

FRIENDS OF THE NORTH FORK7143 Gardenvine Avenue
Citrus Heights, California 95621

September 19, 2013



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

Re: Comment Letter Industrial General Permit

Dear Ms. Townsend,

Friends thanks the board for this opportunity to comment. We address here the need for the program and general permit to have and define:

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- For individual discharger SWPPs, monitoring programs and annual reports, and no exposure/no discharge certifications, a process for public notification of and public involvement including comment, in their creation, and completion, and certification,
- For the new general permit and fact sheet, description of the notice to and opportunities for, and actual public and discharger involvement in development of the new permit, and
- Online mechanisms for the public and others to know when SWPPs and NECs are being developed by dischargers and submitted according to watershed and sub-watershed, and to access a statewide list of all SWPPs and NECs listed by industrial categories and municipal category.

Public involvement in general permit implementation

Individual NPDES permits need to have public participation policies, practices and procedures. For example, see the USEPA NPDES program delegation to the State of California. NPDES Memorandum of Agreement Between the U.S. Environmental Protection Agency and the California State Water Resources Control Board (1989), page 47. General permits are included in these requirements.

Whatever public involvement the general permit provides for and the absence of it need to be described in the permit and fact sheet. We don't see that a public notification and involvement is process is proposed.

We are not addressing here the question of enforcement of general permit implementation, though this should be explained and summarized and included by reference in the fact sheet for the public.

Public and discharger involvement in the creation of the general permit

The opportunities for public and discharger involvement that have occurred, are occurring, and that will continue to occur in development and approval and modification of the general permit that require further development (e.g., 2-3 year TMDL permit amendments) need to be described.

We sought to gather some of this information in a September 13, 2013, e-mail jointly to the three staff members listed on the storm water website in which we asked for lists of all stakeholder participants. We have not yet received a response that I know of.¹ Stakeholders who consult or work for or with dischargers whose discharger affiliation is not in their company name should have the names of these dischargers listed. Stakeholder groups made up entirely of board staff and dischargers and discharger consultants is a problem that should be addressed.

It is the responsibility of the state and regional water boards and USEPA to assure that individual members of the public and NGO's have sufficient knowledge, information and opportunity to be able to participate effectively in the California individual and general NPDES processes. Friends' NPDES efforts at a regional board suggest that this is not the case. For example, the regional board says that the user unfriendly individual NPDES permit format and template is mandated by the state board, and the regional board will not hold NPDES educational public meetings in the community of the municipal discharger in question. There seems to be both little or no recognition that public involvement is a critical problem, nor are there efforts we know of to address this program deficiency.

If the board is satisfied with its public involvement and stakeholder process for this general permit up to this time and in the future including in permit implementation, this and the reason should be described in the permit documents.

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Rafael, Marie and Eric,

Please e-mail copies of all NPDES wastewater and NPDES stormwater stakeholder group participants.

Thank you

Mechanisms to facilitate access to permit implementation documents and processes by watershed and statewide

The public needs to be able to easily identify implementation of the general permit in their geographical areas and identify the programs of similar dischargers in other areas.

Sincerely

/S/

Michael Garabedian, President
916-719-7296