Sierra Pacific Industries

P.O. Box 496028 • Redding, California 96049-6028 • (530) 378-8000

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

February 3, 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 of Sierra Pacific Industries Regarding Reissuance of the Storm Water Industrial General Permit – Draft Permit Documents issued December 15, 2004

Dear Ms. Irvin:

Sierra Pacific Industries (SPI) is pleased to provide comments on the Draft General Permit for Storm Water Discharges associated with Industrial Activities, issued by the State Water Resources Control Board for public comment on December 15, 2004 (2004 Draft).

Sierra Pacific Industries is one of the largest timber producers in the State and we have demonstrated a long-term commitment to preserving and protecting the environment. We have been participants in the storm water Industrial General Permit since its inception in 1992. SPI has spent, and continues to spend, millions of dollars implementing Structural and Operational Best Management Practices at each of our facilities.

We believe that while there is always room for improvement, the mechanism for this improvement lies within the framework of the current permit policies and programs.

SPI is concerned that some of the proposed changes could have significant negative impacts on doing business in California, including the potential for large fines, without corresponding benefits to water quality. The following is a discussion of some of the proposed changes and their potential impacts:

Storm water Policy and Storm water Effluent Limitations

The proposed approach to storm water management and compliance enforcement is not appropriate. The Boards' attempt to apply an "end of the pipe command and control" approach to storm water compliance is technically not supported and inherently unfair to the discharger. The fact sheet/permit admits that the continued attempt to develop numeric effluent limits for storm water at the point of discharge as a measure of receiving water quality is flawed and the process to determine compliance under the command and control approach is, at this point, technically inappropriate. However, this permit continues to pursue the flawed command and control/end of

the pipe approach by attempting to assign numeric compliance standards to storm water discharges, both indirectly and directly. The Board must recognize the impracticality of the command and control approach to storm water compliance assessment and develop, through the public review process, an applicable standard to measure compliance and a fair and reliable process by which to achieve compliance.

Effluent Limitations and Receiving Water Limitations

The Receiving Water Limitations (RWLs) language in the 1997 General Permit protected the discharger from being in violation of the Receiving Water Limitations as long as they were actively engaged in implementing BMPs that achieve BAT/BCT and working with the RWQCB. The current Draft 2004 Permit now requires the discharger to engage in the iterative process if the discharge contains pollutants and is in violation of the Receiving Water Limitations. The iterative process has essentially been removed as a proactive step to keep a discharger from being in violation of the permit to a reactive step in response to a permit violation. The previous RWLs language found in the 1997 Permit must be carried forward in the Draft 2004 Permit for the following reasons:

1. Since the iterative process is the primary mechanism for storm water quality management and permit compliance, dischargers should not be found in violation of the RWLs as long as they implement BMPs that achieve BAT/BCT and actively follow the iterative process as outlined in the previous RWLs.

2. There is no statewide guidance that identifies how industrial dischargers or the regulators determine if an industrial storm water discharge contains pollutants that are causing or contributing to an exceedance of any applicable water quality objectives or water quality standards. Therefore, there is no guidance to determine if one is clearly in violation of Receiving Water Limitations III.2.

Benchmark and RWLs Exceedance Process (Section V.6 and V.7)

1. The 2004 Draft Permit requires sampling during the first hour of discharge from the first two storm events of the season. The sample results are then compared to the USEPA benchmarks. This "first flush" of storm water discharge typically contains the highest concentrations of total suspended solids, as well as other constituents, and does not represent the quality of storm water discharge from a facility for the entire storm event. The State of Washington specifically avoids measurements during this first portion of a storm event because it is not representative of typical storm water runoff.

2. There is no consideration of background levels, offsite pollutant sources, or authorized non-storm water discharges that may impact onsite discharges. The draft permit's definition of storm water discharge associated with industrial activity makes it clear that the discharger is only responsible for sources of storm water pollutants that is directly related to the industrial activity and which the discharger has control over. This lack of consideration of background levels, offsite pollutant sources, and authorized non-storm

water discharges is punitive to the discharger and makes the discharger responsible for sources of pollutants that the discharger has no control over. Sierra Pacific Industries recommends that language be incorporated into the permit that reiterates the dischargers' responsibilities and allows for consideration of pollutant sources that are not under the control of the discharger.

3. V.7.c: The certification language equates benchmarks to BAT/BCT. This section requires the discharger to certify that BMPs meet BAT/BCT, yet the Board admits that there is no process to assess what that means. Sierra Pacific Industries recommends that the permit clarify that the benchmarks are not intended to determine BAT/BCT compliance and/or develop the scientifically supported and defendable process by which BAT/BCT compliance is determined.

4. V.7.c: One of the certification options is that there are no sources of the pollutants at the facility. The discharger cannot make this certification. For example, there are always sources of suspended solids. The discharger's obligation is to control the discharge of site-specific and industry specific pollutants, that the discharger has control over, to economically achievable levels. Sierra Pacific Industries recommends that the discharger be required to only certify, to the discharger's knowledge and best judgment, that the BMPs meet BAT/BCT and that the certification be limited to certifying only that site-specific pollutants, that the discharger has control over to economically achievable levels, do not cause or contribute to an exceedance, since not causing or contributing to a WQS exceedance defines BAT/BCT.

5. V.7.c.iv.: Requires that the certification show how the benchmark exceedance occurred and why it will not occur again under similar circumstances. This is impossible to do because of the impacts to storm water discharges from offsite pollutant sources, background levels, and authorized non-storm water discharges such as springs and sea water that the discharger cannot control. Sierra Pacific Industries recommends that this language be removed.

6. V.7.d-g: If a benchmark is exceeded the permit assumes that the benchmark was exceeded due to inadequate BMPs or SWPPP implementation. Requiring additional sampling before the corrective measures are identified and implemented serves no purpose and is only punitive in nature. If sampling of the next two storm events shows that the benchmark is not exceeded and the corrective measures have not been identified or implemented, that would indicate that the BMPs and SWPPP are adequate without implementation of additional BMPs or corrective actions.

There must be a time limit placed on the regional boards to respond to the corrective action report that will be required. The 90 day compliance period must only apply once the regional board has approved the corrective action report and the additional sampling requirements must only apply once the corrective BMPs have been implemented. The language regarding additional BMPs is contradictory in that it suggests implementing additional BMPs as soon as is practicable in section V.7.d or after RWQCB approval in section V.7.g.

7. V.7.h: States that "Nothing in this section shall prevent the appropriate RWQCB from enforcing any provisions of this General Permit while dischargers prepare and implement the above report." This language makes it clear that there is no longer any "safe harbor", kills the BMP iterative process approach, and subjugates the discharger to the potential for large fines when no adverse impacts to the environment have occurred.. Sierra Pacific Industries recommends that if inclusion of numeric performance standards is implemented as a new element, that dischargers are allowed up to 3 years to meet benchmark numeric requirements for treatment and structural controls as originally provided for in the 1992 general permit. Alternatively, eliminate section V.7.h.

Monitoring

1. VIII.3.e requires dischargers to record any storm events that did not produce a discharge prior to each monthly visual observation of storm water discharge. It is unclear what "record" means or how this will benefit water quality. It is clear that this will result in more cost and more unnecessary paperwork. It seems to penalize rather than reward facilities that install systems to capture rather than discharge storm water.

2. VIII.3.f requires dischargers to observe all storm water drainage areas prior to an "anticipated" storm event. These observations will occur every two weeks in areas that receive many storm events such as the north coast. In our view, the regular schedule of equipment and BMP maintenance coupled with quarterly and monthly observations will be sufficient to accomplish the same objective.

Sampling

Page 20 Section VIII.6.a-b requires a one time pollutant scan by sampling for additional parameters (i.e. metals, COD, SVOCs, etc.). The fact sheet page IV states that the SWRCB intends to use this database to develop numeric effluent limits. A one time grab sample would not provide statistically valid results that can be used to develop numeric effluent limits for storm water that both, EPA and the SWRCB, agree widely variable and difficult to monitor. Sampling from the first hour of the storm is not likely to be representative of the entire storm water discharge of a facility. In addition, a pollutant scan sample from only one discharge point at each facility that has multiple discharges will not provide a representative sample of the overall water quality of storm water, especially if dischargers sample what is perceived to be the "cleanest" discharge point because they will not want to exceed any benchmark values listed in Table VIII.2 and then perform subsequent sampling of storm events until results from two consecutive events are below benchmark values.

This section should be eliminated and a discussion with appropriate stakeholders to develop a proposal and mechanism for a more appropriate statewide monitoring study of industrial storm water discharges that would yield statistically valid and representative results should be initiated. In no way should benchmark values or numerical effluent limits be considered on a state-wide basis because of the variety of environments, industrial facilities and receiving waters. In

addition, statewide benchmark values or effluent limits would not be evaluated in relation to the specific receiving water at issue and if storm water is causing or contributing to an exceedance of a water quality standard.

These are a few of the problems that we have with the proposed order. We believe that the current BMP approach is working and should be maintained. Before making any final decisions on proposed order, we recommend that the Board review the industrial storm water program for the State of Washington. There, if a facility implements acceptable BMPs, the facility is deemed to be in compliance with the permit.

Please do not hesitate to contact me to discuss the requests for revisions or if you have any other questions. Thank you for your work on updating the permit and for your consideration of Sierra Pacific Industries' comments.

Sincerely,

Bob Ellery

Bob Ellery
Director of Energy Resources

E. APPLICATION FORMS:

SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT NO. 1

Preliminary Application for Operation of Customer-Owned Generation

Who should file this application: *Any customer expressing interest to install generation on their premises. This application should be completed as soon as possible and returned to a District Representative in order to begin processing the request.*

Information: *This application is used by the District to perform a Preliminary Interconnection Study to determine the interface requirements at the customers service point. The applicant should attempt to fill in as much of the form as possible. The applicant will receive a preliminary estimate for the utility interface requirements that may be used in calculating the overall project requirements.*

Further Action: *The Preliminary Interconnection Study will determine the need to submit a copy of the Final Application for Parallel Operation of Customer-Owned Generation.*

Owner/Applicant Information

Company: Sierra Pacific Industries

Mailing Address: P.O. Box 496028

City: Redding County: Shasta State: CA Zip Code: 96049-6028

Phone Number: (530) 378-8179 Representative: Bob Ellery

Project Design/Engineering (Architect) *(as applicable)*

Company: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____ Representative: _____

Electrical Contractor *(as applicable)*

Company: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____ Representative: _____

Generator Data

Manufacturer (if available): _____ Model: _____

Type: Synchronous [X] Induction [ ] Phases: Single [ ] Three [X] Frequency (Hz): 60

Rated Output: 3000 Kilowatt: 35,300 Kilovolt-Ampere

Rated Power Factor 85 (%): Rated Voltage (Volts): 12,470 Rated Amperes: 1636

Energy Source (gas, steam, hydro, etc.): Steam (Biomass)

Transfer Switch Data

Manufacturer: N/A Model: _____

Type: _____ Rating: _____

Is it ANSI/UL 1008 Listed? Yes [ ] No [ ]

What Standards does it meet? _____

Can it be operated in closed-transition mode? Yes [ ] No [ ]

What is the maximum time the transfer switch takes to operate? _____

Can it be programmed to operate in parallel with the District for longer than 100 milliseconds? Yes [ ] No [ ]