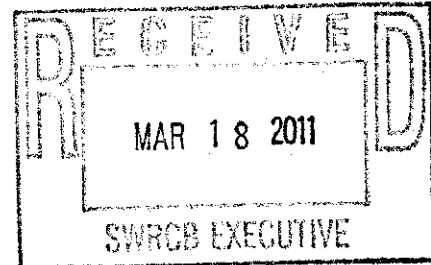


March 18, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



RE: Comment on the 2011 Draft Industrial General Permit

Dear State Water Board,

After reviewing the 2011 Draft Industrial General Permit, I would like to make comment on one of the requirements contained in the proposed language. In particular, I am concerned about the proposed qualifications for the Qualified SWPPP Developer (QSD). The proposed permit states the following on page 16 of the Order:

b. A QSD shall have one of the following registrations for certifications, and appropriate experience, as required for:

- 1. A California registered professional civil engineer;*
- 2. A California registered professional geologist or engineering geologist;*
- 3. A California registered landscape architect;*
- 4. A professional hydrologist registered through the American Institute of Hydrology;*

First, I would like to state that I have been working with the Industrial General Permit since it was first issued in 1992. My experience and qualifications include the following:

- I graduated with a BS in Chemistry in 1982 from Azusa Pacific University;
- I have worked in California as an environmental consultant since 1986 and my specialty has been storm water compliance;
- Over the last 20 years, I have written dozens of industrial SWPPPs and have visited and inspected well over 100 different facilities throughout California and the United States;
- I have participated in various USEPA and RWQCB audits of industrial facilities and I have developed a close working relationship with the storm water staff of the Central Valley Regional Water Quality Control Board;

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- I have trained hundreds of individuals on Industrial General Permit compliance including pollution prevention, monitoring, and reporting requirements;
- I have spoken at conferences and training events throughout the United States on storm water compliance;
- I write a monthly newsletter specifically on Industrial General Permit compliance that has a distribution of over 200 industrial facilities;
- I am a California Registered Environmental Assessor (REA-I No. 06085);
- I am a Certified Professional of Erosion and Sediment Control (CPESC No. 0518);
- I am a current QSD / QSP under the Construction General Permit (No. 00022); and
- I am a current Trainer of Record for the Construction General Permit.

While I appreciate the State Water Board's attempt to improve the permit and provide more accountability, I am opposed to the above-cited proposed permit language for the following reasons:

1. 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). There are many other professions capable of effectively managing storm water at industrial facilities, identifying potential pollutants and activities, determining appropriate best management practices, and specifying required analytical testing. For example, professionals including, but not limited to, chemists, chemical engineers, mechanical engineers, petroleum engineers, environmental scientists and consultants, industrial hygienists, water treatment operators, and industrial plant managers all certainly are equally qualified with a geologist, landscape engineer, or hydrologist to understand the Industrial General Permit, identify potential pollutants, determine appropriate best management practices, and develop an effective pollution prevention program. Notwithstanding, even three of the professions in the list are only inclusive of California registrations. I fail to see why a civil engineer registered in another State would not be equally qualified as one registered in California to prepare a SWPPP. Neither the Fact Sheet nor the findings in the Order, provide rationale or justification for the narrowness of the list of professionals who qualify to be a QSD.

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2. With the exception of the civil engineer, the professions listed in the proposed Order do not *inherently* have the professional expertise to manage storm water at industrial facilities. While I will not disagree that some of these professionals are perfectly capable of preparing an effective SWPPP; what is there in the professional background and training of a landscape architect that qualifies them to perform the necessary functions of writing a SWPPP? How is a landscape architect or geologist qualified to evaluate industrial processes, activities, and pollutant sources to identify methods of source reduction, pollution prevention measures, and treatment control technologies? Once again, the State seems to have arbitrarily compiled this list of professionals and has not provided adequate explanation of why these are included on the list while other equally qualified professions are not.
3. The proposed permit provides no opportunity for individuals to prove they are qualified by obtaining an alternative certification. Effectively, you either are one of the listed professionals or you are not. If you are not, but would like to prepare a SWPPP; you would have to go back to school, obtain an education and degree, and, finally, go through the process of obtaining a professional certification. This would take years and thousands of dollars. In contrast, the new Construction General Permit, although it too contained a list of professionals, also provided three feasible alternative options for individuals who were not an engineer or geologist; namely the CPESC, CPSWQ, and the NICET certification. The proposed Industrial General Permit does not provide a similar option.

In closing, I would like to request the State Water Board to consider the following modifications to the proposed draft permit:

- Expand the list of professional qualifications to include other equally qualified backgrounds;
- Provide a QSD certification mechanism for individuals, like myself, who clearly have the professional background to prepare a SWPPP for an industrial facility; and
- Include the CPESC, CPSWQ, and NICET certifications in the list of professional qualifications.

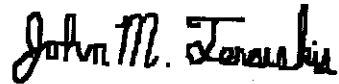
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Thank you for your consideration of these comments. I am confident that the State Water Board will find a broader QSD certification process that provides the desired level of accountability but yet is not arbitrarily narrow.

Sincerely,



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