



COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



Juan C. Perez, P.E., T.E.
Director of Transportation

Transportation Department



October 15, 2012

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814
Submitted via email to commentletters@waterboards.ca.gov

Subject: Comment Letter – July 16, 2012 Draft Industrial General Permit

Dear Ms. Townsend and Members of the Board:

The Riverside County Transportation Department (RCTD) appreciates the opportunity to comment on the July 16, 2012 National Pollutant Discharge Elimination System (NPDES) Draft General Permit for Discharges of Storm Water Associated with Industrial Activities (July 2012 Draft IGP). The RCTD is subject to three NPDES Municipal Separate Storm Sewer System (MS4) Permits in addition to other NPDES permits or Waste Discharge Requirements, including the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP) and the NPDES General Permit for Storm Water Discharges Associated with Industrial Activities.

Our comment letter has been organized into three sections:

- I. General description of Riverside County
- II. Support and concurrence with the comments developed by the California Stormwater Quality Association (CASQA)
- III. Specific comments requesting clarification of a proposed requirement

I. General Description of Riverside County

Riverside County encompasses 7,300 square miles with an estimated population of 2,227,577¹ as of January 1, 2012. Within Riverside County, the climatic conditions vary from low arid desert in the east with average annual rainfall of 2-4 inches in the Coachella Valley to Mediterranean climate in the western inland valleys with average annual rainfall of 10-13 inches to the San Jacinto and San Bernardino Mountains with average annual precipitation (including snowfall) of 30-40 inches. The County has three predominant climatic regions – coastally influenced, inland valley and desert. Many of the receiving waters in Riverside County are naturally predominately ephemeral with a few mountainous streams that are perennial interrupted streams (i.e., reaches in which the flow is continuous and other reaches where flow is ephemeral). Notably, some reaches of the Santa Ana River have perennial flow mostly due to treated discharges from wastewater treatment plants.

¹ California Department of Finance. May 2012. <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/>
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Also, it is important to note that Riverside County falls under the jurisdiction of the Santa Ana, San Diego and Colorado River Region Regional Water Quality Control Boards (Regional Boards), and as such, is very aware of some of the challenges associated with interpretation of general permit requirements by different Regional Water Quality Control Board staff. This variability in climate, rainfall, and water quality regulation uniquely positions the RCTD to comment on certain aspects of the July 2012 Draft IGP.

II. Concurrence with CASQA Comments

The RCTD supports the summary and detailed comments developed by the California Stormwater Quality Association (CASQA)² and agrees with CASQA's significant concerns, particularly those regarding:

- The use of Numeric Action Levels as anything more than a benchmark or as one tool for assessing a facility's effectiveness in implementing Best Management Practices (BMPs). Exceedance of a Numeric Action Level should not be a determinant of non-compliance.
- An Exceedance Response Action process that is overly complicated resulting in both dischargers and the staff of the Regional Water Quality Control Boards struggling for consistent and fair implementation and enforcement.
- Effluent Limitations, Section V.C requiring incorporation by reference and immediate compliance with existing TMDLs listed in Attachment D.
- Timely and consistent action by Regional Water Quality Control Board staff for Level 1 Exceedance Response Action Evaluation Technical Reports, Level 2 Exceedance Response Action Evaluation Technical Reports, and BAT/BCT³ Compliance Demonstration Technical Reports.
- The tracking and documentation of weather forecasts to demonstrate compliance with the requirement for pre-storm inspections, as opposed to a routine monthly inspection.
- The inadequate time frame proposed for implementing the Qualified Industrial Storm Water Practitioner (QISP) requirements.

III. Requested Clarification of Permit Requirements

The RCTD would like clarification of Finding 22 that states,

"Facilities otherwise subject to this General Permit but for which a valid Notice of Non-Applicability (NONA) and a NONA Technical Report has been certified and submitted via SMARTS by the Discharger's LRP (see Wat. Code, § 13399.30, subd. (a)(2)) are not covered under this General Permit. The facility may be (1) engineered and constructed so as to never discharge industrial storm water to waters of the United States, as certified by a California licensed professional engineer, or (2) located in basins or other physical locations that are not hydrologically connected to waters of the United States. The NONA Technical Report shall demonstrate that the facility does not discharge to

² Letter dated October 22, 2012 from Richard Boon, Chair of the California Stormwater Quality Association to Ms. Jeanine Townsend, Clerk of the Board, State Water Resources Control Board.

³ BAT/BCT: Best Available Technology Economically Achievable (BAT) / Best Conventional Pollutant Control Technology (BCT)

waters of the United States. Information about the NONA and the NONA Technical Report are available on the SMARTS website.”

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. Further, in researching this subject, we determined that NONA forms vary across the Regional Water Quality Control Boards and that, in some instances, the distinction between “Non-Applicability” and “No Exposure” was blurred. Additionally, RCTD staff were unable to find any further mention of the NONA and NONA Technical Report in the July 2012 Draft IGP other than in Section II.G.10.b and Section IX.A, Table 2, which state only that the NONA Technical Report must be prepared by a California licensed professional engineer.

The RCTD agrees with CASQA that a permit provision to “certify that a facility will *never* discharge” is infeasible. [Emphasis added.] We agree 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.”

Conclusion

Thank you for the opportunity to comment on the July 2012 Draft IGP. The RCTD requests that the State Water Resources Control Board direct staff to (1) address the summary and detailed comments provided by CASQA and others, (2) develop a revised Draft IGP subject to workshops and public comment, and (3) continue the stakeholder process used in developing the July 2012 Draft IGP. The RCTD appreciates your consideration of our comments and looks forward to participating in the continued stakeholder process that will be necessary to achieve an equitable resolution of the issues raised in this letter, as well as all of the concerns identified by CASQA. If you have any questions regarding these comments, please contact Ms. Claudia Steiding at 951.955.1694.

Sincerely,



Patricia Romo, PE
Deputy Director
Riverside County Transportation Department

cc: Mike Shetler, Principal Management Analyst
Jason Uhley, Flood Control Principal Engineer
Juan C. Perez, Director of Transportation and Land Management