



California Independent Petroleum Association
1001 K Street, 6th Floor
Sacramento, CA 95814
Phone: (916) 447-1177
Fax: (916) 447-1144

February 13, 2018



Felicia Marcus, Chair
State Water Resources Control Board
Via e-mail attachment

Comment Letter: Industrial General Permit Amendment

Dear Chair Marcus:

On behalf of the 450 members of the California Independent Petroleum Association (CIPA) – predominantly medium and small employers – I write to comment on the pending Industrial General Permit Amendment.

CIPA commends SWRCB members and staff for a meticulous and measured approach. We join you in working daily to protect groundwater quality.

CIPA agrees with the need for at least two more workshops, to better understand and to collaborate with staff on positive revisions. Our industrial sector colleagues at the first workshop expressed strong reservations with parts of the Amendment, as proposed, and requested additional workshops.

Overall, regulating is most effective and efficient when targeted to resolve a demonstrated problem.

CIPA's major request is one of clarity: Continuing the specific recognition of the federal exclusion of Oil & Gas operations, unless stormwater is discharged that comes into contact with, or is contaminated by, petroleum products.

In particular, the language in Attachment A is misleading, in that Oil & Gas is listed as number 3 on a list entitled “Facilities Covered under this Industrial General Permit.” Within that numbered paragraph, the SIC code and all the mining and oil and gas operations are listed. The list is followed by the caveat of “stormwater which comes into contact with or is contaminated by....”

CIPA strongly recommends removing Oil and Gas from this list to prevent regulatory confusion and to conform with federal statute. The language in Section I (B)(29) already excludes Oil and Gas, and refers to 33 U.S.C. Section 1342 (l) from the federal Clean Water Act.

As a lesser option, we suggest moving Oil and Gas to the bottom of the list and begin the paragraph with a statement that refers back to 33 U.S.C Section 1342 (l) clearly stating the facilities with SIC 10XX through 14XX are not covered under the IGP unless....

The Amendment also proposes to adopt TMDLs as numeric action limits, or TNALS. This could provide a scientific and logical basis for monitoring, but must be calibrated with regional receiving water and operating conditions. In general, we support Vice Chair Steven Moore’s comment to explore IND permits by industrial sector.

In conclusion, and again in support of our industrial sector colleagues, we respectfully request the SWRCB clearly word the final Amendment to specifically eliminate the job-destroying threat of “citizen attorney general” frivolous lawsuits. These abuses of the legal system endanger environmental protections by consuming regulatory and employer resources to no productive end.

Should you have any questions, please do not hesitate to contact me or CIPA’s water issues consultant, Robert J. Gore of The Gualco Group, Inc.

Cordially,



Rock Zierman
Chief Executive Officer
California Independent Petroleum Association