



**COUNTY OF PLACER
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809

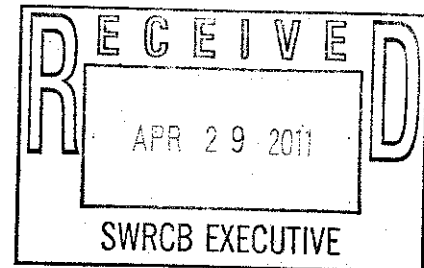
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Public Comment
Draft IGP
Deadline: 4/29/11 by 12 noon

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April 29, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



**RE: DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT FOR THE DISCHARGE OF STORM
WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

Dear Ms. Townsend:

Placer County (County) staff has reviewed the California State Water Resources Control Board's (SWRCB) 2011 Draft Industrial General Permit (draft IGP) released for public comment in January 2011. The County owns and operates solid waste facilities including material recovery facilities, transfer stations, and several closed landfills, and operates and maintains its wastewater treatment facilities. The County supports the implementation of stormwater quality improvement measures that are:

- Cost-effective
- Practical
- Known to have demonstrated water quality benefits

Similar to the current IGP (Order No. 97-03-DWQ), the draft IGP uses EPA Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) benchmarks as Numeric Action Levels (NALs), which require the discharger to take corrective actions when they are exceeded. However, the draft IGP specifies that if NALs are repeatedly exceeded, the NALs will become numeric effluent limits (NELs) which would result in permit violations and minimum mandatory penalties for each exceedance.

The proposed Permit, which is intended to supersede Order No. 97-03-DWQ, is of great concern to the County; our comments are as follows.

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Entrance at 2855 2nd Street

Administration - Building Maintenance - Capital Improvements - Museums - Parks
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- 1) **EPA Benchmarks Not Appropriate for NELs** - The EPA benchmarks were developed to assist the discharger in determining whether additional corrective action(s) may be necessary and specifically not to be used as effluent limits. As such, the EPA benchmarks may be appropriate for NALs, but not NELs.
- 2) **NELs Not Currently Feasible** - The SWRCB established numeric NELs in the draft IGP; however, the EPA has consistently held the position that it is difficult, if not infeasible, to assign NELs broadly to all industrial stormwater discharge. This position is clearly and thoroughly explained in the EPA MSGP Fact Sheet.

In addition, the SWRCB-commissioned panel of experts, referred to as the Blue Ribbon Panel, recognized "the inadequacy of current monitoring data sets and recommends improved monitoring to collect data useful for establishing Numeric Limits and Action Levels", as stated in their findings. No improved data has been obtained as recommended by the Panel. Numeric Limits and Action Levels in the draft IGP should be based on technically sound data.

- 3) **Action Levels Should be Based on Local Data** - The EPA benchmarks are based on national standards. The draft IGP should be revised to make Numeric Limits and Action Levels based on local industry-specific standards because background levels vary by location and a discharger should not be required to meet standards that are below background levels and/or not practically achievable. The Blue Ribbon Panel specifically recommended "the use of California data (or National data if it can be shown to be applicable to CA) in setting Numeric Limits and Action Levels." Since the proposed Numeric Limits and Action Levels are simply based on EPA MSGP benchmarks, there does not appear to be any attempt to base the proposed Numeric Limits and Action Levels on California data. The draft IGP should base action levels on local data.
- 4) **Evaluation of Background Levels** - The draft IGP does not have a provision to allow a discharger to address background levels that may be higher than Numeric Limits and Action Levels or to account for factors beyond their control, such as aerial deposition of contaminants on discharger's property. The draft IGP should be revised to consider background pollutant levels when determining the NELs. For example, the draft IGP could require the discharger to set their NELs at the local background levels rather than the national EPA benchmarks.
- 5) **Cost of Compliance** - The draft IGP does not make any attempt to determine the cost of compliance with its provisions. Administrative and monitoring costs for complying with just the basic requirements of the draft IGP are estimated to be extremely high. Potential costs to maintain compliance with NELs set at EPA benchmarks, particularly those that are potentially lower than background levels, will be an extraordinary burden. At minimum, the draft IGP should include a cost/benefit

analysis for all affected California industries to comply with the proposed administrative and monitoring requirements.

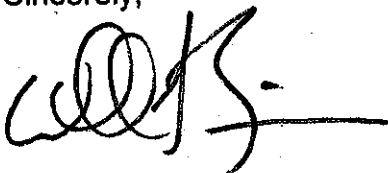
- 6) **Unclear Language** - The status of active landfill activities under the draft IGP is not clear; similarly the issue of how closed landfills are regulated is left unaddressed. The draft IGP should be revised to clarify which specific landfill activities are required to have coverage and which are not.

While transfer stations and material recovery facilities have industrial activities that should be covered under the draft IGP, closed landfills with fully implemented closure plans (vegetated landfill caps) should not. Once the closure plan has been fully implemented and the post-closure care activities have commenced, a closed landfill site should no longer be considered an industrial activity.

- 7) **Tier Flexibility** – The draft IGP contains overly stringent compliance timeframes, which may force a facility into the most restrictive tier within two years of permit adoption. In addition, it does not include a mechanism for allowing a Corrective Action Level III site to move back to Corrective Action Level I or II, regardless of the improvements made. The draft IGP should be revised to include such a provision as well as allow more time for compliance in each tier.

Thank you for the opportunity to review the draft IGP and submit these comments. We sincerely hope the SWRCB will address these concerns as well as reconsider the recommendations of the Blue Ribbon Panel. Should you have any questions, please feel free to call Robin Mahoney at (530) 886-4929.

Sincerely,



Bill Zimmerman, P.E.
Environmental Engineering Manager

BZ/CH/lm

