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SPECIAL HEARING

2/3/05

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DUNN-EDWARDS CORPORATION

February 1, 2005

4885 East 52nd Place

Los Angeles

California

90040-2884

Tel: (323) 771-3330

Fax: (323) 826-2708

dunnedwards.com

Via Overnight Mail
DHL #3007606641

Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Flr [95814]
PO Box 100
Sacramento, CA 95812-0100

Re: Comments on Reissuance of the NPDES Industrial General Permit

Dear Ms. Irvin:

Please accept these as Dunn-Edwards Corporation's comments on the draft Industrial General Permit.

The new permit establishes several new sampling and effluent limit-like requirements (benchmarks) that are impractical and burdensome and deviate significantly from a BMP-based approach. Reasons for not including such approaches include:

Grab samples are not always truly representative of runoff from the site. Due to the nature of storm water discharges, collecting truly representative samples requires technical expertise that is way beyond what a facility operator should be expected to possess and the cost to hire an outside expert to collect representative samples is way beyond the reach of most facilities. In many cases, collecting truly representative samples will require major modifications to onsite drainage systems.

The State (or EPA for that matter) has not shown that such an approach has any environmental benefits or that industrial storm water discharges above benchmark values are impacting water quality or causing state waters from meeting designated uses.

The new reporting requirement will place an additional burden on the Regional Board staff members, who will have to review and approve site specific BMPs. Without site-specific knowledge, staff will be placed in the unenviable task of making site-specific BMP determinations, exposing both staff and the regulated facility to unnecessary liability.

(continued)

Arizona

California

Nevada

New Mexico

Texas

- There is no benefit to collecting additional non-representative samples. This is not a process wastewater program and the sample results naturally will fluctuate as a result of many outside influences over which the operator has no control. As a result, facilities are faced with the prospect of endless sampling at the expense of BMPs for no reasonable or rational purpose and no prospect for turning sample results into beneficial actions.
- The Board members and staff should rely on the use of best management practices (BMPs) in lieu of effluent limitations for storm water discharges. We are concerned that the current draft expands the use of benchmarks as a catalyst for enforcement rather than as an analytical tool they were meant to be.

This approach is consistent with USEPA's approach for storm water discharges, especially given the difficulty in establishing appropriate numeric limitations, the difficulty and costs associated with collecting and assessing analytical storm water discharge samples, and the technical challenges associated with treating storm water.

Because of the uncertainty associated with an effluent limitations approach, the California Industrial General Permit should not serve as a national test case for such an approach, but instead the Board should work with EPA Region 9 and Headquarters to study the feasibility of such an approach in the future.

- California is not under a mandate to adopt a permit based on numeric limits -- the Clean Water Act (and Porter-Cologne Act) does not mandate a numeric effluent approach to NPDES stormwater permits, allowing instead that effluent limitations can be expressed as BMPs.
- The BMP approach in the existing (1997) permit works.

Since 1992, industrial dischargers have invested a great deal of time and money into their facilities for the specific purpose of improving storm water discharges. Specific examples include:

- Installing canopies and covers over materials storage areas
- Improving good housekeeping practices
- Implementing material handling practices to reduce the exposure of our materials with storm water
- Developing employee training programs and employee awareness of the benefits of stormwater protections
- Approximately \$40, 000 has recently been spent on containment structures for processing facilities

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Installed a four-inch berm around the perimeter of the property
Installed a large spill deterrent "speed bump"
Installed large steel catch basins which are pumped out and cleaned regularly
All storm water collected from catch basins and berms is pumped into the water processing treatment system for cleaning
All solvent tanks are contained by a 3-1/2 feet wall

- o The Group Monitoring Program provides tremendous value to small businesses. The group program assists with education and awareness of new and existing regulations, timely documentation of storm water monitoring, annual report filings, and provides training materials and consultation. The new stringent requirements for the Group Leader to report instances of non-compliance will likely drive facilities out of Groups for fear of unwarranted scrutiny above other non-Group Participant facilities covered under the Permit. Many of these businesses will not be able to afford to hire a consultant/expert to provide compliance assistance. Group Participants should have the opportunity to correct problems identified by the Group Leader prior to submitting reports to the SWRCB and RWQCBs.

Accordingly, we recommend that the staff provide for a BMP approach in this draft permit, and not to use benchmarks to trigger additional monitoring and reporting requirements. We also encourage the state to increase its efforts to bring into this program those non-filing dischargers that have thus far done nothing to comply.

We sincerely hope that you support keeping California open for business.

Very truly yours,



Margaret E. Clowes
Corporate Secretary
Corporate Affairs Manager