

11 September 2013

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



Subject: Comment Letter - July 2013 Draft Industrial General Permit

Dear Ms. Townsend, Members of the Board and Staff,

Environmental Pollution Solutions LLC (EPS) appreciates the opportunity to comment on the July 2013 Draft National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit – IGP). Our comments are separated into recommended policy change; recommended clarification and minor formatting/typographic issues.

#### RECOMMENDED POLICY CHANGE

General Order, Page 31, X. SWPPP, H. BMPs, 1. Minimum BMPs e. Material Handling and Waste Management iii Cover waste disposal containers and material storage containers when not in use. For specific industries, such as those facilities under SIC 5093 (Scrap and Waste Materials), waste disposal bins are either in active and inactive use. Bins are rotated full from client facilities to industrial facilities for disposal/transfer and returned empty for further use. The bin is typically not the same bin as was removed from the client facility. There are multiple empty bins staged and awaiting delivery. These bins are typically staged for several days before being delivered to the client facility. These bins would be considered active, but not in use. There are other bins that are out of circulation for either repair or other reasons. These bins would be considered inactive, not in use. There is similarity to this concept of the active/inactive waste disposal bins to construction stockpiles. Construction stockpiles are considered inactive if not used for 2 weeks, at which point, BMPs must be implemented.

RECOMMENDATION: Consideration should be given to industries that use waste disposal containers as a product or service and provide reasonable exception as to when these bins must be covered.

General Order Page 56, XVI. ANNUAL REPORT A. The requirement that the Annual Report be submitted no later than July 15<sup>th</sup> of each reporting year ignores the possibility of sampling of a QSE in late June. A late June QSE sampling would require that the laboratory report be uploaded to SMARTS within 30 days of receipt. The laboratory

standard turn-around time (STAT) varies from laboratory to laboratory. There are some labs with STAT for the report of ten business days after receipt of the samples at the laboratory. A sampled 30 June QSE may have the samples received by the lab on the same day or by the next day, but usually the samples are received at the laboratory within 48 hours. If the samples were received by the lab the next day, then ten business days later, the report would be received by the discharger. Ten business days, with a national holiday (Independence Day) could amount to the laboratory report released by 15 July given the holiday and week-ends. The Discharger would have 30 days from 15 July in this example to review the results and upload to SMARTS, which would be in the middle of August.

RECOMMENDATION: Change Annual Report due date to 15 August instead of 15 July.

#### CLARIFICATION REQUESTED

General Order, Page i: Order 97-03-DWQ does not have a requirement to submit annual reports by January 1, 2015. Please explain. It is understood that the two permits cannot be executed at the same time; however, the issue of moving from one permit to the other is not clear and needs further discussion.

General Order Page 47, XIII. EXCEEDANCE RESPONSE ACTIONS (ERAs), B. Baseline Status. It may be helpful to list the tasks that are or are not required for Dischargers in Baseline Status. For example, a QISP and ERA reporting is not required and while optional pH field testing can be employed. Additionally, Baseline Status provides a buffer between Level 1 and Level 2, which can amount to two years.

General Order Page 47, XIII. EXCEEDANCE RESPONSE ACTIONS (ERAs), C. Level 1 Status 1. Level 1 ERA Evaluation. To provide clarity and continuity, the Level 1 ERA Evaluation should be completed by 01 September, instead of within 60 days. The due date is the same, but other requirements for reporting use a date when applicable.

General Order Page 52, XIII. EXCEEDANCE RESPONSE ACTIONS (ERAs), D. Level 2 Status 4. Eligibility for Returning to Baseline Status a. and b. This section is not clear. Subpoint a. discusses how submitting an Industrial Activity BMPs Demonstration in accordance with subsections 2.a.i through iii can return to a Discharger to Baseline Status, but not if in accordance with subsection 2.a.iv. A better explanation should be provided as to why the subsection 2.a.iv. Industrial Activity BMPs Demonstration precludes return to Baseline Status. Why would the Discharger believe that the

implemented BMPs will not eliminate future NAL exceedances without field evaluation and monitoring of the implemented BMP?

For subsections ii and iii, an explanation should be provided that annual updates of technical reports require a QISP, which would preclude Baseline Status, if that is the intent.

FACT SHEET Page 35, II.I. SWPPP 2. Minimum and Advanced BMPs I. Waste, Garbage and Floatable Debris. This statement does not make sense and needs clarification:

*This General Permit does not require the elimination of unauthorized minimum BMPs as a minimum BMP directly.*

FACT SHEET Page 37, II. I. SWPPP 3. Design Storm Standards for Treatment Control BMPs refers to Section X of the General Permit. It may be more precise to refer to Section X.H.6. as Section X encompasses a large quantity of information.

FACT SHEET Page 41, II. J. Monitoring Figure 3 This Compliance Flowchart is much simplified from the previous draft, but may need additional explanation. At the point where the box is: *Review and revise SWPPP*, a YES may need to added leading to the *Continue Sampling in the subsequent year* Box. Also, the *Level 2 ERA requirements met* Box is a terminal point and should lead back to the *Continue Sampling in the subsequent year* Box.

FACT SHEET Pages 39 through 51 J. Monitoring There does not appear to be a discussion about General Order Section XI.B.5 in the Fact Sheet. The new requirement of collecting samples from a QSE within four hours of the start of discharge or within the previous 12 hour period if the QSE occurs before/after facility operating hours is missing in the Fact Sheet.

#### MINOR FORMATTING/TYPOGRAPHICAL ISSUES

General Order, Page 11, I. FINDINGS. A. General Findings 62.a. and 62.b. Finding 62 states in the last sentence that *An NAL exceedance is determined as follows:* It appears that a. and b. and connected by the coordinating conjunction ‘and’ instead of ‘or’ and may mislead the reader into thinking that both an annual NAL and instantaneous maximum NAL are required for a NAL exceedance to occur.

General Order, Page 29, X. SWPPP, H. BMPs, 1. Minimum BMPs b. Good Housekeeping should be formatted as 1.c. in that *The Discharger shall:* should stand on its own and not be assigned 'i'. Subsequent subpoints ii through x should be numbered i through ix.

General Order Page 65, XX. SPECIAL CONDITIONS C. NONA. There appears to be a minor formatting error within subsection 2.a:

*The facility shall either be* should stand on its own and introduce subpoints a. and b. The (1) should be removed.

FACT SHEET Page 23, II.F. TMDLs. In the last paragraph on the page to the Fact Sheet Section II.I, but should be II.J.

FACT SHEET Page 35, II. I. SWPPP 2. Minimum and Advanced BMPs I. Waste, Garbage and Floatable Debris. This appears to be a minor typographical error:

*Material handling and waste management BMPs are includes in Section X.H.1.e of this General Permit.* includes was probably meant as *included*.

FACT SHEET Page 55, II. K. Exceedance Response Actions (ERAs) At the bottom of the page in the last sentence, the conjunction *and* appears to be missing between *Level 1 status Level 2 Status*.

refers to Section X of the General Permit. It may be more precise to refer to Section X.H.6. as Section X encompasses a large quantity of information.

Appendix 1 refers to the Annual Comprehensive *Site* Compliance Evaluation instead of the Annual Comprehensive *Facility* Compliance Evaluation.

Thank you for the opportunity to provide comments. Please contact me at (707) 322-2015 if you have any questions or need additional information.

Sincerely,

Arthur Deicke, Owner  
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