

October 22, 2012

State Water Resources Control Board
c/o Jeannie Townsend, Clerk to the Board
1001 "I" Street, 24th Floor
Sacramento, California 95814



Submitted via email: commentletters@waterboards.ca.gov

SUBJECT: Comment Letter – Industrial General Permit

Dear Ms. Townsend:

On behalf of the Sacramento Area Sewer District (SASD), thank you for the opportunity to provide comments regarding the 2012 Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (Permit). SASD provides wastewater collection services to 1.2 million residents throughout the greater Sacramento area and is an existing discharger under 97-03-DWQ. The 2012 Draft Permit will have a direct impact on two municipal corporation yards that are owned and operated by SASD.

SASD supports the use of a general industrial permit for discharges of stormwater associated with industrial activities, and appreciate the efforts of the State Water Resources Control Board (SWRCB) in accepting comments on the 2012 Draft Industrial General Permit.

The following comments are being provided by SASD to address our main issues of concern with this draft Permit. The Proposed Regulation text is shown in black, SASD's additions are in blue-underline text, and deletions are shown in ~~red-strikeout~~.

Comment #1: Section XVII. Conditional Exclusion – No Exposure Certification (NEC) Requirements, B. NEC Qualifications, item 3.

SASD strongly opposes the requirement for annual renewals and filing fees to register for NEC coverage. The requirements for annual renewals are excessive and costly and go beyond what is required under the U.S. EPA's

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Multi Sector Industrial General Permit (MSGP). The MSGP, Section 1.5 Conditional Exclusion for No Exposure states: “You must submit a No Exposure Certification to EPA once every five years.” Several of our neighboring states (i.e., Washington and Oregon) that follow the MSGP require NEC submittals every five years or when conditions change and no exposure no longer applies. In addition, these states do not impose a filing fee. We recommend that California take a similar approach and require NEC renewals once every five years or when specified conditions change, and eliminate any associated filing fees or minimize them to cover only those costs necessary. This will eliminate unnecessary administrative costs without compromise to permit compliance. The following edited language is provided for your consideration to section XVII, B., 3.:

3. Register for NEC coverage by certifying that there are no discharges of storm water contaminated by exposure to Industrial Materials and Activities from areas of the facility subject to this General Permit, and certify that all unauthorized NSWDS have been eliminated and all authorized NSWDS satisfy the conditions of Section IV (Authorized NSWDS). ~~NEC coverage and annual renewals are required~~ ~~requires payment of an annual fee once every five years~~ in accordance with section ~~13260~~ 1.5 of the ~~Water Code~~ U.S. EPA Multi Sector Industrial General Permit.

Comment #2: Section XI. Monitoring Requirements, C. Methods and Exceptions, 6. Sampling Frequency Reduction (SFR)

SASD recommends that existing Dischargers, with NOI’s issued under 97-03-DWQ that have historical sampling data for at least 8 consecutive sampling events and are in compliance with the NALs be eligible to certify and submit a SFR report via SMARTS when submitting the new NOI application under this draft Permit. This would allow consideration for a reduction in sampling frequency for existing dischargers who have demonstrated past consistent compliance with the proposed NALs and facilities who have demonstrated low risk. We propose the following text, as an example, for consideration:

“d. Existing Dischargers that can demonstrate full compliance with the NALs under the term of 97-03-DWQ for 8, most recent, consecutive storm events as shown in their submitted annual reports are eligible to certify and submit a Sample Frequency Reduction (SFR) report via SMARTS when registering for the new NOI.”

SASD supports, in general, the California Stormwater Quality Association’s (CASQA) comment letter and supporting documents associated with the review of the 2012 Draft Industrial General Permit released July 16, 2012.

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In conclusion, we urge the SWRCB to consider our comments regarding the 2012 draft Industrial General Permit, and ensure that with any additional requirements there is an equal corresponding environmental benefit.

If you have questions or comments regarding the items above, please feel free to contact me at (916) 876-6092 or MitchellT@sacsewer.com or Lysa Voight at (916) 876-6038 or VoightL@sacsewer.com.

Sincerely,

A handwritten signature in blue ink that reads "Terrie J. Mitchell". The signature is written in a cursive style with a long, sweeping underline.

Terrie Mitchell
Manager, Legislative and Regulatory Affairs

NKB:vjb

Cc: Stan Dean, District Engineer
Christoph Dobson, Director of Operations
Prabhakar Somavarapu, Director of Policy and Planning
Matt Doyle, Senior Safety Specialist
Lysa Voight, Senior Civil Engineer