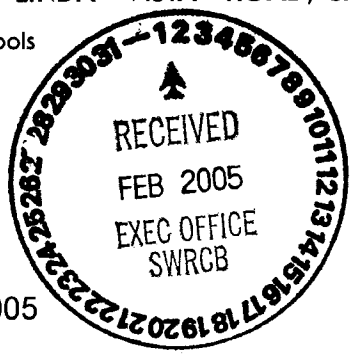
SAN DIEGO COUNTY OFFICE

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA

Superintendent of Schools
Rudy M. Castruita, Ed.D.

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



January 28, 2005

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

Re: Comments Regarding the Reissuance of the National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Industrial Activities

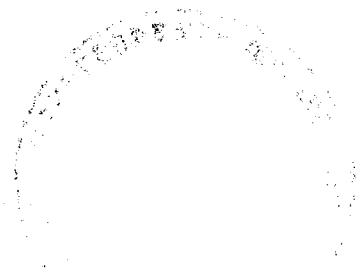
Ms. Irvin:

The San Diego County Office of Education has been group leader since 1992 for 32 school district bus maintenance facilities. This responsibility has included overseeing the implementation and annual reevaluation of best management practices (BMP) at each site, elimination of non-storm water discharges, and monitoring activities, which include the collection and analysis of over 80 storm water samples for the standard four constituents plus total petroleum hydrocarbons and five metals :cadmium, copper, lead, nickel and zinc.

The following comments are in response to the draft General Industrial Permit (draft Permit) dated December 15, 2004. We would like these comments entered into record.

- General. We request that the changes in the General Permit focus more effective ways to mitigate storm water pollution in lieu of establishment of additional time-consuming inspection, sampling and analysis, and corrective action requirements. As with the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Board's (RWQCB), school district operation and maintenance budgets have also been severely reduced by current economic conditions in California.

- Provision V.7. The benchmarks in Table VII.2 should not be included in the draft Permit because, as proposed, they are in essence effluent limits. If exceeded, the draft Permit mandates that the discharger:



- ✓ Implement and continue implementing additional BMPs, revising the Storm Water Pollution Prevention Plan (SWPPP), submitting reports to the RWQCB and conducting additional monitoring until compliance is achieved (irrespective of whether the cause for the exceedance is associated with the industrial activity).

- ✓ Certify compliance with the benchmark or certify and show why the exceedance will not occur again. For at least some constituents (e.g. zinc, iron and specific conductance), we think that it will be impossible to certify that the exceedance will not occur again and that the additional monitoring, reporting and SWPPP revisions will have to go on infinitum.

The benchmarks are based on statistical analyses by the United States Environmental Protection Agency (EPA) for purposes of determining if the discharge could potentially impair water quality. The EPA specifically states:

> *"The benchmark concentrations are not effluent limitations and should not be interpreted or adopted as such. They are merely levels which EPA has used to determine if a storm water discharge from any given facility merits further monitoring to insure the facility has been successful in implementing a storm water pollution prevention plan." (Federal Register September 29, 1995, Page 50825).*

Prior to establishing effluent limits, the SWRCB should conduct a study (proposed on Page IV of the Fact Sheet) to assure that the limits are based on sound science and that mandated corrective actions are achievable by implementing BMPs to mitigate storm water pollution. One example is zinc (see below).

As proposed by the SWRCB, corrective actions would be mandated until compliance with the benchmarks is achieved. In some cases, the only way for a discharger to comply will be to take unreasonable steps (unrelated to the regulated industrial activity) in an attempt to lower storm runoff concentrations on a consistent basis.

For example:

- ✓ Storm water contact with galvanized metal (such as metal roofing, siding, or fencing) that can cause exceedance of the proposed 0.117 mg/L zinc benchmark even though the metal itself is not impacted by industrial activity (e.g. vehicle maintenance or cleaning activities). Based on the analytical results from approximately 80 storm runoff samples, we anticipate that approximately 90 percent of future storm runoff analyses from bus maintenance facilities will exceed the proposed zinc benchmark. This is expected because\ galvanized metal building materials are present at most sites even though essentially all maintenance and equipment cleaning activities occur in areas that are not exposed to storm water (e.g. areas that are enclosed, covered or that drain to the sanitary sewer).

- ✓ The water quality in most surface waters and in the San Diego vicinity water supplies far exceeds the proposed 200 umhos/cm benchmark for specific conductance. Based on the analytical results from approximately 80 storm runoff samples, we anticipate that approximately 30 percent of future storm runoff analyses will exceed the proposed specific conductance benchmark. Again, this is expected even though essentially all maintenance

and equipment cleaning activities at most of the sites occur in areas that are not exposed to storm water (e.g. areas that are enclosed, covered or that drain to the sanitary sewer).

As written, compliance with Provision V.7 may require that dischargers take unreasonable steps such as removing chain link fencing or replacing galvanized metal siding or roofing in order to comply to comply with the zinc benchmark. Neither of those actions would be BMPs to mitigate impacts of the industrial activities regulated by the Permit (but merely an attempt to comply with an in-direct effluent limit by replacing building materials that are commonly in use throughout California).

- Monitoring Program and Reporting Requirement VIII. Combined Samples. Although analyzing combined samples (consisting of samples collected from up to four drainage areas) could save a discharger analytical costs, those savings would be offset by the costs for additional sampling at each discharge point, which would be required if the combined sample analysis exceeds one of the benchmarks.
- Storm Water Pollution Prevention Plan (SWPPP) Requirement VII.8.a.vii. This new quarterly visual inspection requirement should be relocated to Section VII along with the other requirements for visual observations. We suggest that this inspection be combined with the requirement for quarterly non–storm water discharge observations.
- Group Leader Requirement IX.2.v. We request that the Group Leader response times be extended as follows for logistics purposes:

  ✓ Prepare and transmit an inspection report to the Participant within 30 days (in lieu of 15 days); and

  ✓ Provide the appropriate RWQCB with a copy of the Group Leader inspection report signed by the Participant within 60 days (in lieu of 30 days).

- Conditional Exclusion Requirements X.6. The draft Permit allows dischargers that meet certain criteria to file a No – Exposure certification (NEC). However, the Permit also requires that the NEC be resubmitted annually. Annual resubmittal is not necessary (and was not proposed in the pervious draft Permit dated May 2003). At most, the draft Permit should require that the NEC be filed every 5 years (as required by the EPA) or whenever the Permit is reissued.

In conclusion, we trust that the SWRCB will consider these comments before adopting the final reissuance of the NPDES Permit for industrial activities. We look forward to working collaboratively, as we have done over the last 13 years, to address storm water pollution prevention issues in correlation with school bus maintenance facilities.

Sincerely,

Robert Nicholson
Senior Director
School Facilities Planning Services