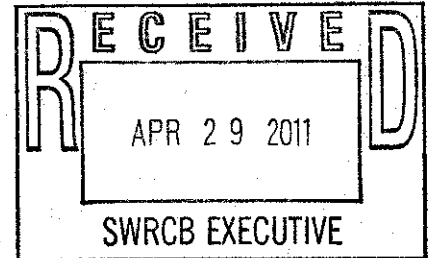




April 29, 2011

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



Re: Comment Letter - Draft Industrial General Permit

To Whom It May Concern:

These comments are provided by APM Terminals Pacific Ltd. at the Port of Long Beach in regards to the State Water Resource Control Board's (SWRCB) proposed 2011 Draft Industrial General Permit for storm water discharges. We have several concerns with the newly proposed permit and request that the SWRCB take our comments into consideration as they move forward with any revisions prior to adoption.

• **Unqualified Regulatory Burden:** Prior to the release of the proposed permit, the SWRCB did not draw any scientifically based conclusions that would justify the necessity of implementing a new permit that will impose a significant regulatory burden upon businesses in California. While the SWRCB employed an esteemed panel of academics, the panel acknowledged that they did not conduct any scientific research to support their claims that a new, more stringent permit is necessary.

• **EPA Benchmark values** were not intended by EPA to be used as effluent limits and are inappropriate for use as numeric effluent limits (NEL) in the California General Industrial Permit (IGP). Specifically, EPA states in the 2008 MSGP "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". To establish NELs for industrial sites requires a reliable database describing current discharge by industry type or categories, and performance analysis of BMPs. The current industrial permit has NOT produced such a database. California should follow appropriate steps prior to establishing technology based NELs/NALs, including collection of appropriate data and performing data analysis.

• **Removal of Group Monitoring:** The new permit as drafted will effectively prohibit group monitoring in the state of California and will require all facilities under the new Industrial General Permit to meet the same requirements on an annual basis. The elimination of group monitoring will impact those facilities that currently participate in a Monitoring Group and effectively remove an added layer of compliance review. Group monitoring should not be completely eliminated as there is recognized value in watershed-based regional monitoring when all dischargers in a region discharge to the same receiving water body. The benefits include consistency in methods and data handling, oversight, and cost sharing.



APM TERMINALS

• **A specific conductance limit** is inappropriate for the Port environment due to seawater influence and marine receiving waters and should be revisited.

• **Increased Costs:** The new permit as drafted will dramatically increase the annual costs associated with compliance. The greatly increased monitoring and SWPPP requirements of the new draft permit represents a significant increase in a facility's compliance burden, which will require hiring additional personnel and/or retaining consultant assistance. The SWRCB did not conduct a cost analysis or an Economic Impact Analysis prior to the release of the proposed new permit.

Our company takes storm water pollution prevention very seriously and has continuously strived to and succeeded in complying with the requirements outlined within the existing permit.

Thank you for the opportunity to comment and for considering these views as you develop the final draft of the 2011 Industrial General Permit.

Sincerely,

Dave Turner
Director Of West Coast Safety
APM Terminals Pacific Ltd.
2500 Navy Way
Terminal Island, CA. 90731

CC: Blake Harmon/ APMT CNC
James Vernon/ POLB