



# METAL CASTING STORMWATER MONITORING GROUP, INC.

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September 1, 2006

Song Her, Clerk to the Board  
Executive Office - State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

RE: MCSMGI COMMENTS REGARDING BLUE RIBBON PANEL REPORT



Dear Chair Doduc and Board Members:

On behalf of the Metal Casting Storm Water Monitoring Group (MCSMGI), thank you for the opportunity to provide comments on the recommendations of the Stormwater Blue Ribbon Panel (BRP) Report entitled *The Feasibility of Numeric Effluent Limits Applicable to Discharges of Stormwater Associated with Municipal, Industrial and Construction Activities, June 19, 2006* (Panel Report). MCSMGI, as well as many of our group members, also attended the public hearings held recently in Sacramento and Los Angeles.

The **Metal Casting Storm Water Monitoring Group, Inc. (MCSMGI)** is one of the first state-approved groups in the state of California (1991-1992). The participants in the MCSMGI are metalworking companies where all heavy manufacturing activities are conducted under roof. The MCSMGI group program has been very successful and beneficial for metalworking companies of all sizes. Moreover, the technical leaders, group and individual training programs, site visits, MCSMGI employee training video (Spanish and English), and legal guidance for the MCSMGI are experts in their field and provide direction and oversight for compliance. Without question, groups are a vital part of the state's storm water program.

**COMMENT #1:** It would be neglectful not to again point out that the **lack of enforcement on non-filers** continues to hinder the state, water quality, and the regulated community. It is unfortunate that after 15 years of this program some facilities still operate without a storm water permit. MCSMGI believes that **locating non-filers** is as simple as crosschecking a list of companies within a SIC code vs. the state's list of storm water permittees.

Also, **the ability to fine non-filers needs to be streamlined.** Currently, it is common knowledge that if a company is without a storm water permit or SWPPP, they can simply file for a permit and commonly avoid any fines. This system validates companies who wish to avoid the cost of compliance and wait to be forced to comply. MCSMGI suggests that the **state water board immediately establishes a system to "ticket" and fine non-filers** without delay. This would raise addition funds for the state's storm water program and actually help make our waters cleaner.

**Accountability** is impossible if only a fragment of the state complies with storm water.

**COMMENT #2:** **To assist with a plan going forward, MCSMGI has worked closely with, and supports, the CASQA Progressive Approach for industrial facilities.** This begins with BMPs and progressively moves towards additional compliance measures.

**COMMENT #3:** The Blue Ribbon panel properly focuses on facilities that whose manufacturing and primary activities are outdoors. **The Panel does not go far enough in stating that effluent limits are probably not appropriate for indoor facilities.** Facilities that conduct most of their manufacturing and processing activities indoors **should be exempted** from any chemical monitoring. Visual monitoring and the iterative process associated with it should be required along with maintenance of monitoring plans and SWPPPs. There is no reason to subject this subcategory of industrial dischargers to any more monitoring or to study them any further as it relates to determining whether numeric limitations are feasible. Any studies or additional monitoring of industrial facilities with outdoor manufacturing or processing should be funded with the surplus account generated by permit fees. There should be no further expensive burdens placed on industry when the industrial general permit program alone is responsible for at least \$7 million in income to the State Water Board (assuming \$700 per discharger fees with 10,000 dischargers). The Panel should examine funding options for any additional chemical monitoring which include using this money to defray the financial burden on industry to do additional monitoring.

**COMMENT #4:** **MCSMGI agrees with the Panel's report that SIC Codes are not the best way to establish future storm water permit requirements.** Industrial facilities within a SIC Code may vary in their operations. Moreover, they vary in outdoor vs. indoor operations—which is a key component to storm water management. MCSMGI believes the state should review by industry rather than SIC Codes.

**COMMENT #5:** The State Water Board should consider the total economic impact of the stormwater program and not unduly penalize California industries with respect to industries outside of California (page 21). MCSMGI concurs with this position and recommends that the State Water Board consider options for minimizing cost (e.g., incentives for moving activities indoor, cost effective monitoring programs). This action could also be implemented through groups, such as MCSMGI.

**COMMENT #6:** **The data that is currently generated by the general permit requirements is unreliable.** It is unrealistic to think that data gathered under new regulations, no matter how comprehensive and technical

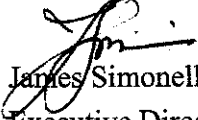
the requirements are, would be any more reliable because the type of sampling required is beyond the capabilities of almost all of the dischargers.

**COMMENT #7:** The Blue Ribbon Panel Report is biased **toward the implementation of treatment BMPs** which are costly and take up space that is probably not available at most facilities and would provide no tangible environmental benefits within the context of all sources of storm water discharges including commercial and unregulated sources, such as agriculture.

**COMMENT #8:** Effluent concentration limits and the associated sampling and monitoring requirements will **create more and more complex enforcement and paperwork issues** for agencies that already seem to be overwhelmed. The only benefit would accrue to the private enforcers and, again, it is difficult to see that any tangible environmental benefits would result.

Overall, MCSMGI believes the state's storm water program is working well for our industry, but can always be incrementally improved. Our comments and the *Progressive Approach* will move all of us forward without the expensive and extreme leap to numeric effluent limits. On behalf of MCSMGI, thank you for the opportunity to comment and participate in this process. We welcome the opportunity to work with the Board and its staff to constructively use the Panel recommendations and observations to improve the storm water program in California.

Sincerely

  
James Simonelli  
Executive Director