

04 March 2014

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Comment Letter – February 2014 Final Draft Industrial General Permit

Dear Ms. Townsend, Members of the Board and Staff,

Environmental Pollution Solutions LLC (EPS) appreciates the opportunity to comment on the February 2014 Final Draft National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit – IGP).

Our comments are focused on one subject, the required areas of the IGP where the Discharger must have a QISP either assist in the preparation or prepare specific Level 1 and Level 2 evaluation, technical reports and action plans. However, in other highly technical areas of the IGP, the QISP requirement is absent.

Section 1.H. Finding 49., Dischargers are required to designate a QISP for each facility the Discharger operates that has entered Level 1 status in the ERA process (Section XII). *A QISP must assist the Discharger in completing the Level 1 status and Level 2.*

Level 1 and 2 status requires the QISP to:

1. Assist the Discharger in completing the Level 1 ERA Evaluation
2. Prepare for the Discharger the Level 1 ERA Report
3. Prepare for the Discharger the Level 2 ERA Action Plan that would include one of more demonstrations:
 - a. Industrial Activity BMPs Demonstration
 - b. Non-Industrial Pollutant Source Demonstration
 - c. Natural Background Pollutant Source Demonstration
4. Prepare for the Discharger the Level 2 ERA Technical Report

Level 1 and 2 ERA reports, evaluations and action plans are advanced and technical documents that require the skill, training and experience of the QISP.

However, for other advanced and technical areas involving 303(d) listed water bodies, direct discharges to the ocean and ASBS, the QISP requirement is absent.

1. The QISP does not assist a new Discharger applying for NOI coverage that will be discharging to a water body with a 303(d) listed impairment (Section VII.B.). In this case the Discharger must demonstrate the elimination of all exposure to storm water of the pollutant(s) for which the water body is impaired; demonstrate the pollutant for which the water body is impaired is not present at the Discharger's facility; and demonstrate that the discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard. The last demonstration requirement is demonstrated if either the discharge complies with water quality standard at the point of discharge or if there are sufficient remaining waste load allocation in an approved TMDL and the discharge is controlled at least as stringently as similar discharges subject to that TMDL.
 2. Discharges to Ocean Water (Section VIII.A.) and Discharges Granted an Exception for Areas of Special Biological Significance (Section VIII.B.) do not require QISP assistance.
 3. Additionally, the Discharger is not required to have QISP assistance for Water Quality Based Corrective Actions (Section XX.B.) where the Discharger, upon determination by the Discharger or written notification by the Regional Water Board that *Water Board that industrial storm water discharges and/or authorized NSWDS contain pollutants that are in violation of Receiving Water Limitations (Section VI)*. The permit states that the Discharger shall:
 - a. *Conduct a facility evaluation to identify pollutant source(s) within the facility that are associated with industrial activity and whether the BMPs described in the SWPPP have been properly implemented;*

- b. Assess the facility's SWPPP and its implementation to determine whether additional BMPs or SWPPP implementation measures are necessary to reduce or prevent or reduce pollutants in industrial storm water discharges to meet the Receiving Water Limitations (Section VI); and,*
- c. Certify and submit via SMARTS documentation based upon the above facility evaluation and assessment that:*
- i. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP to meet the Receiving Water Limitations (Section VI); or*
 - ii. No additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in industrial storm water discharges to meet the Receiving Water Limitations (Section VI).*

It is understood that the Discharger can always seek the assistance of a QISP, but that is not left to chance for specific Level 1 and 2 reports. It is left to chance for critical areas of 303(d) listed water bodies, direct discharges to ocean and ASBS and water quality corrective actions.

EPS recommends that the Discharger be required to have QISP assistance in the these critical areas and that the QISP training encompasses these subjects.

Thank you for the opportunity to provide comments. Please contact me at (707) 322-2015 if you have any questions or need additional information.

Sincerely,

Arthur Deicke, Owner
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