THE CITY OF SAN DIEGO

#27

October 19, 2012

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State Water Resources Control Board
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Email: commentletters@waterboards.ca.gov

SUBJECT: Comment Letter –Industrial General Permit

Thank you for the opportunity to submit comments regarding the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges associated with Industrial Activities (2012 draft IGP) dated July 16, 2012. The City of San Diego's Public Utilities Department/Wastewater Branch supports the continuation of improving storm water quality and additional prevention measures that are practical, cost-effective and have scientific or engineering data documenting their effectiveness.

The City operates and maintains the San Diego sewerage system by providing an essential public service of conveyance, treatment, reclamation and disposal of wastewater to 2.4 million residents within the City and fifteen municipalities over a 450 square mile area. Eight (8) facilities within the Department are currently covered by the industrial general permit.

Please consider the following comments and questions:

1. **NELs:** We support the removal of NELs at this time as there is no evidence of the relationship between the BMPs implemented at the sampling results.

2. **Acronym table** – please include a list of acronyms used in the Order

3. **Exceedance Response Actions (ERA) –** The requirement to evaluate BAT/BCT after the exceedance of any one constituent is reasonable. 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. Due to this deficiency, we suggest

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revisiting the trigger; the jump to Level 1 should be the average value of a specific number of sampling events such as four or six data sets.

4. **ERA – Level 2:** It's extremely 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 which averages < 10 in/year in San Diego. The trigger needs to be revisited; the jump to Level 2 should be the average value of a specific number of sample events such as six or eight since background data is imprecise.

Furthermore, the language states the second time an NAL exceedance occurring for the same constituent during a "subsequent reporting year" the facility triggers Leve[5] Does "subsequent year" refer to only one reporting year immediately following? Is it limited to one year following the first exceedance?

[6] **ERA – Background sources and Baseline limits** – How do we determine the baseline values and background levels for the required monitoring? Determining these levels from "natural background sources" is indistinct and could impact the discharger's ability to create an effective and acceptable ERA Demonstration Technical Report. The definition should be clarified such as "the average of four sample sets" or other unambiguous definition.

[7] **ERA and Corrective Action** – 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?

7. **Annual report:** We disagree a further time extension for report submittal is not appropriate as stated by State Water Board staff. We are a discharger with numerous sites, several other reporting requirements at the exact same time of year and limited staffi[8] 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 (which can be, and often is, problematic) and takes more time than submitting electronic files to the Regional Board.

8. **Qualifying storm event (QS[9]).** 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 it's both "measurable and produces collectable run off." I[10]o needs to include the event must be during daylight hours and normal operating hours.

11. **QSE:** 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.

12. **Anticipated storm event -** 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 24/7 for storm events? Please provide additional clarity.

13. **QISP 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?

14. **QISP I:** We operate unmanned facilities. The Fact Sheet states the QSP1 must work at the facility; although, that statement does not seem consistent with the Order. Is it a requirement for the QISP I to stationed "at the facility."

15. **SWPPP requirements:** 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.

16. **Quarterly sampling:** Quarterly sampling requirements are impractical for southern California. Our facilities are located in metropolitan San Diego with an average rainfall of < 9.9 inches/year resulting in a limited opportunity to sample runoff. More than 80% of the region's rainfall occurs between December and March. It's highly unlikely we can comply with sampling one QSE each quarter.

It's important to note normal operating hours for our facilities are 6 a.m. to 3 p.m. Monday thru Friday equating to 45 hours per week that staff is available to sample run off. As a result, a QSE that has sufficient runoff to obtain samples is limited to **27% of the time** during any quarter.

Potentially, we will never achieve the appropriate number of samples because our "subsequent quarters" will not likely produce any run-off to fulfill the sampling requirement.

17 We realize we have the opportunity to report "no QSE event" on the annual report. Although, on 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.

Additionally, page 41 of the Fact Sheet lists exemptions for sample collection and the lack of a QSE is not listed as an exemption. As written, it appears that we would be in violation if we didn't have QSEs each quarter, occurring Monday thru Friday during normal operating hours. Realistically, we cannot comply with the Order, as written. Sampling requirements should be any two QSEs per year.

18. **Quarterly Sampling and Sample Frequency Reduction**: We are potentially penalized for the minimal rainfall in San Diego regarding our ability to reduce sampling. To reduce sampling to the first qualifying storm after October 1, 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 because San Diego receives 80% of its < 10 inches between December and March.

19 **pH testing:** 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. Furthermore, the industrial sites are miles from the certified laboratory so the sample holding time will exceed 15 minutes. We suggest the addition of pH strips as an acceptable methodology because they are accurate within the required range of 6-9. For example, Fisher Scientific sells Micro Essential Hydrion pH Test Paper that is accurate for pH range 6-9.5 [Catalog 14-850-10M].

17. **Visual Observations:** The number of visual observations is excessive. Our facilities provide an essential public service of conveying, treating and disposing of wastewater and its by-products so the primary roles are to treat wastewater. 20 Due to limited staffing at all facilities the required observations may be infeasible and should be reduced.

18. **Visual Observations:** The Order requires visual observations within the first four hours of the start of a discharge or at the start of facility operations. It also assumes the storm water is contained which is inaccurate for the majority of our facilities. It's impractical to 21 require staff to mobilize and monitor for a possible discharge when they are physically not at the facility. The intent of this requirement needs to be re-visited and the language needs to be revised.

19. **Visual Observations – No Discha**22**:** What is the purpose of recording a QSE that doesn't produce a discharge? A QSE that doesn't produce a discharge contradicts with the requirement to sample discharge from a QSE.

23 **Visual Observations – Pre-Storm Visual Observations**: this requirement is excessive and impractical for a QISP to be responsible to review precipitation forecasts on an on-going basis. The QSIP assignment is an auxiliary duty of site staff that provides an essential public service of treating and disposing wastewater.

24 **Effective date/adoption date:** State Water Board staff's 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. It this date correct?

Thank you for your consideration of these comments and pending replies to questions. Please contact me at (619) 758-2371 or swallmann@sandiego.gov if you need clarification regarding the content of this letter.

Sincerely,

Skyla Wallmann
Senior Chemist