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MEMO

To: Ms. Debbie Irvin
Sarah Y Hoffman

2/2/05

Subject: Comments on General Permit Draft

SPECIAL HEARING

2/3/05

cc: BD, DI, DWQ

e-cys: BD, CC, HMS, TH, CMW

The following comments are submitted by Sarah Yount Hoffman of Environmental Compliance Options Consulting (ECO Consulting). ECO Consulting has managed two monitoring groups since the issuance of the first California General Permit in 1992. The following comments are compiled as a result of thirteen years of CA General Permit compliance work with over 150 facilities.

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Reissuance of the National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Industrial Activities

General Draft Permit Comments

- The new draft permit establishes several new sampling and effluent limit-like requirements (benchmarks) that are impractical, burdensome, inappropriate and deviate significantly from a BMP-based approach. The following concerns indicate why the incorporated monitoring requirements are infeasible:
 - It is difficult to collect a truly representative sample 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 structural modifications to onsite drainage systems. It is not appropriate to hold facilities responsible for achieving benchmark limits when the very nature of storm water sampling does not allow for a representative analysis.

Storm water runoff cannot be considered on the same terms as a wastewater discharge in which water quality can be assumed to be relatively constant. The diversity of industries covered by this permit and the enormous variability in length and intensity of storms producing the runoff leads to broad fluctuations in sample results. These outside influences, that the operator has no control over, cause variability and inconsistency in sampling results. Facilities cannot be held responsible for these fluctuating analyses. Most of the industries compiling with this permit have limited resources. The water quality of the California receiving waters will not improve having these limited funds/manpower spent on potentially endless sampling scenarios. The limited resources that would be spent on BMP implementation and maintenance will be wasted on sampling and analysis, with no end benefit for the environment.

- The State 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 keeping 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.

- 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.

The BMP 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 storm water 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.

- The Group Monitoring Program provides tremendous value to small businesses. 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 sincerely hope that you support keeping California open for business.

Section Specific Comments

Section V. Provisions

7.g. The requirement to revise both the SWPPP and the Monitoring Plan within 14 days of RWQCB approval is inconsistent with the 90 day SWPPP revision requirements identified throughout the draft permit. Two weeks does not allow enough time for an effect revision of two in depth and detailed programs. The revision requirement in this section should be extended to a 90-day period, providing revision period consistency throughout the permit.

Section VII SWPPP Requirements

8.i.1. The weekly inspection of the entire facility required by the Good Housekeeping BMP is excessive and is an undue burden for businesses. Good Housekeeping inspections should be required on an as needed basis that is determined by the site specific pollutant assessments. The draft permit requires so many inspections on such a frequent basis that the SWPPP personnel will have no time for compliance with the many other requirements of this draft permit. Clarification as to whether this inspection must be documented and the records retained is needed.

8.i.7 The requirement to divert storm water flows from non-industrial areas of the facility may, in some cases be all but impossible and or in many cases require a complete overhaul to the storm conveyance system at a cost that would force facilities out of business. This requirement as written should be removed from the draft permit.

8.ii.2 The weekly inspection of equipment and systems for potential leaks is again excessive and in many cases would require that storm water personnel spend all their time checking equipment, not allowing for implementation of other important compliance BMPs. These inspections should be based on pollutant assessment evaluations and conducted on an as needed basis. Clarification as to whether this inspection must be documented and the records retained is needed

8.iv.5 Daily cleaning and inspection of outdoor material handling equipment and containers is not a feasible requirement. SWPPP personnel in most cases have significant responsibilities other than storm water compliance. Many businesses cannot afford for staff members to spend an unnecessary amount of time on daily and weekly inspections. These inspections frequencies again should be based on pollutant assessments and potential for storm water impact. The inspection frequency requirement should be on an as needed basis to be determined by potential impact. Clarification as to whether this inspection must be documented and the records retained is needed.

9.d.vii. All required reporting forms must be made available at the time of final permit release. Understanding the many forms needed for correct permit documentation requires training and is a significant part of the GMP program. If reporting forms are not

available prior to Group Monitoring Plan compilation, the group leaders must be allowed to develop alternative forms.

Section VIII Monitoring

3.a The requirement to observe ALL discharge locations is redundant, costly and not necessary to accurately inspect the water quality leaving the site. Sites with more than 6 outfall locations should be allowed to select representative locations for storm water visual inspections. Selecting representative locations for observations or rotating inspected outfalls throughout the wet season months provides the site inspector with ample data to determine whether there are water quality issues to be addressed. Inspecting a smaller number of representative outfalls during a storm event also allows the inspector time to address any observed issues promptly. Inspectors have been trained to track visual pollutants back to the source at the time of observation. This important practice cannot be accomplished if the inspector is under pressure to observe ALL outfalls within the 1st hour of discharge time requirement.

3.e. The limited SWPPP staff cannot be held responsible for recording weather. The record keeping requirements of the draft permit are already extensive and adding a weather tracking requirements does not improve the ability of the SWPPP staff to conduct required observations or in anyway benefit runoff water quality. RWQCB or other interested parties can obtain very specific weather records from a number of sources (accuweather.com for example) other than facility staff. This requirement should be removed from the draft permit

3.f. Conducting pre-storm inspections of the entire facility and all drainage areas will take time and money away from BMP implementation and other more effective pollution prevent practices. SWPPP personnel have other job requirements that are not related to storm water and cannot be expected to monitor the weather to the extent required by this mandate. Weather predictions are inaccurate and Dischargers cannot afford to spend limited labor time anticipating storms and conducting pre-storm inspections particularly for storms that do not occur.

4.f. If the Benchmark limits are not removed from the permit the following two comments are of critical importance for all industrial sites attempting to comply with this draft permit.

- ii. The specific conductance limit must be raised to an appropriate number. The EPA national multi sector permit benchmark table does not set a limit for specific conductance. Specific conductance is an indirect measure of the presence of dissolved solids. EPA has set a **drinking water standard** for Total Dissolved Solids (TDS) at 500 mg/l. The linear correlation between TDS and Specific conductance can be used to estimate a relative specific conductance standard based on the TDS drinking water standard.

Using a conversion factor established by City of Boulder/USGS Water Quality Monitoring program (<http://ben.boulder.co.us/basin/data/FECAL/info/TSS.html>) the specific conductance EPA drinking water standard would be between 666 - 909 umhos/cm. The CA draft permit has established a benchmark that is 3 to 4 times lower than that for safe drinking water. The specific conductance limit must be set at an appropriate number for storm water runoff not a number that is 3 times more stringent than potential EPA drinking water standards.

Specific Conductance is a broad indicator test not a specific toxic substance. The limit set in this permit lacks scientific basis used with other specific toxins to determine water quality impairment. *Standard Methods for the Examination of Water and Wastewater* states "the conductivity of **potable waters** in the United States ranges generally from 50 to 1500 µmhos/cm."

Lastly, the resulting Specific Conductance values in the storm water runoff are impacted by many factors that are beyond the Discharger's control, gases and dusts in the air, acidity of the rain, geology of the drainage areas, and sea water infiltrate. The specific conductance limit must be increased to a number appropriate for widely variable storm water runoff scenarios.

***The draft permit requires Dischargers with benchmark exceedances of any parameter to collect and analyze samples from the next two consecutive qualifying events. Permit language must be added to clarify that the samples collected after an exceedance must only be analyzed for the parameter of exceedance. This requirement is resource intensive and clarifying that the samples are only to be collected and analyzed for the parameter of exceedance will reduce the sample collection, labor, shipping and analysis costs. ***

6.a. Does the one time pollutant scan apply to Monitoring Groups as well? If the pollutant scan is required by Monitoring Groups the rotating sampling schedule should allow for half of the facilities to sample in the 2007/2008 permit year and the other half to conduct the pollutant scan in the 2008/2009 permit year.

6.b. Clarification is needed concerning the semi volatile organics reference made in the discussion of the one time pollutant scan. The method quoted in this section is SM 5210B which is a Biochemical Oxygen Demand method not a semi volatile organics method. Review of Table VIII.2 indicates that no semi volatile organics method is listed. The NPDES approved method for semi volatiles is EPA 8270.

7.a. The requirement to sample ALL discharge locations is redundant, costly and not necessary to monitor the water quality leaving the site. Dischargers with more than 4 outfall locations should be allowed to select representative locations for storm water

sampling. Sites with 4 or more drainage outfalls would be required to collect samples at a minimum of 4 outfalls, selecting locations that represent the water quality leaving the site. Collecting runoff samples from more than 4 locations within the first hour of discharge time requirement is difficult and may reduce the validity of the samples taken. Most facilities have one or two samplers that are responsible for sample collection and one set of sampling equipment. It is not feasible to require multiple sampling teams and multiple sets of sampling equipment. In addition, as discussed above in the general comment section of this submission, storm water sampling data is of questionable scientific use due to the nature of storm water sampling. There is no end benefit to the receiving waters of California in requiring the discharges to spend limited time and monies on sampling all outfall locations.

7.b. Allowing Dischargers to combined runoff into composite samples will put an end to any drainage area information the samples collected could possibly provide. Composting runoff will add more variability to already unscientific inconsistent results; making the implementation of the required corrective action BMPs difficult and possibly ineffective. Instead of allowing composite sampling the permit should allow for the selection of representatives samples for Dischargers with more than 4 outfall locations, with a minimum of 4 locations sampled at each facility.

13.a. Please provide clarification on how a “transmitted” certification could be originally signed?

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