SPECIAL HEARING
2/3/05
cc: BD, DI, DWQ
e-cys: BD, CC, HMS, TH, CMW

114. Allied Waste

ALLIED WASTE
-PACIFIC REGION-

February 17, 2005

Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, California 95812-0100

Re: National Pollutant Discharge Elimination System (NPDES) General permit for Discharges of Storm Water Associated with Industrial Activities Draft dated December 15, 2004 (Draft Permit)

Dear Ms. Irvin:

This letter documents (and, in some instances, expands upon) the items I discussed during the February 3, 2005 public hearing on the subject Draft Permit. During the public hearing, I discussed three topics briefly. These were (1) the potential for creating a sediment-starved condition in receiving waters (streams), (2) financial concerns, and (3) potential adverse environmental impacts from complying with the Draft Permit. I will discuss each of these topics below:

1. Potential for Creating a Sediment-Starved Condition in Streams – Allied Waste Industries is one of the parties who signed the "Solid Waste Coalition" letter, dated February 3, 2005, submitted to you. That letter discusses, among other items, the potential for creating a sediment-starved condition in streams if industrial facilities attempt to meet the proposed 100-mg/l TSS standard in the Draft Permit. Our concern is not a theoretical, "paper study" type of concern. I have personally worked on a project to mitigate a sediment-starved condition in a stream that received discharge from a sedimentation basin that was working too well for the site-specific conditions at one of our facilities. The discharge from this sedimentation basin contains over 300 mg/l TSS, or more than 3 times the standard in the Draft Permit. Even at this level, the reduced TSS, below naturally occurring levels for the stream, resulted in the stream increasing its sediment load down-stream from our sedimentation basin, to re-establish natural levels, precisely as described in the coalition letter. The stream increased its sediment load by eroding the stream banks down-stream from the sedimentation basin. This erosion created nearly vertical walls 10 to 15 feet high along the stream.

   One of our most alarming concerns with this erosion was the potential for the children of our down-stream neighbor to fall off the "cliff," and suffer resulting injuries. We mitigated this condition successfully at a cost of approximately $1,000,000.

   We did not mitigate the erosion by armoring the stream channel with riprap, or concrete. We did not replace the natural channel with an enclosed pipe, or a concrete channel either. Instead, we re-created a natural "drop-and-pool" type of channel constructed of very expensive, carefully placed, imported rocks (small boulders). At

bends and other locations susceptible to erosion, we protected the banks with "bio-logs" (rolls of jute matting) and willow stakes. As the bio-logs decompose, the willow stakes take root creating a natural, willow-lined stream bank. The willow roots will protect the stream bank from erosion, in a manner that nature intended, while the willow trees provide habitat and shade to cool the stream water. We also expended considerable effort and funds re-establishing native vegetation along the restored stream bank. This project required a great deal of very expensive manual labor in the stream channel, but we are all very pleased with, and proud of, the results.

2. Financial Concerns – The State Water Resources Control Board has received a great deal of information expressing technical concerns about the proposed sampling program and the use of the EPA benchmarks in the Draft Permit. I wish to note that there is a very significant financial concern associated with these technical concerns. The solid waste industry (both private companies and local government agencies) is very accustomed to spending a great deal of money for environmental protection. However, we cannot afford to commit our resources and the resources of our rate payers to corrective actions required by (a) misleading data resulting from an inappropriate sampling program, and/or (b) inaccurate conclusions resulting from a well-intentioned, but inappropriate application of the EPA benchmarks. In particular, we object to committing those resources to corrective actions that may actually degrade the environment, rather than increasing overall environmental quality, as described in Item 3 below.

3. Potential Adverse Environmental Impacts – You have also received a great deal of information expressing concern that the EPA benchmarks for metals may be lower than naturally occurring levels in many locations. If industry must meet these benchmark levels for metals in locations of this type, we will likely have to implement treatment BMPs. The most common treatment to reduce dissolved metals, in my experience, is chemical precipitation. This requires increasing the pH of the water by adding a very caustic (high pH) chemical to the water to precipitate the metals out of solution, followed by adding a strong acid (low pH) to the water to drop the pH to neutral levels. This process involves not only the use of potentially dangerous chemicals (Most processes are designed to use caustics and acids just below and above, respectively, hazardous pH levels.), but also consumes energy and creates additional traffic and associated air quality impacts due to the need to transport the chemicals and other materials to the facility.

We appreciate the opportunity to bring these matters to your attention, and we thank you for your time and attention. Like all of the members of the Solid Waste Coalition, we look forward to working with the State Board to achieve our mutual goal of improving storm water quality.

Very truly yours,

Curtis G. Fujii
Regional Engineer

Cc Chuck Helget
Solid Waste Coalition Members