

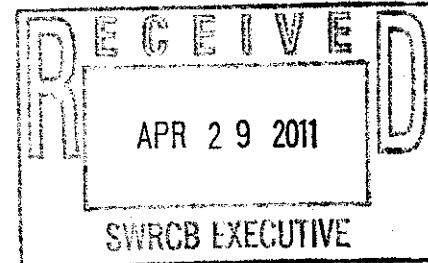


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April 28, 2011

By E-mail and Fax

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street,
Sacramento, CA 95814



Subject: Comment Letter – Preliminary Draft Industrial General Permit

Dear Ms. Townsend:

Thank you for providing the County of Orange/OC Public Works Department the opportunity to submit comments on the Preliminary Draft Industrial General Permit (IGP). OC Public Works appreciates the efforts of the State Water Resources Control Board to receive written comments as well as hold public workshops with stakeholders.

The County of Orange is currently subject to two Phase I Municipal Separate Storm Sewer System (MS4) Permits (Santa Ana and San Diego Regions), both of which require prescriptive regulation of industrial activities. In addition, the County of Orange operates 3 active municipal landfills and an international airport (John Wayne Airport), all of which are regulated by both the MS4 Permits as well as the current IGP (Order 97-03-DWQ). OC Public Works staff has participated in the California Stormwater Quality Association (CASQA) Industrial Committee's coordinated review of the Preliminary Draft and supports the comments submitted by CASQA.

OC Public Works is concerned about the quality and usefulness of the data that will be generated throughout the state as a result of the monitoring requirements contained in the Preliminary Draft IGP. The Preliminary Draft seeks to establish a regulatory framework for industrial facilities based on a comparison between the quality of stormwater effluent from a specific facility and prescribed numeric action levels (stormwater NALs) for a host of constituents, which can become numeric effluent limits (NELs) for Tier 3 sites. The Fourth Term MS4 Permit for the San Diego Region of Orange County (Order R9-2009-0002), mandates that runoff from major stormdrain outfalls (36" diameter and larger) is subject to NALs during dry weather and stormwater action levels (SALs) during wet weather. OC Public Works is concerned that the monitoring requirements in the Preliminary IGP are not comparable with the SALs prescribed in the MS4 Permit for the San Diego Region of Orange County. The following table illustrates some of the inconsistencies:

Constituent	Unit	R9-2009-0002 SAL	Draft IGP Stormwater NAL
Turbidity	NTU	126	None Provided
Nitrate & Nitrite Total	mg/L	2.6	None Provided
Phosphorus Total	mg/L	1.46	None Provided
Cadmium Total	µg/L	3.0	5.3
Copper Total	µg/L	127	33.2
Lead Total	µg/L	250	262
Nickel Total	µg/L	54	1,020
Zinc Total	µg/L	976	260

As a result of the inconsistencies listed above, an industrial discharger in the San Diego Region of Orange County may be in compliance with the prescribed stormwater NALs in the Preliminary Draft for constituents such as cadmium, lead, and nickel, but exceed the SAL in the MS4 Permit at the municipally-owned outfall. Conversely, the proposed stormwater NAL concentrations for copper and zinc in discharges from industrial facilities are significantly different from the SAL values in the MS4 Permit. Inconsistencies between general permits (Construction and Industrial) and MS4 Permits on action levels applicable to stormwater discharges will lead to confusion and challenges in achieving and maintaining compliance for individual dischargers as well as MS4 operators. In addition, the conflicting terminologies will also create confusion.

Based on these findings, OC Public Works recommends that the monitoring program requirements be re-evaluated in the next Draft IGP with the following objectives in mind:

1. Improve the quality and consistency of the monitoring data;
2. Provide monitoring data that can be easily accessed by municipalities subject to MS4 Permits and integrated with their existing monitoring programs and data sets; and,
3. Prevent conflict with action levels contained in MS4 Permits which regulate the stormdrain system an industrial facility is tributary to.

Thank you for your attention to our comments. Please contact the County's Stormwater Program Manager, Grant Sharp, at (714) 955-0674 if you have any questions.

Very truly yours,



Chris Crompton, Manager
OC Watersheds/Environmental Resources