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April 29, 2011

State Water Resources Control Board
c/o Jeannie Townsend, Clerk to the Board
1001 "I" Street, 24th Floor
Sacramento, California 95814

Submitted via email: commentletters@waterboards.ca.gov

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

Dear Ms. Townsend:

On behalf of the Sacramento Area Sewer District (SASD), thank you for the opportunity to provide comments regarding the 2011 Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities. SASD provides wastewater collection services to 1.3 million residents throughout the greater Sacramento area. The 2011 Draft Permit will have a direct impact on SASD since we own two maintenance and corporation yards.

SASD supports the use of a general industrial permit for discharges of stormwater associated with industrial activities, and appreciate the efforts of the State Water Resources Control Board (SWRCB) in accepting comments on the preliminary draft Industrial General Permit.

SASD supports and concurs with the California Stormwater Quality Association's (CASQA) comment letter and supporting documents associated with the review of the January 28, 2011 Draft Industrial General Permit.

The following additional comments are being provided by SASD to address our main issues of concern with this draft permit.

Comment 1. General Comment Regarding the Draft Industrial General Permit

This preliminary draft permit is an incomplete draft, and it does not provide the rational or analysis necessary to explain the significant shift in the approach to regulation of industrial stormwater dischargers; and it should be more fully developed to allow consideration by the regulated community and stakeholders.

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Comment 2. Additional Cost Associated with the Draft Industrial General Permit

The draft Industrial General Permit will have a significant economic burden to the Sacramento area rate payers, without the corresponding environmental benefits. This draft permit will have the greatest economic impacts in the following areas:

- Labor costs associated with increased minimum best management practices (BMP)inspections,
- Training costs for facility staff (both for qualified stormwater developer (QSD)/qualified stormwater practioner (QSP) certification and sampling/inspections),
- Increased sampling and analytical costs and
- Costs associated with additional BMPs, including treatment controls as mandated by the draft permit's use of Numeric Actions Levels (NALs) and Numeric Effluent Limits (NELs).

For example, this draft permit would increase the number of inspections from approximately 40, currently, to approximately 450 per year, per facility. This is an increase of over 1,150%.

Comment 3. Use of Numeric Action Levels and Numeric Effluent Limits

SASD strongly objects to the use of Numeric Actions Levels (NALs) and Numeric Effluent Limits (NELs) as proposed in the draft Industrial General Permit. And we do not support the inclusion of US EPA's benchmarks as either NALs or NELs in the Industrial General Permit because this use would be inconsistent with EPA's stated intended use of the benchmark values.

The US EPA's intended use of benchmark values are found in US EPA's 2008 Multi-Sector General Permit (MSGP) for Industrial Stormwater (Part 6.2.1), which states, "*The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.*"

SWRCB's Blue Ribbon Panel, which was convened in 2006, acknowledges that "... US EPA has recommended the use of BMPs in lieu of numeric effluent limitations, and the limited use of sampling and analysis in stormwater permits, because it is generally difficult to calculate numeric effluent limitations for the widely variable flows associated with storm water and to monitor such intermittent discharges."

We support the use of benchmarks as the US EPA's MSGP intended them to be used, which is a monitoring tool for Discharger's to determine how effective their BMPs are at achieving the effluent limits, and not use them to set NELs and impose mandatory minimum penalties.

Comment 4. Conditional Exclusions – No Discharge

SASD objects to the proposed annual filing fee associated with the annual recertification for a No Discharge Certification as proposed in the draft Industrial General Permit. The annual filing fee is unwarranted, because it's unlikely that the infrastructure in-place to manage a 100-year 24-hour storm event will change on an annual basis. Therefore, we recommend that no filing fee be included

with the annual renewal process. If the facilities infrastructure significantly changes, then a recertification and fee might be appropriate.

In conclusion, we urge the SWRCB to consider our comments regarding this draft Industrial General Permit, and ensure that with any additional requirements there is an equal corresponding environmental benefit.

If you have questions or comments regarding the items above, please feel free to contact me at (916) 876-6092 or MitchellT@sacsewer.com or Lysa Voight at (916) 876-6038 or VoightL@sacsewer.com. Again, we appreciate the opportunity to provide comments on the 2011 preliminary Draft Industrial General Permit and look forward to working with your staff.

Sincerely,

Terrie Mitchell
Manager, Legislative and Regulatory Affairs

NKB:vjb

cc: Stan Dean, District Engineer
Prabhakar Somavarapu, Director of Policy and Planning
Christoph Dobson, SASD Director of Operations
Lysa Voight, SRCSD Senior Civil Engineer