Municipal Services

Department of Waste Management & Recycling
Paul Philleo, Director

County of Sacramento

Bradley J. Hudson, County Executive
Robert B. Leonard, Chief Deputy County Executive

#80

October 18, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

SUBJECT: Comments on National Pollutant Discharge Elimination System (NPDES) Draft Industrial General Permit for Storm Water Discharges, Order No. CAS000001

Thank you for this opportunity. Sacramento County Department of Waste Management and Recycling (DWMR) is responsible for 3 landfills and two transfer stations, including the Kiefer Landfill and North Area Transfer Station facilities, that will be subject to the General Permit. Our comments are as follows:

1 Section XI.A.2.a

"Dischargers shall ensure that a visual observation is conducted of industrial storm water discharges from the first Qualifying Storm Event (QSE) as defined in Section XI.B.2 of each month that produces a discharge from one or more discharge locations. Visual observations shall be conducted during scheduled facility operating hours and within the first four (4) hours of:

i. The start of discharge; or

ii. The start of facility operations if the QSE occurs within the previous 12 hour period (storms that begin the previous night)."

Comments:

Question regarding facilities that do not operate: Are they exempt? If not, this section should be rewritten to include specification of reasonable observation time periods for nonoperating facilities. DWMR has two closed landfills and one partially closed transfer station that will be subject to the General Permit. DWMR suggests 9AM – 3PM for the observation hours for nonoperating facilities, to allow for observer transportation time from main office to nonoperating facility within regular workday.

9850 Goethe Road • Sacramento, California 95827 • phone (916) 875-6789 • fax (916) 875-6767

www.saccounty.net • www.sacgreenteam.com

2 Section XI.A.2.b

"Dischargers shall ensure that visual observations of discharge from contained storm water are conducted at the time of discharge. If the discharge is not likely to occur during scheduled facility operating hours (based upon rainfall forecasts and containment freeboard), the visual observations of the contained storm water shall be conducted prior to discharge. "

Comments:

The rainfall forecasts on designated NOAA website do not include forecasted rainfall amounts. DWMR needs guidance on how to calculate the likelihood of discharge. DWMR suggests using ½ inch rainfall storm size as specified in the Construction General Permit (NPDES No. CAS000002), or some other typical storm size as a standard. The QISP is not qualified to estimate rainfall amounts, nor is the QISP necessarily qualified to perform engineering calculations such as runoff versus rainfall. If a standard storm size is specified in the General Permit, an engineer could, prior to each rainy season, calculate the freeboard warning level below which pre-discharge visual observations may be required (freeboard = vertical distance from water surface to spillway). This would reduce workload and uncertainty. DWMR does not have engineers on duty on weekends when our major facilities are open, and therefore DWMR would require additional staffing or extensive QISP re-education to meet the requirements of this section as written.

3 Section XI.A.2.d

"Prior to an anticipated precipitation event, visual observations of all storm water drainage and containment areas shall be conducted to identify any spills, leaks, or improperly controlled pollutant sources, and appropriate BMPs must be implemented prior to rainfall. The visual observations are required during scheduled facility operating hours and are not required more than once within in any 14 day period. An anticipated precipitation event is any weather pattern that is forecasted by the National Weather Service Forecast Office to have a 50% or greater probability of producing precipitation in the facility's weather zone. Dischargers shall ensure that a QISP reviews precipitation forecast information from the National Weather Service Forecast Office (e.g., by entering the zip code of the project's location at http://www.srh.noaa.gov/forecast)."

Comments:

The frequency with which the QISP must review precipitation forecasts must be specified. The requirements for visual observations and BMPs should make allowances for changes in forecasts that do not permit reasonable time for such observations and BMPs to be scheduled. The Construction General Permit (NPDES No. CAS000002) requires that an action plan which includes BMPs be established 48 hours in advance of a forecasted storm, which implies that changes in forecast from dry to wet within 48 hours of the forecasted storm event do not require BMPs.

This Permit should, as a minimum, make a similar distinction. If no allowance is made for reasonable limitations on Discharger obligations under this section, the provisions of this section may be rendered unenforceable.

4 The workload and uncertainty for the QISP would be greatly reduced if this section were simplified to simply require 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. During a typical California wet season, rainfall events occur much more frequently than once in 14 days. During persistent dry weather lasting longer than 14 days, dischargers could be released from the two week inspection interval requirement until a storm is forecasted more than 48 hours in advance.

5 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).

7 Section XI.B.2

Reference to on-site rainfall measurement device in determining Qualifying Storm Event.

Comments:

Many rainfall gauges exist in the vicinity of our facilities. Some facilities are nonoperating and vandalism is an issue. 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. The Construction General Permit (NPDES No. CAS000002) allows for the use of information from a "nearby governmental rain gauge" in certain instances, so there is precedent here.

8 Sections XI.B.1, XII.A, and Table 3

Specification of one sample per quarter, methodology for determination of NAL exceedances, and table of NALs.

Comments:

The Instantaneous NAL, as defined, will not be relevant at the one sample per quarter frequency under most scenarios. A facility with a single discharge location will typically have only two samples per year, since two quarters will be dry. The conditions specified in Section XII.A for

an exceedance of the Instantaneous NAL is two detections above the NAL in one year. To determine compliance with the Annual NAL, 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. For example, TSS (Total Suspended Solids), the most important parameter in terms of difficulty of compliance, has an Annual NAL of 100 mg/l and an Instantaneous NAL of 400 mg/l, according to Table 3 of the draft General Permit. A single detection of 400 mg/l will result in an automatic exceedance of the Annual NAL for TSS. DWMR suggests increasing the Annual NAL to a much higher level, or specifying in the General Permit that:

i. The Discharger may take as many samples as the Discharger deems necessary to demonstrate compliance with the Annual NAL, and

ii. 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 Annual NAL.

We trust that you find these comments constructive in light of the State Water Board's stated goals of making the General Permit more uniform in its application and objective in enforcement.

Sincerely,

Mike Koza

Mike Koza, PE
Associate Civil Engineer