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ASPHALT PAVEMENT  
Association**

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October 22, 2012

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MAILING ADDRESS  
P.O. Box 981300  
West Sacramento, CA 95798

OFFICES  
1550 Harbor Blvd., Suite 211  
West Sacramento, CA 95691  
(916) 791-5044

23332 Mill Creek Drive, Suite 220  
Laguna Hills, CA 92653  
(949) 855-6489

WEBSITE  
[www.calapa.net](http://www.calapa.net)

E-MAIL  
[info@calapa.net](mailto:info@calapa.net)

State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Attention: Jeanie Townsend  
Clerk to the Board

Subject: Comment Letter- Industrial General Permit



The California Asphalt Pavement Association (CalAPA) submits the following comments on the SWRCB's draft Industrial General Permit. CalAPA is the statewide association for those engaged in asphalt production. CalAPA has reviewed the July 16, 2012 Draft Industrial General Permit and is providing the following comments:

We appreciate the consideration the SWRCB has given to the numerous comments that were provided on the previous draft. We feel there have been significant improvements. Among these are:

- The elimination of NEL
- The flexibility associated with Exceedance Response Actions (ERA) to correct/mitigate an NAL exceedance
- Mandatory BMPs such as diverters, and mandatory daily washing of aggregate handling equipment.

CalAPA would like considerations to be made in the following areas:

The Quarterly observations still require significant amount of time which will tie up resources' and provide little additional benefit to improving water quality. Many asphalt sites are manned by only one or two operators. We believe that it would be more appropriate to limit the Pre-Storm Visual Observation to no more than one per month for QSE (X1.A.2.d), limit the storm water storage and containment area inspections to no more than one per month for a QSE (x1.A.2.b), and limit storm water sample collection and analysis to no more than two per year.

The permit allows all QISP level I, II, and III to prepare a SWPPP once completing State sponsored training. However, there are several exceptions for QISP I regarding approved SWPPP preparation. We believe that it would be better to reduce required level of training for the QISP I so that QISP I training can be provided by QISP II or

III. QISP I would implement the SWPPP but not be permitted to prepare the SWPPP and other reports. This would eliminate confusion as to what types of SWPPPs they may prepare and leave SWPPP preparation and reporting for more highly qualified professionals. QISP I would receive training more in line with field level duties and the mandatory 4 hour training. This will reserve the more detailed technical training for the QISP II and III.

The permit requires a significant amount of training for all levels of certification. There is no allowance given for those that have extensive experience and training in the implementation of storm water programs, such as those individuals which have successfully completed the Certified Professionals in Storm Water Quality (CPSWQ) Program, Certified Professionals in Erosion and Sediment Control (CPESC) and have completed and obtained the QSD. Consideration should be given to allowing those that have professional training to ensure adequate resources through the rapid implementation of the program.

Currently there is ambiguity in the definitions of the levels of training and what is entailed. A better definition of what adequate training entails would aid in development of creating a consistent program. Such a program should be prepared and a draft made available for public review and comment.

The permit provides for the ability of inactive mine sites to obtain an Inactive Mining Operation Certification and make certain requirements inapplicable. However, the economic times have left a lot of asphalt facilities mothballed with no full time staff. The facilities have no regular work scheduled and no permanent personnel. We recommend Section XIII be modified to include an "idle" facility catchall for all SIC codes to allow currently inactive facilities which have not been operation in the last 30 days, to be eligible for the same relief from the requirement detailed in Section XIII B and provide recertification of idle facilities annually.

Section XVI of the permit requires submittal of the annual report by July 15<sup>th</sup>. The deadline is only 15 days after completing the data acquisition for the annual permit cycle. In addition, the July 4<sup>th</sup> holiday occurs during this 15 day period. This is insufficient time to collect the data, perform proper QA/QC and upload to SMARTS. Consideration needs to be given to the fact that due to the training and certification requirements for the program, stakeholders will have a focused group of individuals to compile and prepare the reports. Few companies will have more than one individual trained to certify the report. Some QISP III will have numerous sites to review, evaluate, and certify. Fifteen (15) days is simply not enough time to adequately complete this work. We request Section XVI change the deadline to the third week of August.

Section X-H-2d-vi requires that outdoor material/waste handling equipment or containers which come in contact with industrial materials or wastes be observed and cleaned as appropriate. It is infeasible and impractical at an asphalt plant or aggregate plant to wash the conveyors of sediment. The rinsing activity is more likely to impact receiving water than not rinsing the conveyors and using BMPs to manage storm water that may come in contact with sediment. It is our interpretation that since this is infeasible for our operation that this requirement would not apply. We would like confirmation that this is correct. Can you please confirm?

The permit allows facilities to make determination regarding the infeasibility of Minimum BMPs. It is our determination that all QISP levels are able to determine the infeasibility of a BMP. Please confirm that all QISPs are able to determine the infeasibility of BMPs (Section X H 2 ).

The asphalt plants often store the aggregate that is feed to the plant in large open storage piles at this site. Section X H 2 a iv under Specific BMPs requires stored materials to be covered. This requirement raises questions related to a hot mix asphalt operation. Aggregate storage piles are large which causes tarps and covers to be ineffective and impractical for aggregate and asphalt facilities. Not only does the size present problems for covering, but the piles are frequently being loaded and unloaded. This minimum BMP is reasonable for many industrial processes but not for aggregate and asphalt facilities.

Additionally, the other minim BMPs in the section apply to this operation and would sufficiently prevent the stock piles from contributing to run off. We are requesting section IV be revised to state:

IV Cover all stored industrial materials that can be readily mobilized by contact with storm water excluding aggregate, recycled asphalt pavement, shingles, rip rap and other materials stored in open storage piles.

Much time and effort has been put into developing the regulation and the new permit will represent significant revisions to the implementation of the plan. We request Section II be revised to provide at least one year from the date of adoption to update plans.

The permit requires that the design storm standards meet the 24 hour 85<sup>th</sup> percentile rain event (Section X H 7 a). The permit does not clarify what occurs when a rain event exceeds the 85<sup>th</sup> percentile and the BMPs do not have the capacity to handle the water. Is there regulatory relief if an instantaneous or annual NAL is exceeded as a result of these large rain events?

The permit requires observations of outdoor areas, including run-on, to determine housekeeping needs (Section X H 2 a.i). When a site identifies a natural area (owned or not owned by the operator) erodes in to an industrial area is it necessary to completely eliminate the run-on to the facility? Run-on volumes may be difficult to determine ahead of time in order to design adequate BMPs. What Min BMPS standard, if any, is a facility required to meet?

Section XIII-E\_4-b and XII-E-5-a requires that a facility determine that the pollutants causing the exceedances are solely attributable to storm water run-on or present in the natural background to the facility. We request that consideration be given to allow facilities which find these at their site be provided a process to identify the problem and study the problem before enforcement action would be taken. The Water Board has stated that they will provide templates or requirements that would meet the technical reporting requirement. Currently it is unclear when the documents will be available. Please let us know when it is anticipated the requirements and templates will be available for review and how will they be distributed.

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Section XI B 5 d requires analysis of the 303d list. We recommend the fact sheet provide clarity regarding where to access the most current 303d list of impaired water bodies will be published and how will we be notified when it is updated. We recommend that this be implemented so that everyone is aware of list Amendments and updates.

Section X 1 C 6 lists reduced sampling. We recommend that the standard of 4 consecutive sampling events be used for reduced sampling. Utilizing this wording better clarifies how the consecutive quarters work and aligns the reduced sampling with the MSGP. If there is not a qualifying storm event during a quarter, does that quarter count as one of the consecutive quarters?

Section X IV allows compliance groups for facilities of the same industry type. Asphalt plants are often located on sources with an aggregate plant, ready mix plan and other similar types of operations. Sites with multiple operations will have a number of SIC codes. Will facilities which have multiple SIC codes be allowed to participated in a compliance group for one of the SIC codes for the entire site?

We appreciate the opportunity to comment on the draft rule language. If you have any questions, please feel free to contact me.

Sincerely,



RUSSELL W. SNYDER  
Executive Director

cc: CalAPA Board of Directors  
CalAPA Environmental Committee