



October 22, 2012

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Via e-mail

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



Subject: Comments on the Draft Industrial General Permit

Dear Ms. Townsend:

Thank you for the opportunity to comment on the Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities. Blymyer Engineers, Inc. has been assisting industrial facilities nationwide with storm water permitting, Storm Water Pollution Prevention Plans (SWPPPs), storm water training, and general management of their storm water programs for approximately 18 years. We currently assist over 65 facilities in California with their storm water compliance programs. We work primarily with transportation and manufacturing facilities. Blymyer Engineers is submitting these comments to describe potential problems we anticipate and to provide recommendations for changes to the permit.

1. The facility pre-precipitation visual observation requirement lacks clarity and is difficult to implement.

Per Section XI.A.2.d, a visual observation of storm water drainage areas is required "prior to an anticipated precipitation event." This requirement mandates that a QISP check NOAA forecast information for a 50% or greater probability of rain in the facility's weather zone. No minimum time interval between performing the observation and the anticipated start of the precipitation event is specified. The permit also states that the observation shall be performed no more than once in a 14 day period, which would allow some observations to be performed as many as 14 days prior to a precipitation event. Scheduling observations and recordkeeping for weather checks and observations will be difficult.

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Recommendation: To simplify inspection requirements, we recommend that a weekly inspection of all drainage areas be required. This will ensure that storm water drainage areas are inspected a minimum of 7 days prior to each precipitation event. Performing observations on a standardized schedule would be much easier for QISPs to implement and result in greatly improved compliance.

2. The permit has numerous observation, inspection, and recordkeeping requirements but no guidance as to how these should be documented.

The permit provides no instructions for documenting inspections. It will be challenging for dischargers to devise appropriate methods for documenting inspections that will meet the permit requirements. There will be little consistency in recordkeeping among dischargers.

Recommendation: Provide inspection and recordkeeping forms or templates for documenting inspections. Or, if no forms or templates are provided, allow sites to submit the information on their own inspection forms and upload the forms to SMARTS instead of transferring the information onto the Annual Report forms. We have found it difficult to properly document inspections on the Annual Report forms.

3. The qualifying storm event requirements in Section XI.B.2 for performing visual and analytical monitoring are impractical.

The requirement for an on-site rain gauge means more maintenance and recordkeeping for facility personnel. Facility personnel will find it difficult to frequently check an on-site rain gauge throughout each storm event to determine if 1/10 inch of rainfall has occurred over a 24 hour period and a sample can be collected. In our experience it is difficult for facility personnel with little environmental or technical background to use a rain gauge properly, resulting in inaccurate readings. We anticipate a scenario where storm water has begun discharging but facility personnel believe that less than 1/10 inch of rain has fallen, so they wait and then miss a sampling opportunity because the discharge stops before the rain gauge level reaches 1/10 inch.

Recommendation: Eliminate the requirement to have an on-site rain gauge and take rainfall measurements to identify qualifying storm events. Require visual and analytical monitoring to be performed "when a discharge occurs". Define a dry weather day as a "day when no discharge occurs."

4. Clarification to Level 1 and Level 2 Exceedance Response Actions (ERAs) requirements is needed.

- 4 • If there are two NAL exceedances in the same reporting year the permit is unclear regarding whether ERAs are required for both exceedances. Are two Level 1 ERAs required?

- 5 • Both Level 1 and Level 2 ERAs require the discharger to "identify whether additional operational source control BMPs and/or SWPPP implementation measures are necessary...in compliance with BAT/BCT." BAT is defined as Best Available Technology Economically Achievable. A definition of "economically achievable" is not provided. For example, a facility with a gravel yard may find it difficult to avoid a TSS NAL exceedance. If it has has a TSS NAL exceedance in a reporting year and changes to Level 2 status because of a TSS exceedance in a subsequent year, what is the criteria for an "economically achievable" BMP? Is there a formula for determining a dollar amount?

Recommendation:

- 4 Clarify applicability of ERA requirements to a second NAL exceedance in the same reporting year. Define economically feasible.

- 5 6 5. SMARTS allow assignment of a unique Organization ID and LRP to each facility operated by a company with multiple facility locations.

We have been advised by a SMARTS representative that under the new permit a company that operates multiple facilities will be required to have just one central "corporate" Organization ID and LRP. However, some of our clients prefer each of its facilities to be assigned its own Organization ID with a duly-authorized LRP unique to

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each WDID. They believe that personnel domiciled at the facilities have the most detailed understanding of permit requirements and the accuracy of reports being submitted.

Recommendation:

Allow assignment of a unique Organization ID and LRP to each facility operated by a company with multiple facility locations.

6. Sampling requirements for facilities discharging to 303(d) listed impaired water bodies are unclear.

Section XI.B.5.d states that "Dischargers shall evaluate the potential industrial pollutants that are related to the impaired receiving waters and shall analyze for additional sampling parameters." The permit does not specify a method for determining which, if any, additional parameters must be analyzed. If a facility determines that it does not store or use any potential industrial pollutants related to the impaired receiving waters then is sampling required? For what parameters?

Recommendation: Specify in the permit a procedure for facilities that discharge to impaired waters to follow to determine if additional parameters must be analyzed, and which parameters. Alternatively, require the Regional Water Quality Control Boards to inform dischargers in their regions if sampling for impairment pollutants is required (such as in Oregon and Virginia).

We appreciate your consideration of our comments. If you have questions, please contact Nina Schittli (nschittli@blymyer.com) at (800) 753-3773.

Regards,

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