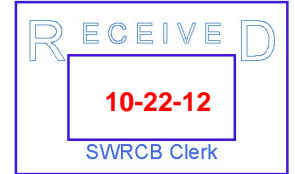


October 22, 2012

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



Subject: Comment Letter – Industrial General Permit

Dear Ms. Townsend,

On behalf of the Fibre Box Association (FBA) Group Monitoring Plan (GMP), AECOM Technical Services, Inc. (AECOM) is providing the following comments on the 2012 Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. NPDES CAS000001 issued for public comment on July 18, 2012 (Draft General Permit).

Section II – “Existing Dischargers shall have until July 1, 2013 to register for NOI or NEC coverage.”

Comment: Dependent upon the requirements in the approved/adopted Draft General Permit, AECOM believes implementation of the proposed requirements will require a significant amount of resources from the discharger. The State Water Resources Control Board indicated that the anticipated timeframe of adoption was early 2013. We believe 180 days (or less) is not enough time for dischargers to implement the new program. We recommend at least 365 days to implement and to comply with the requirements of the adopted General Permit including the development of a revised Storm Water Pollution Prevention Plan, QSIP training, and submittal requirements. If the draft General Permit is adopted in January 2013, for example, existing dischargers should have until at least July 1, 2014 to register for an NOI or NEC coverage.

Section II.C.3. – “...When there is an ownership change, the prior Discharger (seller) must inform the new Discharger (buyer) of the General Permit requirements.”

Comment: This sentence should be removed from the Draft General Permit. The new Discharger (buyer) should have the responsibility of knowing and understanding the General Permit requirements independent of the prior Discharger (seller).

Section II.D.1. – “...Existing Dischargers that have not submitted NOIs for the previous permit shall have until July 1, 2014 to register for NOI or NEC coverage.”

Comment: As stated above, all applicable Dischargers (new or current) should have until at least July 1, 2014 to register for the NOI or NEC coverage.

Section II.G.1 Certification and Preparation Requirements – “Annual Monitoring Reports and SWPPPs (other than SWPPPs for Inactive Mining): by July 1, 2014, or seven (7) days prior to commencement of industrial activities, whichever comes last, all Annual Monitoring Reports and new or revised SWPPPs shall be: a. Prepared by a QISP I, II, or III;...”

Comment: AECOM recommends that dischargers shall prepare and submit Annual Reports to the Regional Water Board no later than July 15, 2014 to match Section XVI.A (Annual Report). This extended time will allow for a more thorough review of the Annual Monitoring Reports and SWPPP (internal review, legal, consultant, and quality control and assurance per Section X.H.2.f) and for BMP implementation/modification as a result of NSW D observations, storm water samples, and/or the annual comprehensive facility compliance evaluation.

Section X.C.2. – “...A paper copy of the SWPPP shall be maintained at the facility.”

Comment: AECOM recommends that this section be revised to: “A paper copy or an electronic copy of the SWPPP shall be maintained and accessible at the facility.”

Section X.D.2.d. Other Requirements and Existing Facility Plans – “Dischargers shall document the facility’s scheduled facility operating hours as defined in Attachment H in the SWPPP. Scheduled facility operating hours that would be considered irregular (temporary, intermittent, seasonal, weather depended etc.) shall also be documented in the SWPPP.”

Comment: The majority of facilities in the FBA Group operate at least five (5) business days per week for at least two (2) shifts per day. On occasion, facilities operate on Saturdays and Sundays. Occasional weekend operation occurs in response to, but is not limited to, customer demands, unforeseen plant shut-down, preventive maintenance, and seasonal demands. Depending on the particular reason(s), the decision to work over the weekend can be made as soon as the day or two before (Thursday or Friday). It is not always possible to predict and document the irregular facility operating hours in a timely manner. AECOM recommends that the following sentence, “*Scheduled facility operating hours that would be considered irregular (temporary, intermittent, seasonal, weather depended etc.) shall also be documented in the SWPPP.*” be removed from the Draft General Permit or revised.

Section X.H.2.a.iv. – “Cover all stored industrial materials that can be readily mobilized by contact with storm water.”

Comment: The majority of facilities in the FBA Group process scrap paper into bales for recycling. Due to the large number of bales and the limitations of indoor space, the scrap paper bales are often temporarily stored outdoors until they can be shipped for recycling. It is a common industrial practice not to cover the scrap paper bales due to resources, safety, and feasibility. The outdoor storage areas are inspected on a daily or more frequent-basis and loose scrap paper is cleaned up as necessary. AECOM believes that frequent inspection and clean up is an effective housekeeping best management practice in preventing storm water pollution. AECOM recommends that this section be removed from the Draft General Permit.

Section XI.B.2.a. – “From a storm event that has produced a minimum of 1/10 inch of rainfall within the preceding 24 hour period as measured by an on-site rainfall measurement device...”

Comment: The qualifying storm should also be able to be determined based on local online published sources. We recommend the statement be modified to read, “From a storm event that

has produced a minimum of 1/10 inch of rainfall within the preceding 24 hour period as measured by an on-site rainfall measurement device or determined by local online sources...”

Section XI.A.2.d – “... Prior to an anticipated precipitation event, visual observations of all storm water drainage and containment areas shall be conducted to identify any spills, leaks, or improperly controlled pollutant sources, and appropriate BMPs must be implemented prior to rainfall. The visual observations are required during scheduled facility operating hours and are not required more than once within in any 14 day period....”

Comment: We recommend changing this requirement to conduct one facility-wide visual observation per month during dry weather. Many industrial dischargers are currently implementing monthly visual observations as part of a routine BMP that is in addition to the current General Permit conditions.

Section XI.B.1. – “Dischargers shall ensure that collection of storm water samples are made at all locations that discharge storm water associated with industrial activity for the first QSE of each quarter in the reporting year....”

Comment: California’s weather conditions present variable rainfall patterns including rainfall intensity, duration, timing, and geographic location. Tracking stormwater events and collecting storm water samples from the first qualifying storm event of each quarter is extremely difficult. There are areas in California where a qualifying rainfall event may not occur in a 4 to 6 month period (or more) during facility operating hours. AECOM recommends that dischargers should collect no more than two storm water samples per reporting season per discharge area as part of establishing a baseline status. If there are exceedances as defined in Section XII.A of the Draft General Permit, the discharger will initiate Level 1 Exceedance Response Action as defined in Section XII.B.

Section XI.B.1. – “...In addition, the first discharge of contained storm water that occurs in each quarter (as defined in this Section A.2.b, above) shall be sampled.”

Comment: We recommend that this sentence be revised or further clarified. It is not clear if the phrase “contained storm water” pertains to release of water from secondary containment structures (wax tanks, used oil tanks, etc.), or ponded water on a tarp, etc. We believe that a visual inspection (oil sheen, particulates) of the water collected in a secondary containment structure for wax and used oil tanks is sufficient.

Section XI.B.8, Table 3, Section XI.B.9.b.i, and Table 5 – Requirement for using field measurement equipment for pH.

Comment: For pH, dischargers should have the option to use a calibrated portable field instrument or defer to laboratory analysis under 40 CFR 136. This change will also be consistent with the statement in Attachment B, item 15, “Dischargers may conduct their own field analysis of pH (or specific conductance if identified as an additional sampling parameter) if the Discharger has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.”

Section XI.C.4.a. - Qualified Combined Samples

Comment: In this section, “from as many as four (4) drainage areas” should be deleted as it seems to be arbitrary. The QISP II or III can make a determination and certify how many drainage areas can be combined.

Section XI.C.5.a.i – Visual Monitoring and Sample Collection Exceptions

Comment: Dischargers should not be required to collect samples or conduct visual monitoring when there is limited light, due to health and safety concerns. It is not always possible or practical to provide temporary lighting equipment that is sufficient to safely collect a storm water sample at night.

Section XII.E.4.c. – “A description of the industrial pollutant sources and corresponding industrial pollutants that are or may be discharged;”

Comment: It may not be possible to provide a full description of the industrial pollutant source(s) that contribute to storm water run-on to the facility from adjacent properties particularly due to adjacent property access. We recommend that this sentence be modified and/or clarified.

Section XIV Compliance Groups and Compliance Group Leaders – General.

Comment: AECOM believes that the previous Group Monitoring Program under the current 97-03-DWG should be added and adapted to meet the new goals to the proposed Draft General Permit. The Group Monitoring Program provides significant value to small businesses. Through shared resources and practical experience, storm water monitoring groups under the current permit provide a mechanism through which facilities with similar industrial activities are able to achieve compliance with the California General Industrial Permit effectively and efficiently. The current language under Section XIV does not provide a sufficient benefit to individual small businesses and does not take full advantage of shared knowledge and resources. The current Compliance Group requirement is also dependent on the Level 1 and Level 2 status of the individual discharger which can change through varying QSE and sampling results; therefore, the Compliance Group participation can change multiple times throughout a reporting year. We propose the following general amendment concepts to the Group Monitoring Program:

- The Compliance Group membership will be set annually prior to the start of the reporting season without regard to the individual's discharger Level 1/Level 2 status.
- The Compliance Group Leader shall inspect all of the facilities of the Compliance Group participants at least once per reporting year (regardless of Level ERA).
- Annual Comprehensive Site Compliance Evaluations discussed in Section XV will be conducted by the Compliance Group Leader. This can be accomplished in conjunction with the annual inspection in the previous bullet and will provide a third party assessment of the Compliance Group member's facility.
- The Compliance Group Leader shall be a designated Duly Authorized Representative as defined in Section XXI.K., with the proposed revision listed in the next comment.
- The Compliance Group Leader will develop a combined Level 1 ERA Report and Level 2 ERA Technical Report, as applicable to the individual Compliance Group member's Level status.

- A Compliance Group member not meeting the General Permit requirements (timely Annual Report submittal, minimum monitoring requirements, etc.) will not be eligible to participate in an approved Compliance Group.
- Fifty percent of the Compliance Group members will be required to collect and analyze storm water samples in accordance with Section XI.B. as baseline status.

The proposed changes above will provide some cost savings to the Compliance Group Members, reduce the burden on State Water Board resources, and still meet the goals and objectives of the Draft General Permit.

Section XXI.K.2. – “Other than the Permit Registration Documents (PRDs), the LRP may designate a Duly Authorized Representative to certify and submit via SMARTS all other documents on behalf of the LRP that are required by this General Permit or requested by the Regional Water Board, State Water Board, US EPA, or local MS4.”

Comment: We recommend that the Duly Authorized Representative have the ability to view all documents including the PRDs prior to certification and submittal via SMARTS. AECOM also recommends that a function be built into SMARTS for the LRP to control what the Duly Authorized Representative can or cannot view. This feature may be helpful for quality assurance purposes.

Attachment C. Section D – “Dischargers proposing to conduct industrial activities subject to this General Permit must electronically certify and submit PRDs via SMARTS no less than seven days prior to the commencement of industrial activity. Existing Dischargers must submit PRDs by July 1, 2013.”

Comment: AECOM recommends that the last sentence be modified to, “Existing Dischargers must submit PRDs by July 1, 2014.” We believe there will not be a sufficient amount of time between the anticipated adoption date and the proposed submittal date of July 1, 2013 for Dischargers to understand, train, and implement the new requirements.

AECOM appreciates the opportunity to comment on the draft General Permit and respectfully requests that the State Water Resources Control Board carefully consider all comments regarding the Draft General Permit. We also appreciate the amount of time and effort that has expended on the third iteration of the Draft General Permit. If you have any questions, please contact Ernie Miyashita at 630-839-5325.

Yours sincerely,
AECOM



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Cc: Brian O'Banion, Fibre Box Association