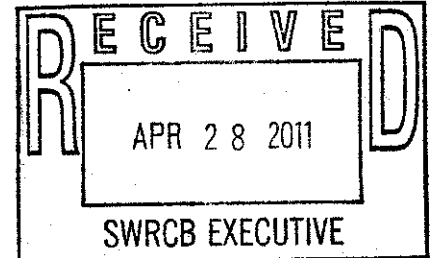


 dopaco

April 28, 2011

VIA EMAIL

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



Dear Ms. Townsend:

Subject: Comment Letter - Draft Industrial General Permit

After reviewing the draft storm water Industrial General Permit, Dopaco offers the following comments:

1. The registration requirements for the Qualified SWPPP Developer are too restrictive a) excessive, b) too restrictive and c) requires ongoing expenditures for outside services.
 - a) It is likely that a complex site or one with multiple storm water discharge locations and numerous storm water exposures would require the assistance of a professional trained in storm water management to prepare an effective Storm Water Pollution Prevention Program. However, a simple site which has traditionally fallen under the US EPA "light industrial" classification does not require that level of sophistication. Many of these sites have one or two outfalls and very minimal and well defined storm water exposure. To require these companies to hire a QSD with certification as recommended in the Draft General Permit will not result in an improved SWPPP. This requirement will result in additional, ongoing costs and ultimately involve someone who is unfamiliar with the site on a day to day basis.
 - b) Limiting the QSD to one of the four professional certifications listed in the Draft General Permit is too restrictive and is unlikely to provide a significantly improved SWPPP. A professional civil engineer will have the training and technical knowledge to understand storm water management and industrial storm water exposures. As noted in 1 a) above, a simple site which has traditionally fallen under the "light industrial" classification will not need that level of sophistication.

Similarly a professional geologist or hydrologist will have training in storm water management but may not have an understanding of industrial processes. While a landscape architect can provide guidance on planting to limit storm water runoff, they generally have no understanding of industrial processes or the intricacies of storm water management in an industrial application. In general industrial facilities will have a plant engineer and/or environmental manager who is intimately familiar with the industrial operations and what is exposed to storm water. These people are in a much better position to design an effective SWPPP that will work for the facility.

- c) As written, the Draft General Permit requires each discharger without a CA certified professional in one of the four designated disciplines on staff to enter into a long term contract with such a professional to prepare the SWPPP, sign each amendment or revision, and be on call to answer any questions raised by an inspector during a Regional WQCB inspection.

We recommend dropping the requirement for the QSD to be certified in one of the 4 disciplines listed in the Draft General Permit and instead allow dischargers to use someone familiar with their operations to develop an effective SWPPP that is specific to their location.

2. The requirement for the discharger to ensure that the QSD successfully completes the State Water Board – sponsored or approved training within one year of the effective date of the General Permit is not feasible.

As written, the Draft General Permit requires the discharger to hire a certified professional in one of four disciplines to prepare/update the SWPPP within 90 days of adoption of the General Permit. It is unlikely the SWB will have set up or approved training in enough time for significant quantities of people to be trained before the General Permit takes effect. That will put each discharger in the position of hiring someone who has not been through an approved training program and then either not paying them until they obtain their training (unlikely) or be put in the position of trying to follow up with someone they have no authority over to ensure they complete the required training.

We recommend the requirement to ensure the completion of training be placed on the QSD or their employer.

3. The Draft General Permit specifies a laundry list of "Best Management Practices" which must be implemented by every discharger. While it is

understandable that the SWB would want to ensure each discharger thoroughly reviews their operation and implements BMPs that will minimize the impact of their operations on storm water, requiring every one to follow the same prescriptive list does not address the differences at each location. It would be better to allow each discharger to review the list and implement those BMPs that fit their individual circumstances. Compelling a facility which has consistently had discharges below benchmarks and no history of non-compliance to implement additional BMPs will not improve the effectiveness of their program. For example, the Draft General Permit requires facilities to inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes. All other inspections and maintenance within subsection H, require activities be completed on a weekly basis. No rationale is given for why this particular action must be done daily and it is not likely to have an impact on the storm water.

We recommend changing the list of BMPs from required to be implemented to recommended to be reviewed for applicability.

4. Visual Monitoring as required by the Draft General Permit will be excessive. Visual monitoring is required:
- a) At every discharge during the first qualifying storm event each month
 - b) Prior to discharge of stored or contained storm water
 - c) At storm water storage or containment areas prior to any anticipated storm event
 - d) At all storm water drainage areas prior to any anticipated storm event
 - e) Quarterly for non-storm water discharge

This is on top of the daily, weekly and monthly inspections required by the BMPs.

We recommend maintaining the quarterly non-storm water discharge inspections, visual monitoring prior to discharge of stored or contained storm water and visual monitoring of discharges during two storm events as required in the existing General Permit.

5. Sampling frequencies are excessive. With each increase in non-compliance level beginning with Level 1, the discharger will be required to sample twice as many events as they currently do. At Level 2, that number will increase again to 4 times as many and if a discharger is

elevated to Level 3 they will be required to sample an indefinite amount of events. This increase in sample frequency only serves to ensure that a discharger will continue in an elevated non-compliant level for an extended period of time by ensuring that actions taken to correct an issue are unlikely to be completed before the next storm event. This serves only to create exponentially higher sampling and analysis as well as labor costs for the facility with no improvement in storm water discharge quality. If the sampling frequency remains at twice per year or even quarterly, those reduced number of sample results will still be able to show if a facility is in violation or, more importantly, if changes to operations and implementation of BMPs are working. Facilities will require some time to determine which adjustments are having success in reducing contaminate levels and which are just not helping. Theoretically, a facility could sample in the first quarter of a compliance year, meet a Trigger and be elevated to Level 2 for the subsequent year before there is an opportunity within the current year to allow the BMPs to work and see what subsequent quarterly analytical results determine.

We recommend the sampling and analysis frequency for dischargers remain at quarterly, regardless of level.

Additionally, we suggest that once a facility has demonstrated compliance through the determined number of consecutive compliant events that sampling be reduced to twice per year.

6. The Draft General Permit is too inflexible in assigning dischargers to an elevated level of non-compliance.

A discharger is elevated to the next level after one of three triggers is met. It then takes only one poor result to elevate a facility to the next level where additional sampling, operational and BMP changes are necessary. This allows no time for a discharger to identify and implement an appropriate BMP. With the levels at which some contaminants occur in the environment including metals and total solids it wouldn't take much for a facility to find itself at Level 3 where along with monetary penalties it would incur high sampling and labor costs in order to sample each event.

We recommend the process be changed to require two triggers be met in order to elevate to the next level and the triggers must involve the same constituent(s). By providing the facility the opportunity to make changes before the next sampling event, it gives time for these newly implemented or upgraded BMPs to take effect.

7. The Draft General Permit includes conductivity as a NAL even though this parameter has been removed from EPA's Multi Sector General Permit. It has been shown that this parameter is problematic. With the fact that many receiving waters have conductivity higher than the 200 umhos/cm NAL and that many naturally occurring events can cause conductivity to be elevated, this parameter really does nothing to protect the quality of receiving waters.

We recommend the conductivity parameter be removed.

8. The requirement for field testing for pH and conductivity are unnecessarily onerous. This requires each discharger to maintain specific meters for field testing, have them calibrated routinely and train staff members to use them correctly.

As noted above we recommend the conductivity parameter be removed. We also recommend that the pH be lab sampled.

9. The proposal to set NAL/NEL levels for metals based on the hardness of the receiving stream will cause undue hardship to dischargers trying to meet the required levels. For example, zinc is ubiquitous in today's world and dischargers have little control over many of the sources. Well maintained galvanized roofs can still produce a runoff with zinc concentration around 50 ppb. A typical parking lot at an industrial facility can create zinc concentrations in runoff at a level around 225 ppb.

We recommend the maintaining the metal parameters at current levels.

10. The requirement for a discharger to show compliance with NAL/NEL levels for ten consecutive storm events is overly restrictive. In compliance sampling related to remedial actions the goal can be as low as four consecutive sampling events below the agreed upon or selected standard in order to be considered in compliance. The ten consecutive samples proposed does not improve storm water discharge quality but does result in excessive labor and sampling costs to the discharger.

We recommend the number of samples in compliance with NAL/NEL levels be reduced to four.

11. The requirement that a Suspension of Numeric Effluent Limitations (SNEL) be certified and submitted by a California registered professional engineer (civil) is excessive. No justification is provided as to the rationale behind requiring this level of individual certification.

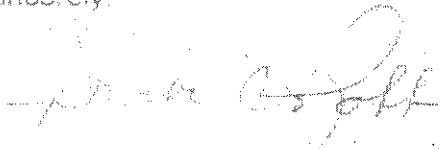
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We recommend the plant engineer and the plant manager be allowed to certify and submit the SNEL into SMARTS.

12. The Draft General Permit is unclear as to what entity will determine a facility's non-compliance level, (i.e. Baseline, Level 1, 2 or 3). Once analytical results along with other pieces of information are uploaded in SMARTS this system will notify dischargers if a trigger has been met. However, the starting point is unclear.

We recommend the SWB clarify if and when historic data will be used to determine a discharger's compliance level. Also, if historic data is to be used clarification should be provided on how the process that will be used to determine if that data is from a qualifying storm event.

Sincerely,



Phoebe C Robb
Manager, Environmental & Safety Compliance
Dopaco, Inc.