



SPECIAL HEARING
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METAL CASTING STORMWATER MONITORING GROUP, INC.

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117. metal casting stormwater
monitoring group

February 18, 2005

RE: COMMENTS ON REISSUANCE OF NPDES GENERAL PERMIT (INDUSTRIAL); 3 pp.

Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
PO Box 100
Sacramento, CA 95812-0100

Distinguished Board Members:

The metal casting industry has been a proactive participant in storm water compliance efforts since the first permit was issued over a decade ago. The industry is also one of the pioneers in group monitoring by establishing a state water board approved **Metal Casting Storm Water Monitoring Group (MCSMGI)** in 1992. Over 45 metal casting companies currently participate in the group, with an average company size of 50 employees. Some participating companies are as small as 5 employees. Individual participants pay \$1500-\$2000/year to be in the group, depending on the size of the company. MCSMGI has tiered levels for participants.

MCSMGI is operated by two staff members of the California Cast Metals Association (CCMA), two professional engineers, and legal counsel. We provide annual storm water training courses in Northern and Southern California, facility inspections by group leaders, assistance with paperwork, sampling kits for sampling sites, and individual help for each participating company.

MCSMGI maintains a web site [www.stormwatergroup.org] and provides information and web link resources for metal working facilities. Group participants can download compliance calendars/reminders, BMP and monitoring checklists, state and local forms, previous year group reports, visual observation forms, and more. **Materials provided on the web site** are commonly used by MCSMGI participants and are an incentive to participate in the group.

In 2003, MCSMGI produced an 18-minute **storm water employee training video**. The video covers standard procedures and situations where workers' duties can impact storm water. It discusses the SWPPP, BMPs, specific cases where contamination may occur (as well as ways to mitigate these contamination sources), and sampling. Every member of MCSMGI utilizes this video. The project was funded by group members and cost \$20,000 to produce. It is available in both Spanish and English.

California's metal casting industry manufactures a wide variety of metal products—including water pumps, intricate aircraft parts, computer components, automobile items, art pieces, and national defense items. Metal casters are a vital and necessary part of California's metal recycling chain. Our members re-melt processed metal ingots, baled metal, and even scrap metal that would otherwise sit in junk yards. All metal melting operations are conducted under a roof. Additionally, most facilities have invested in their plants so that ancillary operations are under roof as well. More industry information can be found at www.foundryccma.org.

Group monitoring programs are *unquestionably beneficial* for California's businesses and is commonly praised by individual metal casting companies—especially small manufacturers. It is a well-known fact that smaller companies rely on group services and outside consultants to maintain compliance in California. And being that competition continues to become more intense, group resources need to be facilitated by the state.

Direct Comments on the Draft Permit (Industrial):

1. **PROMOTING HIGH-QUALITY GROUPS:** The new permit must promote and retain quality groups. Monitoring groups were originally instituted to assist small businesses, like those in MCSMGI, and quality groups remain viable today. Monitoring groups should be properly recognized by the State Water Board in the new permit. Group leaders should be professional engineers. Group leaders should work individually with facilities, but not be required to conduct additional policing responsibilities. By instituting a stricter policing capacity for group leaders, the relationship between group leader and facility would be immediately destroyed. Although it might seem that a stricter group leader would promote compliance, it would actually defeat any progress made by individual sites that rely on open communication with leaders. The State Water Board should focus on the quality of groups, and understand that a stricter policing capacity for leaders will ruin even the best-run compliance group.
2. **STATE MUST BE STRICTER ON NON-FILERS:** While on the subject of “policing”, any progress made with a new permit would be lost if the state continues to let non-filers operate in California without fines. Creating a public list of non-filers and enforcing fines is an easy task that must be done immediately. Simply take the list of industrial facilities (by SIC code) that are legally required to have an NOI/Annual Report, *and cross-check* that list with those that have an NOI with the state. Those companies with industrial SIC codes that continue to disregard the law for storm water must be a priority target with the new permit. If a company knows that it can avoid the cost of storm water compliance *and* will not receive a fine once they are caught, then the state has created a natural deterrent for certain companies to comply. Moreover, companies that do comply with the law and are further scrutinized are inherently at a competitive disadvantage. The State Water Board must recognize the critical nature of this ongoing issue and make non-filers a priority if progress is expected to be made with a new permit.
3. **TO SAMPLE OR NOT TO SAMPLE:** The State Water Board has a difficult task when it comes to proposing additional sampling parameters in the new permit. On one hand, additional sampling appears to provide consistent hard data that can be used to measure compliance and achieve cleaner water. But at the same time, the data collected from sampling is commonly fraught with inconsistencies and creates a database that can skew ensuing decisions/enforcement against companies. Metal casting facilities in the MCSMGI all have horror stories about finding contaminants—or higher levels of contaminants—in their samples even if they don't occur in their processes. Zinc is commonly carried from vehicles, chain link

fences, or drain spouts. One metal casting facility found that the soil surrounding his property had high levels of iron—and when it rained that iron would run-on to his site and corrupt his samples. Another metal casting facility is near an airport and the jet fuel and airplanes cast overhead commonly skew his samples. Yet another metal casting facility operates in a business park where contaminants from neighboring businesses are found in his samples. **What is the benefit of collecting additional sampling data in the new permit when the data itself is commonly conflicted?** While there is no question that group sampling frequency in the current permit provides helpful guidance information. In the end, the best deterrent for contamination is to target potential contamination sources at the site. Including more processes under a roof, covering potential outdoor contaminant sources with tarps, consistently sweeping, and limiting overall exposure stops contamination before it begins. Endless sampling is a trap and waste of limited resources for businesses and the state agencies required to review this data. With the current technology and knowledge of storm water, BMPs continue to provide the best solution for minimizing pollution in our waterways. MCSMGI strongly urges the State Water Board to retain the current sampling frequency for groups.

4. **ASSESSING THE IMPACT ON SMALL BUSINESSES:** To date, we are unaware whether the State Water Board has conducted an analysis on small business for its proposed changes. MCSMGI members have invested between \$20,000 and \$50,000 per site on implementing best management practices under the current permit. One of the primary BMPs implemented is to keep all sand piles under roof. Resin-bonded sand is used to make molds in which liquid metal is poured. Permanent structures have been implemented by MCSMGI group participants in response to storm water concerns. Additional funds allocated for repeated sampling and analytical testing will immediately divert resources that are currently being invested in BMPs.

MCSMGI thanks the State Water Board for considering this written testimony. MCSMGI and nearly twenty companies from our storm water group attended the public hearings, with most providing oral testimony. The new permit is a major and serious issue for the metal casting industry. Additional costs without clear benefits will drive more manufacturers out of business, and out of the state. As a result, we request that the State Water Board withdraw the proposed permit and incorporate changes that will balance the needs of our environment and needs of keeping businesses alive in our great state.

On behalf of MCSMGI, its participants, and Board of Directors, thank you for your time and dedication to California.

Sincerely,

James Simonelli
Managing Director