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## NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Dear Ms. Townsend:

These comments are offered on behalf of the 3M Company. 3M is a global company operating in 60 countries. We have a large presence in California with twelve facilities with the potential to increase the number of facilities through acquisitions. We recognize the importance of protecting our waters but also need a regulatory structure that can be complied with and that achieves the objective of protecting our waters in an efficient yet cost achievable manner. In the U.S. we operate in over 30 states and each facility within those states has some type of Industrial Stormwater permit or No Exposure Certification. We are very familiar with these various but similar stormwater regulations across the country.

We understand many of the changes that have been made to the draft permit seem to align more closely with other state and EPA regulations; however, many issues remain that need to be clarified and addressed.

Regards,  
Carie Mathison

### PERMIT COMMENTS

#### No Exposure Certification

##### A. Fees

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. There are already other requirements within the NEC that account for facility changes, notably B.2.b.

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##### B.2.b – Changes at facility requiring an NOI

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? If no waiver allowed, there would be no time given to develop and implement a SWPPP.

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##### B.2.c - Contamination resulting from historic industrial storm water discharges at the facility

'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

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still on site would be considered exposed; however, contamination removed through remediation activities should not be included. This should be clearly stated.

#### B.4.d. Adequately maintained vehicles.

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The NEC 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’.

#### B.4.D. - D. NEC CHECKLIST

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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?

### General Permit Conditions

#### Implementation Timeline and Actions

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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 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.

#### NAL Applicability First Year

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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.

#### II.H. Training

3M agrees that the training of personnel responsible for managing stormwater is a very important aspect of compliance with the industrial permit; however, we feel this needs to be greatly simplified and not have training through a mandated state qualified organization. According to information provided during the state sponsored Webex on

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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?

EPA and most other states require that a qualified person perform various stormwater related activities. The definition of a qualified person is someone responsible for implementing activities necessary to meet the conditions of this permit. 3M feels the time and costs associated with the training requirements are not reflected accurately in the ‘Analysis of Compliance Costs for the IGP 72012’. With staff changes over a period of 5 years and assigning back-up roles and responsibilities, these would not be considered one-time fees.

Other consideration should be on-line training. This would reduce travel costs.

#### Inspections

##### Table 2 NSWDs Visual Observations

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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. Major changes don't occur at industrial facilities do not

#### Table 2 QSEs – No Discharge

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Please provide the reasoning for requiring the recordkeeping requirements of QSEs that occurred that did not produce a discharge from any drainage area. This requirement along with the pre-storm visual observation requirement adds an enormous time burden on a facility.

#### J.2.c Pre-Storm Visual Observations

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Please provide the reasoning for requiring pre-storm visual observations. As stated in the permit, this requirement is similar to that required in the Construction General Permit. Industrial sites are not like a construction sites; construction sites are constantly changing. This requirement along with the no discharge requirement adds an enormous time burden on a facility not only conducting the inspections but determining the probability of an anticipated storm event.