



September 12, 2013

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

Subject: Comment Letter – Industrial General Permit

The Pacific Merchant Shipping Association (PMSA), which represents ocean-carriers and terminal operators at ports throughout the state of California, appreciates this opportunity to comment on the “Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities”. PMSA and our members have proactively worked with the local port authorities to develop a systematic approach to the reduction of storm water discharge under the existing Industrial General Permit (IGP). We have also worked with the WATER Coalition in an effort to ensure that California’s IGP is both protective and feasible. We are grateful for the extensive work completed by the State Water Resources Control Board (SWRCB) since the previous draft permit and believe that this draft addresses most of our previous comments. PMSA submits these comments to continue the process of developing a workable IGP for all parties.

1 Use of EPA Benchmarks as Numeric Action Limits (NALs)

While PMSA and our members fully support the elimination of the Numeric Effluent Limits (NELs) we remain concerned about the use of the EPA benchmarks as Numeric Action Limits (NALs) that trip Exceedance Response Actions (ERAs). As stated by EPA:

The benchmark concentrations are not effluent limits; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

We continue to believe that the best application of the benchmarks is just that, benchmarks. They should be used to indicate when additional actions in the form of best management practices (BMPs) should be considered, and, if appropriate, implemented. A process to fully evaluate the availability of and feasibility of additional BMPs is needed prior to using the NAL to trigger advancing to the next level. We suggest that the IGP be revised to acknowledge that once a facility has an approved SWPPP, additional BMPs will only be required if it can be demonstrated that the facility has failed to appropriately implement the BMPs in the SWPPP or that the additional BMPs can be shown to be feasible, cost effective and, most important of all, will achieve the NALs. This “off-ramp” provision should be allowed when either an annual average or an instantaneous NAL is triggered, regardless of the compliance level of the facility. Not only would this short-circuit the implementation of costly

and ultimately ineffective BMPs but would also avoid unnecessary inspection and monitoring requirements that will do nothing to improve water quality.

2 **QISP Program Flexibility**

PMSA and our members appreciate the additional flexibility that allows for on-site personnel to be trained and qualified as QISP without the need for a professional engineering license. Our only additional request is that the SWRCB should make the training available as frequently as possible to allow for maximum participation. If possible the SWRCB should consider the preparation of interactive, on-line training that would allow for people to schedule the training around their job instead of scheduling their job around the training.

3 **Consistent Application of Compliance Groups Needed**

Some of our members, particularly those in the Port of Long Beach, have benefited from being part of a group permit administered by the local port authority. While we appreciate the inclusion of the Compliance Group concept, we want to stress that it needs to be flexible, predictable, and consistent, to replace the Group Permit process. We understand that many of the specifics of Compliance Group implementations will be resolved at the Regional Water Board Level. Therefore, we request that the State Water Board stay involved in developing a process that will result in reasonable and effective programs with the goal of improving water quality. Our concern is that without some oversight Regional Water Boards may have vastly different approaches to the Compliance Groups, which could result in unnecessary inspections, monitoring and reporting requirements.

In conclusion, PMSA and our members are committed to the goal of reducing storm water runoff whenever possible. PMSA and our members hope that the SWRCB will consider our suggestions to improve the final draft IGP and develop the future guidance documents to focus on cost effective and feasible measures and practices that will provide the maximum benefit to the receiving waters and minimize duplicative, unproductive measures and processes. With that goal in mind PMSA and our members look forward to working with you through this process and greatly appreciate all of your efforts to work with stakeholders and the resulting revision to make this IGP workable.

Respectfully submitted,



Vice President