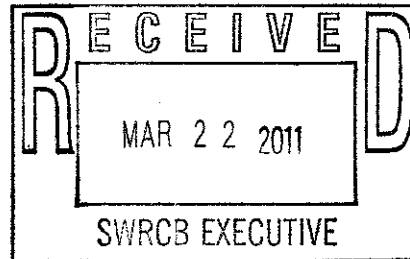


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March 17 2011



Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
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RE: Comments Letter - Draft Industrial General Permit

Members of the CA SWRCB:

We appreciate this opportunity to comment on your proposed Industrial General Permit.

In summary, we believe the new General Permit requirements are excessively burdensome to industrial facilities in that the cost, labor, and time involved to comply will not result in any significant water quality improvement over the current General Permit in force today.

Specifically, we will address our concerns in each section.

1. FINDINGS.

A. General Findings

B. Activities Covered Under the General Permit

24. Transportation Facilities

We believe all facilities that maintain and repair vehicles (e.g., automobiles, trucks, boats, airplanes) should be covered by this General Permit. You could limit covered facilities to those that use more than 55 gallons of new motor oil per month or service more than 25 vehicles per month. It is our experience that vehicle maintenance facilities are significant polluters.

C. Activities Not Covered Under the General Permit

34. Electronically file all documents

We do not feel it is appropriate to submit the SWPPP and Site Map in digital format, which is usually many pages in length, may contain proprietary information, and may provide information to terrorist or criminal organizations. The SWPPP will always be available to authorized inspectors at the site.

D. Discharge Prohibitions

No comments.

E. Numeric Action Levels (NALs) and Numeric Effluent Limitations (NELs)

The NALs and NELs are too strict for stormwater. For example, the NAL for Copper is 0.0332 ppm. A Permittee could discharge potable water from a municipal source that could have up to 1.3 ppm of Copper and not violate this General Permit, yet discharge stormwater with 0.035 ppm and violate the General Permit.

The General Permit also references water hardness. We believe the State should provide water hardness values for all "*waters of the State*." It should not be the Permittees' responsibility to gather this data separately when there may be dozens of dischargers within a given watershed.

F. Receiving Water Limitations

No comments.

G. Training

50. ...appoint two positions...

This training must be available on-line (i.e., web based) and free to all Permittees.

51. Professional Engineer's Act....

The writing of SWPPPs should not be limited to professional engineers. No other state requires a PE to certify a SWPPP.

We do agree that the design of structural BMPs such as detention ponds should be certified by a PE.

H. Storm Water Pollution Prevention Plan (SWPPP) Requirements

No comments.

I. Sampling, Monitoring, Reporting and Record Keeping

No comments.

J. Reduction of Sampling

Permittees should be able to designate one or two outfalls as representative of the facility so that analytical monitoring can be exempted at the other outfalls. A brief narrative describing representative status can be part of the SWPPP with no form submittal required.

Permittees should be able to cease sampling when two consecutive events are under the NALs.

K. Corrective Actions and Enforcement Actions

No comments.

L. Conditional Exclusion - No Discharge Certification

No comments.

M. Conditional Exclusion for Dischargers that Implement Green Storm Water Impact Reduction Technology (G-SIRT)

No comments.

N. Regional Water Board Authorities

No comments.

O. Special Requirements for Facilities Handling pre-production plastic pellets

No comments.

II. CONDITIONS FOR PERMIT COVERAGE

P. Obtaining Permit Coverage for Industrial Facilities - General

3. PRDs shall consist of:

Eliminate the requirement to submit the SWPPP and Site Map.

Allow for the submittal of PRDs in pdf format.

Q. Existing Dischargers Covered Under 97-03-DWQ

Existing dischargers who have previously been issued a WDID should not have to re-apply for this new General Permit. The cost will be a burden, and the CA SWRCB already has this information.

R. New Dischargers Obtaining Coverage On or After XX, XX, 20XX:

No comments.

S. Termination of Coverage

No comments.

III. DISCHARGE PROHIBITIONS

C. Storm water discharges and authorized non-storm water discharges shall not contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in California Water Code Section 13050.

It is not feasible to treat stormwater such that it will not contain pollutants that cause pollution or contamination. This paragraph needs to be removed.

IV. NON-STORM WATER DISCHARGES

A. The following non-storm water discharges are authorized provided they satisfy the conditions of Section IV.B:

The new General Permit should allow for the infiltration into the ground of vehicle wash water if bio-degradable, neutral pH, and phosphate-free detergents are used.

V. EFFLUENT LIMITATIONS

The NALs are too strict for stormwater. It is not feasible to treat stormwater as if it was a wastewater with a constant flow with a constant parameter level. There are too many variables in stormwater runoff (e.g., rainfall intensity, time between runoff events, atmospheric deposition) that cannot be controlled by the Permittee.

E. Compliance Storm Event

No comments.

VI. RECEIVING WATER LIMITATIONS

Remove this section unless you expect the Permittee to conduct a health affects study on the downstream population. Otherwise, compliance with the NALs should satisfy the State's concerns.

VII. TRAINING QUALIFICATIONS AND CERTIFICATION

A. General

This training must be available on-line (i.e., web based) and free to all Permittees.

B. SWPPP Certification Requirements

There is no reason that other experienced and knowledgeable consultants cannot write a SWPPP. Requiring professional certification only increases the cost of SWPPP development to the Permittee. No other state requires professional certification. This consultant - who is not a professional engineer - has 20+ years experience in this field, and has written over 500 industrial SWPPPs in 18 states (including 15 SWPPPs in California); not once has a regulator issued a violation for an incomplete or under-developed SWPPP.

You should not prevent Permittees' staff from writing their own SWPPPs if they lack professional certifications. In addition, many facilities may want to use out-of-State consultants.

The requirement for a QSD to write the SWPPP is sufficient.

VIII. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

No comments.

IX. MONITORING REQUIREMENTS

A. Implementation Schedule

No comments.

B. Non-Storm Water Discharges Visual Monitoring

No comments.

C. Storm Water Discharges Visual Monitoring

1. Dischargers shall visually monitor storm water discharges from the first qualifying storm event of each month.

Change the word "shall" to "should". Personnel may not be available during the first qualifying event.

Eliminate the requirement that a qualifying storm have a minimum of ¼" (0.25") of rainfall. Most industrial sites are nearly 100% impervious, and will experience a discharge with 0.04" to 0.07" rainfall.

Change the two-day dry period to a read "two consecutive days with 0.00" rainfall". This is not a problem in California. One eight inch (1/8") rainfall can clean a site of many pollutants.

This consultant has personally collected over 400 stormwater samples and supervised the collection of many more since 1991. This task is not easy, nor inexpensive. You need to make the methods and limitations as simple and non-burdensome as possible.

4. Prior to any anticipated storm event, dischargers shall visually observe any storm water storage and containment areas to detect leaks, contamination, and ensure maintenance of adequate freeboard.

Eliminate this requirement. It is a burden to watch the weather forecasts every day. The weekly site inspections should identify potential problems prior to rainfall events.

5. Prior to completing the monthly visual monitoring required in Subsection C.1, dischargers shall record any storm events that occurred of less than $\frac{1}{4}$ inch or more than $\frac{1}{4}$ inch but that did not produce a discharge.

Eliminate this requirement. It is a burden to watch all storms to see if runoff occurs. Permittees are usually busy performing their industrial production tasks.

"...of less than $\frac{1}{4}$ inch or more than $\frac{1}{4}$ inch..." What does this phrase mean?

6. Prior to any anticipated storm event, dischargers shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate BMPs. Pre-storm visual monitoring are only required during scheduled facility operating hours.

Eliminate this requirement. It is a burden to watch the weather forecasts every day, and will not happen at most sites. The weekly site inspections should identify potential problems.

X. SAMPLING and ANALYSIS REQUIREMENTS

Eliminate the requirement to monitor the first storm. Eliminate the requirement to document the reason the first storm was not monitored. Allow the Permittee to monitor any storm. Monitoring the first storm provides no additional water quality benefit.

Maintain the current Permit's schedule of TWO sample events per wet season. Quarterly sampling is a burden, and from our experience, will not be performed by most Permittees.

Do not limit qualifying storm events to those that occur only during daylight business hours. Allow sampling to occur during any storm event that produces runoff.

The four-hour window is beneficial to the Permittee; leave this requirement in the new General Permit.

Define "discharge area." We assume that you intend for samples to be collected at only point-source discharge locations, and not from sheet flow.

Beware that if ¼' rain falls on Saturday, it's not likely there will be discharge occurring on Monday morning. If you allow sampling from ANY storm that produces discharge at the sample collection point, then you can delete several paragraphs. Most Permittees will not be able to consistently calibrate pH and SC meters properly. Regardless of the holding times for these two parameters, allow the lab to do the analysis.

If only one outfall exceeds the NAL or NEL, then additional sampling should only be required at that outfall with the exceedances.

Allowing for the combination of samples from multiple drainage areas is not a good idea. It does not provide a means to determine the pollutant's source, and thus appropriate BMP implementation.

We suggest that the Permittee collect discreet grab samples from each outfall twice during the first year of Permit coverage. For subsequent years, select one or 20% (whichever is greater) of the dirtiest outfalls as representative and continue semi-annual sampling at these representative outfalls.

XI. SAMPLING ANALYSIS AND REPORTING

No comments.

XII. MONITORING METHODS AND EXCEPTIONS

A. Sample Storm Water Discharge Locations

Allow Permittees to select representative outfalls as a means to reduce their cost.

Require samples to be collected only at the end of defined conveyances. It is very difficult to collect a sample from sheet flow.

B. Qualified Combined Samples

Eliminate this section. Combined samples do not indicate the actual source of pollutants, and it wastes lab bottles.

XIII. ADDITIONAL SAMPLING REQUIREMENTS FOR FACILITIES WITH SIGNIFICANT LAND DISTURBANCES

No comments.

XIV. FACILITIES SUBJECT TO FEDERAL STORM WATER EFFLUENT LIMITATION GUIDELINES

No comments.

XV. ADJUSTMENT OF NALS/NELS FOR HARDNESS DEPENDENT METALS

The CA SWRCB must create a web-accessible map showing the hardness of all "waters of the State" segments. It should not be the Permittee's responsibility to test receiving waters that may not be accessible to the Permittee.

XVI. SAMPLING AND ANALYSIS REDUCTION

It is not likely that any Permittee can meet all the criteria as shown. You must make it much easier to reduce the sampling burden. Two consecutive samples under the NAL should be sufficient to cease sampling for the remainder of the Permit term.

XVII. CORRECTIVE ACTIONS

You need to provide allowance for the circumstance where no BMP will ever reduce the parameter below the NAL. Some parameter levels may be beyond the control of the Permittee.

XVIII. INACTIVE MINING OPERATIONS

No comments.

XIX. RECORDS

No Comments.

XX. ANNUAL REPORTING REQUIREMENTS

No comments.

XXI. CONDITIONAL EXCLUSION - NO EXPOSURE CERTIFICATION REQUIREMENTS

No comments.

XXII. CONDITIONAL EXCLUSION - NO DISCHARGE CERTIFICATION REQUIREMENTS

No comments.

XXIII. CONDITIONAL EXCLUSION FOR DISCHARGERS THAT IMPLEMENT GREEN STORM WATER IMPACT REDUCTION TECHNOLOGY (G-SIRT)

No comments.

XXIV. PLASTIC MATERIALS: SPECIAL REQUIREMENTS

No comments.

XXV. REGIONAL WATER BOARD AUTHORITIES

No comments.

XXVI. SPECIAL CONDITIONS

No comments.


VII. STANDARD CONDITIONS

No comments.

The draft General Permit as written only increases the burden to California's industries with no significant water quality benefit. Some would call this draft General Permit a job-killer. No

other state's General Permit requirements are as strict or as costly to the Permittees. We believe the current General Permit is adequate.

Hydrologically,
Stormwater Services Group, LLC


James D. Frei
Senior Project Manager

cc. File