

# California Regional Water Quality Control Board San Diego Region

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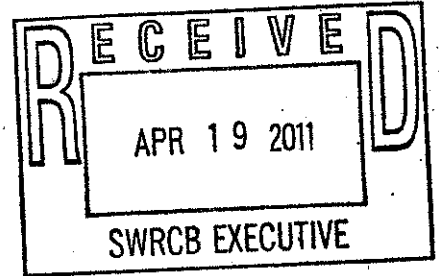
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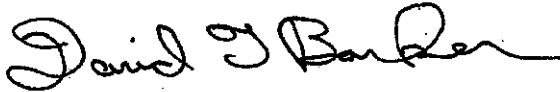
Edmund G. Brown Jr.  
Governor



Linda S. Adams  
Acting Secretary for  
Environmental Protection



TO: Victoria Whitney  
Deputy Director for Water Quality,  
STATE WATER RESOURCES CONTROL BOARD

FROM:   
David T. Barker, P.E.  
Branch Chief, Surface Waters Basins Branch  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN DIEGO REGION

DATE: April 19, 2011

SUBJECT: Comments on Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Draft Permit)

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), appreciates the opportunity to comment on the Draft Permit. Please consider the following comments pertaining to the Fact Sheet, Storm Water Pollution Prevention Plan (SWPPP) Certification Requirements, Monitoring Requirements, Conditional Exclusion, and the Standard Conditions of the Draft Permit. The purpose of these comments is to assist the State Water Board in shaping a permit to protect water quality which is both effective, and enforceable, while being cost effective for the types of industrial facilities subject to the permit. If you have any questions regarding these comments or require further information, please contact Mr. Tony Felix at (858) 636-3134, e-mail [TFelix@waterboards.ca.gov](mailto:TFelix@waterboards.ca.gov) or Mr. Dat Quach at (858) 467-2978, e-mail [DQuach@waterboards.ca.gov](mailto:DQuach@waterboards.ca.gov).

## A. Draft Fact Sheet

1. **Section II.B.2.e (Page 13).** The Draft Fact Sheet lacks adequate detail to explain why discharges from oil and gas facilities are not covered by the Draft Permit. Also, please clarify or define which discharges are considered storm water and/or non-storm water discharges.
2. **Section II.B.2.f (Page 13).** The Draft Fact Sheet lacks adequate detail to explain why discharges from mining facility are not covered by the Draft Permit.

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### **B. Draft Permit Section VII.B SWPPP Certification Requirements**

3. This section of the Draft Permit requires that the SWPPP be written, amended, and certified by a Qualified SWPPP Developer (QSD), who provides professional site compliance guidance to the discharger. The discharger is also required to designate a Qualified SWPPP Practitioner (QSP) who is charged with helping implement the SWPPP and ensure that the QSP completes an approved training course. The San Diego Water Board has received complaints about the cost of compliance associated with the current Industrial General Permit requirements, especially from smaller industrial facility dischargers. The Draft Permit will increase compliance costs by mandating more inspections, monitoring, and training. The State Water Board should evaluate the economic impact of the increased compliance costs, especially on small industrial facilities which have to comply with the Draft Permit.
4. We recommend adding language to the Draft Permit requiring operators to amend or update their SWPPPs, if there are any changes to operations or facility configurations which could affect storm water discharges. The Draft Permit should also include specific guidelines regarding the operator's responsibility for a SWPPP addressing locations with multiple regulated facilities.
5. We recommend adding language to the Draft Permit that the SWPPP must list the sources and discharge locations of all authorized and unauthorized non-storm water discharges, and the corrective actions needed or taken to eliminate or prevent these discharges.
6. We recommend adding language to the Draft Permit that the SWPPP must provide more detail on the roles of the QSD in advising the SWPPP team and other employees on proper environmental practices and providing training to ensure compliance with the permit requirements.
7. We recommend adding language to the Draft Permit that the SWPPP must include or define the normal operational hours of a facility. This will help define when sample collection and monitoring would occur.

### **C. Draft Permit Section IX Monitoring Requirements**

8. We strongly recommend adding language in the Draft Permit that allows for or requires dischargers to participate in regional water body monitoring, in lieu of facility-specific monitoring, subject to Regional Water Board approval and oversight. A regional monitoring approach would focus the limited monitoring resources on water body issues, provide a basis for developing a broader



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understanding of pollutants effects in these water bodies, and facilitate the development of more rapid and efficient response strategies to better manage water quality. Regional monitoring would also enable the sharing of technical resources, trained personnel, and sample collection and analysis costs.

9. The Draft Permit has a quarterly monitoring schedule over a calendar year (January to December). We recommend using a quarterly monitoring schedule over a fiscal year (July to June) consistent with other individual industrial storm water NPDES permit holders in the San Diego Region. Having different monitoring schedules within the industrial storm water program may be a source of confusion. In addition, a quarterly monitoring program over a fiscal year (July 1 to June 30) is better aligned with the State's rainy season.
10. In Table 1 of the Draft Permit, the unit measure for Electrical conductivity (EC) is erroneously specified as mg/L instead of umhos/cm.
11. Based on analysis of annual monitoring information from the San Diego Region, we strongly recommend raising the Numeric Action Level for Total Suspended Solids from 100 mg/L to 150 mg/L. The storm water monitoring results indicate that light industrial and no exposure facilities within the San Diego Region would not meet the specified Total Suspended Solids NAL of 100mg/L..
12. One of the stated goals of the Draft Permit is to acquire useful or meaningful data. The Draft Permit requires either in-field analyses or the use of Environmental Laboratory Accreditation Program (ELAP) certified labs for parameter analyses. This means that some of the data will undergo quality assurance and quality control (QA/QC) checks while some of the data will not. Please indicate how the State Water Board intends to reconcile using two testing methods with different quality assurance and quality control conditions to obtain or meaningful storm water data.
13. The Draft Permit should specify that dischargers seeking reduction or exemption from sampling requirements using 1) Additional Sampling Exemption Request (ASER), or 2) Sampling Frequency Reduction (SFR) must comply with the Administrative Reporting Requirements to be eligible for the sampling requirement reduction or exemption.

#### **D. Draft Permit Section XXI Conditional Exclusion**

14. The Draft Permit describes the provisions for No Exposure Certification category under a Conditional Exclusion. The No Exposure Certification in the current Order No. 97-03-DWQ was directed to the Light Industry category. We recommend clarifying whether or not the No Exposure Certification in the Draft



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Permit applies to all industry categories including Heavy Industry facilities. We strongly recommend that Heavy Industry facilities (e.g. POTWs, auto dismantlers) should not be excused from the Draft Permit requirements because they generally pose a potentially high threat for adverse impacts to water quality.

15. The requirements of No Exposure in Section A, Definitions, of the Draft Permit should contain the terms 'permanent' or 'designated structure' for storm water resistant structures or shelters to prevent exposure. Experience has shown that temporary structures (i.e. tarps, bins, boxes) are used by dischargers to support a request for No Exposure certification.
16. Due to the changing nature of industrial activities, existing dischargers should be required to recertify No Exposure annually, instead of being reevaluated every 5 years under Section XXI.F of the Draft General Permit. The reevaluation period is too long. Many changes to facility operations can take place during the 5 year period that could alter the No Exposure status.
17. It is unclear whether the \$200.00 No Exposure or No Exposure re-certification fee required in supporting document Attachment C, of the Draft Permit, is an annual or one-time fee.

#### **E. Standard Conditions**

18. In Section Q, we recommend that the Draft Permit should provide more guidance to direct dischargers on the potentially complex transfer of a facility from one owner to another owner.

#### **F. General Comments Noted From the Southern California Workshop (2/14/2011)**

19. Please provide additional direction on how and when the Draft Permit will be amended to incorporate Regional Water Board adopted TMDLs.
21. The San Diego Water Board has a six-year database containing a listing of approximately 800 No Exposure facilities, which must be reevaluated under the new conditions and requirements of the Draft Permit. Please indicate when the database should be submitted to the State Water Board to initiate mass mailings to these dischargers for the No Exposure reevaluation.

DTB:esb:tf/dq

