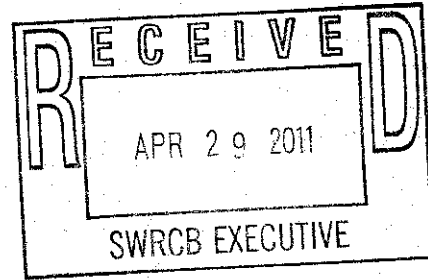


April 29, 2011

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



Subject: Comment Letter -- Draft Industrial General Permit

Dear State Water Resources Control Board:

The California Manufacturers & Technology Association (CMTA) definitely appreciates the fact that you extended the public comment period on your draft Statewide National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit or IGP) from April 18, 2011 to April 29, 2011.

California Manufacturers & Technology Association (CMTA) is a trade association with the mission to assure the continued viability of California's 25,000 small and large manufacturers, processors and technology-based companies. California manufacturers employ 1.5 million Californians and contribute billions of dollars to the state's economy.

While CMTA does not feel qualified to discuss in depth the technical aspects of this plan, we can tell you that the significant change from the present permit to that in your draft has scared the business community and will definitely hamper the economic recovery of California. Companies will not expand, let alone startup, in a business environment where the rules are constantly changing. Venture capitalists also will not invest in such a business climate. This state has arguably been as negatively impacted by the downturn in the economy as any state in the country. Economists agree that its recovery will also take as long or longer. We have no problem with the State Water Resources Control Board implementing tighter storm water standards, but we strongly believe that the increased stringency needs to be in reasonable measured steps and be achievable. California can no longer afford to be setting the standard for the country. Our industries (read that jobs) have been leaving us in droves for greener pastures in other states.

This program, as currently drafted, is going to be a large and costly administrative burden due to the significant increase in sampling and testing alone. In addition, it will result in a high percentage of stakeholders automatically and quickly escalating toward the stage of huge mandatory minimum penalties (with no expressed way out) utilizing EPA benchmark values that were explicitly developed only as warning signs, not limits. These benchmarks were intended to warn industry that they need to evaluate control measures and attempt to find improvements.

We also take exception to the fact that only one month after releasing your draft plan (and only days after having your second workshop) proceedings were started which prohibited us from talking to the Board about the impact of what was proposed. No one expected this, particularly since it was acknowledged on

your website that the draft permit was incomplete. In fact, we believe there are hundreds of additional blanks that have yet to be filled in and questions to be answered. The draft is unworkable in many aspects until further clarification is provided. We want to encourage you to suspend the formal proceedings until such time that you are much, much closer to a final draft.


Your staff has told us that you do not intend to do an economic impact analysis nor a benefits analysis because you view these proceedings as not applicable to APA. While we still are of the view that this is highly debatable, nothing precludes you from doing so. In fact, in light of the State's economy, we urge you to do so.

While it was stated by Board members at the March 29th hearing that additional stakeholder involvement was "a given," we would like to encourage workshops on specific topics: group monitoring, quantity of sampling and testing, BMP approach vs. numeric limits, etc. As you could see at the hearing, stakeholder concerns and interests are extremely varied one item that was stressed is the need for more sector specific permits. Current plans will simply run some industries out of our state. There have been NO discussions with industrial stakeholders in close to 6 years.

We urge you to revise the draft permit and take the stakeholder comments that you heard at the hearing into consideration in preparation of a straw draft that can be discussed in multiple workshops. We also would appreciate assurances that the next draft will be issued with express allowance for comments on the entire document. This proposed IGP goes far beyond what is required by USEPA and what has been implemented in surrounding states. We need to implement a program which is cost effective and proven to have a commensurate water quality benefit.

CMTA wants to thank you for taking the time to consider our comments and we look forward to working with you and your staff in developing a more workable approach to improving storm water pollution prevention.

Very truly yours,



Michael J. Rogge
Policy Director, Environmental Quality