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October 22, 2012

Via E-mail

Charles R. Hoppin, Chair, and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
ATTN: Jeanine Townsend, Clerk to the Board
(commentletters@waterboards.ca.gov)

Dear Chair Hoppin and Members of the Board:

SUBJECT: Comment Letter – Industrial General Permit

Eastern Municipal Water District (EMWD) appreciates the opportunity to provide our comments on the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit) issued July 16, 2012. EMWD also provided a comment letter date April 28, 2011 on the earlier version of the proposed draft Industrial General Permit. We support the State's goal to update the Industrial General Permit and appreciate that State Board staff took into consideration many of the stakeholder comments in revising the most recent version of the draft permit. However, the Industrial General Permit still contains some significant changes and requirements that continue to present concern to EMWD. Therefore, EMWD would like to recommend the following proposal:

- The Numeric Action Levels (NALs) shall NOT serve as effluent limits or as a measurement of compliance.
- The Annual NALs of qualifying storm events be calculated using the geometric mean for all parameters except pH.

- The Qualified Industrial Storm Water Practitioner (QISP) I definition be broaden to include the ability to perform the basic permit functions for multiple facilities as well as multiple industrial activities.
- Implementation of permit requirements for QISP be delayed to allow QISP training and certification to occur for EMWD staff.
- The requirement for weather pattern check be required weekly
- Removal of the Method Detection Limits (MDLs) column from Table 3.

As an essential services provider, EMWD provides potable water and water reclamation services to 755,000 people in a service area of 542 square miles. Two (2) Water Filtration Plants and one (1) Desalinization Facility, in addition to MWD connections and local wells, provide potable water to the customers the District serves. Additionally, four (4) water reclamation facilities provide wastewater services to a portion of western Riverside County which include a number of cities. As the provider of both water and water reclamation services, EMWD shares responsibility to effectively manage the surface and groundwater basins within our District boundaries.

The draft Industrial General Permit has significant changes that create impacts to EMWD and would require additional employee training for permit requirements and storm water monitoring. Therefore, EMWD would like to present the supporting rationale for the recommendations to the proposed draft as follows:

NALs are Not Effluent Limits

1 EMWD is pleased to see that Numeric Effluent Limitations (NELs) have been removed from the Industrial General permit, although Numeric Action Levels (NALs) remain. Furthermore, EMWD is satisfied with the State Board's recognition within the Industrial General Permit that, "NALs are not intended to serve as technology-based requirements, numeric effluent limitations, or water quality-based limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water limitations. NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit." EMWD is in support of NALs as long as they remain one, of many other means, to assess best management practices (BMPs) and program effectiveness and NOT serve as any type of effluent limitation or measure of compliance, now or in the future.

Calculated Annual NALs using Geometric Means

EMWD supports the California Stormwater Quality Association's (CASQA) suggested language regarding their comment that Annual NALs be calculated from qualifying storm event results (i.e. those storm events that do not exceed the Design Storm as defined in the Industrial General Permit) utilizing a geometric mean as opposed to the arithmetic average for all parameters except pH. This can better aid dischargers in evaluating BMP and program implementation effectiveness against more representative results that will not be distorted from "atypical storm events" or "atypical site conditions".

Multi-Functional QISP I

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Section I.I of the Industrial General Permit describes training requirements, including the introduction of a Qualified Industrial Storm Water Practitioner (QISP) I, II and III, and spells out the different training requirements and roles for each of the QISP levels. The section goes on to state that a QISP I can represent either, *“one facility or multiple facilities with substantially similar industrial activities”*. There are many dischargers, like EMWD, who have various facilities subject to the Industrial General Permit who not only have differing industrial activities from site to site, but also within a single facility itself. EMWD would request that this definition be broadened, as CASQA has recommended in their comment letter, so that it does not preclude a single QISP I employed by a discharger from being able to perform the basic permit functions for their assigned facility(-ies) that may have more than one industrial activity.

Adequate Time for QISP Requirements

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Section II.D. describes the requirements for receiving general permit coverage for existing dischargers and states that existing dischargers must implement the necessary revisions to the SWPPP no later than July 1, 2013. Furthermore, Section IX.2, goes on to state that SWPPP's and Annual Reports, along with training of facility staff members on the Industrial General Permit must be done by July 1, 2014. First, it is unclear if the State Board intends for SWPPP's to be revised per the Industrial General Permit by 2013 or 2014. Second, it is our understanding that the QISP training has yet to be developed. EMWD would request that the State Board insert provisions, and/or revise wording, into the Industrial General Permit that would delay the implementation of those permit functions that require a QISP if the State cannot implement a QISP training program as quick as it anticipates. Additionally, it will be important to allow for ample time for QISP's, once trained and certified, to be able to train other facility staff in-turn as required by the Industrial General Permit. If the permit wording remains as is, and the QISP training program is not developed in enough time, the State Board will essentially force dischargers to have to rely on a Professional Engineer, or other approved Licensee, at a significant cost, to perform many of these basic functions.

Weekly Weather Pattern Checks

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Section XI.A.2.d. Stormwater Discharge Visual Observations, would have dischargers make a visual observation, prior to an *“anticipated precipitation event”* that is defined as *“any weather pattern that is forecasted by the National Weather Service Forecast Office to have a 50% or greater probability of producing precipitation in the facility's weather zone”*. Furthermore, this section goes on to say that a QISP must be the one to review precipitation forecast information. EMWD has several problems with this requirement due to the level of effort it will take to track and document weather patterns for applicable EMWD facilities that are stretched out over a 542 square mile service area. While EMWD recommends that this monitoring be removed from the Industrial General Permit and rolled into the other routine visual inspections, if this requirement were to remain, several clarifications would need to be made within the permit. As the wording exists, a discharger's QISP would need to track and document the weather forecast daily. In a place like Southern California weather patterns can change rapidly, even within a 24-

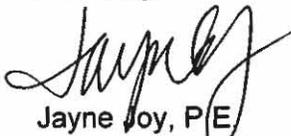
hour period, thus EMWD would suggest that dischargers only be required to check weather patterns on a minimum weekly basis.

Removal of MDL

Lastly, Table 3 within the Industrial General Permit specifies test methods, detection limits and reporting units for base parameters that are required to be monitored. EMWD concurs with CASQA's comments that the Method Detection Limits (MDLs) for the conventional pollutants of Total Suspended Solids (TSS) and Oil & Grease (O&G) being set at 1.0 mg/L is unachievable by many laboratories, including EMWD's in-house laboratory and contract laboratory. EMWD strongly urges the State Board to remove the MDL column from Table 3.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact Alfred Javier at (951) 928-3777 extension 6327 or at javiera@emwd.org.

Sincerely,



Jayne Joy, P.E.
Director, Environmental and Regulatory Compliance

JJ/LL:tlg

cc: Records Management