

county of ventura

PUBLIC WORKS AGENCY
JEFF PRATT
Agency Director

October 22, 2012

#32



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

Subject: COMMENTS ON THE JULY 2012 DRAFT INDUSTRIAL GENERAL PERMIT

Dear Ms. Townsend:

The County of Ventura (County) appreciates the opportunity to provide comments on the July 2012 draft Industrial General Permit (IGP). Under the Municipal Separate Storm Sewer System (MS4) Permit issued to the County by the Los Angeles Regional Water Quality Control Board (Regional Water Board), the County implements an industrial and commercial business program that includes inspection of facilities regulated under the IGP. The comments in this letter are focused on the areas of the IGP that overlap with the MS4 permit's TMDL and Industrial Commercial Business program elements. In addition to the comments identified in this letter, the County supports the comments of the California Stormwater Quality Association.

1 Light Industries and the No Exposure Certification (NEC)

Section XVII of the draft IGP requires that Dischargers with no exposure of industrial materials to register for an NEC by submitting the certification into the SMARTS system. In the State Water Board Staff Workshop held on September 5, 2012, staff noted they expect 30,000 light industry facilities to be brought into the industrial stormwater program; that is, these facilities will either need coverage under the Industrial General Permit or need to file an NEC.

Light industries, for the most part, have not been regulated by the Industrial General Permit and may not be aware of the new requirements. The visit from the local MS4 stormwater inspector may be the first notice these facilities have of the new requirements. Based on the fees proposed in the IGP, the State will collect more than \$7,000,000¹ in stormwater fee revenue from these facilities not currently in the stormwater program.

¹ Per IGP Attachment C the NEC fee will be assessed at \$242/facility and NOI fees will be \$1,342/facility. The \$7 million estimate is based on ~30,000 facilities registering and paying the NEC fee.



Request: To assist local agencies and the light industry community, the County requests the State Water Board use a portion of these new revenues to undertake a proactive campaign to inform and educate the light industry community of the pending changes. This educational effort should not be entirely left to local agencies.

2 Total Maximum Daily Loads (TMDLs)

Section VII of the draft IGP identifies the process by which TMDL-specific enforceable provisions will be incorporated into the IGP. The County is currently subject to the enforceable TMDL provisions incorporated into its MS4 permit that was issued in 2010. In compliance with the MS4 permit, the County is developing strategies to meet the TMDL requirements. Industrial stormwater discharges into the Ventura MS4 are a part of the solution to restoring impaired water quality in local receiving waters. As with municipal stormwater discharges, the County believes all TMDL waste load allocations (WLAs) incorporated into stormwater permits should be implemented as Best Management Practices (BMPs).

Request: The County requests the State Water Board recognize BMP-based compliance in the IGP findings and recommends the addition of the following language into or following Finding No. 39:

Compliance may include, but is not limited to, implementation of BMPs and control measures contained in TMDL implementation plans sufficient to achieve the WLA, or a demonstration that the numeric WLA has been achieved.

3 TMDLs Missing from Attachment D

The County would like to call your attention to several TMDLs missing from Attachment D. These TMDLs, issued for waterbodies within Ventura County, have WLAs and implementation requirements that identify the IGP as the regulatory implementation mechanism:

- Santa Clara River Estuary and Reaches 3, 5, 6, and 7 – Indicator Bacteria
- Calleguas Creek and Mugu Lagoon – Metals and Selenium
- Calleguas Creek – Boron, Chloride, Sulfate and TDS (salts)
- Santa Monica Bay Nearshore and Offshore Debris TMDL (SMB Marine Debris TMDL)

While Section XVIII, Special Requirements – Plastic Materials, of the draft IGP addresses many of the requirements of the SMB Marine Debris TMDL for plastic manufacturing facilities subject to the IGP, the SMB Marine Debris TMDL should be included in Appendix D to ensure that all IGP-specific provisions of TMDL have been addressed during incorporation of TMDL requirements.

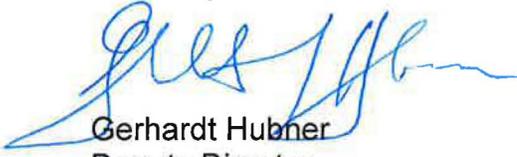
Request: The County requests that Appendix D be revised to include the TMDLs listed above.

4 Non-stormwater Discharges

The County appreciates the inclusion of non-storm water discharge provisions IV.B.2 and IV.B.3 which specify that non-stormwater discharges are only authorized insofar as they "are not in violation of any Regional Water Board requirement" and "are not in violation of any municipal agency ordinance or requirement." These provisions should provide the County with the authority to require industrial facilities implement the non-stormwater discharge BMPs in the Ventura MS4 Permit as well as ordinances the County has adopted to control non-stormwater discharges.

Thank you for your time to consider our comments. If you have any additional questions, or require further clarification, please contact me at (805) 654-5051.

Sincerely,



Gerhardt Hubner
Deputy Director

cc: Jeff Pratt, PWA Director
Tully Clifford, VCWPD Director
Ewelina Mutkowska, Stormwater Program Manager