



CALIFORNIA FORESTRY ASSOC

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January 24, 2005

Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100



Re: Industrial Stormwater General Permit

Dear Ms. Irvin:

These are the comments of the California Forestry Association regarding the Board's proposed order for a general permit pertaining to industrial stormwater treatment. The California Forestry Association (CFA) is the statewide trade association that represents California's forest industry, including 90 percent of the primary manufacturers of forest products produced in this state. Our members' mill sites, log yards and other properties are subject to the proposed stormwater general permit.

We are committed to the sustainable management of California's forests and the conservation of our forest resources. Recent university studies clearly demonstrate that California is among the world's leaders in the protection of the environment and conservation of our privately owned forest resources. Further, our members have comprehensive programs in place at each of their facilities to assure that stormwater is treated under Best Management Practices.

Indeed, it is our view that Best Management Practices are the most effective and efficient means to address stormwater runoff. Although the proposed permit generally utilizes BMPs as the mechanism to address stormwater runoff, the proposal goes much further by establishing benchmarks for 22 parameters. Exceeding these parameters in stormwater runoff triggers a series of corrective actions. We have concerns with this approach in general, and also have specific concerns with several other aspects of the rule package.

General

In general, we think that this order will create a costly program to both the state and private enterprises without any significant environmental benefit. The state has not demonstrated that stormwater discharges from facilities such as ours are negatively impacting water quality or causing state waters from meeting designated uses.

We believe that the proposed order takes stormwater treatment to a level that would be inordinately difficult to comply with, resulting in the potential for large fines when no adverse impacts to the environment have occurred. Further, it establishes new sampling and effluent limit-like benchmarks that deviate from a traditional BMP approach. In our view, this is only one small step removed from strict effluent limits — a mechanism that would be inappropriate for stormwater and one that is more appropriately applied to facility process water discharges.

Specific Comments

Section VIII.4.a., Page 19. The order requires measurements of runoff in the first hour after the first two storm events of the season, which are then compared to a series of benchmarks. This period, of course, is when the flows of water with suspended solids are the greatest. Typically, months have passed with little flow of materials occurring, but the rule would require us to measure these uncommonly high levels for comparison to the benchmarks. To us, this is an unfair and non-scientific method of dealing with stormwater. In fact, the state of Washington specifically avoids measurements during the period just after a storm because that period is not representative of typical stormwater runoff.

Section V.7, Page 6. This section calls for the implementation of a series of corrective actions when analytical results exceed U.S. EPA benchmark values. To us, this is the beginning of a program for establishing strict limits on stormwater runoff. As noted above, we do not view stormwater as a particularly controllable discharge from our properties. Thus, by moving in this direction, we believe that the Board is driving permittees toward an unachievable objective.

Section VIII.3.e., Page 18. This section requires the completion of monthly observations and recordings of any storm events that did *not* produce a discharge. We view this as an example of a costly and unnecessary rule that produces nothing of value to the state and does nothing to improve the environment.

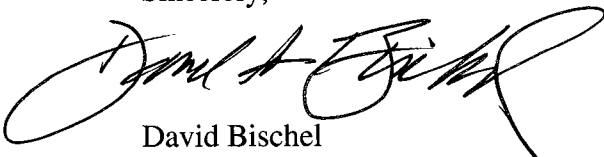
Section VIII.3.f., Page 19. Here, we would be required to observe *anticipated* storm events to identify spills, leaks, or uncontrolled pollutant sources and implement appropriate corrective actions. Many of our members operate on the North Coast, which has many rain events. In that area, this will require inspections every two weeks. In our view, monthly observations are sufficient to accomplish the same objective.

Summary

Overall, while we approve of the BMP approach to stormwater treatment, we believe that the proposed rule goes too far for stormwater. We recommend that this package be pulled back and reconsidered given the problems inherent in the order.

We recommend that the Board implement a pilot program over the next several years to evaluate mechanisms for achieving the "best" BMPs on a state owned property or properties. That way, the Board would not be unnecessarily layering this very large, complicated and costly system on private facilities without a proven need or measure of effectiveness.

Sincerely,



David Bischel
President