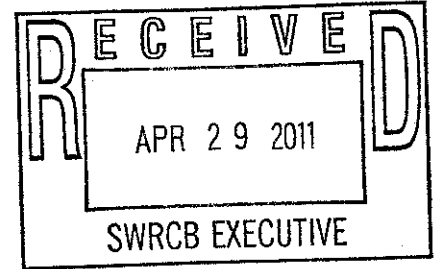




April 29, 2011

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



Transmitted via Email to commentletters@waterboards.ca.gov

Re: Comment Letter – 2011 Draft Industrial General Permit

Dear Ms. Townsend:

Ashworth Leininger Group (ALG) would like to take the opportunity to provide comments on the 2011 Draft Industrial General Permit. ALG is an environmental consulting firm which provides assistance to various facilities within California regarding storm water and various other environmental issues. The comments below are those that rose up to the top during our review of the draft permit. We appreciate your review and consideration of the following.

A. Required Certifications

Issue: Section VII.B.1 of the proposed permit requires two new certifications; a Qualified SWPPP Developer (QSD) and a Qualified SWPPP Practitioner (QSP). Storm Water Pollution Prevention Plans (SWPPPs) can now only be prepared, revised, or modified by a QSD. The certification requirements for a QSD include meeting two criteria:

- i. The QSD must be either a California professional civil engineer; a California registered professional geologist or engineering geologist; a California registered landscape architect; or a professional hydrologist registered through the American Institute of Hydrology, *and*
- ii. The QSD must successfully complete the State Water Board sponsored training course.

Comment: While we agree that providing training to those that implement storm water programs would be a beneficial new requirement, the listed registrations are far too restrictive and do not include other professional backgrounds that are equally qualified to write Storm Water Pollution Prevention Plans (SWPPPs). It is unclear what criterion was used to develop the list of professionals that can qualify as a QSD and why only the California professionals listed above would qualify as QSDs.

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As drafted, the proposed restriction to specific California-registered professions precludes other, more qualified professionals (Environmental P.E.s, QEPs, CPEAs, REAs, etc) from performing essential design and review of the self-enforcing industrial permit. This is arbitrary, capricious, and therefore a violation of the California Administrative Procedures Act. Moreover, it is bad policy, as it eliminates qualified professionals from assisting the Board in implementing this important permitting program.

Another suggestion would be to develop a Tiered Permitting structure and template for a SWPPP, similar to the Federal SPCC program, which could provide streamlined regulatory requirements for qualifying facilities. Qualifying facilities might include those whom are situated on impervious sites (no infiltration), do not need structural controls and/or treatment, three years in compliance with storm water benchmarks, as examples. If the facility meets any/all applicability criteria the streamlining could include self certification and testing frequency reduction.

B. Mandatory Minimum BMPs

Issue: The mandatory minimum BMPs in Section VIII.H.1 require all facilities to perform and document specific tasks. While there is an option for the certified QSD to prove some BMPs are not applicable, these requirements place an additional burden on each facility as they may not have the resources to perform and document these requirements without hiring additional staff or consultants.

Good Housekeeping: Inspect weekly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs.

Preventative Maintenance: Inspect weekly each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks.

Material Handling and Waste Management: Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

Record Keeping and Quality Assurance: Dischargers shall keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual monitoring, visual inspections, etc. for five years.

Visual Inspections: During each reporting year, conduct a minimum of one visual inspection per quarter of all areas of industrial activity and associated potential pollutant sources.

Comment: If there are going to be mandatory BMPs for ALL facilities to meet comply with this is yet another reason why a SWRCB SWPPP template that doesn't require PE (or equivalent) certification would be sufficient for facilities that do not have detailed calculations to perform (i.e. infiltration rates and control efficiencies). A SWPPP template would also streamline the records and checklists required to document the BMPs were performed which has the potential to ease some of the additional burden being required of every facility.

C. Sampling and Analysis Requirements

Issue: Sampling and analysis requirements listed in Section X would require at minimum sampling the first rain event in each calendar quarter and potentially every qualified rain event.

Comment: As facilities were only required to sample two events in the past this at minimum doubles their sampling frequency and costs. For facilities that meet the benchmarks this requirement should remain the same. They should not be penalized and forced to increase sampling when they have a program that is effective.

Issue: Under Section XII.B (Qualified Combined Samples) facilities must obtain samples from every drainage area and only the laboratory would be allowed to combine samples.

Comment: This requirement should be further explained as some outfalls come from the same drainage area. For example, some facilities test their roof drains via a composite sample (combined by the facility) or choose one roof drain to represent the roof so they don't have to go along to each individual drain and collect a sample. If the facilities are required to obtain a sample from each individual roof drain to allow the laboratory to combine and run a composite it's almost certain that they will not have sufficient time to sample all drainage areas within the first hour of discharge. Please further define drainage areas with multiple outfalls or allow for a certified QSD to determine some outfalls/ drainage areas are equivalent and reduce the number of samples taken.

Please call me at 805.764.6005 should you have any questions regarding our comments/ suggestions. We look forward to reviewing the next version of the Industrial General Permit and thank you in advance for considering our comments.

Very truly yours,

Jayne Dryden
Environmental Engineer

