



WESTERN PLACER
WASTE MANAGEMENT AUTHORITY

Public Comment
Industrial General Permit
Deadline: 10/22/12 by 12 noon

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October 22, 2012

Via email: commentletters@waterboards.ca.gov

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



RE: DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR THE DISCHARGE OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Dear Ms. Townsend:

Western Placer Waste Management Authority (Authority) staff has reviewed the California State Water Resources Control Board's (Water Board) 2012 Draft Industrial General Permit (IGP) released for public comment in July 18, 2012. The draft IGP, which is intended to supersede Order No. 97-03-DWQ, would severely impact the Authority's operations.

The Authority is a regional agency comprised of the County of Placer and the cities of Lincoln, Rocklin and Roseville. The Authority provides recycling and waste disposal services to these communities as well as the cities of Auburn and Colfax, and Town of Loomis. The Authority owns and operates a Materials Recovery Facility (MRF) designed to separate, process and market recyclable materials removed from the municipal solid waste stream. The residual waste is disposed in the adjacent Western Regional Sanitary Landfill (WRSL), also owned and operated by the Authority.

The Authority would be significantly and negatively impacted by the draft IGP requirements as currently drafted. Our understanding of the draft IGP is that it would regulate the Authority's entire facility as an industrial facility and apply very conservative requirements. The Authority's facility is a unique industrial facility in terms of its potential for impacts to storm water: only approximately 20% of the facility area has the potential to produce Contaminated Storm Water as defined in Title 40 of the Code of Federal Regulations (C.F.R.) Part 445.2 (b). The remainder of the Authority's approximately 320 acres is comprised of closed or covered landfill, or undeveloped land and presents a very low threat to storm water quality. The only potential source of Contaminated Storm Water on the landfill is at the landfill open face; the area where refuse is being buried and is uncovered. The Authority operates the landfill in accordance with permit requirements and regulations that prevent storm water runoff from contacting the open face. Any contaminated storm water at the open face is captured by the leachate recovery

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system and subsequently pumped to the sanitary sewer. The storm water that runs off the covered sections of the landfill presents a minimal threat to water quality similar to the adjacent fields that surround the landfill because it has no direct contact with waste. The adjacent fields are not subject to the requirements of the IGP.

The Authority's specific comments include the following:

- **Comment 1: Time Window for Visual Observations and Sampling** – On page 37, in the Monitoring Requirements Section XI., Provision A.2., the IGP indicates that visual observations must be conducted during “scheduled facility operating hours” and within the first four (4) hours of the start of facility operations. The same type of timeframe is provided for conducting sampling in Provision B.3. on page 38. 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. The Authority understands the intent of the IGP to be that storm water monitoring does not require an extension of a business' regular work hours.

Request 1: For additional clarity, please add a footnote to the bottom of pages 37 and 38 similar to the footnote provided in the existing IGP page 25: “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 intent of this time limitation is to ensure that observations/samples are collected as soon as practical, but without the need to extend facility hours for the sole purpose of monitoring storm water.”

- **Comment 2: Definition of Qualifying Storm Event (QSE)** – On page 38, in the Monitoring Requirements Section XI., Provision B.2., the IGP indicates the definition of a QSE “is a discharge of storm water that occurs...from a storm event that that has produced a minimum of 1/10 inch of rainfall...” during a 24 hour period and 72 hours of dry antecedent rainfall conditions. The Authority assumes the word “discharge” in Provision B.2. is part of the definition of a QSE, and that a QSE must produce runoff in amounts large enough to cause a “discharge” from the facility.

Request 2: 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 on-site 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 inch as measured by an on-site rainfall measurement device.”

- **Comment 3: Standard Industrial Classification (SIC) Code Description Clarification** – Page 41 includes a tabulation of Additional Analytical Parameters required for certain business based on their SIC code(s). SIC 5093 at the bottom of the table is described as “Scrap and Waste Materials.” The Authority recognizes that the SIC title is listed verbatim, but it is unclear if that code description includes solid waste recycling facilities.

Request 3: Please change the SIC Code Description for SIC Code 5093 to read "Scrap and Waste Materials (incl. Solid Waste Recycling)."

- **Comment 4:** Sample Location Reduction (SLR) for Facilities Subject to Effluent Limitations – Page 45, Section XI.E.3. indicates that "...facilities subject to storm water ELGs [Effluent Limitation Guidelines] in Subchapter N are not eligible for the SLR..." The Authority agrees that uncombined sample locations may assist a discharger in determining the source of a specific pollutant. However, the cost of compliance may be greatly reduced by allowing a discharger to perform SLR and sample from a combined location under normal conditions. 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.

Request 4: Please delete Paragraph 3 of Section XI.E.3.

- **Comment 5:** Request for Partial No Exposure Certification (NEC Coverage) – Beginning on page 58, Section XVII. indicates that "Discharges composed entirely of storm water which have not been exposed to industrial activity...are conditionally excluded from requirements to implement BMPs [Best Management Practices] to meet BAT/BCT [Best Available Treatment/Best Control Technology] and from complying with the SWPPP [Stormwater Pollution Prevention Plan] and monitoring requirements of this General Permit..." upon meeting certain conditions. As mentioned in the third paragraph of this letter, most of the Authority's facility produces a discharge that has not been exposed to industrial activity and could be conditionally excluded. However, Paragraph D.1. of Section XVII indicates that "NEC Coverage is available on a facility wide basis only, not for individual outfalls." The Authority would like to clarify this section to enable a facility to be considered for coverage under the IGP based on the activities conducted onsite; a Notice of Intent (NOI) for areas with industrial activity and a NEC for non-industrial areas.

Request 5: 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."

- **Comment 6:** Clarified Definition of "Plastics Facilities" – On page 62, Section XVIII. places additional requirements on "Plastics Facilities." It is unclear if a facility like the Authority's MRF is considered a Plastics Facility. The Authority requests that the IGP include further clarification on what facilities are not considered "Plastics Facilities"

Request 6: Please clarify Section XVIII., Paragraph 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."

- **Comment 7:** Actions Required after Background Demonstration Technical Report – In the Fact Sheet, on page 49, Section K indicates that Dischargers who submit a Natural Background Demonstration Technical Report (Report) are not responsible for the naturally occurring pollutants identified in the Report. It is not clear what remaining responsibilities a Discharger would have after identifying the pollutants as naturally occurring. Paragraph 4 of Section K indicates the Discharger is still responsible for complying with receiving water limitations, but subparagraph c indicates that “dischargers are not required to reduce constituents in the effluent caused by natural background sources...” The Authority requests that the Water Board clarify if a discharger would still be subject to sampling, analysis and reporting for that pollutant subsequent to submittal of such report

Request 7: 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 parameter(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.”

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 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.”

- **Comment 8:** 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) indicates that “...this part applies to discharges of *wastewater* from landfill units.”
 - Part 445.2 (f) defines landfill *wastewater* as “wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, *non-contaminated storm water*, contaminated ground water, and wastewater from recovery pumping wells.”
 - Part 445.2 Paragraph (g) indicates that “*non-contaminated storm water* means storm water which does not come in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater...”

- Part 445.2 Paragraph (g) further indicates that *non-contaminated storm water* includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.”
- Part 445.2 Paragraph (b) includes additional clarity indicating that a specific area that would generate contaminated storm water would be the “...open face of an active landfill with exposed waste (no cover added)...”

Request 8: 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.

We respectfully request that the Water Board consider these concerns before adopting the IGP as currently drafted.

Sincerely,



Bill Zimmerman, P.E.
Deputy Executive Director