

CALCIMA

California Construction and
Industrial Materials Association



March 4, 2014

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

**Re: Comment Letter – April 1, 2014 Board Meeting: Final Draft Industrial
General Permit**

Dear Ms. Townsend:

These comments are offered on behalf of the California Construction and Industrial Materials Association (CalCIMA). CalCIMA is a statewide trade association representing the construction aggregate, ready mix concrete and industrial minerals industries in California. Our members operate over 500 facilities statewide providing the raw materials to fuel California's infrastructure needs as well as the needs of the construction, manufacturing and industrial sectors. We recognize the importance of protecting our waters but also need a regulatory structure that can be complied with and that achieves the objective of protecting our waters in an efficient manner.

Significant improvements have been made to the proposed permit over the previous drafts. We appreciate the Board's consideration of our comments as well as your staffs review and incorporation of many of them. However a few important issues remain in the newly issued modifications.

Rather than develop suggestions separate from those being provided by other commenters and considering the relatively limited amount of fine tuning remaining to be done we felt it appropriate to express our support for the comments being submitted by CASQA. While we are in agreement with all of their comments we would like to add emphasis to two in particular.

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Notice of Non Applicability

Section XX.C.2.a page 71, of the order includes new language we find could be confusing. CASQA, in their comment 3, has a detailed discussion of the potential confusion caused by the language. We believe CASQA's approach to address the issue within the fact sheet where discussions of other regulations and obligations are contained is more appropriate than the language within the order and would encourage that it be changed with guidance added to the fact sheet instead.

Appendix 3, Waterbodies with Clean Water Act Section 303(d) Listed Impairments

First, we appreciate that the Board and Staff clarified the impaired water bodies referenced at places within the permit were 303(d) listed water bodies as we requested within our previous comments. However, in the drafting of introductory language for the new appendix to assist in the implementation of that change, the term "watershed" is used instead of water bodies when referring to them. Watershed and waters have significantly different meanings. CASQA, in their comment 4, has suggested changes to the language which clarify this issue by substituting the word "waters" or "water" for "watershed" consistent with the singular or plural use of the term watershed in the sentences. We agree that this change is absolutely necessary.

CASQA has provided comments on other issues that we also agree provide important clarity to the permit. However, the introduction of both groundwater and watershed in the language are the most concerning as they muddy the waters of what discharges the permit regulates and could lead to substantial confusion on the part of regulated industry.

We appreciate the opportunity to comment on the Draft. It has undergone significant improvement; however, items of clarity and consistency need to be paid special attention to as it nears final adoption. Should you have any questions regarding our comments do not hesitate to contact us at (916) 554-1000 Ext. 102.

Respectfully,


Adam Harper
Director of Policy Analysis