



February 2, 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



**Subject: Local Government Comments on the Revised NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities (draft dated December 15, 2004)**

Dear Ms. Irvin

The League of California Cities, the California State Association of Counties, and the Regional Council of Rural Counties are pleased to have this opportunity to offer our collective input regarding proposed revisions to the subject NPDES Stormwater Discharge Permit for Industrial Activities. We support those permit changes that improve clarity of regulatory intent and that strengthen requirements for implementation of “best management practices”. However, as explained below, there are several other provisions in the draft permit that cause serious concern for cities and counties throughout the State.

As representatives of local government, the undersigned organizations are in the somewhat unique position of viewing the proposed permit changes from two perspectives--first, as an enforcer of local water quality objectives and, secondly, as a regulated discharger.

As regulators of water quality under the SWRCB’s Municipal Storm Water Permitting Program, many of our cities and counties are charged with the responsibility to reduce pollutants in municipal stormwater discharges through the implementation of local Storm Water Management Programs. In many cases, the success of these areawide programs depends on the degree to which we can effectively control and manage stormwater discharges from industrial activities within our jurisdictions. As such, our local governments are committed to working closely with the SWRCB to improve existing control requirements for industrial sites and to develop the tools necessary for meaningful and effective enforcement. However, we believe that adoption of revised permit, as currently proposed, will not significantly help local government in this regard and we are concerned that strict application of many of the new regulatory provisions may actually hinder our efforts to work cooperatively with industrial discharges within in our jurisdictions.

Secondly, with respect to the subject stormwater permit, most local governments are also considered to be “industrial dischargers”. Our regulated “industrial activities” include such things as city and county-owned landfill sites, recycling centers and material recovery

facilities, water and wastewater treatment plants, vehicle maintenance yards, airports, and other transportation-related facilities. Cities and counties currently expend tremendous resources in an effort to control stormwater discharges from these activities and to comply with existing permit monitoring and reporting requirements. While we are committed to working with the SWRCB to effect further improvements as may be needed, many of the proposed permit conditions will require the expenditure of additional millions of dollars with little or no commensurate benefit to water quality.

Consistent with USEPA requirements, we concur with the establishment of “best management practices” (BMPs) and support required implementation of feasible and cost-effective control measures through the established “iterative/adaptive BMP-based approach”. However, many provisions of the draft permit exceed the requirements contained in the federal Stormwater Multi-Sector Group Permit and there does not appear to be sufficient scientific justification in support of these additional requirements. For all practicable purposes, the proposed permit, as currently crafted, would impose numeric effluent limitations that are, in many cases, inappropriate and cannot be realistically met.

The following highlight some particular areas of concern we have regarding the proposed new permit:

- The use of “benchmark values” as a trigger for punitive measures will, in many cases, create a never-ending enforcement requirement for the implementation of corrective actions that will never realistically achieve the specified numeric “goals”.
- The enforcement of “benchmark values” as “effluent limits” without due consideration of background levels of naturally occurring stormwater constituents is not practicable. This is particularly problematic for active and inactive landfills located in areas where background TSS levels and iron concentrations are an order of magnitude or more higher than the recommended “benchmark value”.
- Many of the new monitoring and “visual inspection” requirements appear excessive. They will be extremely costly and provide little or no scientific bases for evaluating the efficacy of on-site control practices and technologies.
- Ambiguous requirements related to “receiving water limitations” and the unrealistic requirement that industrial stormwater discharges “shall contain no pollutants” need clarification.

These issues and others are discussed in much more detail in comments that have been offered to you by the California Stormwater Quality Association (CASQA) and by representatives of the solid waste industry. By reference, the undersigned endorse the positions being put forward in correspondence from these groups. We support their recommended changes and urge you to seriously and critically consider and respond to these comments and recommendations before moving forward with adoption of the proposed permit.

The undersigned all share the SWRCB’s commitment to improve water quality and to protect and preserve the natural resources of California. However, please realize that the suggested permit changes are extremely far-reaching and adoption of the current proposal will have profound adverse financial impacts on businesses and local governments throughout the

State--with questionable water quality benefits. Considering this, and in light of the highly technical nature of many of the changes being suggested, we are concerned that there has been insufficient opportunity for stakeholder input and scientific review.

We are hopeful that the upcoming Public Hearings are seen as the first step of a more comprehensive and on-going public review process. Also, because of the rather technical questions that have been raised by CASQA and others, we would also recommend that the SWRCB consider submitting the proposed permit revisions to an independent third party for "peer review" in an effort to verify the scientific bases, the technical feasibility, and cost-effectiveness of many of the suggested new requirements.

Your positive consideration of our input is very much appreciated. Please feel free to contact any of the undersigned for more information in support of our comments and to discuss permit modifications that would address our concerns.

Respectfully yours,

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cc: Celeste Cantu, Executive Officer, SWRCB  
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