



SPECIAL HEARING

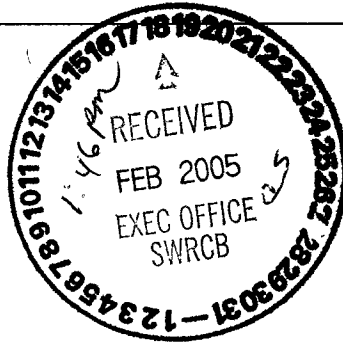
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cc: BD, DI, DWQ

e-cys: BD, CC, HMS, TH, CMW

27755 Diehl Road, Suite 100
Warrenville, IL 60555-3998
(630) 836-1700
FAX (630) 836-1711
www.ensr.com

February 17, 2005



104. ensr international

Ms. Debbie Irvin
Clerk to the Board
State Water Resources Control Board
1001 I Street
24th Floor
Sacramento, CA 95814

RE: Reissuance of the NPDES General Permit for Storm Water Discharges Associated with Industrial Activities

ENSR Project Number 10115-004.700

Dear Ms. Irvin:

On behalf of the Fibre Box Association (FBA) Group Monitoring Program (GMP), ENSR Corporation would like to present the following comments on the Draft National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Industrial Activities reissued on December 15, 2005 (General Permit).

Section V.7 and VIII.4.f – These sections focus on the use of USEPA benchmark values taken from the multi-sector general permit for industrial activities (60 FR 50804) and applying them against storm water grab samples analytical results as required by Section VIII.4.

ENSR comment: ENSR believes the use of USEPA benchmark values should be used as an analytical tool as stated in 60 FR 50804 rather than effluent limitations as indicated in these sections of the draft General Permit. ENSR supports the best management practices (BMPs) approach in the General Permit. Further, California is not under a mandate to adopt a permit based on numeric limits. ENSR recommends that Section V.7 and VIII.4.f of the General Permit be removed.

Section IX.1.c – This section states that Group Monitoring participation is subject to approval by the SWRCB and RWQCB.

ENSR comment: This section does not specify the approval methodology by the SWRCB and RWQCB. It is not clear if all of the RWQCB and SWRCQ or a certain number of RWQCB have to approve the Group Monitoring Plan (GMP) for participation. ENSR recommends that Section IX.1.c be removed unless further defined.

Section IX.2.c.ii(2) – This section states that the Group Leader shall “specifically identify” participants that have failed to implement or adequately address Group Leader recommended



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corrective actions or BMP revisions, participate in scheduled training, conduct scheduled sampling, or significantly comply with the General Permit.

ENSR comment: The Group Monitoring Program provides a significant value to small businesses. The new stringent requirements for the Group Leader to report instances of non-compliance will likely drive facilities out of Groups for fear of unwarranted scrutiny above non-Group participants covered under this General Permit. There are a number of small businesses participating in the FBA GMP that do not have a full-time environmental coordinator or who are unable to afford an individual consultant to provide compliance assistance. This requirement in the General Permit also creates a potential conflict between a group participant paying fees to join a GMP lead by a professional consultant to provide Group Monitoring assistance and the group leader acting as a storm water regulator for the SWRCB and/or RWQCB.

Group Participants should have the opportunity to correct problems identified by the Group Leader prior to submitting reports to the SWRCB and RWQCB. ENSR recommends that Section IX.2.c.ii(2) be removed from the General Permit.

Section IX.2.c.ii – This section focuses on submitting an Annual Group Evaluation Report to the SWRCB and appropriate RWQCB by August 1 of each year. The Group Evaluation Report includes an evaluation and summary of all analytical and visual observation data, an evaluation of the Group Leader's compliance inspection evaluation, and revised GMP baseline and facility-specific BMPs.

ENSR comment: In accordance with Section VIII. 13 of the General Permit, dischargers shall deliver or transmit an originally signed Annual Report to the RWQCB on or before July 15 of each year. Based on the requirements of the Group Evaluation Report, this allows for only fifteen (15) days from when a group participant submits their annual report to the RWQCB to when the Group Evaluation Report has to be submitted to the SWRCB and appropriate RWQCB. ENSR recommends the deadline for the Annual Group Evaluation Report be at least 30 days following the deadline for annual report submittal or at the earliest, August 15 of each year.

Section IX.3.a – This section indicates that a GMP shall include no less than 10 participants.

ENSR comment: This minimum number of group participants seems arbitrary and has no meaningful value. Groups including number of group participants should be approved on a case-by-case basis by the SWRCQ and/or RWQCB in accordance with Section IX.1.c. following language modification as recommend in a previous comment above. ENSR recommends that Section IX.3.a, be removed.



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ENSR appreciates the opportunity to comment on the draft General Permit. If you have any questions, please contact the undersigned at 630-836-1700.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest S. Miyashita", written over a light blue horizontal line.

Ernest S. Miyashita
Project Scientist

ESM

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cc: Brian O'Banion, Fibre Box Association