

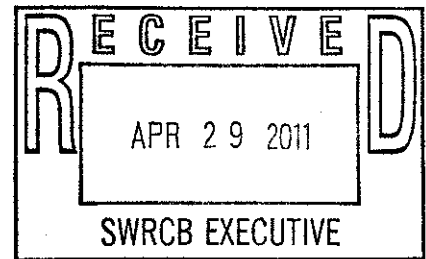


County of San Diego

DEPARTMENT OF PUBLIC WORKS

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April 29, 2011

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

Dear Ms. Townsend:

COMMENTS REGARDING THE PROPOSED CHANGES TO THE STATEWIDE GENERAL INDUSTRIAL PERMIT

The County of San Diego, Department of Public Works would like to address some of the areas of significant revision in the proposed General Industrial Permit. The County would like to address the following: Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) requirements; the sampling and group monitoring requirements; Numeric Effluent Limits; the Notice of Non-Applicability (NONA) designation change; and the professional designation required to certify and/or prepare the Green Storm Water Impact Reduction Technology (G-SIRT) documents. These comments are based on our close interaction with industrial facility owners and operators during our annual industrial inspections as required under our Municipal Stormwater Permit (R9-2007-001).

QSD/QSP Requirements.—The proposed General Industrial Permit would require a SWPPP certification from a Qualified SWPPP Developer (QSD). Most of the industrial facilities that we inspect have staff that is more than capable of developing a SWPPP without the help of a QSD. Our experience has been such that when our inspectors worked closely with these individuals and providing guidance, the facility staff “take ownership” of their regulatory responsibilities and address site-specific concerns. We see this interaction as fostering environmental stewardship within the industrial community. *If an industrial facility has to hire a QSD to complete a SWPPP, this requirement would add a significant cost burden for small, local industrial facilities operating with limited resources. Because large corporate facilities already have*

environmental and safety professionals who prepare SWPPPs, requiring a QSD/QSP for this task is not needed for these facilities as well.

In addition, the professional designation of a Registered Civil Engineer, Registered Geologist, Registered Landscape Architect, or Registered Hydrologist to qualify to become a QSD is too limited and not representative of the oversight needed for industrial activities. With the exception of the aggregate and mining industries, most industrial facilities that we inspect do not need SWPPP oversight from professionals whose training is geared toward the construction industry in which hydrology, grading, excavation, and other land disturbance activities predominate. Industrial facilities, like commercial businesses, are existing development, and most are accustomed to regulatory oversight by agencies for hazardous materials/wastes, industrial wastewater, and airborne particulates. A professional in the environmental, biological, or chemical fields would be well-qualified in many instances to prepare a comprehensive SWPPP for an industrial facility. These professionals have a broader focus on evaluating all the industrial and safety processes and their impact on water quality and public health. *The State could proceed with the QSD/QSP as long as the requirements are broad enough to include professionals with backgrounds in the environmental, biological, or chemical fields and related or applied sciences.*

Sampling and Group Monitoring — The proposed General Industrial Permit would add more sampling requirements and would eliminate group monitoring. Most of the industrial facilities that we inspect already have a difficult time taking one sample for a qualifying storm event during the sampling period. The proposed permit would make it more difficult by requiring one sample per quarter for qualifying rain events from all discharge locations associated with the industrial activity. With regards to group monitoring, it is an efficient, cost-effective way of characterizing the potential pollutants from industrial sectors and should not be eliminated from the proposed industrial permit. *Both the increased sampling requirements and the proposed discontinuation of the group monitoring will add a cost burden to most of the industrial facilities.*

Numeric Effluent Limits — The Level 2 Structural and/or Treatment Corrective Actions and Level 3 Imposition of Numeric Effluent Limits (NEL) would require a California registered professional civil engineer to certify all submitted reports. Most of the industrial facilities that we inspect are capable of modifying their operations to help meet the NEL. Structural and/or Treatment Corrective Actions are not always needed to help meet the NEL. A professional in the environmental, biological, and chemical fields may be better qualified in many instances to help a facility evaluate ways of attaining the NEL. *Requiring a California registered professional civil engineer to certify all submitted reports will also be a cost burden to most of the industrial facilities and in many cases is not warranted.* If a California registered professional civil engineer is required to engineer a structural or treatment control as part of a directed corrective action, then the engineer should certify only the engineering work, but the facility owner and operator, as the legally responsible parties, should be the ones certifying and submitting all reports.

Ms. Townsend
April 28, 2011
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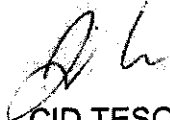
Notice of Non-Applicability (NONA) designation — The proposed permit eliminates the NONA status and requires all facilities, regardless of threat to water quality, to register under the permit program. Previously identified NONA facilities now will be required to register and obtain the No Exposure Certification and pay the annual fee. *This mandatory fee requirement will add a cost burden on facilities that do not pose a threat to water quality, and it offsets the work done by many facilities, with guidance from our inspectors, to move operations indoors.* In our jurisdiction, the facilities that successfully made these proactive changes did so not because they wanted to be exempt from sampling requirements, but because they did not want to pay the fee.

Professional Designation to Certify Exclusions — The Conditional Exclusion, No Discharge Certification Requirements and Conditional Exclusion for Dischargers that Implement Green Storm Water Impact Reduction Technology (G-SIRT) would require a California registered professional civil engineer to certify and/or prepare the exclusion documents. We think that the facility owner and operator, as the legally responsible parties, should certify and submit all exclusion documents. If a California registered professional civil engineer is needed to design a stormwater device, the engineer then can certify only the engineering work. *Requiring a California registered professional civil engineer to certify and/or prepare the exclusion documents will add a cost burden and possibly deter an industrial facility from implementing the G-SIRT.*

The Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) requirements, the sampling and group monitoring requirements, the Notice of Non-Applicability (NONA) designation change, and the Green Storm Water Impact Reduction Technology (G-SIRT) would be significant changes for industrial facilities. The industrial facilities that we inspect tend to be small business owners that are trying to comply with the current Industrial Permit with a limited income. The proposed changes should take into account the current economic situation and implement changes that are economically and technically feasible while protecting water quality.

If you have any questions, please contact Richard Diaz at (858) 495-5298 or by email at Richard.diaz@sdcounty.ca.gov

Sincerely,



Jon Van Ryn for

CID TESORO, LUEG Program Manager
Department of Public Works

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