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The Voice and Advocate for the California Food Processing Industry since 1905

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September 6, 2013

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

SUBJECT: Comment Letter – Industrial General Permit issues July 19, 2013

Dear Ms. Townsend and Members of the Board:

The California League of Food Processors (CLFP) has reviewed the final draft of the Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (hereinafter referred to as “the final draft permit”) issued for public comment on July 19, 2013.

CLFP would like to thank the State Water Resources Control Board (hereinafter referred to as the State Water Board) for extending the comment deadline to September 12, 2013. The extra 14 days helped us conduct a more thorough review and analysis of the draft permit and thus provide more thoughtful comments.

Overall, we found the final draft permit much improved from previous drafts. We appreciate all of the efforts by the State Water Board staff to revise the draft permit to make it more reasonable and workable. In particular, we appreciate the removal of numeric effluent limits and the inclusion of more flexible monitoring, sampling and training requirements.

Despite these improvements, we continue to have a general concern that this new draft permit is a significant departure from the existing permit and will result in increased time, energy, and costs to industry. We understand that the goal of this new permit is to improve water quality in California. We share this goal. However, we have to question why those who are already in compliance would be required to do more and incur additional costs.

While we generally share the concerns of the California Stormwater Quality Association and align ourselves with their comments, we would like to provide specific comments on some issues of particular concern to our membership, including:

- Submission of the Storm Water Pollution Prevention Plans (SWPPP) through SMARTS
- Notice of Non-Applicability (NONA) “No Discharge” Eligibility Requirements
- Receiving Water Limitations

Submission of Storm Water Pollution Prevention Plans (SWPPPs) through SMARTS, Section II.B.1, Order Page 14

1 With respect to reporting and filing the SWPPP through SMARTS, we continue to be concerned about confidentiality, and in the case of food processors, food safety, Bioterrorism Rules and Homeland Security issues. We do not believe that it is advisable to file the SWPPP, which can contain a map and itemization of chemicals. Food processors work with caustics, fertilizers and other chemicals to which it would not be wise to allow unrestricted public access as to their quantity and locations. The process for filing must ensure the Discharger, and the agency, can protect inappropriate disclosures.

We therefore request that the State Water Board consider a simplified submittal of information excerpted from the SWPPP. We recommend that dischargers be allowed to submit a copy of the site map (section X.E) and BMP Summary Table (section X.H.5), in lieu of the full SWPPP. These two documents convey important information related to facility activities, associated BMP, and facility drainage features. However, we would highly recommend that dischargers be able to redact sensitive information from the site map. That way, they can delete information about chemicals and where they are stored.

Notice of Non-Applicability (NONA) No Discharge Eligibility Requirements, Fact Sheet S.3

2 We are very concerned with the “Additional Considerations” to the No Discharge Eligibility Requirements in the Fact Sheet. The language referring to the infiltration of stormwater should be clarified as to the connection between NONA eligibility and containment involving infiltration. We want to be certain that the “No Discharge” determination does not exclude storm water containment systems that discharge stormwater associated with industrial activity to groundwater.

Receiving Water Limitations, VI.A-C, and pg 65 XXB.Order pg 21

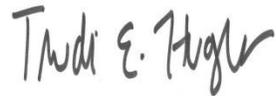
3 CLFP continues to be very concerned about the potential misuse of receiving water limits as numeric effluent limits for water quality. We have issued comments on past iterations of the permit that question the appropriateness of numeric effluent limits in stormwater permits. We have argued that such limitations must be based on scientifically sound analysis, and not simply on end of pipe water quality objectives. We would strongly support language like that included in the previous draft, to clarify the

process to be followed where a discharge is found to cause an in-stream exceedance of water quality objectives.

Thank you again for the opportunity to provide comments. Again, we thank the State Water Board members and staff for all of their efforts to improve this final draft permit.

We look forward to a continued dialogue on the issues. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Trudi E. Hughes". The signature is written in a cursive, slightly slanted style.

Trudi Hughes
Director, Government Affairs