

April 22, 2011

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

Re: Comment Letter – Draft Industrial General Permit  
Submitted by Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Dear Mrs. Townsend:

The Asphalt Pavement Association of California (APACA) and our members thank you for the opportunity to comment on the Draft Industrial General Permit (DIGP). In this letter we highlight our main points of concern while relying upon others in industry to complete the list of adjustments that will ultimately need to be made to the DIGP before it is a feasible permit.

We question the wisdom of implementing any pollution control regulation without having first evaluated the existing setting, benefits, costs, and feasibility. We have observed no discussion or documentation of the benefits and effectiveness of the DIGP over the current IGP and believe that a realistic cost-benefit analysis must be performed to justify the additional costs associated with complying with the DIGP.

Two factors that greatly influence the cost of compliance with the DIGP are the number of inspections and sampling requirements which will increase by an amount that is simply not warranted. Many members of the APACA operate facilities that provide construction aggregate to asphalt operations. Of special concern are the increased requirements that are placed on operations with significant land disturbances.

The proposed wording of the minimum Best Management Practices (BMPs) that are to be implemented at every site are problematic for our industry. These include:

- Diversion of run-on and runoff away from areas subject to erosion. This is not feasible for every site (e.g. mine sites that can encompass hundreds of acres of erodible native soil).
- Covering all industrial material that can be readily mobilized by contact with storm water. This is not feasible as aggregate stockpiles are considered industrial materials and covering them would be expensive and result in minimal benefit to storm water quality.
- Daily inspections and cleaning of outdoor material / waste handling equipment. This requirement is not practical due to the large size and number of pieces of equipment required to handle aggregates and related construction materials such as asphaltic concrete.

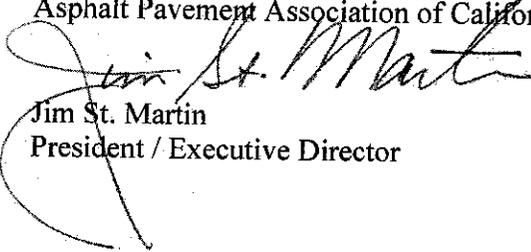
We agree that SWPPP preparers should be qualified. However, we have the following comments related to QSDs, SWPPPs and the DIGP:

- Registration as a professional engineer, regardless of discipline, should be sufficient to allow an individual to take the State training and test for certification as a QSD.
- Other relevant registrations (e.g. CPESC, CPSWQ, etc.) should be allowed to become QSDs as well.
- Not all changes to a SWPPP should require a Qualified SWPPP Developer (QSD). Facilities should be allowed to make minor changes to their SWPPP without the burden of having to hire a QSD.
- Certain documents need not be approved by a Registered Civil Engineer (i.e. BMP Implementation Extension Request, Suspension of Numeric Effluent Limitation request, No Discharge Certification, Inactive Mining Operation review, Green Storm Water Impact Reduction Technology conditional exclusion). Anyone who is a QSD should be allowed to approve these documents.

The Numeric Action Levels / Numeric Effluent Limits are problematic for a number of reasons, not the least of which is that they lack consistency with EPA and Blue Ribbon Panel Findings. We are concerned that the limits are proposed to be the same for all industries and do not adequately consider run-on and atmospheric deposition that occurs from off-site sources which are beyond the operator's control.

In summary, we are concerned about the issues described above and look forward to future opportunities to contribute in this process. Please feel free to contact me at 949-855-6489 if you would like to discuss.

Respectfully submitted,  
Asphalt Pavement Association of California



Jim St. Martin  
President / Executive Director

cc: Board of Directors  
Environmental Committee  
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