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October 22, 2012



**Via U.S. Mail and E-Mail**

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
commentletters@waterboards.ca.gov

**Re: Comment Letter – Draft Industrial Storm Water NPDES General Permit issued July 16, 2012**

Dear Ms. Townsend and Members of the Board:

The Chemical Batch Processing Monitoring Group, Inc. (“CBPMGI”) appreciates this opportunity to present its comments to the State Water Resources Control Board (“State Board”) on the Draft Industrial Storm Water NPDES General Permit issued July 16, 2012. The CBPMGI is the umbrella group of two storm water monitoring groups, the Chemical Batch Processing Monitoring Group (“CBPMG”) and the California Paint Council Monitoring Group (“CPCMG”).

CBPMG and CPCMG are State Board approved monitoring groups in good standing and have been operating under the provisions of the Industrial General Permit since 1992.

CBPMG members produce a variety of products in batches, unlike many chemical manufacturers which use continuous processes. Chemical batch processors generally make multiple products with the same equipment, e.g., a chemical batch processor will utilize the same base stocks or chemicals and different chemical additives to produce different chemical products. For instance, CBPMG members may introduce water into a 10,000 gallon blending tank and combine chemical additives into a “batch” to produce an industrial cleaner. In the next “batch”, the same base stock is used except that another chemical additive is utilized to produce a bleach or adhesive. Each finished product is then packaged in containers of various sizes and stored for bulk shipment.

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The CPCMG is comprised of manufacturers of paints, varnishes, lacquers, chemical coatings, and kindred products. CPCMG members, like the CBPMG members, produce their end product through a batch process and also employ similar material handling practices. For example, materials are blended in large containers and the end product, which for most members is paint or architectural/traffic coatings, is stored for shipment in 55 gallon drums or held in secondary containment for transfer to rail tank car and/or truck.

In general, most processing by CBPMGI members is performed indoors or in covered areas and have extensive secondary containment to prevent pollutants from stormwater exposure. Due to these structural best management practices ("BMPs"), very few pollutants are foreseeably exposed to storm water from these members' facilities.

CBPMGI's comments are submitted with the group members' desire to meet their compliance obligations in a manner that will result in protection of California's waters without placing unrealistic and arbitrary compliance burdens on industrial dischargers.

While we are supportive of the comments being submitted by the California Stormwater Quality Association ("CASQA"), CBPMGI would like to elaborate on some of CASQA's comments as follows:

**1. Compliance Groups**

As one of the first approved monitoring groups under the 1992 general permit, CBPMGI has unique, institutional knowledge of the chemical and paint processing industry and its processes. CBPMGI supports the Compliance Group option for its members and would like to continue playing a role in developing industry specific data and BMPs.

**2. Numeric Action Levels/Numeric Effluent Limits**

CBPMGI strongly supports the State Board's elimination of numeric effluent limits. CBPMGI supports use of numeric action levels as outlined in the CASQA comments.

**3. Receiving Water Limitations**

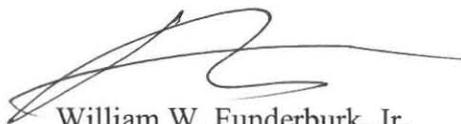
CBPMGI members continue to have concerns about the misuse of the provisions in the general permit stating that dischargers shall not "cause or contribute to a violation of a receiving water quality standard". This provision provides no certainty of an ascertainable compliance standard for group members. CBPMGI members strongly support the CASQA proposed revisions to this provisions which tie compliance to the exceedance response actions under the general permit.

**4. Qualifying Storm Events**

CBPMGI members are located in diverse climactic regions throughout the state. Storm water discharges are highly variable and episodic. Although CBPMGI would like the State Water Board to continue with group specific sampling exemptions, CBPMGI believes it would be beneficial to relax the qualifying storm event requirements so that there is no antecedent dry weather period required. The most important element to capturing a representative storm is that business operations have commenced recently in the drainage area from the sample is being taken. These are the activities that originally resulted in the regulations of permitted entities when EPA originally passed its storm water rule in 1990. CBPMGI suggests that the qualifying storm event requirement be relaxed to allow for additional opportunities to capture storm water samples.

We appreciate the opportunity to present these comments. If you have any questions or comments, please feel free to call.

Very Truly Yours,



William W. Funderburk, Jr.  
Alastair F. Hamblin

cc: Los Angeles Regional Water Quality Control Board  
Central Valley Regional Water Quality Control Board  
San Diego Regional Water Quality Control Board  
Santa Ana Regional Water Quality Control Board  
Lahontan Regional Water Quality Control Board