Storm Water Panel Report
Deadline: 9/1/06 5pm

BRASH
INDUSTRIES

July 28, 2006

Comments to Feasibility of Numeric Effluent Limits by Blue Ribbon Panel

By Marvin Sachse, M.S., P.E., CPESC, CPSWQ

Brash Industries

4635 Admiralty Way

Marina del Rey, CA 90292

Representing the auto recycling industry groups; SoCal GMP (Group Monitoring Plan) 250 members, SDCARA (San Diego County Auto Recycling Association) 100 members, CADRA (California Auto Dismantlers and Recyclers Alliance) 200 members, and SCADA (State of California Auto Dismantlers Association) 200 members.

We would like to commend the efforts of the Blue Ribbon Panel on presenting an objective finding on an extremely complex issue.

In reviewing the Feasibility Study we would like to enter into the record the following comments and observations regarding on how the Report's findings can be used to improve the NPDES Storm Water Program.

Industrial Activities

Page 19:

1. The concept of, "have control over their facilities" requires extensive interpretation and clarification. Issues of run on water, containment capacity, naturally occurring soil mineral content, and air borne deposition of pollutants and particulates, have impacts on the quality of storm water discharges, and should be considered in the establishment of any guidance numbers.

2. We disagree that the current industrial permit has not produced a useable data base for most industrial categories. Also, these findings seemed to ignore the presence of the results found in the Permit's Schedule D, which identifies additional pollutants of concern beyond T.S.S., pH, conductivity, and Oil and Grease. The present data includes approximately 27,000 discharge observations. If all the submitted data were examined for central tendencies and annual trends, a wealth of information would be provided on trends and program improvements. The data reported to the State and Regional Waterboards in the Group Monitoring Annual Report clearly shows trends indicating that the level of compliance, and effectiveness of BMPs, has led to improved discharge water quality over the years. Scientifically, storm water data is not laboratory data. At best, storm water sampling is field data, and will never be extremely robust.

3. What is missing from the data base is the inclusion of the additional sampling data submitted in the Annual Reports and the detailed sampling reports from the Storm Water Group Programs. If this data is to be disregarded and an alternate sampling and data

options are to be explored, then sampling requirements should be removed from the new Permit. Elimination of the sampling requirement from the Permit, when costed over the State's 9000 Permitees, would free up almost $4 million annually for other storm water program uses, such as additional BMPs.

4. Page 21: It is important that background levels of naturally occurring contamination be considered when establishing any guidance or Action Levels, as minerals leached from the soil by rain's erosive forces are transported into rainfall discharges, producing significant levels of minerals/metals concentrations in the discharge water, not resulting from industrial activity.

5. We find no deficiencies with the present industrial code grouping whether it is SIC or NAICS. Any other structure could add confusion, complexity, and lack of consistency.

6. We support the development of Action Levels as proposed under the municipal permit, which are based upon either a consensus-based approach or statistically-based population parameters.

7. The TMDL program establishes receiving water effluent limits. Effluent limits at a facility property line do not necessarily represent the water quality as it enters the receiving water. The financial impacts of a laboratory level monitoring and sampling program, the need to produce water that is treated to an unnecessary level of purity, the cost of administering an effluent based program, and the potential for litigation for de minimus levels of contamination in storm water discharge, could proved to be financially

burdensome to industry, adversely impacting the State's economy, with an insignificant improvement in overall discharge water quality.

Brash Industries provides onsite BMP training for Southern California Developers at more than 100 different construction sites and would like to present a few observations on the Construction Activities section:

8. Water board, or regulator mandated BMPs appear to be in conflict with the guidance of Porter Cologne. Mandated BMPs should be verified in real world applications, to determine if a significant gain in discharge water quality for dollars spent or invested, really occurs.

9. Agree that discharge limits should be consistent with background levels. Promulgation of Polymer treatments systems should only be considered after sufficient pollution prevention measures have been applied. There are potential environmental issues with the use of coagulant aides, which could out strip the benefits gained from improvements in turbidity and TSS reductions.

10. Agree that numeric limits and Action Levels should not apply to storms of unusual event size and/or pattern (e.g. flood events).

M. V. Sachse

Marvin Sachse, M.S., P.E., CPESC, CPSWQ

4635 Admiralty Way ■ Marina del Rey, CALIFORNIA 90292
TELEPHONE: (310) 305-8637 ■ FAX: 310-574-0875 ■ www.brashind.com