INDUSTRIAL ENVIRONMENTAL ASSOCIATION

Leaders of Environmental Responsibility

February 18, 2005

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

RE: Comments & Recommendations Regarding the Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Industrial Activities (Water Quality Order No. 05-XX-DWQ)

Dear State Water Resources Control Board:

The Industrial Environmental Association (IEA) promotes responsible, cost-effective environmental laws and regulations, facilitates environmental compliance among member companies and provides related education activities for the community at large. As such, we support the State Water Resources Control Board (SWRCB) staff in the development of the NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities (Water Quality Order No. 05-XX-DWQ) by providing the enclosed comments. This letter presents general comments and is followed by specific comments and recommendations in the enclosed attachment.

General Comments:

1. The 2004 Draft Permit was prepared such that changes could not be easily determined without intimate familiarity with the 1997 Permit and 2003 Draft Permit. Prior permit revisions were done in red-line/strikeout format. Our concern is that industry will find it difficult to understand new permit provisions. Further, we are concerned that this approach is precedent setting. We ask that the SWRCB provide a detailed summary of permit revisions, and that any subsequent revisions be done in red-line/strikeout format.

2. With the exception of the revisions made to incorporate the Conditional Exclusion provision of the USEPA Phase II storm water regulations, the SWRCB has not demonstrated the need to revise the 1997 Permit. At this point in time, California is not mandated to adopt the proposed revisions. We ask that the SWRCB review amendments made to industrial Storm Water Pollution Prevention Plans (SWPPPs), which demonstrate intent to comply with the 1997 Permit provisions through an iterative process of improving BMPs. Further, industry has been inundated during the past five years with new water quality regulatory programs and requirements. IEA recommends that the SWRCB evaluate the results of these new programs and regulations before imposing additional restrictive and cost prohibitive programs and regulations. In lieu of responding to this request, IEA recommends that the 1997 Permit be reissued.



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3. IEA believes that the SWRCB has not done its due diligence to evaluate the costs to implement new and changed permit provisions. It is the SWRCB's responsibility to review such costs and ensure that these costs are balanced with water quality protection. We ask that the SWRCB consider the costs of transferring programs, policies, procedures, training programs, and BMPs already in place when performing their financial analysis as required by the Porter-Cologne Act. Ultimately, we are concerned that the costs are unbalanced with any gained benefits and will force industry to relocate out of state. This is completely counter to the balance demanded by the Governor.

4. IEA member organizations have stepped up to the plate to comply with storm water permit provisions. As stated above, our member organizations work together to facilitate environmental compliance through public education. Currently, Phase I communities routinely inspect General Industrial Storm Water-permitted facilities for compliance with the 1997 Permit. Considering that much of the inspection burden is passed on to the Phase I communities, IEA believes that state resources would be better spent to enforce non-filers to comply with the permit requirements.

5. The U.S. EPA's Multi-Sector Industrial Storm Water Permit Benchmark concept is being misapplied. Using the benchmark process effectively creates effluent limits by:

    - Requiring the evaluation of pollutant sources and BMPs.
    - Assessing SWPPP and BMP implementation to determine whether additional BMPs are necessary.
    - Certifying that either:
        - Additional BMPs and/or SWPPP measures have been identified and are included in the SWPPP, or
        - No additional BMPs are required to reduce or prevent pollutants in storm water discharge (must show why exceedance occurred and why it will not occur again), or
        - There are no sources of pollutants at the site.
    - Implementing BMPs and corrective measures
    - Preparing and submitting a report to the RWQCB within 30 days and implementing the measures within 30 days of RWQCB approval.

    IEA recommends that the SWRCB revert to the 1997 Permit language requiring dischargers to develop and implement SWPPPs that include BMPs that will achieve BAT and BCT to comply with water quality standards. If storm water discharges cause or contribute to the exceedance of a water quality standard, then an iterative process for improving BMPs is invoked at the facility.

6. Many regulated facilities are located in geographical and topographical areas that have natural pollutant background concentrations upstream of the facilities, and are impacted by acid rain (which cannot be segregated by any rational economic model). Natural background and atmospheric deposition contributions should be reflected in the Benchmark values. Benchmark values also do not account for the fate and transport of end-of-pipe constituent concentrations. Additionally, many of the Benchmark values are lower than drinking water standards, which are the most restrictive water quality standards for many receiving waters. Accordingly, IEA recommends that the use of Benchmark values be stricken from the permit because one set of Benchmark values cannot be generally applied to all discharges.

7. As proposed, any sampling and analysis result that exceeds a benchmark triggers a separate exhaustive formal evaluation and report to the RWQCB and ignores basic scientific statistical methodology. For example, the comparison of first-event, first-flush grab sampling results with benchmark values are biased. Multi-storm sampling is required before there is a statistical basis for a reportable evaluation. This rationale is supported by the U.S. EPA Multi-Sector Storm Water General Permit Monitoring Guidance. Additionally, comparison of first-flush grab sampling results with Benchmarks is not scientifically credible given that discharge quality is not appropriately characterized and representative. For storm discharges to be properly characterized, event mean concentration (EMC) data needs to be collected.

8. The above rationale also applies to the draft permit's one-time pollutant scan and continues to be flawed. EPA bases effluent limitations on a combination of long-term average effluent concentrations and variability factors that account for variation in treatment performance within a treatment system over time. Multi-storm discharge sampling and BMP evaluation is required before there is a statistical basis for establishing effluent limits in future permits (for any one facility). In addition, the difference between facilities, even within the same major SIC/NAICS code (as evidence of the permits inclusion of secondary SIC codes), different personnel conducting sampling, hydrologic variability, and the variety of discharge conveyance systems involved in storm water effluents make effluent limits statistically irrelevant.

9. The draft permit increases and confuses the already burdensome number of inspections required. Additionally, there are no provisions to limit inspections to business hours. What is needed is a simplification and reduction in the number of inspections to the minimum required for water quality protection. There are many hidden required inspections (weekly and daily), which are tied to the implementation of the minimum BMPs. IEA questions the need for these weekly and daily inspections considering pre-storm inspections are required too. IEA recognizes the need for QA inspections (e.g., Annual Site Compliance Evaluation). However, QC inspection frequency should be determined by the permit holder and be based on the type and frequency of activities that occur at the facility, and the types of BMPs being implemented; QC inspection frequency should be documented in the SWPPP.

Please review the attached table for our specific comments to the draft revisions. Should you have any questions or need any additional clarification, please contact me at (619) 544-9684.

Sincerely,

Patti Krebs

Patti Krebs
IEA Executive Director

| Reference | Page/Section | Comment and Recommendation |
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| Fact Sheet | VII | **Notification Requirements**<br><br>(1) Modify and SWPPPs and Monitoring Programs in compliance with this General Permit no later than (insert effective date)<br><br>*Since the draft permit is requiring significant changes to the SWPPP, it is recommended that modifications to the SWPPP and Monitoring Program be required no later than 180 days after the adoption of the permit.* |
| Fact Sheet | VIII | **General Permit Conditions**<br><br>The third step is to implement the changes identified in the updated SWPPP. Dischargers shall revise the SWPPP and implement the appropriate BMPs in a timely manner but no later than 90 days after a determination that the SWPPP is in violation of any General Permit requirement.<br><br>*If the discharger exceeds any of the USEPA established "benchmarks", the discharger is not in violation of the General Permit requirements. There are many occurrences where the pollutants contained in storm water from natural areas (e.g., undeveloped areas) upstream of permitted facilities exceed the benchmark values. In many of these occurrences, it is impossible to segregate the undeveloped areas from the industrial activity. In situations where these storm waters run through or across a permitted facility, the permitted facility should not be held accountable for the naturally occurring pollutants. Also, in some urban areas, atmospheric deposition alone may also cause an exceedance of benchmark values. These situations can be adequately documented in the annual report. Therefore, it is recommended that the words,* ***"after a determination that the SWPPP is in violation of any General Permit requirement"*** *be deleted.* |

| Reference | Page/Section | Comment and Recommendation |
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| Fact Sheet | X | **SWPPP**<br><br>This General Permit's SWPPP requirements have been modified to better clarify the extent dischargers must describe their BMPs. Dischargers must not only describe a BMP in a generic sense, like for example "sweeping", but must describe who is responsible for sweeping, where and how often the sweeping will occur, what the pollutants of concern are, the type and location of sweeping equipment, how and where swept materials should be handled and disposed, etc. Similarly, a discharger's training program must identify who must receive training, what type of training to provide, how often training needs to be provided, and include a method to track whether the appropriate personnel have received the training.<br><br>*This requirement is too restrictive and opens facilities to violations by legally binding them to follow BMP descriptions precisely. The level of specificity required does not allow for flexibility in technological changes, personnel changes, or logistical issues. We recommend allowing the use of categories of BMPs, such as those identified in the new Linear Construction Storm Water Permit, the California Stormwater Quality Association (CASQA) BMP handbook, or any comparable or equivalent practice. The information required to describe each BMP should be general enough as to not require routine SWPPP revisions, which are administratively burdensome without benefits to water quality. If a SWPPP amendment is required, certain "levels" of changes should not require immediate re-certification of the SWPPP, but may be indicated by a revision log. In addition, job functions rather than specific employees should be indicated due to potential personnel changes.* |

| Reference | Page/Section | Comment and Recommendation |
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| Fact Sheet | XXII | **Fact Sheet Figure 3**<br>**Summary of Monitoring Activities Required by This General Permit**<br><br>*This draft permit requires: quarterly inspections, an Annual Comprehensive Evaluation, monthly storm water visual observations, documentation of non-discharging storm events, drainage area inspections, and storm water storage and containment area inspections. Additionally, the new minimum BMP requirements include a weekly outdoor inspection of areas associated with industrial activity, a weekly inspection of equipment, and a daily inspection of any outdoor material/waste handling equipment or containers. Compliance with the conditions of the multitude of inspection requirements poses to be logistically difficult, confusing, and operationally burdensome. Furthermore, the mere increase of the required number of inspections in itself does not improve storm water quality. The acreage of some facilities makes the number and frequencies specified in the permit impractical. It is recommended that all inspection requirements be streamlined into a standardized monthly inspection to cover storm water and non-storm water discharges, stored materials, and all industrial activities in lieu of the currently proposed requirements.* |

| Reference | Page/Section | Comment and Recommendation |
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| Fact Sheet | XXVII | **Sampling Procedures and Test Methods**<br><br>The previous general permit (Section B.7.d) allowed dischargers to assess whether drainage areas were substantially similar and then to reduce sample analysis either by (1) combining samples for an unspecified maximum number of substantially similar drainage areas, or (2) sampling a reduced number of substantially similar drainage areas. The SWRCB provided this procedure to reduce analytical costs. However, the complexity associated with determining "substantially equivalent" drainage areas, and that there was no specified maximum number of samples that could be combined, has led dischargers to various interpretations and analytic schemes. To make sample collection and analysis more standardized as required by Section 13383.5, yet continue to offer a reduced analytic cost option, these requirements have been revised. Section VIII.8.d requires dischargers to collect samples from all drainage areas. Dischargers may analyze each sample collected, or may analyze a combined sample consisting of equal volumes of samples collected from as many as four (4) drainage areas. A minimum of one combined sample shall be analyzed for every four (4) drainage areas.<br><br>*This change dramatically increases the number of sampling locations at large facilities. Additionally, combining equal volume samples from up to four drainage areas does not provide representative data. It is recommended that the 1997 Permit language remain. If the SWRCB opts for new language, then it is recommended that a definition be provided for "substantially equivalent" drainage areas, and that a more scientifically credible sample rational be developed that properly characterizes discharges from multiple drainage areas.* |

| Reference | Page/Section | Comment and Recommendation |
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| Permit | Page 2, Number 9 | **The SWRCB finds that:**<br><br>This permit contains benchmark criteria for the indicator parameters and facility specific pollutants, which, if exceeded, will require dischargers to identify and implement additional controls.<br><br>*The USEPA did not mean for these benchmark values to be used in this manner. These benchmark values are not meant to be limits. They represent an average value for a particular industry over time, where at least four samples are identically collected and analyzed using established QA/QC procedures. A single sample exceeding the benchmark is not statistically representative of a facility storm water discharge. This requirement will cause an inordinate amount of evaluation time and expense for industry. It is recommended that the permit increase the number of storms and samples that exceed the benchmark values to be statistically relevant before triggering such additional requirements. For example, the U.S. EPA Multi-Sector Storm Water General Permit (from which the benchmarks originate) and the Multi-Sector Storm Water Permit Monitoring Guidance, Section 4.3, requires that the average analytical results from four storms exceed the benchmark before the permit requires revision of the SWPPP. As a strongly suggested compromise, we propose either one of the following two alternatives: 1) A facility that exceeds a benchmark value on any one sampling event based on the average of four samples, be required to conduct an internal evaluation, and then report the findings and corrective actions in their annual report. If the facility has an additional exceedance based on this methodology in a storm subsequent to these corrective actions the same year, or the next year if there is no storm the same year, then an evaluation must be conducted and reported to the RWQCB, as well as discussed in the annual report, or 2) the monitoring results from a minimum of four samples per event and four storm events (statically valid) exceed the benchmark values before the corrective action measures of section V.7 be required.* |

| Reference | Page/Section | Comment and Recommendation |
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| Permit | Page 2<br>Number 11 | **The SWRCB finds that:**<br><br>This General Permit also includes one-time sampling and analysis for metals and semi-volatile organics to allow the SWRCB to build a database of pollutants in industrial storm water discharges. This database will be used to determine the monitoring requirements and compliance standards for the next permit.<br><br>*A one-time sampling and analysis performed over the duration of the revised permit would not be scientific or statistically valid in determining compliance standards for the next permit. It is recommended that the sampling and analysis effort for industrial storm water parallel the sampling and analysis program and methodology the USEPA used and performed for setting effluent guideline limits for industry point sources in the mid to late 1970s. It would take the minimum of four samples for each of four storms to have an 80% confidence level, a minimum for setting regulatory requirements.* |
| Permit | Page 3<br>Number 18 | **The SWRCB finds that:**<br><br>This order is an NPDES General Permit in Compliance with Section 402 of the CWA and shall take effect 100 days after adoption by the SWRCB.<br><br>*This statement of "shall take effect 100 days after adoption by the SWRCB" is confusing due the multiple requirement due dates identified in the draft permit. It is recommend that the language that states the effective date of the permit is the adoption date. With modifications to the SWPPP and Monitoring Programs required no later than 180 days after the adoption of the permit.* |
| Permit | Page 3<br>Section III | **Receiving Water Limitations, Section C.3. Order 97-03-DWQ**<br><br>A facility operator will not be in violation of receiving water limitations C.2 as long as the facility operator has implemented BMPs that achieve BAT/BCT and the following procedure is followed;<br>a.<br>b.<br><br>*The elimination of this subsection from the current permit in this draft revision should be restricted to storm events with rainfall amounts and duration consistent with the capability of BAT/BCT control. It is unreasonable to expect BMPs designed for BAT/BCT to withstand abnormal deluges. It is recommended that the language above, including subsections a and b from the current permit, be added back to this draft permit for abnormal rainfall amounts/duration.* |

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| Permit | Page 4<br>Section III | **Receiving Water Limitations**<br><br>1. Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not contain pollutants that cause a nuisance.<br><br>2. Storm water discharges and authorized non-storm water discharges shall not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable RWQCB's Water Quality Control Plans (Basin Plan).<br><br>*Permit language has changed from 1997 Permit, which states: Storm water discharges shall not cause or contribute to a violation of an applicable water quality standard. The General Permit requires facility operators to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges through the development and implementation of BMPs which constitutes compliance with BAT and BCT and, in most cases, compliance with water quality standards.*<br>*This change establishes one molecule liability to dischargers. Dischargers are effectively prohibited from using, storing, producing, handling, etc. any and all materials that may cause or contribute to an exceedance of an applicable water quality objective or water quality standard. IEA recommends that the 1997 Permit language be used.* |

| Reference | Page/Section | Comment and Recommendation |
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| Permit | Page 6<br>Section V.7 | **Provisions**<br><br>When analytical results exceed the US EPA benchmark values in Table VIII.2 dischargers shall implement corrective actions that include:…<br><br>*The USEPA did not mean for these benchmark values to be used in this manner and they are not meant to be limits. They represent an average value for a particular industry over time and when at least four samples are collected per storm event over four storm events and analyzed using standard QA/QC procedures. A single sample exceeding the benchmark is not statistically representative of a facility storm water discharge. The actions identified in this section for exceeding the benchmark values will cause an inordinate amount of investigation time and expense for industry. It is recommended that either one of the following two alternatives be adopted: 1) A facility that exceeds a benchmark value on any one sampling event based on the average of four samples, be required to conduct an internal evaluation, and then report the findings and corrective actions in their annual report. If the facility has an additional exceedance based on this methodology in a storm subsequent to these corrective actions the same year (or the next year if there is no storm the same year), then an evaluation must be conducted and reported to the RWQCB, as well as discussed in the annual report, or 2) the monitoring results from a minimum of four samples per event and four storm events (statically valid) exceed the benchmark values before the corrective action measures of section V.7 be required.* |

| Reference | Page/Section | Comment and Recommendation |
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| Permit | Page 6<br>Section V.7 | **Provisions**<br><br>When analytical results exceed the US EPA benchmark values in Table VIII.2 dischargers shall implement corrective actions that include:<br><br>*The USEPA did not mean for these benchmark values to be used in this manner and they are not meant to be limits. They represent an average value for a particular industry over time and when at least four samples are collected per storm event over four storm events and analyzed using standard QA/QC procedures. A single sample exceeding the benchmark is not statistically representative of a facility storm water discharge. The actions identified in this section for exceeding the benchmark values will cause an inordinate amount of investigation time and expense for industry. It is recommended that either one of the following two alternatives be adopted: 1) A facility that exceeds a benchmark value on any one sampling event based on the average of four samples, be required to conduct an internal evaluation, and then report the findings and corrective actions in their annual report. If the facility has an additional exceedance based on this methodology in a storm subsequent to these corrective actions the same year (or the next year if there is no storm the same year), then an evaluation must be conducted and reported to the RWQCB, as well as discussed in the annual report, or 2) the monitoring results from a minimum of four samples per event and four storm events (statically valid) exceed the benchmark values before the corrective action measures of section V.7 be required.* |
| Permit | Page 6<br>Section V.7.c | **Provisions**<br><br>A certification, based upon the facility evaluation and assessment required above, that either: i. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP in compliance with BAT/BCT, or ii. No additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT, or iii. There are no sources of the pollutants at the facility.<br><br>*It is unclear how to certify that the discharger is in compliance with BAT/BCT and/or there are no sources of the pollutants at the facility. Benchmark values are essentially being used as a compliance level. It is recommended that the requirement be modified to use benchmarks as a goal and not as a compliance measure. Any exceedance of benchmark values should be reported and discussed in the Annual Report with an increase in BMP and/or revision to the SWPPPs.* |

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| Permit | Page 6 | **Provisions**<br><br>Section V.7.c.v. If a certification states that no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT, the certification must show why the exceedance occurred and why it will not occur again under similar circumstance.<br><br>*It is unclear how to certify that a future event will not happen again. It is recommended that this requirement be deleted.* |
| Permit | Page 7<br>Section V.7.e | **Provisions**<br><br>Prepare and submit a report, within 30 days to the RWQCB that describes the facility evaluation and the BMPs and corrective actions that are currently being implemented to assure compliance with the benchmarks.<br><br>*This is an unnecessary requirement. Benchmark values are being used as a compliance measure. Benchmark values should be a goal. It is recommended that exceedance of benchmark values, the evaluation report, additional BMPs and corrective actions be reported in the Annual Report. Also see comments above for Permit page 2, Finding 9 and Permit page 6, Section V.7.* |
| Permit | Page 8<br><br>Section<br>VII. 1.b. | **SWPPP Requirements**<br><br>Dischargers who submitted a NOI pursuant to SWRCB Order No. 97-03-DWQ, shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP no later than [insert date on adoption].<br><br>*The significant number of changes in the SWPPP requirements, including the requirement for minimum facility BMPs will take significant time to implement. The time includes the procurement of materials and equipment, the training materials for the new requirements, and performing training for proper implementation. This is especially true of businesses that have multiple separate facilities that have differing requirements.*<br><br>*It is recommended that the effective date of the permit be 180 days from the date of adoption. Additionally, the intent of many proposed changes results in the SWPPP being more of an external than internal document, which results in an inflexibility, generic program that compromises water quality improvement.* |

| Reference | Page/Section | Comment and Recommendation |
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| Permit | Page 12<br>Section<br>VII.8.a.i.(1) | **Minimum BMPs**<br><br>Inspect weekly all outdoor areas associated with industrial activity…<br><br>*An additional inspection required by this permit makes the requirements of the permit confusing and hard to comply with. It is recommend that streamlining all the inspections requirements be re-evaluated by the SWRCB. One solution maybe to require an all encompassing "once per month" inspection that covers ALL inspections and visual requirements and a requirement for proper housekeeping.* |
| Permit | Page 12<br>Section<br>VII.8.a.i.(4) | **Minimum BMPs**<br><br>Cover all stored industrial materials that can be readily mobilized by contact with storm water.<br><br>*The SWRCB definition of "industrial materials" is unclear. It is recommended that the language be changed to "Cover stored industrial materials that can contribute significant amounts of pollutants if in contact with storm water."* |
| Permit | Page 13<br>Section<br>VII.8.a.ii.(3) | **Minimum BMPs**<br><br>Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours or use, mileage, age, etc.<br><br>*It is nearly impossible to document a schedule with the amount of equipment at most large facilities. Maintenance and/or a preventative maintenance program should not be dictated by the SWRCB. The required minimum BMPs at each facility should be identified within the facility's SWPPP (housekeeping, inspections, etc.) and should be sufficient mitigation for any issues with equipment that poses a risk to storm water contamination. It is recommended that this section be deleted, as it is overly burdensome.* |
| Permit | Page 13<br>Section<br>VII.8.a.iv.(3) | **Minimum BMPs**<br><br>Cover waste disposal containers when not in use;<br><br>*This requirement, when there is no rain anticipated, is unnecessary and overly burdensome. It is recommended that the language be revised to be applicable to: 1) the subset of materials that may be subject to wind erosion, and 2) other materials that can contribute to storm water pollution, only prior to a rain event.* |

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| Permit | Page 14<br>Section<br>VII.8.a.iv.(5) | **Minimum BMPs**<br><br>Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial material or wastes.<br><br>*Implementation of "daily" cleaning is impractical. Additionally, if Material Handling/Waste Management Items 1 through 4 are performed, then there is no reason to perform Item 5. It is recommended that the language be changed to "Maintain proper housekeeping for any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes." Alternatively, we propose the language be changed to "Routinely inspect and clean as necessary any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial material or wastes. Routine inspections may be suspended during periods when there is no outdoor exposure of the material/waste handling equipment or containers."* |
| Permit | Page 18<br>Section VII.3.e | **Storm Water Discharge Visual Observations**<br><br>Prior to completing each monthly visual observation required in Subsection 4.a, discharges shall record any storm events that occurred during operating hours that did not produce a discharge.<br><br>*There is not a reasonable purpose for requiring a record of storm events that do not produce a discharge. It is recommended that this requirement be deleted. If the facility did not discharge then it is in strict compliance with the permit.* |

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| Permit | Page 19 Section VIII.3.f | **Storm Water Discharge Visual Observations**<br><br>Prior to anticipated storm events, discharges shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate corrective actions. Pre-storm inspections are only required during operation hours. Discharges are not required to conduct pre-storm visual observation within fourteen (14) days of a previous per-storm observation.<br><br>*This is similar language used in the Construction General Permit, which blindly places pre-storm inspections on a dissimilar condition. Pre-storm inspections are prudent for construction sites where BMPs are temporary. Pre-storm inspections are not appropriate for industrial sites where BMPs are permanent in nature. Additionally, it is unclear what constitutes an anticipated storm event. This first sentence should be clarified to indicate an anticipated qualifying storm event. Even so, this will require each permitted facility (many dischargers have multiple facilities covered by the general Permit) to attempt to track and document meteorological forecasts in off hours in order to predict an anticipated qualifying storm event. An additional inspection requirement along with other visual requirements will make the permit more confusing and difficult to comply with. The requirement for visually observing anticipated storm events is not necessary, as long as the discharger is implementing their BMPs as required by the permit and the facility SWPPP. It is recommended that this section be deleted, and a streamlining of the visual observations be incorporated (i.e. a monthly inspection and a requirement for proper housekeeping at all times).*<br><br>*If the SWRCB opts to keep this requirement, then they must define a forecasted event (i.e., define what the quantitative precipitation forecast is, probability of occurrence, and identify the meteorological service that must be used so that all permittees are consistent). Additionally, we propose language that specifies pre-storm inspections be conducted during business hours.* |

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| Permit | Page 19<br>Section<br>VIII. 4.a | **Sampling and Analysis**<br><br>Dischargers shall collect storm water samples during the first hour of discharge from the first two qualifying storm events of the wet season…<br><br>*The reasoning for this new requirement and the increased environmental benefits to storm water quality are unclear. Most dischargers will sample the first and second qualifying storm event, just to complete the requirements of the existing permit early in the reporting period. However, actually requiring the discharger to sample the first and second qualifying storm events creates an unreasonable burden on the discharger, and could cause the discharger to be unnecessarily more likely to be in violation of the permit. It is recommended that the language in the current permit remain unchanged.* |
| Permit | Page 19<br>Section VIII. 4.f | **Sampling and Analysis**<br><br>When analytical results exceed the USEPA benchmark values in Table VIII.2, dischargers shall comply with the following requirements…<br><br>*The benchmark values are not intended to be discharge limits, nor is one sampling and analysis event a result indicative of insufficient BMPs. This requirement needs to be statistically significant to warrant the evaluation requirements. It is recommended that analytical data for exceedances of the benchmark values be statistically significant (i.e. minimum of 4 samples per storm event and 4 sampling events) to require the evaluative actions or, exceedance of a benchmark from the average of 4 samples would lead to an internal evaluation, reported in the annual report. Also see comments above for Permit page 2 Finding 9, Permit page 6, Section V.7., and Permit Page 7, Section V.7.e.* |
| Permit | Page 20<br>Section VIII.6.a | **One -Time Pollutant Scan**<br><br>In addition to the analysis required in Section VIII.5.c, dischargers shall each analyze at least one sample collected from the first storm event during the 2008-2009 compliance year…<br><br>*This one-time pollutant scan would not be statically valid to determine discharge limits for the next permit due to the lack of QA/QC control designed specifically for this type of effort. Also, effluent limits are not acceptable to industry as there is no way to statistically determine limits for the variety of activities with multiple and differing secondary SIC codes, discharge point characteristics, different sampling personnel and methodology, etc. This requirement will add substantial cost to the dischargers sampling and monitoring program and provide statistically invalid results. It is recommended that this requirement be deleted.* |

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| Permit | Page 20<br>Section VIII.7.d | **Sample Storm Water Discharge Locations**<br><br>Dischargers shall collect<br>samples from all drainage areas. Dischargers may analyze each sample collected, or may analyze a combined sample consisting of equal volumes of samples collected from as many as four (4) drainage areas. A minimum of one combined sample shall be analyzed for every four (4) drainage areas.<br><br>*This change dramatically increases the number of sampling locations at large facilities. Additionally, combining equal volume samples from up to four drainage areas does not provide representative data. It is recommended that the 1997 Permit language remain. If the SWRCB opts for new language, then it is recommended that a definition be provided for "substantially equivalent" drainage areas, and that a more scientifically credible sample rational be developed that properly characterizes discharges from multiple drainage areas.* |
| Permit | Page 20<br>Section VIII.8 | **Visual Observation and Sample Collection Exceptions**<br><br>*Safety is paramount for any monitoring program. Accordingly, IEA recommends the following additional exceptions:*<br>• *During evening hours where lack of light creates a hazard.*<br>• *At locations within the facility that are unsafe to sample because of safety hazards posed by active operations* |