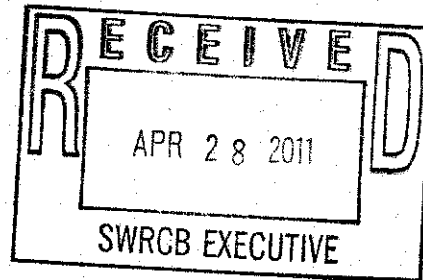


Lehigh Hanson
HEIDELBERGCEMENT Group

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April 28, 2011

Mr. Charles R. Hoppin, Chair
State Water Resources Control Board
1001 "I" Street, 22nd Floor
P.O. Box 100
Sacramento, CA 95812-0100



RE: Comments on Proposed General Industrial Stormwater Permit

Dear Mr. Hoppin:

Lehigh Hanson is an integrated producer of cement, aggregates, ready-mix concrete, and other building materials in California, with facilities subject to stormwater regulations from Redding to San Diego. Lehigh Hanson has over 40 facilities in California that will be affected by changes in the General Industrial Stormwater permit. Our company echoes the sentiment of others that protection of our water supplies is important but must be done using a practical and reasonable approach. The Draft Industrial Stormwater permit currently under comment is far from that approach and, as we will describe below, contains many flawed technical components, and a punitive enforcement approach that has unknown (if any) real water quality benefit.

California and the United States have protected surface and groundwater for over 20 years with the approach described in the USEPA Multi-sector permit. Other Western states, such as Arizona, have successfully emulated this approach with support from the general and regulated public. California should follow these examples.

In this letter, Lehigh Hanson is providing comments on the Draft Industrial Stormwater Permit on two levels:

- 1) General comments that affect multiple sections of the permit
- 2) Section-specific comments

Lehigh Hanson appreciates the chance, at this time, to comment on the Draft permit. However, The State Water Resources Control Board (the Board) should have included the regulated public as stakeholders much earlier in the drafting process. As the Board has heard from local government and industry alike, the Board staff issued a Draft permit without soliciting input from these important stakeholders. This approach to regulation is certainly miscalculated and minimizes the importance of the opinions of the regulated public.

Regards,

Gregory Knapp
Director Environmental Affairs
Lehigh Hanson Region West

Attachment 1 - General Comments
Attachment 2 - Section-specific Comments

Lehigh Hanson
Draft Industrial Stormwater Permit
General Comments

1. The Draft permit proposes technically invalid uses of Numeric Action Levels

Comment: Numeric Action Levels (NALs), or benchmarks, provide a useful comparison level for generic stormwater indicators such as Total Suspended Solids (TSS) from sediment, pH, and others. These have been successfully used in the USEPA Multi-Sector General Permit (MSGP) to improve discharged stormwater quality. This approach should continue in California.

These NALs are *general indicators* of stormwater quality and were not developed to reflect achievable effluent quality across a broad spectrum of industrial activity. Thus, their use in the Corrective Action approach of the Draft permit violates their intended purpose and the technical development of such.

California's approach to stormwater regulation should include comparison of measured stormwater quality to a benchmark to encourage further evaluation and decide if stormwater quality improvement can be attained using Best Management Practices (BMPs).

Proposed Remedy: The entire Corrective Action approach in the Draft permit should be deleted as written. An escalation approach to evaluate and improve BMPs can be included, but this must recognize the practical achievability of specific industrial categories. This effort to revise the Draft Industrial Stormwater Permit should include stakeholders from all sectors of the regulated public.

2. The Draft permit proposes technically invalid uses of Numeric Effluent Limits

Comment: As discussed above, the benchmarks from the USEPA MSGP are general indicators of stormwater quality with the intent to encourage further evaluation of potential BMP improvement. In no way could it ever be considered that these numeric values ever received the extensive development effort that goes into setting Effluent Limitation Guidelines in the USEPA NPDES program. These Effluent Guidelines are based on Water Quality Criteria (WQC) established to protect various biological taxa in ambient receiving waters. WQC are established after long, diligent study and review by aquatic toxicologists and related scientists. These WQC are then used to guide effluent limits for discharges based on technology or receiving water quality. For the Draft Industrial Stormwater Permit to equate an MSGP benchmark with WQC or their resultant Effluent Guidelines demonstrates either a complete misunderstanding or disregard for the science of NPDES water quality protection.

Proposed Remedy: The use of benchmarks, or NALs, as Numeric Effluent Limits, should be eliminated entirely from the Draft Industrial Stormwater Permit.

3. The extremely variable nature of stormwater quantity and quality make enforcement of NELs impossible

Comment: Any given site that manages stormwater can see the volume of discharge fluctuate over 100% or more based on duration and intensity of rainfall. These same parameters can cause fluctuations in stormwater quality to be 10 fold or greater. Design of effective water quality management systems to handle such wide variations is not achievable given today's technology. The Board has heard comments that storage and treatment systems designed for the upper end of these fluctuations may never be fully utilized once constructed. Tremendous cost would be incurred for a system that is rarely if ever used, and, which still may not be reliable and consistent at lower usage levels.

To establish NELs which, if violated, can lead to monetary and possible criminal penalties, requires that the entity subject to them has a reasonable chance to comply with them. Given these natural fluctuations in rainfall intensity and quantity (force majeure conditions) a discharger does not have a reasonable chance to comply with NELs. The Board cannot change the basic nature of stormwater management based on these wide fluctuations just by "wielding a bigger hammer" (i.e. NELs).

Proposed Remedy: The inclusion of Numeric Effluent Limits in any future version of the Industrial Stormwater Permit should be eliminated. The use of an escalated benchmark / BMP system can yield effective improvement in discharged stormwater quality.

4. Stormwater management programs do not require Professional Engineers or other high level accredited persons to be successfully implemented

Comment: The Draft Industrial Stormwater Permit contains numerous requirements for registered or accredited professionals to design and implement a stormwater compliance program. As the Board has heard in comments from Registered Professional Engineers as well as others, this level of professional accreditation is not necessary and will eliminate the persons who best understand site-specifics. Lehigh Hanson fully supports the concept that knowledgeable persons design and implement a stormwater program. These persons come from a wide array of backgrounds and experience and should be allowed to use these attributes to manage a program.

Proposed Remedy: The current list of required accreditations for persons designing and implementing a stormwater management program should be deleted entirely from any future version of the Draft Industrial Stormwater Permit. Instead, a training program with specific topics should be included in and required by the Industrial Stormwater Permit. This training should be limited to the practical understanding of the concepts of stormwater quality management and the skills required to comply with the permit. A signature by a responsible person for a Stormwater Pollution Prevent Plan, for example, will ensure that appropriate skills and effort are used to prepare the plan.

5. Stormwater discharges should account for influent, run on, and/or background influences

Comment: The draft permit makes an operator responsible for run-on coming from property not owned or controlled by that operator. However stormwater can run onto a site and cannot be completely diverted. This run on can contain pollutants that are not within the control of the discharger and thus the discharger may be required to implement additional BMPs that cannot improve the overall stormwater quality. In addition, natural or historical occurrences of pollutants beyond the control of the discharger can cause similar compliance issues. A discharger should not be made responsible for run-on or other factors not controlled by that discharger, and must be able to consider influent, run on, and/or background influences when determining if the discharge is in compliance with the Industrial Stormwater Permit

Proposed Remedy: Include a provision in the NAL / benchmark process that subtracts influent, run on, and/or background influences from a site's discharge characteristics (either quantity or quality).

6. The permit should specify that the discharger is not expected to comply with benchmarks from storms that exceed the compliance storm event.

Comment: The draft permit defines a compliance storm event, but does not describe permit requirements for flows that exceed this event.

Proposed Remedy: The discharger should compare measured stormwater quality to benchmarks to further evaluate the need for increased BMP's. However there should be recognition in the permit that BMP's may not keep discharges below benchmarks when flows exceed the compliance storm event.

7. Some minimum BMP's may not be feasible.

Comment: There are situations where a minimum BMP cannot be implemented and there is not an alternative BMP that would be at least as effective as the minimum BMP. For example, a minimum BMP to cover all stored industrial materials that can be readily mobilized by contact with storm water would not be feasible for large stockpiles with active daily loading and unloading operations by conveyors and loaders.

Proposed Remedy: Minimum BMP's would be appropriate where they are feasible.

8. A Multi-Sector Permit should be developed

Comment: As the Board has heard in numerous comments thus far, the quantity and quality of stormwater varies dramatically from uncontrollable, natural influences. But these parameters are also caused by the industrial process itself. The USEPA developed its MSGP to address these differences based on industrial sector and California should either adopt that permit or modify it to reflect this state's characteristics. The number of sectors would likely be smaller since some of these industries no longer exist in California. For those that still remain, a successful stormwater management program can be developed that is achievable for that type of discharger.

Proposed Remedy: The Board should establish industrial sector workgroups to develop the monitoring, NAL/benchmarks, and BMPs for specific industries. The workgroups should include Board staff and the affected industries. The next version of the Industrial Stormwater Permit should be a Multi-Sector Permit

Lehigh Hanson
Draft Industrial Stormwater Permit
Section-specific Comments

Note: Draft permit language is *Italicized*. Current permit language is **bold**.

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5	I-C-32	<i>Activities Not Covered Under the General Permit: Discharges occurring in basins that are not tributary or hydrologically connected to waters of the United States.</i>	Clarify "hydrologically connected" applies only to surface waters, and not groundwater. Current permit 97-03-DWQ states facilities such as percolation ponds that do not discharge storm water to surface waters are not required to obtain a storm water permit (Fact Sheet, page VI, item 4-b). A percolation pond such as a silt pond at a sand and gravel operation that does not have a direct connection to surface water should not be considered "hydrologically connected" and therefore should not be subject to permit coverage. conditions,
14	V.B	SW discharges cannot contain an RQ	This section should reference US regulation but not establish RQ compliance in a stormwater permit.
15	V.E	Compliance design storm event is 10-year 24 – hour	This is consistent with USEPA Effluent guidelines and should be retained.
15	V.E	Compliance storm event shall be determined by an onsite rain gauge.	While this is the best way to determine compliance since rainfall varies spatially, actual practice is going to be difficult. This type of administrative requirement, which is in addition to many other such requirements in this permit, is going to be difficult for operations people located at the site to perform regularly and consistently.
14	V.A	Effluent Limitations for cement plant runoff: BPT & BCT TSS 50 mg/L; pH 6.0-9.0; BAT	Keep – discharges over the 10-year 24-hour event are not subject to the ELs if facilities are designed to contain the event.
14	V.A	Effluent Limitations construction rock and sand mine dewatering (includes stormwater discharged from the mine pit): BPT pH 6.0-9.0	This is consistent with USEPA Effluent guidelines and should be retained. Discharges over the 10-year 24-hour event volume are not subject to the ELs if facilities are designed to contain the event.
14	V.A	Effluent Limitations for Asphalt Concrete process water (any water that contacts) BPT No Discharge	Stormwater discharges must be allowed.
14	V.C	Numeric Action Levels (Table 4)	See General Comments
14	V.D	Numeric Effluent Limits (Table 4)	See General Comments
15	VI.A	Stormwater discharges cannot contribute or lead to exceedance of various water quality standards.	This statement is so vague that it allows interpretation to include the use of numeric goals and other values as water quality standards. This is an inappropriate use of such values. Water Quality Standards

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			<p>(WQSs) are developed for a specific purpose, to establish ambient concentrations to protect identified uses. Their establishment is rigorous to address the various physical and chemical complications and implementation impacts they introduce when applied. To apply other values as surrogates for WQSs, which have not undergone the same rigor as a true WQS, can make compliance impossible, and thus, actually impedes overall water quality since time and effort is spent arguing about a goal that cannot be reached.</p>
15	VI.D	<p>Stormwater discharges shall comply with a TMDL</p>	<p>This should be acceptable ONLY IF the TMDL considered stormwater discharges from the industrial facilities in the drainage. Stormwater discharges should not be included in a facilities' waste load allocation if they were not considered in the TMDL.</p>
15	V-E	<p><i>Compliance Storm Event: This General Permit establishes a 10-year, 24-hour (expressed in inches of rainfall) Compliance Storm Event for Total Suspended Solids. In addition, all treatment BMPs for any other pollutants shall be designed for no less than a 10-year, 24-hour storm event.</i></p>	<p>The permit should clearly state there are no consequences for exceeding a benchmark from a 10+ year, 24-hour storm (such as a 50-year storm).</p>
18,	VIII-C-3	<p><i>Erosion and sediment BMPs to control the discharge of sediment shall be designed for no less than a 10-year, 24-hour (expressed in inches of rainfall) Compliance Storm Event. In addition, all treatment BMPs for any other pollutants shall be designed for no less than a 10-year, 24-hour storm event.</i></p>	
16	VII-B-1-b	<p><i>Certification Requirements: A QSD shall have one of the following registrations for certifications, and appropriate experience, as required</i></p>	<p>An engineer is needed to calculate runoff volumes, basin capacities, etc., but most likely would not have the expertise in-house staff has in evaluating industrial processes, identifying pollutant sources, and developing industry specific BMP's. Revise this to state an engineer will prepare sections of the SWPPP requiring this expertise.</p>

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17	VIII-B-2	<i>Implementation Schedule: Existing dischargers with permit coverage under State Water Board Order No. 97-03-DWQ, shall implement any necessary revisions to their SWPPP no later than ninety (90) days after the adoption of the General Permit.</i>	90 days is insufficient time to update the SWPPP's. Lehigh Hanson has 25+ facilities in just the Los Angeles and San Diego areas. Based on 4 days/ SWPPP update, it would take 100 work days or 20 weeks to update the SWPPP's, assuming the QSD is only working on Lehigh Hanson projects. Since the QSD could have other clients, more than 100 work days is needed.
18	VIII-C-1-d	<i>For Level 3 facilities, the dischargers shall ensure the SWPPP meets all applicable NELs.</i>	NEL's are not appropriate (see general comments above). Even if NEL's were appropriate, it should be recognized that there most likely will be sites that cannot meet the NEL's due to site constraints, such as limited area to place a sized sedimentation basin to handle TSS.
18	V-C-3	<i>Erosion and sediment BMPs to control the discharge of sediment shall be designed for no less than a 10-year, 24-hour Compliance Storm Event. In addition, all treatment BMPs for any other pollutants shall be designed for no less than a 10-year, 24-hour storm event.</i>	There most likely will be sites that cannot design for the Compliance Storm Event due to site constraints, such as limited area to place an adequately sized sedimentation basin to treat TSS. Add "If the discharger cannot design BMP's for the Compliance Storm Event due to site constraints or other reasons, then the discharger shall explain in the SWPPP why the applicable BMP is not feasible"
20	VIII-G-3	<i>Describe all industrial activities that generate dust or particulate pollutants that may be deposited within the facility's boundaries, including discharge locations and the type, characteristics, and estimated quantity of dust and particulate pollutants that may be deposited within the facility's boundaries.</i>	The amount of particulate matter generated by aggregate or concrete plant operation can be estimated using AP-42 or other factors. However it would be difficult to estimate the quantity of particulates that may be deposited within the facility's boundary without modeling that takes into account wind and other factors.
21	VIII-G-4-a	<i>Identify and describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges within the previous five-year period.</i>	There are circumstances where the current operator does not have 5 years of site history. For example, if an operator bought a plant 2 years before, that operator may not know the spill history for the previous 3-5 years.
22	VIII-H-1, H-1-a-iv	<i>Dischargers may use alternative BMPs instead of the minimum BMPs only if the dischargers provide specific justification in their</i>	There are situations where a minimum BMP cannot be implemented and there is not an alternative BMP that would be at least as effective as the minimum BMP. For example, minimum BMP H-1-a-iv requires

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		<i>SWPPP explaining why the minimum BMPs cannot be implemented. Dischargers have the burden to show that its alternative BMPs are at least as effective as the minimum BMPs.</i>	covering all stored industrial materials that can be readily mobilized by contact with storm water. It is not feasible to cover acres of stockpiles that can be 20'+ in height (particularly when there are active daily loading and unloading operations by conveyors and loaders) and there is no known BMP that would be as effective as covering. The SWPPP should explain why the minimum BMP or alternative are not feasible.
23	VIII-H-1-a-iv	<i>Best Management Practices (BMPs): Cover all stored industrial materials that can be readily mobilized by contact with storm water.</i>	It is not feasible to continually cover and uncover stockpiles that are many acres in size, 25'+ in height, and/or are being actively loaded and unloaded by conveyors/ loaders. Furthermore the covering and uncovering activities could present safety issues.
23	VIII-H-1-a-i, VIII-H-b-ii	Inspect outdoor areas and equipment weekly	The inspection requirements for a site such as a satellite batch plant that operates an average of 1-2 days/ month are not clear.
24	VIII-H-1-d-v	<i>Inspect and clean daily any outdoor material handling equipment that can be contaminated by contact with industrial materials.</i>	If this daily cleaning applies to conveyors, then it would not be feasible at many locations to clean conveyors on a daily basis. Furthermore if water is used in this cleaning, then there would be the additional issue of how to handle the washwater so it does not end up in stormwater.
25	VIII-H-1-g-i	<i>Implement effective wind erosion controls</i>	Provide examples of effective wind erosion controls for an active mining area that is 10+ acres in size.
25	VIII-H-1-g-iv	<i>At sites where sediment basins are used, dischargers shall, at a minimum, design sediment basins according to the method provided in CASQA's Industrial and Commercial BMP Guidance Handbook and satisfy the 10 year, 24-hour compliance storm event requirement.</i>	There most likely will be sites that cannot design for the Compliance Storm Event due to site constraints. Site constraints could include limited area for a sediment basin, buried utility lines limit the depth of the basin, existing buildings and roads limit the lateral extent of the basin, etc. There could be a situation where sedimentation basin would be useful in reducing TSS, but cannot be sized to handle the Compliance Storm Event due to site constraints. The draft permit would not allow this basin to be installed since it cannot meet the Compliance Storm standard.
26	VIII-H-1-g-v	<i>Effectively manage all run-on, and all runoff within the site and all runoff that discharges off the site. Run-on from off-site shall be directed away from all disturbed areas and stock piled materials, or shall collectively not exceed the NALs in this General Permit.</i>	NAL's as used in the draft permit are not appropriate (see general comments above). This condition makes a landowner responsible for run-on generated by an upgradient landowner. If the run-on exceeds a NAL, the landowner receiving the run-on appears to be expected to treat this water, including water that comes from a site that does not need Stormwater Permit coverage. It may not be feasible to manage run-on from

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			<p>a large parcel that abuts a remote portion of the operator's site.</p> <p>If a creek that drains a large (e.g. 10 square miles) upgradient watershed cannot handle a storm event such as the 10 year, 24 hour compliance storm and the creek overflows onto a site, then it appears that the operator is expected to handle the consequences of that runoff.</p>
28	IX.A	Implementation Schedule "dischargers"	<p>A general observation throughout the draft permit; the term "discharger" has been substituted for "facility operator" used in the current permit. It is strongly recommended that the term "facility operator" be retained in the reissued permit. Less subtle accusatory connotation associated with "facility operator" than "discharger".</p>
28	IX.A.1	Implementation Schedule	<p><i>Facility changes dischargers?</i> Reference to changes dischargers is vague and should be better defined with language such as change in ownership.</p>
28	IX.B.1.a	Non-Storm Water Discharges Visual Monitoring	<p><i>The presence or indication of prior non-storm water discharges (NSWD).</i> The current permit states "the presence of unauthorized non-storm water discharges". The term "prior" should not be used. Prior non-storm water discharges may be "authorized".</p>
29	IX.B.3	Conduct quarterly NSD visual monitoring.	<p><i>Discharger shall not conduct quarterly NSD visual monitoring more than 16 weeks apart.</i> The schedule is too strict. The current permit allows quarterly visual observations within 6-18 weeks of each other. The current schedule provides flexibility, especially for facilities with reduced hours of operation and headcount. The proposed language is more restrictive.</p>
29	IX.B.3	NSWD	<p>In IX.B.2, NSWD is identified as the non-storm water discharge acronym. Points 3 and 4 uses an undefined acronym NSD. Should standardize the acronym to NSWD.</p>
29	IX.B.3	Scheduled facility operating hours	<p>In the current permit, scheduled facility operating hours is defined in a footnote as follows: "Scheduled facility operating hours" are the time periods when the facility is staffed to conduct any function related to industrial activity, but excluding time periods where only routine maintenance, emergency response, security, and/or janitorial services are performed. This definition should be included in the reissued permit for clarification.</p>
29	IX.C.1	Storm Water Discharges Visual Monitoring	<p><i>Dischargers shall visually monitor storm water discharges from the first qualifying</i></p>

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			<p><i>storm event of each month.</i> The current permit states: facility operators shall visually observe storm water discharges from one storm event per month during the wet season (October 1 – May 30). The proposed draft language expands the monthly monitoring requirement beyond the 8 month “wet season”, which increases the regulatory burden.</p>
29	IX.C.1	<p><i>first qualifying storm event of each month</i></p>	<p>The “first” qualifying storm event may not occur during “scheduled facility operating hours”. A provision needs to be added clarifying that monitoring is only required during scheduled facility operating hours for which a qualifying storm event may occur. This may occur well after the first four hours.</p>
29	IX.C.1.a	<p><i>Measured by an on-site rainfall measurement device</i></p>	<p>The requirement does not stipulate what measurement device is acceptable, a simple graduated tube or an electronic measuring device? Requiring an on-site rainfall measurement device to monitor for a qualifying storm event places an undue burden on a facility operator, both in terms of time and potentially expense. Depending on the site footprint, it may not be able to properly site a rain gage. Placement of the gage is important to minimize the influence from structures, terrain and vegetation. In addition, rain fall data usually is readily available from local meteorological stations.</p>
29	IX.C.1.b	<p><i>Was preceded by two consecutive days of dry weather. Dry Weather shall be defined as two consecutive days of combined rainfall of less than 1/8 inch as measured by an on-site rain measurement device.</i></p>	<p>Equating 1/8 inch of rain as constituting Dry Weather needs some explanation. See comments on <i>on-site rain measurement device</i> above.</p>
29	IX.C.2	<p><i>Dischargers shall visually observe the discharge of stored or contained storm water at the time of discharge during scheduled facility operating hours².</i></p>	<p>The sentence references Footnote 2. There is not posted a footnote 2 at the bottom of the page or in the permit.</p>
30	IX.C.5	<p><i>Prior to completing the monthly visual monitoring required in Subsection C.1, dischargers shall record any storm events that occurred of less than ¼ inch or more than ¼ inch but that did not produce a discharge.</i></p>	<p>Essentially this requires an inspection on each storm event over ¼ inch in order to determine that a discharge did not occur, going beyond monitoring the first qualifying storm event. This proposed draft language expands the monthly monitoring requirement, greatly increasing the regulatory burden.</p>
30	IX.C.6	<p><i>Prior to any anticipated storm event, dischargers</i></p>	<p>This proposed draft language expands the monthly monitoring requirement, greatly</p>

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		<p><i>shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate BMPs. Pre-storm visual monitoring are only required during scheduled facility operating hours.</i></p>	<p>increasing the regulatory burden.</p>
30	IX.C.7	<p><i>Dischargers shall maintain records of all visual monitoring, The records will include the visual monitoring dated and time, locations monitored, name of person who conducted monitoring, and any corrective actions and/or SWPPP revisions necessary in response to the visual monitoring.</i></p>	<p>This proposed draft language expands the monthly monitoring requirement, greatly increasing the regulatory burden.</p>
30	X.B	<p><i>Dischargers Subject to Level 2 Corrective Actions shall collect samples from the first 2 qualifying storm events each quarter.</i></p>	<p>As referenced to Level 2, it is not clear upon reviewing section XVII.C (Level 2) that the <i>sampling starts October 1 of the following compliance year</i> means the year after Level 2 has been triggered. The language in Section X.B needs to reference section XVII.C to reflect the sampling required as outlined in Section XVIII.C.4 for clarification.</p>
30	X.C	<p><i>Dischargers Subject to Level 3 Corrective Actions (NELs) shall collect samples from each and every qualifying storm event in a quarter.</i></p>	<p>As referenced to Level 3, it is not clear upon reviewing section XVII.D (Level 3) that the sampling pertains only to the constituent exceeded. In addition, section XVII.D.3 states <i>starting October 1 of the following compliance year, the discharger shall sample every qualifying storm event</i>. It is also not clear that the sampling starts October 1 of the following compliance year means the year after Level 3 has been triggered. The language in Section X.C needs to be reference section XVII.D to reflect the sampling required as outlined in Section XVIII.D.3 for clarification. Regardless, this proposed sampling requirement is excessive, extremely time consuming managing the sampling schedule, and costly, especially considering that expenditures are expected to have been made for structural and treatment corrective actions under Level 2.</p>
30	X.E.1	<p><i>From a storm event that has produced a minimum of ¼ inch of rainfall as</i></p>	<p>The requirement does not stipulate what measurement device is acceptable, a simple graduated tube or an electronic measuring</p>

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		<i>measured by an on-site rainfall measurement device,</i>	device? Requiring an on-site rainfall measurement device to monitor for a qualifying storm event places an undue burden on a facility operator, both in terms of time and potentially expense. Depending on the site footprint, it may not be able to properly site a rain gage. Placement of the gage is important to minimize the influence from structures, terrain and vegetation. In addition, rain fall data usually is readily available from local meteorological stations.
31	X.G.	<i>If no sample is collected in a quarter then an additional storm event shall be sampled the following quarter until four qualifying storm events have been sampled in a reporting year.</i>	Depending on the precipitation cycle, it is possible that four samples are collected in one or two quarters. Recommend not requiring multiple sampling in a quarter. If a sample is not taken during a quarter due to lack of precipitation, additional sampling should not be required in the following quarters.
31	X.H.2.	<i>Parameters indicating the presence of pollutants identified in the pollutant source assessment required in Section VIII.G.7. Dischargers shall modify these additional parameters in accordance with any updated SWPPP pollutant source assessment;</i>	The term "parameter" is generally used in reference to chemical constituents. Use of the term "parameter" in the context of pollutant source assessment is vague. More specificity is required.
31	X.H.4,5,6.	"Parameter"	The term "parameter" is generally used in reference to a chemical constituent. Use of the term "parameter" in the context of pollutants that may be causing or contributing to an existing exceedance of a water quality standard; required by the Regional Water Board; and for pollutants regulated under the Federal Effluent Limitation Guidelines, is vague. More specificity is required.
32	X.I.	Subsection F.5.	There is no Subsection F.5.
32	X.K.	<i>Field measurements for pH and TSS shall be performed on each sample collected using a calibrated portable instrument.</i>	There isn't a portable instrument available to measure TSS.
35	XII-A-2	<i>Sample Storm Water Discharge Locations: Dischargers shall identify alternate visual monitoring and sample collection locations if the facility's drainage areas are affected by storm water run-on from surrounding areas. The storm water discharge collected and observed</i>	If a large amount of run-on is received, then it may not be possible to conduct sampling and observations that are "representative of the facility's storm water discharge".

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		<i>shall be representative of the facility's storm water discharge in each drainage area.</i>	
36	XIII.B.	<i>Dischargers subject to this section shall, in addition to the sampling conducted on the first day of a qualifying storm event, collect and analyze samples from all drainage areas subject to land disturbance for each additional day of the storm event.</i>	The term "disturbance" needs to be defined. In addition, requiring sampling on consecutive days throughout a storm event is excessive and should be eliminated.
36	XIII.C.	<i>Dischargers with facilities described in XIII.A.1-4 above, which do not have significant land disturbances, can obtain exemption to the additional daily sampling requirements.</i>	"Significant land disturbance", or lack thereof need to be defined.
37	XIV.A	Sampling for Subchapter N Effluent Guidelines	Sampling should not be in addition to other required sampling. Routine samples can be analyzed for Subchapter N parameters.
37	XV.B.3	Implement additional BMPs to address hardness-dependent metals.	See General Comments Chemical and physical treatment should not be considered BMPs due to practical and economic limitations of their use for the large volumes associated with stormwater.
37	XVI	Sampling and Analysis Reduction	Requiring ten consecutive quarters in which qualifying storm events occur to request sampling reduction would be at a minimum 2-1/2 years, but more likely 4 or more taking into consideration the quarters in which a qualifying storm event would not occur. This is an exceedingly long period of time to make this assessment.
38	XVII	Corrective actions required after 1 NAL exceedance	See General Comments
38	XVII	Certification on BMPs	A certification is a needless exercise. Have the analysis of the need for further BMPs be part of annual report signed by the responsible official.
40	XVII.C	Level 2 Structural or treatment BMPs required	See General Comments
41	XVII.D	Numeric Effluent Limits	See General Comments
42	XVII.E	NAL Corrective Action Triggers	The triggers for NAL Corrective Action should be "exceed the NAL more than the 75 th percentile in a year for one or more parameters". One exceedance is not statistically valid and could be caused by any

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			<p>number of factors. Level 1 requirements to assess and then implement additional BMPs (excluding chemical and physical treatment) should be performed on an annual basis. The trigger should be exceedance of NALs at the 75th percentile level of occurrence (greater than 75% of the samples are above the NAL or 4 out of 4 for a year). This definitively indicates a need for evaluation of the need for additional BMPs.</p>
43	XVIII	<p><i>INACTIVE MINING OPERATIONS: Where comprehensive facility compliance evaluations, non-storm water discharge visual monitoring, storm water discharge visual monitoring s, and storm water sampling are impracticable, dischargers of inactive mining operations may instead obtain certification once every three years by a California registered professional civil engineer that an SWPPP has been prepared for the facility and is being implemented in accordance with the requirements of this General Permit.</i></p>	<p>:Section XII-D-1 states discharges are not required to collect samples or conduct visual monitoring outside of scheduled operating hours. What advantage is there to a discharger to obtain certification from a civil engineer since there is not a need to sample or monitor?</p>
44	XXI	<p><i>Discharges composed entirely of storm water are not storm water discharges associated with industrial activity and are conditionally excluded from implementing BAT/BCT and complying with the SWPPP and monitoring requirements of this General Permit if the following conditions are met:</i></p>	<p>There should be no requirements for discharges composed entirely of storm water that does not contact industrial activity.</p> <p>Are inactive concrete or aggregate plants considered an industrial activity? If yes, then what are the expectations for these sites under the Industrial Permit?</p>
	Attachment G	TMDL Requirements	<p>Dischargers should engage with State or Regional TMDL staff directly and not have to learn of TMDL requirements solely through this attachment.</p>