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October 20, 2012

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 "I" Street,
Sacramento, CA 95814

Re: Comment Letter – 2012 Draft Industrial General Permit

This is in regard to the 2012 Draft Industrial General Permit proposed on July 18, 2012.

We wish to compliment the staff of the Board for the great deal of work they put into this second draft Permit. It is a significant improvement over the 2011 version. We understand the need for quality data and applaud the Board for its ideas on improving the data quality.

Nevertheless, there are number of issues in this Draft Industrial General Permit which have the potential to adversely affect our company's ability to stay in business. This is to alert you and the Board to the problems with some of these issues, and to offer some suggestions to enhance the draft permit.

1. Training

The creation of a new type of 'certification' with three levels of competency (the 'Qualified Industrial Stormwater Practitioner' or QISP) to perform technical services - just for this program - is unnecessarily duplicative of existing programs and certifications already available from the University of California, CASQA, and other training venues. Training in sampling, data and technology assessment, and evaluation of non-industrial sources, etc., etc., are already available through these or similar institutions. (If absolutely necessary, two levels, at most, are sufficient.)

A "QISP individual" also adds another layer of cost to an already burdensome program without appreciably increasing confidence that the technical data quality has been improved.

Appropriate training under the supervision of a State licensed, qualified, and trained individual is a far better approach.

With respect to the current draft permit, the QISP "in lieu" Certification is too highly restrictive by being limited to California licensed **civil** engineers, with no allowance for other scientific or engineering disciplines with specific experience in analyzing storm water, its discharges, pollutant loads, sources, amelioration and removal processes for storm water.

Customers are #1

Examples of such technical disciplines which have the potential to provide equal or superior registration, training and experience - directly pertaining to storm water discharges - include licensed chemical engineers, industrial engineers, mechanical engineers, chemists, or petroleum engineers.

The limitation to licensed civil engineers also unnecessarily limits the ability of qualified minority individuals to analyze, prepare, and write SWPPPs under this Draft permit.

(We note that civil engineering projects relating to storm water “fixed works” or constructed projects such as load bearing structures, dams, diversion structures, impoundments, etc. are rightly to be performed by licensed civil engineers. We believe that such structures must be performed under the responsible charge of licensed civil engineers.)

We urge the Board to change the registration requirement to include the above engineering and technical branches with more direct engineering experience and practice - such as licensed chemical or mechanical engineers – for the QISP qualified licensees. Alternatively, the Board could simply delete ‘civil’ from sections referring to engineering licenses.

2. Definitions

Well defined standards are the key to clearly determining compliance with the permit, hence:

2 a.) We are requesting that the Board specifically define what is meant by “**significant**” because it is used numerous times in the permit. At this point the permit does not define exactly what a significant quantity is!! This could be gallons per event, pounds spilled, area of spill, mg/day, or some other quantifiable unit. We note that ‘reportable quantities’ are referenced with respect to Hazardous substances, but that definition only applies to land discharges under DOT regulations. We also note that the County of Riverside specifically refers to a gallon or less of oil or similar substances as NOT being significant.

3 b.) Due to our experience with overzealous inspectors, we are requesting that the Board **specifically exclude containerized storm water** prior to treatment in the definition of what constitutes a “non-stormwater” discharge. This would also bring the Permit in line with the Sector specific Permit recently adopted by the Santa Ana Regional Board (Region 8).

4 c.) And we would like to see the definition of “**annual average**” defined the same as in the Sector specific Permit recently adopted by the Santa Ana Regional Board (Region 8). This definition specifically defines an annual average – with the exception of pH – to be the geometric mean value. This would be consistent across the state and would avoid the problems with outliers frequently encountered with measurements of stream flows and water bodies.

3. Numerical compliance values

5 Under recent court cases concentration is used to determine compliance with standards such as CTRs. However, it is well known that mass discharges are the preferred technique for determining impacts of contaminants discharged into stream flows; particularly in dispersion modeling of fluid flows.

Changing from a concentration based standard (which tells you nothing) to a mass discharge standard would have the benefit of allowing easy calculations of water bodies’ ability to absorb additional contaminants and would make future calculations of mass loading allowances much easier.

4. Inspections

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Based on our experiences with the "Rain Event Action Plan" imposed by Region 8 – actions to be taken in anticipation of a predicted storm event - we have found that it is far more cost effective to perform a monthly or bi-monthly inspection and preparation for rain events.

This way we would not be 'chasing our tails' preparing for a rain event with only a 40% or 50% chance of a discharge. With such a protocol, every facility will be assured of frequent preparations for rain events year around and they could be effectively scheduled.

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5. Security

Given the heightened concerns for **security and terrorism**, we are requesting that **no** Site map or SWPPP be required to be uploaded to SMARTS showing either:

- a.) the location,
- b.) quantities, or
- c.) types of hazardous chemicals or other materials.

An on-site, hard copy SWPPP and Site map showing such items could be kept at every location for inspections and use of staff personnel.

Likewise we are requesting that no trade secrets or proprietary technologies or business confidential treatment systems be either included in a SWPPP or uploaded into SMARTS.

CLOSURE

We urge the Board to carefully review these items and change the Permit as indicated.

If you have any questions, please contact us at the above address, or at (562) 921-9974.

Sincerely,

Roger Griffin

Roger Griffin, MS, P.E.
Director, Environmental Compliance

cc: C. Siroonian
R. Coffman