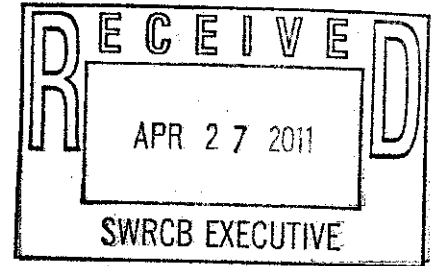




THE CITY OF SAN DIEGO

April 27, 2011

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Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**SUBJECT: Comment Letter – Draft Industrial General Permit**

Thank you for the opportunity to submit comments regarding the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges associated with Industrial Activities (draft IGP) dated January 28, 2011. The City of San Diego's Public Utilities Department/Wastewater Branch supports the continuation of improving storm water quality and supports additional prevention measures that are practical, cost-effective and have scientific or engineering data supporting their effectiveness.

The Public Utilities Department (PUD) operates and maintains the San Diego sewerage system by providing an essential public service of conveyance, treatment, reclamation and disposal of wastewater for the City of San Diego and fifteen municipalities from a 450 square mile area. Numerous facilities within the Department are covered by the industrial general permit.

Please consider the following comments and questions:

1. **No Exposure Certification (NEC):** Who has the authority to determine if a site qualifies for a NEC?
2. **Numeric Action Levels (NALs)** – It's unusual for action limits to be enforced on a general permit that apply to all industries. This philosophy differs from the EPA's Multi-Sector General Permit (MSGP) because those standards are industry specific. Rather than enforcing industry-wide limits, other ideas include:
  - Changing action limits to reporting limits



- Providing an opportunity for the regulated site to determine facility specific baseline values in order to obtain benchmark monitoring data to use to determine the overall effectiveness of Best Management Practices
3. **NALs** – The draft permit requires NALs for specific values from each storm event. This philosophy differs from the MSGP which averages all monitoring results. Why does the philosophy of draft permit contradict with that of the MSGP?
  4. **Numeric Effluent Limits (NELs)** – The draft permit states the NELs are “appropriate” but doesn’t provide justification. What was the evidence or analysis used to support the adoption of numeric effluent limits?
  5. **NAL/NEL – Specific conductivity**: The draft permit lists the NAL/NEL at 200 umhos/cm which is more than four times lower than the drinking water standard of 900 umhos/cm. What is the justification for a storm water runoff limit to be significantly lower than a drinking water standard?
  6. **NAL/NEL – Specific conductivity (SC)**: The City of San Diego provides reclaimed water to over 500 customers throughout the San Diego region; the vast majority of this water is used for irrigation. The City’s contractual requirement for Total Dissolved Solids (TDS) is 1000 mg/L which corresponds to approximately 1500 umhos/cm for SC. The draft permit limit of 200 umhos/cm would severely impact and likely prevent customers from using reclaimed water for irrigation because they cannot meet this restrictive limit that is more than four times lower than the drinking water standard. A logical recommendation for the SC limit is 1500 umhos/cm.
  7. **NAL/NEL – Total Suspended Solids (TSS)**: For many years our facilities have employed Best Management Practices to prevent non storm water discharges from entering the storm drain system, with focused attention on good housekeeping. The sites are paved with limited exposure to dust or erodible surfaces. BMPs include routine sweeping of the facility streets, routine cleaning of catch basins, installation of barriers over storm drain inlets, use of erosion and sediment controls (where necessary), installation of structural barriers to prevent material tracking, covering stored materials, etc. Regardless of the attention to housekeeping, the majority of the sites would not continually comply with the draft permit limit of 100 mg/L for TSS. What is the justification for this limit? Is should be increased to ~300 mg/L.
  8. **Corrective Action** – If/when the discharger triggers a Level 3 corrective action stage it appears no mechanism is in place to allow the discharger to go back to Level 1 or 2 when

the effluent limits are met. An off ramp mechanism needs to be provided for the dischargers who can demonstrate compliance.

9. **SMARTS:** the number of days to input monitoring data into SMARTS should be increased from 30 days to 60 days from obtaining the results due to numerous sites, several other regulations with reporting requirements and limited staffing. In the past, the data collected during the rainy season year was submitted in June of the following year documenting that data submittal is not time sensitive.
10. **SMARTS:** Is there a back-up plan if/when the system is down?
11. **Annual report:** The annual due date should be extended from July 15 to July 30 to allow dischargers with numerous sites to adequately and correctly complete the annual reports and obtain signatures from legally responsible officials.
12. **Qualifying storm event (QSE):** the definition in the draft permit [page 29 section IX(C)(1)] conflicts with the definition in Attachment K. Additionally, the definition needs a time frame; in other words, an event with a minimum of  $\frac{1}{4}$  inch of rain over what time frame. Please clarify and redefine.
13. **Storm events at unmanned facilities:** Our organization has numerous unmanned facilities so are unable to obtain the required information to determine if a Qualified Storm Event (QSE) is occurring and/or if sampling is appropriate. For example, off site staff doesn't know (a) if it's raining at a site (b) when the rain started (c) when the rain stopped (d) if there were 48 hours of dry weather prior to collecting rain in a rain gauge. How can unmanned facilities comply with recording storm events and/or sampling within 4 hours without the ability to obtain this information?
14. **QSE – Footnote 3 on page 31 associated with X(F) isn't helpful** because it assumes that after  $\frac{1}{4}$  of rain over a weekend that (a) it is still raining on Monday morning and (b) the rain is sufficient enough for sampling. These assumptions deem the footnote ineffectual.
15. **Anticipated storm event -** How do you recommend monitoring an "anticipated storm event" and how should this event be monitored for unmanned facilities? Is the intention for site staff to monitor 24/7 for storm events? Please give examples of resources that could be used for this monitoring.
16. **Non qualified storm event -** Please provide the reason(s) for requiring record keeping for non qualified storm events [ $< \frac{1}{4}$  inch or  $> \frac{1}{4}$  inch that did not produce a discharge] as

described on page 30. What is the beneficial use of this data? Over what time frame is a non qualified storm event? Are sites expected to monitor heavy fog/dew that produces a condensate?

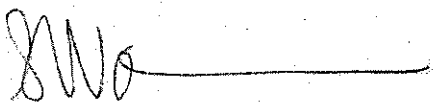
17. **Qualified SWPPP Developer (QSD) & Qualified SWPPP Practitioner (QSP):** Regarding the statewide training protocol, how many classes will be offered? Will classes be offered in San Diego County? When will the classes be available for enrollment? How many hours/days are the classes? What if the classes are full, i.e., problematic enrollment? Will the classes be offered **prior to permit adoption**?
18. **QSD & QSP:** The State should offer on-line training and testing for QSD and QSP applicants.
19. **QSD & QSP:** Can a QSD and QSP oversee numerous sites? Does the QSD or QSP have to be assigned to work at the site? Our organization is a tax payer funded municipality with limited staffing and resources and the changes to the IGP will place a significant burden on existing staff during a time when additional resources are unavailable.
20. **QSP** – A qualified QSP and QSD should be able to train staff and delegate the implementation of the SWPPP.
21. **QSD:** The State should allow QSD applicants to have a combination of education and experience, in addition to training and passing the exam, in lieu of requiring PE registrations. Frankly, a trained facility operator will have more experience and knowledge of the site vs. an outside registered civil engineer.
22. **Implementation:** Page 2, number 5 states the order will take effect 100 days after adoption. Page 12, section Q(3) states the SWPPP revisions must be made within 90 days of permit adoption. Although, the dischargers have one year to train staff which likely includes QSP & QSD applicants. Therefore, the order should take effect > 12 months after adoption only if sufficient classes have been available for personnel to attend QSD and QSP training.
23. **Implementation:** Due to the size and complexity of our organization and facilities, ninety (or 100) days isn't sufficient time to update the SWPPP, implement revisions, procure new monitoring equipment, etc. A reasonable timeframe is twelve months. This extended request does not increase discharges because the site will continually be subject to and comply with the requirements in Board Order No 97-03-DWQ.

24. **Quarterly sampling:** Our facilities are located in San Diego County with a 40-year average rainfall of < 11 inches/year resulting in a limited opportunity to sample runoff. The past decade average was 8.61 in/year and the official average will move downward beginning June 2011. It's currently difficult to obtain two samples per rainy season during work hours. It's highly unlikely we can comply with one QSE each quarter so it's unreasonable to require sampling every quarter. We will likely encounter a QSE in the fourth (Oct-Dec) and first (Jan - Mar) quarters of the year only. How can we ensure quarterly sampling events if we rarely encounter a QSE from April thru September?
25. **Sampling:** Clarify sampling frequency; sample frequency on the fact sheet contradicts with the draft order (twice annually vs. once quarterly)
26. **Sampling:** Please clarify "scheduled facility hours" respect to runoff sampling. Realize that some analyses have a holding time of 6 hours and laboratories are available for sample intake only on Mon - Fri from approximately 8 am - 3 pm.
27. **pH testing:** Table 1 states the lab method as "calibrated portable instrument" which concur with X(K). This information contradicts Table 4 which allows laboratory test method EPA 9040 and/or field testing with calibrated paper or portable instrument. Please clarify acceptable test methods and define "calibrated paper" method.
28. **Field testing -** How can we monitor pH and SC from combined samples if the monitoring is performed in the field and the sample combination is required to be performed in the laboratory?
29. **Detection limits:** Please clarify and define "detection limit" as found in Tables 1 & 4. How should these limits be evaluated? How are these limits compared to a laboratory's minimum detection limit (MDL)? A certified laboratory cannot set MDLs; they must be determined statistically following 40CFR136 protocol.
30. **O&G analysis:** Test Method EPA 413 (as listed in Tables 1 & 4) has been withdrawn from 40 CFR Part 122 and is no longer a viable analysis due to Freon regulations. Its reference should be removed from the IGP.
31. **Sample Holding Time:** Attachment D, item 2 states samples must be received by the laboratory within 48 hours. Please note bacteria analysis holding time is 6 hours. Item 14 refers to Table VII.2 for test methods. Where is this table located?

32. **Inspections:** There are too many inspections required by this permit. As drafted, approximately 450 different inspections are required when estimating twenty qualifying rain events, twenty pre-storm inspections and twenty non discharge rain events. This number is a drastic increase over the current regulation which requires approximately 12 inspections per year. For example, a BMP includes **daily** inspections and cleaning of material/waste handling equipment which encompasses 260 inspections and cleanings. The number of inspections and resultant increase in documentation and reporting is unreasonable and impractical.
33. **Mandatory Minimum Penalties** (page 7, item 47): What is the review process? Is there a third party arbitrator or a review board for challenges of penalties?
34. **Standard Conditions XXVII(G)** – Please define “within a reasonable time” with respect to providing requested information to the regulatory agency.
35. **Standard Conditions XXVII(H)(1-4)** - Propose to change “at reasonable times” to “prescheduled times” due to limited staffing, shift work and schedule flexibility.
36. **Standard Conditions XXVII(O)** – Please define the entities that can declare portions of the permit invalid.
37. **Standard Conditions XXVII(Q)** – is the word “operator” in this context regarding transfers synonymous with the word “discharger?”

Thank you for your consideration of these comments and pending replies to questions. Please contact me at (619) 758-2371 or [swallmann@sandiego.gov](mailto:swallmann@sandiego.gov) if you need clarification regarding the content of this letter.

Sincerely,



Skyla Wallmann  
Senior Chemist