



May 20, 2011

Mr. Michael Adackapara
Santa Ana Regional Water Quality Control Board
3737 Main Street, #500
Riverside, CA 92501-3348

**Subject: Sector Specific General Permit for Stormwater Runoff
associated with Industrial Activities from Metal Recycling Facilities**

Dear Mr. Adadapara:

Thank you for the opportunity to provide comment on the second draft of the Santa Ana Regional Board's proposed sector specific general permit for stormwater runoff associated with industrial activity from metals and waste recycling facilities dated April 29, 2011. The Industrial Association (IEA) is an organization of commercial and industrial members from diverse industry sectors throughout Southern California, many of whom are regulated industrial dischargers. Our members strive to achieve a balanced relationship between environmental protection, public health and economically sustainable growth. The great majority of our facilities have experienced and technically-qualified professional staff on site with the responsibility for managing their stormwater programs and submitted the following comments to IEA to forward for your consideration.

Overall, IEA's major concerns are that:

- 1. a number of requirements in the Santa Ana Regional Board's proposed permit differ from the draft statewide General Industrial permit. This would create serious inconsistencies and place companies in a difficult and confusing compliance situation; and**
- 2. many of the issues raised in the Santa Ana draft permit are still undergoing substantial scientific review, public comment and discussion at the state level.**

Specific points we would like to address with regard to the impact of this proposed permit are as follows:

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➤ **Numeric Action Levels (NALs) and Effluent Limits (NELs):**

IEA is opposed the inclusion of numeric action levels (NALs) and numeric effluent limits (NELs) in the permit for several reasons. According to the State Water Board's Blue Ribbon Panel, they recognized there is currently insufficient monitoring data sets for establishing NALs and NELs, except for the construction industry and some industrial categories. It is our position that increased monitoring data over an extended period of time, specific to California, needs to be collected, along with rigorous scientific review and evaluation before establishing these levels for any industrial sector.

It should also be recognized in some cases that benchmark values may not be reasonably achieved. A number of industrial and institutional facilities have studied their facility's existing data, compared it to the proposed NALs and determined that they will exceed the benchmarks, despite the implementation of required BMPs. No provisions are made for the presence of background levels of contaminants which come from naturally-occurring sources.

This draft permit also fails to establish the legally required basis for imposing numeric technology-based effluent limits. No specific data, technical basis or legal authority, as required by the Clean Water Act Section 304, is cited, and U.S. EPA has not promulgated comparable effluent limitation guidelines.

➤ **Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP)
Certification Requirements and Responsibilities**

Qualifications for the QSP/QSD are different between the Santa Ana sector permit and the state general industrial permit. IEA supports that the people responsible for preparing Stormwater Pollution Prevention Plans (SWPPPs) be qualified to perform the work. Facility operator staff should be knowledgeable and competent to perform the task. IEA would further support a requirement for approved QSD and QSP training courses, with completion of a board-sponsored exam. The exam should include practical applications such that candidates will need to combine practical experience with knowledge gained from the training course in order to pass. We would like ensure, however, that once the sector permit is adopted, sufficient time be allowed to develop specialized training programs and conduct classes.

➤ **Reporting Period:**

The reporting period differs from June 30 to July 1 in the draft state industrial general permit to January 1 to December 31 in the Santa Ana sector specific permit.

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➤ **Constituents Listing:**

Turbidity in the Santa Ana sector permit is substituted for TSS in the state general industrial permit.

➤ **Design Storm:**

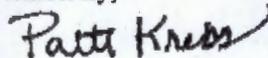
The draft sector permit recommends a design storm magnitude of the 95th percentile; IEA would recommend consideration of the 85th percentile storm event, due to its application in MS4 permits for the sizing of post-construction BMPs for new developments and significant redevelopments. Over-designed BMPs may actually reduce the pollutant removal capability of some BMPs because more frequent, smaller storm events that produce the majority of the runoff throughout the year can pass quickly through the BMP and therefore receive less treatment.

➤ **Group Monitoring:**

While it is indicated that group monitoring would be allowed in the Santa Ana sector permit, the state general permit as drafted does not provide this option.

Thank you for your consideration of our comments. Again, we urge the Santa Ana Regional Board to delay adoption of this sector specific permit until such time as major issues have been resolved and the statewide general industrial permit has been adopted.

Sincerely,



Patti Krebs
Executive Director