

February 1, 2005

**Comments on the Draft Industrial General Permit**

Good morning Mr. Chairman and members of the Board and thank you for the opportunity to present my comments regarding the Draft Industrial General Permit (Draft Permit). My name is Robert Vogt and I am representing the Pacific Lumber Company. We have several manufacturing operations in Humboldt County, that involve raw material storage, parking, roadways, and buildings.

I have many concerns with the way this Draft Permit is written. First and foremost there has not been a specific reason or significant information that has shown why the current Industrial Permit needs to be rewritten. We have been involved in the current stormwater program for many years, and our ability to make changes to BMP's both structural and non-structural under the current program during or after storm events is a huge benefit. I mention this because under the language in the Draft Permit if we go over any of the benchmark levels, we are required to sample the next two storm events, make changes to BMP's and the SWPPP, and send a report to the RWQCB detailing this information. We would have to wait for approval from the RWQCB to implement the changes to both the BMP's and the other components.

Further, I do not think this is the correct time to significantly change the way we are handling our stormwater compliance. Given budget and time constraints from a workforce standpoint this Draft Permit would be extremely cumbersome to implement. There is a lot of language spread throughout this Draft Permit that describes reports that are required to be sent to RWQCB's with recommendations on changes to monitoring, BMP's, SWPPP's, and sampling. There are time limits imposed on these reports of when they need to be submitted by and when the changes need to be approved, and then implemented. This is going to create a huge paperwork effort, with letters getting sent back and forth throughout the busiest time of the stormwater season, when we should all be concentrating on what is really important and that is the improvement of stormwater water quality. Instead this Draft Permit is going to force the businesses that are in compliance with the current Industrial Permit to scramble throughout the stormwater season filing paperwork back and forth with the RWQCB any time they go over one of the benchmark levels. For someone with multiple sites with multiple discharges at each site, such as myself, this can be quite daunting and perhaps impossible to implement with limited resources and budgets. Having to budget for a program such as the one being proposed would be nearly impossible as well, not knowing when and if you are going to go over any of the benchmarks.

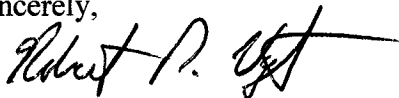
Finally, It has been said many times by both personnel within the Regional Water Quality Control Board and consulting companies that of the businesses that should be covered by the General Stormwater Permit, only 60-70 percent are currently in the program in California. This is another example of tightening the regulations on the businesses that are in compliance with current legislation. Unfortunately, I also fear that instead of just tightening the regulations on the businesses that are complying with the laws, we are now talking about penalizing those same businesses that are currently in compliance. The emphasis should be placed on those entities that are currently not covered by the General Stormwater Permit program. What little staff time and money you do have available should be spent on where you would get the most bang for your buck, those entities out of compliance with the current stormwater program.

I have to bring one final issue to your attention regarding the benchmark values. In the Draft Permit when referencing the benchmark values adopted by the EPA, the EPA states that these benchmarks are not intended to be numeric limits or protective of any particular receiving water. Furthermore, the EPA states that exceedances of these benchmarks are not automatically considered permit violations (page XIV, of Fact Sheet State Water Resources Control Board (SWRCB) Water Quality Order No. 05-01-DWQ). This statement is almost in direct conflict with the Draft Permit under the General Permit Conditions section (page VII, of Fact Sheet SWRCB Water Quality Order No. 05-01-DWQ) where it references conditions under Provision V.7. page 6 of the Draft Permit. This section lists seven items that must be done if a benchmark is exceeded, and further states that if they are not accomplished within a given time frame will be a violation of this Draft Permit ("The failure to implement any of these steps in a timely manner is a violation of this General Permit" from page VIII, of Fact Sheet SWRCB Water Quality Order No. 05-01-DWQ).

I have brought several samples with me today that show what a TSS level of 100 ppm is with regards to different materials. These samples were prepared from a California certified lab, I have included the preparation methods and certified signature of preparer. What you see in this jar can not be obtained from even a commercial or residential paved street during a "first flush" event. How is an industrial facility going to meet this TSS level consistently during "first flush" events and throughout the stormwater season with all the variables that exist with an industrial site? I think the answer would be the majority of those sites will not be able to, and what you will be doing is opening up those businesses to a huge liability.

Thank you for your time and I sincerely hope you do not implement the Draft Permit the way it is currently being proposed.

Sincerely,



Robert Vogt  
Director of Environmental Services