

4 March 2014

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814



Subject: Comment Letter - April 1, 2014 Board Meeting: Final Draft Industrial General Permit

Dear Ms. Townsend:

This comment letter is being submitted to request that the State Water Resources Control Board (“SWRCB”) consider modification of certain proposed revisions made to the Final Draft Statewide General National Pollutant Discharge Elimination System (“NPDES”) Permit for the Discharge of Storm Water associated with Industrial Activities (“Industrial General Permit”), dated 19 February 2014. The comment letter is being submitted pursuant to the requirements of the Notice of Adoption Meeting and Notice of Availability of Draft Documents.

**Comment.** *Section X.H.2.b.ii – Stormwater Containment and Discharge Reduction BMPs:* The modifications made in this paragraph of the Industrial General Permit appear to emphasize the use of percolation of stormwater from industrial facilities into the ground as an acceptable form of reducing discharge of pollutants to surface water. However, the proposed language does not specify whether stormwater should (1) be treated prior to infiltration, (2) managed in a manner to prevent any groundwater quality degradation or impact to beneficial uses of the Waters of the State as identified in the Regional Water Quality Control Board Basin Plan (“Basin Plan”), or (3) consider in any way the impacts such percolation of industrial stormwater runoff to ground may have on local groundwater.

Additionally, this section of the Industrial General Permit is inconsistent with the stormwater management plans developed by many Municipal Separate Stormwater Sewer Systems (“MS4s”), such as the Los Angeles County Department of Public Works Standard Urban Storm Water Mitigation Plan (“SUSMP”), dated March 2000, and the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan. These MS4 stormwater management plans clearly state that “*Infiltration BMPs are not recommended for areas of industrial activity...*”

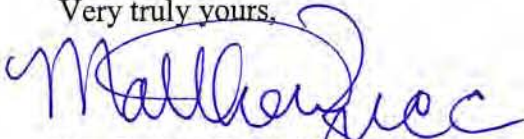
It is generally understood that NPDES permits apply to discharges to waters of the United States and not to discharges to ground that may otherwise be covered by the Porter-Cologne Water Quality Control Act (California Water Code, Division 7). However, many industrial facilities contain pollutants in stormwater runoff that would likely degrade groundwater quality if infiltrated prior to some form of treatment.

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The SWRCB should consider amending the proposed revision in this section of the Industrial General Permit or providing language in the Industrial General Permit Fact Sheet clarifying that, at a minimum, stormwater infiltration must be consistent with other applicable laws and regulations, which includes Porter-Cologne, the regional Basin Plan, and applicable MS4 stormwater management plans. Additionally, it would be prudent for the SWRCB to include in the Industrial General Permit or Fact Sheet language requiring (1) evaluations of potential impacts of infiltration of stormwater runoff and (2) adequate treatment of stormwater prior to infiltration to prevent degradation of groundwater quality and impact to the beneficial uses identified in the regional Basin Plan.

Thank you for this opportunity to submit comments to the SWRCB on the Industrial General Permit.

Very truly yours,



Matthew P. Zucca, P.E.  
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