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#5

September 2, 2013

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



Dear Ms. Townsend:

Subject: Comment Letter – Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit)

We are submitting this comment in response to the Draft Industrial General Permit Notice of Opportunity for Public Comment and Notice of Public Hearing.

1 We believe that the lower numeric action level (NAL) for pH (less than 6.0) is neither reasonable nor practically achievable. Likewise, we believe that the NAL annual average of 100 mg/L for suspended solids should be changed. We are also commenting on the sampling collection and handling instructions.

3 The draft permit states the following: "Exceedances of the NALs that are attributable solely to pollutants originating from non-industrial sources (such as run-on from adjacent facilities, non-industrial portions of the Discharger's property, or aerial deposition) are not a violation of this General Permit because the NALs are designed to provide feedback on industrial sources of pollutants. Dischargers may submit a Non-Industrial Source Pollutant Demonstration as part of their Level 2 ERA Technical Report to demonstrate that the presence of the pollutant causing an NAL exceedance is attributable solely to pollutants originating from non-industrial pollutant sources." [1] However, determining the extent of the effect of such pollutants in a facility's storm water runoff would be difficult, would demand additional resources, and cause undue burden.

4 There are facilities that are located in highly industrialized areas which are exposed to offsite diesel truck exhaust and other offsite pollutant sources which will affect the quality of their storm water runoff. Our manufacturing facility is located in a heavily industrialized area of Los Angeles County, adjacent to two of the largest intermodal transportation facilities in the US and less than 1 mile from the 710 and 5 freeways. The California Air Resources Board (ARB) estimated diesel particulate matter (PM) emissions of 155 tons per year in the immediate 2-mile area. [2] ARB also estimated toxic air contaminant (TAC) emissions (such as ammonia, toluene, methyl chloroform, benzene, 1,3-butadiene, carbon tetrachloride and formaldehyde) of 210 tons per year in the same area.

In addition to elevated levels of PM and TAC in the immediate area, the extreme amount of diesel truck, vehicle, and railroad traffic also contribute to significant amounts of carbon dioxide and nitrogen oxide emissions. The result of particulate matter and acid gases in ambient air at elevated levels is an uncontrollable impact to rainfall and surface water runoff.

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5 Based on information from numerous sources, including the Environmental Protection Agency (EPA), the pH of unpolluted rainwater is below pH 6.0:

"Normal, clean rain has a pH value of between 5.0 and 5.5, which is slightly acidic. However, when rain combines with sulfur dioxide or nitrogen oxides - produced from power plants and automobiles - the rain becomes much more acidic. Typical acid rain has pH value of 4.0." [3]

"Normal rainwater has a pH of 5.6 (slightly acidic). This is because it is exposed to the carbon dioxide in the atmosphere." [4]

"Pure water has a pH of 7.0 (neutral); however, natural, unpolluted rainwater actually has a pH of about 5.6 (acidic)." [5]

"Rain water is naturally slightly acidic, with a pH of about 5.0." [6]

Hence, the lower pH NAL of 6.0 will almost certainly result in an undue burden to the regulated community who will be required to provide Exceedance Response Actions feedback to the regulatory agency when it has already been extensively documented that the pH of normal unpolluted rainwater is below 6.0. It will result in an undue burden for this facility based on previous monitoring results. We therefore believe that the lower pH NAL should be changed to a pH of 5.0.

In addition, we believe that based on existing documented high levels of PM emissions from offsite sources, the annual NAL for suspended solids should be raised to 200 mg/L, which is twice the current draft annual NAL of 100 mg/L and one half the value of the instantaneous maximum NAL.

Attachment H of the draft permit states the following: "The testing laboratory should receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory)." [7] Please note that for some facilities, such as those that operate 24 hours per day, 7 days per week, it may not always be feasible for their samples to be received by the laboratory(ies) within 48 hours of the physical sampling. For example, due to the unpredictability of rainfall, if samples are taken on a Friday evening, the samples may not be delivered until the following Monday at the earliest for reasons including the following: delivery arrangements/service may not be available after business hours and/or the laboratory may not be open on weekends to accept delivery. In the event of a long weekend due to a holiday, the time for delivering the samples may be longer. Hence we are in agreement that the 48-hour delivery time be a guide and not be a requirement for compliance.

Please refer to the following page for the list of references.

Thank you for your kind consideration.

Sincerely,

Cynthia L. Eagleson
Environmental Compliance Coordinator

References

1. "Draft NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, Section I.M.66" (July 19, 2013.)
2. California Environmental Protection Agency, Air Resources Board, "Health Risk Assessment for the Four Commerce Railyards" (November 30, 2007.)
3. "Acid Rain and the pH Scale"
http://www.epa.gov/acidrain/education/site_students/phscale.html. (August 27, 2013.)
4. "What is the pH of rainwater?"
http://www.scholarshipinindia.com/answer/pH_of_rainwater.html . (August 27, 2013.)
5. "Acid Rain - Natural Acidity of Rainwater"
<http://www.chemistry.wustl.edu/~edudev/LabTutorials/Water/FreshWater/acidrain.html> . (August 27, 2013.)
6. "pH Level of Rain Water" http://www.ehow.com/facts_5552228_ph-level-rain-water.html . (August 27, 2013.)
7. "Draft NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, Attachment H" (July 19, 2013.)