

CALIFORNIA GRAIN & FEED ASSOCIATION

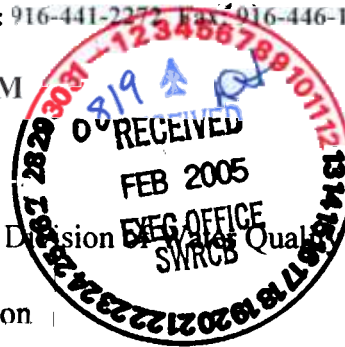
Environmental and Safety Services

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MEMORANDUM

February 2, 2005

To: California State Water Resources Control Board, Division of Quality
Kevin Clutter, California Grain & Feed Association



Special Hearing
2/3/05
cc: BD, DI, DWQ
e-ops: BD, CC, HMS,
TH, CMW

Re: Comments Regarding Reissuance of the National Pollutant Discharge Elimination System, General Permit for Discharges of Storm Water Associated With Industrial Activities (Industrial General Permit)

To Whom It May Concern:

We appreciate the opportunity to comment on the above-referenced matter. The California Grain and Feed Association (CGFA) represents businesses involved in various aspects of the animal feed production industry throughout California. In addition, CGFA coordinates an approved group monitoring program.

Our comments are as follows

General

- It appears that these general permit revisions significantly increase sampling and laboratory analysis and visual inspection requirements. In addition, the group monitoring changes seem to essentially deputize group coordinators as officers of the state for enforcement purposes. It is our opinion that if SWRCB is going to tighten visual inspection requirements and/or sampling requirements (increased sampling for exceedances of benchmarks, one-time comprehensive pollutant scan, etc.) that only one or the other should be done. If both areas are tightened then significant duplication of effort will be occurring. Increased inspection requirements duplicate what is already supposed to be done – prevent pollution sources from being entrained in storm water discharge before a storm occurs. Therefore, as a matter of approach, we would support increased sampling to augment existing visual inspection schedules/implementation of best management practices (BMPs) or we would support increased visual inspection requirements in order to better ensure that BMPs are fully implemented at critical times. But we do not support increasing sampling and visual inspection requirements. The prior permit already far exceeds the minimum federal requirements.

Monitoring Program

- We disagree with the new requirement for visual observations of each drainage area before each storm event. Due to the nature of our business and the sometimes unpredictability of weather patterns, we believe that this provision is impractical to implement or enforce. We support the other changes recommended for the monitoring program and believe that implementing those changes will be sufficient to achieve the objective intended here. If we implement this provision, there would be no purpose in an Annual Comprehensive Site Evaluation and the additional quarterly inspections that are added to this new permit. Our members struggle to have personnel available to comply with existing inspection and BMP requirements without adding inspections that duplicate the purpose of each other and are sometimes impossible to schedule.

Group Monitoring

- We strongly disagree with automatically providing routine inspection reports to the Regional Boards. The reason is that we have been conducting visual observations and sample analysis for over 10 years. All of this information has been supplied to the Regional Boards in the annual reports and nothing appeared to get reviewed or addressed for many years. Therefore, we do not want to go through the exercise of submitting data so routinely that it becomes useless information to the Regional Boards and becomes a point of discontent with our members. However, we would support having the documentation available for the Regional Boards upon their request within the time frames specified in the proposal. In other words, we are willing to do the work, however we only want to supply it annually or sooner if someone specifically needs or wants the information. To simply supply the information for the sake of it is unacceptable.
- General comment about group monitoring: We understand that some within the Regional Boards and many in the environmental community are strongly opposed to Group Monitoring. We believe that the same virtues that led to the original establishment of Group Monitoring are still very real. While Group Monitoring has not been perfect, we can document that despite its pitfalls a greater degree of compliance has occurred within our industry due to Group Monitoring than would have occurred without it.

In addition, we have discontinued our group monitoring program for the reasons and concerns cited above. This is our indication that we do not believe the State Water Resources Board takes our concerns on this matter seriously. We are continuing to assist our members outside of the group monitoring program. However, since this general permit makes group coordinators more of an enforcer as opposed to a provider of technical assistance and education, we have chosen to work with our members in a manner that is consistent with the founding principles of group monitoring. If the intent of these changes is to capitalize on a lack of personnel resources and use the group coordinators to backfill enforcement responsibilities of the state, we do support such an approach.

Additional Sampling Requirements for Indicator Parameters

As stated above, we are not necessarily opposed to these changes, if the additional inspection requirements proposed in this revision are dropped. If the additional inspection requirements remain, then we are strongly opposed to additional sampling requirements.

Corrective Actions Required Whenever Exceedances Occur of US EPA Storm Water Benchmark Values

We do not oppose an approach that includes accountability for ensuring that existing or new BMPs be evaluated, modified or corrected when exceedances of benchmark values occur. However, we disagree with the additional sampling of two consecutive storms as a result of any exceedances of benchmark values.

One-Time Comprehensive Pollutant Scan

Given the duration of storm water permitting and analysis in California. It is our opinion that sufficient data exists for regulators to make this type of determination. Due to the additional cost and effort of such a scan and the fact that reams of data exist for our industry, we vehemently oppose this new requirement.

In conclusion, we appreciate the opportunity to comment on this matter and the fact that you and your staff are taking the time to review public comments.

cc: Richard Matteis, Executive Vice President, CGFA
CGFA Board of Directors