



**California
ASPHALT PAVEMENT
Association**



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Sept. 16, 2013

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State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Attention: Jeanie Townsend
Clerk to the Board

Subject: Comment Letter -- Industrial General Permit

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The California Asphalt Pavement Association (CalAPA) submits the following comments on the SWRCB's draft Industrial General Permit. CalAPA is the statewide association for those engaged in asphalt production and placement. CalAPA has reviewed the July 19, 2013 Draft Industrial General Permit and is providing the following comments on behalf of the industry.

Once again we were pleased to see the consideration that the SWRCB has given to the numerous comments that were provided on the previous draft. We were particularly pleased with:

- The reduction in the monthly and quarterly records
- The simplification of the QISP designations
- The expansion of engineering disciplines for work which requires their signatures
- Reduction in the number of samples to four from eight to qualify for reduced QSEs sampled
- Reduction of sampling when participating in a compliance group

There are still a number of areas that are of concern to our members. While many of them are specific to our industry, it is appropriate to address them at this time. CalAPA would like considerations to be made in the following areas:

Suspension of Industrial Activities:

There are a number of asphalt facilities for which industrial activities have been suspended for more than 10 consecutive calendar days due to the lack of demand for material. These sites have equipment and may have a variety of raw materials stored on site. The sites do not have full time staff and no scheduled operating hours. These facilities would not be performing storm water sampling or monthly observations since they do not have operating hours. We recommend Section X.H.3 be modified to include inactive facilities which have not been in operation in the last 30 days, to be eligible for relief from monthly visual observations, sampling and analysis and the associated reporting.

Annual Reporting Due date:

Section XVI of the permit requires submittal of the annual report by July 15th. The deadline is only 15 days after the end of the reporting year. In addition, the Fourth of July holiday occurs during this 15 day period. Although the Water Board has revised the reporting requirement to a checklist submittal, our experience indicates that this is still insufficient time to collect the data, perform proper QA/QC and upload to SMARTS. Consideration needs to be given to the fact that due to the specialized requirements for the program, stakeholders will have a focused group of individuals to compile and prepare the reports. In addition, this narrow timeframe will likely cause problems for the SMARTS database. Few companies will have more than one individual trained to submit the report. We request Section XVI change the deadline to the third week of August.

BMP's for Exterior equipment storage:

Asphalt plants and the associated material handling operations have a tremendous amount of equipment and operations that are maintained outdoors and potentially exposed precipitation. Section XH1e requires that outdoor material/waste handling equipment or containers which come in contact with industrial materials or wastes be observed and cleaned as appropriate. Every effort is made to control and eliminate fine sediment since it can present issues for the operations' air quality compliance as well as water quality compliance. As stated in the footnote to this section, it would be up to this individual facility to determine the "best industry practice" to ensure sediment discharge is managed adequately and appropriately. Best Industry Practices include a variety of BMP but would not include wash-down or sediment removal from the conveyors. Washing down equipment is not industry practice and may cause more of an impact to water than other BMPs. Unless informed otherwise by the SWRCB, we will proceed under our interpretation.

We support CASQA's comments as well as comments of other stakeholders who have recommended changes to the permit to allow dischargers to use professional expertise to evaluate their operation and implement BMPs "to the extent feasible." That will reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.

BMPs for Stockpiles:

The asphalt plants often store the aggregate that is fed to the plant in large open storage piles at this site. Section X H 1 b vi states “Cover all stored industrial materials that can be readily mobilized by contact with storm water.” This requirement raises questions related to a hot mix asphalt operation.

It would be up to the individual facility to determine the “best industry practice” to ensure stored industrial materials do not discharge to waters of the US. Best Industry Practices include a variety of BMP’s such as surrounding stockpiled materials with a containment berm but would not include tarping of certain stockpiles. Tarping of large, numerous, and/or active stockpiles is not industry practice. Unless informed otherwise by the SWRCB, we will proceed under our interpretation.

To better address this issue we believe additional language can help clarify the feasibility to use other management techniques. CalAPA supports CASQA’s recommendation of incorporating language that allows dischargers to use management techniques such as grading, berms, etc., to ensure materials are not dispersed.

Recommended language changes

- vii. Cover or manage all stored industrial materials ...
- vii. Contain or manage all stored non-solid industrial materials...

Non-Industrial Pollutant Source Demonstration:

The inclusion of non-industrial pollutant sources needs to be clarified to reduce the ambiguity. We request that Section XII-D-2-b-i be revised as follows:

A statement that the discharger has determined that the exceedance of the NAL is attributable solely to the presence of non-industrial pollutant sources. The sources shall be identified as either run-on or aerial deposition from man-made sources.

Level 2 Status:

A facility that finds itself with an exceedance of an NAL will not have an opportunity to return to baseline even if that site determines that the exceedance was a result of the extra ordinary event or run-on. As a result, we recommend the following wording:

In cases where the NAL exceedance and subsequent exceedances are solely due to an event that exceeded the design storm, then there would be no violation of this permit. The Industrial Activity Demonstration shall be documentation that the treatment control BMP meets or exceeds treatment control BMP design standards. Dischargers with Level 2 status caused by the design storm exceedance will be eligible to return to baseline status upon submittal of the Industrial Activity Demonstration Report.

Most Current 303d List:

Section XI B 5 d requires analysis of the 303d list. We recommend the fact sheet provide clarity regarding where to access the most current 303d list of impaired water bodies. We also recommend that the permit include notification of the permittees regarding 303d list updates.

Compliance Groups:

Section XIV allows compliance groups for facilities of the same industry type. Asphalt plants are often located on sources with an aggregate plant, ready mix plant and other similar types of operations. Sites with multiple operations will have a number of SIC codes. It is our understanding that facilities with the same primary SIC code may create compliance groups regardless of other activities on site that have separate SIC codes.

We appreciate the opportunity to comment on the draft rule language. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell W. Snyder", with a long horizontal flourish extending to the right.

RUSSELL W. SNYDER
Executive Director

CC: CalAPA Board of Directors
CalAPA Environmental Committee