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Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
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P.O. Box 100
Sacramento, California 95812-0100

Re: **Comments on Reissuance of the National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated With Industrial Activities (Industrial General Permit No. CA5000001)**

Dear Ms. Irvin

The State of California Auto Dismantlers Association (SCADA) is the sole statewide representative of the auto dismantling industry in California. Our member businesses are typically small, averaging about ten employees. These businesses provide valuable environmental services by responsibly processing end-of-life vehicles. They recycle oils, antifreeze, batteries, tires, freon, mercury and other sensitive materials. In each case, the businesses already bear the costs of processing and documenting compliance with regulations pertaining to these materials. It is important that General Permit changes not unduly burden these small businesses with unrealistic costs or paperwork burdens. Reasonable regulations allow the industry to meet your expectations. Unreasonable, costly regulations will discourage many smaller businesses that simply cannot afford to devote the money or time required to comply. With these considerations in mind, we have reviewed the draft Industrial General Permit and are pleased to provide the following suggestions and comments for your consideration.

SCADA has worked for over 40 years to improve auto recycling practices and regulatory compliance. SCADA developed and sponsors the Partners in the Solution certification program to set high standards for the industry, raise the performance of participating auto recyclers, and provide recognition and benefits to those participants. True to its name, the Partners in the Solution program was developed with the cooperation and assistance of "partners" such as Sustainable Conservation (SusCon), the State Water Resources Control Board and Regional Water Quality Control Boards, the Department of Toxic Substances Control, the U.S. Environmental Protection Agency (USEPA), and leading experts in the industry. Participating recyclers will meet 39 environmental, safety, business, and licensing standards. Meeting these standards will help recyclers comply with the Industrial General Permit. On April 2, 2004, USEPA Region 9 honored SCADA with its 2004 Environmental Achievement Award for the Partners in the Solution program. The program has also been accredited by the international Automotive Recyclers Association.



*Special Hearing
2/3/05
cc: BD, DI, DWQ
e-ops: BD, CC, HMS,
TH, CMW*

As an environmentally conscious industry, we share the State Board's commitment to prevent pollution of storm water runoff and protect the water quality of receiving waters.

Our comments address the following main topics:

- Minimum BMPs
- 2 Water Quality Standards
- 3 Monitoring Requirements

Minimum BMPs

Section V11.8.a establishes minimum BMPs for permitted facilities. In addition, facilities are required to identify and implement facility-specific BMPs. Together, these BMPs will constitute compliance with BAT/BCT.

SCADA supports a BMP-based approach and the establishment of minimum BMPs. Nearly all of the listed minimum BMPs are included as standards under SCADA's Partners in the Solution program. Other Partners standards will help facilities meet the requirement for facility-specific BMPs.

i. Good housekeeping (7) encourages diversion of storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility.

Typically, it would be difficult and expensive to change the drainage pattern of an existing facility. Rather, at most auto recycling facilities BMPs will be applied to reduce pollution of runoff from industrial areas, and of runoff from non-industrial areas that comes in contact with industrial areas. BMPs will also address non-storm water discharges.

ii. Preventative Maintenance (2) requires weekly inspections of equipment and systems.

This requirement is more specific than the current Partners in the Solution standard that states that "periodic" inspections must be conducted. SCADA believes that a weekly inspection schedule is reasonable, and once the General Permit is final, we will revise the Partners standard to be consistent with the permit language.

vii. Erosion/Sediment Control requirements include both erosion control measures (such as vegetation seeding and mulching) and practices to reduce the discharge of sediment once erosion has occurred (such as sedimentation ponds).

We agree that erosion should be prevented whenever practicable. However, we recommend that sediment treatment systems such as ponds or commercial treatment systems be considered as facility-specific BMPs applied on a case-by-case basis, not as minimum BMPs that are widely applied. The Partners in the Solution standard for erosion control requires that structural treatment controls be considered where necessary. It is noted in the Partners in the Solution Guidance Manual that the professional services of an engineer may be needed to properly design and size such a system. In addition, the Partners standards require that storm water filter systems be placed at locations where storm water discharges from the facility, or where offsite storm runoff enters the facility property.

The remaining minimum BMPs that address spill response procedures, material handling and waste management practices, employee training, recordkeeping, and periodic visual inspections of the facility are consistent with the corresponding Partners in the Solution standards.

Water Quality Standards

The General Permit states that storm water discharges shall not cause or contribute to a violation of receiving water quality standards. SCADA agrees that if a facility's storm water discharge does cause or contribute to a violation of receiving water standards, the facility should implement additional BMPs to assure compliance. However, we do not support the procedures outlined in the General Permit.

The proposed General Permit requires a special one-time sampling for metals, chemical oxygen demand (COD), and semi-volatile organic compounds (SVOCs). The purpose of this sampling is to create a database of constituents of concern and their levels at various industrial sites; and to provide the basis for developing numeric storm effluent water limits. The General Permit provides an opportunity for dischargers to propose an alternative representative statewide monitoring program (such as a scientific study that produces more reliable data in a cost effective manner).

We oppose the requirement for a one-time sampling of metals, COD, and SVOCs for the following reasons:

1. Proper sampling to support analyses for these constituents, especially SVOCs, is difficult. The data will be unreliable and prone to errors.
2. The laboratory analyses are expensive, with an expected cost of about \$250-\$400 per sample.
3. The sampling does not take into account the BMPs that have been applied at each facility.
4. Storm water sampling is a poor and ineffective way to monitor the performance of existing BMPs, or the need for additional BMPs, because of excessive variability in the data.
5. A database of constituents of concern and their levels at various industrial sites was already developed by USEPA in the early 1990's as part of the national group permit application, which eventually led to the multi-sector permit. The USEPA database has been supplemented by the additional storm water monitoring conducted in California and many other states over the past decade.

Furthermore, SCADA opposes the State Board's intent to develop numeric effluent limits for storm water runoff. The USEPA recommended a BMP-based approach to storm water permits in lieu of effluent limits. USEPA also believes that it would be difficult if not impossible to develop reliable meaningful effluent limits for intermittent, highly variable storm water runoff flows. The USEPA benchmarks set forth in the multi-sector permit are intended to be used as general guidelines, not as enforceable effluent limits. We do not believe that fair and justified storm water effluent limits can be developed. The use of such limits would not be a technically sound way to assess permit compliance or define BMP needs.

Instead, constituents of concern and target reduction levels to protect desired water uses should be developed through total maximum daily load (TMDL) studies or similar watershed monitoring and modeling studies conducted by experienced and qualified professionals. Such studies could provide a reliable link between storm water runoff and receiving water quality. SCADA recommends that the State Board pursue watershed-based pollution assessments rather than develop numeric limits that would have little or no scientific basis.

In the interim, the State Board intends to use the USEPA benchmarks to assess storm water monitoring data. If one or more of the benchmarks is exceeded, the discharger must revise its storm water pollution prevention plan (SWPPP), improve BMPs, and sample the next two qualified storm events. Some of the USEPA

benchmarks have an inadequate basis, and other benchmarks (such as the benchmark for zinc) are not achievable due to background levels or unknown sources. This requirement would result in an endless cycle of continually revising SWPPPs and implementing additional BMPs, without any indication that the water quality of receiving waters is threatened. We believe that the State Board's proposed application of benchmarks is unjustified and beyond the intent of USEPA, which developed the benchmarks.

Monitoring Requirements

We agree with the State Board that it is important to visually observe non-storm water discharges and to conduct visual inspections of a facility before anticipated storm events. Such visual observations provide useful information to the operator and results in timely corrective actions.

SCADA does not believe that requiring all dischargers to conduct storm water sampling and analysis is worthwhile. In our opinion, storm water sampling does not meet the State Board's intent to establish requirements that are "useful, cost-effective, timely, and easily obtained". Nor do such sampling results assist dischargers in identifying pollutant sources, implementing corrective actions, or revising BMPs.

However, we understand why certain regulators, environmental groups, and other interested parties may seek additional sampling data to help assess and verify storm water permit compliance.

Overall, we believe that the State Board properly considered the benefits, costs, and difficulties associated with sampling. The State Board's decision to basically retain the monitoring requirements in the previous General Permit is a reasonable compromise that balances discharger requirements with the need for compliance verification.

In summary, SCADA supports the State Board's intent to adopt a BMP-based approach and establish minimum BMPs and facility-specific BMPs. We also can accept, with some reservations, the continuation of storm water monitoring requirements. We oppose the proposed special one-time sample analysis, the application of the USEPA benchmarks to trigger SWPPP revisions and additional BMPs, and the Board's intent to develop numeric storm water effluent limits.

Thank you for the opportunity to submit these comments for review and consideration by the State Board. Should you have any questions or wish to discuss these comments in more detail, please feel free to contact me at 916- 979-7088.

Sincerely,



Martha Cowell

cc: Members, State Water Resources Control Board