

**SPECIAL HEARING**

2/3/05

cc: BD, DI, DWQ

e-cys: BD, CC, HMS, TH, CMW

330 W. Bay Street, Suite 140  
Costa Mesa, California 92627  
(949) 842-0245 • Fax (949) 842-4474



February 18, 2005

Mr. Leo Cosentini  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 1977  
Sacramento, California 95812-1977

**Subject: Comments Regarding the Draft NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities**

Dear Mr. Cosentini:

As you are aware, Geomatrix Consultants Inc. (Geomatrix) represents several storm water monitoring groups and numerous industrial facilities in California. Over the past 14 years, our staff have provided technical assistance to well over 500 industrial facilities with all aspects of compliance under the 1991 and 1997 General Permits.

On behalf of our clients, we support the use of best management practices (BMPs) in lieu of effluent limitations for storm water discharges. The Board members and staff should be commended for continuing to use this approach. This approach is consistent with USEPA's approach for industrial storm water discharges and this is the appropriate approach given the difficulty in establishing appropriate numeric limitations, the difficulty and costs associated with collecting representative storm water discharge samples, and the technical challenges associated with treating storm water. The BMP approach provides the facility operator flexibility so that BMPs can be identified and implemented that match facility and operational-specific considerations.

The BMP approach contained in this permit is an approach that works. As a result of the prior permits, our clients have invested a great deal of time and money into facility improvements for the specific purpose of improving storm water discharges. This investment in storm water BMPs is an ongoing activity and will continue as a result of this new permit.

The new permit establishes several new requirements in the event analytical monitoring results exceed EPA's benchmark concentrations. These new requirements include an assessment of facility's storm water plan and BMPs and then writing a report to document the additional measures necessary to improve storm water quality. In addition, industrial facilities are required to continue monitoring at least the next two storms until results are below the benchmarks. These new requirements are impractical and burdensome for the following reasons:

First, it assumes that the grab samples collected are in fact, truly representative of runoff from a site, which is not true. Due to the nature of storm water discharges, collecting truly representative samples requires technical expertise that is way beyond what a facility operator

**Geomatrix Consultants, Inc.**  
Engineers, Geologists, and Environmental Scientists



Mr. Leo Cosentini  
February 18, 2005  
Page 2

should be expected to possess and the cost to hire an outside expert to collect representative samples is way beyond the reach of most facilities.

Second, the new reporting requirement will place an additional burden on the Regional Board staff members, who will have to review and approve facility-specific BMPs. Because the staff members are already overworked and because they do not have site-specific knowledge of the industrial sites, I doubt they will have the time or the proper basis to approve or disapprove BMPs. Do you really want your staff members micromanaging a facility's operations?

Third, what is the benefit of collecting additional non-representative samples? While this will be good for the analytical labs, it will be very bad for California businesses. In some cases, this will force industrial dischargers into endless storm water sampling. The existing permit already requires a facility to evaluate visual and analytical results and the BMPs utilized to protect storm water quality. The requirement of additional monitoring is not necessary to continue to assess a facility's storm water program and it increases the cost of the program without demonstrated tangible benefits.

As you are aware, at the February 3, 2005 workshop in Sacramento, I was invited by the SWRCB to provide a summary of the status of group monitoring in California. In preparing for my testimony, we invited all the storm water monitoring groups to participate in a conference call to discuss concerns about the draft General Permit. Over half of the group leaders participated in the call. In total these group leaders represent over 1000 industrial dischargers, which is over 10 percent of all dischargers covered under the existing General Permit. In addition to the issues raised above, all the group leaders expressed significant concerns about the mandatory non-compliance reporting requirements in the existing draft General Permit. The most recent draft requires that group leaders provide the RWQCB a copy of the group leader inspection report, signed by the participant. The group leader inspection report is required to clearly identify and discuss any revisions made to the original inspection report.

Geomatrix and the other group leaders who participated in our conference are opposed to this new requirement because group leaders are not storm water cops or otherwise deputized to perform enforcement inspections on behalf of the RWQCBs. Our role is to facilitate compliance and we should be given the opportunity to work with our monitoring group participants to bring them back into compliance prior to submitting the final inspection report in the AGER, should the need arise. In order for the group leaders to be effective, our monitoring group participants need to be able to openly discuss their compliance problems with us. Without open and protected communication between the group leader and the group members, the group leader's ability to provide appropriate recommendations for corrective action will be significantly compromised.

Mr. Leo Cosentini  
February 18, 2005  
Page 3

We recommend that the SWRCB remove this 30-day reporting requirement in the draft General Permit. As stated above, group leaders should be given the opportunity to bring non-complying members back into compliance. If the group member does not follow the group leader recommendations for corrective action, the group leader should have the option of removing the member from the monitoring group, or reporting the compliance status of the group member as part of the Annual Group Evaluation Report. Our experience has shown that this is an effective approach for dealing with non-compliant members of our monitoring groups.

The group leaders involved in our conference call are also concerned about the new mandatory minimum group size of ten members. This arbitrary cutoff will require several groups, including two of our own, to disband. The basis and rationale for this minimum group size is not provided in the draft permit or in our discussions with the SWRCB and RWQCBs. Monitoring groups with less than 10 members should be allowed to continue provided they meet all of the other requirements of monitoring groups.

Monitoring group leaders generally support the requirements for minimum group leader qualifications. In addition, we support the ability for the SWRCB to disqualify group monitoring programs due to inadequate group leader performance. However, the ability to disqualify group monitoring programs should be left to the SWRCB alone, and not the individual RWQCBs.

We appreciate the opportunity to submit these comments.

Respectfully,  
GEOMATRIX CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'Tim Simpson', with a large, stylized flourish at the end.

Timothy Simpson, P.E.  
Vice President and  
Principal Engineer