



Environmental Utilities
2005 Hilltop Circle
Roseville, California 95678

#26



October 19, 2012

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

RE: COMMENT LETTER – INDUSTRIAL GENERAL PERMIT

Dear Ms. Townsend and Members of the Board:

Thank you for the opportunity to submit comments on the State Water Resources Control Board's ("Board") 2012 Draft National Pollutant Discharge Elimination System General Permit for the Discharge of Storm Water Associated with Industrial Activities. We appreciate the efforts of Board staff to respond to and re-draft the permit. While there are issues still to be addressed within the draft permit, it is much improved over the April 2011 draft.

This letter presents the City of Roseville's comments (Attachment A). The City of Roseville also supports and joins in comments sent separately by the California Stormwater Quality Association (CASQA).

Should you have any questions associated with the City's comments, please contact me at (916) 774-5552.

Sincerely,

A handwritten signature in blue ink that reads "Kelye McKinney".

Kelye McKinney
Engineering Manager, City of Roseville

ATTACHMENTS

A: Comments

General			
Comment #	Permit Element/ Issue/ Concern	Location in Draft Permit	Comment/Recommendation
1	Multiple Locations: LRP only allowed to certify and submit documents	I.A.14 [page 2] and XI.B.9.a [page 40]	<p><i>In several areas of the permit, the discharger’s LRP is required to certify and submit information. For example in I.A.14, The permit states “This General Permit requires the Discharger’s Legally Responsible Person (LRP) to electronically certify and submit all documents...” Also as example, XI.B.9.a states “The Discharger’s LRP shall certify and submit analytical results via SMARTS...” For municipalities, the LRP is defined as the “either a principal executive officer or ranking elected official that possesses signatory authority of the governmental agency at issue.” For the City of Roseville the LRP would be either our Mayor or our City Manager. It is unreasonable to expect that these individuals would input documents into the SMARTS system for the four IGP facilities owned by the City.</i></p> <p>Recommendation: <i>In all locations where the LRP is required to do a task, revise the sentence to also allow for the Duly Authorized Representative to do the work. For example in 1.A.14, revise as follows: “This General Permit requires the Discharger’s Legally Responsible Person (LRP) or Duly Authorized Representative to electronically certify and submit all documents...”</i></p>

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2	Requirements for Receiving General Permit Coverage: Existing Dischargers: Timeline for SWPPP Update	II.D.3 [page17] vs. II.G.1 [page 19]	<p><i>It is unclear when existing dischargers must submit updated SWPPPs. Section II.D.3 of the permit states: "Existing Dischargers shall implement necessary revisions to the SWPPP and Monitoring Program in accordance with Sections X and XI no later than the July 1, 2013." While Section II.G.1 states: "Annual monitoring Reports and SWPPPs (other than SWPPS for Inactive Mining): By July 2014, or seven (7) days prior to commencement of industrial activities, whichever comes last....."</i></p> <p><i>Municipal agencies will be hard pressed to submit revised SWPPPs by July 1, 2013 given the likely hood this permit will be adopted early 2013. Agencies will need time to budget funds for consultant services and go through the contracting processes prior to commencing any work.</i></p> <p><i>Recommendation: Allow agencies 16 months from time of adoption for update to SWPPPs. Do not use "hard dates" as the date of actual permit adoption is unknown. Also correct the typo in Section 11.D.3 ("...no later than the July 1, 2013.").</i></p>

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3	TMDL Requirements: Requirements for new Dischargers into impaired water bodies	VII.B.3 [page 23]	<p><i>The permit states that new discharger, discharging into an impaired water body for which EPA has no established or approved a TMDL, are not eligible for coverage unless certain provision are meet including item 3. "Submits data with the NOI documenting that pollutant discharge will not cause or contribute to and exceedance of WQS. This is demonstrated if the discharge will meet in-stream WQS at the point of discharge...."</i></p> <p><i>It is unclear how a new business would be able to submit data meeting the requirements. Until the business is in place and operating, how can data be provided? What kind of data is required? Additionally, the point of compliance is at the point of discharge so is it correct to assume that the date required is water quality data? If so when is the data to be obtained? Wet season vs. dry season? This provision as written will eliminate the ability for new business to grow in many areas of the State which is detrimental to local and state economic development.</i></p> <p><i>Recommendation. Remove provision VII.B.3.</i></p>
4	Monitoring Requirements: Precipitation Forecasts	XI.A.2d [page 37]	<p><i>The permit requires dischargers to review precipitation forecast from the National Weather Service Forecast Office and this work be done by a QISP. Why must a QISP do this work? The permit should not stipulate that a QISP do this work but should rather allow discharges to determine who is capable and available to performing this function within their organization.</i></p> <p><i>The permit requires visual observations if there is a 50% or greater probability of producing precipitation. This seems to be a low threshold? Why not 70% or greater?</i></p> <p><i>Recommendations: Remove QISP requirement for reviewing precipitation forecasts. Revise precipitation threshold to 70% or greater.</i></p>

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4	Monitoring Requirements: Timeline for Regional Board Response	XI.C.3.c [page 43]	<p><i>In the event a discharger pursues a Sampling Location Reduction, the discharger must submit a SLR report for review/approval by the applicable Regional Water Board. The permit does not indicate a timeline under which the Regional Board must respond to the SLR report.</i></p> <p>Recommendation: Add language that requires the Regional Board to respond to and SLR reports within 60 calendar days. If the Discharger does not receive a response then the discharger may automatically assume the SLR is approved.</p>
4	Facilities Subject to Federal Guidelines and Standards	XI.E [page 45]	<p><i>Recommendations: This section should be XI.D as the proceeding section is "C".</i></p> <p>Revise the first sentence in XQ.E.1 as follows: "In addition to the other requirements in this General Permit, Discharges with facilities subject to storm water ELGs in Subchapter N (reference Attachment E) shall:"</p>
5	Level 1 Status requirements	XII.C.2 [page 46]	<p><i>Once a discharge reaches a Level 1 status, the discharger is required to complete an evaluation of the facilities SWPPP and pollutant sources. The permit states "This evaluation shall not be limited to the parameter(s) exceeding the NAL(s)." [emphasis added] Why must the discharger evaluate the site for those parameters that were not exceeded as well as for those that were?</i></p> <p>Recommendation: Allow the evaluation to be limited to only those parameters that are exceeded which caused the Level 1 status.</p>
6	ERA Level 2 Demonstrations: Footnote	XII.E.1 [page 48]	<p>There is a reference to footnote 10 in the first sentence. Should the reference be to footnote 11?</p>

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7 9	ERA Level 2 Demonstrations: Regional Board response timeline	XII.E.7 [page 50]	<p>The permit states: "The State Water Board and Regional Water Board may review any ERA Technical Reports.....Upon review of a Level 2 Technical Report or ERA Level 2 Demonstration Technical Report, the State Water Board Executive Director or the Regional Water Board may reject the ERA.... Direct the Discharger to take further action(s) to comply with this General Permit. [emphasis added]</p> <p>The permit gives discretion to the Boards to review the ERA technical reports and to ask for more actions to be taken. However there is not timeline established for responding to submitted reports. Similar to comment 5 above, a timeline for response should be provided so Dischargers are not left to wait and wonder if their plan is acceptable.</p> <p>Recommendation: Add language that requires the State and/or Regional Board to respond to any ERA technical reports within 60 calendar days. If the Discharger does not receive a response then the discharger may automatically assume the report is approved.</p>
7 10	BMP Implementation Extension Reports: Regional Board response timeline	XII.F.2 [page 51]	<p>This comment is similar to comments 5 and 9 above. The permit provides discretion to a Regional Board to review BIERs (they may review) yet no timelines for response from the Regional Board is required.</p> <p>Recommendation: Add language that requires the Regional Board to respond to any BIERs within 60 calendar days. If the Discharger does not receive a response then the discharger may automatically assume the report is approved.</p>