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cc: BD, DI, DWQ

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# NEST Environmental Service

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February 3, 2005

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

Subject: Comments on the draft NDPEs Industrial General Permit

NEST Environmental Services is submitting the following comment on the draft General Permit. Most items address the issues, some are nitpicks.

1. One time comprehensive pollutant scan planned for 2008-09 season. This sample is going to burden the businesses with a \$300-\$500 cost in today's dollars. That cost may not be much for a large industrial business to absorb, but it is a big deal for a small, 1-5 person business, in that it could eliminate their revenues for 1-2 days, and does nothing to assist them in reducing potential pollutants in their runoff. The SWRCB's discussion in the draft does not present any rationale indicating that applying such a scan over all industries has any basis in preliminary sampling or sampling data history for the previous permits. Our scrap metal processing clients—they have large, exposed concentration of metals in a few areas on site—that have sampled for COD usually come on the low side of the benchmark. NEST believes that a industry specific scan for likely metals would be less costly and make more sense. Vehicle dismantlers SIC 5015, could test for the California 5 and nickel. Giving a credit against a business's annual fee for the cost of the samples should be provided as an incentive to those who take the one-time sampling and analysis.
2. Page IV, 2nd para. "... must achieve strict compliance". "Strict" is a legal term and most small businesses will not know its significance. "A short time period..." at the end of that paragraph doesn't help either. They need a specific time frame/ range in the permit.
3. Regarding the discussion on exceeding water quality standards (WQS), page VIII. I think an example in the first paragraph would help industrial business owners to understand this term. Many small businesses discharge to a ditch or to street storm drains. A simple explanation would be useful for the non-technical people about how several gallons from one industrial business can contribute to the exceedence of WQS at the point of discharge into much larger bodies of water such as moving rivers, bays, estuaries,.
- 4.. Minimum Best Management Practices. It looks like a reasonable concept; The operator in his/her SWPPP could reference existing Standard Operating Procedures, preventive maintenance plan, safety training plan, records maintenance, etc. Some larger businesses will be able to designate a title of a position responsible for the work. For a small businesses, 1-5 employees, is this practical solution? The manager is the responsible one.

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5. Page 3, para. II.3. I recommend providing examples of toxic, non-conventional and conventional pollutants to help the non-technical reader understand the connection to BATs and BCTs
6. Page 3, para. III.1. The word "nuisance" at the end of the line is another legal term that not everyone understands. Explaining nuisance pollutants and their effect would be useful.
7. Page 4, para. IV Non-Storm Water Discharges. Could you use the example of a plant nursery to illustrate when the non-storm water run-off from irrigating plants is permissible under IV.1.d and IV 2.? Does it need to be treated?
8. Page 6, para. V.6 & 7. The 30 -day and 90-day deadlines in this para.. need to be tied to something, such as either the date of the lab report or the date the operator receives the lab report with the data indicating the exceedence. An operator could conceivable not get that information until 3 weeks after the sample was mailed, due to handling time and mail time of the lab's report.
9. Page 12, para. 8. Minimum BMPs needs an "a." as a para. marker.
10. Page 14. para. 8.a.viii.(1) I don't believe that these quarterly facility source-bmp inspections will be any more than perfunctory, if even that, for most small operators, resulting in claiming that no corrective actions are needed. To get changes and improvements, REGULATORY AGENCIES NEED TO INSPECT.
11. Page 18 The header, Non-storm water Discharges Visual Observations needs a para.. number. And the "b." for the second line underneath it out of place.
12. Page 18, para. 3.c. Reference to subsections 4.a. and b. should be 3.a. and b. para. 3.d Refer nce to subsection 4.a should be 3.a.
13. Page 19, para. 4.c.iii. and Table VIII.1 Additional Analytical Parameters, Should not copper be required for SIC 5015 vehicle dismantlers? Our sampling data for the last 5 years indicate that copper in samples from dismantlers (SIC 5015) ranges from 46% to 65% below the EPA benchmark.
14. Page 20, para. 6. a and b. Subsection references 7.a and 7.b should be 6.a. and 6..b.
15. Page 27. para. v.(5) and (6). This is probably an unrealistic sequence of events. These 30-day and 90-day Group Leader responses to the RWQCB hold the Group Leader hostage to operators who typically don't like to do paperwork, so we anticipate of lot more record keeping and calls or follow-up visits to pry the signatures and paper out of them. Some Participants may not agree to sign the inspection report and or compliance response checklist at all or on time or mail it back on time. (NEST has its participants sign the report the day the inspection is performed). Recommend adding: Unsigned reports need explanation why the report is not signed to include dates the report was sent to the

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Participant for signature and subsequent follow up calls to obtain the signed report.

How effective will these reports/checklists be? If the participant chooses not to make the corrective actions, then what? Drop them from the Group? But the corrective actions still stays unaccomplished until the regulatory inspector shows up, makes the NOV and requires a written response.

16. Page 27. para. v.(1, 2, 3) Does para v.(1) conflict with v.(3)? Who is left for year 5? Maybe add the words at the end of v.(1) that Group leader inspection shall be scheduled according to para. v.(2) and (3) below.
17. Corrective actions required when exceedances occur of the USEPA storm water numeric benchmark values. NEST has doubts that the 2 time sampling requirement after the exceedance(s) is going to drive permittees to initiate all the corrective action needed. We think this is unrealistic expectation. Since there is a cost involved per sample, about \$250, some may refuse to pay and sample after more than one extra time, much less several times and/or make excuses about not being there, lost the kit, no discharge, the alternate out sick or not there, etc.  
NEST in its GMP tried a variant on that over the past 2-3 years, scheduling those participants who exceeded parameters for sampling the next year, and in the meantime worked with them to make corrective actions. A few sampled three years in a row, and some improvement was achieved. Some Baykeeper settlements called for repeated sampling in one or more years, and, in one recent case, most of the repeated sampling was not performed.  
NEST thinks that scheduling one additional sampling in the same storm water season is useful and another for the following year is more realistic could achieve results.
18. NEC. The proposed form and conditions look workable. The one client we had who would have qualified closed his business late last year. We have more clients who want out of the permit because they discharge to adjacent fields and the storm water stays in the field, percolates and evaporates. They don't see the need for a permit.