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

February 2, 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: Comments on Reissuance of the National Pollutant Discharge Elimination System (NPDES) General Permit For Discharges Of Storm Water Associated With Industrial Activities (Industrial General Permit)

Dear Ms. Irvin:

We appreciate the opportunity to provide written comments on the 2004 Draft (Industrial General Permit) for consideration by your Board. We address our comments to Section VIII. Monitoring Program and Reporting Requirements.

Section VIII. Monitoring Program and Reporting Requirements

3. Storm Water Discharge Visual Observations

a. "<u>These visual observations shall occur at all discharge locations during the first hour of discharge</u>".

Comments:

Many of the industrial facilities that we assist in Storm Water Program compliance do not have storm water outfalls and the storm water conveyance system consists of drain inlets in areas of industrial activity, separate office buildings and associated parking lots, with no access for visual observations prior to discharge to the local municipal separate storm sewer system. In these

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many facilities, every storm drain inlet must be considered a discharge location. These facilities may also have parking lots of several acres with dozens of storm drain inlets. Several facilities have more than twenty storm drain inlets located near separate office buildings and associated parking lots. Although these parking areas have no industrial activity and no potential for storm water contamination, they would be required to be included on Form 4 – Monthly Visual Observations of Storm Water Discharges (SWDs) and have visual observations performed at each storm drain inlet, or discharge location, during each month of the Wet Season. The language "Visual observations shall occur at all discharge locations" is inconsistent with the revised storm water sampling locations required Subsection 4.a.:

4. Sampling and Analysis

a. "All locations that discharge storm water associated with industrial activity shall be sampled".

We see this language as tending to confuse facility operators because the discharge locations required to be listed on Form 4 – Monthly Visual Observations of Storm Water Discharges (SWDs) and Form 1 - Sampling and Analysis Results would be different. During storm events visual observations would be required to be performed at some discharge locations and visual observations and sampling and analysis at other discharge locations at facilities.

Recommendations:

We would recommend the language in the EPA NPDES Storm Water Sampling Guidance Document, Page 30, adapted to describe that "Storm water runoff from employee parking lots, administration buildings, and landscaped areas that is not associated with industrial activity, or is not mixed with storm water associated with industrial activity, or storm water discharges to municipal sanitary sewers, do not need visual observations performed." This would allow facility operators to focus their efforts on evaluating the effectiveness of the BMPs implemented at their facilities in reducing or preventing pollutants in storm water discharges in areas of industrial activities, rather than office buildings and associated parking lots with no potential to contaminate storm water. This change in language would reduce confusion among facility operators, as the discharge locations required to be listed on Form 4 – Monthly Visual Observations of Storm Water Discharges (SWDs) and Form 1 - Sampling and Analysis Results and the tasks required to be performed at each location during storm events would be identical.

Section VIII. Monitoring Program and Reporting Requirements

4. Sampling and Analysis

   a. " All discharge locations that discharge storm water associated with industrial activity shall be sampled."

Comments:

We recommended, in our comments to the 2002 Draft (Industrial General Permit), the language in the EPA NPDES Storm Water Sampling Guidance Document, Page 30, which states "Storm water runoff from employee parking lots, administration buildings, and landscaped areas that is not associated with industrial activity, or is not mixed with storm water associated with industrial activity, or storm water discharges to municipal sanitary sewers, do not need to be sampled" be adopted into the reissued Industrial General Permit. This is also consistent with the definition of "Storm Water Associated with Industrial Activity" in Attachment 3, Definitions, in the 2004 Draft (Industrial General Permit), which "excludes the areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from above described areas".

Recommendations:

We appreciate your consideration of our previous comments to the 2002 Draft (Industrial General Permit) and the revision to the discharge locations language. We would also recommended including this language in the Annual Report Monitoring and Reporting Program, Section E. to eliminate the need for a required explanation if answered no.

Section E. Sampling and Analysis Results

4. "For each storm event sampled, did you collect and analyze a sample from each of the facility's storm water discharge locations?"

   to:

   "For each storm event sampled, did you collect and analyze a sample from each of the facility's storm water discharge locations that discharge storm water associated with industrial activity?"

Section VIII. Monitoring Program and Reporting Requirements

7. Sample Storm Water Discharge Locations

d. " Dischargers shall collect samples from all drainage areas.

Comments:

The language "Dischargers shall collect samples from all drainage areas" is inconsistent with the revised storm water sampling locations in:

7. Sample Storm Water Discharge Locations

a. "Dischargers shall visually observe and collect samples of storm water discharges from all drainage areas associated with industrial activity".

Recommendations:

We recommend replacing the language in Subsection 7.d. with:

a. "Dischargers shall collect samples from all drainage areas associated with industrial activity."

Section VIII. Monitoring Program and Reporting Requirements –

7. Sample Storm Water Discharge Locations

d. "Dischargers may analyze each sample collected, or may analyze a combined sample consisting of equal volumes of samples collected from as many as four (4) drainage areas."

Comments:

We agree that combining samples from as many as four substantially identical drainage areas with similar Best Management Practices (BMPs) for analysis is reasonable. Providing the documentation to support that two or more drainage areas are substantially identical in the Annual Report Section E.5. has led to confusion among facility operators. Establishing a minimum of one combined sample for analysis for every four drainage areas should eliminate that confusion and yet allow the reduced analytic cost option.

Recommendations:

None.

Section VIII. Monitoring Program and Reporting Requirements

4. Sampling and Analysis

f. "When analytical results exceed the USEPA benchmarks values in Table VIII.2 dischargers shall comply with the following requirements."

ii. "Dischargers shall continue sample collection and analysis until two consective samples result in no further exceedances of the USEPA benchmarks"

Comments:

Storm water sampling and analysis has been performed by us at many industrial facilities with SIC code(s) requiring Additional Analytical Parameters, currently Table D Parameters, to comply with the Industrial General Permit, No. 97-03-DWQ. Based upon our review of the sampling and analysis results from industrial facilities requiring Additional Analytical Parameters listed in Table VIII.1, related to their SIC code(s), the proposed sample collection and analysis until two consecutive samples result in no further exceedances of the USEPA Parameter Benchmark Values (PBVs) could potentially require facility operators subject to Additional Analytical Parameters to perform storm water sampling and analysis during every storm event of the Wet Season. The Additional Analytical Parameters, specifically metals, including Aluminum, Copper, Iron, Lead and Zinc are of concern. The median concentrations of metals from storm water sampling and analysis at all facilities we sampled required by Table D Parameters, to comply with the Industrial General Permit, No. 97-03-DWQ are reported below

Median Storm Water Sampling Results – Facility Industrial Areas – Requiring Metals

Aluminum	Copper	Iron	Lead	Zinc
3.56	3.10	2.64	0.61	0.33

USEPA Parameter Benchmark Values (PBVs) For Industrial Storm Water Discharges

Aluminum	Copper	Iron	Lead	Zinc
0.75	0.0636	1.0	0.0816	0.117

These industrial facilities have prepared facility-specific SWPPPs with completed SWPPP Checklists, have developed BMPs for each area of industrial activities and have fully implemented the BMPs at their facilities.

Typically, from one to three metal concentrations have exceeded the USEPA Parameter Benchmark Values (PBVs) at most facilities during each storm event of the Wet Season. Reference samples were also collected at these facilites from non-industrial areas, at separate buildings and associated parking lots. These areas were located separate from any areas of the facility with industrial activity. Typically, from one to two metal concentrations also exceed the USEPA Parameter Benchmark Values (PBVs) at most facilities during each storm event of the Wet Season.

Median Storm Water Sampling Results – Facility Buildings and Associated Parking Lots

Aluminum	Copper	Iron	Lead	Zinc
1.5	1.01	1.2	0.06	0.25

USEPA Parameter Benchmark Values (PBVs) For Industrial Storm Water Discharges

Aluminum	Copper	Iron	Lead	Zinc
0.75	0.0636	1.0	0.0816	0.117

We have observed that while developing and fully implementing BMPs are very effective in reducing or preventing pollutants in storm water discharges from industrial facilities, as evaluated by the Basic Indicator Parameters, pH, Total Suspended Solids, Specific Conductance, Oil and Grease or Total Organic Carbon, the Additional Analytical Parameters, such as metals are background in nature and may not be linked to any industrial activities at facilities. We believe, based upon our sampling and analysis results for Additional Analytical Parameters, that source control and even treatment control BMP measures cannot be effective in reducing the concentrations to the very low levels required of Table VIII.2.

USEPA selected the chronic fresh water quality criteria as the benchmark for several metals, Federal Register, Friday, September 29. 1995, 50825, and these levels are not based upon what is readily achievable by source control and treatment control BMP measures at industrial facilities. Treatability studies conducted in the laboratory on storm water samples collected at these facilities have shown the even pretreatment methods, such as ph adjustment, chemical precipitation and sedimentation cannot reduce the concentrations of metals required to the very low levels of Table VIII.2.

Recommendations:

Since some Additional Analytical Parameters, such as metals, are background in nature and may not be linked to any industrial activities at facilities we would recommend the language be changed from:

ii. "Dischargers shall continue sample collection and analysis until two consective samples result in no further exceedances of the USEPA Parameter Benchmark Values (PBVs) for Basic Parameters, pH, Total Suspended Solids, Specific Conductance, and Oil and Grease or Total Organic Carbon"

to:

ii. "Dischargers shall continue sample collection and analysis for two additional samples for Additional Analytical Parameters required in Table VIII.1"

Following the corrective actions required to be implemented by Section V.7. Provisions, the facility would continue sample collection and analysis for two additional samples.

We appreciate the opportunity to provide comments on the 2004 Draft (Industrial General Permit).

Sincerely,

Ray Stewart

Program Manager