



To: California State Water Resources Control Board

From: Robin Spencer, CHMM, R.E.A.

Re: Comments on SWRCB's Draft Industrial General Permit dated January 28, 2011 to revise the 1997 Stormwater General Permit for Industry.

Date: April 28, 2011

I presented the comments presented herein at the Public Hearing on March 29, 2011, in Sacramento.

My concerns with the proposed Industrial General Permit (IGP) are three-fold:

- Concern #1. Training requirements and prerequisites currently limit QSD availability to Professional Civil Engineers, Registered Geologists, Registered Engineering Geologists, Registered Landscape Architects, and Professional Hydrologists. A suitable credential for managing the hazardous materials that cause stormwater pollution is the Certified Hazardous Materials Manager (CHMM).
- Concern #2. Training requirements and prerequisites for the QSP, if taken from the Construction General Permit, would be difficult-to-unattainable for small businesses and minority-owned and operated businesses. There is a definite larger-company bias if significant prerequisites are required for inspectors and SWPPP practitioners.
- Concern #3. The proposed requirement to include a meteorological station or rain gauge at facilities is a very good idea.

I will give my explanations below, after a brief description of my qualifications to comment.

Robin Spencer, CHMM, REA Qualifications to Comment

I have been a practicing environmental consultant since 1985, with my own company since 1993. I have led U.S. EPA Superfund remedial investigations and feasibility studies, designed and implemented stormwater pollution prevention programs, and conducted environmental compliance for heavy industry, specifically in the areas of hazardous materials management and waste minimization. I hold a BA from UC Berkeley (1980) and Certificates in Hazardous Materials Management from U.C. Davis (1989) and Sustainable Management from The Presidio Graduate School (2010). I am a Certified Hazardous Materials Manager (CHMM) and a California Registered Environmental Assessor (REA). In 2009, I was named a Fellow of the Institute of Hazardous Materials Management and currently serve as the Chair of the Government Affairs Committee and a Director-at-Large for the Alliance of Hazardous Materials Professionals (AHMP). I am not an engineer, geologist, landscape architect, or hydrologist, but I have been designing, writing, and implementing industrial Stormwater Pollution Prevention Plans (SWPPP) and Programs, without incident, for twenty years. I have successfully thwarted two attempts by Baykeeper to sue two different small clients.

Concern #1: Include the CHMM as a prerequisite for the QSD (Section VII)

My concern is that the proposed IGP has hastily assembled Training requirements from the Construction General Permit. Section VII indicates that only the four professional registrations listed above are pre-qualifications to take the training and exam. I ask that the SWRCB expand the prerequisites for the QSD to include the Certified Hazardous Materials Manager (CHMM). As so much of the IGP deals with hazardous materials management to prevent stormwater pollution, persons qualified as a CHMM are well-suited to write and implement SWPPPs.

The CHMM credential is the recognized standard of excellence in the hazardous materials management community. It identifies professionals who possess superior knowledge and expertise in the management of hazardous materials as well as a commitment to technical excellence through continuing education, training

and successful completion of a rigorous examination. Each CHMM must re-certify every 5 years to maintain the credential with a minimum of 20 hours of continuing education each year as well as meeting professional development and credential recognition objectives.

A large concern for the Industrial General Permit is the management of hazardous materials that come in contact with stormwater. The CHMM is uniquely knowledgeable in the management of these hazardous materials to promote safety and prevent pollution. It is safe to say that the majority of industrial facilities and their operations are on paved or otherwise impermeable surfaces. The concern for erosion control is minimized and the engineering/geology/landscaping/hydrology practices are minimized, compared to the Construction General Permit.

Concern #2 Large business bias on the Training Requirements for the Qualified SWPPP Practitioner (Section VII)

The draft Industrial General Permit does not specify the pre-requisites for the QSP, but I urge the SWRCB to think of the thousands of small businesses that have no voice in this matter, either because of under-education, cultural and language barriers (possibly immigrant-run), and staff size. If the Construction General permit prerequisites for a QSP are adopted, so many small businesses will immediately be out of compliance. Even larger businesses with personnel resources will be hard-pressed to find people on staff able to undergo the training described in the Construction General Permit.

Concern #3. Support for mandatory on-site rain gauges (Section IX C)

During the March 29th Public Hearing, a representative of the Coastal Keepers spoke to dismiss the need for on-site storm event monitoring apparatus (rain gauges). This was very self-serving as these third parties base their 60-day notices on a regional official rain gauge to determine a 0.10-inch rain event. It is well known that California has thousands of micro-climates and a fine mist here might mean a downpour a mile away or sunshine in the other direction. The current storm season is indicative of the randomness of rainfall. Literally 20% of my clients in the San Francisco Bay Area have managed to sample at least once this season. All the others are still anxiously waiting for a qualifying storm with sufficient duration. Please keep the requirement for a rainfall-measuring device. It is very cheap insurance to have a record of actual on-site rainfall.

Thank you for the opportunity to comment on this important Stormwater Industrial General Permit.

Sincerely,

Robin Spencer, CHMM, REA
6 Via San Inigo Orinda, CA 94563
rspencerchmm@yahoo.com