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State Water Resources Control Board
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NEST Comment Letter–April 1, 2014 Board Meeting: Final Draft of Industrial General Permit (IGP).

NEST Environmental Services appreciates one more opportunity to comment on the final draft of the IGP. NEST currently operates a vehicle dismantler GMP, and anticipates establishing itself as Compliance Group(s) Leader(s) for SIC 5015 vehicle dismantlers in the next IGP.

Our comments below are to point out and recommend clarifications on a few unclear points that caught our attention as we read through the Fact Sheet and the Order.

1. Fact Sheet page 6, item 6, states that when "...a Discharger's status changes from Level 1 to Level 2 status, Dischargers are required to submit a Level 2 ERA Action Plan and a Level 2 ERA Technical Reports. Unless the demonstration is not..." There are no transition words linking the Level 2 Technical Report to "the demonstration". One asks "Whoa, what demonstration? It wasn't mentioned earlier in the paragraph." I suggest adding some transition words to bridge that gap: such as "A Level 2 Technical Report includes a technical demonstration (see a-c below), which may have include work by an appropriate CA licensed professional engineer", or add after ... Level 2 Technical Report, "which also includes a technical demonstration (see a-c below), which may have to include work by an appropriate CA licensed professional engineer."
2. In the Fact Sheet, its not clear what new permit requirements, if any, have to be satisfied by permittees between the IGP adoption date and the later, effective date. The proposed Order's 1st paragraph says that the old permit remains in force until the effective date. However, I'm worried that NEST and its GMP participants might have missed seeing some requirements that need accomplishing in that period.

NEST recommends adding a sentence or two to the Fact Sheet emphasizing (1) that a permittee needs to continue complying with the existing permit until the new IGP's effective date (which may be later than the proposed adoption date), and also (2) that the new permit does not allow (or allows) permittees a period of time from the new IGP's effective date to revise their site maps, SWPPP, BMPs and monitoring plan to get compliant. (3) Adding a statement to the end of the Fact Sheet, that the SWRCB encourages all permittees to use that interval between Permit adoption and its effective date to review and revise their current site maps, SWPPPs, BMPs and monitoring plans, and apply for their SMARTS accounts. This statement would provide Compliance Group Leaders some leverage to lean on their prospective clients to make that happen.

3. The need for testing additional parameters not specified in Table D is still not totally clear and must be explained in more details/specifics. The Fact Sheet at page 7, para. 7, talks about CWA Section 303(d) Impairments: it tells us that additional parameters likely to be in discharges to

waters that are classified as impaired for that parameter have to be tested for that parameter. Fair enough, but, if the receiving water body is not classified as impaired, does it imply that parameter, even if suspected to be present in the discharge, not have to be tested? The Order does not appear to require testing of an additional specific industrial pollutant parameter, if suspected as being present in the discharge based on the para X.G.2 Pollutant Source Assessment. The Order, para. XI.B.6.c requires the testing of additional parameters “...that serve as indicators of the presence of ALL INDUSTRIAL POLLUTANTS (emphasis added) identified in the pollutant source assessment (X.G.2).” So that suggests to me that if I suspect, for example, that the toxic, Copper, may be present in a discharge due to previous sampling results or the pollutant source assessment, it does not have to be tested because it is not a indicator of ALL potential industrial pollutants present, unless that discharge goes into a designated impaired water body (XI.B.6.e) for that parameter. If TSS is considered the “indicator” parameter for heavy metals, then please adjust the definition of Total Suspended Solids (TSS) in the Glossary to add “such as heavy metals” between “... and particles” and “related to industrial /sewage wastes, etc.”

4. QISP Training. Several of NEST’s group and individual participants have asked when will the QISP training be offered and where. NEST suggests putting up some notice on the Industrial Storm Water Home page addressing the projected availability dates for that training.