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

Jerry Brown, *Governor*

State of California • The Resources Agency
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April 29, 2011

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

RE: draft Statewide General NPDES Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit)

We appreciate the opportunity to review and comment on the proposed changes to the Industrial General Permit.

As a park unit of the Department of Parks and Recreation, Off Highway Motor Vehicle Recreation Division, Carnegie State Vehicular Recreation Area (SVRA) maintains a SWPP for a historic industrial mining site and complex. We are currently capable of accomplishing the requirements of our SWPPP, including the on-going implementation of BMPs and required monitoring. Our long term goal is to implement site remediation activities to improve water quality, while ensuring the integrity of the historic features for future generations to enjoy. As a state agency, our staffing and funding can fluctuate due to budget constraints, which may impact our ability to implement the proposed requirements of the Industrial Storm Water program. Our comments and concerns are listed below.

If our site finds itself in Level 3, it sounds like a QSP would be needed to perform many of the SWPPP duties including inspections. Currently, no staff has these credentials so this would have to be consultants, which is costly.

Lab costs, currently around $165/sample would also be very high. So far this year, we have had 11 "qualifying" storms (granted not all were during business hours). Each storm would cost around $500 in lab fees under the proposed permit. In addition, the monitoring and paperwork involved would also be extremely burdensome for the level of staffing we currently have. If we can not comply, then the penalties for exceeding the Numeric Effluent Levels (NEL) will quickly mount as well.

Preserving the site's historical landscape is a goal for parks and the people of the State, which means we are limited in the extent of rehabilitation or construction work we can implement without causing harm to our historic features (shafts, adits, building foundations, tailing piles). It would appear that Level 3 compliance and the preservation of the historical landscape would be at direct odds. Are the corrective measures required to gain compliance feasible or legal without compromising the historical integrity of the site? A possible Level 3 exemption mechanism (or a new exemption for historic landscapes) would be needed to provide a "Suspension of Numeric Effluent

Limitations". To qualify, the discharger would have to comply with the Level 1 and Level 2 requirements, including the operational and structural BMPs, not be discharging to an impaired water body, and have a certification from an engineer. Level 1 and Level 2 compliance seems feasible and we can show that we have met the BAT/BCT requirements given our constraints.

The permit discusses a 10 quarter period to downgrade corrective levels but excludes Level 3. Dischargers who repeatedly exceed Numeric Action Levels (NAL) eventually are subject to Numeric Effluent Limitations and are kicked into the next action level after two (2) exceedances (Notice of Violation) during one season. This regulation seems too strict: First, there is no provision to return the site back into the original, lower action level (after correcting the cause for the exceedance); second, two (2) Notices of Violation during one season could be difficult or impossible to manage, considering budgetary restraints inherent with our agency (for example, our lab contract could be suspended during a budget impasse). If we find ourselves in Level 3, then we would be stuck there even if a solution was found. This would be committing us to a huge work load in perpetuity even if we were able to implement the solution and be back in compliance with Level 1 or 2.

The new standard for a "qualifying storm event" will definitely require additional labor in the form of on-site inspections and record keeping. We are unsure of the basis for the reduced amount but ½ inch already results in a fair amount of work. If the ineligible storm event record keeping requirement and the ¼ inch event requirement are approved, the record keeping activities quickly become unfeasible.

Per the permit we are required to design the BMPs for a 10yr/24hr event. If a larger storm (>10yr/24hr) occurs, are we responsible for any NAL/NEL triggers? Weather patterns are fairly erratic in our location, especially during an El Nino year, so consecutive large storms do occur. These events are likely to overwhelm our BMPs which are otherwise effective. It seems unfair to elevate us into a corrective level when the design of the BMPs meets the permit specifications but the circumstances resulted in the offense.

The draft permit calls for treatment of storm water before it leaves our site. However, many Parks facilities receive runoff from upstream properties with extensive industrial or agricultural uses. It would appear the draft permit requires us to treat for ALL of the constituents in the water that exceed the threshold. There is no provision for sampling run-on storm water as it enters our property to account for baseline constituents. It seems unfair and likely very costly to treat water that was contaminated by someone else.

We would very much appreciate your consideration of our comments and can be available to discuss the current and proposed permit requirements at your convenience. Please feel free to contact me anytime at jbuck@parks.ca.gov or 916-985-1096.

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