

2012 Draft Industrial General Permit Response to Comments

Comment ID	Submitted By	Commenter(s)	Comment _Num	Category	Summary	Response
1	3M Company	Carie Mathison	1	Cost	Annual recertification requirement and annual fee is unnecessary (unless exposure status changes). Currently most states do not have annual fee but only the 5 year renewal fee. Only one other state, North Carolina, has an annual recertification; however, this does not get submitted to the agency, there is not an additional fee but the recertification form remains on site to show compliance.	Federal regulations require re-certification no less than every five years. This draft permit requires annual re-certification to insure that the condition of no-exposure continues regardless of changes to facility management or facility operations. Based upon the regulatory experience of the State Water Board storm water program, a significant number of facilities would likely experience a turnover of management or change of operations within every couple of years. To insure the integrity of the NEC program, annual re-certification is necessary. The NEC fees are established by regulation. The storm water program will expend resources to inspect NEC facilities and take enforcement actions when necessary. The NEC fees will offset these resource needs. It is unfair for NOI permittees to pay for resources devoted to NEC facilities.
1	3M Company	Carie Mathison	2	Cost	Attachment C.2 in the IGP states the fee is \$242. This is not consistent with the noted fee of \$200 in the NEC form.	The NEC fee is established by regulation. (Cal. Code Regs., tit. 23, § 2200, et seq.) The adopted permit will indicate the correct

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						NEC fee amount in both places.
1	3M Company	Carie Mathison	3	NEC	Having to submit an NOI or get a waiver from the agency within 7 calendar days from an unplanned exposure event is not enough time. In the case of an unplanned exposure event, what guarantee would the facility have that the agency would respond immediately with the waiver determination?	There is no waiver provision for filing an NOI. Once a facility has exposure caused by facility operations, the discharge of storm water associated with industrial activity without a National Pollutant Discharge Elimination System (NPDES) permit is prohibited by the Clean Water Act (CWA). Dischargers should immediately contact the appropriate Regional Water Board to discuss one-time exposures to determine whether NEC coverage is appropriate.
1	3M Company	Carie Mathison	4	Applicability\Coverage\Implementation	'Contamination resulting from historic industrial storm water discharges at the facility (e.g., soil contamination, groundwater contamination, etc.) represents a condition of exposure.' It is understandable that contamination that is still on site would be considered exposed; however, contamination removed through remediation activities should not be included. This should be clearly stated.	Numerous elements of the draft permit effect Dischargers under certain circumstances. In all cases, if those circumstances do not exist, then the effects are eliminated. It is unnecessary for the draft permit to describe the circumstances when a Discharger must take an action and also describe that the Discharger does not need to take the action if the described circumstances do not exist. No change necessary in draft permit.

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1	3M Company	Carie Mathison	5	Other Clarification	The NEC (No Exposure Certification) states ‘... vehicles that have been washed or rinsed that are not completely dry prior to outside exposure will cause a condition of exposure.’ It is unclear why a clean vehicle would cause a condition of exposure. If the issue is with a vehicle being washed with soap and the potential that the soap is not completely rinsed off then the condition should clearly state ‘soap free’.	Wash waters can contact wheel well areas and the underside of vehicles. These areas contain brake residues and various vehicle fluids. Although soaps may increase the amount of the pollutants removed from these areas versus water without soap, there is still a significant amount of pollutants that be present in soap free rinse waters.
1	3M Company	Carie Mathison	6	Training	The NEC Checklist must be prepared by a QISP II or III demonstrating that the facility has been evaluated...’ How is this to be done when the training and certification of QISP’s will not be up and running prior to the NEC/Permit issuance?	This provision in the previous draft permit (draft permit released in July 2012) has been substantially revised in this draft permit (draft permit released in July 2013) to address the comment.
1	3M Company	Carie Mathison	7	Applicability\Coverage\Implementation	We understand that the permit effective date is July 1, 2013. It is unclear what the obligations for permittees are during this transition. The draft permit currently states that existing dischargers must submit NOI’s, PRD’s SWPPP’S, etc. by July 1, 2013. Section II. D.3 ‘Existing Dischargers shall implement necessary revisions to the SWPPP and Monitoring Program in accordance with Sections X and XI no later than the July 1, 2013. Dischargers may either continue to implement the existing SWPPP in compliance with State Water Board Order No. 97-03-DWQ until June 30, 2013, or may implement a	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					SWPPP revised in accordance with Section X prior to July 1, 2013.” This language is different when compared with Section II. G.1, which states the permittee, has until July 1, 2014 to certify the SWPPP; “Annual Monitoring Reports or 7 days prior to commencement of industrial activities, whichever comes last...’. This needs to be clearly stated in the final permit.	
1	3M Company	Carie Mathison	8	Applicability\Coverage\Implementation	The permit doesn’t specifically state when NAL’s become applicable and that NAL exceedances do not apply until July 1, 2014. This information has been communicated through agency community outreach events. This needs to be clearly stated in the final permit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
1	3M Company	Carie Mathison	9	Training	According to information provided during the state sponsored WebEx on September 5, 2012, approved training programs will not up and running prior to the permit issuance. This is a major concern because only a level II QISP can submit the NEC. How are we to submit this form if we don’t have a qualified person according to the state definition?	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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1	3M Company	Carie Mathison	10	Visual Observations\Inspections	Unauthorized NSWDS observations should be reduced to once a year. The majority of states require NSWDS to be conducted once during the permit cycle up to once a year.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
1	3M Company	Carie Mathison	11	Visual Observations\Inspections	Please provide the reasoning for requiring the recordkeeping requirements of QSEs that occurred that did not produce a discharge from any drainage area.	Dischargers must collect two samples from each discharge location in each half of the reporting year. The Discharger must document when samples cannot be collected from all discharge locations because of no discharge. The draft permit continues to require Dischargers to explain why samples were not collected. Dischargers without documentation will have difficulty providing an explanation why samples were not collected.
1	3M Company	Carie Mathison	12	Visual Observations\Inspections	Please provide the reasoning for requiring pre-storm visual observations.	This provision in the previous draft permit has been substantially revised and, as a result, the comment is not applicable to this draft permit.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	1	Applicability\Coverage\Implementation	Recommends that implementation date be at least one year after adoption date for new or current dischargers.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.

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2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	2	Applicability\Co verage\Impleme ntation	When ownership changes, previous discharger should not be required to notify new discharger of the requirements.	This requirement is consistent with other disclosure obligations when selling property or a business. Because it is likely that new owner is also required to be permitted, disclosure that the previous owner was under the draft permit will alert the new owner to the permitting requirements. The State Water Board does not find this requirement to be burdensome.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	3	Electronic Reporting\PRDs \LRP	The QISP preparation and LRP certification requirements deadline (July 1) should correspond to the annual report deadline (July 15)	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	4	Electronic Reporting\PRDs \LRP	Discharger should be allowed to maintain a an accessible electronic copy of the SWPPP instead of a paper copy.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	5	SWPPP\BMPs\Design Storm	Remove requirement to document irregular operating hours.	The requirements for monitoring require sampling during business hours, therefore it is necessary to document these hours of operation. It is also important that those who wish to review the storm water pollution prevention plan (SWPPP) be able to do so within the hours of operation. Documentation of irregular hours will also allow for the public to discern what the time frame for review is.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	6	SWPPP\BMPs\Design Storm	Remove requirement to cover all stored industrial materials that can be readily mobilized by contact with storm water.	BH - This source control requirement is less expensive than other best management practices (BMPs) that can be required. By covering this readily mobilized material, more costly BMPs will not have to be deployed and the risk of industrial materials entering the municipal separate storm sewer system (MS4) or nearby receiving water bodies is minimized. Therefore this draft requirement is deemed practicable and has not been removed.
2	AECOM Technical Services on behalf of the Fibre Box Association Group	Ernest Miyashita Brian O'Neil	7	Sampling and Analysis	Discharger should be allowed to use local online sources to determine rainfall instead of a rain gauge.	This provision in the previous draft permit has been substantially revised and, as a result, the comment is not applicable to this draft permit.

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	Monitoring Plan					
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	8	Visual Observations\Inspections	Remove pre-storm inspection and replace with a monthly inspection.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	9	Sampling and Analysis	Reduce sampling requirement to two samples/year.	The draft permit continues to require four samples per year but with a modified schedule. Four samples per year is similar to MSGP and other state permits. Sample results from a greater number of storm events will give Dischargers and regulators a more accurate representation of Discharger compliance.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	10	Sampling and Analysis	Remove requirement to sample contained stormwater when discharged. Visual observation is all that should be required.	Visual observations can be useful for determining whether there are some pollutants present (i.e. oil will cast a sheen upon the surface of the water), but not all pollutants, especially soluble industrial pollutants. Such non-visible pollutants can be present at concentrations that exceed the numeric action levels (NALs) or cause or threaten to cause water

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						quality objectives to be exceeded. Therefore, retained storm water should be sampled and analyzed for the constituents listed.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	11	Sampling and Analysis	Allow dischargers to use labs for pH analysis as an option to using portable field instruments.	As long as the sample preparation and delivery meets the required holding time of 15 minutes as stated in the federal regulations at 40 C.F.R. part 136 and follows all laboratory quality assurance and quality control (QA/QC) procedures, then it is feasible to allow the laboratory to analyze for pH. Please note that this draft permit allows most Dischargers to screen for pH using pH litmus paper or a pH test kit.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	12	Sampling and Analysis	It is arbitrary to only allow combined samples for up to 4 drainage areas. Allow QISP II or III to make determination of how many drainage areas may be combined.	As the training requirements have changed, most Dischargers do not need a qualified industrial storm water practitioner (QISP) in baseline status. Allowing for combined sample analysis is an accommodation to Dischargers to help reduce laboratory costs. Since it may not always be simple to determine if the industrial activities and physical characteristics (grade, surface materials, etc.) within each of the

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						drainage areas are substantially similar to one another, some limit is considered prudent to limit any misuse of the option. Dischargers in Levels 1 or 2 seeking combining more than 4 samples may have their QISPs assist in preparing the Regional Water Board request.
2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	13	Sampling and Analysis	Dischargers should not be required to collect samples or conduct visual observations in limited light.	Many Dischargers can safely collect samples and conduct visual observations during non-daylight hours. This requirement has been modified to require visual observation only when the Discharger samples. The State Water Board acknowledges that nighttime sampling will in many cases be more burdensome to conduct since Dischargers may need to provide portable lighting or increased security. If nighttime sampling is infeasible, the Discharger can document the infeasibility in the Annual Report. Discharger must also consider alternative sampling locations that could be safely sampled.
2	AECOM Technical Services on behalf of the	Ernest Miyashita Brian O'Neil	14	ERA Level 2	For the non-industrial source pollutant demonstration technical report, the Discharger may not be able to obtain information pertaining to pollutant	Dischargers are only required to analyze the potential pollutant sources on their own property. Sampling results from off-site

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	Fibre Box Association Group Monitoring Plan				sources from adjacent properties. Either remove requirement or clarify/modify.	run-on will be adequate to show contributions from adjacent properties.
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2	AECOM Technical Services on behalf of the Fibre Box Association Group Monitoring Plan	Ernest Miyashita Brian O'Neil	15	Groups	<p>-The Compliance Group membership will be set annually prior to the start of the reporting season without regard to the individual's discharger Level 1/Level 2 status.</p> <p>- The Compliance Group Leader shall inspect all of the facilities of the Compliance Group participants at least once per reporting year (regardless of Level ERA).</p> <p>- Annual Comprehensive Site Compliance Evaluations discussed in Section XV will be conducted by the Compliance Group Leader. This can be accomplished in conjunction with the annual inspection in the previous bullet and will provide a third party assessment of the Compliance Group member's facility.</p> <p>- The Compliance Group Leader shall be a</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
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					<p>designated Duly Authorized Representative as</p> <p>defined in Section XXI.K., with the proposed revision listed in the next comment.</p> <p>- The Compliance Group Leader will develop a combined Level 1 ERA Report and Level 2</p> <p>ERA Technical Report, as applicable to the individual Compliance Group member's Level</p> <p>status.</p> <p>- A Compliance Group member not meeting the General Permit requirements (timely Annual Report submittal, minimum monitoring requirements, etc.) will not be eligible to participate</p> <p>in an approved Compliance Group.</p> <p>- Fifty percent of the Compliance Group members will be required to collect and analyze</p>	
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					storm water samples in accordance with Section XI.B. as baseline status.	
2	AECOM Technical Services on behalf of the	Ernest Miyashita Brian O'Neil	16	Electronic Reporting\PRDs \LRP	Recommends that SMARTS allow duly authorized representative DAR) to review PRD prior to submittal and that SMARTS allow LRP to limit what the DAR may	The Discharger can have any one review the PRDs prior to submittal, however federal regulations require that the

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	Fibre Box Association Group Monitoring Plan				review.	legally responsible person (LRP) certifies and submits the permit registration documents (PRDs).
3	Airlines for America	Timothy Pohle	1	Demonstrations	The Regional Boards must be instructed that when reviewing technical reports demonstrating BAT/BCT, to recognize legally binding limitations on technology selection and honor prior findings by the state and regional boards and other agencies with respect to the sufficiency of systems to meet BAT/BCT, the sufficiency of systems to support attainment of water quality standards, and of similar relevant conditions.	Comment noted.
3	Airlines for America	Timothy Pohle	2	Legal	The permit provides no findings by the Board or guidance to discharges as to what constitutes BAT/BCT-level control. Permit issuance is authorized only if the permit reflects a determination by the Board of the conditions necessary to carry out the enumerated provisions of the CWA. The Board has not made the determination necessary to authorize issuance of an NPDES permit under the statute. Put simply, restatement of the law is not the same as a determination of the permit conditions necessary to carry out the law. In the absence of the latter, the Draft IGP is not legally viable	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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3	Airlines for America	Timothy Pohle	3	Legal	Because the Board represents that it does not have the resources or information to promulgate NELs at this time, it is requiring permittees to expend those resources to develop the information the Board needs. This broad process includes: a. Requiring permittees to hire QISPs so that they can do the work state officials should be doing; and b. Requiring permittees to conduct extensive, expensive analyses (ERA Technical Reports).	Under Section 308(a) of the CWA, the State Water Board may require Dischargers to establish and maintain records, make reports, install, use and maintain monitoring equipment, sample their discharge, and provide any other information reasonably required in order to develop or assist in the development of a limitation and assess compliance under the CWA.
3	Airlines for America	Timothy Pohle	4	Legal	By shifting the obligation to identify and justify their selection of BAT/BCT-level control, the Draft IGP shifts the risk of properly establishing BAT/BCT-level control from the Permitting Authority to the individual permittees, and removes both the public participation and appeal rights that statute provides to protect permittees' rights.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
3	Airlines for America	Timothy Pohle	5	NALs\Effluent Limits	Permit Obligations Designed to Facilitate Development of Industry-Specific Effluent Limitations Are Inappropriate for Air Transportation Industry. EPA spent a decade and millions of dollars trying to formulate nationwide effluent limits for deicing operations and, in the end, acknowledged that this was not a practical approach.	Comment noted.

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3	Airlines for America	Timothy Pohle	6	NALs\Effluent Limits	We support elimination of NELs as an appropriate recognition that promulgation at this time is infeasible. It simply is not possible to develop numeric technology-based effluent limits for the air transportation industry; certainly it is not possible to do so in the context of a general permit applicable to all industrial sources.	Comment noted.
3	Airlines for America	Timothy Pohle	7	NALs\Effluent Limits	Eliminate NALs they (a) are the functional equivalents of NELs and Meeting NALs\compliance is determined over time, and following one or more cycles of Exceedance Response Actions ("Eras"), it is compliance with the NALs upon which the Draft IGP's rationale rests. The NALs themselves are not violations, but not complying with the ERAs are violations. We understand the distinction between violation of a numeric limit per se and violation of a requirement, in this case there is no difference because the required response does not differ in substance from that the state would require in an enforcement action brought if there were an NEL exceedance.	The reporting year (NALs) included in this draft permit are analogous to the benchmark system in the US EPA Multi Sector General Permit (MSGP). Narrative technology-based effluent limitations, or BMPs, should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's

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						storm water pollution prevention measures are being successfully implemented.
3	Airlines for America	Timothy Pohle	8	NALs\Effluent Limits	Eliminate NALs they (b) bear no rational relationship to a discharger's employment of BMPs representing BAT/BCT-level control. It is unclear whether NALs are intended to detect and correct discharges that fail to meet the technology-based BAT/BCT standard or whether they are intended to identify discharges with the potential to cause or contribute to a violation of water quality standards. Regardless, the NAL values selected are arbitrary. EPA's MSGP contains benchmark values from which the Draft IGP took its annual NALs. Neither that permit nor any of its supporting materials assert that the MSGP's benchmark values are indicative of performance against the standard of BAT/BCT applicable to individual industry	The reporting year (NALs) included in this draft permit are analogous to the benchmark system in the USEPA MSGP. Narrative technology-based effluent limitations, or BMPs, should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual NALs in

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					sectors. There is also no detailed analysis available for how the Instantaneous maximum values originated or were calculated.	this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
3	Airlines for America	Timothy Pohle	9	NALs\Effluent Limits	If NALs are retained in the final IGP the permit must contain unambiguous language stating that NAL values bear no relationship to BAT/BCT-levels of control and that an NAL is not to be considered when determining whether a discharger's BMPs are sufficient to satisfy the BAT/BCT treatment standard.	The NALs are not numeric technology-based effluent limitations (NELs) that represent Best Available Technology Economically Achievable (BAT) or Best Conventional Pollutant Control Technology (BCT). If the NALs satisfied the BAT/BCT standard then they would be NELs and an exceedance of the NALs would be a permit violation.

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3	Airlines for America	Timothy Pohle	10	NALs\Effluent Limits	<p>The Board’s authority to impose monitoring and reporting obligations derives from 33 U.S.C. Sections 1342 and 1318. Those sections authorize permit writers to require monitoring where the data is needed to assess compliance or to support new rulemakings. Here, sampling in order to compare collected data with the NALs is unrelated to an assessment of compliance for at least the air transportation industry. There is no support for a new state-wide technology-based standard for discharges related to aircraft deicing at existing airports (this was not even established nation-wide by the EPA). Bereft of these justifications, there is no authority to impose monitoring obligations on the air transportation industry.</p>	<p>Under Section 308(a) of the CWA, the State Water Board may require Dischargers to establish and maintain records, make reports, install, use and maintain monitoring equipment, sample their discharge, and provide any other information reasonably required in order to develop or assist in the development of a limitation and assess compliance under the CWA. The monitoring requirements of this draft permit have been designed to indicate whether BMPs addressing pollutants in the Discharger's industrial storm water discharges and authorized non-storm water discharges (NSWDs) are achieving the effluent limitations of this permit, the presence of pollutants in industrial storm water discharges and authorized NSWDs (and their sources) that may trigger the implementation of additional BMPs and/or SWPPP revisions, and the effectiveness of BMPs to reduce or prevent pollutants in industrial storm water discharges and authorized NSWDs.</p>
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3	Airlines for America	Timothy Pohle	11	Groups	<p>There are many different parties that use the same land at an airport, and would be sampling the same discharge points already, so the goal of collecting more data by having individual sampling does not get met for airports. For the air transportation industry at least, the new permit should include some recognition that multiple sampling at the same location is both wasteful and fruitless. This could be accomplished by retaining the group monitoring provision for this one industry. It also could be accomplished, however, by providing for common monitoring only at facilities configured so that samples taken by multiple permittees will be taken at the same location and will characterize exactly the same collection of BMPs.</p>	<p>The type of sampling discussed by the commenter is not authorized under the group monitoring requirements or the proposed compliance group requirements nor anywhere else in the draft permit. Each permittee subject to this permit is individually required to comply with this permit. Consequently, at a minimum, preparing and implementing a SWPPP and conducting monitoring from the Discharger's facility prior to co-mingling with other storm water. Sampling co-mingled storm water from multiple facilities can only occur if a Discharger (like a airport authority) filed a single NOI covering all industrial storm water discharges from the airport.</p>
3	Airlines for America	Timothy Pohle	12	Groups	<p>Supports idea for compliance groups and them being optional, but would like the Air Transportation Industry to be prohibited from being a compliance group because: uniformity impossible across airports, it is questionable whether airport could join together in a compliance group without violating their fiscal and financial commitments (bond funded), and creating a program where airports could form a compliance group in which airlines would not be represented (airports have permit, not</p>	<p>Dischargers may determine whether it is individually or collectively feasible for a compliance group to be formed.</p>

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					airlines) would disenfranchise half of the community that historically has taken responsibility for environmental advancement in aviation.	
3	Airlines for America	Timothy Pohle	13	Prohibitions\NSWDs	(("suggested language")We ask that the Board clarify for its Regional Boards that the NSWDL language in Section III (B) of the Draft IGP prohibits active discharges of pollutants "during dry weather", but that it does not prohibit discharges "during storm water runoff" of pollutants that have come to reside on outdoor surfaces during dry weather. It is perfectly appropriate to require that dischargers manage\minimize pollutants when precipitation events occur. What is not permissible is to prohibit, absolutely and in any amount, the wet weather transport of such pollutants. A4A greatly appreciates the Board's clarification of this distinction going forward.	The draft permit prohibits unauthorized non-storm water discharges regardless of whether they occur during dry or wet weather. The draft permit authorizes a limited set of non-storm water discharges under specific conditions. These non-storm water discharges are authorized regardless of whether they occur during dry or wet weather. The section of the draft permit that the commenter is referring to addressing unauthorized NSWDLs - not residual pollutants that reside on outdoor surface areas. The draft permit requires discharges to reduce or eliminate pollutants in storm water discharges. When Dischargers implement effective BMPs, it is anticipated that, in most cases, the discharge of these residual pollutants will not

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						exceed the NALs and will not impact water quality.
3	Airlines for America	Timothy Pohle	14	Attachments	The reference in Attachment E to existing effluent guidelines limitations that address storm water discharges should be updated. Currently, that attachment contains a link and reference to the Federal Register notice announcing the proposed Airport Deicing ELG. Because the final rule was promulgated this past spring, that reference should be changed to identify the final rule. The citation for that final rule is 77 Fed. Reg. at 29168 (May 16, 2012); codified at 40 C.F.R. Parts 9 and 449 (2012).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
3	Airlines for America	Timothy Pohle	15	Training	It is requested that due to the number of people that will need to be trained due to the increased sampling, that more description on the training program be provided prior to the permit going into effect and provide clarification on which level of QISP is authorized to train sample	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The draft permit now only has one QISP level. A Discharger is ultimately responsible for

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					collectors.	activities performed by their QISP. A QISP is allowed to train sample collectors, but sample collectors do not have to be QISPs.
3	Airlines for America	Timothy Pohle	16	Applicability\Coverage\Implementation	Draft IGP Section D.1 at page 17, lines 5 and 6 states that "Existing dischargers that have not submitted NOIs for the previous permit shall have until July 1, 2014 to register for NOI or NEC coverage." We believe that this may simply be a typographical error. If it is not, clarification is required of why most dischargers must register for NOI or NEC coverage by July 1, 2013, but dischargers who have not sought coverage under the existing permit get an extra year to obtain coverage under the new IGP.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
4	Alcoa	Joyce Fankulewski	1	NALs\Effluent Limits	California should closely follow the structure of the MSGP - relying extensively on non-numeric technology-based effluent limits, compliance with water quality-based effluent requirements, corrective actions, documentation, and reporting. Furthermore, California should not put an emphasis on numeric effluent limits or benchmark exceedances, but rather used them as indicators as to when to implement/improve BMPs as part of a facility's SWPPP.	The inclusion of NALs in the draft permit is analogous to the benchmark system in the US EPA MSGP. Technology-based narrative limitations, or BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit

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						more clear and responsive to the interests of California's stakeholders.
4	Alcoa	Joyce Fankulewski	2	Training	Training Requirements (Page 23-25, Section IX, Training Qualifications) - The QISP requirements are overly burdensome.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
4	Alcoa	Joyce Fankulewski	3	Training	If a facility has to obtain multiple QISPs to be in compliance with the permit (over the life of the permit) this is burdensome, especially if the facility experiences staff turnover.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
4	Alcoa	Joyce Fankulewski	4	Training	The training must be provided by the SWRCB, however it is unclear that the agency is prepared to provide enough training classes to meet the needs of permit-holders by the effective date.	Based upon the experience with the Construction General Permit, where great effort was taken to provide frequent and accessible training, State Water Board staff will use the same model and approach for the QISP trainings.
4	Alcoa	Joyce Fankulewski	5	Visual Observations\Inspections	there should be a reduction in the visual observation frequency requirements for facilities that have a significantly less opportunity to contribute storm water discharges. quarterly visual inspections (perhaps monthly during the rainy season) would be an appropriate	The intent of the visual monitoring is to identify areas where pollutants are present to be dealt with prior to a rain event. By conducting frequent inspections, one can identify and react to areas with potential

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					compromise and still meet the intent of the requirement. Factors such as facility size, outdoor storage capacity, and industry category should be considered to determine a reduced frequency option.	problems more rapidly and, in general, less cost.
4	Alcoa	Joyce Fankulewski	6	Visual Observations\In spections	The proposed "pre-precipitation" inspection requires constant monitoring of weather data to determine appropriate inspection timing. In addition to the burdensome monitoring and recordkeeping, this requirement will lead to redundant inspections when rain is anticipated but does not occur. Alcoa believes that this inspection requirement will not generate useful data and therefore recommends its removal.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
4	Alcoa	Joyce Fankulewski	7	Other	<p>Agrees with Commenter 38 FSWA on the following items:</p> <ul style="list-style-type: none"> -Detailed Comments on Proposed Numeric Action Level Approach -Detailed Comments on Proposed "BAT /BCT Compliance" Assessment -Water Quality-Based Effluent Limitations Comments -Comments Regarding Visual and Analytical Monitoring Requirements 	See Commenter 38 for responses.

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5	AT&T	Jay Maille	1	Applicability\Coverage\Implementation	AT&T seeks confirmation of statements in the record that the Draft IGP is not intended to and will not expand the universe of facilities required to obtain NPDES permit authorization to discharge stormwater beyond facilities already required to obtain such authorization under the existing statewide general permit for industrial storm water discharges, excluding construction activities, Water Quality Order No. 97-03-DWQ.	US EPA has not changed the universe of facilities subject to permitting. The description of the Dischargers subject to the permit in Attachment A is unchanged. Unless a formal designation occurs, the State Water Board has no authority to expand the universe of facilities subject to permitting. No change needed.
5	AT&T	Jay Maille	2	Applicability\Coverage\Implementation	AT&T operates and owns Customer Service Fleet Facilities from which AT&T service vehicles are dispatched each day to perform installations and maintenance at local customers' homes and businesses and to conduct installation, maintenance and repair of AT&T telecommunication infrastructure. The service vehicles return to the facility at night and are parked there. Maintenance is performed on the service vehicles at the facility as needed. No other function is performed by vehicles based at these facilities and, specifically, neither those facilities nor the vehicles based at those facilities perform activities described by SIC codes 40XX-45XX or 5171. Will AT&T need coverage at these facilities under the new permit?	The functions described are auxiliary to the primary economic activity of AT&T and are not subject to the permit.

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5	AT&T	Jay Maille	3	Legal	AT&T informs the Board, and the Regional Water Boards, of the application of the SIC code classification system to auxiliary facilities and of AT&T's position that its Customer Service Fleet Facilities constitute auxiliary establishments that are classified under AT&T's SIC code and, thus, are not required to obtain NPDES permits for stormwater discharges.	Language in the draft permit fact sheet has been substantially revised to help clarify the draft permit's scope of coverage
6	Barnes & Thornburg LLP on behalf of the Airport California Monitoring Group	Jeffrey Longworth(4.97 MB)	1	Other	Tailor permit approach to be more like the MSGP.	These provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. The draft permit has been modified to be comparable with the US EPA MSGP and other industrial permits in the nation. The additional sampling will help assess Discharger compliance. Federal regulations require discharges to meet BAT/BCT and any applicable water quality standards. The draft permit is written to implement these federal requirements.

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6	Barnes & Thornburg LLP on behalf of the Airport California Monitoring Group	Jeffrey Longworth(4.97 MB)	2	NALs\Effluent Limits	CWA and EPA regulations are silent on concept of action levels. Permit should be clear that NALs can not be converted to effluent limits and that exceedances of NAL are not permit violations. Calculate geometric mean rather than arithmetic average to account for variability. NAL calculations should only apply to a precise outfall. Data from storms exceeding the design storm should not be used. Industry sectors should be allowed to establish more defensible instantaneous or annual NALs.	An exceedance of an NAL is not a permit violation. This draft permit is structured so that Dischargers with an "outlier" that creates a one-time exceedance of the annual NAL average are not overly burdened. An additional outlier result causing an exceedance of the annual NAL average in another year would need to occur before more substantial Level 2 ERA requirements would trigger. At that point, the question of why these outliers re-occur must be formally addressed in the Level 2 ERA process. Multiple NAL exceedances attributable to a Discharger's industrial activities may represent a real compliance problem. The State Water Board acknowledges use of the geometric mean may reduce the number of Dischargers subject to the ERA process, but reducing the number of Dischargers subject to the ERA requirements of this draft permit in and of itself is not a legitimate reason to adopt the geometric mean.
6	Barnes & Thornburg LLP on behalf of the Airport California	Jeffrey Longworth(4.97 MB)	3	Demonstrations	Remove requirement that dischargers must describe how they are complying with BAT/BCT. Dischargers can not make BMP determinations. Permit should allow dischargers to propose alternative	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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	Monitoring Group				NALs similar to MSGP.	
6	Barnes & Thornburg LLP on behalf of the Airport California Monitoring Group	Jeffrey Longworth(4.97 MB)	4	TMDL	Effluent Limitation V.C is in direct conflict with findings 38-40 and Section VII.A. Incorporate MSGP approach to TMDL compliance.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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6	Barnes & Thornburg LLP on behalf of the Airport California Monitoring Group	Jeffrey Longworth(4.97 MB)	5	Receiving Water Limitations	Language in Section VI.A should remove phrase "or contribute" to an exceedance of a water quality standard.	40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the "reasonable potential" to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from
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						Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."
6	Barnes & Thornburg LLP on behalf of the Airport California	Jeffrey Longworth(4.97 MB)	6	Visual Observations\In spections	Requirement to monitor NOAA weather data should be removed. Recommend that a single monthly dry weather inspection be added.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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	Monitoring Group					
6	Barnes & Thornburg LLP on behalf of the Airport California Monitoring Group	Jeffrey Longworth(4.97 MB)	7	Sampling and Analysis	Discharger should be able to reduce the outfalls sampled when a few outfalls are generally representative. Past sampling data should be allowed to be used to justify sampling frequency reduction.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
7	Blymyer Engineers	Nina Schittli	1	Visual Observations\Inspections	The facility pre-precipitation visual observation requirement lacks clarity and is difficult to implement. No minimum time interval between performing the observation and the anticipated start of the precipitation event is specified. Scheduling observations and record keeping for weather checks and observations will be difficult. Recommend that a weekly inspection of all drainage areas be required.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
7	Blymyer Engineers	Nina Schittli	2	Visual Observations\Inspections	Provide inspection and recordkeeping forms or templates for documenting inspections. Or, if no forms or templates are provided, allow sites to submit the information on their own inspection forms and upload the forms to SMARTS instead of transferring the information onto the Annual Report forms.	The draft permit has been revised to clarify that inspection and recordkeeping documents are to be maintained by the Discharger and not uploaded into the State Water Boards' Storm water Multi-Application and Report Tracking System (SMARTS) unless requested. In the Annual Report, Dischargers are asked to certify that they performed the requirements of the draft permit

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						and to explain when the requirements were not performed.
7	Blymyer Engineers	Nina Schittli	3	Sampling and Analysis	The qualifying storm event requirements in Section XI.B.2 are impractical. Recommend eliminating the requirement to have an on-site rain gauge. Require visual and analytical monitoring to be performed "when a discharge occurs". Define a dry weather day as a "day when no discharge occurs."	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
7	Blymyer Engineers	Nina Schittli	4	ERA Level 1	Clarify applicability of ERA requirements to a second NAL exceedance in the same reporting year.	A second exceedance of an NAL in the same reporting year triggers the ERA requirements for the Instantaneous Maximum NALs. If additional exceedances occur in the same reporting year (three or four exceedances) a Discharger would not trigger additional ERAs or be moved up another Level.
7	Blymyer Engineers	Nina Schittli	5	ERA Level 2	Define "Economically Achievable" for BAT. What is the criteria for an economically achievable BMP?	To determine technological availability and economic achievability, Dischargers need to consider what control measures are considered "best" for their industry, and then select and design control measures for their facility that are viable in terms of cost and technology.

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7	Blymyer Engineers	Nina Schittli	6	Electronic Reporting\PRDs \LRP	Allow assignment of a unique Organization ID and LRP to each facility operated by a company with multiple facility locations.	SMARTS designates each unique organization with a distinct organization ID. An organization may have multiple facilities, each of which is assigned a unique waste discharger identification (WDID). In the SMARTS database, each facility is linked under an organization and LRP. An organization can have one LRP representing all facilities, or unique LRPs representing each facility.
7	Blymyer Engineers	Nina Schittli	7	Sampling and Analysis	Sampling requirements for facilities discharging to 303(d) listed Impaired water bodies are unclear. Specify in the permit a procedure for facilities that discharge to impaired waters to follow to determine if additional parameters must be analyzed, and which parameters. Alternatively, require the Regional Water Quality Control Boards to inform dischargers in their regions if sampling for impairment pollutants is required (such as in Oregon and Virginia).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. In addition, by the effective date of the new order the State Water Board plans on providing on its website a statewide map displaying Discharger locations, impaired waterbodies and approved Total Maximum Daily Load (TMDL) receiving waters, and the receiving water impairments.
8	Brash Industries	Marvin Sachse	1	Cost	We would propose that the fees not be based on a one size fits all model, but on a scaling program such as used by the State of Arizona (fees stated, but Commenter is asking for a sliding scale of payment be considered). The State of Washington Permit fees, if they exceed \$500.00, can be paid off in two semi	The fee regulations are adopted annually and are not tied to this permit reissuance.

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					annual payments, without penalty.	
8	Brash Industries	Marvin Sachse	2	Cost	One unanticipated consequence of high permit costs is the relationship between higher costs and the number of business that choose not to comply. Non compliers not only raise program costs, and lower revenues, they also represent businesses that could be significant sources of pollution.	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community. The draft permit is written to implement these federal requirements. Facilities that operate out of compliance may be subjected to enforcement or third party law suits.
8	Brash Industries	Marvin Sachse	3	SWPPP\BMPs\Design Storm	1.E. 32 - Indicates that TBELs for discharges are not covered by this Permit. If implementation of a specific BMP that achieves BAT/BCT and complies with the requirements of this General Permit can a list of these appropriate BMPs achieving BAT/BCT be established and maintained by the SWB?	The State Water Board will consider this in future reissuance processes. For now, the State Water Board is not planning to maintain a list of technologies or BMPs.

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8	Brash Industries	Marvin Sachse	4	Receiving Water Limitations	<p>1.F.36 - Further clarification and definition of the this complex legal issue would facilitate consistent Permit implementation and overall compliance and eliminate numerous needless CWA litigations. Many of these costly litigations have caused businesses to cease operations. The Permit has never addressed the issue that discharge water that is not a direct discharge to a receiving water is a point source of discharge water, and by the time it reaches the receiving water it has been commingled with multiple sources and has gone through numerous perturbations of dilution, pollutant contributions, and physio-chemical alterations and changes. Water quality standards for discharge water and receiving water must be clarified before more businesses are forced from the State.</p>	<p>The State Water Board recognizes the complexities associated with ensuring compliance with receiving water limitations in the context of industrial storm water discharges. Water quality based corrective actions are required upon a determination by the Discharger that those additional BMPs are necessary to meet the receiving water limitations, or after notification from the Regional Water Board that the Discharger is in violation of the Receiving Water Limitations.</p>
8	Brash Industries	Marvin Sachse	5	TMDL	<p>1.G.37 - The same discussions between point source, commingled water, and non direct discharges apply to TMDLs, as above. Discharge water being held to a receiving water standard, when the discharge water has been significantly altered and commingled with other more polluted or less polluted water, prior to reaching the receiving water seems inappropriate.</p>	<p>The State Water Board recognizes the complexities associated with ensuring compliance with Receiving Water Limitations in the context of industrial storm water discharges. Water quality based corrective actions are required upon a determination by the Discharger that those additional BMPs are necessary to meet the receiving water limitations, or after notification from the Regional Water Board</p>

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						that the Discharger is in violation of the Receiving Water Limitations.
8	Brash Industries	Marvin Sachse	6	Training	Clarity comment - 1.1.54 - Which QISP level, 1 or 2 or all training levels, will a Professional Engineer be exempted from QISP Training?	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
8	Brash Industries	Marvin Sachse	7	Electronic Reporting\PRDs \LRP	Question on implications of permit requirements - 1.K. 58 - Will self reported discharge violations constitute a Permit violation exposing the reporting Permittee to fines, penalties, and litigation, or will the reporting of the exceedance or violation be accorded a safe harbor while the necessary site modifications are being implemented.	The Receiving Water Limitations are contained in Section VI of the draft permit. There are no references to NALs in the Receiving Water Limitations section, so there is no reason to assume that NAL exceedances could be enforced as receiving water limitation violations. Further, the existing statement that "NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit" is already sufficiently broad in that it explains that NAL exceedances by themselves do not constitute any type of alleged violation of the general permit, including violations of receiving

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						water limitations.
8	Brash Industries	Marvin Sachse	8	Legal	1.N.64 - Again, the issue of accurate and reliable data reporting exposes conscientious Permittees to potential CWA litigation, fines and penalties, without a safe harbor for the self incriminating reporting of Exceedance, or a statement to the fact that ERAs do not constitute a receiving water violation. Paragraph 66 states that, "NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit," but it does not address the issue of Receiving Water standards, which is frequently used as the basis of a CWA Citizen Suit.	Section 402(p)(3)(A) of the CWA requires Dischargers to meet all applicable provisions of sections 301 and 402 of the CWA, including the requirement of compliance with effluent limitations necessary to meet water quality standards. There is no authority for the State Water Board to adopt an NPDES permit for discharges of storm water associated with industrial activity which would exempt Dischargers from this requirement.
8	Brash Industries	Marvin Sachse	9	Demonstrations	natural background - 1.N .70&71 - Provides an appropriate consideration of facilities that have non industrial activity related to potential sources of pollution which could be naturally occurring.	Comment noted.
8	Brash Industries	Marvin Sachse	10	Other	plastics - 1.Q - States that facilities with plastic materials including dust and scrap are sources of storm water gross pollutants. Fiberglass is known in the generic form as "FRP" fiber reinforced plastic. Please clarify if the scrap or dust resulting from the grinding of fiberglass catalyst activated materials are also	Facilities subject to the permit that grind fiberglass and generate dust are included in the definition of the types of facilities that must comply with Section XVIII.

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					considered as a storm water gross pollutant.	
8	Brash Industries	Marvin Sachse	11	Inactive Mines	IX.A Table I and Table - Identifies that only a Professional Civil Engineer can provide SWPPPs for inactive mining facilities. It is not clear as to why only a Professional Civil Engineer can write these SWPPPs, since Professional Mining Engineers, Industrial and Chemical Engineers would also have the necessary qualifications, controls, and experience to prepare a comprehensive SWPPP.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
8	Brash Industries	Marvin Sachse	12	SWPPP\BMPs\Design Storm	X.G.1.d - “.....description of materials that have spilled or leaked in significant quantities....” Clarification as to the term significant would be helpful.	This draft permit uses many terms like significant (e.g. minimize or prevent) to describe the intent of specific provisions. By defining such terms, many Dischargers would lose flexibility in implementing such provisions in a facility-specific manner.
8	Brash Industries	Marvin Sachse	13	SWPPP\BMPs\Design Storm	X.G.2.a.iv - States the degree to which the pollutant associated with those materials may be exposed to and mobilized by contact with storm water — requires clarification as to the application of the term degree.	Clarification unnecessary.

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8	Brash Industries	Marvin Sachse	14	Sampling and Analysis	XI.B.2 - A Qualifying Storm Event is defined as 0.1 inches in the IGP. In the CGP, a QSE (QRE) is identified as 0.5 inches of rainfall, which the EPA considers the amount of rainfall necessary for a discharge to occur. The accurate measurement of 0.1 inch is beyond the accuracy of most inexpensive, non laboratory grade, rain gauges. A more realistic value would 0.2 inches of rainfall, which is proposed for consideration as the amount of rainfall necessary to define a QSE under the IGP.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
8	Brash Industries	Marvin Sachse	15	Sampling and Analysis	XI - Paragraph D is missing. The Permit goes from Paragraph C. To Paragraph E.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
8	Brash Industries	Marvin Sachse	16	Sampling and Analysis	XI.C.6.A.i. - Southern California does not receive year-round storm events and it is highly unlikely that 8 consecutive storm events would be achievable. Would sampling reduction be available if sampling occurred on all sampleable QSEs?	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
8	Brash Industries	Marvin Sachse	17	NALs\Effluent Limits	Clarification needed - XII.A.b - States that an instantaneous maximum NAL exceedance occurs when two or more analytical results.....taken within a reporting year exceed the instantaneous maximum NAL. Paragraph XI. C. 1. States that in the event that sampling results indicate an NAL exceedance, the Discharger's Baseline status immediately and automatically changes to a Level 1. Should that not read as two	An instantaneous maximum NAL exceedance is defined as two sampling results above the NAL value (or outside the specified range for pH) within a reporting year.

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					instantaneous maximum exceedances to avoid inconsistency in number of NAL exceedances?	
8	Brash Industries	Marvin Sachse	18	Groups	Compliance groups are based on ERA level in the IGP. There may be a good deal of movement may be occurring between different CG's as remediation is implemented at the site, it would appear burdensome to have different CG based upon Level status. A CG based solely upon SIC code would also eliminate the questionable requirement of only one CG2 for an industry sector.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
8	Brash Industries	Marvin Sachse	19	Electronic Reporting\PRDs \LRP	XVI.B1&.2. - States that Checklists are to be submitted in the Annual Report. This seems to be an unnecessary collection of paper work, as the Check list forms will be included in the SWPPPs and the Annual Report is purported to be for the purposes of data collection. The uploading of numerous Checklists appears to be an unnecessary transfer of repetitive information.	A checklist is not required to be added to the SWPPP. The Appendix 1 (SWPPP Checklist) is only in the draft permit as a reference for Dischargers. The checklist in SMARTS will be electronic screens where a Discharger enters that year's information. The Annual Report for the draft permit will be a streamlined version of the current Annual Report's information. Also, this draft permit provision has been substantially revised to address the comment.

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8	Brash Industries	Marvin Sachse	20	Electronic Reporting\PRDs \LRP	Clarification requested - II.G - States that information is to be submitted by the LRP, it is assumed that the Duly Authorized Representative or a data entry person can also submit the information, recognizing that only the LRP or the Duly Authorized Representative can certify the data.	A Duly Authorized Representative or a data entry person can upload (we do not call this step, "submit") PRDs into SMARTS to be certified and submitted by the LRP. Submitting PRDs is what happens after they are certified by the LRP.
8	Brash Industries	Marvin Sachse	21	Electronic Reporting\PRDs \LRP	Many small business operators are not native born, and do not have English language reading proficiency nor internet access. Recognizing that internet access is available at a public library does not assure that non native born business operators would be familiar with a computer's internet operating procedures.	All information must be electronically certified and submitted. If a Discharger has a hardship because of language or internet access, it is their obligation to seek assistance. In cases where assistance is not viable, the Discharger can contact the Water Boards to discuss other options.
8	Brash Industries	Marvin Sachse	22	Electronic Reporting\PRDs \LRP	XII.K.6.b -States the DAR is to be someone responsible for environmental matters for the company. Would that include a consultant or a Compliance Group Leader (CGL)?	The Duly Authorized Representative must be employed and not under contract by the company, generally this excludes consultants and Compliance Group Leaders.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	1	Applicability\Coverage\Implementation	We recommend that the Permit be modified so that compliance dates are triggered based on the date of Permit adoption. For example, the deadline to update SWPPPs should be one (1) year after the Permit is adopted.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
9	Building Materials Industry Storm Water Monitoring	Joseph King	2	Training	The Permit should be changed to allow any registered professional engineer to act as a QISP I, II, or III.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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	Group					
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	3	Training	We strongly encourage the Board to include a full description of QISP certification requirements in a revised draft so that we may comment on it.	The training program will be developed prior to the effective date of permit.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	4	Training	If passing a test will be a requirement to becoming a QISP, the Permit should contain a provision that allows people to take the test without having to take a class.	The training program under development may have an online test option in the future, however the current plan is to first develop the content for in-class training only.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	5	Training	Section XIII requires that a Civil Engineer perform Inactive Mining Operation Certifications. As these sites are inactive, and some sort of training and / or certification will be required for QISPs, there is no reason that these certifications cannot be prepared by a QISP II or III.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. A California licensed professional engineer no longer needs to prepare the certification, only the SWPPP for the inactive mining operation.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	6	Training	Table 2 (“Role-Specific Permit Requirements (by Role)”) states that “a QISP I can only perform the QISP actions for 1 type of industrial activity.” This requirement is confusing and its purpose is unclear. The footnote to Table 2, and other references to this requirement, should be removed from the Permit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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9	Building Materials Industry Storm Water Monitoring Group	Joseph King	7	SWPPP\BMPs\Design Storm	<p>- Section II.D.3 states that “existing Dischargers shall implement necessary revisions to the SWPPP and Monitoring Program ... no later than the [sic] July 1, 2013.”</p> <p>- Section II.G.1 states that “by July 1, 2014 ... all Annual Monitoring Reports and new or revised SWPPPs shall be: (a) prepared by a QISP I, II, or III...”</p> <p>- Section IX.B states that “by July 1, 2014 ... Dischargers shall: (1) Ensure that the SWPPP was prepared by an appropriate level QISP.”</p> <p>The last two sections seem to be in disagreement. We suggest that IX.B be removed from the permit entirely</p>	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	8	SWPPP\BMPs\Design Storm	The IGP should contain a provision to “grandfather” existing sediment basins and other treatment control BMPs.	This draft permit provision has been substantially revised to address the comment. This draft permit does not require existing treatment related BMPs to meet the design storm criteria unless it is necessary to comply with the other requirements of the permit. The requirement is for new treatment controls.

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9	Building Materials Industry Storm Water Monitoring Group	Joseph King	9	SWPPP\BMPs\Design Storm	Section X.D.2.c of the Draft Permit requires that Dischargers “properly reference the original sources for any elements of existing plans, procedures, or regulatory compliance documents included as part of the SWPPP and shall maintain a copy of the documents at the facility as part of the SWPPP.” As other regulatory programs require that these documents be maintained and updated, we believe that referencing them in the SWPPP is sufficient and there is no need to include copies of them in the SWPPP document. Therefore, this requirement should be removed.	The draft permit requires Dischargers to upload a complete SWPPP into SMARTS. In order to have a complete SWPPP, the Discharger must incorporate all of the required elements into the SWPPP regardless of whether they are copied from existing documents or are new. A SWPPP that only refers to other documents would not represent a complete SWPPP.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	10	SWPPP\BMPs\Design Storm	The Draft Permit requires that SWPPPs contain certain information (e.g. a list of significant materials) that may be proprietary information (although this information may not meet the legal definition of “trade secret”). The Permit should be revised to allow operators to omit information from their uploaded SWPPP that they do not want to make publicly available.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	11	SWPPP\BMPs\Design Storm	The Draft Permit requires that SWPPPs contain personnel information such as the name, phone number, and e-mail address of the QISP. There may be reasons that the QISP does not want this information to be available to the public. The Permit should be revised to allow operators to omit this information from the SWPPP that is uploaded into SMARTS.	Dischargers are only required to have a QISP if they participate in a compliance group or their status has changed to Level 1 or Level 2. In order to become a QISP, a person must comply with the QISP training requirements and receive formal recognition and a unique identification number. The Water Boards must

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						be able to contact QISPs electronically so an e-mail address is necessary. QISPs are not required to provide personal e-mail addresses.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	12	Electronic Reporting\PRDs \LRP	The Permit should have a mechanism that provides relief if SMARTS is not functioning and allow Dischargers to submit reports in hard copy if there is a natural disaster or other non-routine condition.	The State Water Board will have internal procedures on how to address these situations. The intent is not to hold Dischargers responsible for internet/software malfunctions or SMARTS malfunctions.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	13	Sampling and Analysis	For Safety Reasons the Permit should be modified so that sampling and visual monitoring is only required during daylight hours.	Many Dischargers can safely collect samples and conduct visual observations during non-daylight hours. This requirement has been modified to require visual observation only when the Discharger samples. The State Water Board acknowledges that nighttime sampling will in many cases be more burdensome to conduct since Dischargers may need to provide portable lighting or increased security. If nighttime sampling is infeasible, the Discharger can document the infeasibility in the Annual Report. Discharger must also consider alternative sampling locations that could be safely sampled.

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9	Building Materials Industry Storm Water Monitoring Group	Joseph King	14	Sampling and Analysis	We believe that the permit should be modified to allow the use of pH paper in the field, or be conducted by an analytical laboratory. If runoff has a very high or very low pH, the pH is not likely to change significantly (e.g. from a pH above the NAL [e.g. 11] to a pH within the NAL range [e.g. 8.5]) over a one- or two-day holding period.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	15	Sampling and Analysis	The Permit should clearly state how to determine the average concentration for pH: - Is it a simple arithmetic average of the pH values; or - Is the Discharger responsible for converting the pH values to a concentration, averaging the concentration, and then determining the pH value of the average concentration?	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
9	Building Materials Industry Storm Water Monitoring Group	Joseph King	16		There is insufficient time to submit the annual report. We request that the Annual Report due date be September 1, the same date that is used in the Construction General Permit.	The State Water Board is aware of the comment and will determine an appropriate implementation date.
10	Bureau Veritas North America, Inc.	Michael Zimmerman	1	Training	QISP training should not be required for Registered Professional ChemEs and Environmental Professionals as defined by the USEPA 40 CFR 312.10	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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10	Bureau Veritas North America, Inc.	Michael Zimmerman	2	Electronic Reporting\PRDs \LRP	Allow LRP to assign LRP responsibilities to a delegated responsible person.	A duly authorized representative can certify and submit documents for a facility on behalf of the LRP after the LRP certifies and submits the Permit Registration Documents (a duly authorized representative or a data submitter can upload PRDs into SMARTS, but the LRP must certify/submit).
10	Bureau Veritas North America, Inc.	Michael Zimmerman	3	Sampling and Analysis	Historic sampling data should be allowed to be considered for sampling reduction. If multiple drainage areas are similar, allow dischargers to alternate discharge locations each quarter. Remove requirement to measure rainfall. If requirement retained, clarify minimum standards for rain gauge and allow the use of local weather info.	This draft permit provision has been substantially revised to address the comment. This draft permit does not, however, allow Dischargers to use sampling data from previous permit to qualify for sampling reduction. The previous permit did not require a monitoring implementation plan or sampling collection and handling instructions. In addition, most sampling data is unavailable electronically so data validation would be challenging.
10	Bureau Veritas North America, Inc.	Michael Zimmerman	4	NALs\Effluent Limits	Average data from the four most recently sampled storm events instead of the storm events that are sampled each year.	Comment noted.
10	Bureau Veritas North America, Inc.	Michael Zimmerman	5	No Discharge\NON A	Clarify if NONAs must be re-certified each year and whether a permit coverage is first required to file a NONA.	A Discharger is not required to obtain permit coverage to file a NONA. There is no requirement to re-certify the NONA. However, the Water Boards may request re-certification at their discretion.

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10	Bureau Veritas North America, Inc.	Michael Zimmerman	6	Applicability\Co coverage\Implementation	Clarify the responsibilities of co-tenants Is the facility owner responsible for other tenants activities?	Each tenant who is subject to the draft permit is independently required to file an NOI and obtain permit coverage. The property owner is not required to be permitted unless the property owner also operates a business subject to the draft permit, and then it would only be for the portion of the facility the property owner operated.
10	Bureau Veritas North America, Inc.	Michael Zimmerman	7	Cost	Draft permit contains more costly sampling and monitoring activities. Will increased activities have enough of an environmental beneficial impact to justify the increased cost?	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community. The additional sampling will help assess Discharger compliance with the effluent limitations of this draft permit.
10	Bureau Veritas North America, Inc.	Michael Zimmerman	8	Electronic Reporting\PRDs \LRP	How will SMARTS be programmed to handle confidential/security related information?	This draft permit includes new provisions that address this issue. See section II.B.3.d.
11	California Asphalt Pavement Association	Russell Snyder	1	Visual Observations\Inspections	Quarterly observations still require significant amount of time.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
11	California Asphalt Pavement Association	Russell Snyder	2	Visual Observations\Inspections	Limit the Pre-Storm Visual Observation to no more than one per month for QSE.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
11	California Asphalt Pavement Association	Russell Snyder	3	Visual Observations\Inspections	Limit the storm water storage and containment area inspections to no more than one per month for a QSE.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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11	California Asphalt Pavement Association	Russell Snyder	4	Sampling and Analysis	Limit storm water sample collection and analysis to no more than two per year.	The draft permit continues to require four samples per year but with a modified schedule. Four samples per year is similar to MSGP and other state permits.
11	California Asphalt Pavement Association	Russell Snyder	5	Training	Reduce required level of training for the QISP I so that QISP I training can be provided by QISP II or III. QISP I would implement the SWPPP but not be permitted to prepare the SWPPP and other reports. QISP I would receive training more in line with field level duties.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
11	California Asphalt Pavement Association	Russell Snyder	6	Training	There is no allowance given for those that have extensive experience and training in the implementation of storm water programs, such as those individuals which have successfully completed CPSWQ, CPESC, and QSD. Consideration should be given to allowing those that have already received professional training.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit
11	California Asphalt Pavement Association	Russell Snyder	7	Training	A better definition of what training entails would aid in development of creating a consistent program. Such a program should be prepared and a draft made available for public review and comment.	The State Water Board has started development of the training program which will be implemented prior to the permit's effective date. Although content will be different, it will be structured similar to the

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						construction permit's training program.
11	California Asphalt Pavement Association	Russell Snyder	8	Inactive Mines	Recommend Section XIII be modified to include an "idle" facility catchall for all SIC codes to allow currently inactive facilities which have not been operation in the last 30 days, to be eligible for the same relief from the requirement detailed in Section XIII B and provide recertification of idle facilities annually.	The exception for inactive mining is provided in the federal regulations, and "inactive mining operations" are specifically defined. SWPPP requirements have revised to require Dischargers to identify and implement appropriate BMPs for temporary closures.
11	California Asphalt Pavement Association	Russell Snyder	9	Electronic Reporting\PRDs \LRP	Permit requires submittal of the annual report by July 15th. The deadline is only 15 days after completing the data acquisition for the annual permit cycle. Some QISP III will have numerous sites to review, evaluate, and certify. 15 days is not enough time to adequately complete this work. We request Section XVI change the deadline to the third week of August.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTs. The Annual Report is going to be streamlined extensively to almost just a checklist and a certification so it should be much more feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete the reports on-time. A QISP is not required to submit a Discharger's Annual Report.

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11	California Asphalt Pavement Association	Russell Snyder	10	SWPPP\BMPs\Design Storm	Section X-H-2d-vi requires that outdoor material/waste handling equipment or containers which come in contact with industrial materials or wastes be observed and cleaned as appropriate. It is our interpretation that since this is infeasible for our operation that this requirement would not apply. We would like confirmation that this is correct.	All minimum BMPs are required to be implemented to the extent feasible. Dischargers who cannot implement the any minimum BMP must substantiate why the minimum BMP is infeasible and provide alternative BMPs that satisfy the requirements of the draft permit.
11	California Asphalt Pavement Association	Russell Snyder	11	Training	Please confirm that all QISPs are able to determine the infeasibility of BMPs.	QISPs will serve an important role in assisting Dischargers (when needed) with facility -specific BMP selection and implementation. Per the California Business and Professions code, all engineering work must be done by a California-licensed engineer, so QISPs may not be able to determine BMP infeasibility in all cases.
11	California Asphalt Pavement Association	Russell Snyder	12	SWPPP\BMPs\Design Storm	Request Section IV be revised to state: Cover all stored industrial materials that can be readily mobilized by contact with storm water excluding aggregate, recycled asphalt pavement, shingles, rip rap and other materials stored in open storage piles.	The draft permit requires the Discharger to assess which materials are readily mobilized by contact with storm water. Depending on the condition of the industrial materials described by the commenter, they may be good examples of the types of industrial materials that should be covered because they can be readily mobilized by contact with storm water.

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11	California Asphalt Pavement Association	Russell Snyder	13	Applicability\Coverage\Implementation	Request Section II be revised to provide at least one year from the date of adoption to update plans.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
11	California Asphalt Pavement Association	Russell Snyder	14	SWPPP\BMPs\Design Storm	The permit does not clarify what occurs when a rain event exceeds the 85th percentile and the BMPs do not have the capacity to handle the water.	A Discharger who designs and implements BMPs to the design storm standards and experiences subsequent NAL exceedances is not exempt from the Exceedance Response Action provisions of this draft permit. Although it is unlikely, such a Discharger may experience NAL exceedances and enter Level 1 and Level 2. The design storm standards represent a minimum standard for the design of treatment control BMPs; utilization of the design storm standard does not provide any guarantee of BMP performance, or of compliance with the effluent limitations of this draft permit.
11	California Asphalt Pavement Association	Russell Snyder	15	SWPPP\BMPs\Design Storm	When a site identifies a natural area (owned or not owned by the operator) erodes in to an industrial area is it necessary to completely eliminate the run-on to the facility? Run-on volumes may be difficult to determine ahead of time in order to design adequate BMPs. What Min BMP standard, if any, is a facility required to meet?	The draft permit requires Dischargers to minimize contact of run-on into industrial areas. If run-on cannot be eliminated, and the Discharger determines that treatment BMPs are appropriate to comply with the requirements of the draft permit, the Discharger is required to implement treatment BMPs in

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						compliance with the design storm criteria for the entire discharge (the co-mingled run-on and storm water associated with industrial activities).
11	California Asphalt Pavement Association	Russell Snyder	16	Demonstrations	Section XIII-E_4-b and XII-E-5-a requires that a facility determine that the pollutants causing the exceedances are solely attributable to storm water run-on or present in the natural background to the facility. We request that consideration be given to allow facilities which find these at their site be provided a process to identify the problem and study the problem before enforcement action would be taken. The Water Board has stated that they will provide templates or requirements that would meet the technical reporting requirement. Currently it is unclear when the documents will be available. Please let us know when it is anticipated the requirements and templates will be available for review and how will they be distributed.	A Discharger with Level 2 ERA status has time to develop and submit a Level 2 ERA Action Plan where they outline the information they are gathering and any installations/BMPs being implemented in Level 2. Dischargers can also apply for an extension if more time is needed. We anticipate that the training content for QISPs will cover the Level 2 demonstrations, also. This draft permit section has been significantly revised; see the new language.
11	California Asphalt Pavement Association	Russell Snyder	17	Sampling and Analysis	We recommend the fact sheet provide clarity regarding where to access the most current 303d list of impaired water bodies will be published and how will we be notified when it is updated. We recommend that this be implemented so that everyone is aware of list	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. In addition, by the effective date of the adopted permit the State Water Board plans on providing

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					Amendments and updates.	on its website a statewide map displaying Discharger locations, 303(d) and approved TMDL receiving waters, and the receiving water impairments.
11	California Asphalt Pavement Association	Russell Snyder	18		We recommend that the standard of 4 consecutive sampling events be used for reduced sampling. Utilizing this wording better clarifies how the consecutive quarters work and aligns the reduced sampling with the MSGP. If there is not a qualifying storm event during a quarter, does that quarter count as one of the consecutive quarters?	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
11	California Asphalt Pavement Association	Russell Snyder	19	Groups	Will facilities which have multiple SIC codes be allowed to participated in a compliance group for one of the SIC codes for the entire site?	Only the portion of the facility with the same SIC code can participate in the compliance group.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	2	Other	Attachment 2 of CCKA comment letter provides extensive suggested language.	State Water Board staff has reviewed these edits during the review of the comments.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection	Sara Aminzadeh Kirsten James Bill Jennings	3	Legal	Absent CCKA's proposed revisions, each element of the Draft Permit that purports to allow Permittees to write and re-write permit terms must be subject to full NPDES permitting process.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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	Alliance					
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	4		The draft permit authorizes self-regulation because it does not require permittees to implement specific BMPs (they can even choose their own minimum BMPs) nor meet NALs.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	5	SWPPP\BMPs\Design Storm	Section X.H.2. of the Draft Permit authorizes Permittees to exclude implementation of any Minimum BMP if the Permittee makes a unilateral determination that a BMP(s) is “inapplicable, infeasible, or inappropriate.” This is the same flawed scheme used in the 1997 Permit. Permittees may also revise BMPs based on this same unilateral analysis. Thus, the Draft Permit does not require Permittees to implement “specific BMPs” as the State Water Board claims. The Ninth Circuit has held that BMPs reduce or restrict discharges of pollutants and thus are effluent limitations. The six areas of Minimum BMPs must be mandatory.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	6	NALs\Effluent Limits	the Draft Permit makes clear in several other places that compliance with NALs is not required. a Permittee is not required to implement any pollution control measures even after an exceedance of an NAL. Permittees are not even required to compare sampling results to the NALs until 2014.	This provision in the previous permit has been substantially revised in this draft permit to address the comment. NALs are not designed or intended to function as numeric technology-based effluent limitations.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	7	Demonstrations	The Draft Permit provides that Permittees may develop “Demonstration Technical Reports” to unilaterally claim that the Permittee is in compliance with the permit terms, that additional BMPs are not required, and that pollutants in the Permittees’ discharges are exempt from permit terms. This needs to be revised to ensure that no self -regulation occurs, or removed entirely.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	8	Demonstrations	The draft permit’s “BAT/BCT Compliance Demonstration Technical Report” provision will be interpreted by dischargers as authorizing each individual permittee to establish a BAT/BCT effluent limitation. However, it is the State Water Board’s mandatory duty to define BAT/BCT – and corresponding effluent limitations – prior to the issuance of the permit. Allowing permittees to write their own permit terms violated the CWA.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	9	Demonstrations	By merely submitting the "Non-Industrial Source Pollutant Demonstration Technical Report" the Permittee is not required to implement BMPs to control the pollutants identified in the report and can claim the facility exempt (self determined) from having to implement additional BMPs to comply with Effluent Limitation V.A.. This is even allowed for commingled storm water. Nowhere does the Draft Permit require that "run-on" or "aerial deposition" originate from "nonindustrial" sources.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	10	Demonstrations	Permittees submitting a "Natural Background Demonstration Technical Report" will argue that they are exempt from having to implement any BMPs to control the "natural background" pollutants even if the identified pollutant(s) are associated with the permittee's industrial activity. If such a report is submitted the claim can be made the permittee is exempt (self determined) from controlling the pollution in its discharge.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	11	Demonstrations	In the event the State Water Board rejects CCKA's proposed revisions on the Demonstration Technical Reports, the Board would be required to conduct a full NPDES permitting process for each report submitted because each report purports to allow a discharger to write its own effluent limits, and exempt pollutants in its discharges from permit requirements.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					This would be a huge burden for the SWRCB since it may require a full NPDES permitting process for about 30,000 reports.	
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	12	Applicability\Coverage\Implementation	The protection of water quality provided by the Draft Permit is narrower in scope than the 1997 Permit. Most significantly, the Draft Permit limits the receiving water protections to discharges that go to “waters of the United States,” implicitly excluding protection of waters of the State of California. Porter-Cologne states “that activities and factors which may affect the quality of the waters of the state shall be regulated.” The 1997 Permit ensured this mandate was met by not distinguishing between waters of the State, which Porter-Cologne protects, and waters of the United States (a subset of waters of the State), which the Clean Water Act protects. In sum, the State Water Board must replace the term “United States” with “State” in order to remove any question that the State Water Board is fulfilling its mandate to protect all waters of the State, not just waters of the United States.	The previous permit was not intended to regulate waters of the state. To the knowledge of State Water Board staff, the previous permit has never been applied to regulate waters of the state that were not also waters of the United States for the purposes of the federal Clean Water Act. This draft permit clearly regulates discharges of storm water associated with industrial activity that discharge to waters of the United States. Discharges to waters of the state that are not waters of the United States are not subject to regulation under this draft permit. The Water Boards retain the authority to regulate discharges of storm water associated with industrial activity that discharge to waters of the state.

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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	13	Applicability\Coverage\Implementation	SWRCB staff stated that the distinction between US waters and State waters was because State must engage in the processes required by CEQA when regulating waters of the State. This is a misinterpretation of the State Water Board's regulatory powers. California Water Code section 13389 provides that an action to adopt an NPDES general permit is exempt from the provisions of the California Environmental Quality Act. This rule does not change depending on whether the State Water Board is regulating to protect waters of the State or waters of the United States in an NPDES permit.	This draft permit is intended to regulate discharges of storm water associated with industrial activity to waters of the United States. Under Water Code section 13389, the State Water Board's action is not subject to CEQA. Whether CEQA applies to waste discharge requirements for discharges solely to waters of the state is not at issue as the State Board considers adoption of this draft permit. CEQA compliance was not a primary consideration in the decision to clarify that the scope of this draft permit's coverage is limited to waters of the United States.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	14	Applicability\Coverage\Implementation	The off-ramps and narrowed scope of the Draft Permit contradict the Clean Water Act's requirement that the State Water Board regulate storm water associated with industrial activity.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	15	Sampling and Analysis	<p>The Draft Permit’s proposed sampling program will not yield the data needed, as it does not ensure more data is collected, does not require analysis of samples for more parameters, and is not designed to gather higher quality data. The Draft Permit’s monitoring program must therefore be revised to satisfy the State Water Board’s goals, follow the Blue Ribbon Panel’s directives, and comply with the law.</p>	<p>Many of the new requirements in this draft permit have been designed to address the shortcomings of previous permits and the existing storm water data set. Under this draft permit, sampling results must be certified and submitted into SMARTS by Dischargers, along with SWPPPs which outline the technologies and BMPs used to control pollutants at each facility. The ERA process will also collect information on costs and the engineering aspects of the various control technologies employed by each facility. Previous permit versions did not have a mechanism for receiving this site specific information electronically, and only a small percentage of Dischargers submitted their Annual Reports via SMARTS. This draft permit will make this information more accessible, allowing the Water Boards to evaluate the relationship between BMPs and the ability of facilities to meet the NALs set forth in this draft permit. Finally, the new Qualified Industrial Storm water Practitioner (QISP) training requirements of this draft permit have been designed in part to</p>
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						improve the quality of the data submitted.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	16	Sampling and Analysis	The definition of a QSE includes factors that makes it cumbersome to get a sample before it is even required to be collected. If a Permittee fails to sample a QSE, the Discharger is required to take a sample “from an additional QSE that produces a discharge in a subsequent quarter. If no quarter has a QSE, no sample gets taken. The QSE limits number of samples taken, The Draft Permit should be revised so that the definition of QSE serves as a method for prioritizing sample collection, directing Permittees to collect samples from QSEs, but Permittees must be required to	This provision in the previous draft has been substantially revised in this draft to address the comment.

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					collect samples if there is a discharge from the facility, even if the discharge did not result from a QSE.	
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	17	Sampling and Analysis	Agrees with pollutant source assessment but Section X.G.2. authorizes a discharger to unilaterally identify what pollutants to include in its sample analysis with little or no guidance to ensure samples are properly analyzed for all pollutants likely to be in the discharge. The SWRCB should require Permittees to select additional site-specific analytical parameters based upon types of materials that are both exposed to and mobilized by contact with storm water and representative of materials handled at the facility. the SWRCB has reduced the parameters for which dischargers must analyze their samples, when they should be adding parameters. Table 4 should be broadened to include more parameters.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The State Water Board has not added additional mandatory parameters because they would increase compliance costs and may be unnecessary at most facilities.

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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	18	Sampling and Analysis	<p>The draft permit allows permittees to combine samples from different drainage locations. Because the results from combining samples fail to focus on each discharge location and BMPs implemented at those locations, the Qualified Combined Samples provision will prevent a careful evaluation of the effectiveness of the facility's BMPs and the need for additional pollution control measures. Samples can be combined even if sample location flows to different waterbodies with different water quality standards and impairments. As such, a Permittee's combined samples may not demonstrate whether its storm water discharges are in compliance with Receiving Water Limitations established in the Draft Permit.</p>	<p>Many Dischargers have numerous discharge locations and sampling and analysis all of the discharge locations would be costly and in many cases unnecessary. Although the draft permit retains much of the sampling exceptions providing in the previous permit, the draft permit has been revised to require sampling of all drainage areas regardless of whether they are substantially similar or not. Dischargers with a drainage area with multiple common discharge locations (like parking lots or rooftops with multiple outlets), may reduce the number of sample locations if the entire drainage area is substantially similar. Although we agree that combining sampling is not as accurate as individual analysis of each sample, that is better than allowing dischargers to not sample entire drainage areas at all. The commenter is correct in noting that the previous permit used the term "substantially identical." However, other stakeholders have argued that two drainage areas are seldom identical, thus making the exception worthless or subject to misinterpretation. The State</p>
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						<p>Water Board has slightly modified the term to "substantially similar" to give Dischargers a degree of flexibility when making their determinations. Although there are some very large facilities that discharge to multiple receiving water bodies, the vast majority of Dischargers discharge to a single receiving water. Dischargers that discharge to different receiving waters with different impairments are required to determine the appropriate parameters for each discharge location. If the parameters are different, then the samples cannot be combined or reduced.</p>
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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	19	Sampling and Analysis	<p>The proposed Sampling Location Reduction scheme will prevent Permittees, the State Water Board, and the public from meaningfully evaluating Permittees' compliance with permit terms. This also decreases the amount of samples being taken, when the goal of the permit is to collect more and better quality data. 3 issues: (1)substantially identical BMPs at each discharge locations before reduced sampling is conducted is not require, (2) industrial activities and physical characteristics of the sampling locations only have to be "substantially similar" rather than "substantially identical" as required in the 1997 Permit, (3) there is no limit to the number of discharge locations a Permittee can eliminate in a given drainage area.</p>	<p>Many Dischargers have numerous discharge locations and sampling and analysis all of the discharge locations would be costly and in many cases unnecessary. Although the draft permit retains much of the sampling exceptions providing in the previous permit, the draft permit has been revised to require sampling of all drainage areas regardless of whether they are substantially similar or not. Dischargers with a drainage area with multiple common discharge locations (like parking lots or rooftops with multiple outlets), may reduce the number of sample locations if the entire drainage area is substantially similar. Although we agree that combining sampling is not as accurate as individual analysis of each sample, that is better than allowing dischargers to not sample entire drainage areas at all. The commenter is correct in noting that the previous permit used the term "substantially identical." However, other stakeholders have argued that two drainage areas are seldom identical, thus making the exception worthless or subject to misinterpretation. The State</p>
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						<p>Water Board has slightly modified the term to "substantially similar" to give Dischargers a degree of flexibility when making their determinations. Although there are some very large facilities that discharge to multiple receiving water bodies, the vast majority of Dischargers discharge to a single receiving water. Dischargers that discharge to different receiving waters with different impairments are required to determine the appropriate parameters for each discharge location. If the parameters are different, then the samples cannot be combined or reduced.</p>
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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	20	Other	As demonstrated by the 1,432 letters submitted to the State Water Board (see Attachment 1 for an example – all 1,432 letters contained substantially similar comments), California residents are deeply concerned about industrial storm water pollution, and are counting on the State Water Board to develop a permit that serves the greater public interest. ³ Despite the 15-year timeframe since this permit’s last reissuance, many facilities still have not implemented storm water controls necessary to protect human health and the environment.	For responses to comments related to these letters, Please See California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance (Comment ID 12) Comments 1-26.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	20	NALs\Effluent Limits	The Draft Permit’s NAL/ERA process should require that each effluent sample be compared to NAL rather than allow the averaging of all data before a permittee must take a response action. The entire averaging system does not characterize the samples properly. Alternative to averaging and the triggering of the ERA process the State Water Board should require the information it seeks through the BAT/BCT Compliance Demonstration Technical Report through the Annual Reporting process. If the State Water Board’s goal is to obtain information that will help it develop numeric technology based effluent limitations (“TBELs”), it must collect information on the technologies employed by the best performers. Cost information would also have to be gathered.	The previous permit was issued in 1997 and has been administratively extended since 2002 until the adoption of this permit. Significant revisions to the previous permit were needed to make this draft permit consistent with recent regulatory changes pertaining to industrial storm water under the CWA. This draft permit is significantly different from the previous permit in a number of areas, and incorporates new provisions requiring the development and implementation of minimum best management practices, electronic reporting requirements, training requirements, reporting year (NALs) and Exceedance Response Actions (ERA), and requirements

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						for discharges to ocean waters.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	21	NALS\Effluent Limits	The BPJ the SWRCB used is flawed, and did not follow protocols when determining the TBELs in the draft permit. Only where the permitting agency has properly determined that numeric limitations are infeasible, may it issue narrative TBELs. Whether expressed numerically or narratively, TBELs must be developed based upon consideration of the factors set forth at sections 1311(b) and 1314(b) of the Clean Water Act. Washington state successfully developed numeric TBELs in their permit and this information indicates that NELs are feasible for all of California’s industrial sectors, and that cost-effective technologies currently exist that would facilitate compliance with numeric limitations.	Federal regulations provide that NPDES permits must include BMPs to control or abate the discharge of pollutants when where “[n]umeric effluent limitations are infeasible.” 40 CFR 122.44(k)(3). NPDES permit writers have substantial discretion to impose non-quantitative permit requirements pursuant to section 402(a)(1)), especially when the use of numeric limits is infeasible. (NRDC v. EPA (1987) 822 F.2d 104, 122-24.) State Water Board staff, and many stakeholders have evaluated the State Water Board’s current electronically-available storm water data set and have concluded that the data set has very limited value due to

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						<p>the limited pool of industrial facilities submitting electronic data, poor overall data quality, and extreme variance within the dataset. Furthermore, there is currently no data which details the relationship between the BMPs implemented at each facility and the facility's sampling results. State Water Board staff is unable to exercise BPJ to make the direct connection between effluent quality (sampling results) and the level of effort, costs, and performance of the various technologies that is needed in order to express the TBELs in this draft permit numerically, as NELs.</p>
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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	22	NALs\Effluent Limits	The SWRCB did not adequately develop the established TBELs in the Draft Permit. The SWRCB attempts to issue the Draft Permit in violation of the CWA. The SWRCB cannot just ignore ample information and not identify candidate technologies for consideration under the required BAT and BCT factors. The State Water Board has necessarily failed to consider the factors required when determining BAT and BCT. Specifically, the State Water Board has not considered the cost reasonableness of any candidate BCT technologies. The draft permit is not designed to collect information relevant to the statutory BAT/BCT factors in the future. To comply with the CWA, the SWRCB is required to identify candidate BAT and BCT technologies, and to ascertain that they are BAT/BCT upon which the applicable TBEL is derived. The SWRCB does not have discretion to establish TBELs without considering the statutory factors.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	23	NALs\Effluent Limits	The SWRCB has not determined whether it is capable of expressing the TBELs in the draft permit numerically. Without identifying technologies as BAT or BCT, it is impossible for the State Water Board to have taken the next step of evaluating whether it is feasible to express the pollutant reductions achievable through implementation of those technologies numerically. See attachment 4 from commenter on statistical sampling info	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The State Water Board has determined that it is infeasible to include numeric effluent limitations in this draft permit.

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					and technology cost data.	
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	24	NALs\Effluent Limits	<p>Lack of information, whether perceived or actual, and lack of staff resources are not bases for failing to conduct the required analyses for evaluating feasibility of NELs. State Water Board may only find a numeric TBEL infeasible when the degree of pollutant reduction</p> <p>achievable through application of BAT and BCT is incapable of being expressed numerically, not when the State Water Board finds it “infeasible” to gather needed information or that it lacks resources to conduct the required analysis. SMARTS data should be used to develop numeric TBELs, which the SWRCB has not done to date.</p>	<p>Federal regulations provide that NPDES permits must include BMPs to control or abate the discharge of pollutants when where “[n]umeric effluent limitations are infeasible.” 40 CFR 122.44(k)(3). NPDES permit writers have substantial discretion to impose non-quantitative permit requirements pursuant to section 402(a)(1)), especially when the use of numeric limits is infeasible. (NRDC v. EPA (1987) 822 F.2d 104, 122-24.) State Water Board staff, and many stakeholders have evaluated the State Water Board’s current electronically-available storm water data set and have concluded that the data set has very limited value due to the limited pool of industrial facilities submitting electronic data, poor overall data quality, and extreme variance within the dataset. Furthermore, there is</p>

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						currently no data which details the relationship between the BMPs implemented at each facility and the facility's sampling results. State Water Board staff is unable to exercise BPJ to make the direct connection between effluent quality (sampling results) and the level of effort, costs, and performance of the various technologies that is needed in order to express the TBELs in this draft permit numerically, as NELs.
12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	25	Receiving Water Limitations	Finding 36 and Section VI.A. The language of the Draft Permit injects ambiguity as to whether Permittees are in fact required to comply with all applicable water quality standards even though the law is clear on this issue. This language needs to be edited to be in compliance with established WQS.	At this time, the State Water Board does not have the information (including monitoring data, industry specific information, BMP performance analyses, water quality information, monitoring guidelines, and information on costs and overall effectiveness of control technologies) necessary to promulgate NELs at this time. It is infeasible to include NELs in this statewide General Permit.

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12	California Coastkeeper Alliance Heal the Bay California Sportfishing Protection Alliance	Sara Aminzadeh Kirsten James Bill Jennings	26	TMDL	<p>NPDES Permits must be consistent with all existing, applicable total maximum daily loads (“TMDLs”) and must incorporate waste load allocations (“WLAs”) from those TMDLs as water quality based effluent limitations (“WQBELs”).¹⁵⁴ The Draft Permit fails to comply with these requirements and must be revised to incorporate all WLAs applicable to Permittees. TMDL list is incomplete, and the implementation of WLAs is illegally delayed. Rather than deferring incorporation of WLAs to a later day and shifting the burden to the Regional Boards, the State Water Board must revise the Draft Permit to incorporate all existing, applicable WLAs as WQBELs prior to permit adoption. See Attachment 6 from the commenter.</p>	<p>The State Water Board recognizes that it is appropriate to develop TMDL-specific permit requirements derived from the WLAs of TMDLs. At present, the relevant WLAs assigned to industrial storm water Dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. To prevent a severe delay in the reissuance of this draft permit, it is necessary to incorporate the TMDL-specific implementation requirements by reopening the permit. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
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13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	1	Applicability\Coverage\Implementation	<p>We understand that it is the intent of the State Water Resources Control Board (Board) staff to have the permit approved with an effective date of July 1, 2013. What we find unclear are the precise obligations of permittees during this transition. As the Draft is currently written it would seem to require existing dischargers to submit NOI's, PRD's SWPPP'S, etc. by July 1, 2013 Section II. 03.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	2	Applicability\Coverage\Implementation	<p>The Text of the Draft Permit needs to be clarified to match the language of Staff's presentations as well as the Exceedance Response Schematic in regards to NAL applicability in year 1.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	3	Training	<p>We are appreciative that the provisions of the permit have changed and certain registered professions are recognized as eligible to serve as QISP's automatically. Because, as the permit footnote indicates, these professionals and other registered professionals are obligated to function within their areas of expertise, we believe other licensed professionals should also be recognized as QISP's. We are aware of professionals such as registered chemical engineer's which work in this area and have significant expertise which should be recognized. We believe QSP's should be eligible to serve as a QISP 1 and 2 while QSD's should be eligible to serve as QISP1, 2 or 3's.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	4	Training	<p>The Draft Permit notes, "a QISP I can only perform the QISP actions for 1 type of industrial activity". This level is intended for the certification of people who work in a specific industry. We recognize staff seems to be inherently recognizing that people who work in an industry develop knowledge necessary to manage these issues at their types of facilities. Therefore, we believe this should be clarified to make it certain QISP Is can operate at the "industrial facilities" they have familiarity with, instead of basing it on "single industrial activity". As such the comment should be modified to, a QISP I can only perform the QISP actions for 1 type of industrial facility which may conduct multiple industrial activities".</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	5	SWPPP\BMPs\Design Storm	<p>Under section X.H.2.g.iv the Draft Permit would seem to require facilities to certify existing sediment retention basins to meet the Design Storm Standards, and possibly to require retrofit to this standard, though this is unclear. We do not feel it is appropriate to require facilities to re-engineer these existing structures at this time.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. It is not intended to require retrofitting of existing treatment controls unless otherwise required to do so in order to comply with this draft permit. The requirement is for new treatment controls.</p>

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13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	6	Applicability\Coverage\Implementation	<p>From our operators' /members' point of view, The Draft Industrial permit is unclear on how intermittently operating facilities with irregular operating hours should be handled. In the case of the construction and industrial materials industry we have two types of facilities which fall into this category. Some remote facilities have scheduled non-operating periods often due to winter weather and elevation. These facilities seem to be considered under the minimum BMP's for temporary suspension of industrial activities.</p>	<p>The SWPPP requires Dischargers to identify and implement appropriate BMPs applicable for temporary closures. The MIP requires Dischargers to develop procedures for complying with the monitoring requirements. Dischargers with unusual or intermittent operating hours can document these hours and plan to the maximum extent practicable how the monitoring requirement can be satisfied.</p>
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	7	Applicability\Coverage\Implementation	<p>The other types of facilities that operate intermittently, do so in response to market forces. They tend to be construction aggregate facilities and ready mix concrete facilities in remote portions of the state which are only open and operating when servicing jobs and contracts. The operating hours during these periods are often dependent on the contract being serviced. Providing materials for a road project will often occur at night while the mining and stockpiling of the material occurs during the day. Our belief is that this section of the BMP process clearly enables us to specify appropriate BMPs to be installed when these facilities are not operating,</p> <p>and we would appreciate clarification on whether that is correct? Suspensions at these facilities may occur more than once</p>	<p>The SWPPP requires Dischargers to identify and implement appropriate BMPs applicable for temporary closures. The MIP requires Dischargers to develop procedures for complying with the monitoring requirements. Dischargers with unusual or intermittent operating hours can document these hours and plan to the maximum extent practicable how the monitoring requirement can be satisfied.</p>

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					in a year and also may stretch over months to even whole quarters. The permit is largely silent on how industry is to deal with these issues under the permit.	
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	8	Training	<p>We disagree with the Draft Permit's requirement that a California Licensed Civil Engineer be the only person authorized to develop a SWPPP for these facilities. With the careful steps Board staff has taken within this draft permit to require training of QISPs, and while we recognize that components of a SWPPP may require a licensed engineer's services, the entire SWPPP will not.</p> <p>As such we would request that two sections be modified. (See letter for specific suggested edits that cannot be reproduced here).</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	9	Inactive Mines	Our review of the Inactive Mine Operation Certification has led us to conclude that the wrong party is being requested to certify the facility as an inactive mine. An engineer or QISP cannot certify that a site is inactive. Only the discharger would seem eligible to submit that a site is an inactive mining operation. We therefore request that Section XIII. A, be modified. (see letter for suggested modifications.)	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	10	Sampling and Analysis	We believe the Board should include Litmus Paper as an acceptable field analytical tool. We request that section XI.B.8 be changed. (see letter for suggested changes)	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	11	Sampling and Analysis	The Draft Permit includes Sampling Safety Exclusions in section XI.C.5. However, this exclusion does not go far enough, providing protection only for dangerous weather conditions. In order to address this issue the Permit needs to let employers in developing their MIP specify a sampling location(s) which will not be safe to sample during for example nighttime conditions. (see comment 13 for a list of specific suggested changes to the draft permit)	The safety exception has not been revised. The State Water Board acknowledges that that many elements of permit compliance (including sampling) may be disrupted when rare events/disasters such as earthquakes, fires, etc. occur at or near the facility. Dischargers must document such occurrences in their Annual Report. The State Water Board also acknowledges that nighttime sampling will in many cases may be more burdensome to conduct since Dischargers may need to provide portable lighting or increased security. The Discharger must consider alternative sampling

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						locations that could be safely sampled.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	12	Electronic Reporting\PRDs \LRP	This Draft Permit requires the electronic filing of all reports and submittals by specific deadlines. However, it provides for no exceptions for failure to file as a result of technical electronic difficulties on either the discharger/LRP internet connectivity or the connectivity of the SMART data system. The Board should develop language for inclusion in the electronic submittals section that specifically protects dischargers from being in violation of the permit as a result of such technical difficulties.	The State Water Board will have internal procedures on how to address these situations. The intent is not to hold Dischargers responsible for internet/software malfunctions or SMARTS malfunctions.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	13	Electronic Reporting\PRDs \LRP	We object to the Board providing no provision under which dischargers may submit proprietary confidential data regarding the materials used so as to protect their proprietary information and formulas.	This draft permit includes new provisions that address this issue. See section II.B.3.d.

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13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	14	SWPPP\BMPs\Design Storm	Multiple sections of the permit require dischargers to resubmit their SWPPP and facility map when Significant changes to the facility occur. This is challenging and ambiguous guidance for dischargers, and could actually deter facility staff making helpful changes to the SWPPP. CalcIMA requests that these sections be changed to require SMARTS updating, if necessary, of these documents annually with the annual report. This will enable the pollution prevention teams and QISPS to focus on on-the-ground implementation during the year, and to reliably schedule submissions of updates capturing all relevant changes during the year.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. This draft permit requires SWPPP updates no more than once a quarter.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	15	SWPPP\BMPs\Design Storm	The draft Industrial General text states that a NONA will certify that a facility will never discharge. We request that a specific threshold be provided that will provide certainty for dischargers, regulators, and environmental groups, as well as civil engineers that are being asked to stamp hydrology reports certifying "no discharge ever."	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	16	SWPPP\BMPs\Design Storm	We believe that the requirement for daily tracking of National Weather Service predictions is overly burdensome and complex for some facilities, as is allowing the resultant observations to be good for less than 30 days. We would suggest adding some additional flexibility to this section XI.A.2.d for operators as follows: (specific suggested language may be found under comment 18)	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	17	Attachments	We wanted to note that the second sentence of X.G.1.d, "Significant Spills and Leaks", contradicts the definition of Significant Spills within the glossary in Appendix H. They should be the same.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	18	Sampling and Analysis	The 8 consecutive quarters standard in XI.C.6.a.i is too lengthy of a time period. We would request the standard be changed to 4 consecutive quarters with a QSE during at least 2 consecutive reporting years. (see comment 20 for specific language change suggestions)	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	19	Demonstrations	Regarding the Natural Background Demonstration report: Our concern with this section is that it may be read to imply that Natural background is the sole/only contributor of the applicable pollutant to a facilities stormwater. We would request that the Board strike the word "solely" as contained in both of these reports, as they will only create confusion and potential litigation.	The Discharger must determine that the exceedance of the NAL is attributable solely to the presence of the pollutant in the natural background or non-industrial pollutant source. Dischargers will need to show that exceedances would not occur if it was not for the contribution of the background pollutants.
13	California Construction and Industrial Materials Association	Adam Harper (5.87 MB)	20	Demonstrations	Regarding the Natural Background Demonstration. The concern with this section is that it may be read to imply that Natural background is the sole/only contributor of the applicable pollutant to a facilities stormwater. We would request that the Board strike the word "solely" as contained in both of these reports, as they will only create confusion and potential litigation.	The Discharger must determine that the exceedance of the NAL is attributable solely to the presence of the pollutant in the natural background or non-industrial pollutant source. Dischargers will need to show that exceedances would not occur if it was not for the contribution of the background pollutants.

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14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	1	Other	IGP should more closely follow MSGP to reduce costs.	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable with the US EPA MSGP and other industrial permits in the nation.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	2	Demonstrations	IGP should allow demonstration reports while in Level 1. There should be a process for the Regional Boards to approve costly BMPs before installation. Definition of natural background pollutants should be expanded to include additional sources.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	3	SWPPP\BMPs\Design Storm	IGP should clarify that design storm event applies to NAL exceedances and the ERA process.	A Discharger who designs and implements BMPs to the design storm standards and experiences subsequent NAL exceedances is not exempt from the Exceedance Response Action provisions of this draft permit. Although it is unlikely, such a Discharger may experience NAL exceedances and enter Level 1 and Level 2. The design storm standards represent a minimum standard for the design of treatment control BMPs; utilization of the design storm standard does not provide any guarantee of BMP performance, or of compliance with the effluent limitations of this draft permit.

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14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	4	ERA Level 1	Level 1 ERA status should be extended to a two-year period.	State Water Board staff believes that one year is an adequate amount of time to complete the Level 1 ERA requirements and measure effectiveness. Dischargers are not precluded from performing additional sampling beyond the required frequency to evaluate effectiveness of any additional BMPs implemented.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	5	ERA Level 2	ERA Level 2 process should be more flexible in allowing other solutions other than treatment or structural BMPs to meet the requirements.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	6	No Discharge\NON A	Design criteria should be provided to define "no discharge"	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	7	TMDL	Language in Section V.C should be revised to clarify that TMDLs are not enforceable until the TMDL implementation requirements are added.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	8	Training	Eliminate one QISP level and revise training program to be similar to construction permit. Include additional categories that are exempt from training (CPSWQ, Chemical and Industrial PEs, California certified lab personnel).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	9	Applicability\Coverage\Implementation	Lengthen the effective date of the permit to ensure that the QISP training will be in place.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	10	Electronic Reporting\PRDs\LRP	Remove requirement to electronically file detailed SWPPP because of confidential/security concerns.	This draft permit includes new provisions that address this issue. See section II.B.3.d.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	11	Sampling and Analysis	Increase the rainfall needed for a qualified storm event to that of the construction permit (.5 inch). Clarification language needed regarding facilities that operate 24 hours a day. Sampling should only be required when qualified personnel are present.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. Rain measurements are no longer required. Facilities that operate at night continue to be required to sample. Dischargers shall insure that there are qualified personnel to conduct all compliance activities (not just sampling) during scheduled facility operating hours.
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	12	SWPPP\BMPs\Design Storm	Agrees with design storm criteria except it does not appear to allow that local historic rainfall records may be used as a basis to calculate water volume for volume-bases BMPs	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	13	Receiving Water Limitations	Remove "or contribute" from receiving water limitation VI.A. Remove "in violation" in Section XX.B.1 and replace with "may otherwise exceed".	40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the "reasonable potential" to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from
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						Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."
14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	14	Visual Observations\In inspections	Replace pre-storm inspections with monthly inspections. Replace quarterly NSWDC inspections with monthly inspections.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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14	California Council for Environmental and Economic Balance	Robert Lucas Gerald Secundy	15	Cost	A cost-benefit analysis should be done to justify increased compliance costs.	The State Water Board recognizes the costs of environmental regulations on California's industry and attempts to balance the cost vs. the environmental costs caused by California's industry.
15	California League of Food Processors	Trudi Hughes	1	No Discharge\NON A	Finding should be expanded or a proviso should be added to detail the baseline engineering requirements that need to be included in a NONA Technical Report to stipulate that a facility will never discharge industrial storm water to surface waters of the Unites States.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	2		The application and SWPPP revision deadlines for existing permittees should be changed to July 1, 2014, consistent with QISP qualifications required for preparing "Permit Registration Documents (PRDs).	The State Water Board is aware of the comment and will determine an appropriate implementation date.
15	California League of Food Processors	Trudi Hughes	3	Electronic Reporting\PRDs \LRP	Annual Report deadline is un reasonable. Revise Section XVI.A to change the Annual Report deadline to September 1 or September 15.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTs. The Annual Report is going to be streamlined extensively, and will primarily consist of a checklist and a certification. It should be feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete

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						the Annual Reports on-time.
15	California League of Food Processors	Trudi Hughes	4	Electronic Reporting\PRDs \LRP	It would be helpful to add clarification that a Discharger who has submitted an ERA report or a BIER would not, by virtue of the filings or any lack of agency response to the filings, be in "noncompliance".	The BIER is now referred to as the Level 2 ERA Implementation Extension. There is no difference between this report and any other report required under this draft permit. If it is submitted in accordance with the terms of this draft permit and the Discharger is otherwise in compliance, then no further assurance of compliance is necessary. This draft permit does not provide a Discharger who submits documents that may contain information that demonstrate non-compliance a "safe harbor" from enforcement actions.
15	California League of Food Processors	Trudi Hughes	5	Electronic Reporting\PRDs \LRP	It would be helpful to include provision for automatic acceptance or approval of the ERA or BIER if the State Water Board does not respond to such a report within 45 days of its receipt.	The BIER is now referred to as the Level 2 ERA Implementation Extension. There is no difference between this report or any other report required under this draft permit. If it is submitted in accordance with the terms of this draft permit and the Discharger is otherwise in compliance, then no

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						further assurance of compliance is required. This draft permit does not provide a Discharger who submits documents that may contain information that demonstrate non-compliance a "safe harbor" from enforcement actions.
15	California League of Food Processors	Trudi Hughes	6	Electronic Reporting\PRDs \LRP	Items 9 and 10 provide that a Discharger is to identify any compliance activities or ERAs that were not implemented. Assuming this refers to any ERAs or compliance activities that the Discharger has agreed to perform under Section XII, this should be made clear. Otherwise, a Discharger may believe these items require listing compliance activities or ERAs that are possible under the circumstances, and a reason why those are not being implemented, it may be clearest to delete item XVI.B(9).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	7	Electronic Reporting\PRDs \LRP	With respect to reporting and filing the SWPPP in SMARTS, there is a concern regarding confidentiality, and in the case of food processors, food safety, Bioterrorism Rules and Homeland Security Issues. There is no legal mandate compelling the State Water Board to make SWPPPs public, because the SWPPP is not a permit application.	This draft permit includes new provisions that address this issue. See section II.B.3.d.

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15	California League of Food Processors	Trudi Hughes	8	Electronic Reporting\PRDs \LRP	The Draft Permit’s approach to defining a “Legally Responsible Person” as an entity separate from the “Discharger” causes multiple problems, confusing the obligations of the permittee with that of particular individual people who may represent the permittee. It also is confusing and internally inconsistent in who can certify and file an NOI, an application which legally cannot be delegated. These problems can be solved by centralizing the certification and signatory requirements in one place (XXI.K is currently the best place), and completely abandoning use of the concept and term, “Legally Responsible Person” (“LRP”).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	9	Electronic Reporting\PRDs \LRP	The IGP identifies Duly Authorized Representatives (DARs), but is inconsistent in what tasks are performed by LRPs and which by DARs. A corporate officer at a remote location will not have the knowledge or information necessary to complete all PRDs or reports, and the permit should provide a clear way for the Discharger’s representative defined in NPDES regulations to sign a delegation to the DAR for the facility.	The Discharger can have anyone review/upload the PRDs prior to submittal. Federal regulations require, however, that the LRP certify and submit the PRDs. An LRP can appoint a duly authorized representative to certify and submit subsequent reports and other compliance documents.
15	California League of Food Processors	Trudi Hughes	10	Electronic Reporting\PRDs \LRP	Request to create a separate section of the Permit, or possibly direction outside the permit documents, which instructs users on how to work with SMARTS.	Outreach to the Discharger community on how to use SMARTS is a priority. After the draft permit is adopted, there will be outreach meetings on how to use SMARTS, Guidance documents and assistance

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						provided to facilitate this process before and after the effective date of the permit.
15	California League of Food Processors	Trudi Hughes	11	Electronic Reporting\PRDs \LRP	Request to provide dischargers at least 45-days to electronically report analytical data through SMARTS	The draft permit allows Dischargers 30 days, after obtaining all results for each sampling event, to upload results in SMARTS. State Water Board staff believes this is a sufficient length of time will still being able to provide the real-time data for the public and the Water Boards.
15	California League of Food Processors	Trudi Hughes	12	Electronic Reporting\PRDs \LRP	Concerned that flawed data will be required to be submitted to SMARTS and therefore become publically available. Erroneous data should be removed from SMARTS and replaced with the corrected data.	The State Water Board's electronic reporting requirements must comply with federal regulations that prohibit the deletion of public records. Dischargers are allowed to update information with explanations, but such data cannot be erased. This draft permit incorporates a QA/QC window of 30 days from the time the Discharger receives sampling and analysis data from the lab so that there is time to verify that the data properly characterizes facility sampling conditions.
15	California League of Food Processors	Trudi Hughes	13	Electronic Reporting\PRDs \LRP	Strongly objects to the requirement that dischargers 'report' non detect data as anything other than as reported by the laboratory.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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15	California League of Food Processors	Trudi Hughes	14	Sampling and Analysis	If the laboratory reports a non-detect value, the Draft Permit should specify that the calculations should use zero.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	15	Sampling and Analysis	Sampling at the start of discharge or start of facility operations will be difficult to achieve and, at a minimum, needs to be more clearly defined for compliance purposes.	The draft permit provides a 4 hour window to conduct sampling which should be an ample amount of time to sample.
15	California League of Food Processors	Trudi Hughes	16	Visual Observations\In spections	Pre-storm inspection provision will require burdensome tracking of weather predications, and inspections will be challenging to complete on this timing (even if the facility QISP makes it a daily routine to review the weather forecast). Change to monthly inspection.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	17	Sampling and Analysis	Allow the use of local weather station to determine rainfall.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
15	California League of Food Processors	Trudi Hughes	18	Sampling and Analysis	Allow (but not force) the alternative of sampling when a discharge is observed regardless of the inches that have fallen.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
15	California League of Food Processors	Trudi Hughes	19	Sampling and Analysis	Include a web link and/or address to review/ access the state 303(d) list of impaired water bodies in Section Xi.B.5.d as well as in Part VII, Condition B. State Water Board should regularly notify dischargers when 303(d) list changes and/or is updated during the term of this	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. In addition, by the effective date of the adopted draft permit the State Water Board plans on

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					permit.	providing on its website a statewide map displaying Discharger locations, 303(d) and approved TMDL receiving waters, and the receiving water impairments.
15	California League of Food Processors	Trudi Hughes	20	Sampling and Analysis	Allow discharger to suspend monitoring for one or more parameters upon the collection of four samples during consecutive quarters from the same discharge point that did not exceed the defined NALs.	Although the draft permit has reduced to 4 the number of sampling events necessary to qualify for sampling reduction, it does not allow Dischargers to reduce individual parameters. Not only would this add a significant level of complexity as far as tracking purposes, but the State Water Board believes it is appropriate for Dischargers that continue to have exceedances of one or more parameters to continue analysis of all of their parameters to monitor compliance with this permit.
15	California League of Food Processors	Trudi Hughes	21	Sampling and Analysis	Clarify in Section XI.C.6 that if a discharger is unable to collect a sample during a quarter for a legitimate reason, these quarters are not included in the calculation of consecutive quarters, and do not cause the tally to be reset for to qualify for sample reduction.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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15	California League of Food Processors	Trudi Hughes	22	Sampling and Analysis	Rewrite Section XI.C.6 to allow sampling reductions on a parameter-by-parameter basis.	Although the draft permit has reduced to 4 the number of sampling events necessary to qualify for sampling reduction, it does not allow Dischargers to reduce individual parameters. Not only would this add a significant level of complexity as far as tracking purposes, but the State Water Board believes it is appropriate for Dischargers that continue to have exceedances of one or more parameters to continue analysis of all their parameters in order to monitor compliance with this draft permit.
15	California League of Food Processors	Trudi Hughes	23	ERA Level 1	Give dischargers up to two years to implement and measure the effectiveness of improvements made at Level 1 before a status change to Level 2	State Water Board staff believes that one year an adequate amount of time to complete the Level 1 ERA requirements and measure effectiveness. Dischargers are not precluded from performing additional sampling beyond the required frequency to evaluate effectiveness of any additional BMPs implemented.
15	California League of Food Processors	Trudi Hughes	24	ERA Level 2	Specify that Level 2 will not be triggered during a period before the scheduled completion date for BMP improvements under a Level 1 technical report.	State Water Board staff believes there is adequate time to complete the BMP improvements specified in Level 1 ERAs. Dischargers do not change levels until the end of the reporting year.

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15	California League of Food Processors	Trudi Hughes	25	ERA Level 2	Provide an additional year to complete all of the items listed in ERA Level 2, including determination of necessity of structural and/or treatment control BMPs, and preparation of a detailed Level 2 ERA Technical Report.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	26	ERA Level 2	Specify that a new evaluation under XII.D.2 will not be triggered during a period before the scheduled completion date for BMP improvements under a Level 2 technical report.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	27	ERA Level 2	Dischargers should be given up to two-years to fully implement any Level 2 Structural/ Treatment controls as well as the Demonstration Technical Reports.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	28	NALs\Effluent Limits	Dischargers should not be required in this permit cycle to install treatment BMPs until it is determined whether the NALs are appropriate benchmarks state-wide and industry-wide.	This draft permit does not include a requirement mandating that all Dischargers install treatment BMPs.
15	California League of Food Processors	Trudi Hughes	29	NALs\Effluent Limits	USEPA only uses the benchmarks in the MSGP as a basis for evaluation, not as a basis for mandating that BMPs be improved.	The inclusion of reporting year (NALs) in the draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to

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						the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders.
15	California League of Food Processors	Trudi Hughes	30	SWPPP\BMPs\Design Storm	The State should be encouraging low impact strategies for controlling storm water, not costly end-of-pipe treatment solutions	Nothing in the draft permit discourages Dischargers from implementing low impact strategies or prioritizes end-of-pipe treatment.
15	California League of Food Processors	Trudi Hughes	31	ERA Level 2	Given the uncertainty of the EPA NALs as they apply to California water ways statewide The State should revise the description of the Level 2 BMP evaluation to exclude the requirement to provide special justification for not adopting structural and treatment controls.	The inclusion of reporting year (NALs) in the draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit

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						more clear and responsive to the interests of California's stakeholders. NALs are essentially the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
15	California League of Food Processors	Trudi Hughes	32	ERA Level 2	Efforts should be focused on the collection of scientifically valid storm water quality data, developing an understanding of seasonal variations in storm water quality at sites, identifying problem areas at sites, improving storm water pollution prevention plans, better employee training, and the formulation of technically sound, cost-effective, and low maintenance measures to correct pollution problems at sites.	Comment noted.
15	California League of Food Processors	Trudi Hughes	33	ERA Level 2	Permit the technical report to describe any additional BMPs including operational source controls.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	34	Training	The division of roles and three levels of training in the permit is cumbersome. Simplify so there will be no more than two, and possibly even just one, level of	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					“QISP.”	
15	California League of Food Processors	Trudi Hughes	35	Applicability\Coverage\Implementation	Delay the effective date of the permit to ensure that all the relevant qualifications are achievable before PRDs, and particularly the SWPPP, must be completed and certified.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
15	California League of Food Processors	Trudi Hughes	36	SWPPP\BMPs\Design Storm	If filing of revisions will be required, please specify that this is not required more often than annually, except to the extent earlier submissions are required as part of ERA requirements in Section XII. This will allow compliance managers to calendar the task.	This provision in the previous draft permit has been substantially revised in this draft permit. This draft permit has been revised to require SWPPP updates no more than once a quarter.
15	California League of Food Processors	Trudi Hughes	37	SWPPP\BMPs\Design Storm	Permit should be revised/ expanded to detail what a significant SWPPP update encompasses from a regulatory perspective for purposes of compliance with this permit condition.	This provision in the previous draft permit has been substantially revised in this draft permit. This draft permit provision has been revised to require SWPPP updates no more than once a quarter. The Water Boards believe the on-site SWPPP should be revised whenever changes occur, whether the Discharger considers them to be significant or not. Uploading a revised SWPPP is only necessary when significant changes occur. A significant change is any physical, operational, or industrial material change that would result in new or adjusted BMPs. This draft

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						<p>permit intentionally provides Dischargers discretion in determining what is constitutes a significant or non-significant change.</p>
15	California League of Food Processors	Trudi Hughes	38	NEC	Remove recertification requirement.	<p>Federal regulations require re-certification no less than every 5 years. This draft permit requires annual re-certification to insure that the condition of no-exposure continues regardless of changes to facility management or facility operations. Based upon the regulatory experience of the State Water Board storm water program, a significant number of facilities would likely experience a turnover of management or change operations within every couple of years. To insure the integrity of the NEC program, annual re-certification is necessary.</p>
15	California League of Food Processors	Trudi Hughes	39	NEC	Recertification process could be a less burdensome requirement that the Discharger certify annually that facility operations have not changed	<p>The re-certification process is very simple and is not burdensome.</p>

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					substantially from year to year and that is reasonable to assume operations retain NEC coverage.	
15	California League of Food Processors	Trudi Hughes	40	SWPPP\BMPs\Design Storm	Add language to the permit recognizing that facilities that are seasonally inactive may consider this under X.H.2, in justifying a choice not to adopt particular minimum BMPs.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
15	California League of Food Processors	Trudi Hughes	41	Visual Observations\Inspections	If the permit retains Section XI.A.2.d's visual observation requirement prior to anticipated precipitation events, provide express relief from this requirement during periods when facilities are seasonally inactive (which could be documented by a certified filing in SMARTs).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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15	California League of Food Processors	Trudi Hughes	42	Receiving Water Limitations	Language in VI.A should not include the phrase "or contribute".	40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the "reasonable potential" to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the draft permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from
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						<p>Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."</p>
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15	California League of Food Processors	Trudi Hughes	43	Receiving Water Limitations	Request that Sections VI.A, VI.D and XX.B.1 be revised to include: " A Discharger will not be in violation of Receiving Water Limitation C.2. as long as the Discharger has fully complied with the procedure described in Special Condition XX.B."	Section 402(p)(3)(A) of the CWA requires Dischargers to meet all applicable provisions of sections 301 and 402 of the CWA, including the requirement of compliance with effluent limitations necessary to meet water quality standards. There is no authority for the State Water Board to adopt an NPDES permit for discharges of storm water associated with industrial activity which would exempt Dischargers from this requirement.
15	California League of Food Processors	Trudi Hughes	44	Electronic Reporting\PRDs \LRP	Glossary contains a definition of "Legally Responsible Person", which is not actually a person but can be a corporate entity and appears to be the actual permittee. The Glossary contains a definition of "Discharger" that simply cross refers to the definition of Legally Responsible Person, showing that two terms are not needed. Remove LRP and replace with Discharger. (line edits provided)	The LRP is the legal representative of the Discharger. The Discharger can designate or be the LRP per the definition in Section XXI.K.
15	California League of Food Processors	Trudi Hughes	45	Electronic Reporting\PRDs \LRP	Simplify the definition of Duly Authorized Representative (as noted in comment letter).	No change necessary. This definition was integrated directly from the relevant federal regulations.

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15	California League of Food Processors	Trudi Hughes	46	Attachments	Signatory References in Permit Registration Documents, Attachment C, Section F.6 (identical to H(1)(e)) appears to be a somewhat confusing administrative reference to who may sign and submit documents.	All Permit Registration Documents (PRDs) for NOI and NEC coverage shall be certified and submitted via SMARTS by the Discharger's Legally Responsible Person (LRP). All other documents may be certified and submitted via SMARTS by the LRP or by their designated Duly Authorized Representative. Other references in the draft permit to certifications and submittals by the Discharger refer to the Discharger's LRP and their Duly Authorized Representative
16	California Manufacturers & Technology Association	Michael Rogge	1	Electronic Reporting\PRDs \LRP	The person considered under this permit as a <LRP> may be physically hundreds if not thousands of miles away, unfamiliar with the day to day workings at that site and potentially responsible for hundreds of operations nation or worldwide. You cannot expect the LRP to certify and submit data to SMARTS. We believe that the term "Legally Responsible Party" (LRP) should be dropped. Designation of a Duly Authorized Representative by the Discharger should be sufficient.	This draft permit's PRD signatory requirements are necessary in order to comply with federal regulations. If an individual is authorized to execute legally binding documents on behalf of the partnership or sole proprietorship, they may qualify as an LRP (Legally Responsible Person). For remote LRPs, it is allowed under this draft permit to designate a Duly Authorized Representative as defined in Section XXI.K to upload Permit Registration Documents (PRDs) in SMARTS, which the LRP may then certify and submit. The Duly Authorized Representative can also undertake subsequent permit compliance actions in

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						SMARTS after the LRP has certified and submitted the PRDs.
16	California Manufacturers & Technology Association	Michael Rogge	2	NEC	Annual renewal is not justified, a 5 year renewal cycle is more appropriate. Does not agree with requiring a California qualified licensed engineer annually to recertify that the facility industrial activities are not exposed to storm water.	Federal regulations require re-certification no less than every 5 years. This draft permit requires annual re-certification to insure that the condition of no-exposure continues regardless of changes to facility management or facility operations. Based upon the regulatory experience of the State Water Board storm water program, a significant number of facilities would likely experience a turnover of management or change operations within every couple of years. To insure the integrity of the NEC program, annual re-certification is necessary. An engineer is no longer required to file an NEC.

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16	California Manufacturers & Technology Association	Michael Rogge	3	Sampling and Analysis	Propose that high sensitivity pH Litmus paper be considered an acceptable alternative due to cost of equipment and ability of staff with basic skills having to use such sophisticated equipment routinely and correctly is questionable.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
16	California Manufacturers & Technology Association	Michael Rogge	4	Electronic Reporting\PRDs \LRP	We have extreme concerns about the filing of SWPP on the SMARTS system for both security and proprietary information reasons.	This draft permit includes new provisions that address this issue. See section II.B.3.d.
16	California Manufacturers & Technology Association	Michael Rogge	5	Receiving Water Limitations	Provide regulatory certainty and clarity regarding actions necessary to comply with receiving water limits and corrective actions. We do not want to see a company considered in complete compliance with its SWPP obligations and still subject to third party lawsuits. There needs to be some sort of Safe Harbor incorporated into the permit for the Discharger who is continuing to make continuous improvement.	Section 402(p)(3)(A) of the CWA requires Dischargers to meet all applicable provisions of sections 301 and 402 of the CWA, including the requirement of compliance with effluent limitations necessary to meet water quality standards. There is no authority for the State Water Board to adopt an NPDES permit for discharges of storm water associated with industrial activity which would exempt Dischargers from this requirement.
16	California Manufacturers & Technology Association	Michael Rogge	6	Demonstrations	We believe that the Board should publish the background level of naturally occurring metals (like arsenic, zinc and copper) to be used for all calculations. This should not be the Discharger's responsibility. There is conflicting data out there. We need confirmation what are acceptable levels to use.	Many background pollutants may comprise both a natural and non-natural component. These will vary depending upon location, local land uses, wind patterns, and the Dischargers facility characteristics. The Discharger is required to do a site specific analysis of the many background sources.

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16	California Manufacturers & Technology Association	Michael Rogge	7	Other	we would like to see a link provided to information that would tell us if the water body we discharge to is impaired or not. It does not appear that there is no one place we can go for this information.	By the effective date of the permit the State Water Board plans on providing on its website a statewide map displaying Discharger locations, 303(d) and approved TMDL receiving waters, and the receiving water impairments.
16	California Manufacturers & Technology Association	Michael Rogge	8	Sampling and Analysis	Would like the Board either certify specific equipment or at least describe the type of equipment that would be considered acceptable. Dischargers need assurance that their selected equipment for sampling is acceptable to the Board.	A limited number of Dischargers are required to use a pH meter under certain circumstances. The pH meter must be calibrated according to the manufacturer's instructions, but must be able to determine pH reading greater than 9.0 or less than 6.0. There are numerous pH meters on the market and prescribing which may be used would only result in limiting Discharger's choices. Implicit within all the requirements of this draft permit is that the Discharger select appropriate equipment that will compliment permit compliance.
16	California Manufacturers & Technology Association	Michael Rogge	9	Visual Observations\Inspections	Requiring companies to track the weather and conduct a pre-storm inspection essentially mandates that the facility operator designate someone as a weatherman. We believe a monthly inspection should suffice.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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16	California Manufacturers & Technology Association	Michael Rogge	10	Training	The QISP training is not planned to have individuals qualified until as much as a year after the permit would go into effect. In fact, the requirements and training program have yet to be established. We also believe that the program could function with at least one less level of QSP. The program should be delayed.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
16	California Manufacturers & Technology Association	Michael Rogge	11	NALS\Effluent Limits	We would like to make sure that the permit language matches the SWRCB staff presentation stating that NAL exceedances would not be applicable until July 2014.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
16	California Manufacturers & Technology Association	Michael Rogge	12	Other	Due to the significant differences between this permit and the previous permit, we request that the effective date for compliance begin 12 months after adoption.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
16	California Manufacturers & Technology Association	Michael Rogge	13	Other	Throughout the permit, the deadlines are just too tight. We agree with the time extensions proposed in the comments provided by the California League of Food Processors (Commenter 15).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
16	California Manufacturers & Technology Association	Michael Rogge	14	Sampling and Analysis	There needs to be a method prescribed in the permit to allow a Discharger to get out of testing for a pollutant if it is not found after several years.	Although the draft permit has reduced to 4 the number of sampling events necessary to qualify for sampling reduction, it does not allow Dischargers to reduce individual parameters. Not only would this add a significant level of complexity as far as tracking purposes, but the State Water Board believes it is

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						appropriate for Dischargers that continue to have exceedances of one or more parameters to continue analysis of all their parameters in order to monitor compliance with this permit.
16	California Manufacturers & Technology Association	Michael Rogge	15	Electronic Reporting\PRDs \LRP	Please consider allowing an exception for failure to meet an electronic filing date due to a communications failure.	The State Water board will have internal procedures on how to address these situations. The intent is not to hold Dischargers responsible for internet/software malfunctions or SMARTS malfunctions.
17	California Metals Coalition	James Simonelli	1	NALs\Effluent Limits	Using the US EPA benchmarks as Numeric Action Level triggers in the draft IGP will inherently set-up small metalworking businesses for failure. CMC supports the development of properly derived and statistically valid Numeric Action Levels (NALs), if done on an industry sector-specific basis. If the SWRCB continues to use US EPA benchmarks, this should be done only if NALs are used in the same way as the US EPA, which is as one tool for assessing a facility's performance.	The inclusion of reporting year (NALs) in the draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the

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						interests of California's stakeholders. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
17	California Metals Coalition	James Simonelli	2	Cost	The State Water Board's Analysis of Cost Compliance found that, overall, the average annual cost of compliance of the new permit for facilities with "no exceedances" would increase between 5% and 12% compared to the annual cost of compliance with the existing permit. Costs for Level 1 activities are approximately \$25,000-\$37,500 per facility, while costs for Level 2 actions are \$100,000-\$1,250,000 per facility (depending on the type of treatment required). Metalworking companies compete around the world, are operating on very narrow margins. Remaining competitive in today's changing economy is different than anything we have faced in the past. Cumulative impacts of California's regulatory costs only works	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community. The draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. Federal Regulations require discharges to meet BAT/BCT and any applicable water quality standards. The draft permit is written to implement these federal requirements. The State Water Board recognizes the costs of environmental regulations on California's industry and attempts to balance the cost vs. the

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					against our goal of a healthy economy and middle class jobs.	environmental costs caused by California's industry.
17	California Metals Coalition	James Simonelli	3	Applicability\Coverage\Implementation	The metalworking industry remains very concerned that the draft IGP does not allow for compliance. Issues such as establishing BAT/BCT for our sector remains undefined. Small businesses in California want to be in compliance. But when the regulation, or permit, is not specific, this can lead to confusion and 3rd party lawsuits. CMC strongly encourages the SWRCB and its staff to clear any ambiguity as best possible going forward.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
17	California Metals Coalition	James Simonelli	4	Training	It is unclear whether the SWRCB will be utilizing internal resources or working with outside resources to establish training. CMC is concerned that since outside resources are unmanaged by the SWRCB, the availability of these outside resources can vanish at any time. The final IGP should only rely on resources	State Water Board staff intends to develop the training program utilizing both internal and external resources. This approach was used in developing the Construction General Permit training program, and proved to be a very successful process. In

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					within the SWRCB.	the event that outside resources and/or partners are no longer able to assist the State Water Board staff with the training, other options will be evaluated.
17	California Metals Coalition	James Simonelli	5	Sampling and Analysis	CMC members are located in diverse climactic regions throughout the state. Storm water discharges are highly variable and episodic. CMC believes it would be beneficial to relax the qualifying storm event requirements so that there is no antecedent dry weather period required. CMC suggests that the qualifying storm event requirement be relaxed to allow for additional opportunities to capture storm water samples.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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17	California Metals Coalition	James Simonelli	6	ERA Level 1	<p>CMC suggests allowing dischargers up to two years to implement and measure the effectiveness of improvements made at Level 1 before a status change to Level 2. CMC suggests that the SWRCB alleviate unrealistic expectations that dischargers can demonstrate resolution of NAL exceedances in a single year's monitoring after BMP improvements by specifying that Level 2 will not be triggered during a period before the scheduled completion date for BMP improvements under a Level 1 technical report.</p> <p>CMC suggests providing more flexibility to dischargers by giving them up to one year, rather than 4 months, to complete Level 2 reporting requirements which includes a determination of necessity of structural and/or treatment control BMPs, and preparation of detailed Level 2 ERA Technical Report. CMC suggests specifying that a new Level 2 evaluation will not be triggered during a period before the scheduled completion date for BMP improvements under a Level 2 technical report. Finally, CMC suggests providing realistic time frames to dischargers to fully implement any Level 2 Structural/ Treatment controls by giving them an additional year.</p>	<p>State Water Board staff believes that one year an adequate amount of time to complete the Level 1 ERA requirements and measure effectiveness. Dischargers are not precluded from performing additional sampling beyond the required frequency to evaluate effectiveness of any additional BMPs implemented.</p> <p>The Level 2 ERA requirements have been modified to give Dischargers enough time to implement additional BMPs and complete the Level 2 ERA Technical Report.</p>
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17	California Metals Coalition	James Simonelli	7		Electronic filing is a new requirement. Most metalworking companies are unfamiliar with electronic filing for this permit. CMC suggests, first and foremost, that there are "warning" prompts before the user confirms sampling data that exceeds the NALs.	Comment noted.
17	California Metals Coalition	James Simonelli	8	Electronic Reporting\PRDs \LRP	CMC suggests clarifying which unimplemented compliance activities or ERAs a discharger is to identify in the Annual Report. CMC suggests that there must be a mechanism to remove erroneous data, or to keep erroneous data from annual or instantaneous calculations in SMARTS.	The State Water Board's electronic reporting requirements must comply with federal regulations that prohibit the deletion of public records. Dischargers are allowed to update information with explanations, but such data cannot be erased. This draft permit incorporates a QA/QC window of 30 days from the time the Discharger receives sampling and analysis data from the lab so that there is time to verify that the data properly characterizes facility sampling conditions.
17	California Metals Coalition	James Simonelli	9	Electronic Reporting\PRDs \LRP	CMC suggests protecting proprietary information by removing the requirement for SWPPPs to be electronically filed with the Water Boards.	This draft permit includes new provisions that address this issue. See section II.B.3.d.

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17	California Metals Coalition	James Simonelli	10	Sampling and Analysis	<p>CMC suggests the following (1) Allow more flexibility in visual observations requirements by requiring they be conducted at either the approximate start of discharge, or soon after the start of facility operations. (2) Provide more flexibility to dischargers by giving them at least 45-days, rather than 30, to electronically report analytical data through SMARTS. (3) Allow dischargers to use a value of zero for any effluent sampling analytical results that are properly reported by laboratory as “non-detect” (which is determined to be less than the method detection limit). (4) Provide relief from pre-storm visual observations requirements by instead requiring monthly inspections to identify any spills, leaks, or improperly controlled pollutant sources, and to ensure appropriate BMPs are implemented. (5) Provide relief from and flexibility in routine logging and tracking of rainfall at individual sites to determine if a Qualified Storm Event has occurred by stipulating that rainfall can be measured as recorded by a local weather service station and to allow (but not force) the alternative of sampling when a discharge is observed regardless of the inches that have fallen. (6) Assist dischargers comply with the permit requirements to analyze all effluent samples for applicable parameters related to 303(d) listed impaired water bodies by including a web</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
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					link and/or address to review the state's 303(d) list of impaired water bodies.	
17	California Metals Coalition	James Simonelli	11	Training	The use of a Professional Engineer or similar licensee to certify a SWPPP and to provide basic employee stormwater training would represent a substantial financial burden for facilities who would otherwise utilize their own knowledgeable stormwater staff members.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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17	California Metals Coalition	James Simonelli	12	Applicability\Coverage\Implementation	The NALs do not take into account background levels and natural occurrence of many regulated constituents such as metals or their prevalence in our cities. It is inequitable to place an unfair burden on industrial dischargers, while other businesses in non-regulated SIC Codes with similar infrastructure are not required to employ any storm water management practices.	Dischargers are allowed take into account non-industrial and natural background levels when developing Level 2 ERA Technical Report. Other than through the formal designation process, the State Water Board has not expanded the types of facilities subject to this draft permit.
17	California Metals Coalition	James Simonelli	13	Cost	CMC requests that the SWRCB, in its response to comments of the industrial general permit, provide a budget illustrating the allocation of resources dedicated to the following: enforcement of non-filers who are wholly not complying with the general industrial permit, site reviews/inspections of industrial dischargers who have filed notices of intent (“NOI”), and industrial dischargers who seek the assistance of the regional water boards through the 1997’s IGP’s C.3 mechanism.	The annual permit fees cover the costs of administering and enforcing the storm water program. Federal Regulations require discharges to meet BAT/BCT and any applicable water quality standards. The draft permit is written to implement these federal requirements. Facilities that operate out of compliance may be subjected to enforcement or third party law suits.
17	California Metals Coalition	James Simonelli	14	Applicability\Coverage\Implementation	CMC suggests that the approval of the next IGP should have an enactment date of the following year. (Example: if the Board approves the permit in April 2013, the enactment date should be July 2014, and not July 2013).	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.

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18	California Stormwater Quality Association	Richard Boon	1	NALs\Effluent Limits	Supports the NAL approach as long as used in the same way as benchmarks are used in the MSGP.	The inclusion of reporting year (NALs) in the draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
18	California Stormwater Quality Association	Richard Boon	2	NALs\Effluent Limits	Supports using properly derived action levels as recommended by the Blue Ribbon Panel report (as upset values) as one of many mechanisms to assess program effectiveness.	Comment noted.

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18	California Stormwater Quality Association	Richard Boon	3	NALs\Effluent Limits	Language in Permit should allow for industry specific NALs to be added when data becomes available during permit term. See Attachment 2 of CASQA's 4/29/2011 comments on draft IGP.	Industry specific NALs may be something the State Water Board will adopt in a future reissuance of the permit but the draft permit does not allow for industry specific NALs at this time.
18	California Stormwater Quality Association	Richard Boon	4	NALs\Effluent Limits	Recommends the use of geometric means for determination of annual average. PLE	The draft permit is structured so that Dischargers with an "outlier" that creates a one-time exceedance of the annual NAL average are not overly burdened. The ERA Level 1 requirements are not comprehensive and Dischargers that are able to determine an outlying value was not attributable to industrial activities would not be required to implement additional BMPs unless otherwise required by the draft permit. An additional outlier causing an exceedance of the annual NAL average in another year would need to occur before more substantial Level 2 ERA requirements would trigger. At that point, the question of why these outliers re-occur must be formally addressed in the Level 2 ERA process. An outlier that is caused by industrial activities is not really an outlier (it's not a statistical fluke) but may represent a real compliance problem. The State Water Board acknowledges use of the

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						geometric mean may reduce the number of Dischargers subject to the ERA process. But reducing the number of Dischargers affected is not in of itself a legitimate reason to use the geometric mean.
18	California Stormwater Quality Association	Richard Boon	5	NALs\Effluent Limits	Recommends that data collected from storm events which exceed the design storm event be excluded from NAL assessments, both instantaneous and annual averages. Without this clarifying language, there could be a mismatch between the event magnitude required for treatment controls, and that required to assess the need for additional controls in the ERA process. PLE	This draft permit does not exclude such BMPs for consideration. Dischargers are required to evaluate their facility for what BMPs will be used to comply with the minimum BMP requirements and evaluate if Advanced BMPs are required to comply with this permit when the SWPPP is developed. Advanced BMPs include infiltration BMPs and any other more advanced/specialized BMPs. Dischargers with Level 2 ERA status are also required to evaluate all potential BMPs

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						solutions. This draft permit has changed significantly since the previous draft.
18	California Stormwater Quality Association	Richard Boon	6	TMDL	<p>Agrees with Findings 36-41 and TMDL Requirements Section VII.A., in that many existing TMDLs do not provide sufficient clarity as to requirements applicable to industrial stormwater dischargers. Once those TMDLs are further clarified and refined by the Regional Water Boards in accordance with the process outlined in Finding 38, also agrees that industrial stormwater-related TMDL-specific requirements must first be incorporated into the permit before those requirements are enforceable against permittees, as prescribed by Section VII.A. PLE</p>	State Water Board staff agrees.

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18	California Stormwater Quality Association	Richard Boon	7	TMDL	<p>Believes that Effluent Limitation V.C is in direct conflict with</p> <p>Findings 38-40 and TMDL Requirements Section VII.A by requiring blanket incorporation by</p> <p>reference and immediate compliance with existing and/or future approved TMDLs in violation of</p> <p>Water Code sections 13000 and 13263. PLE</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
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18	California Stormwater Quality Association	Richard Boon	8	TMDL	<p>As with municipal stormwater discharges, recommends that all TMDL WLAs incorporated</p> <p>into stormwater permits should be implemented as BMPs. Recommends revisions in finding 39</p>	<p>Discharges addressed by this draft permit are considered to be point source discharges, and therefore must comply with effluent limitations that are “consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by US EPA pursuant to 40 Code of Federal Regulations section 130.7. (40 C.F.R. § 122.44 (d)(1)(vii).) The State Water Board recognizes that it is appropriate to develop TMDL-specific permit requirements derived from the WLAs of TMDLs. At present, the relevant WLAs assigned to industrial storm water Dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. Accordingly, an analysis of each TMDL applicable to industrial storm water Dischargers needs to be performed to determine if it is appropriate to translate the WLA into a numeric effluent limit, or if</p>
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						<p>the effluent limit is to be expressed narratively using a BMP approach. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
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18	California Stormwater Quality Association	Richard Boon	9	ERA Level 1	Requests that instead of requiring a phased BMP evaluation, the Industrial General Permit employ a more general requirement to evaluate BMPs and file a report on the evaluation and corresponding changes to a facility's SWPPP. This process would continue to recognize that the selection of BMPs should and can consider whether exceedances are caused by natural background or non-industrial sources. The State would retain the authority to require additional site-specific controls for water quality issues or require an individual permit.	Industry specific NALs may be considered by the State Water Board in a future reissuance of the draft permit. This draft permit does not include industry specific NALs.
18	California Stormwater Quality Association	Richard Boon	10	ERA Level 1	Recommends that the requirement that a Level 1 facility evaluation include consideration of all industrial pollutant sources and related SWPPP implementation measures be highlighted in the Fact Sheet. PLE	The draft permit is structured so that Dischargers with an "outlier" that creates a one-time exceedance of the annual NAL average are not overly burdened. An additional outlier result causing an exceedance of the annual NAL average in another year will need to occur before more substantial Level 2 ERA requirements are triggered. At that point, the question of why these outliers re-occur must be formally addressed in the Level 2 ERA process. Multiple NAL exceedances attributable to a Discharger's industrial activities may represent a real compliance problem. The State Water Board acknowledges use of the

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						geometric mean may reduce the number of Dischargers subject to the ERA process, but reducing the number of Dischargers subject to the ERA requirements of this draft permit in and of itself is not a legitimate reason to adopt the geometric mean.
18	California Stormwater Quality Association	Richard Boon	11	ERA Level 1	Strongly recommends allowing a discharger to file a Demonstration Technical Report (DTR), including the Background or Non-industrial Sources off-ramps, while at Level 1. PLE	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	12	ERA Level 1	Requests that a process similar to the BMP Implementation Extension Request (BIER) be allowed to justify delay of triggering Level 2 for up to one additional year, where the discharger demonstrates that implementation of the BMPs selected in Level 1 over such period reasonably must occur for an additional permit year before their effectiveness can be evaluated. If a discharger files a BIER demonstrating that implementation requires more than one year, then the trigger events would not require Level 2 evaluation the following year, but the	State Water Board staff believes that one year an adequate amount of time to complete the Level 1 ERA requirements and measure effectiveness. Dischargers are not precluded from performing additional sampling beyond the required frequency to evaluate effectiveness of any additional BMPs implemented.

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					year after. PLE	
18	California Stormwater Quality Association	Richard Boon	13	ERA Level 2	Recommends using “Additional BMPs (Including Consideration of Structural/Treatment Control)” instead of only “Structural/Treatment Control.” In this manner, the discharger will be required to consider structural and/or treatment controls, but can elect to implement additional non-structural (i.e., source control) measures to address NAL exceedances. PLE	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	14	Demonstrations	Requests deletion of the phrase “in compliance with BAT/BCT” In Section XII.D.2, as shown in the suggested language for XII.D.2 in Attachment 2.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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18	California Stormwater Quality Association	Richard Boon	15	Demonstrations	<p>CASQA requests consideration of low impact development (LID) approaches in the "BAT/BCT" demonstration Consider LID approaches in the BAT/BCT Compliance Demonstration Report" where BMPs are implemented to reduce the volume and intensity of runoff from industrial sites. Because these LID measures also reduce pollutant loads, they should be considered in assessing a discharger's corrective action approach. In addition, the possible reduction in loading should be included in the evaluation provided for in Section XII.E.3.</p>	<p>This draft permit does not exclude such BMPs for consideration. Dischargers are required to evaluate their facility for what BMPs will be used to comply with the minimum BMP requirements and evaluate if Advanced BMPs are required to meet compliance with this draft permit when the SWPPP is developed. Advanced BMPs include infiltration BMPs and any other more advanced/specialized BMPs. Dischargers with level 2 ERA status are also required to evaluate all potential BMPs solutions. This draft permit has changed significantly since the previous draft. Please read the new provisions.</p>
18	California Stormwater Quality Association	Richard Boon	16	Demonstrations	<p>Provide for Regional Water Board approval prior to implementation of potentially costly control measures is to allow concurrent submission of the Level 2 ERA Technical Report and the BAT/BCT Compliance DTR. Regional Water Board concurrence with these two reports will provide dischargers greater certainty that implementation of Regional Water Board approved structural/treatment controls will be sufficient to return to baseline status.</p>	<p>The burden placed on the Regional Water Board staff to require them to review each ERA report and/or technical report would be infeasible due to small number of available staff to review such reports. The decision was made to minimize the number of requirements we place on the Regional Water Boards with mandatory review of reports and other reporting requirements. Dischargers are encouraged to discuss such installations with their Regional</p>

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						Water Boards if necessary. The draft permit provisions have been modified to provide more clarity.
18	California Stormwater Quality Association	Richard Boon	17	NALs\Effluent Limits	Facilities should be able to propose an alternative NAL approach based on the “availability and feasibility” standard set forth above (“reduce pollutant discharges to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice”) PLE	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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18	California Stormwater Quality Association	Richard Boon	18	Legal	<p>CASQA requests that permit findings explain in more detail that the permit satisfies the Clean Water Act requirement to achieve BAT/BCT through its description of the process for development of an appropriate SWPPP and monitoring and inspection protocols, as well as the SWPPP re-evaluation process in Section XII (NAL Exceedance Response Actions). CASQA requests revisions to clarify that provisions in Sections V, X and XII refer to the permit's satisfaction of BAT/BCT rather than providing the impression that individual actions of the permittee must establish BAT/BCT in this permit cycle. PLE</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
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18	California Stormwater Quality Association	Richard Boon	19	SWPPP\BMPs\Design Storm	<p>Supports the use of the 85th percentile, 24-hour storm as the design storm as used in the permit. It is consistent the volume- and flow-based methodology CASQA published guidance. (Please note that the reference in footnote 8 to the</p> <p>CASQA handbook should be January 2003, not June 2012.) In addition to the inclusion of a</p> <p>design storm for treatment control BMPs, CASQA recommends specifying the same storm event</p> <p>in the ERA section of the draft Industrial General Permit. Clarify that existing basins do not need to re-design to meet the design storm standard unless triggered to do so through the ERA process.</p>	Comment noted.
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18	California Stormwater Quality Association	Richard Boon	20	Electronic Reporting\PRDs \LRP	<p>The Draft Industrial General Permit’s approach to defining a “Legally Responsible Person” as an entity separate from the “Discharger” causes multiple problems, in that it confuses the obligations of the permittee with that of particular individual people who may represent the Discharger. The language also is inconsistent regarding who can certify and file an NOI, which legally cannot be delegated. This can be solved by centralizing the certification and signatory requirements in one place (XXI.K is currently the best place), and abandoning use of the concept and term, “Legally Responsible Person” (“LRP”). The term “Discharger” can be substituted in nearly all cases. The permit can defer to the SMARTS system guidance for logistics. If the draft Industrial General Permit intends to require each Discharger to have only one primary signatory at a time, this can be explained more clearly.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The term "Legally Responsible Person" has been retained, but the draft permit language has been modified to be more clear.</p>
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18	California Stormwater Quality Association	Richard Boon	21	Electronic Reporting\PRDs \LRP	<p>Attachment C also discusses certification requirements for the Permit Registration Documents. The application, helpfully, does not refer to a Legally Responsible Person or a Duly Authorized Representative at all. The relevant sections seem to be F.5 and 6 (repeated in H.1 (d) and (e) for No Exposure Certification), which require: “5. A [sic] NOI Certification by the Discharger that all PRDs submitted are correct and true.” “6. SMARTS Electronic Authorization Form Signed by any user authorized to certify and submit data electronically.”</p> <p>Section F.6 (identical to H(1)(e)) appears to be a somewhat confusing administrative reference to who may sign and submit documents. Recommends it refer to Order Section XXI.K PLE</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. We are following the federal regulations on who can certify and submit PRDs and who is eligible to submit other documents.</p>
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18	California Stormwater Quality Association	Richard Boon	22	Receiving Water Limitations	<p>The draft Industrial General Permit (Section VI [p. 22] of the Draft Permit, together with Section XX.B [p 65]), substantially change the receiving water limitations, eliminating the existing permit’s description of a process which maintains a Discharger’s compliance with the permit. In addition, the language in Section VI.A should not include the phrase “or contribute,” because, as recognized by EPA when it eliminated those words in the MSGP in 2008, that phrase is not required by regulations in effluent limits but comes from the threshold that simply shows “reasonable potential” triggering the need to simply have a limit. The phrase “or contribute” is not found in the Clean Water Act or clarified by precedent when used in an effluent limitation.</p>	<p>40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the “reasonable potential” to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the draft permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from</p>
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						<p>Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the Federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."</p>
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18	California Stormwater Quality Association	Richard Boon	23	Sampling and Analysis	<p>Appreciates the incorporation of the NOAA forecast as a trackable and consistent indicator of rain event predictions. Nonetheless, is concerned about the concept of predicted rain event inspections because of the effort involved in tracking and documenting the weather to demonstrate compliance. Recommends the deletion of predicted rain event inspections in lieu of regular inspection of facilities. Believe that a regular monthly inspection is preferable to the constant tracking of predicted rain events. These monthly inspections could encompass both the quarterly non-stormwater inspections and the predicted storm event inspections. PLE</p>	This draft permit has included new provisions that address this. See section II.B.3.d.
18	California Stormwater Quality Association	Richard Boon	24	Electronic Reporting\PRDs \LRP	<p>SWPPPS should not be electronically filed in SMARTS because they can contain confidential information or information that must be protected to prevent bioterrorism, protect homeland security. The MSGP requires only that the Discharger have the SWPPP available at its facility. If a member of the public requests the SWPPP, then the Discharger and the government can agree on those provisions to be released. Electronic filing of maps and itemization of specific chemicals in the SWPPP is not desirable. Alternatively, if filing the SWPPP is</p>	This draft permit has included new provisions that address this. See section II.B.3.d

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					required, dischargers must be given the opportunity to file SWPPPs in hard copy in lieu of electronic filing, identifying the information that is not subject to public disclosure, together with the related justification.	
18	California Stormwater Quality Association	Richard Boon	25	Cost	Concerned about increased requirements and subsequent costs to comply with the permit's NEC requirements. Permit goes beyond what is required in MSGP and other states.	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community, and this draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. NEC submittal is required by federal regulations, which also require re-certification of the NEC no less than every five years. This draft permit requires annual re-certification to insure that the condition of no-exposure continues regardless of changes to facility management or facility operations. Based upon the regulatory experience of the

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						State Water Board storm water program, a significant number of facilities would likely experience a turnover of management or change operations within every couple of years. To insure the integrity of the NEC program, annual re-certification is necessary. The NEC fees are established by regulation. The storm water program will expend resources to inspect NEC facilities and take enforcement actions when necessary. The NEC fees will offset these resource needs. It is unfair for NOI permittees to pay for resources devoted to NEC facilities.
18	California Stormwater Quality Association	Richard Boon	26	Applicability\Coverage\Implementation	Requests the QISP implementation date be extended to July 1, 2015 (or two years after permit adoption) to allow the IGP Steering Committee sufficient time to fully develop the material, and industry enough time to complete the training program requirements.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.

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18	California Stormwater Quality Association	Richard Boon	27	Training	<p>Given the critical importance of the SWPPP, the</p> <p>next generation of facility SWPPPs that will be required by the new Industrial General Permit should be developed by professionals meeting the QISP training standards.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
18	California Stormwater Quality Association	Richard Boon	28	Training	<p>Recommends the State Water Board include a QISP training exemption for Certified Professionals in Storm Water Quality (CPSWQ) and that individuals qualified as Certified Professionals in Erosion and Sediment Control (CPESC) who have successfully obtained Qualified SWPPP Developer (QSD) credentials under the Construction General Permit be automatically qualified as QISPs for industrial activities whose primary pollutant of concern is sediment, specifically landfill</p> <p>operations and mining.</p>	<p>The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for California Board of Professional Engineers Land Surveyors and Geologists (CBPELSG) licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional</p>

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						engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.
18	California Stormwater Quality Association	Richard Boon	29	Sampling and Analysis	Recommends lab results be reported as provided by the lab. For averaging purposed, supports using 1/2 the MDL for valued below the MDL. However, for values between the MDL and Reporting Limit, then use the labs estimated value which is the average of the MDL and reporting limit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	30	Sampling and Analysis	SLR should be expanded to allow reduction of entire drainage areas that are substantially similar (like the current IGP allows) and not just for sub-drainage areas within a single drainage area.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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18	California Stormwater Quality Association	Richard Boon	31	Sampling and Analysis	Recommends the specification of EPA or the equivalent standard method. Do not specify MDLs because in some cases the MDLs are unachievable or associated lab costs too run such expensive tests are not reasonable.	Dischargers may use equivalent test methods as long as all laboratory analyses are conducted according to test procedures under 40 Code of Federal Regulations part 136. This draft permit retains the MDLs associated with the corresponding test methods. The State Water Board understands that the Minimum Level for each test will be higher than the MDL. The test methods provided are reasonable because they have been selected to have the appropriate sensitivity for each NAL value.
18	California Stormwater Quality Association	Richard Boon	32	Sampling and Analysis	Dischargers should be able to satisfy SRF requirements using data collected under the 1997 IGP.	This draft permit does not allow Dischargers to use sampling data collected under the previous permit to qualify for sampling reduction. The previous permit did not require a monitoring implementation plan or sampling collection and handling instructions. In addition, most sampling data is unavailable electronically so data validation would be challenging.

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18	California Stormwater Quality Association	Richard Boon	33	NEC	Establish a procedure to address planned/ unplanned short term or /one time exposure circumstances. Under such circumstances, dischargers would not be required to file an NOI.	It is not the intent of the draft permit to require NEC coverage for exposure due to extreme conditions such as fire, flooding, earthquakes, etc. or for one time accidents. In general, the facility needs to operate in such a way that it is predicable there will be exposure. Dischargers should immediately contact the Regional Water Boards to discuss one-time exposures to determine whether NEC coverage is appropriate.
18	California Stormwater Quality Association	Richard Boon	34	No Discharge\NON A	Substitute "never discharge" with a specific threshold that will provide certainty for engineers and dischargers. Clarify that permit is not establishing a new requirement to file a NONA and remove registered engineer requirement.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	35	Electronic Reporting\PRDs \LRP	A minimum of 60 days and as much as 75 days should be provided to file annual reports.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTs. The Annual Report is going to be streamlined extensively, and will primarily consist of a checklist and a certification. It should be feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete the Annual Reports on-time.

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18	California Stormwater Quality Association	Richard Boon	36	Training	Require PEs to receive QISP training	The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.
18	California Stormwater Quality Association	Richard Boon	37	Training	Remove requirement that a QISP review weather forecasts.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
18	California Stormwater Quality Association	Richard Boon	38	Training	Remove requiring that a QISP must certify NEC until QISP training is available. Similar to comment 25, this training requirement to file a NEC is inconsistent with MSGP and other states.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	39	Training	Objects to the footnote that restricts a QISP I to perform actions for I type of industrial activity. Some facilities have multiple industrial activities so a QISP I should be able to perform actions for industrial activities the QISP is familiar with.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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18	California Stormwater Quality Association	Richard Boon	40	Training	Expand list of licensed engineers who do not require QISP training.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	41	Groups	Should be able to submit Alternative Compliance Plans with the goal of establishing industry specific NALs within the term of the proposed permit term.	Industry specific NALs may be considered by the State Water Board in a future reissuance of the permit. This draft permit does not include industry specific NALs, nor alternative compliance plans to establish those NALs.
18	California Stormwater Quality Association	Richard Boon	42	Groups	Should clarify that a single group may be comprised of Level I and Level II dischargers if group leader is a QISP III. During the interim period prior to QISP training, provide minimum qualifications for compliance group leaders.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	43	Training	Provide an expedited Trainer of Record process for Compliance Group Leaders to train their group participants.	Comment noted.
18	California Stormwater Quality Association	Richard Boon	44	Other	Incorporate LID/Green Infrastructure incentives in the next draft IGP.	Although the Water Boards encourage compliance using LID and green technologies, defining what they are and to what degree they must be installed to qualify for an "incentive" would require a comprehensive and time-consuming effort involving stakeholders and industry experts. Implementation of these technologies is not hampered by this draft permit, and the State Water Board does not wish to delay the adoption of this draft

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						permit.
18	California Stormwater Quality Association	Richard Boon	45	Other	Special consideration should be built into permit for National, State, or local Historic places which may be limited in the compliance practices they may deploy.	Without a specific example, the Water Boards are not aware of any compliance requirement that would be limited because a facility is an historic place. The Discharger can select alternative BMPs if any minimum BMP are infeasible because a facility is an historic place.
18	California Stormwater Quality Association	Richard Boon	46	Inactive Mines	Allow Engineering Geologists and Mining Engineers to prepare Inactive mine certifications.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	47	Inactive Mines	Allow annual Inactive Mine re-certifications be submitted by a QISP III if no substantial geo-physical changes occurred in the preceding year.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
18	California Stormwater Quality Association	Richard Boon	48	Prohibitions\NS WDs	Clarify that discharges of contained stormwater is not considered a non-storm water discharge.	This draft permit regulates the discharge of authorized non-storm water discharges and industrial storm water discharges regardless of whether those discharges are immediately discharged or temporarily contained. The characterization of the discharge is determined by its initial source, regardless of

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						whether it is contained or not.
18	California Stormwater Quality Association	Richard Boon	49	Other	Misc. line edits (MLE)	Comment noted.
18	California Stormwater Quality Association	Richard Boon	50	Electronic Reporting\PRDs \LRP	Allow discharger to have a data submitter enter info into Smarts account.	This is allowed.
19	Calpine Corporation	Barbara McBride	1	Training	Is the State Water Board Sponsored or approved QISP training course a one-time training requirement, or will this be required on a periodic basis?	The QISP training course is a one-time event, but there may be an annual (or some interval) renewal process where the QISP renews certification. The renewal will not include having to take the full course again (and probably not require any face-to-face re-training). Once this process is developed more information will be available.
19	Calpine Corporation	Barbara McBride	2	Training	Would prefer to assign a QISP at the regional level to implement the General Permit and SWPPP requirements at multiple facilities	A QISP can represent multiple facilities as long as they can adequately perform the necessary compliance tasks at all facilities.

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19	Calpine Corporation	Barbara McBride	3	Training	Table 1: Role-Specific Permit Requirements (by Task) does not include the individual tasks for conducting the sampling, inspections and monitoring. For the specific tasks listed above, the designated regional QISP could provide this training to the individual responsible.	QISPs are not required to conduct the sampling, inspections and monitoring. However, a QISP must train the personnel responsible for performing these tasks once a Discharger reaches Level 1 Status.
19	Calpine Corporation	Barbara McBride	4	Visual Observations\Inspections	Devoting staff to weather forecast review and associated inspections is burdensome and duplicative of other existing observations and maintenance plans. Recommend the requirement that each facility perform pre-storm inspections be deleted. Instead, each facility could include in its monthly BMP inspection any areas that may be impacted by significant events.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
19	Calpine Corporation	Barbara McBride	5	ERA Level 1	NALs and ERAs are burdensome, Permit should following corrective action triggers in the US EPA Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP).	Comment noted
19	Calpine Corporation	Barbara McBride	6	Visual Observations\Inspections	Recommend adding "during daylight hours within scheduled facility operating hours" or changing the definition from "Operating Hours" to "Business Hours" when referencing visual observations and other SWPPP requirements.	Business hours may include customer service, administration, and other functions that go beyond operational hours. Operational hours are only those hours when industrial activities occur.

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20	Castellon & Funderburk LLP on behalf of The Chemical Batch Processing Monitoring Group, Inc.	William Funderburk, Jr.	1	Groups	CBPMGI supports the Compliance Group option for its members and would like to continue playing a role in developing industry specific data and BMPs.	Comment noted.
20	Castellon & Funderburk LLP on behalf of The Chemical Batch Processing Monitoring Group, Inc.	William Funderburk, Jr.	2	NALS\Effluent Limits	CBPMGI strongly supports the State Board's elimination of numeric effluent limits. CBPMGI supports use of numeric action levels as outlined in the CASQA comments (Commenter 18).	Comment noted.
20	Castellon & Funderburk LLP on behalf of The Chemical Batch Processing Monitoring Group, Inc.	William Funderburk, Jr.	3	Receiving Water Limitations	CBPMGI members continue to have concerns about the misuse of the provisions in the general permit stating that dischargers shall not "cause or contribute to a violation of a receiving water quality standard". This provision provides no certainty of an ascertainable compliance standard for group members. CBPMGI members strongly support the CASQA proposed (Commenter 18) revisions to this provisions which tie compliance to the exceedance response actions under the general permit.	Section 402(p)(3)(A) of the CWA requires Dischargers to meet all applicable provisions of sections 301 and 402 of the CWA, including the requirement of compliance with effluent limitations necessary to meet water quality standards. There is no authority for the State Water Board to adopt an NPDES permit for discharges of storm water associated with industrial activity which would exempt Dischargers from this requirement.

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20	Castellon & Funderburk LLP on behalf of The Chemical Batch Processing Monitoring Group, Inc.	William Funderburk, Jr.	4	Sampling and Analysis	CBPMGI suggests that the qualifying storm event requirement be relaxed to allow for additional opportunities to capture storm water samples. Complications with current QSE - members are located in diverse climactic regions throughout the state, Storm water discharges are highly variable and episodic, and The most important element to capturing a representative storm is that business operations have commenced recently in the drainage area from the sample is being taken.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
21	Castellon & Funderburk LLP on behalf of The Paper, Glass, and Plastic Recyclers Monitoring Group	William Funderburk, Jr.	1	Groups	PGPRMG supports the Compliance Group option for its members and would like to continue playing a role in developing industry specific data and BMPs.	Comment noted.
21	Castellon & Funderburk LLP on behalf of The Paper, Glass, and Plastic Recyclers Monitoring Group	William Funderburk, Jr.	2	Applicability\Co verage\Impleme ntation	PGPRMG members strongly support the CASQA proposed revisions to this provisions which tie compliance to the exceedance response actions under the general permit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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21	Castellon & Funderburk LLP on behalf of The Paper, Glass, and Plastic Recyclers Monitoring Group	William Funderburk, Jr.	3	Sampling and Analysis	Although PGPRMG would like the State Water Board to continue with group specific sampling exemptions, PGPRMG believes it would be beneficial to relax the qualifying storm event requirements so that there is no antecedent dry weather period required.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
22	CE Wilson Corporation	C.E. Wilson	1	Cost	Has concerns about the significant increased costs of compliance.	The provisions in the previous draft have been substantially revised to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
23	City of Lompoc	John Linn	1	Cost	Concerned with the cost of new and additional requirements imposed by the proposed permit.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling

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						requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
23	City of Lompoc	John Linn	2	Other	Additional requirements have not been shown to be necessary to protect water quality.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
23	City of Lompoc	John Linn	3	Training	Significant additional funds will be needed to provide the required training of staff to Qualified Industrial Stormwater Practitioner (QISP) I, II, and III levels, or to hire consultants with these qualifications to prepare required reports.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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23	City of Lompoc	John Linn	4	Training	It is important to ensure the QISP I requirements allow existing industrial permitted sites to utilize experienced staff most familiar with the site and its operations to prepare the site's Storm Water Pollution Prevention Plan (SWPPP).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
23	City of Lompoc	John Linn	5	NALs\Effluent Limits	Objects to the designation of Numeric Action Levels, as proposed. Values are not being used as intended.	The inclusion of reporting year (NALs) in the draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders.

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23	City of Lompoc	John Linn	6	NALs\Effluent Limits	<p>It is not clear the MSGP benchmark values have been determined to be appropriate for each regulated industry, physical plant location and type.</p>	<p>The inclusion of reporting year (NALs) in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.</p>
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24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	1	No Discharge\NON A	<p>To clear up any confusion (WWTP discharge effluent daily), the City requests that the SWRCB add "industrial storm water runoff" to the sentence as follows:</p> <p>The NONA Technical Report shall demonstrate that the facility does not discharge "industrial storm water runoff" to waters of the United States.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	2	Training	<p>Creation of three The creation of three Qualified Industrial SWPPP Practitioner (QISP) levels for individuals p.8, QISPs is unnecessary with different levels of environmental experience or involvement with the facilities is burdensome. The QISP III should be responsible for supervising the work involved with monitoring and the generation and implementation of SWPPPs, NECs, SFRs, SLRs, and ERAs and other technical and monitoring reports. We understand the need to require training for QISP I and QISP II and this can be achieved without the need of another statewide certification program. Consider instead that the tasks performed by QISP I and QISP II be performed by trained personnel under the supervision of QISP III and that they do not need to be certified.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	3	NALs\Effluent Limits	<p>The City requests that the exceedance trigger language be modified to allow 3 exceedances of NALs to trigger ERAs. Due to the greater possibility of sampling error and natural background contamination of sample results, when monitoring stormwater discharges, the Bureau believes that 3 exceedances of a NAL instantaneous maximum limit more appropriately reflect the potential to accurately identify industrial sources of pollutants in the stormwater discharge.</p>	<p>Comment noted. State Water Board staff believes the occurrence of two NAL exceedances is adequate, as the instantaneous maximum NAL values were based on industrial storm water sampling data from California.</p>
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	4	TMDL	<p>The proposed language will result in frequent adoption of the Permit reopeners that will result in uncertainty for facility operators. Please consider revising the language to allow the TMDL adoptions of the new TMDL requirements upon permit renewals.</p>	<p>The State Water Board intends to limit the number of permit reopeners necessary to incorporate TMDL-specific permit requirements into this permit; to the extent possible, the State Water Board hopes to incorporate all of the requirements into the permit using a single reopener. To prevent a severe delay in the reissuance of this draft permit, it is necessary to incorporate the TMDL-specific implementation requirements by reopening the permit. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>

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24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	5	Training	The draft permit allows a number of State licensed professions to serve as GISP without the need of specialized training. Please consider allowing in addition to civil engineers, other engineering disciplines including chemical and mechanical engineers that would be more common to be involved with some of the targeted facilities.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	6	Cost	While it is estimated in the provided factsheet that the anticipated costs for the permit compliance will only partially increase, in the case of many facilities, the increased would be substantial. Our Department of Airports estimates that the additional monitoring requirements including the pre-storm observations, inspections, and sampling will increase the workload and financial burden more than fourfold.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	7	Sampling and Analysis	Quarterly sample collection and sampling analysis requirements are unrealistic because of the sampling rainfall pattern in Southern California, where there would typically be little or no rainfall to meet requirements during the 2nd and 3rd quarters. The permit should retain the existing requirement of collecting two samples during the wet season (Oct	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					1- May 30th).	
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	8	Visual Observations\Inspections	The requirement of obtaining the first qualifying storm event is too rigid and may result in non-compliance for many facilities that have limited personnel. Consider allowing flexibility by accepting any qualifying storm event during the reporting quarter. This will allow for a more representative water quality data for the industrial facilities that will assist in quantifying the actual loads from these facilities and assist in TMDL analysis.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	9	NALs\Effluent Limits	The establishment of an annual NAL for pH is not appropriate, as pH is normally sampled as a grab sample or through a field probe, to determine compliance with instantaneous maximum. The City requests that the Annual NAL for pH be removed.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	10	NALs\Effluent Limits	Limits or action levels for pH of 6-9 are appropriate for effluent and receiving water limitations; they are not appropriate for stormwater. Most rainwater has an equilibrium pH of 5.6-5.8 due to the presence of carbonic acid. (H ₂ CO ₃). The surface of different industrial facilities varies and as such the ability of surfaces to buffer rainwater pH will vary as well. It is not appropriate to	Based on sampling and analysis data collected under Order 97-03-DWQ, State Water Board staff anticipates that most Dischargers will not have an issue meeting the NALs for pH.

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					<p>set a NAL for pH of stormwater at 6-9, and the City believes that pH should not be a parameter that triggers ERAs. Consider deleting this parameter from the NALs or adjust the lower range of pH to 5.0.</p>	
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	11		<p>The NALs uses the MSGP benchmarks as effluent limitations in contrast to US EPA's own guidance on these numbers where they should be used for the need to review the facility SWPPP and take measures to attempt to further reduce these concentrations. The proposed permit has these limits as a basis of requiring additional BMPs. For areas that have developed TMDLs, many of these values are below established WQs and are way lower than the typical urban stormwater runoff concentrations. Achieving these concentrations is not only infeasible but it will not contribute towards any measurable water quality benefit. This interpretation of the benchmark values is excessive and will lead to the vast majority of the facilities to be in noncompliance. Please reconsider the values selected for NALs or the use of alternative compliance language.</p>	<p>This draft permit does not intend to use NALs as effluent limitations. They are used as an indicator of possible BMP enhancement. This draft permit allows Dischargers to demonstrate compliance without reducing concentrations below NALs.</p>

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24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	12	NALs\Effluent Limits	<p>Single NALs for all permittees under the IGP is not appropriate. ERA Level 1 should not result in Mandatory modifications\adding BMPs. The City believes that the SWRCB should add language allowing development of alternative site-specific benchmark values to determine the effectiveness of SWPPP as being fully protective of WQs. Also the City requests that the SWRCB add an additional paragraph to this section to provide dischargers the ability to justify why no additional BMPs are necessary despite the exceedance of NALs.</p>	<p>The ERA system does not necessarily require the modification of or addition of BMPs. The Discharger is however required to evaluate their site to see if the BMPs already implemented are sufficient to meet the effluent limitations in this draft permit.</p>
24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	13	NALs\Effluent Limits	<p>The use of NAL exceedances as a trigger for mandatory consideration of structural BMPs is excessive and in contrast to US EPA guidance which only requires dischargers to review and amend the facilities SWPPP and implement additional nonstructural or structural BMPs described in the SWVPPP. These numbers in the MSGP were never meant to be used in enforcement and it is inappropriate to use them in a manner that determines compliance with (BAT)\BCT.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.</p>

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24	City of Los Angeles, Bureau of Sanitation	Shahram Kharaghani	14	ERA Level 2	<p>The interpretation of the NALs to require structural BMPs is excessive and will lead to many facilities going through many unnecessary actions in ERA Level 2. The reports (ERA Level 2 Technical Report\Demonstrations) could result in facilities having to compile and submit multiple such reports with little water quality benefit or reduction in the pollutants in the receiving water. The city asks that the SWRCB reconsiders the automatic Level 2 Status language.</p>	<p>The inclusion of reporting year NALs in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make this draft permit more clear and responsive to the interests of California's stakeholders. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.</p>
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25	City of Redding, Public Works	Jonathan Oldham	1	Applicability\Coverage\Implementation	We urge you to engage in a productive and effective dialogue with CASQA to ensure dischargers are not unreasonably burdened with permit requirements that are not achievable. In addition, the permit must include provisions that provide a "safe harbor" for dischargers if all conditions of the permit are implemented as required.	State Water Board has worked with CASQA at various points throughout the development of this draft permit and has revised draft permit provisions to lessen the burden on Dischargers. The draft permit does not provide an ultimate "safe harbor" from citizen lawsuits, as such a provision is not authorized under the Clean Water Act.
26	City of Roseville, Environmental Utilities	Kelye McKinney	1	Electronic Reporting\PRDs \LRP	Allow duly authorized representatives to do certify and submit documents.	An appointed Duly Authorized Representatives by the Legally Responsible Person (LRP) can certify and submit all documents/reports other than the PRDs. The Duly Authorized Representative can assist in the uploading and development of PRDs, but cannot certify and submit PRDs on the behalf of the LRP per federal regulations.
26	City of Roseville, Environmental Utilities	Kelye McKinney	2	Applicability\Coverage\Implementation	It is unclear when SWPPPs must be updated. Allow 16 months from time of adoption to update SWPPPs.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.

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26	City of Roseville, Environmental Utilities	Kelye McKinney	3	TMDL	Unclear what kind of data a new business would be able to provide to demonstrate that the pollutant discharge will not cause an exceedance of a WQS.	Section VII.B of this draft permit details the requirements that a new Discharger to an impaired water body must meet before they are eligible to obtain coverage under this draft permit. A new Discharger could demonstrate, for example, that they will not discharge the pollutant responsible for the impairment in their industrial storm water discharge because that pollutant is not associated with their industrial activity.
26	City of Roseville, Environmental Utilities	Kelye McKinney	4	Sampling and Analysis	Permit should allow non-QISPs to review NOAA forecasts. Pre-storm inspections should be based upon 70% of forecasted rain. Regional Boards should be required to review and approve SLRs within 60 days. Minor clarification request to Section XI.E.1.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
26	City of Roseville, Environmental Utilities	Kelye McKinney	5	ERA Level 1	ERA level 1 evaluation should only be limited to the parameters that were exceeded.	Dischargers are only required to perform an evaluation of the industrial pollutant sources at the facility that are or may be related to the NAL exceedance(s).
26	City of Roseville, Environmental Utilities	Kelye McKinney	6	ERA Level 2	The reference to Footnote 10 should be Footnote 11.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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26	City of Roseville, Environmental Utilities	Kelye McKinney	7	Demonstrations	Add language that requires SB/Regional Boards to respond to technical and demonstration reports within 60 days. The same for BIERs.	The burden placed on the Regional Water Board staff to require them to review each ERA report and/or technical report would be infeasible due to small number of available staff to review such reports. The decision was made to minimize the number of requirements we place on the Regional Water Boards with mandatory review of reports and other reporting requirements. Dischargers are encouraged to discuss such installations with their Regional Water Boards if necessary. This draft permit provisions have been modified to provide more clarity.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	1	NALs\Effluent Limits	Support the removal of NELs.	Comment noted.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	2	Attachments	Please include a list of acronyms used in the Order	An acronym list has been included as Attachment B.

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27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	3	ERA Level 1	The change status from Baseline to Level 1 after one exceedance is unreasonable due to the lack of evidence of the relationship between BMPs and sampling results. The jump to Level 1 should be the average value of a specific number of sampling events such as four or six data sets	Most of the NALs for individual parameters are Annual Average NALs and a single sampling result above these NAL values would not trigger the Level 1 ERA requirements. There are three parameters with Instantaneous Maximum NAL values that must be triggered twice before the Discharger is moved to Level 1. The values for the Instantaneous Maximum NALs are set at considerably higher concentrations than the Annual Average NAL values.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	4	ERA Level 2	Aggressive to change the status to Level 2 after two subsequent exceedances especially since our data set is likely only two samples per year due to limited rainfall. Jump to Level 2 should be the average value of a specific number of sample events such as six or eight.	This draft permit includes Annual Average NALs in addition to the Instantaneous Maximum NALs. Dischargers are required to take 4 samples per year and they are not precluded from taking additional samples if desired.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	5	ERA Level 1	Does "subsequent year" refer to only one reporting year immediately following? Is it limited to one year following the first exceedance?	The term subsequent year refers to any following year during the permit term.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	6		How do we determine the baseline values and background levels for the required monitoring? The definition should be clarified such as "the average of four sample sets" or other unambiguous definition.	Guidance will be developed as part of the Qualified Industrial Stormwater Practitioner (QISP) training as to the general principles that should be applied when determining baseline values. It is likely, however, that

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						there may be multiple approaches that must be considered depending upon site specific and regional specific information.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	7	ERA Level 1	If/when the discharger triggers Level 1 or 2 status it appears no mechanism is in place to allow the discharger to return to a previous status when compliance is met. How does the discharger return to lower levels after demonstrating compliance?	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	8	Electronic Reporting\PRDs \LRP	The annual report due date should be extended to July 30 to allow dischargers to adequately and correctly complete the annual reports and input into SMARTS.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTS. The Annual Report is going to be streamlined extensively, and will primarily consist of a checklist and a certification. It should be feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete the Annual Reports on-time.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	9	Sampling and Analysis	The definition of a QSE is impractical. A storm event producing 1/10th of an inch of rainfall over a 24 hour period does not produce sufficient runoff to physically collect samples at our facilities. The definition needs to include language that	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					it's both "measurable and produces collectable run off."	
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	10	Sampling and Analysis	QSE definition needs to include the event must be during daylight hours and normal operating hours.	The definition includes scheduled facility operating hours regardless of time of day. In most cases, Dischargers will be able to safely collect samples at night. The draft permit contains exceptions for unsafe weather conditions.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	11	Sampling and Analysis	The Order requires sample collection within four hours of a QSE or the start of operating hours if the QSE occurred in the previous twelve hours. This requirement assumes sufficient rain at the start of operating hours to produce measurable runoff OR that the run-off is contained in a basin. Both assumptions impact our ability to comply with the regulations to obtain quarterly samples. Again, the QSE definition as described in comment #8 needs to be re-visited and sampling requirements should be reduced to twice per rainy season.	This draft permit retains four sampling events per year which is similar to the MSGP and other state permits. If rain starts during the evening but discharges have discontinued during scheduled facility operating hours, the Discharger is not required to collect samples.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	12	Visual Observations\In spections	The proposed permit is unclear as to how a permittee would monitor an "anticipated storm event". Additionally, how would an event be monitored for unmanned facilities? Is the intention for site staff to monitor 2417 for storm events?	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	13	Training	What are the details of the State Water Board sponsored or approved training courses? What is the schedule? Are there multiple dates? Will training occur in each region? What is the cost? How many hours is the course?	The State Water Board has started development of the training program which will be implemented prior to the permit's effective date. Although content will be different, it will be structured similar to the construction permit's training program. The State Water Board does not wish to delay permit adoption in order to develop training program for public comment.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	14	Training	The Fact Sheet states the QSP I must work at the facility; although, that statement does not seem consistent with the Order. Is it a requirement for the QISP I to be stationed "at the facility."	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	15	Electronic Reporting\PRDs \LRP	What is the purpose of submitting a site-specific SWPPP via SMARTS? This document continually changes (name updates; add/remove/enhance BMPs, etc) so it's a peculiar requirement to submit numerous documents that aren't final or permanent documents.	See Section X.B on SWPPP updates in SMARTS. A SWPPP is not required to be submitted more than once per every 3 months in the reporting year, while the most current SWPPP is required to be kept on-site. Periodic SWPPP updates are required, and SWPPPs that contain a significant revision must be certified and submitted via SMARTS within 30 days of the revision.

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27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	16	Sampling and Analysis	Quarterly sampling: Quarterly sampling requirements are impractical for southern California. Sampling requirements should be any two QSEs per year.	Adjustments to sampling requirements should make it easier to collect four samples.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	17	Sampling and Analysis	We cannot comply with the Order, as written. Page 52 of the Fact Sheet (Figure 2 Compliance Flowchart) illustrates a "Violation of this General Permit" if we do not sample one QSE per quarter. Page 41 of the Fact Sheet lists exemptions for sample collection and the lack of a QSE is not listed as an exemption.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	18	Sampling and Analysis	We are potentially penalized for the minimal rainfall in San Diego regarding our ability to reduce sampling. To reduce sampling to the we need to be in compliance for eight (8) consecutive quarters which assumes we have a QSE for eight consecutive quarters. One QSE per quarter (occurring Monday thru Friday during normal operating hours) is highly unlikely to occur over the course of many years. This requirement is unrealistic which hinders our ability for sample reduction.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	19	Sampling and Analysis	It's impractical and costly to have a calibrated portable pH analyzers at each one of our eight sites due to cost, calibration standards, laboratory space and staffing. Suggest the addition of pH strips as an acceptable methodology because they are accurate within the	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					required range of 6-9.	
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	20	Visual Observations\Inspections	Due to limited staffing at all facilities the required observations may be infeasible and should be reduced.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	21	Visual Observations\Inspections	It's impractical to require staff to mobilize and monitor for a possible discharge when they are physically not at the facility.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	22	Sampling and Analysis	What is the purpose of recording a QSE that doesn't produce a discharge?	Dischargers must collect two samples from each discharge location in each half of the reporting year. The Discharger must document when samples cannot be collected from all discharge locations because of no discharge. The draft permit continues to require Dischargers to explain why samples were not collected. Discharger without documentation would have difficulty providing an explanation why samples were not collected.

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27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	23	Visual Observations\Inspections	Pre-Storm Visual Observations: this requirement is excessive and impractical for a QISP to be responsible to review precipitation forecasts on an ongoing basis.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
27	City of San Diego, Public Utilities Department/Wastewater Branch	Skyla Wallmann	24		State Water Board staffs comment responses state there will be a delay between the adoption of the permit and the effective date of the permit. Page i of the draft Order states that the effective date is July 1, 2013. Is this date correct?	The State Water Board is aware of the comment and will determine an appropriate implementation date.
28	City of Santa Rosa, Utilities Department	Miles Ferris	1	Applicability\Coverage\Implementation	SIC codes do not accurately describe industrial activities, especially for corporation yards and the hazardous waste they have collected from city areas. It would be appropriate to develop an Industrial SIC designation for Municipal Corporation Yards that correctly reflects this type of activity. (Fact Sheet, Section B, page 5)	Federal regulations use narrative descriptions and SIC codes to define the types of facilities subject to permitting. Guidance from US EPA provides further detail on the determination of auxiliary establishments for the purposes of NPDES permitting. Municipal corporation yards are clearly auxiliary facilities and are not subject to permitting. At this time, the State Water Board is not considering designation of corporation yards.
28	City of Santa Rosa, Utilities Department	Miles Ferris	2	Training	The blanket approach for the QISP program does not allow prioritization of problem areas on a site, we understand that this approach is to provide consistency statewide, but it may be more appropriate to allow for specific training that may be required when the need is identified during inspections (by state, local, or by facility personnel).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The QISP training program will not preclude the training of individuals implementing this permit, although a QISP is allowed to train such individuals.

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28	City of Santa Rosa, Utilities Department	Miles Ferris	3	Training	The categorical (Licensee) exemption from training for licensed professionals may also be inappropriate as the licensure process does not necessarily equip them to implement measures on a particular industrial site. Most often the person most qualified to implement this Order is the field staff who are most intimately involved with the operations that take place on the site.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
28	City of Santa Rosa, Utilities Department	Miles Ferris	4	Applicability\Coverage\Implementation	The Annual Report reporting period is proposed as July 1-June 30. The monitoring period is proposed as January 1- December 31. The City requests that the monitoring quarters begin at the start of the reporting year (July 1) as opposed to the calendar year as currently written. For ease of tracking and reporting it is requested that both the reporting period and the monitoring period run from July 1- June 30. This comment was also made in their last comments on the 2011 draft, and response given was that the Order was attempting to be consistent with the quarter system in the EPA MSGP. However, the MSGP (Section 6.1.7) states that "Monitoring requirements in this permit begin in the first full quarter following either April 1, 2009 or your date of discharge authorization, whichever date comes later." While a table of quarters is provided, this is provided as a list only and no reference is made to which is the first quarter.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.

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28	City of Santa Rosa, Utilities Department	Miles Ferris	5	Sampling and Analysis	Depending on the characteristics of the rain event there is a possibility that more than 4 hours will pass after the beginning of discharge before the storm becomes a qualifying storm event. In order to provide for this case, it is requested that B.3.a. be changed to read "Beginning of Qualified Storm Event." (Order- Section XI, page 38)	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
28	City of Santa Rosa, Utilities Department	Miles Ferris	6	Sampling and Analysis	It is requested that the requirement to test Total Suspended Solids (TSS) be replaced with the requirement to test Turbidity. This would provide consistency with the CGP, provide information in the field for immediate feedback and adjust practices as needed.	Turbidity is not a measurement of total suspended solids. Turbidity testing was selected for the CGP because it was considered more important for the Discharger to obtain a quick field measurement of only the smaller size fraction of sediment particles so that the Discharger can immediately implement appropriate BMPs, that it was for the Discharger to obtain a measurement of total suspended solids but at a much later date. In the case of the IGP, the importance of receiving quick measurements is not as vital as determining a more accurate measurement of TSS. Industrial sites generally discharge a variety of metals that are transported via TSS. Reductions in TSS generally lead to reduced concentrations of metals. In addition, the requirement to monitor for TSS is consistent with the MSGP and many other state storm water

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						industrial permits.
29	Civil and Environmental Technologies, LLC	Randy Bowers	1	Training	In light of the likely demand for QISPs and the proven qualifications of REMs, I request that the State Water Resources Control Board grant REMs the same status as licensed professional engineers, registered geologists and certified engineering geologist.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists

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						in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.
30	County of Placer, Facility Services Department	Bill Zimmerman	1	ERA Level 1	Amend IGP to allow return to baseline status after 4 consecutive QSEs with no exceedances.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
30	County of Placer, Facility Services Department	Bill Zimmerman	2	Applicability\Coverage\Implementation	The IGP is unclear which portions of a landfill is subject to 40 CFR part 445 or if water discharged to (sanitary) sewer is subject to 40 CFR part 445.	This permit only regulates storm water discharges to waters of the United States. Discharges to sanitary sewers are not regulated by this permit since the operator of the sanitary sewer has an individual NPDES permit.
30	County of Placer, Facility Services Department	Bill Zimmerman	3	Demonstrations	IGP should clarify which requirements related to naturally occurring pollutants addressed in demonstration report the discharger is not responsible for.	It is unnecessary to define what naturally occurring represents. Dischargers should easily be able to separate which pollutants are generated by human activity versus those pollutants that are not. Furthermore, there is less significance if a Discharger gets it wrong because the Discharger

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						stays in Level 2 regardless of the type of background sources causing the presents of the pollutant.
30	County of Placer, Facility Services Department	Bill Zimmerman	4	Other	IGP needs to clarify that municipal recovery facilities are not included in the definition of plastic facilities.	A municipal recovery facility that does not grind plastic materials would not meet the definition of the types of plastic facilities subject to the special requirements.
30	County of Placer, Facility Services Department	Bill Zimmerman	5	Sampling and Analysis	IGP should be consistent with CGP and use 1/2 inch for the QSE definition.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
30	County of Placer, Facility Services Department	Bill Zimmerman	6	Training	A construction QSD should be able to develop a SWPPP. It is not clear who is authorized to develop SWPPP. Allow a QISP to train in-house technicians to perform inspections/visual observations.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit.

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31	County of San Diego, Department of Public Works	Cid Tesoro	1	Sampling and Analysis	The proposed permit adds more sampling requirements that may not improve the pollutant characterization of a site. Most of the industrial facility operators in our jurisdiction already have a difficult time taking one sample.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
31	County of San Diego, Department of Public Works	Cid Tesoro	2	Sampling and Analysis	A more efficient and cost-effective alternative is to require industrial facilities to sample from the single most significant discharge area twice in the year, i.e., one sample taken in the first half of the year and another in the second half, thereby yielding two sample submittals.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
31	County of San Diego, Department of Public Works	Cid Tesoro	3	Sampling and Analysis	Industrial complexes or areas should have the flexibility to purchase one rain gauge for the complex or the area or give the industrial facilities the option of working with an established facility that has a rain gauge, like an airport or other business in the area.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
31	County of San Diego, Department of Public Works	Cid Tesoro	4	Electronic Reporting\PRDs \LRP	Electronic submissions are a burden. Both mail-in and electronic submission should be options, and failure to submit results electronically to SMARTS should not be a violation of the permit.	Permit compliance information must be readily available to the public and regulating agencies for review.
31	County of San Diego, Department of Public Works	Cid Tesoro	5	No Discharge\NON A	Requiring a California licensed professional engineer to certify the NONA Technical Report is not warranted. The facility owner and operator should certify the NONA Technical Report and use, when necessary, the services of appropriate licensed professionals to complete the more technical sections of the report.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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31	County of San Diego, Department of Public Works	Cid Tesoro	6	Training	The three proposed QISP types are somewhat confusing and should be narrowed down to two QISP designations.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
32	County of Ventura	Gerhardt Hubner	1	NEC	The light industry community has not been regulated under this permit historically and are not informed. To assist local agencies and the light industry community, the County requests the State Water Board use a portion of these new revenues to undertake a proactive campaign to inform and educate the light industry community of the pending changes. This educational effort should not be entirely left to local agencies.	The State Water Board will contact industry associations and make other efforts to spread the word about the NEC requirements.

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32	County of Ventura	Gerhardt Hubner	2	TMDL	<p>The County requests the State Water Board recognize BMP-based compliance in the IGP findings and recommends the addition of the following language into or following Finding No. 39:</p> <p>"Compliance may include, but is not limited to, implementation of BMPs and control measures contained in TMDL implementation plans sufficient to achieve the WLA, or a demonstration that the numeric WLA has been achieved".</p> <p>The County has been working towards meeting their applicable TMDL requirements, which includes Industrial Dischargers.</p>	<p>Discharges addressed by this draft permit are considered to be point source discharges, and therefore must comply with effluent limitations that are "consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by US EPA pursuant to 40 Code of Federal Regulations section 130.7. (40 C.F.R. § 122.44 (d)(1)(vii).) The State Water Board recognizes that it is appropriate to develop TMDL-specific permit requirements derived from the WLAs of TMDLs. At present, the relevant WLAs assigned to industrial storm water Dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. Accordingly, an analysis of each TMDL applicable to industrial storm water Dischargers needs to be performed to determine if it is appropriate to translate the WLA into a numeric effluent limit, or if</p>
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						<p>the effluent limit is to be expressed narratively using a BMP approach. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
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32	County of Ventura	Gerhardt Hubner	3	TMDL	<p>The County would like to call your attention to several TMDLs missing from Attachment D. These TMDLs, issued for water bodies within Ventura County, have WLAs and implementation requirements that identify the IGP as the regulatory implementation mechanism:</p> <ul style="list-style-type: none"> • Santa Clara River Estuary and Reaches 3, 5, 6, and 7 - Indicator Bacteria • Calleguas Creek and Mugu Lagoon - Metals and Selenium • Calleguas Creek - Boron, Chloride, Sulfate and TDS (salts) • Santa Monica Bay Nearshore and Offshore Debris TMDL (SMB Marine Debris TMDL) <p>While Section XVIII, Special Requirements - Plastic Materials, of the draft IGP addresses many of the requirements of the SMB Marine Debris TMDL for plastic manufacturing facilities subject to the IGP, the SMB Marine Debris TMDL should be included in Appendix D to ensure that all IGP-specific provisions of TMDL have been addressed during incorporation of TMDL requirements.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
32	County of Ventura	Gerhardt Hubner	4	Prohibitions\NS WDs	Appreciate the inclusion of the NSWD requirements in the permit.	Comment noted.

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33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	1	Applicability\Coverage\Implementation	DoD facilities will need at least one calendar year after adoption of the permit to budget for and complete work (often contracted) to revise the SWPPP and develop a MIP consistent with the new permit requirements.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	2	Training	Training and testing requirements are not well defined for the QISP I, II, and III training.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	3	Training	All professional engineers (not just civil) should be QISPs. There are also other certifications such as Environmental Compliance Inspector Certification that should be included as QISPs. Finally, many licensees or experienced storm water professionals may not need the required training and should have an option to "test out" of QISP training requirements.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate

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						enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	4	Sampling and Analysis	Given that a qualifying storm event requires at least 1/10 inch (and DoD recommends changing this to 2/10 inch) of rainfall within the proceeding 24 hours, visual observations should not be required unless the forecasts predicts a 50% or greater probably of producing 2/10 inch of precipitation.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	5	Sampling and Analysis	A qualifying storm event (QSE) is a discharge of stormwater. Reducing the QSE from 1/4 inches of rainfall in a 24 hour period to 1/10 inches in a 24 hour period, will result in more QSEs per quarter, but many more false mobilizations which would be very costly, especially for remote locations such as San Clemente Island or San Nicolas Island or large installations. Navy has actual costs of \$11,500.00 dollars for each false mobilization to San Clemente Island.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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					Many Navy installations have drainage areas that don't discharge unless they get a minimum of 1/4 inch of rainfall.	
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	6	Sampling and Analysis	The permit requires Qualifying Storm Events (QSEs) to be measured by an onsite rainfall measurement device. In addition to the cost of purchasing rainfall measurement devices for all of the DoD installations, there is also the cost of staff to monitor and maintain the devices. Local weather station rainfall data provided by the National Weather Service or other standard organizations are already available, are easy and free to access, and frequently have long track records of consistent measurement. The Construction General Permit requires use of the nearest National Weather Service as the official rain gage, with an on-site gage as optional, and the Industrial Permit should follow suit for consistency.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	7	Sampling and Analysis	<p>The permit states that in the event that the first QSE in a quarter does not produce a discharge that can be sampled at one or more sampling locations, dischargers are required to collect samples from those locations from the next QSE that produces a discharge in that quarter. This could be very costly for arid bases that frequently do not produce a discharge. Large and remote installations could require three or four mobilizations quarterly to meet the permit requirement. Further, while Sampling Frequency Reduction is allowed for discharges that have a history of compliance with Numeric Action Levels, there is no allowance in the permit for stopping sampling requirements for sites that have a history of never producing a discharge. If a specific sampling location does not produce a discharge with a qualifying storm event for 2 sampling events in a quarter, the discharger should not be required to continue with false mobilizations. Also, dischargers should be able to demonstrate to the Regional Board that specific site conditions do not produce a discharge for 0.2 inch QSEs, and should only be required to sample if a storm exceeds a certain threshold likely to produce runoff.</p>	<p>This provision in the previous draft permit has been substantially revised to address the comment in this draft permit. In addition, there is nothing in the draft permit that prevents a Discharger to calculate the storm water volume necessary to result in a discharge from discharge locations in order to more efficiently manage sampling mobilizations.</p>
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33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	8	Sampling and Analysis	The permit requires re-sampling the following quarter if a discharger fails to collect a quarterly sample at a sampling location that produced a discharge within a quarter. The re-sampling should be limited to the given reporting year (July 1-June 30).	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	9	Sampling and Analysis	A QISP is required to prepare a Monitoring Implementation Plan (MIP) in Section X.I as part of the SWPPP development, it seems appropriate that sampling location reduction and combined sampling plans be included in the MIP. The QISP should be able to take a holistic approach to the entire facility and determine how many drainage areas can be composited or combined based on the industrial activities and physical characteristics of the drainage areas.	This provision in the previous draft permit has been substantially revised to address the comment in this draft permit and, as a result, the comment is not applicable to the draft permit.

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33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	10	Sampling and Analysis	<p>The permit allows for a reduction in sampling frequency if the discharger has taken eight (8) consecutive quarters where QSEs occurred that produce a discharge. Many DoD installations in Southern California could have only two quarters a year with QSEs that</p> <p>produce a discharge, therefore it would take 4 years (nearly the entire length of the permit) before this criterion could be met. Further, many DOD installations have installed Low Impact Development (LID) features and have discharge locations that don't produce a</p> <p>discharge consistently. This permit seems to penalize those facilities that have installed LID. Also, it is unclear whether the Sampling Frequency Reduction must be applied to the entire facility, or whether the reduction can be applied on an outfall-by-outfall basis.</p> <p>Dischargers should be allowed to get a sampling frequency reduction from individual outfalls.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
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33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	11	Demonstrations	<p>The permit allows that at any time during Level 2 status, the Discharger's QISP III may develop a BAT/BCT Compliance Demonstration Technical Report or Natural Background Demonstration Technical Report. Dischargers should not have to wait until</p> <p>reaching Level 2 status prior to being able to prepare a Demonstration Technical report. Dischargers may already have considerable data/studies that show that they are in compliance with BAT/BCT or that NAL exceedances are solely attributable to pollutants in</p> <p>storm water run-on to the facility from adjacent properties or non-industrial portions of the Discharger's property or from aerial deposition.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	12		<p>The permit states that in the event that sampling results indicate an NAL exceedance, the Discharger's Baseline status immediately and automatically changes to Level I status for all parameters exceeded. The operation control evaluation required based on this status change is not limited to the parameter(s) exceeding the NAL. The requirement to conduct an evaluation on source controls to reduce pollutants that are currently in compliance with NALs is excessive and an undue burden on the permittee.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	13	Electronic Reporting\PRDs \LRP	Appendix 2 contains a SWPPP Checklist, but a requirement for developing or submitting the checklist cannot be found in the permit. The permit states that a QISP shall prepare the Annual Reports using the standardized format and checklists in SMARTS, but it is not clear whether the SWPPP Checklist (Appendix 2) is one of those checklists.	This provision in the previous draft permit has been substantially revised to address the comment in this draft permit. A checklist is not required to be added to the SWPPP. The Appendix 1 (SWPPP Checklist) is included in the draft permit as a reference for Dischargers. The checklist in SMARTS will appear as electronic screens where a Discharger enters that year's information. The Annual Report for this permit will be a streamlined version of the current Annual Report's information.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	14		Page 48 - XII.E.I: Footnote 10 is missing (and is possibly out of order).	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
33	Department of Defense, Region 9 on behalf of Rear Admiral Smith	C.L. Stathos	15		Page 49 - Fact Sheet Section K.4 the term "outlets" should be replaced with "options" to avoid confusion.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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34	Eastern Municipal Water District	Jayne Joy	1	NALs\Effluent Limits	Supports use of NALs and clarity that the NALs will not serve as NELs. Annual NALs should be calculated using geometric mean.	NALs are not numeric technology-based effluent limitations. This draft permit is structured so that Dischargers with an "outlier" that creates a one-time exceedance of the annual NAL average are not overly burdened. An additional outlier result causing an exceedance of the annual NAL average in another year would need to occur before more substantial Level 2 ERA requirements would trigger. At that point, the question of why these outliers re-occur must be formally addressed in the Level 2 ERA process. Multiple NAL exceedances attributable to a Discharger's industrial activities may represent a real compliance problem. The State Water Board acknowledges use of the geometric mean may reduce the number of Dischargers subject to the ERA process, but reducing the number of Dischargers subject to the ERA requirements of this draft permit in and of itself is not a legitimate reason to adopt the geometric mean.
34	Eastern Municipal Water District	Jayne Joy	2	Training	Many facilities have various industrial activities. IGP should allow a single QISPI employed by discharger to perform permit functions.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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34	Eastern Municipal Water District	Jayne Joy	3	Applicability\Coverage\Implementation	IGP is unclear when SWPPPS must be revised to comply with new requirements. None of the QISP permit functions should be required until the training program has been developed and made available. Additional implementation time is necessary for QISPs to train in-house staff.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
34	Eastern Municipal Water District	Jayne Joy	4	Sampling and Analysis	Require dischargers to check NOAA website weekly. Eliminate the MDL column from Table 3	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
35	ECA Risk Management (This comment letter is a copy of the same form letter or of similar text that the SWRCB received from other individuals that totaled approx. ~10)	Andrew Bailey	1	Training	Unlike geologists and engineers, Registered Environmental Managers (REMs) are highly qualified environmental professionals who have demonstrated their knowledge concerning water quality and environmental management through education, experience and comprehensive testing and as such a REMs should be accorded the same recognition as a licensed professional civil engineer, registered geologist, or certified engineering geologist and be recognized as a QISP I, II, or III without further testing or training. REM certification is already recognized by a number of governmental agencies.	The training qualifications have changed in this draft permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to

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						investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.
35	ECA Risk Management (This comment letter is a copy of the same form letter or of similar text that the SWRCB received from other individuals that totaled approx. ~10)	Andrew Bailey	2	Training	It is not likely that there will be enough qualified geologists and engineers available to serve the regulated community while the State Board is developing and implementing the QISP training program.	Comment noted

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36	Ecology Auto Parts	Roger Griffin	1	Training	<p>The training requirements proposed is duplicative to already existing trainings (CASQA, Universities, other training venues) and adds another costly element to this permit. Appropriate training under the supervision of a State licensed, qualified, and trained individual is a far better approach. The group granted an exemption from taking the training (civil engineers in the Licensee definition) is far too restricted, many other engineers are capable to do the work of these individuals. We urge the Board to change the registration requirement to include the above engineering and technical branches with more direct engineering experience and practice - such as licensed chemical or mechanical engineers – for the QISP qualified licensees. Alternatively, the Board could simply delete ‘civil’ from sections referring to engineering licenses.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
36	Ecology Auto Parts	Roger Griffin	2	Other	<p>The board needs to define "significant" this not being defined can lead to variance in interpretation on what compliance means.</p>	<p>As the commenter notes, the term "significant" is used throughout the draft permit, in a variety of contexts. As with all terms in common usage, the term "significant," if not specifically defined, is used in accordance with its ordinary meaning. This draft permit intentionally allows Dischargers to exercise their discretion when reasonably determining the difference</p>

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						between significant and non-significant.
36	Ecology Auto Parts	Roger Griffin	3	Prohibitions\NS WDs	Commenter requesting that the Board specifically exclude containerized storm water prior to treatment in the definition of what constitutes a “non-stormwater” discharge. This would also bring the Permit in line with the Sector specific Permit recently adopted by the Santa Ana Regional Board (Region 8).	The draft permit does not define containerized storm water as a non-storm water discharge.
36	Ecology Auto Parts	Roger Griffin	4	Sampling and Analysis	we would like to see the definition of “annual average” defined the same as in the Sector specific Permit recently adopted by the Santa Ana Regional Board (Region 8). This definition specifically defines an annual average – with the exception of pH – to be the geometric mean value. This would be consistent across the state and would avoid the problems with outliers frequently encountered with measurements of stream flows and water bodies.	This draft permit is structured so that Dischargers with an "outlier" that creates a one-time exceedance of the annual NAL average are not overly burdened. An additional outlier result causing an exceedance of the annual NAL average in another year would need to occur before more substantial Level 2 ERA requirements would trigger. At that point, the question of why these outliers re-occur must be formally addressed in the Level 2 ERA process. Multiple NAL exceedances attributable to a Discharger's industrial activities may represent a real compliance problem. The State Water Board

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						acknowledges use of the geometric mean may reduce the number of Dischargers subject to the ERA process, but reducing the number of Dischargers subject to the ERA requirements of this draft permit in and of itself is not a legitimate reason to adopt the geometric mean.
36	Ecology Auto Parts	Roger Griffin	5	NALs\Effluent Limits	Under recent court cases concentration is used to determine compliance with standards such as CTRs. However, it is well known that mass discharges are the preferred technique for determining impacts of contaminants discharged into stream flows; particularly in dispersion modeling of fluid flows. Changing from a concentration based standard (which tells you nothing) to a mass discharge standard would have the benefit of allowing easy calculations of water bodies' ability to absorb additional contaminants and would make future calculations of mass loading allowances much easier.	It is more difficult and costly to calculate mass loadings at industrial facilities for storm water since flow rates and concentrations would have to be determined.

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36	Ecology Auto Parts	Roger Griffin	6	Visual Observations\Inspections	Based on our experiences with the “Rain Event Action Plan” imposed by Region 8 – actions to be taken in anticipation of a predicted storm event - we have found that it is far more cost effective to perform a monthly or bi-monthly inspection and preparation for rain events. This way we would not be ‘chasing our tails’ preparing for a rain event with only a 40% or 50% chance of a discharge. With such a protocol, every facility will be assured of frequent preparations for rain events year around and they could be effectively scheduled.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
36	Ecology Auto Parts	Roger Griffin	7	Electronic Reporting\PRDs \LRP	Given the heightened concerns for security and terrorism, we are requesting that no Site map or SWPPP be required to be uploaded to SMARTS showing either the location, quantities, or types of hazardous chemicals or other materials. An on-site, hard copy SWPPP and Site map showing such items could be kept at every location for inspections and use of staff personnel. Likewise we are requesting that no trade secrets or proprietary technologies or business confidential treatment systems be either included in a SWPPP or uploaded into SMARTS.	This draft permit includes new provisions that address this issue. See section II.B.3.d.
37	EnviroCert International, Inc.	David Ward	1	Training	Our concerns are directed to Section IX and the Item 1 in the Findings; our position is that no professional should be exempted from receiving the training on the new NPDES regulation and procedures that are to be developed as	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					part of the QISP program.	
38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	1	Other	General permit approach should be more tailored to the MSGP	This provision in the previous draft permit has been substantially revised to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	2	Groups	Maintain existing group monitoring. As an alternative, expand compliance group approach by increasing incentives and allowing for "alternative Compliance Plans"	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	3	NALs\Effluent Limits	<p>CWA and EPA regulations are silent on concept of action levels. Permit should be clear that NALs cannot be converted to effluent limits and that exceedances of NAL are not permit violations. Calculate geometric mean rather than arithmetic average to account for variability. NAL calculations should only apply to a precise outfall. Data from storms exceeding the design storm should not be used. Industry sectors should be allowed to establish more defensible instantaneous or annual NALs.</p>	<p>NALs will not be converted to NELs, and the draft permit clearly provides that an NAL exceedance is not a permit violation. This draft permit is structured so that Dischargers with an "outlier" that creates a one-time exceedance of the annual NAL average are not overly burdened. An additional outlier result causing an exceedance of the annual NAL average in another year would need to occur before more substantial Level 2 ERA requirements would trigger. At that point, the question of why these outliers re-occur must be formally addressed in the Level 2 ERA process. Multiple NAL exceedances attributable to a Discharger's industrial activities may represent a real compliance problem. The State Water Board acknowledges use of the geometric mean may reduce the number of Dischargers subject to the ERA process, but reducing the number of Dischargers subject to the ERA requirements of this draft permit in and of itself is not a legitimate reason to adopt the geometric mean. Industry specific NALs may be considered by the State Water Board in a future reissuance of the permit. The</p>
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						draft permit does not include industry specific NALs.
38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	4	Demonstrations	Remove requirement that dischargers must describe how they are complying with BAT/BCT. Dischargers can not make BMP determinations. Permit should allow dischargers to propose alternative NALs similar to MSGP.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. Dischargers are not authorized to propose alternative NALs under this draft permit.
38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	5	TMDL	Effluent Limitation V.C is in direct conflict with findings 38-40 and Section VII.A. Incorporate MSGP approach to TMDL compliance.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	6	Receiving Water Limitations	Language in Section VI.A should remove phrase "or contribute" to an exceedance of a water quality standard.	40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the "reasonable potential" to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the draft permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from
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						Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."
38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	7	Visual Observations\Inspections	Requirement to monitor NOAA weather data should be removed. Recommend that a single monthly dry weather inspection be added	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	8	Sampling and Analysis	Discharger should be able to reduce the outfalls sampled when a few outfalls are generally representative. Past sampling data should be allowed to be used to justify sampling frequency reduction.	This provision in the previous draft permit has been substantially revised in this draft permit to address the outfall comment. We are not allowing Dischargers to use sampling data from previous permit to qualify for sampling reduction. The previous permit did not require a monitoring implementation plan or sampling collection and handling instructions. In addition, most sampling data is unavailable electronically so data validation would be challenging.
38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	9	Training	Exempt current group leaders from the QISP training requirements and give group leaders expedited trainer of record certification. Grandfather experienced environmental managers as QISP IIs. Allow for "test" only QISP certifications.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG.

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						The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.
38	Federal Stormwater Association	Jeffrey Longworth(4.99 MB)	10	Electronic Reporting\PRDs \LRP	Provide more flexibility as to who is eligible to be a "duly authorized representative" in SMARTS.	This draft permit uses the definition of a duly authorized representative found in federal regulations. (40 CFR § 122.22(b).)
39	Flanigan Law Firm on behalf of the West Coast Chapter of the Institute of Scrap Recycling Industries	Katherine Brandenburg	1	Applicability\Coverage\Implementation	The Permit should be more like the MSGP.	Similar to many other states, the State Water Board has included additional requirements that those found in the MSGP. The primary purpose of these additional requirements is to assist Dischargers and the State Water Board in determining Discharger compliance. This is consistent with the State Water Board's mission to protect water quality.

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39	Flanigan Law Firm on behalf of the West Coast Chapter of the Institute of Scrap Recycling Industries	Katherine Brandenburg	2	ERA Level 2	Concerned the current NAL/Exceedance Response Action (ERA) approach in the permit has shifted the burden of proof significantly on the individual discharger to make BAT/BCT determinations, without the benefit of sufficient guidance for both the dischargers and regulators to fully understand how the ERA and off-ramp process will actually work.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
39	Flanigan Law Firm on behalf of the West Coast Chapter of the Institute of Scrap Recycling Industries	Katherine Brandenburg	3	NALs\Effluent Limits	SWRCB must make sure that NALs are not converted into Numeric Effluent Limits or be the focus of asserting non-compliance	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
39	Flanigan Law Firm on behalf of the West Coast Chapter of the Institute of Scrap Recycling Industries	Katherine Brandenburg	4	Applicability\Coverage\Implementation	Concerned that the July 1, 2014, timeframe for QISP implementation will not provide sufficient time for the SWRCB to develop and allow industry to receive QISP training sufficient to meet the permit requirements.	The State Water Board is aware of the comment and will determine an appropriate implementation date.
39	Flanigan Law Firm on behalf of the West Coast Chapter of the Institute of Scrap Recycling	Katherine Brandenburg	5	TMDL	Concerned that the language included in Section V.C. which exposes permittees to premature and inappropriate administrative or third party actions to enforce TMDL requirements before the TMDLs are clarified for application to specific industrial storm water dischargers and before those refined	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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	Industries				requirements are incorporated into the permit.	
40	Fresno Metropolitan Flood Control District	Bob Van Wyk	1	NEC	The "No Exposure Certification" should be filed electronically just once during the term of the Permit, at no cost to the applicant. CASQA estimates that initial filing and preparation costs will range from \$2,000-\$4,400 dollars. Regulations should not be written in such a way as to require individuals or companies to pay to file a statement that such regulations do not apply to their circumstances. If there is a charge for the repeated electronic filing of NECs, the State should specify to what purpose these fees will be applied, since it's unclear how the discharger's cost of annual re-certification relates to the State's cost to automatically and passively receive these documents. Existing method be retained where these business simply enter into SMARTS that the permit does not apply to them so that this information is public.	Federal regulations require re-certification no less than every 5 years. This draft permit requires annual re-certification to insure that the condition of no-exposure continues regardless of changes to facility management or facility operations. Based upon the regulatory experience of the State Water Board storm water program, a significant number of facilities would likely experience a turnover of management or change operations within every couple of years. To insure the integrity of the NEC program, annual re-certification is necessary. The NEC fees are established by regulation. The storm water program will expend resources to inspect NEC facilities and take enforcement actions when necessary. The NEC fees will offset these resource needs. It is unfair for NOI permittees to pay for resources devoted to NEC facilities.

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40	Fresno Metropolitan Flood Control District	Bob Van Wyk	2	Cost	Revenues generated by the Permit should be used to provide local compliance assistance and permit oversight for affected industries. As costs go up for the regulated community, many businesses are going unregulated because they choose not to be permitted.	The annual permit fees cover the costs of administering and enforcing the storm water program. Facilities that operate out of compliance may be subjected to enforcement or third party law suits.
40	Fresno Metropolitan Flood Control District	Bob Van Wyk	3	Cost	<p>Given the proliferation of Permittees under the new Permit and the retention of all Permit revenues by the State and Regional Boards, it follows that those agencies should assume the primary burden of monitoring and enforcement, including the identification of non-filers and following up on sites filing No Exposure Certifications. The State Water Resources Control Board claim that the permit fees will be expended on State and Regional Board costs and staffing provides no assurance that the monies generated by the Industrial General Permit program will actually be applied to resolving problems caused by industrial stormwater discharges. The Permit should include a specific business plan that describes how the State's Industrial General Permit revenues will be spent, what</p> <p>performance measures will be used to evaluate the effectiveness of the State and Regional programs, and what outcomes will be achieved during the permit term.</p>	The annual permit fees cover the costs of administering and enforcing the storm water program. This includes Dischargers with NOI coverage and NEC coverage. The annual fees do not pay for sampling nor would it be logistically possible for the Water Boards to sample 9,500 facilities.

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41	General Public - Celia Kutcher	Celia Kutcher	1	Applicability\Co verage\Impleme ntation	<p>Please work with your staff to develop a streamlined permit that is clear and enforceable, and achieves the shared goal of collecting more and better data. California needs clear limits on the amount of stormwater pollutants discharged into our waterbodies in order to provide dischargers with a clear path to compliance, and to facilitate efficient enforcement by the State and Regional Water Boards.</p> <p>Please develop a strong, enforceable Industrial Stormwater Permit that helps ensure that California waterways are safe for swimming, drinking, and fishing.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
42	General Public - Mary Webb	Mary Webb	1	Other	Requests development of streamlined, strong and enforceable permit to unsure clean water.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.

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43	General Public - Carolyn Radlo	Carolyn Radlo	1	Applicability\Co verage\Impleme ntation	I urge the state water board to develop a streamlined Industrial Stormwater Permit that is clear and enforceable, and that will achieve the shared goal of collecting more and better data.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
43	General Public - Carolyn Radlo	Carolyn Radlo	2	Legal	I am concerned that, after more than two years of work, many aspects of the proposed permit reflect a step backward from the current permit, and even the 2011 draft permit.	The previous permit was issued on April 17, 1997 and has been administratively extended since 2002 until the adoption of this permit. Significant revisions to the previous permit were needed to make this draft permit consistent with recent regulatory changes pertaining to industrial storm water under the CWA. This draft permit is significantly different from the previous permit in a number of areas, including the incorporation of provisions requiring the development and implementation of minimum best management practices, electronic reporting requirements, training requirements, reporting year (NALs) and Exceedance Response Actions (ERA), and requirements for discharges to ocean waters.
43	General Public - Carolyn Radlo	Carolyn Radlo	3	NALs\Effluent Limits	California needs clear limits on the amount of stormwater pollutants discharged into our water bodies in order to provide facilities a clear path to compliance and to facilitate efficient enforcement by the state and regional water boards.	It is not possible at this time to calculate individual effluent limits for all industries and all discharge locations throughout the State.

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43	General Public - Carolyn Radlo	Carolyn Radlo	4	Applicability\Co verage\Impleme ntation	Please develop a strong, enforceable Industrial Stormwater Permit that helps ensure that California waterways are safe.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
44	General Public - Gary Falxa	Gary Falxa	1	Applicability\Co verage\Impleme ntation	Supports the reissuance of the IGP. I urge the State Water Board to work with staff to develop a streamlined permit that is clear and enforceable, and achieves the shared goal of collecting more and better data. California needs clear limits on the amount of stormwater pollutants discharged into our waterbodies in order to provide dischargers with a clear path to compliance, and facilitate efficient enforcement by the State and Regional Water Boards. Please develop a strong, enforceable Industrial Stormwater Permit that helps ensure that California waterways are safe for swimming, drinking, and fishing.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
45	General Public - Gail Rubio	Gail Rubio	1	Applicability\Co verage\Impleme ntation	I urge the board to develop a streamlined permit that is clear and enforceable, and that will achieve the shared goal of collecting more and better data. Please develop a strong, enforceable Industrial Stormwater Permit that helps ensure that California waterways are safe for swimming, drinking and fishing.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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46	General Public - Tina Holt	Tina Holt	1	Other	Requests development of streamlined, strong and enforceable permit to unsure clean water.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
47	General Public - Drew Fenton	Drew Fenton	1	Other	the industrial timber WAIVER of WASTE DISCHARGE REQUIREMENTS have killed all fish in Santa Cruz county. The regional board just re-issued the WDR for another 5 years, never before have so many (all) plans are logging INSIDE creeks alongside, etc. Activity alters all drainage patters and much of it ends up in affecting the general stormwater permits. THIS is not addressed.	Comment noted.
47	General Public - Drew Fenton	Drew Fenton	2	Other	Using our mountain basins as sediment waste facilities will soon be known. its just like Kentucky's waste dumping in mountaintop removals.	Comment noted.

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47	General Public - Drew Fenton	Drew Fenton	3	Legal	Concerned that, after more than two years of work, many aspects of the proposed permit reflect a step backward from the current permit, and even the 2011 draft permit.	The previous permit was issued on April 17, 1997 and has been administratively extended since 2002 until the adoption of this permit. Significant revisions to the previous permit were needed to make this draft permit consistent with recent regulatory changes pertaining to industrial storm water under the CWA. This draft permit is significantly different from the previous permit in a number of areas, and incorporates new provisions requiring the development and implementation of minimum best management practices, electronic reporting requirements, training requirements, NALs, ERA Levels and reporting, and requirements for discharges to ocean waters.
47	General Public - Drew Fenton	Drew Fenton	4	Applicability\Co verage\Impleme ntation	I urge the board to develop a streamlined permit that is clear and enforceable, and that will achieve the shared goal of collecting more and better data.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
47	General Public - Drew Fenton	Drew Fenton	5	NALs\Effluent Limits	California needs clear limits on the amount of stormwater pollutants discharged into our water bodies in order to provide facilities a clear path to compliance, and to facilitate efficient enforcement by the state and regional water boards.	It is not possible at this time to calculate individual effluent limits for all industries and all discharge locations throughout the State.

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47	General Public - Drew Fenton	Drew Fenton	6	Applicability\Co verage\Impleme ntation	Please develop a strong, enforceable Industrial Stormwater Permit that helps ensure that California waterways are safe for swimming, drinking and fishing.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
48	General Public - Siddharth Mehrotra	Siddharth Mehrotra	1	Applicability\Co verage\Impleme ntation	Against liquid pollution including lead, zinc, and copper residues, California needs scientific limits of the amount of stormwater pollutants discharged into water. Please therefore develop an Industrial Stormwater Permit able to ensure the cleanliness of Californian waterways.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
49	General Public - John Fortier	John Fortier	1	Applicability\Co verage\Impleme ntation	Please develop a strong, enforceable Industrial Stormwater Permit that helps ensure that California waterways are safe for swimming, drinking and fishing. It is the right thing to do, and you know it.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
50	General Public - Steven Crandell	Steven Crandell	1	Other	Requests development of streamlined, strong and enforceable permit to unsure clean water.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.

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51	General Public - Megan Baehrens	Megan Baehrens	1	Applicability\Co verage\Impleme ntation	We need to ensure that California keeps our water clean. Please make sure we have a protective Industrial General Stormwater Permit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
52	General Public - Sherrill Futrell	Sherrill Futrell	1	Applicability\Co verage\Impleme ntation	The people of California need you to develop STRONG industrial pollution protections for our waters. We need clear limits on the amount of stormwater pollutants discharged into our water bodies in order to provide facilities a clear path to compliance, and to facilitate efficient enforcement by the state and regional water boards. Please develop a strong, enforceable Industrial Stormwater Permit that helps ensure that California waterways are safe for swimming, drinking and fishing.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
53	General Public (This comment letter is a copy of the same form letter or of similar text that the SWRCB received from other individuals that totaled approx. ~1400)	Pat Simon	1	Applicability\Co verage\Impleme ntation	I urge the State Water Board to work with staff to develop a streamlined permit that is clear and enforceable, and achieves the shared goal of collecting more and better data.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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54	Georgia-Pacific, LLC	Traylor Champion	1	Other	Adopt a permit similar to the MSGP	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
54	Georgia-Pacific, LLC	Traylor Champion	2	Applicability\Coverage\Implementation	When filing a NOT, discharger should not be required to inform new owner of the requirements. Clarify that existing dischargers who are required to be permitted but have not filed an NOI must immediately file an NOI Clarify the deadlines when the SWPPP is required to be in compliance	This requirement is consistent with other disclosure obligations when selling property or a business. Because it is likely that new owner is also required to be permitted, disclosure that the previous owner was under the permit will alert the new owner to the permitting requirements. The State Water Board does not find this requirement to be burdensome.
54	Georgia-Pacific, LLC	Traylor Champion	3	Prohibitions\NSWDs	Remove Condition VI.C because it is ambiguous and already accounted for in Part III.C	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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54	Georgia-Pacific, LLC	Traylor Champion	4	Training	<p>Remove mandatory training requirements. Optional training can be offered.</p> <p>Requirement for QISPs using yet unspecified training and exam is not well conceived and will create confusion.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.</p>
54	Georgia-Pacific, LLC	Traylor Champion	5	Sampling and Analysis	<p>Pre-storm inspection requirement should be removed as it is burdensome. Regular site inspections are sufficient.</p> <p>Remove requirement to sample storm water from secondary containment. Regular site inspections are sufficient.</p> <p>Remove requirement to self identify additional monitoring requirements.</p> <p>Remove condition that dischargers must contact Regional Boards for additional parameters.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
55	Granite Construction	Geoff Boraston	1	Applicability\Coverage\Implementation	<p>Should have at least 12 months from the date of approval of the permit to bring their operations into compliance with the new permit.</p>	<p>State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.</p>

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55	Granite Construction	Geoff Boraston	2	NALs\Effluent Limits	Draft Permit itself does not seem to fully explain the intent of not applying the NALs in year one and fails to note that Operations will remain at baseline status in the first year.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
55	Granite Construction	Geoff Boraston	3	Training	QSDs and QSPs should also be eligible to serve as QISPs.	Much of the QISP training is specific on how to implement the specific requirements in this permit, the training qualifications have changed in this draft of the permit, but we do not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.

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55	Granite Construction	Geoff Boraston	4	Training	Believe there is merit to professionals holding CPESC and CPSWQ designations being eligible to serve as QISPs.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.
55	Granite Construction	Geoff Boraston	5	Applicability\Coverage\Implementation	It is unclear on how intermittently operating facilities with irregular operating hours should be handled. Suggest adding language: Scheduled Facility Operating Hours do not include period when there is a Temporary Suspension of Industrial Activities.	The SWPPP requires Dischargers to determine appropriate BMPs for time periods of temporary closure. The MIP requires Dischargers to develop monitoring procedures. Dischargers with irregular

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						operating hours can address how they will achieve compliance with the monitoring requirements in the MIP.
55	Granite Construction	Geoff Boraston	6	Inactive Mines	Disagree with the requirement within the draft permit that a California Licensed Civil Engineer can be the only person authorized to develop a SWPPP for inactive mines.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
55	Granite Construction	Geoff Boraston	7	Inactive Mines	Review of the Inactive Mine Operation Certification has led us to conclude that the incorrect party is currently identified as the party to certify the facility as an inactive mine. An engineer or QISP cannot certify that a site is inactive, should be the Discharger.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
55	Granite Construction	Geoff Boraston	8	Visual Observations\Inspections	Requirement for daily tracking of National Weather Service predictions is overly burdensome and complex. Weather predictions change with time and it is more than theoretically possible that a discharger could check the prediction and record a sub 50% prediction that is later adjusted to a more than 50% prediction. Facilities may find it far more effective and less labor intensive to conduct and document these observations on a monthly basis.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
55	Granite Construction	Geoff Boraston	9	Sampling and Analysis	8 consecutive quarters standard in XI.C.6.a.i is too lengthy of a time period for sampling reduction. We request the standard be changed to 4 consecutive quarters.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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56	Granite Rock Company	Sam LoForti	1	Applicability\Coverage\Implementation	<p>The implementation timeline of the DIGIP is very concerning as it does not seem realistic based on QISP training guidelines, allow adequate time for SWPPP revisions, or training for the Pollution Prevention Team members. As the DGIP is currently written, only a California licensed professional civil engineer, registered geologist, or certified engineering geologist qualify as a QISP and are therefore capable of writing the SWPPP. Based on current SWPPP drafting fees associated with the Construction General Permit (CGP) that range from \$2500-3500, it is conceivable that our 15 facilities would cost a minimum of \$37,500 to meet the implementation timeline. We believe the 2014 guideline is more realistic only if the QISP training is made available by July 2013, giving dischargers one year to obtain training and implement all required changes proposed in the DGIP.</p>	<p>State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.</p>
56	Granite Rock Company	Sam LoForti	2	Inactive Mines	<p>We recognize that some aspects of inactive mine SWPPP's may need to be calculated by a PE, however, a PE should not be required to complete SWPPPs and Annual Monitoring Reports. Appropriately leveled QISPs are qualified to write and certify SWPPPs and Annual Monitoring Reports at Inactive Mining Operations the same way they would at any other facility. Ultimately, the LRP is responsible for their sites and the same should be true for Inactive Mining</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>

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					Operations.	
56	Granite Rock Company	Sam LoForti	3	Training	We believe that a Certified Professional in Storm Water Quality (CPSWQ) should also be included in this list for licensees exempt from the QISP training, due to the extensive work experience and certification process they have completed.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's

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						laws and regulations.
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56	Granite Rock Company	Sam LoForti	4	Prohibitions\NSWDs	<p>Section X.G.1.d.i Significant Spills and Leaks The second sentence in this section states: Unauthorized NSWDS within the previous five year period that have been discharged through the storm water conveyance system shall also be identified. According to this section, NSWDS that do not reach a storm drain and are below reportable quantities (as defined by the CW A) would have to be reported as a significant spill. This directly contradicts the definition provided in Attachment H of the Permit, and the CW A. That definition states that a significant spill: "Includes, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA, 33 U.S.C. § 1311 (see also 40 C.F.R. §§101.10 and 117.21), or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C §9602 (see also 40 C.F. R. § 302.4)." The second sentence in Section X.G.1.d.i should be removed so that NSWDS that do not meet the definition as provided in Attachment H are not inappropriately listed in SWPPP's as Significant Spills and Leaks. The DIGP states that NSWDS must be described in the SWPPP so this information will still be available in the SWPPP and described in the Annual Report, but should not be mis-categorized as significant.</p>	<p>State Water Board staff believes that Dischargers should assess all spill history regardless of whether there was a discharge or not.</p>
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56	Granite Rock Company	Sam LoForti	5	SWPPP\BMPs\Design Storm	<p>The Employee Training Program is necessary for compliance with the DIGP and all documentation of training should be made available to the board at any time as is the current IGP requirement. We believe that documentation of training should be maintained on site but should be excluded from the SWPPP so that it is not publicly available information To protect the safety and wellbeing of our personnel. We ask the board to remove the requirement to include facility personnel information in the SWPPP under the Employee Training Program.</p>	<p>The draft permit requires the position and/or title of the employees who are trained to be reported, but the draft permit does not require reporting of the employee names.</p>
56	Granite Rock Company	Sam LoForti	6	SWPPP\BMPs\Design Storm	<p>Significant SWPPP updates - We are concerned with the lack of clarity associated with this term significantly as it is truly a subjective term, we ask the board to better define this term so that dischargers can ensure they are complying with the Permit.</p>	<p>This provision in the previous draft permit has been revised in this draft permit to require SWPPP updates no more than once a quarter. The Water Boards believe the on-site SWPPP should be revised whenever changes occur, whether the Discharger considers them to be significant or not. Uploading a revised SWPPP is only necessary when significant changes occur. A significant change is any physical, operational, or industrial material change that would result in new or adjusted BMPs. This draft permit intentionally provides Dischargers discretion in determining what is constitutes a significant or non-significant</p>

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						change.
56	Granite Rock Company	Sam LoForti	7	SWPPP\BMPs\Design Storm	<p>Section X.H.7 does an excellent job describing the Design Storm for Treatment BMPs, However we have a concern that there is no clause for existing treatment control BMPs that were designed prior to the requirements described in the DIGP. We currently employ structural treatment controls which may not meet the design standard specified in this section but, have a multi-year track record of compliance, and even exceeding benchmark standards. The prescriptive treatment control BMPs are costly for individual sites and without a clause recognizing the already effective treatment controls, an unnecessary redesign would easily cost our company in excess of \$25,000 per site to update/increase the size of treatment controls. Reword as follows:</p> <p>All "new" treatment control BMPs employed by Dischargers shall be designed to comply with design storm</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. This provision was not intended to require retrofitting of existing treatment controls unless otherwise required to do so in order to comply with this permit.</p>

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					standards as follows..	
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56	Granite Rock Company	Sam LoForti	8	Visual Observations\Inspections	<p>Pre Storm Inspections - Requiring a print out for every day of NONA forecast data and to have that generated by the QISP (as the DIGP defines this as a QISP responsibility) has no obvious benefit to water quality. This condition will create an large amount of unnecessary data. The monthly QSE inspections are sufficient documentation to indicate that a facility is monitoring its storm water drainage and containment areas. Tests were run and the files sizes are large (about .43 gb a year per site). There are concerns with SMARTS ability to handle such large quantities of data. If this requirement were to be retained, a definition for the time period would be required. The CGP has a similar "likely precipitation event" inspection guideline that determines the time period the forecast must be obtained, as 48 hours. One way to ensure compliance with this requirement is to complete a pre-storm inspection every 14 days, obviously inspecting just to inspect would not lead to an improvement in water quality and would send a message to the regulated that we are just checking the box, and not looking for improvements in water quality.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
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56	Granite Rock Company	Sam LoForti	9	Sampling and Analysis	<p>part b of the definition of a QSE states: "From a storm event that was preceded by 72 hours of dry weather. Dry weather shall be defined as 72 hours of combined rainfall of less than 1/10th inch as measured by an on-site rain/all measurement device."</p> <p>This requirement appears to require over time work (issues with unions). We suggest that the definition be modified so that facility personnel are not required to come in on the weekends to inspect on-site rainfall measurement devices. Costs: If the DIGP remains as written, average Saturday personnel cost could be \$260 (\$65/ hour overtime fully burden employee cost guaranteed 4 hours worth of pay) for 15 active sites totaling \$3,900 per Saturday to inspect on-site rain gauges. Average Sunday personnel cost would be \$640 (\$80/hour double time fully burden employee cost guaranteed 8 hours worth of pay) for 15 active sites totaling \$9,600 per Sunday to inspect on-site rain gauges.</p>	<p>If weekend days are considered scheduled facility operating hours, then the Discharger is responsible to conduct sampling.</p>
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56	Granite Rock Company	Sam LoForti	10	Sampling and Analysis	<p>"Samples shall be collected from each drainage location within four (4) hours of</p> <p>(a.) The start of discharge, or (b.) The start of facility operations if the QSE occurs within the previous 12 hour period (storms that begin the previous night). Sample collection is required during scheduled operating hours and when sampling conditions are safe." Concern is that this requirement will create the need for facilities to staff the site for a 12 hour period, when most industrial sites are not open 12 hours a day. We feel that subsection b. should be changed to say 16 hours to prevent facilities from having staff onsite solely to monitor for precipitation.</p>	The State water Board does not intend this requirement to create the need to staff a facility for 12 hours. Facilities that discontinue operations at 4:00 PM and that begin operations the following day at 8:00 AM, for example, are required to estimate, based upon local weather reports or other relevant information, when precipitation began the previous evening.
56	Granite Rock Company	Sam LoForti	11	Sampling and Analysis	pH testing has a 15 min holding time, lab analysis is not appropriate. In field devices will cost on average of 365 first year and 165 a year after for calibration electrodes and solution. Suggests allowing the use of pH paper as allowed in the EPA Industrial Stormwater Monitoring and Sample Guide dated March 2009.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
56	Granite Rock Company	Sam LoForti	12	Sampling and Analysis	Non-detect (ND) values entered into SMARTS. Requiring NDs to be calculated in SMARTS per Section XI.B.9 falsely reports values that were not measured. In CIWQS when a ND is reported the MDL must also be recorded. If a value must be put on ND results, the value should be 1/100 of the MDL so that the value	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					clearly indicates that the laboratory analysis did not detect any pollutants.	
56	Granite Rock Company	Sam LoForti	13	Demonstrations	BAT\BCT Demonstration - Implementing treatment and structural BMPs for Dischargers is so cost prohibitive that we believe Dischargers should be able to seek approval for such BMPs from their Regional Board, prior to implementation. A time frame should be explicitly outlined so that implementation based upon approval does not lead to delays that can negatively impact water quality. Dischargers should not be in violation of the permit during the approval time period, if a QSE occurs and samples are outside of the NALs.	The burden placed on the Regional Water Board staff to require them to review each ERA report and/or technical report would be infeasible due to small number of available staff to review such reports. The decision was made to minimize the number of requirements we place on the Regional Water Boards with mandatory review of reports and other reporting requirements. Dischargers are encouraged to discuss such installations with their Regional Water Boards if necessary. The draft permit provisions have been modified to provide more clarity.
57	Green Diamond Resource Company	Gary Rynearson	1	Sampling and Analysis	Green Diamond believes the Alternative Monitoring provision should remain in the revised Industrial General Permit to provide the Regional Water Board and facility operators the flexibility to develop more effective and site specific monitoring programs.	This draft permit does not contain the Alternative Monitoring provisions of the previous permit. This draft permit does include terms that allow Dischargers to demonstrate the applicability of, and subsequently implement, alternative monitoring provisions that require sampling at a reduced

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						number of locations (Representative Sampling Reduction, Section XI.C.4), reduced monitoring frequency (Sampling Frequency Reduction, Section XI.C.7), and the combination of certain types of samples (Qualified Combined Samples, Section XI.C.5).
58	Huhtamaki, Inc.	Robert Braun Robert Steeves Larry Eckhart	1	Other	IGP requirements far exceed the MSGP requirements in many specific ways. Abandon any requirements that are beyond MSGP. Revise record retention to 3 years instead of 5- years similar to MSGP.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
58	Huhtamaki, Inc.	Robert Braun Robert Steeves Larry Eckhart	2	Sampling and Analysis	Monthly QSE observations should be changed to quarterly. Pre-storm inspections should be removed. Other already required inspections are sufficient.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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58	Huhtamaki, Inc.	Robert Braun Robert Steeves Larry Eckhart	3	Training	Training requirements exceed those required in MSGP.	The MSGP requires all persons who are responsible for implementing activities necessary to meet the conditions of the permit (e.g., inspectors, maintenance personnel), including all members of the Pollution Prevention Team to be trained. This draft permit incorporates similar requirements.
58	Huhtamaki, Inc.	Robert Braun Robert Steeves Larry Eckhart	4	NEC	NEC requirements exceed MSGP and should be revised.	Federal regulations require re-certification no less than every 5 years. This draft permit requires annual re-certification to insure that the condition of no-exposure continues regardless of changes to facility management or facility operations. Based upon the regulatory experience of the State Water Board storm water program, a significant number of facilities would likely experience a turnover of management or change operations within every couple of years. To insure the integrity of the NEC program, annual re-certification is necessary.
58	Huhtamaki, Inc.	Robert Braun Robert Steeves Larry Eckhart	5	Cost	The Board has underestimated the additional costs in the IGP versus the MSGP.	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community.

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59	IT Environmental Liquidating Trust	Richard Swanson	1	Sampling and Analysis	Magnesium has an annual NAL listed at 0.064 mg/L. This is an extremely low concentration even for drinking water. The NAL for magnesium will not be achievable since background concentrations are naturally much higher.	All annual NAL values are taken from the MSGP. Dischargers will be able to submit either a natural background or non-industrial pollutant demonstration report if magnesium is not attributable to industrial activities.
59	IT Environmental Liquidating Trust	Richard Swanson	2	Sampling and Analysis	Why are low concentrations of magnesium a concern for storm water discharges only at hazardous waste facilities?	The category of Dischargers subject to magnesium analysis is the same as the category covered by the MSGP. In the early 1990s, USEPA gathered sampling and BMP data from industries voluntarily supporting US EPA's group application process. Questions concerning the results of the group application process and how specific parameters were decided upon should be directed to US EPA.
59	IT Environmental Liquidating Trust	Richard Swanson	3	Demonstrations	Will natural background concentrations that exceed the NAL require the process of ERA Level 1, and then Level 2 Natural Background Demonstration Technical Reports after the first year of monitoring under the new permit? Historical data already indicates NAL exceedances due to background concentrations.	Yes. Dischargers that wish to perform a Level 2 demonstration may do so at any time.
59	IT Environmental Liquidating Trust	Richard Swanson	4	Demonstrations	In the general permit, Page 48, section E.2. states "If a Natural Background Demonstration Technical Report is submitted, the Discharger is not responsible for the identified parameter(s) in the drainage area(s) in the Demonstration Technical Report".	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					Does this mean the parameter no longer needs to be monitored?	
60	Kelly-Moore Paint Co., Inc.	Janet Bailey	1	Applicability\Coverage\Implementation	Concerned about the timeline that implements the training requirements. The cost of a Professional Engineer or similar licensee to certify a SWPPP and to provide basic employee storm water training would be exorbitant. One recommendation is to put off those implementation dates or grandfathering professionals in already doing like work or	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
60	Kelly-Moore Paint Co., Inc.	Janet Bailey	2	Sampling and Analysis	Darkness needs to be taken into account, for both the sampler's safety and the character of the sample. An insufficient light source, at many outfalls, might also make accurate sampling extremely difficult.	The safety exception has not been revised. The State Water Board acknowledges that that many elements of permit compliance (including sampling) may be disrupted when rare events/disasters such as earthquakes, fires, etc. occur at or near the facility. Dischargers must document such occurrences in their Annual Report. The State Water Board also acknowledges that nighttime sampling will in many cases may be more burdensome to conduct since Dischargers may need to provide portable lighting or increased security. The Discharger must consider alternative sampling

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						locations that could be safely sampled.
60	Kelly-Moore Paint Co., Inc.	Janet Bailey	3	Electronic Reporting\PRDs \LRP	As a Safety and Health professional, I am totally opposed to putting the entire SWPPP in a location where anyone and everyone may access it. I am opposed to the map with the location designations of those raw materials being included in any public document. Currently, anyone with significant amounts of chemicals must report them to the county and the state, already, but there is a protective process in place to keep the information out of the hands of those who would either endanger others, or profit from the information, at the expense of the business. Entering this information again is redundant and unsafe.	This draft permit includes new provisions that address this issue. See section II.B.3.d.
60	Kelly-Moore Paint Co., Inc.	Janet Bailey	4	Groups	Group leaders have given group members storm water training, inspections, recommendations on BMPs, and kept group members apprised of what is going on in the storm water regulatory world. Groups are not only a source of data; they are a valuable asset	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					to industries, which needs to be recognized. I recommend that training by their legal and environmental staff be more than encouraged in the next draft.	
61	Kern County Waste Management Department	Douglas Landon	1	Applicability\Coverage\Implementation	For a landfill construction project occurring contiguous to and continuous with landfill activities, landfill operators will be required to obtain dual coverage via the CGP and the IGP. KCWMD believes that if a facility has an IGP, it should not be required to obtain a CGP.	Disagree. The draft fact sheet contains considerable explanation of the circumstances when either the construction and industrial permit is applicable.
61	Kern County Waste Management Department	Douglas Landon	2	Applicability\Coverage\Implementation	If the above recommendation (#1 above) that the IGP be used for all landfill related NPDES permitting activities at active sites is not considered, the KCWMD requests the timeframe associated with the need to obtain a CGP be increased from 90 to 180 days.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
61	Kern County Waste Management Department	Douglas Landon	3	No Discharge\NON A	<p>The previous 2011 Draft of the IGP included the following No Discharge Certification conditional exclusion:</p> <p>"Dischargers who have facilities designed to contain a 100 year 24-hour storm event and three (3) consecutive 20 year 24 hour storm events in a month are not found to have a potential to discharge pollutants, and therefore pose no threat to water quality."</p> <p>This conditional exclusion provided a</p>	That definition of "no discharge" was found to not be stringent enough since it would result in authorizing storm water discharges that over time would likely occur.

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					benefit and the removal is completely contradictory to the goal of the IGP intention. It is KCWMD's recommendation that this conditional exclusion be put back into the IGP.	
61	Kern County Waste Management Department	Douglas Landon	4	Sampling and Analysis	Kern County Waste Management Department feels the 2012 Draft IGP Design Storm Standards do not clearly define the upper limit for a BMP system design. BMP's are most efficient and economical when they target small, frequent storm events that over time produce more total run off than larger, infrequent storms.	The previous draft permit and this draft permit contain a 85th percentile design storm standard (for both volume-based and flow-based BMPs) which addresses the commenters concerns.
61	Kern County Waste Management Department	Douglas Landon	5	No Discharge\NON A	KCWMD is unclear on what the required storm event for the Notice of Non Applicability (NONA) demonstration consists of. Also, the term "any circumstance" stated in subnote 7 on page 14 of the 20 12 Fact Sheet needs to be quantified.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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61	Kern County Waste Management Department	Douglas Landon	6	NALs\Effluent Limits	<p>Landfills are included in the facilities that are subject to Subchapter N. KCWMD believes that it is not appropriate to hold the landfill industry to strict effluent limitations for the following reasons: (see comment for the full text of reasons)</p> <p>1) It is not reasonable to hold a small subset of facilities to strict effluent limits when the findings of this draft IGP indicate that numeric effluent limitations are infeasible.</p> <p>2) The EPA has also consistently held the position that it is difficult, if not infeasible, to assign NELs broadly to all industrial stormwater discharge.</p> <p>3) It is KCWMO's opinion that Subchapter N benchmarks values should not be used as IGP NELs without a detailed evaluation and explanation of their suitability to serve as such.</p> <p>4) Sacramento Superior Court Judge Lloyd G. Connelly invalidated the NELs contained in the CGP for stormwater runoff.</p>	<p>The effluent limitations in Subchapter N are federal regulations that must be implemented and applied to landfills. These requirements apply to industrial facilities across the United States. The State Water Board does not have the legal authority to change the federal regulations.</p>
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61	Kern County Waste Management Department	Douglas Landon	7	NALs\Effluent Limits	Effluent limits are not listed for arsenic, chromium, aniline, and pyridine. KCWMD is unclear how the analytical results for these analytes will be used to determine issues with particular facility BMPs. The use of arsenic as an evaluation indicator is not appropriate in the Kern County area since arsenic is indigenous in local soils. The purpose of using this parameter as an indicator is marginalized thus should not be used as an effluent parameter in certain scenarios.	This draft permit does not contain numeric effluent limits for any parameters. Annual average NALs are established for some parameters but not all. If there is a pollutant of concern on-site that does not have an NAL, Dischargers should contact the Regional Water Board for appropriate evaluation criteria.
61	Kern County Waste Management Department	Douglas Landon	8	NALs\Effluent Limits	The effluent limit for zinc is 25 times lower than the State's drinking water maximum contaminant level (MCL). Establishing a standard that is below drinking water standards is too stringent, especially since zinc is ubiquitous, discharge at or near the effluent concentration limit would theoretically not have a toxicity impact and the potential of unnecessary response to an exceeded limit.	MCLs are based on human health and do not take into consideration aquatic life.
61	Kern County Waste Management Department	Douglas Landon	9	NALs\Effluent Limits	The TSS limit of 88 mg/L is extremely low and would not be an appropriate limit to validate potential storm water discharge issues. Using an 88 mg/L effluent limit to verify the adequacy of BMPs and prevention measures is not appropriate given the actual impact of exceedance at this level.	The effluent limitations in Subchapter N are federal regulations that apply to industrial facilities across the United States. The State Water Board does not have the legal authority to change the federal regulations.
62	Lehigh Hanson	Steve Zacks	1	NEC	Why do NEC dischargers required to take any actions if there is no industrial discharge?	Federal regulations require filing of NEC when there is no exposure of industrial activities.

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62	Lehigh Hanson	Steve Zacks	2	Applicability\Coverage\Implementation	<p>Requests clarifications of the applicability of the effluent limitation guidelines in two different circumstances.</p> <p>Requests clarification as whether erodible areas include natural areas that discharge to industrial areas and stockpiles.</p>	State Water Board staff is available to answer site-specific questions. This draft permit requires Dischargers to prevent run-on from non-industrial areas into industrial areas and stockpiles.
62	Lehigh Hanson	Steve Zacks	3	SWPPP\BMPs\Design Storm	<p>Requests clarification of when alternative BMPs may replace minimum BMPs, if it could be considered infeasible to cover stockpiles that are constantly moved, and whether there is flexibility to not rinse conveyors.</p> <p>Do existing ponds that do not meet 85th percentile 24-hour storm design be retrofitted if no NAL exceedances? Permit should clarify that exceedances from storm events exceeding the design storm do not trigger an exceedance.</p>	This draft permit requires Discharger to determine and justify when it is infeasible to implement minimum BMPs and to describe and implement alternative BMPs necessary to comply with the effluent limitations of this draft permit. Dischargers are still responsible to NAL exceedances for storms larger than the design storm criteria.
62	Lehigh Hanson	Steve Zacks	4	Sampling and Analysis	Clarify that eight consecutive quarters that had a QSE is needed to return to baseline status. Typo in Section XI.E.b	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
62	Lehigh Hanson	Steve Zacks	5	Visual Observations\Inspections	IGP should include visual observation forms and allow public to comment.	This draft permit has been revised to clarify that inspection and recordkeeping documents are to be maintained by the Discharger and not uploaded into SMARTS unless requested. The Annual Report will require Dischargers to certify that they

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						performed the requirements of the permit and to explain when the requirements were not performed.
62	Lehigh Hanson	Steve Zacks	6	TMDL	Is there a master list of impaired water bodies?	The State Water Board periodically updates the Integrated Report (Clean Water Act Section 303(d) List/305(b) Report), which is available on the State Water Board website. Accessing the Integrated Report through the State Water Board website enables interested parties to easily search and view water quality assessment information about specific water bodies in California.
62	Lehigh Hanson	Steve Zacks	7	NALs\Effluent Limits	Clarify that NAL exceedance includes both annual and instantaneous NAL exceedances.	There are two types of NAL exceedances, Annual Average and Instantaneous Maximum NALs.
62	Lehigh Hanson	Steve Zacks	8	Demonstrations	Who defines what constitutes BAT/BCT? Clarify what the term "solely" means in terms of run-on/aerial deposition from either natural or industrial background sources. Explain how the required BMP evaluation in compliance with 40 CFR 125.3(d) is used to support the dischargers statement that the discharger is in	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The Discharger must determine that the exceedance of the NAL is attributable solely to the presence of the pollutant in the natural background or non-industrial pollutant source.

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					compliance with BAT/BCT.	
62	Lehigh Hanson	Steve Zacks	9	No Discharge\NON A	How will NONAs previously submitted to the effective date of this permit be handled?	Unless the NONA had a technical report prepared by a licensed engineer, the NONA will need to be re-submitted upon request.
62	Lehigh Hanson	Steve Zacks	10	Training	Can persons conducting sampling and inspections be a QISP or can they be trained by a QISPII?	This provision in the previous permit has been substantially revised in this draft permit to address the comment. Such individuals can be trained by a QISP or become a QISP.
62	Lehigh Hanson	Steve Zacks	11	Electronic Reporting\PRDs \LRP	Annual reports should not be due until August 1 of each year.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTs. The Annual Report is going to be streamlined extensively, and will primarily consist of a checklist and a certification. It should be feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete the Annual Reports on-time.
62	Lehigh Hanson	Steve Zacks	12	Other	Where in the permit does it require dischargers to self-report violations?	Dischargers are required to report any violations in their

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						Annual Report.
62	Lehigh Hanson	Steve Zacks	13	MIP	Provide enough time to develop the first MIP.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
63	LKQ Corporation	Eileen Sottile	1	NALs\Effluent Limits	Use of the NALs system in the current draft effectively creates a violation of the permit by forcing dischargers into what is essentially a corrective action status.	It is only a violation of the permit if the Discharger does not perform the ERAs triggered by the NAL exceedance. The NALs and ERA process primarily function to assist Dischargers in assessing the efficacy of their BMPs, and to inform changes when necessary.
63	LKQ Corporation	Eileen Sottile	2	NALs\Effluent Limits	Agrees with EPA that it is wholly inappropriate to use monitoring benchmarks as NALs.	The inclusion of annual average NALs in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these

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						differences make the draft permit more clear and responsive to the interests of California's stakeholders.
63	LKQ Corporation	Eileen Sottile	3	Applicability\Coverage\Implementation	The State Water Board would be wise to recognize how important it is for national stakeholders to have uniformity across the country in certain regulatory areas as well as in the same state.	Comment noted.
63	LKQ Corporation	Eileen Sottile	4	ERA Level 2	The draft permit should allow a discharger to demonstrate proactively that a facility is not causing a NAL violation rather than suffer the consequences of the ERA process.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
63	LKQ Corporation	Eileen Sottile	5	Other	The two agencies [Los Angeles Water Board & State Water Board] need to (1) expand monitoring of larger particulates in atmospheric deposition to better gauge the potential impact to water quality and (2) to investigate the sources of these metals in order to design a control strategy.	Comment noted.

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63	LKQ Corporation	Eileen Sottile	6	NALs\Effluent Limits	As the State Water Board is well aware, the typical rain in California from border to border does not have a standard chemical composition, therefore a hard-line NAL that penalizes industries in the path of this rain is unfair.	The inclusion of reporting year (NALs) in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders.
63	LKQ Corporation	Eileen Sottile	7	NALs\Effluent Limits	We are concerned that an action level will be triggered during the process of establishing the most feasible way to remedy an issue.	The NALs and ERA processes are designed to assist Dischargers as they identify issues and develop solutions.
63	LKQ Corporation	Eileen Sottile	8		There are simply too many factors outside the control of the permittee to consider these discharges a violation when a facility is actively engaging in altering its operations to meet the applicable benchmark.	Level 2 ERA Technical Report allows Dischargers the opportunity to determine what the causes of exceedance are.

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63	LKQ Corporation	Eileen Sottile	9	NALs\Effluent Limits	It will not be possible to develop a uniform materials composition percentage limitation as there will never be an accurate prediction of what the standard material composition will be from an automotive recycling facility.	Comment noted.
63	LKQ Corporation	Eileen Sottile	10	ERA Level 2	While we support the “off-ramps” provided under this current draft, we recommend the State Water Board include other means to exit these ERAs.	Comment noted.
63	LKQ Corporation	Eileen Sottile	11	Cost	It is critical that the State Water Board fully appreciate the adverse economic impact of implementing an Industrial General Permit plan through the use of benchmarks for numeric limits.	The provisions in the previous this draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.

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63	LKQ Corporation	Eileen Sottile	12	NALs\Effluent Limits	Benchmarks for use in evaluating Best Management Practices (BMPs) have been in place for years and, when properly utilized for adapting BMPs, adequately protect against pollutant stormwater discharges. The State Water Board should not abandon this cost-effective and efficient approach.	The inclusion of reporting year (NALs) in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders.
63	LKQ Corporation	Eileen Sottile	13	NALs\Effluent Limits	Any facility reaching third trigger level would be forced to sample each and every storm throughout the year. This would be devastating to our industry.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
63	LKQ Corporation	Eileen Sottile	14	NALs\Effluent Limits	Given the complex nature of storm water discharges, excessive citations for not achieving limits without an adequate understanding by the public of the process it takes to make the changes to meet the limits will result in a misguided negative perception of our industry in the community	Dischargers will not receive citations for NAL exceedances.

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63	LKQ Corporation	Eileen Sottile	15	Training	The role of a QISP under the draft permit is staggering and confers upon that person(s) a great amount of responsibility.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
63	LKQ Corporation	Eileen Sottile	16	Training	To require a business to either hire a new employee or a consultant should not be mandated by the State Water Board.	Dischargers can send current employees to attend the QISP training.
63	LKQ Corporation	Eileen Sottile	17	Training	It is unclear how licensed professional civil engineers or geologists qualify at a particular QISP level. Tables 1 and 2 in the draft permit do not provide any enlightening information as to what skills, abilities, or experience may qualify a particular licensed professional at a certain QISP level.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
63	LKQ Corporation	Eileen Sottile	18	Groups	We support the consolidated group provision of the permit.	Comment noted. This provision in the previous permit has been substantially revised in this draft permit.
63	LKQ Corporation	Eileen Sottile	19	TMDL	Regarding section VII, B of the Total Maximum Daily Loads (TMDLs) we are concerned with the requirements of paragraph 3. Paragraph 3 requires, if the discharger cannot eliminate all exposures or demonstrate a particular pollutant is not present on site (paragraphs 1 and 2), to submit data showing there will not be an exceedance of Water Quality Standards (WQS). The draft permit allows a discharger to demonstrate that they will meet WQS through showing there is available Waste Load Allocation (WLA) or uses control strategies employed by similar discharges covered by the TMDL. As this section is meant to apply to water	Section VII.B of this draft permit applies only to new Dischargers and all impaired water bodies, whether a US EPA-approved TMDL has been developed or not.

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					bodies where there is no TMDL, these last two options are impossible.	
63	LKQ Corporation	Eileen Sottile	20	TMDL	Consider that many waterbodies are impaired because of impacts to biological communities or thermal impacts. These impairments often are not clearly linked to particular pollutants or control strategies and may not be feasible to control under a general industrial storm water permit. We suggest that this section is revised considering these non-traditional impairments so as not to require measures that are unknowable or uncertain	Discharges addressed by this draft permit are considered to be point source discharges, and therefore must comply with effluent limitations that are “consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by US EPA pursuant to 40 Code of Federal Regulations section 130.7. (40 C.F.R. § 122.44 (d)(1)(vii).) TMDLs which apply to discharges of industrial storm water must be taken into account by this permit.

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63	LKQ Corporation	Eileen Sottile	21	Visual Observations\In spections	On page 37, paragraph 2.d should be clarified as to whether the anticipated precipitation event is subject to the same volume and weather requirements as the Qualifying Storm Event (QSE) described in B.2 on the next page. Additionally, the role of the QISP in reviewing the precipitation forecast is unclear and could potentially add unnecessary costs for dischargers trying to meet permit requirements.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
64	Los Angeles Department of Water and Power	Katherine Rubin	1	NALs\Effluent Limits	<p>The shift from a performance based approach to a numeric method is not reasonable for storm water discharges due to the randomness of storm events and natural background concentration of pollutants in regional and local areas. LADWP</p> <p>believes the Board is implementing a program without the appropriate or sufficient data. It may take several years of specialized studies to correlate the relationship between BMP implementation and industrial storm water quality for the various industrial activities. In the meantime dischargers could be forced to implement costly structural and source reduction techniques that are not feasible to demonstrate compliance with the proposed NALs in this Draft Permit; these solutions may not be feasible or sustainable in the long-term.</p>	This draft permit incorporates narrative technology-based effluent limitations, and not numeric effluent limitations.

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64	Los Angeles Department of Water and Power	Katherine Rubin	2	Demonstrations	If a discharger chooses to do a Demonstration Technical Report to prepare a Natural Background Demonstration or a Non-Industrial Pollutant Demonstration, over a year may be required to gather sufficient data for these reports due to the infrequent occurrence of qualified rain events in the Southern California region.	This draft permit allows Dischargers to request additional time to complete demonstration reports for valid reasons.
64	Los Angeles Department of Water and Power	Katherine Rubin	3	NALs\Effluent Limits	A permittee should be allowed to provide background\ambient conditions establishing that meeting NALs based on the MSGP are not feasible (some areas have background / ambient conditions in some hydro geologic zones that contribute pollutant loadings that would significantly contribute to, if not exceed, the NAL concentration). Dischargers should be able to demonstrate this well prior to being assigned to Level 2. Suggestion: commence local and regional studies on common pollutants, the background and ambient levels of those pollutants in order to establish appropriate NALs.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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64	Los Angeles Department of Water and Power	Katherine Rubin	4	NALs\Effluent Limits	<p>There is no data that supports NALs can be met consistently with current technology. Therefore, the facility must blindly implement BMPs hoping for a solution, wasting scarce resources and in the end receive a violation for its efforts with the responsibility of finding a solution or being further fined when the NAL may not be feasible due to background and ambient background levels (see last comment, comment 3). For example In effect, the State of Washington concluded that the best available technologies were not capable of achieving a benchmark value for copper in storm water discharges that were any lower than 50 ug/l. Suggestion: establish local and regional working groups to study different types of technologies and pollutant reductions and commence</p> <p>studies of the efficiency of BMPs employed at California industrial sites.</p>	<p>The inclusion of annual average NALs in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or BMPs, should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual average NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.</p>
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64	Los Angeles Department of Water and Power	Katherine Rubin	5	NALs\Effluent Limits	The technical basis of the instantaneous maximum NAL (IMNAL) for pH is not adequate. Since the pH NEL was overturned in the CGP, the proposed IMNAL for pH does not equate to a pH range that "has already been established for storm water discharges in California". Also, rainwater is usually more acidic and not in the neutral range and therefore would be frequently outside the proposed NAL for pH. Also the pH IMNAL and the Annual NAL are not based on California specific data.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
64	Los Angeles Department of Water and Power	Katherine Rubin	6	Demonstrations	The Draft Permit would be improved if industrial dischargers had the opportunity to submit such Demonstration Technical Reports at Level 1 status as well as at Level 2, In circumstances where the industrial discharger has strong existing evidence to indicate that on-site industrial activities are not responsible for NAL exceedances, it would be far more efficient and economical for the discharger to submit the relevant DTRs as part of Level 1 status.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
64	Los Angeles Department of Water and Power	Katherine Rubin	7	Sampling and Analysis	Increasing the sampling frequency from two storm events a year to once per quarter is not feasible. There just won't be any rainfall in an arid desert region to take samples once per quarter. LADWP recommends that the sampling frequency remain as is in the current permit.	The draft permit continues to require four samples per year but with a modified schedule. Four samples per year is similar to MSGP and other state permits. Sample results from a greater number of storm events will give Dischargers and regulators a more accurate representation of

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						Discharger compliance.
64	Los Angeles Department of Water and Power	Katherine Rubin	8	Sampling and Analysis	LADWP recommends a reduction of sampling (SFR) for dischargers that have demonstrated at least four cumulative samples with no violation of a NAL be allowed to reduce sampling to the first QSE of the season (after October 1). The current language allows for sampling frequency reduction if the discharger has taken samples in eight (8) consecutive quarters where Qualified Storm Events (QSEs) occurred that produced a discharge. In southern California it is highly unlikely to have a QSE once per quarter, and so it is highly unlikely that a frequency reduction could ever occur.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
64	Los Angeles Department of Water and Power	Katherine Rubin	9	Sampling and Analysis	LADWP believes the QSE should be consistent with the CGP. It becomes extremely confusing for holders of various permits to have different and potentially changing definitions of a QSE. Concerns with the 1/10th inch trigger being enough rainfall to generate discharge at most locations.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
64	Los Angeles Department of Water and Power	Katherine Rubin	10	SWPPP\BMPs\Design Storm	Minimum BMPs - LADWP recommends that the SWRCB conduct additional studies, to quantify the efficiency and consistency of BMPs that are likely to be employed at industrial sites in California that have the potential to meet the	Comment noted.

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					stipulated NALs.	
64	Los Angeles Department of Water and Power	Katherine Rubin	11	Training	The CPSWQ is an accepted pre requisite to the Qualified Storm Water Developer (QSD) for the CGP. This certification requires related education, professional experience, references and an examination as well as continued education credits. It should also be allowed the same status as the professional civil engineer and geologist for being recognized as a QISP and not have to take additional training.	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit.
64	Los Angeles Department of Water and Power	Katherine Rubin	12	Training	The effective date for the requirement of the QISP be delayed until the training has been developed and is available for the permit holders.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. Dischargers will not need a QISP in the first year of the permit after the effective date.
64	Los Angeles Department of Water and Power	Katherine Rubin	13		LADWP suggests that the SWRCB should include permit provisions that allow a permittee to meet TMDL requirements by implementing BMPs, provided that the permittee demonstrates that a BMP-based approach is expected to provide significant water quality improvement for the TMDL constituents at issue.	Each Regional Water Board will develop appropriate TMDL implementation requirements. It is expected that the commenter's suggestion may be appropriate in some cases. The TMDL implementation requirements will likely vary and be dependent upon the receiving water body, pollutant, and relative

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						contribution of the pollutant attributed to industrial facilities to address the comment.
64	Los Angeles Department of Water and Power	Katherine Rubin	14	Electronic Reporting\PRDs \LRP	The Draft Permit requires the annual report to be uploaded into the SMARTS by July 15. LADWP believes that this is inadequate time since there are requirements due in the last quarter including the annual comprehensive evaluation which is usually not completed until the end of June. LADWP recommends that the State Board allow until September 15, 45 days after June 30. This time frame is consistent with all other NPDES permit reporting.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTS. The Annual Report is going to be streamlined extensively, and will primarily consist of a checklist and a certification. It should be feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete the Annual Reports on-time.
65	Moss Landing, Harbor District	Linda McIntyre	1	Applicability\Coverage\Implementation	MLHD believes that proposed changes to the general permit will be difficult to achieve and are not applicable to the MLHD industry sector. For instance background/ambient conditions in some hydrogeologic zones may contribute pollutant loadings that would significantly contribute to, if not exceed, the Numeric Action Level/Numeric Exceedance Level (NALINEL) concentrations. (more reasons listed in letter)	Dischargers are allowed take into account non-industrial and natural background levels when developing Level 2 ERA Technical Reports.

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65	Moss Landing, Harbor District	Linda McIntyre	2	Applicability\Coverage\Implementation	MLHD believes that the new QISP training requirements and the submittal of Level 2 ERA Technical Reports, and Level 2 ERA Demonstration Technical Reports are unnecessary and will be an unreasonable financial burden on the harbor district.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
66	National Nuclear Security Administration	Karen Agogino	1	Sampling and Analysis	Please clarify if outfalls from drainage areas that do not contain industrial activities need to be sampled.	The draft permit only requires sampling of storm water associated with industrial activities. No further clarification needed.
66	National Nuclear Security Administration	Karen Agogino	2	Sampling and Analysis	If a specific facility can certify that an industrial activity at that site (such as a Treatment Storage or Disposal Facility) meets the No Exposure Certification (NEC) requirements, can the additional analytical parameters (contained in Table 4) triggered by the presence of that facility be dropped from analyses required by Section XI B.5.b? Please clarify.	Facilities with NEC coverage are not required to sample. For facilities with multiple primary activities, Sample collection is not required for drainage areas with no exposure to industrial activities and materials in accordance with the definitions in Section XVII.

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67	NEST Environmental Services, Inc.	Don Reh	1	Training	<p>The list of registrations or certifications should include Certified Professional in Storm Water Quality (CPSWQ) registered through Enviro Cert International, (or other qualifying entity) to be consistent with the Construction General Permit QSD requirement, and</p> <p>allow those of us who have engineering degrees but not registered and have significant work experience with SWPPPs and industrial facilities to continue to do this work.</p>	<p>The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.</p>
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67	NEST Environmental Services, Inc.	Don Reh	2	Sampling and Analysis	For SIC 5015, Dismantling or Wrecking Yards, recommend adding at least Copper and possibly Zinc to the Parameter list. NEST Environmental Services, an Industrial GMP leader has provided data in its Annual Group Evaluation Report on levels of Copper and Zinc present in runoff from vehicle dismantlers for over 13 years, and that data clearly demonstrates that Copper and Zinc should be a pollutant of concern since 40-60% of samples each year exceed the EPA Copper benchmark and 80-85% of samples exceed zinc EPA benchmark	The annual average NALs in this draft permit are the same as listed in the MSGP. The Discharger has the obligation to select additional parameters as appropriate. Regional Water Boards may revise monitoring parameters under their authority.
67	NEST Environmental Services, Inc.	Don Reh	3	Legal	Recommends that the Fact sheet use Zinc as a real world example of a pollutant that cannot always be linked to “industrial activities” at many industrial facilities.	Although the Water Board agrees that zinc is one of many pollutants that may not be linked to industrial activities in many cases, it is not necessary to highlight any one pollutant.
67	NEST Environmental Services, Inc.	Don Reh	4		Eliminate NAL averaging for Hardness Dependent Metals.	For the purposes of this permit, it is not unreasonable to average hardness dependent metals.

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67	NEST Environmental Services, Inc.	Don Reh	5	Sampling and Analysis	Collecting hardness samples needs some more explanation. Include a sentence clarifying the targeted number/percent of expected hardness samplers would be useful for permittees who know they have to test for metals that are hardness dependent.	The 1997 IGP and 2013 draft permits use a single NAL value for each of the hardness dependent metals representing receiving waters with a hardness of 250+ mg/l based upon the hardness table in the MSGP. This was done to simplify the reporting requirements and to promote the establishment of similar BMPs throughout the state. Discharges to impaired receiving waters often have a hardness levels less than 100mg/l which would result in a stricter NAL and possibly additional BMPs. At this time, the State Water Board will allow the TMDL implementation process provided in the draft permit to deal with the hardness issue for individual TMDL impaired receiving waters.
67	NEST Environmental Services, Inc.	Don Reh	6	Visual Observations\Inspections	The Fact Sheet and Order just need consistency with the term ACSCE and ACFCE.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
67	NEST Environmental Services, Inc.	Don Reh	7	Sampling and Analysis	Storm Water Sample Collection and Analysis. See column 5, Frequency, of this table. It shows "Twice Annually (October-May)" and needs to be corrected to reflect the proposed change of one time per quarter.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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67	NEST Environmental Services, Inc.	Don Reh	8	Sampling and Analysis	The Permit and Fact sheet needs to address what the operator is directed to do if there is no rainfall in the July-September quarter – take an additional sample in the October-December quarter if there are two qualifying rain events? - and if no qualifying rain event in the April-June quarter, report that on the Annual Report, and a statement saying that the facility’s rainfall records indicate no qualifying rain event for the period?	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
67	NEST Environmental Services, Inc.	Don Reh	9	Sampling and Analysis	The Fact Sheet and Order need to state that the rainy season starts with 3rd and 4th calendar quarters of one year and is followed by the 1st and 2nd calendar quarters of the next year.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
67	NEST Environmental Services, Inc.	Don Reh	10	Legal	Explain in the permit the difference between “compliance” and “strict” compliance or leave out the word “strict”.	No change needed. The term "strict compliance" is not used in this draft permit.
67	NEST Environmental Services, Inc.	Don Reh	11	Cost	Increased costs will drive people to operate illegally.	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community. The draft permit is written to implement these federal requirements. Facilities that operate out of compliance may be subjected to enforcement or third party law suits.

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67	NEST Environmental Services, Inc.	Don Reh	12	Applicability\Coverage\Implementation	Suggest that the SWRCB develop a plan or Regional Water Board approved exception / extension to phase in the new requirements over a few years so this industry can adapt to the changes, not get overwhelmed,	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
68	Orange County Waste & Recycling	Chip Monaco	1	Visual Observations\Inspections	For a large facility like a landfill (up to 1,500 acres for our facility operations), compliance with the predicted rain event inspection requirements will divert already limited employee resources and is unnecessary. OC Waste & Recycling proposes that the State Board eliminate the predicted rain event inspection requirement and allow the discharger to determine the appropriate BMP inspection frequencies for their specific facility to reduce stormwater pollution.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
68	Orange County Waste & Recycling	Chip Monaco	2	Demonstrations	OC Waste & Recycling proposes that the State Board allow dischargers the option to prepare technical demonstration reports at ERA Level 1. It seems reasonable at Level 1 in the ERA process that if BAT\BCT is already being implemented at the facility or the pollutant source is determined to be non-industrial or naturally occurring that the discharger be allowed the option to prepare and submit the applicable demonstration report and return to baseline status.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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69	Osprey Environmental Consulting	Peter Hendricks	1	Training	<p>The state board should consider one of two options for qualification as a QISP by a licensed engineer not to be limited to just Civil Engineers.</p> <p>1) perhaps the easiest is to delete the training exemption completely. Revise #47, second sentence, to “To qualify as a QISP, each individual must complete a State Water Board sponsored or approved training course.” This assures that everyone preparing plans has been exposed to the training, providing some assurance of consistency and specific familiarity with the requirements.</p> <p>2) The other option is to apply the training exemption to all CA PEs. Revise #47, second sentence simply by deleting the word “civil”.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
70	Pacific Coast Producers	Mona Shulman	1	Cost	The Draft Permit, however, imposes increased requirements on all Dischargers with no discretion given for sites with excellent or poor performance, thus increasing costs and burdens even on those who have complied, and continue to comply with the current permit (and the Draft Permit standards for sampling parameters).	The draft permit includes a mechanism to reduce sampling for Dischargers that do not have NAL exceedances. Dischargers without NAL exceedances are not required to bear any costs that might be associated with Exceedance Response Actions.

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70	Pacific Coast Producers	Mona Shulman	2	SWPPP\BMPs\Design Storm	We request the SWRCB allow more time to file the NOI and to prepare the SWPPP, and as noted below, that the SWPPP be prepared, but not filed.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit. The uploading of the SWPPP as part of the PRDs is an essential element of electronic reporting. It gives the Water Boards and the public access to the Discharger's primary compliance document.
70	Pacific Coast Producers	Mona Shulman	3	Electronic Reporting\PRDs \LRP	Concerned about facility-specific information public in SMARTS. The federal Multi Sector General Permit, which allows a facility to retain the SWPPP, and to provide a redacted copy to a member of the public who so requests, is a much preferable model. We request the SWRCB adopt that model.	This draft permit includes new provisions that address this issue. See section II.B.3.d.
70	Pacific Coast Producers	Mona Shulman	4	Electronic Reporting\PRDs \LRP	Allow 45 days instead of 30 days for the reporting of analytical results would give us time to resolve those issues prior to filing incorrect data. As we understand it, there would be no provision to "remove" incorrect data, Dischargers would only be allowed to enter more data to correct errors.	The draft permit already allows Dischargers 30 days, after obtaining all results for each sampling event, to upload results in SMARTS. State Water Board staff believes this is a sufficient length of time for Dischargers, while still being able to provide relevant, recent data for the public and the Water Boards.

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70	Pacific Coast Producers	Mona Shulman	5	Other	Dischargers are required to "watch the weather" and conduct pre-storm observations; reporting samples in SMARTS, increased observations and monitoring, all of these will require increased staffing. If a Discharger begins to show exceedances, then those additional duties can be imposed to achieve a true improvement, but if these additional duties are required more time is needed for recordkeeping and more flexibility in monitoring and observations.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
70	Pacific Coast Producers	Mona Shulman	6	Receiving Water Limitations	We request that the "receiving waters" be defined in the IGP so that a Discharger has knowledge of what impairments are at issue.	This permit regulates discharges of storm water associated with industrial activity to waters of the United States. Accordingly, for the purposes of this permit, the term "receiving waters" refers to waters of the United States.
70	Pacific Coast Producers	Mona Shulman	7	Sampling and Analysis	Staff currently takes the position that a "non detect" be reported at half the MDL, rather than at zero. There is a risk that a Discharger could be found to be contributing to impairment, even though there is no scientific evidence of such. As a side note, Dischargers should also be allowed to use the zero value to average parameters to determine exceedances, otherwise the data will be inaccurate (see CLFP Comment Letter 15 for details on	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment

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					this comment).	
70	Pacific Coast Producers	Mona Shulman	8	ERA Level 2	As a seasonal processor, we also concur with the comments by CLFP (Comment letter 15) with respect to allowing more time to design and implement BMPs in the event NALs are exceeded.	Comment noted.
70	Pacific Coast Producers	Mona Shulman	9	Training	Training program is too complex PCP requests that these training levels and designation of tasks be minimized so that only one training level be required of facility staff, and those tasks that require a "higher" level of training be accomplished by an engineer or geologist.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
70	Pacific Coast Producers	Mona Shulman	10	Other	PCP concurs with, and incorporates herein, the comments of the CLFP (Comment Letter 15) as representative of PCP's concerns.	See Commenter # 15 for responses.
71	Port of Long Beach	Richard Cameron	1	Cost	Significant Costs Associated with the Exceedance Response Actions.	Compliance with Level 1 ERA requirements is not expected to result in a significant cost for most Dischargers. The State Water Board acknowledges that compliance with Level 2 ERA requirements may result in more significant expenses. However, determining the cause of exceedances and eliminating

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						them only when necessary to comply with the permit provides a benefit to both the Dischargers and to the State Water Board.
71	Port of Long Beach	Richard Cameron	2	NALs\Effluent Limits	The Port is also concerned that the SWRCB has not evaluated the performance of the selected treatment systems identified in the Cost Analysis, particularly as they relate to the ability to meet the proposed NAL values.	The inclusion of annual average numeric action levels (NALs) in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual average NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether

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						a facility's storm water pollution prevention measures are being successfully implemented.
71	Port of Long Beach	Richard Cameron	3	Demonstrations	Concerned the current NAL/Exceedance Response Action (ERA) approach in the permit has shifted the burden of proof significantly onto the individual discharger to make BAT/BCT determinations, without the benefit of sufficient guidance for both the dischargers and regulators to fully understand how the ERA and off-ramp process will actually work.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
71	Port of Long Beach	Richard Cameron	4	NALs\Effluent Limits	Supports using properly derived action levels as recommended by the Blue Ribbon Panel report (as upset values), as one of many mechanisms to assess program effectiveness.	Comment noted.

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71	Port of Long Beach	Richard Cameron	5	NALs\Effluent Limits	<p>The use of the EPA Multi-Sector General Permit (MSGP) benchmarks as annual NALs values is not consistent with the recommendations from the Blue Ribbon Panel and creates "de facto" numeric effluent limits (NELs) which, if exceeded, create an obligation for the discharger to either implement additional BMPs or the take one of the ERA off-ramps.</p>	<p>The inclusion of reporting year (NALs) in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.</p>
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71	Port of Long Beach	Richard Cameron	6	NALs\Effluent Limits	<p>The inclusion of the EPA benchmarks as NALs appears to contradict both the Blue Ribbon Panel report findings and recommendations, and the Fact Sheet.</p>	<p>The inclusion of annual average numeric action levels (NALs) in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual average NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.</p>
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71	Port of Long Beach	Richard Cameron	7	NALs\Effluent Limits	The EPA benchmark values have no correlation to California receiving water quality impacts, conditions expected during a storm event, or discharge quality from industrial sites.	The annual average NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
71	Port of Long Beach	Richard Cameron	8	NALs\Effluent Limits	The use of inappropriate benchmarks in this draft IGP that were not derived from stormwater discharge data, and strict requirements that must be followed through the ERA process, give added weight to these benchmarks and in effect create de facto effluent limits:	The annual average NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
71	Port of Long Beach	Richard Cameron	9	NALs\Effluent Limits	EPA Benchmarks are far too conservative and not reasonably attainable.	The annual average NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.

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71	Port of Long Beach	Richard Cameron	10	NALs\Effluent Limits	Recommend the SWRCB remove the Annual NAL values based on the EPA benchmark values from the draft IGP, and include only the instantaneous NAL values derived from California Discharger data.	The annual average NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
71	Port of Long Beach	Richard Cameron	11	Demonstrations	The draft IGP does not allow for submittal of the Demonstrations until a site has moved through the ERA process and is in Level 2.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
71	Port of Long Beach	Richard Cameron	12	TMDL	Concerned that Effluent Limitation V.C. is in direct conflict with Findings 38-40 and TMDL Requirements Section VILA. by requiring blanket incorporation by reference, and immediate compliance with existing and/or future approved TMDLs in violation of Water Code sections 13000 and 13263.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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71	Port of Long Beach	Richard Cameron	13	Legal	<p>Language included in Section V.C. exposes permittees to premature and inappropriate administrative or third party actions to enforce TMDL requirements before the TMDLs are clarified for application to specific industrial stormwater dischargers, and before those refined requirements are incorporated into the permit. Further, Section V.C. is not supported by the express findings of the permit, or the evidence in the administrative record. Orders adopted by the State Water Board not supported by the findings, or findings not supported by the evidence, constitute an abuse of discretion. See 40 C.F.R. § 124.8(b)(4); Topanga Ass'n for a Scenic Community v. County of Los Angeles, 11 Cal. 3d 506, 515 (1974); California Edison v. SWRCB, 116 Cal. App. 3d 751, 761 (1981); see also In re Petition of the City and County of San Francisco, State Board Order No. WQ-95-4 at 10 (Sept. 21 , 1995).</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
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71	Port of Long Beach	Richard Cameron	14	TMDL	<p>Section V.C. would result in the Regional Water Boards and State Water Board abdicating their responsibility under 40 C.F.R. §122.44(k), to determine whether a BMP approach, rather than numeric effluent limitations, is appropriate given the site-specific TMDL and the scope and impact of industrial stormwater discharges.</p>	<p>Discharges addressed by this draft permit are considered to be point source discharges, and therefore must comply with effluent limitations that are “consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by US EPA pursuant to 40 Code of Federal Regulations sections 130.7. (40 C.F.R. § 122.44 (d)(1)(vii).) The State Water Board recognizes that it is appropriate to develop TMDL-specific permit requirements derived from the WLAs of TMDLs. At present, the relevant WLAs assigned to industrial storm water Dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. Accordingly, an analysis of each TMDL applicable to industrial storm water Dischargers needs to be performed to determine if it is appropriate to translate the WLA into a numeric effluent limit, or if</p>
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						<p>the effluent limit is to be expressed narratively using a BMP approach. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
71	Port of Long Beach	Richard Cameron	15	Receiving Water Limitations	<p>The draft Industrial General Permit (Section VI [po 22] of the Draft Permit, together with Section XX.B [pg 65]), substantially change the receiving water limitations, eliminating the existing permit's description of a process which maintains a Discharger's compliance with the permit.</p>	<p>Section 402(p)(3)(A) of the CWA requires Dischargers to meet all applicable provisions of sections 301 and 402 of the CWA, including strict compliance with water quality based effluent limitations.</p>

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71	Port of Long Beach	Richard Cameron	16	Receiving Water Limitations	<p>Section VI.A should not include the phrase "or contribute," because, as recognized by EPA when it eliminated those words in the</p> <p>MSGP in 2008, that phrase is not required by regulations in effluent limits but comes from the threshold that simply shows "reasonable potential" triggering the need to simply have a limit. The phrase "or contribute" is not found in the Clean Water Act or clarified by precedent when used in an effluent limitation.</p>	<p>40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the "reasonable potential" to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the draft permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from</p>
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						<p>Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."</p>
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71	Port of Long Beach	Richard Cameron	17	Electronic Reporting\PRDs \LRP	The Port is concerned that information required in the SWPPP, which will be submitted electronically, may result in the release of sensitive information that must be protected for homeland security reasons and to prevent terrorism. The Port requests that in this case electronic SWPPPs uploaded into the SMARTS system not contain maps or other information deemed sensitive or dangerous.	This draft permit includes new provisions that address this issue. See section II.B.3.d.
71	Port of Long Beach	Richard Cameron	18	Sampling and Analysis	The Port has significant concerns regarding the new requirement for a Discharger failing to collect a quarterly sample at one or more sampling locations not producing a discharge within that quarter, to remobilize and collect additional samples from those "non-discharging" outfalls during subsequent events or quarters.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
71	Port of Long Beach	Richard Cameron	19	Visual Observations\Inspections	The Port requests the SWRCS only require documentation of those discharge locations that did not discharge, and not require additional mobilizations to attempt to observe the few discharge points that have a lower likelihood of discharge	Dischargers must collect two samples from each discharge location in each half of the reporting year. The Discharger must document when samples cannot be collected from all discharge locations because of no discharge. The draft permit continues to require Dischargers to explain why samples were not collected. Discharger without documentation would have difficulty providing an explanation why samples were not collected.

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71	Port of Long Beach	Richard Cameron	20	Visual Observations\In spections	The Port requests the SWRCS build additional flexibility into the Permit for sites with an uncharacteristically high number of outfalls	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
71	Port of Long Beach	Richard Cameron	21	Training	The Port recommends the SWRCB include a QISP training exemption for Certified Professionals in Stormwater Quality (CPSWQ).	The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.

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71	Port of Long Beach	Richard Cameron	22	Demonstrations	To avoid confusion and better represent SWRCB staff clarifications at the public workshops related to this section, the Port recommends the SWRCB revise the term "solely" attributable as it relates to the contribution from non-industrial sources.	The Discharger must determine that the exceedance of the NAL is attributable solely to the presence of the pollutant in the natural background or non-industrial pollutant source.
71	Port of Long Beach	Richard Cameron	23	SWPPP\BMPs\Design Storm	the Port strongly recommends the SWRCB evaluate opportunities to add incentives to promote low impact development (LID) and green infrastructure approaches into the next draft IGP.	Although the Water Boards encourage compliance using LID and green technologies, defining what they are and to what degree they must be installed to qualify for an "incentive" would require a comprehensive and time-consuming effort involving stakeholders and industry experts. The Water Boards do not wish to delay the adoption of this permit.
71	Port of Long Beach	Richard Cameron	24	Electronic Reporting\PRDs \LRP	It is unreasonable to submit an annual report by July 15. At minimum 60 days following the end of the reporting period should be allowed to complete and submit the report.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTs. The Annual Report is going to be streamlined extensively, and will primarily consist of a checklist and a certification. It should be feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete the Annual Reports on-time.

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72	Pratt & Whitney Rocketdyne	Ronald Sherer	1	SWPPP\BMPs\Design Storm	Clearly state in the permit under Section G.2. (Potential Pollutant Sources) that items such as fencing, storm drain gratings, as well as structural buildings and roadways themselves are not considered industrial activity pollutant sources. During the IGP Reissuance Web seminar held on September 5, 2012, questions concerning zinc as a pollutant were raised. During this discussion, it was verbally clarified that items such as galvanized ,fencing and structural materials such as roofing, were not considered industrial activity pollutant sources. This is not clearly stated in the Draft IGP.	The non-industrial pollutant demonstration provides Dischargers the opportunity to evaluate the sources of pollutants and categorize those sources as industrial and non-industrial related. In general, sources of pollutants that would occur regardless of whether a facility is conducting industrial activities are considered non-industrial sources.
73	Rio Tinto Minerals	Jamie Gaboriau	1	ERA Level 1	U.S. Borax ("USB") has reviewed the comments prepared by the California Stormwater Quality Association (CASQA) on the Draft Permit, and concurs that Section XILD should be revised to provide for extensions.	State Water Board staff believes that one year an adequate amount of time to complete the Level 1 ERA requirements and measure effectiveness. Dischargers are not precluded from performing additional sampling beyond the required frequency to evaluate effectiveness of any additional BMPs implemented.
73	Rio Tinto Minerals	Jamie Gaboriau	2	ERA Level 2	Once a Level 2 ERA has been triggered, the Draft Permit does not clearly allow for further consideration and implementation of operational source control BMPs prior to implementing structural and/or treatment control BMPs. USB concurs with CASQA's comments on this point, and requests	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					that Section XII.D.2 be revised per CASQA's suggestion...	
73	Rio Tinto Minerals	Jamie Gaboriau	3	No Discharge\NONA	USB supports the proposed language (Conditions for' Notice of Non-Applicability - Findings, B.22) of the General Permit on this issue but believes that the "any circumstances" language in Footnote 7 in the Fact Sheet should be qualified to make clear that a NONA is not invalidated due to an act of God (including a significant earthquake or storm of a size exceeding a 100-year, 24-hour storm), act of war, or other unforeseeable condition.	All permit compliance activities are subject to interference due to acts of God. When considering enforcement actions, Regional Water Boards account for such extreme events. Dischargers who have filed NONAs and subsequently have discharges due to acts of God should notify the appropriate Regional Water Board(s).
74	Riverside County Transportation Department	Patricia Romo	1	Other	RCTD supports the California Stormwater Quality Association's (CASQA) comment letter (commenter # 18) and supporting documents associated with the review of the 2012 Draft Industrial General Permit released July 16, 2012.	See Commenter # 18 for responses.
74	Riverside County Transportation Department	Patricia Romo	2	No Discharge\NONA	The RCTD would like clarification of NONA Finding 22 - RCTD staff were unable to find any information on the State Water Resource Control Board's Storm Water Multi-Application and Report Tracking System (SMARTS) regarding a Notice of Non-Applicability (NONA) or its associated NONA Technical Report.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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74	Riverside County Transportation Department	Patricia Romo	3	No Discharge\NON A	The RCTD would like clarification of NONA Finding 22 - Agrees with CASQA that a specific threshold must be provided to provide certainty for dischargers, regulators, and environmental groups, as well as California licensed professional engineers that will be asked to design and certify that facilities will "never" discharge and to provide their stamp on NONA Technical Reports certifying "no discharge."	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
75	Riverside County Waste Management Department	Hans Kernkamp	1	Applicability\Coverage\Implementation	Recommends that the IGP effective date be one calendar year from the date of IGP adoption or July 1 the year following IGP adoption, whichever occurs later.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
75	Riverside County Waste Management Department	Hans Kernkamp	2	Electronic Reporting\PRDs \LRP	Suggests Permit be amended to include the Duly Authorized Representative. The Duly Authorized Representative is similar to the Approved Signatory specified in the NPDES Construction General Permit and the Approved Signatory has the ability to submit Permit Registration Documents (PRDs) on behalf of the LRP.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
75	Riverside County Waste Management Department	Hans Kernkamp	3	Electronic Reporting\PRDs \LRP	Requests that Section I.K be edited to specify the exact discharge violations being considered.	Any violations in relation to the monitoring requirements in this permit that are applicable to the facility under the permit are what this finding is referring to. Dischargers that have valid reasons that they were unable to comply with all the requirements in the permit, are able to explain in SMARTS in the Annual Report.

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						NAL exceedances on their own are not permit violations, however failure to comply with the ERAs following these exceedances can result in violations.
75	Riverside County Waste Management Department	Hans Kernkamp	4	Training	Three different levels of QISP are not necessary. This causes unnecessary confusion regarding the differing roles and responsibilities of the QISP. The Department suggests that training be consolidated into a single QISP designation and that the different levels should be eliminated.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
75	Riverside County Waste Management Department	Hans Kernkamp	5	NALs\Effluent Limits	Recommends that NALs only be applicable to storm events less than or equal to the Design Storm Event, that is the 85th percentile 24-hour storm event. ERAs would only then be triggered for storm events that are less than or equal to the Design Storm Event.	Dischargers would not be required to install costly treatment devices or implement additional BMPs if the BMPs were designed to treat up to the design storm and the only events that triggered an NAL exceedance were beyond the design storm specified in the draft permit.
75	Riverside County Waste Management Department	Hans Kernkamp	6	Electronic Reporting\PRDs \LRP	The Department does not have a clear understanding regarding the documents that the LRP alone is required to submit and those documents that a Duly Authorized Representative can submit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The Discharger can have any one review/upload the PRDs prior to submittal, however it is required that the LRP certifies and submits the PRDs. An LRP can appoint a

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						duly authorized representative to certify and submit reports and other compliance documents.
75	Riverside County Waste Management Department	Hans Kernkamp	7	Electronic Reporting\PRDs \LRP	The Department also recommends that the Data Entry Person designation, currently allowed for in the Storm Water Multi-Application and Report Tracking System (SMARTS), be continued in the current form.	The role of the data entry person and who can fill this role has not changed. This draft permit will streamline this process in SMARTS for Dischargers assigning/linking data entry persons.
76	Rock-Tenn Company	Robert Dinehart	1	Cost	<p>In particular, we are concerned about the additional costs and administrative burdens imposed by the following proposed changes in the 2012 draft permit as compared to the existing 1997 general permit:</p> <ul style="list-style-type: none"> • Eliminating monitoring groups. • With certain exceptions, requiring every facility to monitor every storm water outfall <p>that may be affected by industrial activity, four times a year.</p> <ul style="list-style-type: none"> • Adding numeric action levels (NALs) and exceedance response actions (ERAs). • Requiring all facilities in SIC Code 5093 to monitor for Fe, Pb, Al, Zn, and COD. 	The draft permit allows for compliance groups to obtain a reduction of sampling requirements. The draft permit has mechanisms in place that are similar to the 1997 IGP that allows Dischargers to reduce or combine sampling locations and to reduce the number of sampling events per year.

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					<ul style="list-style-type: none"> Refining the scope of which tasks require a Qualified Industrial Storm Water Practitioner (QISP). 	
76	Rock-Tenn Company	Robert Dinehart	2	Groups	<p>The multiple year monitoring by the FBA Group, other monitoring groups, and individual facilities has provided the Board with substantial data regarding the storm water discharges from facilities in our industry. While the draft Fact Sheet indicates that the data gathered in the past is inadequate for various reasons, there is no analysis of specific industry categories, much less of specific monitoring groups, such as the FBA Monitoring Group managed by AECOM.</p>	<p>The State Water Board acknowledges that there are differences in the amount of data available for certain industries because of group monitoring data. The development of numeric effluent limits, however, requires the analysis of elements other than sampling data. Industry specific effluent limitations may be considered by the State Water Board in a future reissuance of the permit.</p>

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76	Rock-Tenn Company	Robert Dinehart	3	Groups	<p>We request that the Board reconsider its position on group monitoring. Requiring each facility to have an employee, or an outside person, with prescribed storm water training is in no way inconsistent with allowing group monitoring. The Fact Sheet provides no sound rationale why group monitoring should not be allowed to continue on some basis, for example, requiring four sampling events a year, but allowing the group to continue the practice of monitoring only 20% of the members for any given sampling period. As currently drafted, each of our facilities would have to go from two sampling events in five years to 20 sampling events, a 10-fold increase.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
76	Rock-Tenn Company	Robert Dinehart	4	Groups	<p>Properly implemented, group monitoring, as established in the 1997 permit, should provide many, if not all, of the same benefits intended by the 2012 draft (has oversight of forming groups from the RWQCB and SWRCB and has sampling guidelines that assures rotation of sampling at a shared cost), but with significantly less cost and administrative burden. We continue to believe that the group monitoring approach is a sound one. If the Board believes that there are problems with the current group monitoring program, the solution should be to improve the existing program rather than eliminating it.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>

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76	Rock-Tenn Company	Robert Dinehart	5	Groups	Bottom-line, in no way does the provision for “compliance groups” balance doing away with the monitoring groups allowed in the current general permit. Groups as allowed in the draft could be formed without any of the CG language in the permit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
76	Rock-Tenn Company	Robert Dinehart	6	Sampling and Analysis	<p>Since the Regional Water Boards can deny the SFRs, Until there is actual experience with this process and how much variation each</p> <p>Regional Board will allow between “substantially similar” drainage areas, it should be assumed that each facility will have to sample all of its outfalls in estimating the costs imposed by the draft permit.</p>	Dischargers who satisfy the requirements of the various sampling reduction exceptions should not anticipate significant variation in Regional Water Board oversight. Dischargers should contact Regional Water Boards prior to submittal to ensure documents are complete.
76	Rock-Tenn Company	Robert Dinehart	7		Since the Regional Boards can deny the SLRs until there is actual experience with how the Regional Water Boards will handle such “substantially similar” determinations, there would be substantial risk in combining samples without first analyzing each sample separately.	Regional Water Board approval is only required under specific circumstances. When Regional Water Board approval is required, Dischargers are not authorized to combine more than four samples.

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76	Rock-Tenn Company	Robert Dinehart	8	NALs\Effluent Limits	<p>Even though the permit does not include Numeric Effluent Limitations (except for a few specified categories), we believe the Board does not currently have sufficient data to establish “across the board” NALs for the great variety of facilities that will be covered by the general permit. Given the estimated potential costs of the Level 1 and Level 2 ERAs, we believe a more reasonable course would be for the Board to follow the approach in Sections 6.2.1 to 6.2.1.3 of the 2008 EPA Multi-Sector General Permit (2008 MSGP).</p>	<p>The inclusion of reporting year (NALs) in this draft permit is analogous to the benchmark system in the Multi Sector General Permit (MSGP). Technology-based narrative limitations, or best management practices (BMPs), should be checked against some numeric indicator of water quality protection, and the NALs in this draft permit represent that performance measure. This draft permit contains some subtle differences when compared to the MSGP. State Water Board staff believes that these differences make the draft permit more clear and responsive to the interests of California's stakeholders. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.</p>
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76	Rock-Tenn Company	Robert Dinehart	9	NALs\Effluent Limits	Only having annual NALs is more consistent We request that the draft permit be revised so that the NALs only apply to those categories of industrial facilities required to do benchmark monitoring in the EPA 2008 MSGP. TOG is not a benchmark in the 2008 MSGP it should be dropped from the IGP. Also, pH is only a benchmark for metal mining and deicing, we request that NALs for pH should not be applied to all industrial dischargers under the IGP.	This permit is not a multi-sector permit like the MSGP with sector specific requirements.
76	Rock-Tenn Company	Robert Dinehart	10	NALs\Effluent Limits	The Board should evaluate the need for such a more detailed and formal program (the ERA structure) after receiving several years of monitoring data under the new general permit.	The State Water Board will evaluate how the ERA system is functioning when it is time to reissue the permit.
76	Rock-Tenn Company	Robert Dinehart	11	NALs\Effluent Limits	the Board should revise the draft permit to exclude “source-separated recycling” facilities from the additional monitoring requirements in the draft permit and from the associated requirements for ERAs if one of the additional pollutants were to exceed an NAL in Table 5 of the draft permit. This exclusion is consistent with the MSGP SIC code 5093 (excludes source separated recycling).	This permit is not a multi-sector permit like the MSGP with sector specific requirements.

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76	Rock-Tenn Company	Robert Dinehart	12	Cost	<p>Based on the Board’s cost estimates, we estimate that the initial cost to be in compliance at all 15 Rock Tenn operated facilities will be approximately \$125,000 and 350 man-hours of training. This does not include any costs that may have to be incurred to ensure there are adequate sampling stations. The annual cost thereafter will be approximately \$50,000 and 400 man-hours.</p> <p>This does not include:</p> <ul style="list-style-type: none"> -potential costs if the NALs/ERAs -the additional monitoring costs at our recycling facilities if 5093 SIC code is not redefined as requested in comment 11. 	<p>This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community. The draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. Federal Regulations require discharges to meet BAT/BCT and any applicable water quality standards. The draft permit is written to implement these federal requirements.</p>
77	SA Recycling	Lindsay Maine	1	Sampling and Analysis	<p>The Permit should clarify that specified test methods are not requirements but instead serve as minimum guidelines. To eliminate any confusion, staff should use an approach similar to what they have done on Table 5 (page 42 of the current draft) with respect to method detection limits. There, staff inserted a footnote to explain that more stringent test methods could be used.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
77	SA Recycling	Lindsay Maine	2	Applicability\Coverage\Implementation	<p>The Permit Should Incorporate Regional Sector-Specific Permit Requirements. We believe that the State Water Board can easily apply the Santa Ana Board's Sector-Specific Permit to this same industry statewide.</p>	<p>The requirements of the Santa Ana Region scrap metal permit are not similar to the requirements in this draft permit in many areas and was developed and adopted in a different and targeted process. This draft</p>

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						permit is a statewide permit that does not provide substantially different requirements for different types of Dischargers other than as required by federal regulations.
77	SA Recycling	Lindsay Maine	3	Applicability\Coverage\Implementation	The Permit Should Encourage Greater Use of Low Impact Development Methods to Address Discharges.	The draft permit does not encourage or discourage the use of LID.
78	Sacramento Area Sewer District	Terrie Mitchell	1	NEC	SASD strongly opposes the requirement for annual renewals and filing fees to register for NEC coverage. Renewal should be every 5 years. PLE suggested language on page 2 of the comment letter.	Federal regulations require re-certification no less than every 5 years. This draft permit requires annual re-certification to insure that the condition of no-exposure continues regardless of changes to facility management or facility operations. Based upon the regulatory experience of the State Water Board storm water program, a significant number of facilities would likely experience a turnover of management or change operations within every couple of years. To insure the integrity of the NEC program, annual re-certification is necessary. The NEC fees are established by regulation. The storm water program will expend resources to inspect NEC facilities and take enforcement actions when necessary. The NEC fees will offset these resource needs.

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78	Sacramento Area Sewer District	Terrie Mitchell	2	Sampling and Analysis	SASD recommends that existing Dischargers, with NOI's issued under 97-03-DWQ that have historical sampling data for at least 8 consecutive sampling events and are in compliance with the NALs be eligible to certify and submit a SFR report via SMARTS when submitting the new NOI application under this draft Permit. PLE suggested language on page 2 of the comment letter.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. This draft permit does not, however, allow Dischargers to use sampling data from previous permit to qualify for sampling reduction. The previous permit did not require a monitoring implementation plan or sampling collection and handling instructions. In addition, most sampling data is unavailable electronically so data validation would be challenging.
78	Sacramento Area Sewer District	Terrie Mitchell	3	Other	SASD supports, in general, the California Stormwater Quality Association's (CASQA) comment letter (commenter # 18) and supporting documents associated with the review of the 2012 Draft Industrial General Permit released July 16, 2012.	See Commenter # 18 for responses.
79	Sacramento County Airport System	Carl Mosher	1	Cost	The estimated visual observation costs information on page 13 of the 'Analysis of the Compliance Costs for the IGP' addresses the quarterly and monthly visual observations, but omits the staff time that will need to be spent on the pre-storm visual observations;	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. Pre-storm inspections have been removed from the draft permit.
79	Sacramento County Airport System	Carl Mosher	2	Visual Observations\In spections	Even with the reduction In required observations and inspections, the impact of the revised draft permit will be a significant impact on staff time.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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79	Sacramento County Airport System	Carl Mosher	3	Cost	The greater regulatory compliance workload would place an economic burden on the County Airport System during already a period of constrained fiscal resources.	The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
80	Sacramento County Department of Waste Management and Recycling	Mike Koza	1	Sampling and Analysis	Section XI.A.2.a - QSE does this definition apply to facilities not operating? If not, this section should be rewritten to include specification of reasonable observation time periods for non-operating facilities (ex: closed landfills).	Sampling is not required when facility is not operating in its normal business hours.
80	Sacramento County Department of Waste Management and Recycling	Mike Koza	2	Visual Observations\In spections	Section XI.A.2.b - forecasting rainfall for contained stormwater discharges. The rainfall forecasts on designated NOAA website do not include forecasted rainfall amounts. DWMR needs guidance on how to calculate the likelihood of discharge. (ex CGP 1/2 inch) or some other typical storm size as a standard. If this was specified, an engineer could, prior to each rainy season, calculate the freeboard warning level below which pre-discharge visual observations may be	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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					required (freeboard = vertical distance from water surface to spillway).	
80	Sacramento County Department of Waste Management and Recycling	Mike Koza	3	Visual Observations\Inspections	Section XI.A.2.d The frequency with which the QISP must review precipitation forecasts must be specified (ex 48 hours in advance to the storm like the CGP).	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
80	Sacramento County Department of Waste Management and Recycling	Mike Koza	4	Visual Observations\Inspections	Section XI.A.2.d - the 14 day requirement could be simplified to just requiring inspections (visual observations plus BMPs) every two weeks during the rainy season when dry conditions exist, with BMPs to be implemented (if necessary) prior to the next storm event.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
80	Sacramento County Department of Waste Management and Recycling	Mike Koza	5	Visual Observations\Inspections	Section XI.A.2.d - The requirements of this section should be waived for containment basins that are not expected to spill during the next 14 days, based on reasonable worst case expectations justified based on historical experience and worst-case weather forecasts. This waiver could be applied for and pre-approved by the Regional Water Board (Kiefer Landfill has basins that do not spill in most years).	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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80	Sacramento County Department of Waste Management and Recycling	Mike Koza	6	Sampling and Analysis	<p>Section XI.B.2 Reference to on-site rainfall measurement device in determining QSE. Suggest removing the implied mandate for on-site rainfall measurement device and allow for use of public rain gauge within local drainage basin, as specified in SWPPP.</p> <p>The CGP allows for the use of information from a "nearby governmental rain gauge" in certain instances, so there is precedent here.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
80	Sacramento County Department of Waste Management and Recycling	Mike Koza	7	NALs\Effluent Limits	<p>Sections XI.B.I, XII.A, and Table 3 Specification of one sample per quarter, methodology for determination of NAL exceedances, and table of NALs. The Instantaneous NAL, as defined, will not be relevant at the one sample per quartet frequency under most scenarios. If a discharger only gets 2 samples a year, the average of the two detections will be compared to the Annual NAL, rendering the Instantaneous NAL irrelevant, as the Annual NAL will always be exceeded before the Instantaneous NAL. DWMR suggests increasing the Annual NAL to a much higher level, or specifying in the General Permit that: (1) The Discharger may take as many samples as the Discharger deems necessary to demonstrate compliance with the Annual NAL, and (2) The 4 hour sampling window requirement of Section XI.B.3 and the 72 hour dry weather requirement of Section XI.B.2 are waived for compliance with the</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					Annual NAL.	
81	San Diego County Office of Education	Joanne Branch	1	Applicability\Coverage\Implementation	Since adoption of this Permit has been delayed substantially (fall 2012 adoption was originally anticipated), we request that the Permit effective date be delayed at least until July 1, 2014 (provided the final IGP is adopted in January or February 2013).	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
81	San Diego County Office of Education	Joanne Branch	2	Applicability\Coverage\Implementation	Pre-storm inspections are required prior to NOAA-forecasted storm events that have a 50% or greater probability of producing precipitation (but not more than once during any 14 day period). Due to the constantly-changing nature of NOAA forecast, the area within the 50 % probability forecast could change several times during a single day. Inspections every 14 days are not necessary because industrial sites are not typically in a continuous state of flux (like construction	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					<p>sites). It would assist us in staying compliant if the Permit allowed for alternative monthly inspections that would encompass both the pre-storm and the Quarterly Non-Storm Water Discharge visual observation requirements.</p>	
81	San Diego County Office of Education	Joanne Branch	3	Sampling and Analysis	<p>It would assist us in staying compliant if the Permit allowed for alternative monthly inspections that would encompass both the pre-storm and the Quarterly Non-Storm Water Discharge visual observation requirements.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>
81	San Diego County Office of Education	Joanne Branch	4	ERA Level 1	<p>We request that provisions be provided for a Permittee to:</p> <p>1) Demonstrate that an "apparent" NAL exceedance is solely contributable to natural background from off-site conditions before moving into Level 1 or 2 status;</p> <p>2) Upload analyses onto the SMARTS website that demonstrate that an "apparent" NAL exceedance is due to natural background or off-site conditions (along with industrial site storm water</p>	<p>Dischargers are not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations.</p>

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					runoff sample analyses); 3) File a Non-Industrial Source Pollutant Demonstration Technical Report while in Level 1 status.	
81	San Diego County Office of Education	Joanne Branch	5	Applicability\Coverage\Implementation	We request that the deadline for compliance with the QISP training requirement be delayed until July 31 , 2015.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
82	San Francisco Baykeeper	Ian Wren	1	Other	Attached 60 comment letters (see Attachment 1 for an example – all 60 letters contained substantially similar comments), all same following comments.	For responses to comments related to these letters, Please See San Francisco Baykeepers (Comment ID 82) Comments 2-3.

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82	San Francisco Baykeeper	Ian Wren	2	Other	<p>Runoff from industrial facilities can contain heavy metals such as lead, zinc, and copper. These pollutants are highly toxic and endanger the health of California communities and watersheds. Unfortunately, after a revision process that has taken more than two years of work, the Board is now in danger of caving to industry pressure. Many aspects of the permit reflect a step backward from the current permit, and even the 2011 draft permit.</p>	<p>The previous permit was issued in 1997 and has been administratively extended since 2002 until the adoption of this permit. Significant revisions to the previous permit were needed to make this draft permit consistent with recent regulatory changes pertaining to industrial storm water under the CWA. This draft permit is significantly different from the previous permit in a number of areas, and incorporates new provisions requiring the development and implementation of minimum best management practices, electronic reporting requirements, training requirements, reporting year (NALs) and Exceedance Response Actions (ERA), and requirements for discharges to ocean waters</p>
82	San Francisco Baykeeper	Ian Wren	3	Other	<p>SWRCB should develop a streamlined permit that is clear and enforceable, and requires industrial facilities to collect accurate data about the pollutants they allow to enter San Francisco Bay and other state waterways. California needs clear limits on the amount of storm water pollutants discharged into our water bodies in order to provide dischargers with a clear path to compliance, and facilitate efficient enforcement by the State and Regional Water Boards. Please develop a strong, enforceable Industrial</p>	<p>The provisions in the previous draft permit have been substantially revised in this draft permit to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft</p>

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					Stormwater Permit that helps ensure that California waterways are safe and healthy for wildlife, recreational users and all California communities.	permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.
83	Sanitation Districts of Los Angeles County	Kristen Ruffell	1	TMDL	The language incorporating TMDLs is contradictory. Effluent Limitation Section V.C. contradicts Findings 38-41 and TMDL Requirements Section VII.A. by requiring blanket incorporation of TMDLs by reference and immediate compliance with existing and/or future approved TMDLs.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
83	Sanitation Districts of Los Angeles County	Kristen Ruffell	2	Applicability\Coverage\Implementation	The definition of landfills, land application sites and open dumps that are subject to the draft permit is overly broad and should be refined to only include facilities with ongoing industrial operations. Language indicates that dischargers can request termination of coverage when “the facility has ceased operations, completed closure activities, and removed all industrial related pollutants” In the case of closed landfills, buried industrial pollutants remain on site. As such, this language could be interpreted in a way that prevents closed landfills from ever filing a Notice of	The State Water Board applies the circumstances needed to obtain permit termination the same to all facilities. Landfills are not eligible for permit termination until permanent removal of exposed industrial materials is achieved.

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					Termination.	
83	Sanitation Districts of Los Angeles County	Kristen Ruffell	3	Applicability\Coverage\Implementation	The Sanitation Districts also request that the permit provide a cut-off date to exclude landfills that closed prior to the adoption of the closure requirements contained in the RCRA Subtitle D regulations.	Federal regulations do not allow such an exception to permitting.
83	Sanitation Districts of Los Angeles County	Kristen Ruffell	4	NALs\Effluent Limits	Dischargers that implement structural BMPs to prevent the offsite discharge of stormwater should be allowed to take credit for prevented discharges when making determinations of compliance with Numeric Action Levels (NALs). The Sanitation Districts request that the State Board include language similar to that found in Resolution No. R10-008, to provide dischargers proper credit for implementing structural BMPs that prevent stormwater from being discharged offsite.	Credit for prevented discharge may be something that the State Water Board considers in a future reissuance of the permit but it is not available at this time.

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83	Sanitation Districts of Los Angeles County	Kristen Ruffell	5	ERA Level 1	Storms that exceed the Design Storm should not be considered triggers for Exceedance Response Actions (ERAs)	A Discharger who designs and implements BMPs to the design storm standards and experiences subsequent NAL exceedances is not exempt from the Exceedance Response Action provisions of this draft permit. Although it is unlikely, such a Discharger may experience NAL exceedances and enter Level 1 and Level 2. The design storm standards represent a minimum standard for the design of treatment control BMPs; utilization of the design storm standard does not provide any guarantee of BMP performance, or of compliance with the effluent limitations of this draft permit.
84	Sempra Utilities	Tamara Rasberry	1	NALs\Effluent Limits	The NALs listed in the Draft IGP cannot be converted into NELs in the future, as this was not the EPA's intent in providing benchmarks. EPA guidance clearly states that benchmarks are but one of many tools for assessing the effectiveness of BMPs. NELs must be established as indicated in the CWA and Sempra Utilities supports the development of sector-specific NELs.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
84	Sempra Utilities	Tamara Rasberry	2	Demonstrations	Dischargers have been taking samples and doing observations for years at their facilities and should be provided the opportunity to submit a Demonstration Technical Report at Level 1 status when exceedances are known to be caused by	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					natural background or non-industrial sources.	
84	Sempra Utilities	Tamara Raspberry	3	SWPPP\BMPs\Design Storm	Sempra Utilities recommends specifying the same storm event (design storm) in the ERA section of the Permit, which does not appear to reference a design storm event. Without this clarifying language, there could be a mismatch between the event magnitude required for treatment controls, and that required to assess the need for additional controls in the ERA process.	The design storm applies primarily to Dischargers in baseline status and Level 1 status. It applies to Dischargers with Level 2 status only if the BMP demonstration report justifies that the design storm is appropriate for complying with the permit.
84	Sempra Utilities	Tamara Raspberry	4	ERA Level 1	Further, Level 1 status should be extended to a two year period in order to evaluate the effectiveness of the changes in operational BMPs prescribed by the Demonstration Technical Report.	State Water Board staff believes that one year an adequate amount of time to complete the Level 1 ERA requirements and measure effectiveness. Dischargers are not precluded from performing additional sampling beyond the required frequency to evaluate effectiveness of any additional BMPs implemented.
84	Sempra Utilities	Tamara Raspberry	5	ERA Level 2	There is no process defined in the IGP for Regional Water Quality Control Boards to concur or approve significant and costly structural BMPs prior to the discharger installing said BMPs.	Dischargers can contact the Regional Water Boards at any time to discuss appropriate options for implementing additional BMPs.

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84	Sempra Utilities	Tamara Raspberry	6	TMDL	Sempra Utilities recommends that industrial stormwater-related TMDL-specific requirements first be incorporated into the permit before those requirements become enforceable against Dischargers.	Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.
84	Sempra Utilities	Tamara Raspberry	7	Training	Sempra Utilities believes that the three levels of QISP personnel included in the Draft IGP is overly burdensome and will not lead to a benefit in water quality. Sempra Utilities recommends that the State simplify this requirement and limit personnel to one or two QISP levels.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
84	Sempra Utilities	Tamara Raspberry	8	Training	The Permit should allow for the development of training and the certification process for QISPs and set a separate effective date for the QISP requirements.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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84	Sempra Utilities	Tamara Rasberry	9	Training	<p>The permit should also be revised to state that California state certified lab personnel that conduct storm water sampling for facilities covered by the IGP are not required to obtain QISP training.</p>	<p>The training qualifications have changed in this draft of the permit. Much of the QISP training will be focused on how to implement the specific requirements of this draft permit. Accordingly, this draft permit does not grandfather in individuals with other certifications because it is crucial that individuals desiring to be QISPs receive training relevant to this draft permit. The State Water Board is developing a specialized self-guided State Water Board-sponsored registration and training program specifically for these CBPELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG's laws and regulations.</p>
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84	Sempra Utilities	Tamara Rasberry	10	SWPPP\BMPs\Design Storm	Supports the design storm for flow and volume BMPs, however the option to use local historical rainfall records to calculate the maximum water flow (volume) does not appear to be available for volume-based BMPs in the Section X.H.7.b. Sempra Utilities requests that the use of local historical rainfall records also be allowed as a basis to calculate water volume for volume-based BMPs.	The Discharger must use historic rainfall records to determine flows or volumes associated with the 85% storm event.
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84	Sempra Utilities	Tamara Rasberry	11		<p>In the interest of consistency, Sempra Utilities requests that the phrase “or contribute” be removed from Section VI.A. since this language is not found in the current version of EPA’s MSGP and the CWA provisions related to receiving waters.</p>	<p>40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the “reasonable potential” to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from</p>
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						<p>Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."</p>
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84	Sempra Utilities	Tamara Raspberry	12	Receiving Water Limitations	Water Quality Based Corrective Actions section of the draft IGP (Section XX.B.1.) - Sempra Utilities requests that the phrase “in violation” be removed from Section XX.B.1. and replaced with “may otherwise exceed.” Violations of receiving water limits are difficult to substantiate and/or attribute to a particular Discharger.	The language in Section XX.B.1 remains unchanged. Water quality based corrective actions are only required when the Discharger's industrial storm water discharges or authorized NSWDS cause or contribute to an exceedance of an applicable water quality standard.
84	Sempra Utilities	Tamara Raspberry	13	Visual Observations\Inspections	Sempra Utilities is concerned about the personnel resources and efforts that will be needed to constantly monitor NOAA weather reports and document rain events. We recommend the removal of predicted rain event visual observations from the Permit and replacing them with regular monthly inspection.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.
84	Sempra Utilities	Tamara Raspberry	14	Visual Observations\Inspections	In the interest of consistency, Sempra Utilities recommends changing the quarterly inspection regimen for NSWDS to monthly as well.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
84	Sempra Utilities	Tamara Raspberry	15	SWPPP\BMPs\Design Storm	Minimum BMPs/Good Housekeeping (Section H.2.a.iv.) states that Dischargers shall: “Cover all stored industrial materials that can be readily mobilized by contact with storm water” This section should be rewritten to clarify that it does not apply to materials that are designed to be outdoors and exposed to environmental conditions.	If materials are designed to be outdoors and exposed to environmental conditions, then it is likely that they will not be mobilized by contact with storm water.

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84	Sempra Utilities	Tamara Rasberry	16	SWPPP\BMPs\Design Storm	<p>Minimum BMPs/Material Handling and Waste Management (Section H.2.d.iii.) states that Dischargers shall:</p> <p>“Cover waste disposal containers and material storage containers when not in use.” This section should be rewritten to clarify that this requirement is imposed ONLY prior to a forecasted rain event for materials that cannot become wind-borne; and for materials that can become wind-borne, this condition is required at the end of the work day.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. If it is infeasible to cover waste disposal containers and material storage containers when not in use the Discharger must provide justification and implement alternative BMPs in compliance with this permit. Forecasting rain events was a controversial requirement in the previous draft. It was noted by numerous stakeholders how burdensome it would be to check weather forecasts in order to insure pre-storm inspections could be performed prior to all anticipated storm events.</p>
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	1	Cost	<p>One tenth of an inch of precipitation can be accumulated by heavy fog drip in Humboldt County and Northern Coastal California. Although 0.10 inch of precipitation falling in an approximately 2-hour period will produce runoff, this quantity accumulated over a 24 hour period does not produce runoff. This is an unreasonable quantification of precipitation to look for discharge. During the wet season, observations may need to be conducted every day, due to the frequent precipitation we receive on the north coast. This definition of a QSE is a tremendous financial burden to north</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>

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					coast industries.	
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	2	Legal	We do not see any mention of Alternative Monitoring in the new 2012 Draft Industrial General Permit. Specifically, in 2010, the Ninth Circuit Court of Appeals held that storm water runoff from roads used primarily for logging where water is collected in a system of ditches, culverts, and channels, then discharged into streams and rivers constitutes a point source discharge of pollutants subject to the National Pollutant Discharge Elimination System (NPDES). We hope to see language similar to the current Industrial General Permit regarding alternative monitoring in the final Industrial General Permit	This draft permit does not contain the Alternative Monitoring provisions of the previous permit. This draft permit does include terms that allow Dischargers to demonstrate the applicability of, and subsequently implement, alternative monitoring provisions that require sampling at a reduced number of locations (Representative Sampling Reduction, Section XI.C.4), reduced monitoring frequency (Sampling Frequency Reduction, Section XI.C.7), and the combination of certain types of samples (Qualified Combined Samples, Section XI.C.5).
85	SHN Consulting Engineers & Geologists,	Mike Foget	3	Training	We request a QISP level qualification including the number of years experience, similar to professional licensing requirements, should be	This provision in the draft permit has been substantially revised in this draft permit to address the comment.

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	Inc.				defined.	
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	4	Training	SHN recommends either more trainer of records for remote areas to minimize the cost to acquire QISP I level training or allowing QISP III to become trainers of QISP I.	Comment noted
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	5	Sampling and Analysis	<p>We are concerned about the cost of the burden of proof that industries are not discharging polychlorinated biphenyls and dioxins. These are extremely expensive tests to run.</p> <p>Octachlorodibenzodioxin (OCDD) is an environmentally prevalent congener in the dioxin family. Due to its stability and long half life, its presence is ubiquitous. However, its presence does not designate the discharger as a source of dioxin.</p> <p>Sampling for 303(d) listed impairments should be associated with the potential for the facility to generate that impairment. Please make it clear that industries do not have to analyze for an impairment to prove the impairment is not a being discharged.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	6	Electronic Reporting\PRDs \LRP	An industrial client who currently uses the State Water Board's SMARTS for their Industrial General Permit submittals has indicated the SMARTS system does not currently allow for submitting industrial storm water data collected over multiple days from different discharge locations. This will be a common occurrence for those facilities that have multiple discharge locations. Please update the system to account for multiple discharge locations collected over multiple days.	This draft permit generally only requires effluent sampling via a grab sample, for one sample during a storm event for all discharge locations that had a discharge occur (for that event). If more samples are taken for multiple days, the Discharger can add multiple dates that samples were collected per discharge location sampled (called monitoring location in SMARTS). The State Board will have trainings available for Dischargers on how to use SMARTS once the permit is adopted.
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	7	Sampling and Analysis	The permit language should indicate if industrial sites who can show eight (8) consecutive sampling events of no Numeric Action Levels exceedances, as defined in the draft Industrial General Permit, and having occurred just prior to the adoption date of this draft, are also eligible for a reduction of monitoring frequency. If statistical data already exists from a facility that shows compliance with the draft Industrial General Permit, the facility should not be burdened with an increase in monitoring requirements.	This provision in the draft permit has been substantially revised in this draft permit to address the comment. This draft permit does not, however, allow Dischargers to use sampling data from previous permit to qualify for sampling reduction. The previous permit did not require a monitoring implementation plan or sampling collection and handling instructions. In addition, most sampling data is unavailable electronically so data validation would be challenging.

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85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	8		Specifically, section XIII.C. 2 states “Within 60 days of obtaining Level 1 status, Dischargers shall complete an evaluation of the facility’s SWPPP and all the industrial pollutant sources at the facility.” Yet it says nothing of a submittal.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	9		Please clarify if the Level 1 ERA report is due within 60 days of obtaining Level 1 status, or before October 1 of the following reporting year.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	10	SWPPP\BMPs\Design Storm	In line with the comment/request also being made by California Stormwater Quality Association, SHN requests that a process similar to the BMP Implementation Extension Request (BIER) allowed for Level 2 status, also be allowed for the implementation of operational source controls identified during the Level 1 evaluation process. There are circumstances where operational source controls BMPs reasonably must occur for an additional permit year before their effectiveness can be evaluated.	The draft permit does not allow for time extensions in Level 1. In most cases, the Water Boards anticipate most Dischargers will implement easy to implement additional BMPs in Level 1. The draft permit allows Dischargers to change their status to Level 2 at any time and perform a Level 2 demonstration. Level 2 allows the Discharger to request additional time to complete installation of BMPs.

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85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	11	Legal	<p>The submittal of certain industrial facility chemical storage locations as identified on site maps required to be uploaded to the public access SMARTS may compromise the intents of the Homeland Security Act. Specifically, a malicious person could use the information of chemical storage facilities to create a threat to public health or safety.</p> <p>We recommend that facilities that are not comfortable disseminating the information regarding their storage of chemicals have the option to submit hardcopies of site maps to their local Regional Water Quality Control Board, or are not required to note the specific chemicals on the site map uploaded to SMARTS.</p>	<p>This draft permit provision has been substantially revised to address the comment. This draft permit does not require the electronic submission of information protected under the Homeland Security Act or other federal law that addresses security in the United States. Any Discharger who redacts information pursuant to this provision must submit a justification to the Regional Water Board.</p>
85	SHN Consulting Engineers & Geologists, Inc.	Mike Foget	12	Sampling and Analysis	<p>SHN requests that Section XI.A.2.a include the language “Visual observations shall be conducted during the daylight hours of scheduled facility operating hours...”</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>

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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Grealy Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	1	NALs\Effluent Limits	SWISP supports the continued collection of meaningful storm water discharge data to enable the future establishment of NELs, when technically feasible and economically justified.	Comment noted.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Greal Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	3	TMDL	<p>(""suggested language"") Suggest the following language for Section V.C. SWRCB should use authority under 40 C.F.R. §122.44(k) to use a BMP approach over NELs for the TMDLs.</p> <p>""After TMDL-specific permit requirements are incorporated into this General Permit following the process outlined in Section VII.A., dischargers subject to one or more identified Total Maximum Daily Loads (TMDLs) shall comply with the applicable requirements listed in Attachment D.""</p>	<p>At present, the relevant WLAs assigned to industrial storm water Dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. Accordingly, an analysis of each TMDL applicable to industrial storm water Dischargers needs to be performed to determine if it is appropriate to translate the WLA into a numeric effluent limit, or if the effluent limit is to be expressed narratively using a BMP approach. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
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						<p>the effluent limit is to be expressed narratively using a BMP approach. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Grealy Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	5	Receiving Water Limitations	The draft Industrial General Permit should include a clear process for compliance with receiving water limitations by improving the language in the permit. The current permits language is appropriate and is consistent with law. The receiving water limits in Section VI of the Draft Permit are not clearly linked to the process in Section XX.B, and risks the type of "gotcha" surprise enforcement, or de facto numeric limit effect. The Draft Permit should clearly incorporate a process of BMP selection into the receiving water limit section, to avoid this problem. Draft Permit Section XX.B describes a corrective action procedure to be followed if receiving water limitations are not being met. To avoid confusion and to integrate this procedure into receiving water limit compliance, we request that it be incorporated into the receiving water limitations, as shown on page 6 of the comment letter titled "Suggested Revisions to Section VI and Section XXI".	Section 402(p)(3)(A) of the CWA requires Dischargers to meet all applicable provisions of sections 301 and 402 of the CWA, including the requirement of compliance with effluent limitations necessary to meet water quality standards. There is no authority for the State Water Board to adopt an NPDES permit for discharges of storm water associated with industrial activity which would exempt Dischargers from this requirement.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Greal Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	6	Receiving Water Limitations	Receiving Water Limit VI.A - request deletion of the phrase "or contribute to". The use of the phrase "cause or contribute" in receiving water limits is not required by regulations, and has not been specifically defined by any legal authority. Suggested language shown on page 6 of the comment letter titled "Suggested Revisions to Section VI and Section XXI".	40 CFR section 122.44(d)(1) requires that NPDES permits contain limitations on pollutants which are determined to cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. This decision is often referred to as the "reasonable potential" determination. The "cause or contribute" language in Section VI.A of this draft permit was derived from these federal regulations, and is intended to reflect the reasonable potential determination. Once the permit authority determines that a water quality-based effluent limitation is warranted (the discharge causes, has the "reasonable potential" to cause, or contributes to non-attainment of applicable water quality standards), then CWA section 301(b)(1)(C) and the implementing regulations at 40 CFR sections 122.4(d), 122.44(d)(1) and 122.44(d)(1)(vii)(A) require the effluent limitation be included in the draft permit as necessary to meet applicable water quality standards. Eliminating the "or contribute" language from
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						<p>Section VI.A would narrow the scope of the determination used to decide whether water quality based effluent limitations are necessary beyond the limits established by the federal regulations. The approach taken in this draft permit is consistent with the approach in the US EPA MSGP, which requires that discharges "must be controlled as necessary to meet applicable water quality standards." As US EPA explains in the MSGP Fact Sheet, "If the permittee becomes aware, or [US] EPA determines, that the discharge causes or contributes to a water quality standard exceedance, corrective actions and [US] EPA notification are required."</p>
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Greal Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	9	Applicability\Co verage\Impleme ntation	SWISP suggests that the effective date of the IGP be contingent upon the adoption date of the IGP. SWISP recommends that the IGP effective date be one calendar year from the date of IGP adoption or July 1 the year following IGP adoption, whichever occurs later. This allows dischargers time to plan change or modify operations/procedures, and allocate resources to comply with the IGP and allow the IGP training program to be fully developed/implemented.	State Water Board staff believes there will be adequate time between the adoption of this draft permit and the effective date to implement the requirements of this draft permit.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Grealy Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	28		Including an example of a Chain of Custody (COC) is too prescriptive. Contents required for a COC should be included instead to allow for flexibility.	A Discharger may use a COC of their choosing. The example is intended to benefit those Dischargers that may not be familiar with COCs.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Greal Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	29	Sampling and Analysis	Page 44. Sampling Frequency Reduction (SFR). Recommend an allowance for SFR on individual parameters, not all NALS as defined in Section XII. A.	The draft permit has reduced the number of sampling events necessary to qualify for sampling reduction. The permit does not allow Dischargers to reduce individual parameters, because this would add a significant level of complexity as far as tracking purposes. The State Water Board believes it is appropriate for Dischargers that continue to have exceedances of one or more parameters to continue analysis of all of their parameters to monitor compliance with this permit. This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Grealy Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	30	ERA Level 2	Level 2 Structural/Treatment Control must implement within 1 year. Recommend that Structural/treatment control BMPs installation deadline should be extended to 18 months.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Greal Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	31	Electronic Reporting\PRDs \LRP	Page 57. The Annual Evaluation is required by June 30th. The Annual report submitted via SMARTS is due by July 15th. Given the allowance time for the evaluation, the annual report should be allowed to be submitted by July 31st to allow for report preparation and signatory requirements of the duly authorized individual.	The current Annual Report is due July 1 of each reporting year. This draft permit extends that deadline to July 15. The sampling and analysis requirements of this draft permit are not tied to the Annual Report, as they are separately submitted via SMARTs. The Annual Report is going to be streamlined extensively, and will primarily consist of a checklist and a certification. It should be feasible for Dischargers (LRPs), duly authorized representatives, and data submitters to complete the Annual Reports on-time.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Grealy Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	32	Other	Throughout. Many administrative edits are needed for spelling, etc.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
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86	Solid Waste Industrial Stormwater Partnership Butte County Public Works City of Mountain View CR&R Incorporated Kern County Waste Management Department Recology Riverside County Waste Management Department Rural Counties' Environmental Services Joint Po	Mike Crump Nirmal Sajjan David Fahrion Douglas Landon Amy Dietz Todd Shibata Mary PittoStephen Greal Sally Coleman Tom Reilly Chuck White John Pasutto, Jr.	33	Other	Attached to comment letter- Attachment A Survey of USEPA and State Requirements for Solid Waste Landfill Industrial and Construction Permits	Attachment noted.
87	State of California Auto Dismantlers Association	Martha Cowell	1	Sampling and Analysis	New Permit represents a significant increase in cost and time to prepare for sampling, collect and ship the samples, have the samples analyzed at a certified laboratory, and interpret the sampling results. Yet the Draft Permit offers no evidence or justification that the specific increase in sampling called for in the Draft Permit will provide an adequate database that meets the State Board's goals.	Requiring sampling of every storm event would likely result in a more complete data set for use of evaluating whether numeric effluent limits can be developed. By doubling the sampling requirement, the State Board will obtain much more data than it does today while limiting the costs to that of the MSGP and other state permits.

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87	State of California Auto Dismantlers Association	Martha Cowell	2	Sampling and Analysis	Recommend that the State Board provide statistical evidence that the larger database will be sufficient to be used for regulatory purposes, and that the type of training envisioned under QISP I will substantially and adequately improve the effectiveness and accuracy of the sampling activities.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
87	State of California Auto Dismantlers Association	Martha Cowell	3	Sampling and Analysis	The requirement in the Draft Permit to sample all discharge locations (even with the provision that would allow samples from similar outfalls to be combined in a laboratory) is excessive, costly, and cumbersome. We are also concerned that forcing industries to sample small difficult outfall locations will actually decrease the accuracy of the database. We recommend that the State Board allow “representative outfalls” to be sampled, as permitted in most other states.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
87	State of California Auto Dismantlers Association	Martha Cowell	4	Sampling and Analysis	Recommend that the permitted facilities be allowed to use either pH paper strip tests, or pH meters, for the onsite testing. The accuracy of the inexpensive test strips is sufficient.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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87	State of California Auto Dismantlers Association	Martha Cowell	5	Sampling and Analysis	<p>Recommend that the State Board amend the Draft Permit to allow industries or associations to propose alternative storm water sampling programs that would provide a much more accurate and credible storm water database that meets the Water Board's goals. Suggest that a well-respected, independent storm water researcher be retained by an industry or perhaps industry Compliance Group to prepare the sampling plan, install and maintain automatic flow weighted composite sampling equipment, and review and analyze the sampling results. Sample site selection would be coordinated with staff from the Water Boards. It is envisioned that automatic sampling would be conducted at 10 – 20% of the participating facilities. Automatic sampling would be conducted during all significant storm events for the first two years of the General Permit. This would accelerate the collection of sampling data, resulting in a larger, more accurate database that is available at an earlier date for analysis and decision-making. The equipment could be re-located to other facilities at a later date.</p>	<p>The 1997 IGP contained an alternative monitoring provision. The usefulness of this provision has been deemed highly questionable because it has not been used a single time. This draft permit does not include an alternative monitoring provision.</p>
87	State of California Auto Dismantlers Association	Martha Cowell	6	NALs\Effluent Limits	<p>It appears that the State Board is using the NALs, at least in part, to define BAT/BCT. This requirement exceeds the intended use of the benchmarks, and will likely lead to high expenditures for controls that may or may not be needed to protect waterways, and to increased</p>	<p>The NALs in this draft permit do not function as numeric effluent limitations.</p>

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					enforcement/third-party lawsuits.	
87	State of California Auto Dismantlers Association	Martha Cowell	7	NALs\Effluent Limits	The scientific basis for at least some of the NALs does not necessarily represent a water quality problem. For example, there is little if any indication that an iron level exceeding 1.0 mg/l is harmful to fish and aquatic life or other beneficial use. The Total Suspended Solids (TSS) benchmark of 100 mg/l was selected because it approximated the median level in urban runoff during the Nationwide Urban Runoff Program (NURP) study in the 1980s.	The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
87	State of California Auto Dismantlers Association	Martha Cowell	8	NALs\Effluent Limits	Concerned that the sampling data that would be compared against the NALs will likely be too variable to be an accurate assessment.	Comment noted.
87	State of California Auto Dismantlers Association	Martha Cowell	9	NALs\Effluent Limits	Because the consequences of NAL exceedance are so extreme, we are concerned that there is too much incentive to "alter" the storm water samples so that the NALs are met.	Comment noted.

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87	State of California Auto Dismantlers Association	Martha Cowell	10	Applicability\Coverage\Implementation	2003 White Paper on Auto Dismantling prepared by Sustainable Conservation concluded that more than one-half of the auto dismantling facilities in California had failed to even submit a Notice of Intent to obtain storm water permit coverage. Such rogue facilities that fail to comply with license and permit requirements are also unlikely to properly conduct storm water sampling. Falsified samples would further compromise the accuracy of the database.	California state law requires the Department of Motor Vehicles to verify storm water permit compliance prior to issuing dismantling license. Any non-permitted dismantlers are also operating without a valid dismantling license.
87	State of California Auto Dismantlers Association	Martha Cowell	11	NALs\Effluent Limits	Use of the US EPA MSGP benchmarks as annual NALs is not consistent with the recommendations of the Blue Ribbon Panel and creates “de-facto” NELs, which if exceeded, create an obligation for the discharger to either implement additional BMPs and structural/treatment measures, or to take one of the complicated and costly ERA off ramps. The inclusion of the US EPA benchmarks as NALs appears to contradict both the Blue Ribbon Panel report findings and recommendations and the fact sheet.	The scope of the Blue Ribbon Panel was limited to the question of whether sampling data could be used to derive numeric effluent limits (NELs). The Panel was not asked to evaluate, nor did it address, other factors that potentially could be involved with the development or adoption of NELs. The Panel did not differentiate between numeric and non-numeric effluent limitations nor did it consider prior US EPA procedures used to promulgate guidelines in 40 CFR Subchapter N and the factors requiring consideration when determining technology based effluent limitations. Draft permit provisions have been substantially revised to minimize the cost on the regulated

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						community. Draft permit provisions have been substantially revised to clarify that exceedances of NALs are not permit violations, and the draft permit includes a significantly revised strategy for addressing NAL exceedances. The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
87	State of California Auto Dismantlers Association	Martha Cowell	12	NALs\Effluent Limits	Recommend that “numerically-triggered” structural/treatment controls be postponed until NELs are developed. Industries are still facing too many unknowns and uncertainties: structural/treatment controls that are designed to meet the NALs may not be adequate to meet future NELs and BAT/BCT– which could require facilities to remove and replace expensive controls.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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87	State of California Auto Dismantlers Association	Martha Cowell	13	ERA Level 2	The ERA Reports called for in the Draft Permit will be difficult and costly to prepare, usually requiring that a consulting engineer be hired. The Demonstration Technical Reports that are allowed after reaching Level 2 are far too complicated for small businesses -- requiring detailed technical analysis and typically more sampling.	Comment noted.
87	State of California Auto Dismantlers Association	Martha Cowell	14	ERA Level 2	Urge the SWRCB to provide streamline the ERA process, most importantly the "off ramp" where we have the opportunity to demonstrate that BMPs are sufficient and that additional structural or treatment measures are not warranted. More specifically, the SWRCB should provide guidance whereby the significant costs for elaborate structural and treatment controls and the financial abilities of individual dischargers to fund those potentially expensive measures are considered in the off ramp process.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
87	State of California Auto Dismantlers Association	Martha Cowell	15	Groups	Compliance Groups should have an active role in developing future NELs for the dismantling industry and a sector specific permit. The only significant benefit of participating in a Compliance Group in the Draft Permit is the opportunity to prepare Consolidated ERAs. Because there would be a significant cost involved, additional benefits and incentives will be needed to convince auto dismantlers to participate in such a group.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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87	State of California Auto Dismantlers Association	Martha Cowell	16	Groups	<p>Recommend that the State Board consider the following benefits for Compliance Group participants:</p> <ol style="list-style-type: none"> 1. Some reduction or postponement in storm water sampling. 2. Joint QISP I training provided by the Group Leader. 3. Reduced SMARTS electronic submittals. 	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
87	State of California Auto Dismantlers Association	Martha Cowell	17	Training	<p>Recommend that QISP I training be allowed to be offered by organizations such as SCADA, or by experienced consultants that serve the industry.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
87	State of California Auto Dismantlers Association	Martha Cowell	18	Training	<p>Concerns about the QISP II and III training requirements. The training requirements in the Draft Permit will force many small dismantlers to retain consultants or professional engineers that they otherwise may not need. Advanced training of professional consultants and engineers should be voluntary, not mandatory. Businesses should have maximum flexibility to use whatever resource they select to help them comply. We are concerned that these training requirements may be designed to eliminate competition or steer industries towards certain consultants.</p>	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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87	State of California Auto Dismantlers Association	Martha Cowell	19	Electronic Reporting\PRDs \LRP	Strongly believe that SMARTS electronic submittals outlined in the Draft Permit are excessive and unnecessary. Submitting so much information on SMARTS will be too complicated and time-consuming for many dismantlers, especially the smaller operations. Some dismantlers do not have computers or the skill necessary to submit the information.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
87	State of California Auto Dismantlers Association	Martha Cowell	20	Electronic Reporting\PRDs \LRP	Compliance-related information on SMARTS will increase our industry's vulnerability to third party lawsuits and invite abuse of the system -- launching unprecedented and unreasonable scrutiny on our industry and imposing devastating legal costs.	Permit compliance information must be readily available to the public and regulating agencies for review.
87	State of California Auto Dismantlers Association	Martha Cowell	21	Electronic Reporting\PRDs \LRP	Recommend that the existing data and information submitted to SMARTS be continued, but that additional submittals not be required at this time.	Permit compliance information must be readily available to the public and regulating agencies for review.

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87	State of California Auto Dismantlers Association	Martha Cowell	22	TMDL	Recommend that sufficient data and analysis be collected and analyzed to support the accuracy of specific TMDL waste load allocations.	Discharges addressed by this draft permit are considered to be point source discharges, and therefore must comply with effluent limitations that are “consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by US EPA pursuant to 40 Code of Federal Regulations section 130.7. (40 C.F.R. § 122.44 (d)(1)(vii).) The State Water Board recognizes that it is appropriate to develop TMDL-specific permit requirements derived from the WLAs of TMDLs. At present, the relevant WLAs assigned to industrial storm water Dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. Accordingly, an analysis of each TMDL applicable to industrial storm water Dischargers needs to be performed to determine if it is appropriate to translate the WLA into a numeric effluent limit, or if
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						<p>the effluent limit is to be expressed narratively using a BMP approach. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
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87	State of California Auto Dismantlers Association	Martha Cowell	23	Cost	We reviewed the report entitled, "Analysis of Compliance Costs for the IGP" prepared by the State Board staff. The staff estimated an overall 7% increase in compliance costs over the current (1997) permit. We concluded that the compliance cost estimated by staff is grossly unrealistic and it underestimates the expenditures that would be faced by the dismantling industry.	Given the unique attributes of auto dismantling and the variation of site specific conditions; capturing costs to the dismantling industry is very difficult. The estimated cost of the draft permit is based on general data available to the public and or results of studies in the area of concern. Data is unavailable for the dismantling industry. Federal Regulations require discharges to meet BAT/BCT and any applicable water quality standards. The draft permit is written to implement these federal requirements.
87	State of California Auto Dismantlers Association	Martha Cowell	24	Cost	Cost increase will cripple the professional auto dismantling industry in California, drive smaller operations out of business, force more dismantlers underground as illegal operators, and ultimately threaten water resources since fewer vehicles will be properly processed.	This provision in the previous draft permit has been substantially revised in this draft permit to minimize the cost on the regulated community. The draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling will help assess Discharger compliance. Federal Regulations require discharges to meet BAT/BCT and any applicable water quality standards. The draft permit is written to implement these federal requirements. Facilities that operate out of compliance

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						may be subjected to enforcement or third party law suits.
87	State of California Auto Dismantlers Association	Martha Cowell	25	Applicability\Coverage\Implementation	The industrial storm water permit will have a tremendous impact on the auto dismantling industry – particularly given the un-level playing field associated with the numerous unlicensed, unregulated entities acquiring end of life vehicles and who refuse to comply with environmental and other regulatory requirements. This serious competitive disadvantage for SCADA members does not exist for many industries subject to this permit. Urge State Water Board to give consideration to this issue and provide alternative options to comply within the provisions of the permit.	This draft permit does not contain a special exception or alternative for dismantlers. The provisions in this draft permit have been substantially revised to minimize the cost on the regulated community. This draft permit has been modified to be comparable in many respects with the US EPA MSGP and other industrial permits in the nation. The additional sampling requirements in this draft permit will help further assess Discharger compliance. This draft permit seeks to achieve a balance between achieving environmental protection while minimizing costs to Dischargers.

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88	Steven Bond and Associates on behalf of the California Sportfishing Protection Alliance	Steven Bond	1	SWPPP\BMPs\Design Storm	<p>*Note: Commenter attached resume and graphs illustrating point made in the comments*</p> <p>Remove the 0.2 inch/hour option for design storm standards for treatment control BMPs, because it is shown to be significantly less than 85th percentile in many areas and therefore provides inadequate treatment capacity of polluted storm water. The 0.2 inch/hour design option at best, offers uneven, partial treatment of polluted storm water. It provides inadequate water quality protection.</p>	<p>As discussed in the fact sheet of this draft permit, the State Water Board has relied heavily on previous State and Regional Water Board decisions concerning treatment efficacy for municipalities, published documents, stakeholder comments, and reasonableness. The draft permit allows three options for calculating the flow needed to be treated to meet the design standard. The three alternatives have been previously used and appear to have been accepted as a reasonable solution. The commenter objects to the alternative that allows for the treatment of the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inches/hr for each hour of a storm event. The commenter has provided three examples of where 0.2"/hour treatment system would treat far less than two times the 85th percentile 1-hour storm. The commenter did not cite the source of the calculations and State Water Board staff has not independently confirmed their accuracy. In the reports cited in the fact sheet for San Jose and Portland, 0.2"/hour appeared to be reasonably close</p>
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						to two times the 85th percentile 1-hour storm event. State Water Board staff intends to perform additional research in this matter and recommend modification to this alternative if necessary.
88	Steven Bond and Associates on behalf of the California Sportfishing Protection Alliance	Steven Bond	2	Sampling and Analysis	Add Electrical Conductivity as a required monitoring parameter. EC is the simplest and least costly parameter to measure. It can detect the presence of dissolved salts that would not otherwise be detected that may impair receiving waters.	Electrical Conductivity was removed due to complications with background levels of conductivity in water ways in California. State Water Board staff still believes it should not be added back as a sampling/analysis parameter.
89	Stormwater Management Services, LLC	Scott Ridder	1	Sampling and Analysis	Permittees should be allowed to voluntarily collect more than the minimum number of samples should they desire to increase accuracy.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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89	Stormwater Management Services, LLC	Scott Ridder	2	Sampling and Analysis	As with first comment #1, permittees should be allowed to voluntarily collect flow-weighted composite samples when accuracy is desired	No change necessary. Already allowed in Section XII.A.1.
89	Stormwater Management Services, LLC	Scott Ridder	3	Sampling and Analysis	In the interest of fairness and water quality, Total Copper should be added to the list of Additional Analytical Parameters for SIC 5093 in Table 4	All additional parameters in table 4 are from the MSGP. Regional Water Boards may revise additional requirements.
89	Stormwater Management Services, LLC	Scott Ridder	4	Training	Section IX Training Qualifications adds unnecessary complexity and cost and should be removed	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
90	StormwaterRx	Calvin Noling	1	Other	This is a matter of semantics but removing filler words such as "all", "appropriate", "approximately", "any" and "readily" would shorten and improve the collaborative intent of the permit without detracting from its usefulness and effectiveness.	The Water Board has tried to select the appropriate/relevant filler words that make sense for the associated requirement. In many cases there is no reason to have such filler words so they are not used. These words are used where they clarify the State Water Board's intent. For example, "all" has a different meaning than "most," and "may" has a different meaning than "shall."
90	StormwaterRx	Calvin Noling	2	Prohibitions\NSWDs	Section IV.B.3.c - we suggest the Board categorically allow NSWDs of the types defined but better define whether chlorinated water would be allowable under this section.	Chlorinated water is not included in the list of authorized non-storm water Dischargers since they could, depending on volume and receiving water, result in a water quality problem. Dischargers seeking to discharge chlorinated water should contact their MS4 and/or Regional Water Board.

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90	StormwaterRx	Calvin Noling	3	SWPPP\BMPs\Design Storm	<p>There are many ambiguous sections in the SWPPP, leaving more opportunities for citizen suit administrative-failure claims than any section of the permit. Site performance ultimately demonstrated via sampling\ERAs permittees dischargers should be using their time and financial resources to implement BMPs that will produce real and measurable results in storm water quality, rather than spending their time and financial resources chasing the documentation requirements of the SWPPP. Examples:</p> <ul style="list-style-type: none"> · “a list of significant materials handled and stored....locations where each material is stored, received, shipped, and handled....typical quantities and handling frequency. · describes each industrial process; including manufacturing, cleaning, maintenance, recycling, disposal, and any other activities... · areas protected by containment structures and the corresponding containment capacity... · all industrial activities that generate a significant amount of dust... · a description of materials that have spilled or leaked in significant 	<p>The initial SWPPP requirements are designed to insure Dischargers adequately determine where potential pollutant sources are located and to what extent these sources may generate pollutants in storm water discharges. The requirement that the Discharger narratively describe these tasks not only helps the Discharger in organizing and implementing the minimum BMPs, but helps the Water Boards in evaluating permit compliance.</p>
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					<p>quantities”...</p> <ul style="list-style-type: none"> · the source, quantity, frequency, and characteristics of the NSWDS... · effectiveness of existing BMPs to reduce or prevent pollutants.”, etc. 	
90	StormwaterRx	Calvin Noling	4	SWPPP\BMPs\Design Storm	Section X.A. We suggest the operating hours of the facility be included in the basic SWPPP information.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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90	StormwaterRx	Calvin Noling	5	SWPPP\BMPs\Design Storm	Section X.E.3.b. This section says “Include any structural control measures that affect industrial storm water discharges...” The sentence can be improved and made more consistent with later references in XII.D by adding the word “treatment” to this sentence – i.e. “Include any structural / treatment control measures that affect industrial storm water discharges.”	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
90	StormwaterRx	Calvin Noling	6	SWPPP\BMPs\Design Storm	Narrative on Minimum BMPs should be required in the Annual Report	The Annual Report will be streamlined to consist primarily of a compliance checklist. Narrative descriptions will only be required to explain compliance requirements that were not performed. Narrative descriptions of BMPs are more appropriately included in the SWPPP.
90	StormwaterRx	Calvin Noling	7	SWPPP\BMPs\Design Storm	Section X.H.7. Design Storm Standards for Treatment Control BMPs - Isopluvial maps for the 85th percentile are not readily available on the internet. The Board may want to add a reference indicating where these maps can be found.	Comment noted. There are likely areas of the state where engineers would need to download rainfall data and calculate the site-specific 85th percentile storm event.
90	StormwaterRx	Calvin Noling	8	SWPPP\BMPs\Design Storm	Section X.H.7. Design Storm Standards for Treatment Control BMPs - Add same requirement that “All hydrologic calculations shall be certified by a California licensed professional engineer in accordance with Professional Engineers Act.”	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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90	StormwaterRx	Calvin Noling	9	SWPPP\BMPs\Design Storm	<p>(1) Regarding paragraph 7.b.ii. we suggest the Water Board clarifies the sentence by making the following correction: “The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from local historical fifteen minute or hourly rainfall records, multiplied by a factor of two.” (2) Regarding paragraph 7.b.iii this is almost the same statement as described in 7.b.ii but in terms that are too vague to make any sense. The Water Board may consider removing this section from the draft permit language.</p>	<p>As discussed in the fact sheet of this draft permit, the State Water Board has relied heavily on previous State and Regional Water Board decisions concerning treatment efficacy for municipalities, published documents, stakeholder comments, and reasonableness. The draft permit allows three options for calculating the flow needed to be treated to meet the design standard. The three alternatives have been previously used and appear to have been accepted as a reasonable solution. The commenter objects to the alternative that allows for other types of mitigation measures other than treatment that achieves the same pollutant reduction as treatment of the 85th percentile hourly rainfall intensity multiplied by two. The commenter indicates that alternative is unclear. This alternative is intended to provide a performance-based design standard for dischargers who prefer to install alternative pollution mitigation BMPs using green technologies (such as vegetative buffers, permeable pavers, bio-retention) instead of traditional treatment control</p>
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						<p>BMPs. State Water Board staff agrees with the commenter that the requirement should be clear and consistent with the rest of the draft permit. State Water Board staff will determine whether additional clarification of this option is warranted.</p>
90	StormwaterRx	Calvin Noling	10	SWPPP\BMPs\Design Storm	<p>Section X.H.7. Design Storm Standards for Treatment Control BMPs -We suggest this paragraph be clarified such that in lieu of complying with the design storm standards for treatment control BMPs, the BAT/BCT Compliance Demonstration Technical Report must be submitted AND approved by the State.</p>	<p>This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.</p>

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90	StormwaterRx	Calvin Noling	11	Sampling and Analysis	There is no rationale as to why it is required to submit a justification in the Annual Monitoring Report as to why samples are greater than 16 weeks apart. Seems like a burden on the State and the Discharger with little water quality benefit.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
90	StormwaterRx	Calvin Noling	12	Sampling and Analysis	Section XI.B.5.b. Additional Parameters - We suggest the Board reiterate that selection of applicable additional parameters is not optional. For example: "Additional, applicable parameters ""must be"" selected by..."	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
90	StormwaterRx	Calvin Noling	13	Sampling and Analysis	Table 4. Additional Analytical Parameters: SIC 5093 Scrap and Waste Materials: The Board may want to differentiate between additional parameters typically generated by ferrous versus non-ferrous scrap metal recyclers. The State of Washington has produced some good sector specific stormwater quality data in the report entitled Evaluation of Washington's Industrial Stormwater General Permit, EnviroVision and Herrera Environmental Consultants, November 2006 that provides a basis for other parameters including copper.	All additional parameters in table 4 are from the MSGP. Regional Water Boards may revise additional requirements.
90	StormwaterRx	Calvin Noling	14	NALs\Effluent Limits	Section XII.A.1.b. Instantaneous Maximum NAL Exceedance. Instantaneous means one time, this definition is 2 or more, consider a rewording of this section.	Comment noted.

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90	StormwaterRx	Calvin Noling	15	ERA Level 2	Section XII.C.2 and XII.C.3.c.ii. It may be preferable for certain permittees to move to Structural/Treatment Controls during a Level 1 Status trigger and not have to wait till Level 2 for these actions to be available.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
90	StormwaterRx	Calvin Noling	16	ERA Level 2	Section XII.D. Level 2 Status – Structural/Treatment Control - Has no qualification as to what constitutes acceptable “treatment.” there needs to be consequences for the implementation of treatment that does not meet the specified goals in the ERA Level 2. This could lead to cost savings for companies not installing adequate structural\ treatment controls. We suggest the Board require supporting data from full scale applications of the proposed treatment as evidence the proposed treatment will meet NALs.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
90	StormwaterRx	Calvin Noling	17	Demonstrations	Section XII.E.2. We suggest the Board develop acceptance criteria for the Demonstration Technical Reports and allow facilities to return to Baseline Status only after the DTR is approved by the State.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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90	StormwaterRx	Calvin Noling	18	Cost	<p>We suggest the Board provide a baseline cost basis for what would constitute an acceptable cost for achieving BAT/BCT (possibly on a \$/pound.) The cost should be comparable to the cost to the public of remediating the same mass of pollutant from the environment once deposited by the permittee. The difference would be the cost on discharger vs. cost on the public. It has been our experience that actual implementation cost for technology is lower than that provided by estimates before construction (see attached documents: (1) to the comment letter for an example.</p>	<p>The State Water Board staff has considered this option. However, Individual pollutants have very different effects on toxicity in different environments and the cost to remove each pollutant varies dependent on treatment technology. To provide a baseline cost basis may be excessively prescriptive to many facilities. State Water Board staff recommends each facility doing a cost analysis based on their individual needs and characteristics.</p>
90	StormwaterRx	Calvin Noling	19	Demonstrations	<p>Section XII.E.4.b. We suggest the Board clarify that pollutants in aerial deposition are from background aerial deposition, not from aerial deposition from pollutant sources originating at the facility.</p>	<p>The draft permit language is clear; pollutants generated from on-site industrial activities do not count as background pollutants.</p>

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91	United States Environmental Protection Agency, Region IX	David Smith	1	TMDL	Does not support the delayed timeline for the implementation of TMDLs as stated in the Draft IGP. Recommends that the Board adopt an approach similar to that used for the 2012 draft general permit for small MS4s, in which applicable WLAs are identified and included as numeric effluent limits in the permit, along with any other applicable requirements.	To date, the relevant WLAs assigned to industrial storm water Dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. Accordingly, an analysis of each TMDL applicable to industrial storm water needs to be performed to determine if it is appropriate to translate the WLA into a numeric effluent limit, or if the effluent limit is to be expressed narratively using a BMP approach. Whether the effluent limit is to be numeric or narrative, the existing WLAs must be carefully analyzed, and in many cases translated, to determine the appropriate effluent limitations. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted,
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						with or without modification, by the State Water Board. Regional Water Boards may direct Dischargers to take any additional actions to comply with the TMDLs listed in Attachment E before the State Water Board reopens this permit and includes TMDL-specific permit requirements. This regulatory approach is substantially similar to the approach adopted by US EPA in the 2008 Multi Sector General Permit.
91	United States Environmental Protection Agency, Region IX	David Smith	2	NALs\Effluent Limits	On May 16, 2012 (77 FR 29168), EPA promulgated final effluent limitations guidelines (ELGs) for airport deicing operations (40 CFR Part 449). These ELGs need to be incorporated into the State's final general permit. The latest draft permit in Attachment E includes the August 2009 proposed ELGs, which need to be replaced by the final ELGs of May	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					2012.	
91	United States Environmental Protection Agency, Region IX	David Smith	3	Applicability\Coverage\Implementation	we recommend Section B of the Findings for the 2012 industrial permit clarify that to the extent construction at an oil and gas site needs permit coverage, the discharger would need to seek coverage under the construction general permit. The 2005 Energy Policy Act amended section 502 of the CWA to include construction as a routine activity at these oil and gas facilities needing permit coverage only in accordance with Clean Water Act (CWA) section 402(1)(2).	The State Water Board's NPDES General Permit for storm water discharges associated with construction and land disturbance activities (Construction General Permit) clearly indicates that it applies to, "Discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities." (Construction General Permit, at finding 22.) These discharges subject to coverage under the Construction General Permit are not required to obtain coverage under this draft permit.
91	United States Environmental Protection Agency, Region IX	David Smith	4	Other	Section XI.E.Lb — it appears category 491 should be category 419.	This provision in the draft permit has been substantially revised in this draft permit to address the comment.

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91	United States Environmental Protection Agency, Region IX	David Smith	5	Sampling and Analysis	Section XII.A.1.a — this section includes a footnote that refers to an undated EPA guidance manual for monitoring and reporting which we presume is the 1999 version which is referred to on page 10 of the fact sheet. We suggest you refer to the more recent 2009 version of this guide available at http://cfpub.epa.gov/npdes/stormwater/msgp.cfm .	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
91	United States Environmental Protection Agency, Region IX	David Smith	6	Demonstrations	Section XII.E.3.b — it appears the Board intended to require all the listed elements of the Demonstration Technical Report. As such, the “and” at the end of section XII.E.3.b should be placed at the end of section XII.E.3.g.	The intent of the previous draft permit's requirements and the draft permit's requirements is to allow Dischargers to select the appropriate demonstration report(s) applicable to the exceedance(s). Some pollutants may be attributable to natural background, some may be from non-industrial pollutant sources, and others may be generated on-site.
91	United States Environmental Protection Agency, Region IX	David Smith	7	Other	fact sheet - Section II.K.4 — page 48 refers to 40 CFR 122.22 in relation to BATIBCT requirements; 40 CFR. 122.22 addresses signatory requirements and the Board may have intended a different citation.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
91	United States Environmental Protection Agency, Region IX	David Smith	8	Other	fact sheet LID Section H.K.5 — we recommend the fact sheet mention low impact development (LID) options for additional controls such as rainwater harvesting, bioretention, green roofs and permeable pavement in addition to the treatment BMPs. LID controls would be	Generally, the fact sheet explains the permit requirements. Although the Water Boards agree that Dischargers should consider LID options, the draft permit contains no specific requirements for Dischargers to do so.

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					particularly effective in reducing pollutant loadings and in achieving compliance with the NALs.	
91	United States Environmental Protection Agency, Region IX	David Smith	9	No Discharge\NON A	Finding 22— this Finding notes that information concerning a Notice of Non-Applicability (NONA) and NONA Technical Report is available on the SMARTS website with a login. This information should be made more publically available than a search in SMARTs.	The Water Board believes it is sufficient to have all documents related to the program available on its website.
92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz)	Julie Hampel	1	NALs\Effluent Limits	The University of California supports the development of properly derived and statistically valid Numeric Action Levels (NALs), specific for industry sectors listed by this Permit.	Comment noted.
92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara,	Julie Hampel	2	NALs\Effluent Limits	Prudently define ‘benchmarks’ or ‘action levels’ completely and conservatively to separate Numeric Action Levels (non-enforceable), NALs, from Numeric Effluent Limits (enforceable).	NALs are defined in the draft permit, and will not act as NELs.

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	Santa Cruz)					
92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz)	Julie Hampel	3	Training	The QISP effective date should be delayed until the QISP training is developed and implemented (i.e., 2 years).	This provision in the previous draft permit has been substantially revised and, as a result, the comment is not applicable to this draft permit.
92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz)	Julie Hampel	4	Training	Simplify this training and make a single Qualified Storm Water Professional training that is applicable for: Construction, Municipal and Industrial storm water programs.	The Construction, Municipal and Industrial permits all have different requirements. Accordingly, State Water Board staff believes it would not be appropriate to have only one type of training.

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92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz)	Julie Hampel	5	Sampling and Analysis	Rolling samples from one quarter to the next if there isn't a qualifying storm event should be an option, not a requirement. Additional samples is always an option. The minimum number of storms in the current permit is 2. Maintain this level of performance. As currently written, all four sampling events could occur in the same quarter.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz)	Julie Hampel	6	SWPPP\BMPs\Design Storm	For outfalls where there is a BMP to treat or detain using LID, this discharge point should not have to be re-evaluated during the quarter if it is not discharging during a storm event that is monitored. Give credit for installing LID.	Although the Water Boards encourage compliance using LID and green technologies, defining what they are and to what degree they must be installed to qualify for an "incentive" would require a comprehensive and time-consuming effort involving stakeholders and industry experts. Implementation of these technologies is not hampered by this draft permit, and the State Water Board does not wish to delay the adoption of this permit.
92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara,	Julie Hampel	7	Visual Observations\Inspections	Pre-storm inspections should be replaced with monthly inspections. Monthly inspections could encompass the elements in both the quarterly non-storm water inspections and the predicted storm event inspections.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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	Santa Cruz)					
92	University of California (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz)	Julie Hampel	8	Demonstrations	Provide a decision tree to streamline the possible reports needed to demonstrate BAT/BCT, Source, or Background. Include a process for Regional Water Quality Control Board approval prior to implementing a report option and/or a treatment BMP.	The burden placed on the Regional Water Board staff to require them to review each ERA report and/or technical report would be infeasible due to small number of available staff to review such reports. The decision was made to minimize the number of requirements we place on the Regional Water Boards with mandatory review of reports and other reporting requirements. Dischargers are encouraged to discuss such installations with their Regional Water Boards if necessary. Figure 3 of the fact sheet provides a summarized compliance flowchart and the permit provisions have been modified to provide more clarity.
93	USACE	John Esparza	1	Applicability\Coverage\Implementation	Please address situations where a facility may have one owner with many different operators onsite and who is ultimately responsible for industrial permit compliance.	Each tenant who is subject to the permit is independently required to file an NOI and obtain permit coverage. The property owner is not required to be permitted unless the property owner also operates a business subject to

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						the permit. The individual NOI would only be for the portion of the facility the property owner operated.
93	USACE	John Esparza	2	Applicability\Coverage\Implementation	The list of authorized NSWDS should match the list of authorized NSWDS found in the federal permit	The list of authorized NSWDS is very close to the same as the MSGP with the exception of outdoor washwaters with or without detergent. The State Water Board believes that washwaters can include significant pollutants and must not be allowed to discharge into the storm drain system.
94	Ventura Countywide Stormwater Quality Management Program	Gerhardt Hubner	1	NEC	The Program requests the State Water Board use a portion of these new revenues to undertake a proactive campaign to inform and educate light industry dischargers of the new IGP and its requirements. This will help the burden not be placed at the municipal level.	The State Water Board will contact industry associations and make other efforts to inform industrial facilities about the NEC requirements.

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94	Ventura Countywide Stormwater Quality Management Program	Gerhardt Hubner	2	TMDL	<p>("suggested language") - The Program requests the State Water Board recognize BMP based compliance in the IGP findings and recommends the addition of the following language into or following Finding No. 39:</p> <p>""Compliance may include, but is not limited to, implementation of BMPs and control measures contained in TMDL implementation plans sufficient to achieve the WLA, or a demonstration that the numeric WLA has been achieved.""</p>	<p>Discharges addressed by this draft permit are considered to be point source discharges, and therefore must comply with effluent limitations that are "consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by US EPA pursuant to 40 Code of Federal Regulations section 130.7. (40 C.F.R. § 122.44 (d)(1)(vii).) The State Water Board recognizes that it is appropriate to develop TMDL-specific permit requirements derived from the WLAs of TMDLs. At present, the relevant WLAs assigned to industrial storm water dischargers are not directly translatable to effluent limitations. Many of the TMDLs lack sufficient facility specific information, discharge characterization data, implementation requirements, and compliance monitoring requirements. Accordingly, an analysis of each TMDL applicable to industrial storm water needs to be performed to determine if it is appropriate to translate the WLA into a numeric effluent limit, or if the effluent limit is to be</p>
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						<p>expressed narratively using a BMP approach. Regional Water Board staff, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment E of this draft permit by July 1, 2015. The proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board.</p>
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94	Ventura Countywide Stormwater Quality Management Program	Gerhardt Hubner	3	TMDL	<p>TMDLs are listed below that are missing from Attachment D (need to be added). These TMDLs, issued for waterbodies within Ventura County, have WLAs and implementation requirements that identify the IGP as the regulatory implementation mechanism:</p> <ul style="list-style-type: none"> • Santa Clara River Estuary and Reaches 3, 5, 6, and 7 - Indicator Bacteria • Ventura River Algae, Eutrophic Conditions and Nutrients (currently under development) • Calleguas Creek and Mugu Lagoon - Metals and Selenium • Calleguas Creek- Boron, Chloride, Sulfate and TDS (salts) • Santa Monica Bay Nearshore and Offshore Debris TMDL (SMB Marine Debris TMDL) 	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
95	Water Employee Services Authority Elsinore Valley Municipal Water District	Shane Sibbett	1	Sampling and Analysis	Order Section 1.M pg 10 Sampling and Analysis Reduction. The permit does not explain in very good detail how this works. If my facility wanted a reduction: how much can I reduce, and how long do I need to be below the NALs? Is the time supposed to be subjective to the regional	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					water board?	
96	Western Placer Waste Management Authority	Bill Zimmerman	1	Sampling and Analysis	the IGP indicates that visual observations\sampling must be conducted during "scheduled facility operating hours" and within the first four (4) hours of the start of facility operations. The Authority is staffed 24 hours a day for maintenance but is only staffed for storm water compliance monitoring during a typical 40 hour work week. Please add a footnote reflecting that Facility Operations' is intended to include the time periods when the facility is staffed to conduct functions related to industrial activities, but exclude time periods where only maintenance, emergency response, security and/or janitorial services are performed.	The glossary (attachment C) provides a definition of scheduled facility operating hours that is consistent with the comment.
96	Western Placer Waste Management Authority	Bill Zimmerman	2	Sampling and Analysis	(""suggested language"") Definition QSE: For clarity, please revise Provision B.2. to state, "A Qualifying Storm Event (QSE) is ""a storm event that: a. Causes a discharge from the facility; b. Produces"" a minimum 1/10 inch of rainfall within the preceding 24 hour period as measured by an onsite rainfall measurement device; and ""c. Was preceded"" by 72 hours of dry weather. Dry weather shall be defined as 72 hours of combined rainfall of less than 1/10	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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					inch as measured by an on-site rainfall measurement device."	
96	Western Placer Waste Management Authority	Bill Zimmerman	3	Applicability\Coverage\Implementation	("suggested language") The Authority recognizes that the SIC 5093's title is listed verbatim as "Scrap and Waste Materials" but it is unclear if that code description includes solid waste recycling facilities. Please change the SIC Code Description for SIC Code 5093 to read "Scrap and Waste Materials "(inc/. Solid Waste Recycling)."	The only SIC code that is applicable to scrap and waste materials is SIC code 5093. No change needed.
96	Western Placer Waste Management Authority	Bill Zimmerman	4	Sampling and Analysis	Facilities that have federal ELGs are disqualified from requesting a SLR. Uncombined sample locations may assist a discharger in determining the source of a specific pollutant. However, the SLR could provide some cost savings for compliance. If exceedances are detected at the combined sample location, the discharger can still study the problem and sample the two or more separate areas to determine the source. Please delete Paragraph 3 of Section XI.E.3.	The State Water Board has no authority to alter federal ELG requirements.

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96	Western Placer Waste Management Authority	Bill Zimmerman	5	NEC	<p>Partial NEC ("suggested language") NEC Coverage is available on a facility wide basis only, not for individual outfalls. Please revise Paragraph E of Section XIX on page 65 to read: "The Regional Water Boards may approve requests from a Discharger to include co-located, but discontinuous, industrial activities within the same site location under a single NOI of NEC coverage, "or allow a Discharger through means of a properly implemented SWPPP to separate a single facility into reasonably sized, distinct areas for NOI and NEC coverage."</p>	<p>Only facility-wide coverage is allowed. The draft permit is clear that portions of the facility that have no-exposure are not required to be monitored.</p>
96	Western Placer Waste Management Authority	Bill Zimmerman	6	Other	<p>("suggested language"). Clarify the definition of Plastic Facilities. Please clarify Section XVIII.A by adding the following sentence after the third existing sentence: "Bulk plastic storage and sorting facilities such as refuse transfer stations and materials recovery facilities which contain whole or nearly whole plastic containers/products are not considered Plastics Facilities." "</p>	<p>Bulk plastic storage and sorting facilities such as refuse transfer stations and materials recovery facilities which contain whole or nearly whole plastic containers/products are not considered Plastics Facilities as defined in Section XVIII unless they grind plastic materials.</p>

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96	Western Placer Waste Management Authority	Bill Zimmerman	7	Demonstrations	<p>("suggested language") Natural Background Demonstration Technical Report. The Authority requests that the Water Board clarify if a discharger would still be subject to sampling, analysis and reporting for that naturally occurring pollutant subsequent to submittal of such report.</p> <p>Please revise Section K, Paragraph 4, subparagraph c of the Fact Sheet to read, "A Discharger who submits and certifies a Natural Background Pollutant Demonstration Technical Report and meets the conditions in Section XII.E.5 of this General Permit is "not required to stay below the NAL or the background concentration for" the identified parameters(s) in the drainage area(s) in the Demonstration Technical Report. "Instead, the Discharger shall be given a NAL equal to the sum of the maximum average background value listed in the Demonstration Technical Report plus the NAL from this Order"</p> <p>Please also revise the last sentence of paragraph E, Section XI to read, "If a Natural Background Demonstration Technical Report is submitted, the Discharger is not responsible for ERA for the identified parameter(s) in the drainage area(s) in the Demonstration</p>	This provision in the draft permit has been substantially revised in this draft permit to address the comment.
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					<p>Technical Report ""unless the Discharger exceeds a contaminant concentration greater than the sum of the maximum average background concentration and the NAL listed in this Order.""</p>	
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96	Western Placer Waste Management Authority	Bill Zimmerman	8	Attachments	<p>("suggested language") Please clarify Table 1 of Attachment E by revising the "Regulated Discharge" description for the landfill point source category to "Runoff of "Contaminated Stormwater" from hazardous waste and non-hazardous waste landfills." The Authority believes this clarification will help acknowledge that landfill runoff containing solely non-contaminated storm water from covered areas of landfills represent a minimal threat to water quality and are not subject to ELGs. Types of Runoff Subject to Effluent Limitation Guidelines (ELGs) for Landfills - Attachment E of the draft IGP indicates that runoff from landfills is subject to ELGs per 40 C.F.R Part 445. The Authority disagrees that landfills, generally as entire facilities, are subject to ELGs per 40 C.F.R. 445 because of the following references: Part 445.1(a), Part 445.2(b), Part 445.2(f), and Part 445.2(g) (citation text in comment).</p>	Only the discharges described in 40 C.F.R. 445 are subject to ELGs.
97	Western States Petroleum Association	Kevin Buchan	1	NALs\Effluent Limits	<p>It is crucial that NALs be defined carefully in NPDES permits for industrial facilities, and that they not be treated as NELs in those permits. WSPA also supports CASQA's comment that industry-specific NALs should be developed as adequate California industry-specific data are collected.</p>	NALs are defined in the draft permit and will not act as NELs.

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97	Western States Petroleum Association	Kevin Buchan	2	NALs\Effluent Limits	We support the CASQA's comment that: The Industrial General Permit should explicitly limit data used in assessing NAL exceedances to data collected from storm events that do not exceed the Design Storm event specified in the permit (i.e., the 85th percentile storm, or the initial portion (up to and equal to the volume of the 85th percentile storm) of larger storms).	Comment noted.
97	Western States Petroleum Association	Kevin Buchan	3	TMDL	CASQA notes that, in general, it has not yet been made clear how TMDLs will apply to industrial storm water dischargers in California. In light of this uncertainty, CASQA comments that section V.C of the Draft Permit, as currently written, may subject industrial dischargers to unwarranted TMDL enforcement actions (either administrative or third-party) since it requires immediate compliance with TMDLs. WSPA agrees with CASQA that this language in the Draft Permit should be changed to account for the fact that TMDLs should not be applied to industrial storm water dischargers until such application is clarified in the TMDLs themselves.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
97	Western States Petroleum Association	Kevin Buchan	4	ERA Level 1	WSPA agrees with CASQA's comment that the process of ERAs currently envisioned in the Draft Permit is overly complicated and should be simplified to resemble EPA's MSGP process.	Comment noted.

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97	Western States Petroleum Association	Kevin Buchan	5	Demonstrations	WSPA concurs with CASQA's comment that the ERA process should be modified such that industrial dischargers can receive approval of such DTRs before implementing costly structural treatment control BMPs.	The burden placed on the Regional Water Board staff to require them to review each ERA report and/or technical report would be infeasible due to small number of available staff to review such reports. The decision was made to minimize the number of requirements we place on the Regional Water Boards with mandatory review of reports and other reporting requirements. Dischargers are encouraged to discuss such installations with their Regional Water Boards if necessary.
97	Western States Petroleum Association	Kevin Buchan	6	SWPPP\BMPs\Design Storm	WSPA concurs with CASQA's concern that electronic submission of required regulatory documentation via the SMARTS system—in particular, electronic filing of SWPPPs—could inadvertently lead to the dissemination of confidential and proprietary information associated with the industrial discharger's facility.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment. The upload of the SWPPP as part of PRDs is an essential element of electronic reporting. The electronic reporting gives the Water Boards and the public access to the Dischargers primary compliance document.
97	Western States Petroleum Association	Kevin Buchan	7	Training	The Draft Permit should be changed to extend the deadline for QISP implementation to July 2015.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable to the draft permit.

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97	Western States Petroleum Association	Kevin Buchan	8	Cost	WSPA is concerned that the proposed Draft Permit will impose unwarranted, burdensome costs on industrial businesses in California subject to the regulation. Specifically, CASQA estimates that each individual business could be subject to initial NEC filing costs ranging from \$2,042 to \$4,442, which seem too high.	This provision in the previous draft permit has been substantially revised in this draft permit and, as a result, the comment is not applicable.
97	Western States Petroleum Association	Kevin Buchan	9	NALS\Effluent Limits	The NALs proposed in the Draft Permit are inadequate for several reasons. First, there is no evidence that the Annual NALs can be met with current BMP technology. Neither USEPA nor the SWRCB have assessed whether or not available treatment and control technologies are capable of meeting these limits.	The annual NALs in this draft permit are the same as the US EPA benchmarks. US EPA benchmarks are consistently used nationally (with only some exceptions) as an appropriate indicator of whether a facility's storm water pollution prevention measures are being successfully implemented.
97	Western States Petroleum Association	Kevin Buchan	10		The technical basis for the instantaneous maximum NALs (IMNALs) for TSS and Oil & Grease seems clear (i.e., 7-8% of samples exceed these values) and reasonably defensible, the basis of the IMNAL for pH is not. WSPA believes that evidence showing that external sources (e.g., run-on from adjacent facilities or land uses, atmospheric deposition) are responsible for an exceedance of NALs should be allowed at any compliance level, including Level 1, and prior to the implementation of additional control measures that would not be warranted in the absence of external sources of pollutants.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.

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97	Western States Petroleum Association	Kevin Buchan	11	NALs\Effluent Limits	WSPA believes that evidence showing that external sources (e.g., run-on from adjacent facilities or land uses, atmospheric deposition) are responsible for an exceedance of NALs should be allowed at any compliance level, including Level 1, and prior to the implementation of additional control measures that would not be warranted in the absence of external sources of pollutants.	This provision in the previous draft permit has been substantially revised in this draft permit to address the comment.
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