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February 16, 2005

Ms. Debbie Irvin, Clerk to the Board Tel: 916-341-5600; fax 916-341-5620
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA

Subject: Additional Comments on the draft NDPES Industrial General Permit

NEST Environmental Services is submitting the following additional comment on the draft General Permit, since the SWRCB has extended the comment period to February 18, 2005.

NEST operates a SWRCB approved GMP for vehicle dismantlers in both Northern and Southern California. In addition we have a substantial number of permitted clients in other light industries such as: scrap metal, ready mix concrete and precast plants, concrete pipe manufacturing, vehicle fleet maintenance, metal parts fabrication, plant nurseries, and cardboard/newspaper recycling. These clients have major concerns about implementing some of the proposed minimum BMPs in VII.8.a

VII.8.a.i. (4) Cover all stored industrial materials that can be readily mobilized by contact with storm water. This requirement after some thought is not practical. I'm not clear whether the words mean any materials that can be mobilized or pollutants that can be mobilized. All of our clients industries have materials such as scrap metal piles; cardboard and newspaper piles; concrete pipes; fabricated metal such as steel beams; finished sheet roofing; other architectural steel frames used in constructing the architectural parts of buildings; concrete bins filled with different grades of rocks, sand and soil; and plants. Those materials are stored/piled/racked, or palletized outside waiting for imminent pickup, handling or processing. Covering the several or high piles and stacks with tarps is impractical and building high overhead structures must be approved and permitted by local planning departments and is costly. In some instances, posts supporting roofed structures will interfere with on-site movement of delivery and pickup of materials by tractor-trailer trucks. Some materials are stored a day, week month or several months, depending on scrap demand and prices, or construction delays. The cost of building 20-40 foot high roofed structures doesn't meet the economically based BCT standard.

Recommended solution: be more specific about what the sizes or volumes of the exposed materials in mind or drop this as a Minimum BMP, and let the activity be addressed by site specific BMPs such as activity runoff containment and treatment.

VII.8.a.i (7) Divert storm water from non-industrial areas from contact with industrial areas of the facility. This proposed Minimum BMP is not possible in all instances especially with off-site storm water running into the facility. For example, one client in Northern CA has street storm water flowing up his entrance driveway onto his facility, across his customer parking area, then through his industrial activity areas before it discharges. He has asked the city to drain the street storm water into its street sewer system. The city has refused and further has told him he cannot block his driveways and front curbs to prevent storm water from running

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into his facility. In another city in southern California, the city has storm water runoff from a mall parking lot discharging across the street into a client's facility. This is a lot of water in a heavy rain storm. The client was prevented from blocking it from entering his facility. Instead, he constructed a wall and diverted it to a neighbor's industrial facility. It flooded the neighbor's facility in rain events. This problem is not yet resolved. I could provide more examples. Basically businesses cannot unilaterally stop natural flows of storm water runoff from entering their facility. I think its going to be a hard sell to convince a business operator to spend money to regrade or construct a berm or curb and channel to carry the on-site, non-industrial area runoff to another discharge location, if the volume of non-industrial discharge storm water is not significant. Is this BCT BMP economically feasible given the payoff?

Recommended solution. Delete this Minimum BMP and handle the problem and solution with site specific BMPs. An operator can divert storm water around specific industrial areas/activities using berms and curbs on the run-in side, and absorbent socks on the runoff side.

VII.8.ii Preventive maintenance. Some or many industrial businesses may already have a written Preventive Maintenance (PM) plan they implement. Restating the details of those plans in he SWPPP redundant, but including a reference to an existing PM plan and its location is appropriate.

Recommendation. Provide the option as the first subparagraph (1) Dischargers who already have an existing PM plan may provide a reference to it, its location and last date of update, and summarize in the SWPPP the equipment covered, the PM inspection frequency, and whether scheduled periodic maintenance is performed on or off the site.

VII.8.ii (2) Inspect weekly each. Daily rather than weekly inspections in the morning, prior to beginning operating equipment is more appropriate than weekly inspections to find preventable leaks and drips. The rational for a daily PM inspection is not a hard sell. Most people who have have equipment maintenance experience in U.S. military or worked in large vehicle/equipment fleets already know that practice. Equipment with significant leaks and drips that can't be stopped right away need to go to into maintenance.

Recommendation. Delete "Inspect Weekly" and insert "Perform daily Preventive Maintenance inspections on equipment prior to first use of the day..."

VII.8.iii. Spill Response. Same situation here as in VII.8.ii. above: facility operators may already have an existing written plan in place, so the first subparagraph should provide the option to reference the existing plan rather than restate all the plan details here in the SWPPP.

Recommendation. Provide the option as the first subparagraph (1) Dischargers who already have an existing Spill Response plan may provide a reference to it, its location and last date of update, and summarize in the SWPPP the equipment and location, procedures and training program.

VII.8.iv. Material Handling and Waste Management. (5) Inspect and clean daily any outdoor material handling equipment or containers that can be contaminated by contact with industrial materials or wastes. This BMP needs to get restated because its purpose is not clear. What does cleaning off MHE equipment before it becomes contaminated accomplish? For all of our clients their material handling equipment (MHE) gets inspected while the preventive maintenance inspection occurs, so this would become a simultaneous inspection. The first

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response to a cleaning requirement is to get the hose and wash the equipment down, which could generate non-authorized, non-storm water discharges. We have constantly preached against washing down equipment, because it typically produces a non-storm water discharge.

The reason why the equipment may be contaminated with potential pollutants at a facility is because it has already been in previous contact with the business's materials that contain the potential pollutants. If the MHE purpose is moving rocks, soil, or scrap metals then cleaning off the previous day's or week's residual pollutants seems like a waste of effort since it will continue to handle that material. A more practical approach is to clean residual pollutants such as oil, hydraulic fluid and grease leaks off the equipment at the end of a day's operation or during the preventive maintenance inspection so it doesn't get spread around the facility while the equipment is in operation. A second issue would be to clean off equipment (trucks, MHE) leaving the facility to prevent their tracking pollutants onto streets and damaging other property (like loose rocks from ready mix concrete trucks bouncing loose and hitting and cracking someone's glass windshield).

Recommendation. Drop this BMP; it doesn't make any sense as written.

VII.8.v. Employee Training. This has the same flaws that VII.8.ii. and iii above present. Facilities may already have a written safety program in place that incorporates storm water pollution prevention and hazardous materials handling and spill prevention. Those existing details do not need to be redone in the SWPPP. A reference to them and a simple summary will suffice.

Recommendation. Provide the option as the first subparagraph (1) Dischargers who already have an existing Safety program and plan may provide a reference to it, its location and last date of update, and summarize in the SWPPP the scope, frequency and location of the plan and records.

VIII MONITORING PROGRAM AND REPORTING REQUIREMENTS

VIII.4. Sampling and Analysis. Dischargers shall collect storm water samples during the first hour of discharge from the first two qualifying events of the wet season. What is the reason for sampling the SECOND qualifying rain event? First, we question whether sampling from the SECOND qualifying event of the wet season will contribute useful information to the operator or others interested in the data. It is very possible that a SECOND qualifying rain event could occur 3-4 days after the end of the FIRST qualifying rain event. Most samplers won't even know what the lab's results were for the first storm, much less be in a position to have cleaned up any problem or implemented an additional BMP, since the standard turnaround for a lab is two weeks. Shorter turnaround times are available at higher costs. Considering overnight mail, a lab's processing time, and time to notify the client about the result, it's very hard to imagine a sampler getting the lab's analysis back and doing something about any lab discovered pollutant problem in 72 hours.

Second, taking a sample three to four days after the first sample will only indicate pollutants more likely coming from accidental polluting event, not from chronic operations. The first storm could wash most of the pollutants off the site that accumulated from chronic, poor BMP implementation over the previous several months. Taking a second sample within a short time after the first sample would not provide the opportunity to catch pollutants resulting from poor, chronic BMP implementation. It could only show an accidental pollution event, not results of an improved BMP and improved business practices over time.

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Third, taking the second sample within a short time frame after the first sample appears to let the operator off the BMP hook for the rest of the rainy season. It would allow operators to slack off implementing good housekeeping and other site specific BMPs after the second sample, and reduce the incentive to continue with all the BMPs, since the next sampling would not be for another 8-11 months, plenty of time to sweep and clean up before the next rainy season's first rain event.

We think that a more realistic interval for the second sampling would be the first qualifying rain event after New Year's Day. This longer time interval keeps the cost of the sampling down, allows time to implement improved BCTs, if applicable, better measures the operator's daily BMP implementation performance over a longer interval (months or weeks vs days), and provides incentive to keep implementing BMPs through a significant segment of the rainy season for most dischargers.

Sincerely,

Donald Reh
NEST Environmental Services