

2/3/05

cc: BD, DI, DWQ

e-cys: BD, CC, HMS, TH, CMW



**Riverside County
Waste Management Department**

Hans W. Kernkamp, General Manager-Chief Engineer

103. riverside county waste

management department
February 18, 2005

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

RE: Written Comments on the Draft Industrial General Permit Order Number 05-XX-DWQ

Dear Ms. Irvin:

The Riverside County Waste Management Department (Department) is pleased to have this opportunity to offer our comments regarding proposed revisions to the subject NPDES Stormwater Discharge Permit for Industrial Activities. There are several provisions in the draft permit that cause serious concern for the Department, as explained below.

SECTION V: PROVISIONS

7: "When analytical results exceed the USEPA benchmark values in Table VIII.2 dischargers shall implement corrective actions....."

The above language conflicts with the language stated in the Fact Sheet for the permit which states, "However, USEPA also established "benchmarks" which are the pollutant concentrations above which USEPA determined could be an indicator that the discharger has not effectively developed and implement a SWPPP to reduce or eliminate pollutants in storm water discharge to meet BAT/BCT. The benchmarks are generic and not intended to be numeric limits or protective of any particular receiving water."

This leads the RCWMD to assume "benchmarks" were established by the USEPA as a guideline and were not intended for enforcement; therefore, the RCWMD is requesting clarification on guidelines regarding "benchmarks" for triggering compliance with the new General Permit. The Department recommends clarification of the intent of using benchmark values as numerical limitations.

In addition, this section requires certification of why an exceedance occurred and why it will not occur again under similar circumstances. The Department is unclear as to how such a certification could be issued due to the wide range of storm events, limitations of control technologies, and impacts of off-site pollutants. The Department recommends removing this requirement from the permit.

SECTION VII: SWPPP REQUIREMENTS

3.b: Pollution Prevention Team.

The Department recommends that the Pollution Prevention Team members be identified in the SWPPP either by position, title, or name rather than "names and titles". This will eliminate the need to update the SWPPP each time there is a change in the team personnel.

8. BMPs

i. Good Housekeeping:

(1) "Inspect weekly all outdoor areas associated with industrial activity, Stormwater discharger locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping

needs...."

Solid waste facilities are regulated by 40CFR, CCR Title 27, as well as site specific Waste Discharge Requirements(WDR). Each of the site specific WDRs includes specific inspection schedules for drainage systems, as well as leachate and gas condensate facilities. The Department recommends that the time frame for inspecting specific BMPs be left to the discharger, rather than dictate a frequency in this permit.

(7) *"Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this General Permit's requirements."*

Diverting flows away from the industrial activity at a solid waste facility is not always feasible. Every effort is made to divert run-on away from the site, but due to the nature of the location of many landfills, this is not always possible. The proposed permit states that the facility would be subject to the benchmark limits, including those flows that contribute from non-industrial areas. If this is the case, landfill facilities will never be in compliance with the benchmark limits (i.e. for TSS) and therefore will be in an unending loop of sampling and corrective measures.

ii. Preventative Maintenance

(2) *"Inspect weekly each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks..."*

Again, because landfills are regulated by 40CFR, CCR Title 27, as well as site specific Waste Discharge Requirements, the inspection frequency should be left to the discharger. For example, leachate and condensate systems at our landfill facilities must be inspected weekly at active landfills and monthly at inactive landfills. This required minimum BMP, as proposed in the Draft Industrial permit, would require additional staff and resources to increase our current inspection rate. The RWQCB has determined that a frequency, other than weekly, is adequate and has required it as part of our site specific WDRs.

SECTION VIII: MONITORING PROGRAM AND REPORTING REQUIREMENTS:

3. Storm Water Discharge Visual Observations

e: "Prior to completing each monthly visual observation required in Subsection 4.a., dischargers shall record any storm events that occurred during operating hours that did not produce a discharge."

This proposed requirement is overly burdensome and does not appear to be of any benefit to the objectives of the monitoring program (i.e. implementing BMPs to address pollutants, observation of the presence of pollutants, and evaluate the effectiveness of BMPs). The Department recommends removing this requirement from the final version of the permit.

f: "Prior to anticipated storm events, dischargers shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate corrective actions...."

In addition to the same monitoring frequency required in Water Quality Order (WQO) No. 97-03-DWQ, which required dischargers to conduct quarterly non-storm water discharge visual observations and visually observe storm water discharge from the first qualifying storm event in each month of the wet season, the draft General Permit is proposing to require dischargers to perform pre-storm visual inspections during operating hours. The RCWMD currently has 13 sites throughout Riverside County, which are covered under WQO 97-03-DWQ, and to add the additional pre-storm visual observation for each storm (14 days apart) for each site throughout the

region would add a significant burden on RCWMD staff and significant overhead cost to the RCWMD to stay in compliance with the new General Permit. The RCWMD believes the original monitoring program required in the WQO No 97-03-WQO is adequate and requiring the pre-storm visual inspections is unnecessary.

4. Sampling and Analysis

a: *"Dischargers shall collect storm water samples during the first hour of discharge from the first two qualifying storm events...."*

The current Industrial permit requires a sample from the first qualifying storm and one other during the rainy season. For storm water sampling to be useful to assess BMP effectiveness, a reasonable period of time between rain events must be allowed to demonstrate BMP performance during the wet season. Failure to collect samples from the first two consecutive storm events must not be considered a permit violation. The Department recommends keeping the permit language from WQO No 97-03-WQO.

f: *"Dischargers shall continue sample collection and analysis until two consecutive samples result in no further exceedances of the USEPA benchmarks."* As stated above, the RCWMD is under the assumption that "benchmarks" were established by the USEPA as a guideline and were not intended for enforcement with any permits. Again, the RCWMD is requesting clarification on establishing compliance with set USEPA "benchmarks".

As an example, the USEPA benchmark for Total Suspended Solids (TSS) is 100 mg/l. Because the act of maintaining an active and/or closed landfill uses a considerable amount of soil, the RCWMD believes that even with an effectively developed and implemented SWPPP to meet BAT/BCT and with all BMPs in place, this one benchmark could be impossible to reach. In addition, the native land around solid waste facilities is typically undeveloped land with minimum vegetation. The TSS levels of stormwater from native areas typically exceed the benchmark of 100 mg/l.

Sources of other parameters could be a result of aerial deposition, native soil, or from other sources that are present at solid waste facilities, such as galvanized fencing and galvanized structural materials. This permit does not take into account the contribution of background pollutant loads and non-industrial pollutant sources to industrial related Stormwater discharges. The Department recommends that dischargers be allowed to establish, based on accepted engineering and scientific standards and practices, that the source of the pollutant is not an industrial storm water pollutant source (as defined by the General Permit) and that the Regional Board, upon request of the discharger, waive further assessment and evaluation.

The RCWMD believes that having dischargers attempt to reach these extremely low benchmarks could be a burden most dischargers will not be able to afford, or be able to attain. The Department recommends that the Draft permit clarify that the exceedance of benchmark values does not mean that the discharger failed to meet BAT/BCT requirements.

7: Sample Storm Water Discharge Locations

d. *"Dischargers shall collect samples from all drainage areas..."* The current permit allow for sample reduction for substantially identical drainage basins. Many landfill facilities are large in size, often occupying hundreds of acres. Due to their size, landfills typically have multiple storm water discharge locations. The requirement to visually inspect and sample from all drainage areas is excessive and will result in dischargers being required to hire additional staff. The Department recommends that the permit allow for sample reduction for substantially identical drainage basins.

14: Annual Report Submittal Date

The Department recommends that the annual report should be due to the Regional Boards no earlier than August 1 of each reporting year. The wet season is from October 1 through May 31; however, one of the quarterly visual observations has a time frame of April through June. An August 1 submittal date will allow for one month to prepare the reports following the end of the monitoring period.

Your consideration of our comments is very much appreciated. If you have any questions, require more information in support of our comments, or would like to discuss permit modifications that would address our concerns please call me or Panda Workman of my staff at (951) 486-3200.

Sincerely,



Angela C.M. Dufresne, P.E.
Principal Engineer

ACMD/PW: pw

PD# 31480-v1

cc: Panda Workman