

NEST Environmental Services, Inc.

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#51

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



NEST Comment Letter–Industrial General Permit (IGP).

NEST Environmental Services Inc. appreciates the opportunity to communicate its concerns with the draft 2013 IGP. NEST is a GMP Leader for approximately 150 vehicle dismantlers. NEST also provides similar services to an independent group of industrial storm water permittees in ready mix concrete, scrap metals and curbside recycling, steel product manufacturing for construction, cardboard/paper recyclers, plant nurseries, fleet truck maintenance and school vehicle maintenance facilities.

NEST's concerns are below:

1. NEST objects to an early 2014 implementation of the 2013 IGP, if it includes the requirement for two samples between January and June 2014. Changing our sampling program halfway through the season is not practicable. NEST's contracts and invoices for its services for July 1-June 30th with its GMP participants and independent clients and with its certified lab in the Spring and client payments are due by July 1. Changing in January their pre-paid sampling program and expecting to get paid for those extra sample kits supplies is not very realistic. There will be robust objections from clients to paying more for an expanded program for which they were not expecting for 2013-2014 season. They won't readily pay, and we'll have to spend a lot of time trying to collect and eventually realize an economic loss, and the extra sample taking won't happen. The increased sampling requirement should not start until the 2014-15 season, to allow adequate planning by samplers, labs, suppliers and consultants.
2. The proposed unchanging instantaneous maximum (IM) NAL values for TSS and O&G for the duration of the IGP. NEST thinks that the IGP needs a mechanism built into it to gradually lower this instantaneous maximum NAL values for TSS and O&G over the life of the Permit to about the half their currently proposed IM-NAL values. Leaving that outer range values fixed will not send the right message about reducing pollutant levels for those two pollutants over the next five years, and if it goes like the current 1997 IGP Permit, up to 15 year. In light of that, is it wise to set and maintain IM-NAL values that may possibly not decrease for the next 5-15 years?

Focusing on those samplers with TSS and O&G results in the outer ranges is the right approach considering available resources at RWBs, but once those outer range samplers get their BMPs in place and working properly, that outer range will likely be unpopulated.

A proposal: Add in a paragraph that gradually drops the TSS and O&G outer range values down. For example: for TSS drop the level to about 350 mg/L for the third year, about 300 mg/L for the next year, and, annually thereafter decrease the outer range to 200mg/L. A similar scheme can be used for O&G.

At a minimum, leave an opener clause in the IGP to allow the SWRCB to implement periodic scaled reductions of instantaneous maximum NAL values.
3. Using litmus paper strips to test for pH will not likely improve quality of pH results compared to sending sample kit to labs. NEST thinks this is just not going to provide the quality of data the new IGP is attempting to obtain. Samplers will run out of strips, misplace them and not find them in time to take the test, use dirty fingers to hold the strip and contaminate the result, misplace the pH scale on

the box or leave the box exposed to dripping water somewhere thus destroying the pH scale, or samplers say they are somewhat color blind or impaired, or lose the piece of paper they recorded the result on. All those excuses will likely lead to default reporting of pH values in the normal range, since most all their sample results sent to labs in previous years were in that range anyway.

A requirement to use a low cost calibrated, pH measuring instrument may give better quality results from vehicle dismantlers and scrap yards, even though those instruments will need to be inspected and annually calibrated, and broken or misplaced ones replaced.

What is so unacceptable about waiting for overnight, 24-hour delivery of the sample to the lab? Is the loss of precision pH data that important? It's the outer ranges that need and get immediate attention. Results that are a tenth or three off frankly don't generate much concern, because the causes are likely not readily apparent.

4 **4. The SMARTS "linking" process and instructions need to be simplified or clearer, and timely telephone assistance is needed.**

The problems that NEST continually hears from its clients setting up (linking) the SMARTS account is (1) the difficulty / confusion doing the linking processes after receiving the registration information from SMARTS, (2) telephone calls and emails to SMARTS not getting answered right away, days later or not at all (esp. in May and June), and (3) receiving incorrect or unhelpful information for the linking and having to repeatedly call back for more help. The SMARTS linking procedure must be more user friendly for IGP permittees.

I think 6 or 7 of our GMP dismantlers and independent clients obtained SMARTS accounts this past year and not one was successful in completing the linking process without extra needing help. The new security protocols will unfortunately add more frustration for permittees using that system.

Of course some of the linking problem are caused by the permittees's reading ability, attention span, English comprehension, computer phobia, and constant interruptions from their customers calling in or at the counter looking for and wanting to buy parts right now, misplacing the User ID, password between annual uses, and conducting their business. With telephones constantly ringing with potential customers, and suppliers, blinking computers linked to online parts availability networks, land line and cell phone business callers looking for parts or offering parts, that group of permittees is always operating in the exchange of instantaneous information to make a sale.

The simplest solution is for the SMARTS office to do the linkings upon receiving the permittee's application. If that is not to be, the operator and office admin person need prompt, clear, and accurate telephone help the first call with experienced staff. Not receiving useful help to do the linking is frustrating and wastes everyone's time. The SMARTS must be more user friendly for IGP permittees, who as a group are not as computer literate as CGP permittees.

5 **5. Visual Observations of Storm Water Samples. Credibility of those visual observations will be questionable for a significant segment of dismantlers and scrap metals recyclers. NEST has implemented this particular practice a few years ago – and documented it in its AGERS- and realized limited success. Return rate of completed and returned visual observations by NEST's GMP participants was significantly less than 100%: 46% for 2012-2013, the previous year 41%, and prior year 67%. Last year 23 of 24 forms had the same date as the sample that was taken, an improvement over previous years. As to the quality of those reported observations: NEST's conclusions were that some observers don't see what should be visually apparent and others report seeing something that should not be present, when reported visual observations are compared to lab analysis for suspended solids and TOC/oil and grease.**

Don't expect a breakthrough in storm water discharge quality from permittees using the storm water discharge visual observation forms.

6. Exceedance Response Actions (ERA) and Reports.

- 6 a. Who submits the Level 2 ERA Plan, the business or a QISP? The Exceedance Response Actions (ERAs) multicolored diagram with triggers page showing the Baseline, Level 1 and Level 2 Status and narrative does not state that the QISP prepares the Level 2 ERA Action Plan. Is that intentional? The narrative appears to leave it up to permittee to submit the Plan. What happens if the permittee's submitted ERA Plan does not address the Level 2 Technical Report Requirements?
- 7 b. NEST does not think that the proposed ERAs and technical reports are going to be useful reports for a while. NEST has experience using its own Storm Water Exceedance Reports with its GMP participants over the past few years, and we have received very few useful reports back. After approximately 80-90 lab report with exceedances have been sent each year to samplers, we typically have received 1 or 2 reports back per year, even if we fill out the exceeded parameter exceedance value(s) and its benchmark, and leave the "BMP to be Implemented" section to the client to complete. Clients heavily relied on NEST to tell them what to say about new BMPs to implement, if an action needed to go beyond "more sweeping and clean up" rather than their figuring it out for themselves. The more pricey BestMP, even if proposed, will not get implemented or meet a proposed Technical Report schedule, if capital is not available due to economic conditions, as it currently is for a lot of "mom and pop", fewer than 5 to 10, part time employee businesses.
- 8 7. Pre-Storm Event Facility Observations/Inspections. NEST recommends including this in the IGP. This kind of action, NEST has found, generates more immediate results for attempting to improve the quality of storm water runoff. NEST sends to its storm water clients a September inspection/checklist for operators and managers to use in preparing for the rainy season, and we get pretty good response rate. We have also learned that visiting a participant hours or a day or two before a predicted rain event and getting the operator or manager walk through his/her facility with us to see and correct on-the-spot, any poorly implemented BMPs is quite effective. Those corrective actions reduced or eliminated lots of potential point sources at facilities. NEST understands that there was pushback earlier over this proposed requirement. Correcting a potential situation before it occurs is much more effective for our waters than fixing it after it occurs.
- NEST recommends that the operator or designated alternative be required to perform a walk through 24-36 hours before the predicted rain event – its usually on the local radio and TV news channels - and document the day and time such walk through took place and summarize required corrective actions needed and if accomplished before the rain event occurred or reason that the corrective actions did not occur, and keep for his/her storm water records and later reports.

Sincerely,
(signed)
Don Reh
Vice President