrations that is expected to eliminate future NAL exceedances are required to update their Technical Report based on new exceedances of the same parameter and the same drainage area. Addition to Section XII.D.3.c If there are no changes prompting an update of the Level 2 ERA Technical Report, as specified above, the Discharger will provide this certification in the Annual Report that there have been no changes warranting re-submittal of the Level 2 ERA Technical Report.</p>

		<p>compliance activities (monthly inspections visual observations, sampling results, annual evaluation, etc.). The Level 2 ERA Technical Report shall be prepared by a QISP and be certified and submitted via SMARTS by the Discharger with each Annual Report. If there are no changes prompting an update of the Level 2 ERA Technical Report, as specified above, the Discharger will provide an annual certification that there have been no changes warranting re-submittal of the Level 2 ERA Technical Report.</p>	
<p>10.7</p>	<p>California Stormwater Quality Association (Gerhardt Hubner)</p>	<p>The revised provisions regarding the Notice of Non-Applicability (NONA) confuse an area already difficult for many to understand. NONA filings are made under Water Code Section 13399.30, a separate state statute designed to help Regional Water Boards to identify non-filing facilities which already need coverage of the General Permit. Section 13399.30 does not define the types of discharges that require permit coverage, or mandate any specific permit terms. It simply requires that if a Regional Water Board sends a particular notice, the recipient must do one of two things: (1) file "the appropriate notice of intent to obtain coverage," or (2) file "a notice of non-applicability that specifies the basis for not needing to obtain coverage under an NPDES permit." Yet language newly inserted into Section XX.C.2.a indicates that certain discharges to groundwater prevent a NONA filing, and thus inappropriately force a facility into the only other choice -- to file Permit Registration Documents under the General Permit. If read broadly, this would inappropriately expand the requirement for NPDES permit coverage. CASQA understands from the State Water Board's Legal Counsel that this section was not intended broadly require NPDES permits for discharges to</p>	<p>The No Discharge Technical Report shall be signed (wet signature and license number) by a California licensed professional engineer. Dischargers will need to carefully analyze their storm water for the potential of the pollutant to reach waters of the United States. Infiltration is encouraged at sites that do not have pollutants the can have negative impacts to human health and the environment. In all cases facility specific details (pollutant present, water balance in the shallow soil, infiltration, treatment etc.) will need to be analyzed by the California Professional Engineer. New language has been added to this Permit to clarify the guiding principles need to determine when discharges occur.</p> <p>This Permit does not authorize ground water contamination. Facilities that are infiltrating industrial pollutants to groundwater will need to file a waste discharge report with the appropriate regional board (Water Code Section 13260.1).</p>

		<p>groundwater, or to prevent facilities that have discharges to groundwater from filing an acceptable NONA. We understand that Section XX.C.2.a is not intended to affect the actual requirement for permit coverage stated elsewhere in the permit, which, matching federal law, is for discharges to waters of the U.S. CASQA understands that federal case law has found that NPDES permit coverage would be needed for certain very direct subsurface connections to waters of the U.S. However, a short phrase referring to groundwater in the NONA provisions is confusing and potentially misleading; instead, permit coverage requirements should be addressed in the fact sheet where other background and regulatory information is documented.</p> <p><i>Recommended change shown in highlighted text:</i> The facility shall is either be (1) engineered and constructed to have contained the maximum historic precipitation event (or series of events) using the precipitation data collected from the National Oceanic and Atmospheric Agency's website (or other nearby precipitation data available from other government agencies); or so that there will be no discharge of industrial storm water to waters of the United States, including no discharge to groundwater that has a direct hydrologic connection to waters of the United States; or,</p>	
10.8	California Stormwater Quality Association (Gerhardt Hubner)	<p>The standard upset and bypass provisions must be included in Provision XXI. (Standard Conditions) of the Draft Industrial General Permit, particularly because technology-based BMPs and treatment can fail. See <i>accord</i> 40 C.F.R. §122.41 (The following conditions apply to all NPDES permits) (m) (Bypass) and (n) (Upset); see also <i>FMC Corp. v. Train</i>, 539 F.2d 973 (4th Cir.1976) and <i>Marathon Oil v. EPA</i>, 564 F.2d 1253 (9th Cir. 1977). In the <i>Marathon Oil</i> case, the Ninth Circuit Court of Appeal concluded that a facility using proper technology operated in an exemplary fashion would not</p>	<p>This Permit contains no numeric effluent limitations and does not define a compliance storm. As such, data collected from bypass discharges do not constitute a violation of this Permit. Should analytical results from bypass discharges cause NAL exceedances, the Discharger is required to address these exceedances within the scope of the Level 1 and 2 ERAs. No revisions have been made to address the comment.</p>

		<p>necessarily be able to comply one hundred percent of the time, and thus an upset defense in the permit was necessary. Further, in the Marathon Oil case, the Ninth Circuit Court of Appeal concluded an upset defense in the permit was necessary and could be used to cover instances of equipment failure and human error. (Id. at 1273.) In the State Water Board’s Response To Comments document, the response to this suggestion was: “40 C.F.R. section 123.25(a) allows states to omit provisions, including the bypass and upset provisions, as long as doing so results in more stringent requirements. While the specific defenses are not included in the permit, there are other permit provisions that address similar issues. For example, the design storm standards at section X.H.6 of the permit authorize the construction of treatment control BMPs that are not designed to capture all storm water from every type of storm event possible.” This justification that the State may be more stringent is not sufficient, because if the State makes that policy choice then it must consider the Water Code Section 13241 factors prior to doing so, and has not done this analysis to address the costs and consequences of not including these standard provisions. See <i>Burbank v. SWRCB</i>, 35 Cal. 4th 613 (2005). Further, the Draft Industrial General Permit does not state that discharges larger than design storm for the treatment control BMPs are expressly authorized. Thus, in addition to the upset/bypass defenses, the Draft Industrial General Permit must expressly define a design storm for BMPs and allow discharges during events that exceed this size storm event since dilution would be so great at that point.</p>	
10.9	California Stormwater Quality Association	Appendix 3 introduces language regarding responsibilities of Dischargers in “303(d) listed watersheds.” CASQA requests that the language be revised to refer, instead, to “303(d) listed water	This Permit includes requirements to implement water quality standards for all discharges, both direct discharges to impaired water bodies and indirect discharges generated within the watershed. Both direct discharges and indirect

	(Gerhardt Hubner)	<p>bodies.” CASQA believes that the use of the term “watershed” may be a typographical error. However, if the SWRCB intends to refer to watersheds, this change represents a significant and substantive change to the permit, significantly expanding the scope of the additional monitoring and assessment requirements for facilities throughout the watershed of a 303(d) listed water body. The 303(d) list is a list of impaired water bodies, not a list of impaired watersheds. Frequently, only segments of a water body are listed as impaired so it would be inappropriate to impose additional monitoring on an entire watershed. <i>Recommended change shown in highlighted text:</i> The 303(d) impairments below are sourced from the 2010 Integrated Report. The rows in red are impairments for which industrial storm water Dischargers subject to this General Permit are not required to analyze for additional parameters unless directed by the Regional Water Board, because these parameters are typically not associated with industrial storm water. Test methods with substantially similar or more stringent method detection limits may be used if approved by the staff of the State Water Board prior to sampling and analysis and upon approval, will be added into SMARTS. The rows that are not in red are impairments for which Dischargers that discharge directly into the 303(d) impaired waters watershed are required to analyze for additional parameters, if applicable, because these parameters are more likely to be associated with industrial storm water. See General Permit Section XI.B.6.e. In the event that any of the impairments in this appendix are subsequently delisted, the Dischargers into that water watershed are no longer required to analyze for the additional parameters for those impairments, and the provisions for new Dischargers into 303(d) impaired waters watershed contained in Section VII.B of this General Permit no longer apply for those impairments.</p>	<p>discharges are considered to be discharges “to” a water body. All the discharges covered by this General Permit exist in functional watersheds. For each combination of a Discharger and a reach or segment of a 303(d) listed water body, there is usually a single, distinct connection via a watershed. This can be a direct discharge or an indirect discharge. Although the 303(d) list names only water bodies, the Water Boards have had difficulties in past, similar experiences impressing upon the regulated community the concept of evaluating their discharge in terms of its contribution of pollutants associated with any 303(d) listed water bodies. As a result the Water Boards are now using the term “watersheds” in this context for permits where discharges are distributed throughout watersheds. Dischargers should consider the specifics of their watershed when evaluating potential pollutants per Section X.G.2.a.ix. of the General Permit. This language is consistent with the other, recent NPDES permits issued by the State Water Board.</p>
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11.1	Castellon & Funderbunk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc (Anna Le May)	The State Water Board should have granted at least 30 days to review and comment on the 2014 Permit.	As the State Water Board noted in its denial of the requests to extend the deadline for written comments, the revisions to this Permit have gone through three full comment periods, each with a comment period extension. The notice of the 2014 draft Industrial General Permit specifically limited comments to proposed revisions that had been made since July 19, 2013. The changes between the draft Industrial General Permit released on July 19, 2013 and the draft Industrial General Permit released on February 19, 2014 are relatively minor and have been tracked in versions posted for public comment. Because the changes are relatively minor, the changes are easy to identify, and the scope of the comments is limited to the changes, the State Water Board denied the requests for an extension of the comment period. "The law does not require that every alteration in a proposed permit result in a new notice and comment period." (State Water Board Order WQ 2012-0013 (Sacramento Regional Wastewater Treatment Plant).) An additional notice and comment period is not required where interested parties could reasonably anticipate the final version of the permit from the draft permit. (<i>Ibid.</i>) Here, where changes from the 2013 draft Industrial Permit were relatively minor, a new 30-day notice and comment period is not necessary.
11.2	Castellon & Funderbunk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc (Anna Le May)	Receiving Water Limitations Section I.E.37 pg. 6 (order) Should be consistent with and reference Section XX.B.	The mechanism in Section XX.B is not the only method to comply with receiving water exceedances. When this Permit is reopened, there will be TMDL implementation requirements that will address specific pollutants in specific receiving waters that do not meet water quality standards. When developing this Permit language, the State Water Board has sought to minimize cross referencing of requirements unless necessary. No revisions have been made to address the comment.
11.3	Castellon & Funderbunk LLP on behalf of Chemical	Receiving Water Limitations Section I.E.37 pg. 22 (fact sheet) Section II.E. should reference infiltration, storm water retention, and water reuse as potential BMPs in section E.	The State Water Board does not believe it necessary to list additional examples of BMPs that may qualify as advanced BMPs. No revisions have been made to address the comment.

	Batch Processing Monitoring Group, Inc (Anna Le May)		
11.4	Castellon & Funderbunk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc (Anna Le May)	SWPPP Implementation and Revisions Section X.B.3 pg. 25 (order) Section X.B.3 is confusing and is unnecessary. The facility should only be required to submit an updated SWPPP whenever the SWPPP contains significant revisions.	This Permit requires the Discharger to make a determination of what constitutes "significant revisions". And the State Water Board believes when such a significant change occurs it should be disclosed in a timely manner so that the State Water Board and the public. One month to disclose such revisions is not unreasonable. The State Water Board does not believe that most Dischargers have frequent significant operational changes. The State Water Board anticipates that some guidance will be developed as part of the QISP training. And even if the Discharger errs in making the determination, this Permit requires the Discharger to submit all revisions once every three months. The State Water Board does not believe the correction of grammatical errors and typos constitutes a revision that triggers the three months submittal into SMARTS. No revisions have been made to address the comment
12.1	Castellon & Funderbunk LLP on behalf of Paper, Glass, and Plastic Recyclers Monitoring Group, Inc. (Anna Le May)	The State Water Board should have granted at least 30 days to review and comment on the 2014 Permit.	As the State Water Board noted in its denial of the requests to extend the deadline for written comments, the revisions to this Permit have gone through three full comment periods, each with a comment period extension. The notice of the 2014 draft Industrial General Permit specifically limited comments to proposed revisions that had been made since July 19, 2013. The changes between the draft Industrial General Permit released on July 19, 2013 and the draft Industrial General Permit released on February 19, 2014 are relatively minor and have been tracked in versions posted for public comment. Because the changes are relatively minor, the changes are easy to identify, and the scope of the comments is limited to the changes, the State Water Board denied the requests for an extension of the comment period. "The law does not require that every alteration in a proposed permit result in a new notice and comment period." (State Water Board Order WQ 2012-0013 Sacramento Regional Wastewater Treatment Plant.) An additional notice and

			comment period is not required where interested parties could reasonably anticipate the final version of the permit from the draft permit. (<i>Ibid.</i>) Here, where changes from the 2013 draft Industrial Permit were relatively minor, a new 30-day notice and comment period is not necessary.
12.2	Castellon & Funderbunk LLP on behalf of Paper, Glass, and Plastic Recyclers Monitoring Group, Inc. (Anna Le May)	Receiving Water Limitations Section I.E.37 pg. 6 (order) Should be consistent with and reference Section XX.B.	The mechanism in Section XX..B is not the only method to comply with receiving water exceedances. When this Permit is reopened, there will be TMDL implementation requirements that will address specific pollutants in specific receiving waters that do not meet water quality standards. When developing this Permit language, the State Water Board has sought to minimize cross referencing of requirements unless necessary. No revisions have been made to address the comment.
12.3	Castellon & Funderbunk LLP on behalf of Paper, Glass, and Plastic Recyclers Monitoring Group, Inc. (Anna Le May)	Receiving Water Limitations Section I.E.37 pg. 22 (fact sheet) Section II.E. should reference infiltration, storm water retention, and water reuse as potential BMPs in section E.	The State Water Board does not believe it necessary to list additional examples of BMPs that may qualify as advanced BMPs. No revisions have been made to address the comment.
12.4	Castellon & Funderbunk LLP on behalf of Paper, Glass, and Plastic Recyclers Monitoring Group, Inc.	SWPPP Implementation and Revisions Section X.B.3 pg. 25 (order) Section X.B.3 is confusing and is unnecessary. The facility should only be required to submit an updated SWPPP whenever the SWPPP contains significant	This Permit requires the Discharger to make a determination of what constitutes "significant revisions". And the State Water Board believes when such a significant change occurs it should be disclosed in a timely manner so that the State Water Board and the public. One month to disclose such revisions is not unreasonable. The State Water Board does not believe that most Dischargers have frequent significant operational changes. The State Water Board anticipates that some guidance will be developed as part of the QISP training. And even if the Discharger errs in making the determination,

	(Anna Le May)		this Permit requires the Discharger to submit all revisions once every three months. The State Water Board does not believe the correction of grammatical errors and typos constitutes a revision that triggers the three months submittal into SMARTS. No revisions have been made to address the comment
13.1	City of San Diego, Transportation & Storm Water Department (Kris McFadden)	Pg. 7 Paragraph 40: The City is concerned that the Draft Order gives enrollees until 2017 or later to engage in any TMDL compliance activities.	Per the public notice for the 2014 "Final Draft Industrial General Permit", this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous "response to comments" documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
13.2	City of San Diego, Transportation & Storm Water Department (Kris McFadden)	Pg. 37, section 6(a)(iii) The City is concerned that the treatment control BMP requirement was made less stringent by requiring treatment of 80% of the volume of the runoff, as opposed to 90%. By Contrast, MS4 Permit covering San Diego region requires retention of the 85 th percentile storm on site...	The draft 2013 General Permit contained a typo (90%) which was changed in the final 2014 draft General Permit (80%). If an MS4 has an enforceable ordinance mandating retention of the 85% storm in all cases, this Permit requires Dischargers to comply with local ordinances. No revisions have been made to address the comment.
13.3	City of San Diego, Transportation	Pg. 5 Section (b)(i) and (c)(i): The City is concerned that the Discharger will be allowed to present evidence that a NAL exceedance is the result of	Per the public notice for the 2014 "Final Draft Industrial General Permit", this comment does not address the proposed revisions that have been made since July 19, 2013 and

	n & Storm Water Department (Kris McFadden)	non-industrial pollutant sources and will avoid having to take further action to reduce pollutant from their site.	therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous "response to comments" documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf SUBMISSION OF COMMENTS The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.
13.4	City of San Diego, Transportation & Storm Water Department (Kris McFadden)	Attachment E: the city is concerned that the attachment does not list all of the applicable TMDLs for the San Diego region.	The State Water Board agrees with the commenter and has added the three TMDLs.
14.1	Del Monte Foods, Inc. (Timothy Ruby)	SWPPP Implementation and revisions, Condition B3, pg. 25: Examples of significant revisions to SWPPPs that need to be certified and submitted via SMARTS should be footnoted and defined.	This Permit requires the Discharger to make a determination of what constitutes "significant revisions". The State Water Board anticipates that some guidance will be developed as part of the QISP training. And even if the Discharger errs in making the determination, this Permit requires the Discharger to submit all revisions once every three months. The State Water Board does not believe the correction of grammatical errors and typos constitutes a revision that triggers the three months submittal into SMARTS. No revisions have been made to address the comment
14.2	Del Monte Foods, Inc.	XX,C.2.a pg. 71 Discharged industrial storm water to groundwater	The No Discharge Technical Report shall be signed (wet signature and license number) by a California licensed

	(Timothy Ruby)	that has a direct hydrologic connection to waters of the United States are not eligible to claim “No Discharge” through the Notice of Non-Applicability (NONA) process. We think this is overly restrictive and not in the best interest of the state. Commenter provided extensive line edits.	<p>professional engineer. Facilities will need to carefully analyze their storm water for the potential of the pollutant to reach waters of the United States. Infiltration is encouraged at sites that do not have pollutants the can have negative impacts to human health and the environment. In all cases site specific details (pollutant present, water balance in the shallow soil, infiltration, treatment etc.) will need to be analyzed by the California Professional Engineer.</p> <p>This Permit does not authorize ground water contamination. Facilities that are infiltrating industrial pollutants to groundwater will need to file a waste discharge report with the appropriate regional board (Water Code Section 13260.1)</p>
14.3	Del Monte Foods, Inc. (Timothy Ruby)	No discharge option in the notice of non-applicability The no-discharge option does not cover storm water containment systems that transfer industrial pollutants to ground water. Commenter provided extensive line edits.	<p>The No Discharge Technical Report shall be signed (wet signature and license number) by a California licensed professional engineer. Facilities will need to carefully analyze their storm water for the potential of the pollutant to reach waters of the United States. Infiltration is encouraged at sites that do not have pollutants the can have negative impacts to human health and the environment. In all cases facility specific details (pollutant present, water balance in the shallow soil, infiltration, treatment etc.) will need to be analyzed by the California Professional Engineer.</p> <p>This Permit does not authorize ground water contamination. Facilities that are infiltrating industrial pollutants to groundwater will need to file a waste discharge report with the appropriate regional board (Water Code Section 13260.1)</p>
15.1	Department of Defense Regional Environmental Coordinator of California, Region 9 (C. L. Stathos)	Would like to thank the Water Board for beginning a review of “Source Control” of pollutants. The addition of a source control component could be a more direct and cost effective method to improve water quality in California.	Comment noted.
16.1	Environmental Pollution Solutions	The QISP requirement is absent for advanced and technical areas involving 303(d) listed water bodies	The State Water Board agrees with the comment and is revising this Permit language to require a QISP for new Dischargers to 303(d) listed water bodies. The State Water

	LLC (Arthur Deicke)		<p>Board believes that most Dischargers will need some background as to how to make the various determinations. The QISP training will include a module that will address new Dischargers to 303(d) listed water bodies.</p> <p>VII.B. New Dischargers applying for NOI coverage under this General Permit that will be discharging to a water body with a 303(d) listed impairment are ineligible for coverage unless the Discharger submits data and/or information, prepared by a QISP, demonstrating that:</p>
16.2	Environmental Pollution Solutions LLC (Arthur Deicke)	Dischargers to the Ocean Water (Section VIII.A) and discharges Granted an Exception for Areas of Special Biological Significance (Section VIII.B) do not require a QISP.	Although the State Water Board generally agrees that Dischargers that discharge to the Pacific Ocean (Section VIII.A) and discharges Granted an Exception for Areas of Special Biological Significance (Section VIII.B) may in many cases require a higher level of expertise, the State Water Board believes that level of expertise may be beyond the level of a QISP. Therefore, the QISP training will not address these special circumstances. No revisions have been made to address the comment
16.3	Environmental Pollution Solutions LLC (Arthur Deicke)	Discharger is not required to have QISP assistance for Water Quality Based Corrective Actions (Section XX.B) where the discharges contain pollutants that are in violation of Receiving Water Limitations.	Although the State Water Board generally agrees that Dischargers will need assistance to address Water Quality Based Corrective Actions (Section XX.B) where the discharges contain pollutants that are in violation of Receiving Water Limitations, the State Water Board believes that level of expertise may be beyond the level of a QISP. Therefore, the QISP training will not address these special circumstances. No revisions have been made to address the comment
17.1	Erler & Kalinowski, inc (Mathew Zucca)	Section X.H.2.b.ii Storm water Containment and Discharge Reduction BMPs: The proposed language does not specify whether storm water should be treated prior to infiltration, managed in a manner to prevent any groundwater quality degradation or impact to beneficial uses of the waters of the state as identified in the regional board's basin plan.	<p>Determination whether it is necessary to treat storm water prior to infiltration will be done on a facility-specific basis. Details such as pollutants present, water balance, soil porosity, depth to ground water, level of treatment, etc. will need to be analyzed by the California Professional Engineer to determine the feasibility.</p> <p>This Permit does not authorize ground water contamination. Facilities that are infiltrating industrial pollutants to groundwater will need to file a waste discharge report with the appropriate regional board (Water Code Section 13260.1)</p>

18.1	General Public (Joyce Dillard)	We are unclear as to how it is ascertained that “numeric effluent limitations are infeasible.”	Commenter is instructed to see discussion in Fact Sheet II.D Effluent Limitations
19.1	Heal the Bay (Peter Shellenbarger or Kristen James)	Total maximum daily loads (“TMDLs”) numeric waste load allocations (“WLAs”) that apply to Dischargers covered by the Draft Permit must be directly incorporated into the permit as water quality-based effluent limitations (“WQBELs”).	It is not feasible or appropriate for TMDL implementation requirements to be included in this draft without proper translation and input driven by Regional Water Board staff and stakeholders. Once drafted and vetted in accordance with the expectations cited in this Permit, the TMDL implementation requirements will be subject to statewide stakeholder review and consideration by the State Water Board. How the TMDL implementation language will be incorporated into this Permit will be determined by the State Water Board in the future by reopening this Permit and will have the normal review and comment periods as required by law. No revisions have been made to address the comment.
19.2	Heal the Bay (Peter Shellenbarger or Kristen James)	The Draft Permit has been revised to allow temporary suspended industrial activities to also suspend monitoring requirements. We have concerns that this suspension of monitoring requirements will not allow for discharges to be properly identified during storm events. The Permit states that once necessary BMPs have been implemented to stabilize a facility, the Discharger is no longer required to (1) perform monthly visual observations and/or (2) monitor storm water flows when sampling and analysis is deemed infeasible.	The State Water Board considers the addition of the temporary suspension requirements to be an improvement to the current Permit. Currently, Dischargers are not required to obtain samples outside of facility operating hours. However, there is no specific requirement to stabilize the facility during lengthy periods when the facility is not in operation or a requirement that the Discharger disclose that the facility is not in operation. This new permitting requirement continues to allow Dischargers to suspend sampling during periods when the facility’s activities are suspended but only if the Discharger first implements stabilization BMPs to remove, clean, or contain sources of pollutants at the facility. Dischargers are required to amend their SWPPPS to provide the stabilization BMPs and notify the State Water Board via SMARTS that the BMPs have been implemented, when the facility’s activities are suspended, and when the facility’s activities No revisions have been made to address the comment
19.3	Heal the Bay (Peter Shellenbarger or Kristen James)	The Draft Permit fails to meaningfully evaluate existing, readily available data to establish and include numeric limits for toxic chemicals associated with storm water runoff from the thousands of industrial facilities across California (despite demonstration that such limits are feasible and currently being attained by the majority of industrial	Developing a framework and timeframe to evaluate data and develop numeric limits are not permit requirements and, therefore, outside the scope of this response to comments. It is more appropriate to capture this interest in the Storm Water Strategic Work Plan effort led by State Water Board staff, beginning in April 2014.

		<p>sites). During the timeframe between the adoption of the Final Draft Permit and the implementation date of July 2015, we believe that the Board should develop a framework for assessing industrial data to ensure the Board will achieve the ability to determine the feasibility of numeric limits. The Board should make data collection to inform future numeric limits a priority, and put in place a framework for assessing the adequacy of data collection and monitoring parallel to permit implementation. This should include consideration of using the Permit's reopener clause to make revisions to the monitoring and reporting requirements as deemed necessary.</p>	<p>The State Water Board disagrees with comment regarding reopening this Permit for the purpose of amending monitoring requirements. This Permit contains a comprehensive approach for Dischargers to evaluate their discharges against defined NAL exceedances and when necessary implement appropriate BMP enhancements. This outcome will not be achieved for most Dischargers until 3 to 4 years at a minimum. Altering the monitoring requirements would likely result in incomparable data which would interfere with the completion of the Level 1 and Level 2 ERAs. The sampling required in this Permit is double that of the current Permit and the requirements of when a Discharger can take samples has been significantly loosened. This will result in a significant amount of data captured from all parts of the state. In addition, Regional Boards retain their authority to require additional parameters. This can be done by industry or by watershed. The State Water Board firmly believes the monitoring requirements are fundamentally sound, in line with other General Permits available around the country, and should achieve the goals of assisting Dischargers to determine whether they are complying with this Permit. No revisions have been made to address the comment.</p>
19.4	<p>Heal the Bay (Peter Shellenbarger or Kristen James)</p>	<p>The Draft Permit (section X.6) offers industrial facilities an exception to design storm standards for treatment control BMPs if an alternative will achieve compliance with the effluent limitations outlined in the Permit. All treatment control BMPs should be designed, at a minimum, to achieve all three volume based standards outlined in section X.6.a. No exceptions should be allowed in the permit, no matter when or scale of BMP implementation. Removing the exception ensures BMP treatment consistency for all industrial storm water projects throughout the State.</p>	<p>This Permit only allows Discharger the alternative of constructing treatment control BMPs that are less than the design storm standards if the Discharger prepares Level 2 Technical Report justifying that the design storm standard exceeds BAT/BCT. The design storm standards do not constitute a compliance storm in which case the State Water Board would have performed a technical analysis established criteria that represent BAT/BCT. In addition, the exception to the design storm standard does not apply to discharges to impaired water bodies where more stringent treatment controls may be necessary. No revisions have been made to address the comment.</p>
20.1	<p>Hunton & Williams on behalf of Utility Water Act Group (Kristy</p>	<p>The 2014 Draft Permit does not adequately address the comments submitted in 2013 on the compliance with the IGP constituted compliance with the CWA, because the IGP's minimum best management practice (BMP) requirements embody all applicable technology-based or water quality-based standards</p>	<p>The State Water Board does not presume that the minimum BMPs in this Permit represent BAT/BCT for all Dischargers. The State Water Board believes that many Dischargers will be in compliance with BAT/BCT by implementing the minimum BMPs required in this Permit. However, many Dischargers have facility operations where pollutants cannot be adequately</p>

	Bulleit)	(6 specific comments in letter).	<p>controlled by the minimum BMPs. An example is a Discharger that handles materials outdoors that are easily mobilized by contact with storm water. Since pollutant loading would increase, such Dischargers must select appropriate advanced BMPs to reduce pollutants in storm water discharges to meet BAT/BCT.</p> <p>The design storm standards do not constitute a compliance storm or BAT/BCT, for which, the State Water Board would have performed a technical analysis established criteria that represent BAT/BCT. In addition, the exception to the design storm standard does not apply to discharges to impaired water bodies where more stringent treatment controls may be necessary. The State Water Board reviewed much of the research already conducted establishing the 85th percentile and is satisfied that it represents an adequate balance between water quality protection and cost of compliance for many compliance scenarios. State Water Board staff anticipates that the next five years will involve review of effluent sampling data and Level 2 technical Reports (for specific best management practice performance data) to either adjust the design storm standards or, for some sectors, evaluate the feasibility of compliance storm criteria. No revisions have been made to address the comment.</p>
20.2	Hunton & Williams on behalf of Utility Water Act Group (Kristy Bulleit)	By implementing the minimum BMPs described in the IGP, Dischargers would be presumed to be meeting the BAT/BCT standards; advanced BMPs only would be required in those instances where NAL exceedances indicated that the minimum BMPs did not adequately control discharges to meet the BAT/BCT standards; and NALs are applicable and relevant to California facilities.	<p>The State Water Board does not presume that the minimum BMPs in this Permit represent BAT/BCT for all Dischargers. The State Water Board believes that many Dischargers will be in compliance with BAT/BCT by implementing the minimum BMPs required in this Permit. However, many Dischargers have facility operations where pollutants cannot be adequately controlled by the minimum BMPs. An example is a Discharger that handles materials outdoors that are easily mobilized by contact with storm water. Since pollutant loading would increase, such Dischargers must select appropriate advanced BMPs to reduce pollutants in storm water discharges to meet BAT/BCT.</p>
20.3	Hunton & Williams on behalf of Utility Water	By implementing the minimum BMPs, Dischargers would be presumed to be meeting any required water quality-based effluent limitations or receiving water limitations; A Discharger may comply with	Dischargers to impaired water bodies may need to implement BMPs beyond BAT/BCT to attain compliance with water quality standards. There is no presumption that the minimum BMPs and any additional advanced BMPs will satisfy water

	Act Group (Kristy Bulleit)	receiving water limitations through implementation of water quality-based corrective action; and water quality standards apply in the receiving water, not to the stormwater at the point of discharge.	quality standards. This Permit has two mechanisms to require more stringent BMPs beyond BAT/BCT. The Regional Boards can require more stringent BMPs through the process described in Section XX. B Water Quality based Corrective Actions and through the future TMDL implementation language that will be included in the after the re-opening of this Permit. No revisions have been made to address the comment
20.4	Hunton & Williams on behalf of Utility Water Act Group (Kristy Bulleit)	Technology based effluent limitations must be developed.	Technology-based effluent limitations applicable to industrial activities are based on best conventional pollutant control technology (BCT) for conventional pollutants, and best available technology economically achievable (BAT) for toxic and non-conventional pollutants. (CWA § 301(b)(1)(A) and (2)(A).) Dischargers are required to implement an effective suite of BMPs that meet the technology and water-quality based limitations of this General Permit.
20.5	Hunton & Williams on behalf of Utility Water Act Group (Kristy Bulleit)	Please clarify when any requirement to implement advanced BMPs that are connected to NAL exceedances.	The State Water Board does not presume that the minimum BMPs in this Permit represent BAT/BCT for all Dischargers. The State Water Board believes that many Dischargers will be in compliance with BAT/BCT by implementing the minimum BMPs required in this Permit. However, many Dischargers have facility operations where pollutants cannot be adequately controlled by the minimum BMPs. An example is a Discharger that handles materials outdoors that are easily mobilized by contact with storm water. Since pollutant loading would increase, such Dischargers must select appropriate advanced BMPs to reduce pollutants in storm water discharges to meet BAT/BCT.
20.6	Hunton & Williams on behalf of Utility Water Act Group (Kristy Bulleit)	If NAL exceedances persist after a Discharger has implemented advanced BMPs the Discharger need not take any additional steps (which highlights that the NALs may not be relevant to California facilities)	The State Water Board disagrees with the comment. Dischargers that have implemented the minimum BMPs and any advanced BMPs and still have NAL exceedances are required to prepare a Level 2 Technical Report demonstrating that the BMPs the Discharger has implemented satisfy BAT/BCT. There may be cases that a full BAT/BCT analysis will result in the Discharger implementing additional BMPs. No revisions have been made to address the comment
20.7	Hunton & Williams on	All Dischargers should be able to make “non-industrial pollutant source” and “natural background	Per the public notice for the 2014 “Final Draft Industrial General Permit”, this comment does not address the proposed

	behalf of Utility Water Act Group (Kristy Bulleit)	source' demonstrations, and Dischargers making such demonstrations will be given baseline status.	<p>revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous "response to comments" documents as we may have previously received a similar and provided a written response. Notice</p> <p>link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf</p> <p>SUBMISSION OF COMMENTS</p> <p>The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.</p>
20.8	Hunton & Williams on behalf of Utility Water Act Group (Kristy Bulleit)	<p>The 2014 draft IGP appears to undermine that clarity. Section V.A now provides that Dischargers are to "implement BMPs that comply with the BAT/BCT requirements of this General Permit to reduce or prevent discharges of pollutants in their storm water discharge...."</p> <p>The new, underlined text appears to say, in a circular fashion, that in order to meet the CWA's BAT/BCT requirements, a Discharger has to implement BMPs that meet the BAT/BCT requirements. Rather than a permit where the permit writer has determined effluent limitations achievable based on BAT/BCT technology, the 2014 draft IGP could be interpreted to require Dischargers to make that determination themselves. This is not what the CWA requires. Even if a Discharger implements the minimum BMPs described in Section H.1, he or she would be susceptible to a claim that the BMPs do not comply</p>	<p>This General Permit contains a primary, narrative technology-based effluent limitation (TBEL) to "implement BMPs that comply with the BAT/BCT requirements of this General Permit to reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability," As well as specific narrative TBELs that include more specific best management practices (BMPs). This suite of TBELs, when applied appropriately to a specific facility, represents compliance with the BAT/BCT requirements set forth in laws and regulations.</p>

		with BAT/BCT requirements.	
20.9	Hunton & Williams on behalf of Utility Water Act Group (Kristy Bulleit)	Board staff, however, did not clarify in the 2014 draft IGP that implementation of the minimum BMPs gives rise to a presumption that a discharge is not causing or contributing to a WQS exceedance. While that presumption appears in the Fact Sheet, we renew our request that the Board revise the IGP before adoption to clarify this presumption. The Fact Sheet states: "Implementation of the BMPs required under Section V of this General Permit will typically result in compliance with WQS." Fact Sheet, II.E., p. 22.	Dischargers to impaired water bodies may need to implement BMPs beyond BAT/BCT to attain compliance with water quality standards. There is no presumption that the minimum BMPs and any additional advanced BMPs will satisfy water quality standards. This Permit has two mechanisms to require more stringent BMPs beyond BAT/BCT. The Regional Boards can require more stringent BMPs through the process described in Section XX. B Water Quality based Corrective Actions and through the future TMDL implementation language that will be included in the after the re-opening of this Permit. No revisions have been made to address the comment.
20.10	Hunton & Williams on behalf of Utility Water Act Group (Kristy Bulleit)	based on new language in Section XII.D.1 defining that a "new Level 2 NAL exceedance" is an exceedance for (i) a new parameter not already being addressed or (ii) the same parameter in a new drainage area. A Level 2 ERA Action Plan only is required for a new Level 2 NAL exceedance. Further, submittal of a Level 2 ERA Technical Report follows submittal of the Level 2 ERA Action Plan. However, new language in Section XII.D.3.c appears to contradict both the new definition of "new Level 2 NAL exceedance" in Section XII.D.1 and the Fact Sheet by suggesting that a new Level 2 ERA Technical Report is required for NAL exceedances of the same parameter/drainage area.	The State Water Board agrees that revisions are necessary to clarify that only Dischargers that have submitted a Level 2 Technical Report containing an Industrial Activity BMP Demonstrations that is expected to eliminate future NAL exceedances are required to update their Technical Report based on new exceedances of the same parameter and the same drainage area. Addition to Section XII.D.3.c If there are no changes prompting an update of the Level 2 ERA Technical Report, as specified above, the Discharger will provide this certification in the Annual Report that there have been no changes warranting re-submittal of the Level 2 ERA Technical Report.
21.1	Lake Tahoe Marina Association (M. Elie Alyeshmerni)	In Section X.H.3 - Temporary Suspension of Industrial Activities - the Draft Industrial General Permit discusses temporary suspension of industrial activities, and allows for the Discharger to suspend monitoring if it is infeasible to conduct monitoring while industrial activities are suspended (e.g., the facility is not staffed, or the facility is remote or inaccessible) and the facility has been stabilized. During winter months for many of the marinas at Lake Tahoe (our offseason), While our facilities are not remotely located, staffing is reduced to skeleton	In the commenter's example, the facility is accessible, but not staffed. One of the requirements in section X.H.3 is that the Discharger is required submit via SMARTS a justification explaining why monitoring is infeasible at the facility during the period of temporary suspension of industrial activities. That a facility is closed and unstaffed is one example of why monitoring may be infeasible at a facility. The facility does not need to be remote to qualify for monitoring suspension. Dischargers should be aware that the Regional Boards may reject the request for suspension of monitoring activities. No revisions have been made to address the comment.

		<p>levels, all boats have been removed from the water and placed in indoor storage, or removed from the property altogether. Service departments are closed. Fueling operations are closed and sealed for the winter for protection from the elements. In some cases, where there is no year-round restaurant or retail business associated with the marina, the parking lot and work areas are left snowed over with no plow service. Our concern is that with the site not being remotely located" and with some staff present (even if minimal), would we meet the definition that allows for "Temporary Suspension of Industrial Activities"? Expanding this concern to other types of businesses in other locations, we see this impacting a wide range of recreational based businesses and seasonal agriculture related businesses, and possibly others. A more complete definition of "Temporary Suspension of Industrial Activities" would allow for these types of businesses to implement appropriate HMP's for the off-season and then suspend inspections and monitoring until the resumption of activities.</p>	
21.2	<p>Lake Tahoe Marina Association (M. Elie Alyeshmerni)</p>	<p>In Section XX.C.2- Requirements for Dischargers Claiming "No Discharge" through the Notice of Non-Applicability (NONA), one of the requirements is that "The facility is engineered and constructed to have contained the maximum historic precipitation event (or series of events) using the precipitation data collected from the National Oceanic and Atmospheric Agency' s website (or other nearby precipitation data available from other government agencies); or so that there will be no discharge of industrial storm water to waters of the United States, including no discharge to groundwater that has a direct hydrologic connection to waters of the United States." We believe that in the case of facilities which do utilize infiltration as a means of storm-water disposal, but are located such that a hydrologic connection to waters of the United States</p>	<p>The No Discharge Technical Report shall be signed (wet signature and license number) by a California licensed professional engineer. Dischargers will need to carefully analyze their storm water for the potential of the pollutant to reach waters of the United States. Infiltration is encouraged at sites that do not have pollutants the can have negative impacts to human health and the environment. In all cases facility specific details (pollutant present, water balance in the shallow soil, infiltration, treatment etc.) will need to be analyzed by the California Professional Engineer. New language has been added to this Permit to clarify the guiding principles need to determine when discharges occur.</p> <p>This Permit does not authorize ground water contamination. Facilities that are infiltrating industrial pollutants to groundwater will need to file a waste discharge report with the appropriate regional board (Water Code Section 13260.1). No revisions have been made to address the comment.</p>

		<p>may exist, there are still benefits to infiltration that should not be discouraged. Suspended Solids is a good example of a pollutant that would be filtered out, even when the infiltration galleries are only a short distance from waters of the United States. These Dischargers may still not qualify for a NONA, but this situation should be accounted for. A suggestion is to include modifications in the Monitoring, Sampling and Reporting requirements to eliminate testing for constituents readily mitigated through infiltration, while continuing to test for pollutants that could pass through to the waters of the United States.</p>	
22.1	Los Angeles County Integrated Waste Management Task Force (Margaret Clark)	<p>We are concerned with the failure of the proposal to require industrial facilities and specifically composting facilities handling solid waste to comply with similar requirements as those imposed on local governments.</p>	<p>This Permit requires Dischargers to comply with all local and other government laws and ordinances. No revisions have been made to address the comment.</p>
22.2	Los Angeles County Integrated Waste Management Task Force (Margaret Clark)	<p>We recommend incorporating measures to ensure that the proposed Order would be consistent with the Clean Air Act and Clean Water Act requirements under the purview of other State, regional, special districts (such as sanitation and flood control districts, and local jurisdictions.</p>	<p>This Permit requires Dischargers to comply with all local and other government laws and ordinances. No revisions have been made to address the comment.</p>
22.3	Los Angeles County Integrated Waste Management Task Force (Margaret Clark)	<p>We recommend that the that the draft order address issues regarding ponding water (resulting from on-site retention of stormwater or leachate from outside composting activities) with respect to vectors, odor, and treatment of runoff.</p>	<p>Leachate from composting facilities is considered as industrial process water and may not be discharged under this Permit. Currently the State Water Board is drafting a composting general order, more information can be found in the following link: http://www.waterboards.ca.gov/water_issues/programs/compost/ Section II.I.3 of the Fact Sheet has been edited to provide some more information on the issues surrounding vector control and treatment BMPs. This Permit requires Dischargers to comply with local government ordinances,</p>

			including vector controls. Since construction of retention BMPs will generally require the review of a California licensed engineer and will be subject to a local building permit, the Water Board believes that there it is necessary to specifically address vector control. No revisions in this Permit have been made to address the comment
23.1	Los Angeles Department of Water and Power (Katherine Rubin)	LADWP recommends that self-guided State Water Board-sponsored training program be available for all members of the facilities compliance team not just the Professional Engineers who will be the QISP. This training will be useful and would aid the other designated team members assigned to perform activities recommended by the QISP which are required by this General Permit.	The State Water Board agrees that QISP training would be useful for a facilities staff to recognize how to avoid storm water pollution problems and hope that most facilities will consider sending some of their employees to the training course. Once the employee satisfactorily completes the training course they will have their QISP license. The State Water Board is developing a specialized, self-guided State Water-Board-sponsored registration and training program specifically for engineers licensed by the California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyor and Geologists (CBPELSG) and in good standing with CBPELSG because such engineers have licenses that professional overlap with the topics of the General Permit. Additionally, by using their Professional license they are accepting a level of responsibility that their judgment and work has been completed in accordance with this Permit and the rules they follow through CBPELSG. (Title 16, California Code of Regulations, 475. Code of Professional Conduct – Professional Engineering)
24.1	Lozeau Drury LLP an behalf of the California Sportfishing Alliance and the California Water Impact Network (Michael Lozeau)	Section V.A Dischargers shall implement BMPs that comply with BAT/BCT requirements of the General Permit to reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability. “Practicability” is inconsistent with both the BAT and BCT standard.	Use of the word “practicability” is consistent with the U.S. EPA 2008 MSGP. Section V.A of the permit and the accompanying discussion in the Fact Sheet explicitly state that the BAT/BCT requirements apply. The narrative portion of V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.
24.2	Lozeau Drury LLP an behalf of the	NALs for hardness-dependent metals included in the Permit are based on an extremely high hardness number – 400 mg/L. As a result, the NALs	The (H) is Table 2 is qualified by the (**) annotation in the column labeled “Annual NAL”. These (**) reference the following text at the bottom of the table: “The NAL is the

	California Sportfishing Alliance and the California Water Impact Network (Michael Lozeau)	for zinc, copper, nickel, lead, cadmium, and silver are much higher than the benchmark values adopted by EPA in its nationwide permit and those inflated numbers are not protective of water quality for almost every waterbody in California.	highest value used by U.S. EPA based on their hardness table in the 2008 MSGP". The (H) means that the sampling result for the identified metal is hardness dependent. Although this Permit does not require that hardness be considered when evaluating whether NAL exceedances have occurred, hardness might be considered for discharges to impaired water bodies or when TMDLs are adopted into this Permit. To properly assess the impact of hardness on the receiving water, a samples of the discharge into the receiving water and samples upstream and downstream of the receiving water must be taken. This Permit does not contain sampling requirements to measure compliance for variations in hardness. The Water Board is encouraging industry to develop better and consistent BMP practices. Requiring Dischargers to address hardness variation in receiving waters would result in inconsistently developed BMPs.
25.1	Mosquito and Vector Control Association of California (Greg Hurner)	<p>In consultation with CDPH we request the Board consider the addition of the following language that:</p> <p>Draws attention to the potential unintended consequences associated with stormwater management structures (i.e., mosquito production); specifically, structural treatment control BMPs and</p> <p>Requires that industrial Dischargers operating under this NPDES General Permit minimize the potential for mosquito production in structural treatment control BMPs capable of holding standing water to the maximum extent practicable.</p>	Edits made in Section II.I.3 of the Fact Sheet to provide some more information on the issues surrounding vector control and treatment BMPs. This Permit requires Dischargers to comply with local government ordinances including vector controls. Since construction of retention BMPs will generally require the review of a California licensed engineer and will be subject to a local building permit, the Water Board believes that there it is necessary to specifically address vector control. No revisions in this Permit have been made to address the comment.
26.1	Nest Environmental Services (Don Reh)	Fact Sheet page 6, item 6, states that when "...a Discharger's status changes from Level 1 to Level 2 status, Dischargers are required to submit a Level 2 ERA Action Plan and a Level 2 ERA Technical Reports. Unless the demonstration is not..." There are no transition words linking the Level 2 Technical Report to "the demonstration". One asks "Whoa,	The Fact Sheet was designed to be read in conjunction with this Permit. For a complete background and description of this process, please see fact sheet Section XII.K Exceedance Response Actions. No revisions have been made to address the comment

		<p>what demonstration? It wasn't mentioned earlier in the paragraph." I suggest adding some transition words to bridge that gap: such as "A Level 2 Technical Report includes a technical demonstration (see a-c below), which may have include work by an appropriate CA licensed professional engineer", or add after ... Level 2 Technical Report, "which also includes a technical demonstration (see a-c below), which may have to include work by an appropriate CA licensed professional engineer."</p>	
26.2	Nest Environmental Services (Don Reh)	<p>NEST recommends adding a sentence or two to the Fact Sheet emphasizing (1) that a permittee needs to continue complying with the existing permit until the new IGP's effective date (which may be later than the proposed adoption date), and also (2) that the new permit does not allow (or allows) permittees a period of time from the new IGP's effective date to revise their site maps, SWPPP, BMPs and monitoring plan to get compliant. (3) Adding a statement to the end of the Fact Sheet that the SWRCB encourages all permittees to use that interval between Permit adoption and its effective date to review and revise their current site maps, SWPPPs, BMPs and monitoring plans, and apply for their SMARTS accounts. This statement would provide Compliance Group Leaders some leverage to lean on their prospective clients to make that happen.</p>	<p>Section II.A.3 of the Fact Sheet outlines the timeline and expectations for receiving coverage under this Permit. The sentence "All Dischargers who certify and submit PRDs via SMARTS for NOI coverage on or after July 1, 2015 or for NEC coverage on or after October 1, 2015, shall <u>immediately</u> comply with the provisions in this General Permit." At the end of this Section clearly states that there is no interim period after the effective date. No revisions have been made to address the comment</p>

26.3	Nest Environmental Services (Don Reh)	<p>The Order does not appear to require testing of an additional specific industrial pollutant parameter, if suspected as being present in the discharge based on the para X.G.2 Pollutant Source Assessment.</p> <p>The Order, para. XI.B.6.c requires the testing of additional parameters "...that serve as indicators of the presence of ALL INDUSTRIAL POLLUTANTS (emphasis added) identified in the pollutant source assessment (X.G.2)." So that suggests to me that if I suspect, for example, that the toxic, Copper, may be present in a discharge due to previous sampling results or the pollutant source assessment, it does not have to be tested because it is not an indicator of ALL potential industrial pollutants present, unless that discharge goes into a designated impaired water body (XI.B.6.e) for that parameter. If TSS is considered the "indicator" parameter for heavy metals, then please adjust the definition of Total Suspended Solids (TSS) in the Glossary to add "such as heavy metals" between "... and particles" and "related to industrial /sewage wastes, etc."</p>	<p>Per the public notice for the 2014 "Final Draft Industrial General Permit", this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous "response to comments" documents as we may have previously received a similar and provided a written response. Notice</p> <p>link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf</p> <p>SUBMISSION OF COMMENTS</p> <p>The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.</p>
26.4	Nest Environmental Services (Don Reh)	<p>Several of NEST's group and individual participants have asked when will the QISP training be offered and where.</p>	<p>The QISP training will be offered in a similar manner as the Construction General Permit (Qualified SWPPP Developer and Practitioner classes). These classes were held at locations and at a frequency to meet demands for the classes. The State Water Board estimates that the QISP training will be available in Spring of 2015.</p>
27.1	Sacramento Area Sewer District (Terrie Mitchell)	<p>SASD is very concerned with the short comment period provided by the SWRCB (essentially 9 business days).</p> <p>Due to the substantive changes and large volume of documents released, SASD encourages the SWRCB to extend the comment period to allow a more thorough review by affected stakeholders.</p>	<p>As the State Water Board noted in its denial of the requests to extend the deadline for written comments, the revisions to this Permit have gone through three full comment periods, each with a comment period extension. The notice of the 2014 draft Industrial General Permit specifically limited comments to proposed revisions that had been made since July 19, 2013. The changes between the draft Industrial General Permit released on July 19, 2013 and the draft Industrial General Permit released on February 19, 2014 are relatively minor and have been tracked in versions posted for public</p>

			comment. Because the changes are relatively minor, the changes are easy to identify, and the scope of the comments is limited to the changes, the State Water Board denied the requests for an extension of the comment period. "The law does not require that every alteration in a proposed permit result in a new notice and comment period." (State Water Board Order WQ 2012-0013 (Sacramento Regional Wastewater Treatment Plant).) An additional notice and comment period is not required where interested parties could reasonably anticipate the final version of the permit from the draft permit. (<i>Ibid.</i>) Here, where changes from the 2013 draft Industrial Permit were relatively minor, a new 30-day notice and comment period is not necessary.
27.2	Sacramento Area Sewer District (Terrie Mitchell)	Appendix 3- Waterbodies with Clean Water Act Section 303(d) Listed Impairments, and the related permit sections. The Permit language should be clear and distinguish between those that discharge directly into a 303(d) listed impaired receiving water, and those that do not have a direct discharge. For instance, several Dischargers may discharge into a municipal storm system (MS4), but only the MS4 permittee discharges directly into receiving water. The following modifications will provide clarity for Dischargers and minimize unnecessary sampling, while still being protective of the waterbodies and watershed.	Dischargers are responsible for indirect discharges to a receiving water with a 303(d) listed impairment. Even if a Discharge goes through an MS4, they could be held responsible. No revisions have been made to address the comment.
28.1	Sanitation Districts of Los Angeles County (Kristen Ruffell)	Section XII.C.3. "NAL Exceedances Prior to Implementation of Level 1 Status BMPs" modify language as shown: "Prior to the implementation of an additional BMP identified in the Level 1 ERA Evaluation or by October 1 of the year after the ERA Evaluation due date, whichever comes first, sampling results for any parameter(s) (<u>being</u> (remove)) that would be addressed by that additional BMP will not be included in the calculations of annual average or instantaneous NAL exceedances in SMARTS."	The State Water Board disagrees with the comment. The current Permit is sufficiently clear. . No revisions have been made to address the comment.

28.2	Sanitation Districts of Los Angeles County (Kristen Ruffell)	<p>For a sampling result that falls between the method detection limit (MDL) and the reporting limit (ML/RL) or $MDL \leq \text{Sample Result} < ML/RL$, the estimated chemical concentrations with the appropriate data qualifiers should be reported.</p> <p>Section XI.B.11.c of the 2014 Final Draft Permit requires responsible Dischargers to "provide the analytical result from samples taken that is reported by the laboratory as below the minimum level (often referred to as the reporting limit) but above the method detection limit." While this reporting requirement maintains the integrity of the laboratory value, it does not provide a clear description of the value which is an "estimated chemical concentration that is detected but not quantified (DNQ)".</p> <p>We recommend that the Final Permit include the following revisions to Section XI.B.11.c:</p> <p>The Discharger shall provide the estimated chemical concentrations with the appropriate data qualifiers (i.e. , DNQ value of 5.0mg/L as E5.0 mg/L in SMARTS) for (analytical(remove)) result from samples taken that is reported by the laboratory as below the minimum level (often referred to as the reporting limit) but above the method detection limit.</p>	<p>NAL annual average exceedances, by themselves, do not constitute a violation of this Permit. NALs are only approximate values and the Discharger is required to address these exceedances within the scope of the Level 1 and 2 ERAs. Setting the value as zero for values below the method level is an accepted method of addressing censored data and will have a negligible impact in the calculation of the annual NAL averages but will likely greatly simplify and reduce errors. No revisions have been made to address the comment.</p>
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29.1	StormwaterRx (Calvin Noling)	<p>Section X.H.2.b.ii ii. Storm Water Containment and Discharge Reduction BMPs</p> <p>These include BMPs that divert, infiltrate, reuse, contain, retain or reduce the volume of storm water runoff. Dischargers are encouraged to utilize BMPs that infiltrate or reuse storm water where feasible.</p> <p>Section XXI.E. E. Dischargers shall take all responsible steps to reduce or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.</p> <p>StormwaterRx supports clarification that Dischargers are encouraged to utilize BMPs that infiltrate and reuse stormwater.</p>	Comment noted.
29.2	StormwaterRx (Calvin Noling)	<p>Section X.H.6.a.iii. iii. The volume of annual runoff required to achieve 80% or more treatment determined in accordance with methodology set forth in the latest edition of California Stormwater Best Management Practices Handbook using local historical rainfall records.</p> <p>For permittees that are required to utilize treatment control BMPs, we recommend that the Board clarify that stormwater flows exceeding the Design Storm Standard do not require compliance sampling.</p>	The State Water Board disagrees with the commenter. Dischargers are responsible for all storm water discharges including bypass. This Permit contains no numeric limits and does not define a compliance storm. As such, data collected from bypass discharges do not constitute a violation of this Permit. Should analytical results from bypass discharges cause NAL exceedances, the Discharger is required to address these exceedances within the scope of the Level 1 and 2 ERAs. No revisions have been made to address the comment.

29.3	StormwaterR x (Calvin Noling)	<p>Section XI.C.4.a “Representative Sampling Reduction”</p> <p>a. The Discharger may reduce the number of locations to be sampled in each drainage area (e.g., roofs with multiple downspouts, loading/unloading areas with multiple storm drains) if the industrial activities and physical characteristics (grade, surface materials, etc.) of the drainage area for each location to be sampled are substantially similar to one another. To qualify for the Representative Reduction, the Discharger shall provide a Representative Sampling</p> <p>The Board may want to add “treatment BMPs” to the examples of similar industrial activities and physical characteristics to justify a Representative Sampling Reduction. E.g. (grade, surface materials, treatment BMPs, etc.)</p>	<p>Permit has been changed to address the comment:</p> <p>XI.C.4.a The Discharger may reduce the number of locations to be sampled in each drainage area (e.g., roofs with multiple downspouts, loading/unloading areas with multiple storm drains) if the industrial activities, BMPs, and physical characteristics (grade, surface materials, etc.) of the drainage area for each location to be sampled are substantially similar to one another. To qualify for the Representative Sampling Reduction, the Discharger shall provide a Representative</p> <p>The following section has also been changed to provide the parallel requirement: XI.C.5.a The Discharge may authorize the analytical laboratory to combine samples of equal volume from as many as four(4) discharge locations if the industrial activities and physical characteristics (grade, surface materials, BMPs, etc.) within each of the drainage areas are substantially similar to one another.</p>
30.1	Waste Management (Charles White)	<p>WM supports CASQA’s request to remove the “(H)” hardness designation from Table 2 for the reasons discussed by CASQA.</p>	<p>The (H) in Table 2 is qualified by the (**) annotation in the column labeled “Annual NAL”. These (**) reference the following text at the bottom of the table: “The NAL is the highest value used by U.S. EPA based on their hardness table in the 2008 MSGP”. The (H) means that the sampling result for the identified metal is hardness dependent. Although this Permit does not require that hardness be considered when evaluating whether NAL exceedances have occurred, hardness might be considered for discharges to impaired water bodies or when TMDLs are adopted into this Permit. To properly assess the impact of hardness on the receiving water, a samples of the discharge into the receiving water and samples upstream and downstream of the receiving water must be taken. This Permit does not contain sampling requirements to measure compliance for variations in hardness. The Water Board is encouraging industry to develop better and consistent BMP practices. Requiring Dischargers to address hardness variation in receiving waters would result in inconsistently developed BMPs.</p>

30.2	Waste Management (Charles White)	<p>Conditional Exclusion – No Exposure Certification. Section XVII.B.3 states that a material handling activities included the storage, loading and unloading, transportation, or conveyance of any industrial raw material, intermediate product, final product, or waste product. (pg. 63). WM requests clarification that “activities” do not include operations where “materials, intermediate products, final products or waste products” are managed in such a way as to prevent contact with the ground or stormwater. If a potential Discharger is able to demonstrate that the management of these materials within the activity area cannot result in a stormwater discharge, the potential Discharger should be eligible for a No Exposure Certification.</p>	<p>Per the public notice for the 2014 “Final Draft Industrial General Permit”, this comment does not address the proposed revisions that have been made since July 19, 2013 and therefore is outside the scope of comments we are accepting during this written comment period. As a result we are not responding to the comment and refer you generally to our previous “response to comments” documents as we may have previously received a similar and provided a written response. Notice link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial_permitdocs/040114notice_igp.pdf</p> <p>SUBMISSION OF COMMENTS</p> <p>The State Water Board will only accept written and oral comments that are limited to the identified proposed revisions to the Final Draft Industrial General Permit made since July 19, 2013. Each public comment must clearly relate to a proposed revision and identify the revision by the applicable permit section number. Comments that address any other aspect, section, or requirement of the Final Draft Industrial General Permit will not be accepted. No additional evidence may be submitted, unless it directly relates to a proposed revision.</p>

30.3	Waste Management (Charles White)	WM disagrees that the Construction General Permit should be required – in addition to the General Permit – for ongoing landfill construction activities such as the construction of “buildings and impervious parking lots or roads that disturb greater than one acre” or other construction of “any structural improvements designed to remain until the landfill is closed.”	This Permit is intended to cover industrial activities related to SIC codes and industrial activities on site. Construction activities such as new buildings and impervious roads generate different pollutants at different rates than typical pollutants possible at industrial facilities. The fact sheet provides information on situations at a landfill industrial facility that do not trigger the Construction General Permit, however new construction over one acre is required to file under the Construction General Permit. No revisions have been made to address the comment.
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