HUHTAMAKI

October 22, 2012

Sent via email: commentletters@waterboards.ca.gov

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

Subject: Comment Letter – 2012 Draft NPDES Industrial General Permit

Dear Ms. Townsend:

Huhtamaki, Inc. (Huhtamaki) has been a sustainable business in the City of Sacramento since 1962. Huhtamaki has also operated a separate manufacturing facility in Los Angeles since 1954. We have complied with the General Permit for Discharges of Stormwater Associated with Industrial Activities since it was issued in 1997. Huhtamaki prides itself on being a sustainable company and supports protection of stormwater from pollutants, which protects our natural resources.

Huhtamaki, Inc. commented on the Draft Industrial General Permit that was issued January 28, 2011 and is providing the following comments on the Draft Industrial General Permit that was issued in July 2012 to replace the 1997 permit:

1. As documented in our comment letter dated April 28, 2011 to the previous Draft Industrial General Permit, this permit goes above and beyond the corresponding 2008 USEPA Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity in many instances (MSGP), and we believe it will pose an excessive burden on industry in the state. In its response to this comment, the State Water Resources Control Board (the Board) stated that "none of the requirements in this Permit are more stringent that the minimum federal requirements." Huhtamaki is providing the following evidence that the January and July California Draft Industrial General Permits are more stringent than the USEPA MSGP:
    A. Weather monitoring and coordination to complete pre-storm inspections and written documentation (not required in USEPA MSGP);
    B. Weather monitoring and coordination of monthly inspections to be completed during the first four hours of Qualified Storm Events (QSE) that produce a discharge (USEPA MSGP requires only quarterly visual assessment of stormwater discharges);

Huhtamaki
8450 Gerber Road, Sacramento, CA 95828 916-699- 4900, FAX 916-689-1013
www.us.huhtamaki.com

C. The requirements for a Qualified Industrial Storm Water Practitioner (QISP) Level I, II, and III, which include a Board sponsored or approved training and potentially testing, are far more specific and costly for compliance than the definition of "Qualified Personnel" as defined in Appendix A of the USEPA MSGP.

D. A more comprehensive annual report that includes submittal of visual observation checklists;

E. Recordkeeping requirements for 5 years (USEPA MSGP requires only 3 years);

F. Annual inspections, annual submittal of No Exposure Certification (NEC), and an annual fee to meet the no exposure requirements (USEPA MSGP only requires Conditional Exclusion for No Exposure certification every 5 years);

As stated in our April 2012 comments, Huhtamaki estimates it will take an additional 100-200 hours per facility each year to fulfill the requirements of this permit beyond the requirements that would be imposed by simply adopting the USEPA MSGP. This estimate holds true for the July 2012 Permit requirements. We are therefore requesting that the Board revisit this comment and prepare an adequate response based on the details provided above.

2. The requirement to perform monthly inspections of QSEs is excessive. This monitoring requirement should align with the USEPA MSGP requirement for quarterly visual assessments.
3. Pre-Storm Inspections are unnecessary and would be excessively burdensome. Operational personnel already conduct informal inspections during routine operations, but additional documentation would be necessary as proof of completion. Furthermore, the pre-storm requirements are already met through the completion of the quarterly Non-Storm Water Discharge (NSWD) Visual Observations, which are documented.
4. The requirements for a Qualified Industrial Storm Water Practitioner (QISP) Level I, II, and III, which include a Board sponsored or approved training and potentially testing, are far more specific and technical than the definition of "Qualified Personnel" as defined in Appendix A of the USEPA MSGP. Specifically, Huhtamaki will either have to incur additional costs associated with hiring a California licensed professional civil engineer, registered geologist, or a certified engineering geologist, or incur additional costs associated with sending an existing employee to a training session.
5. Recordkeeping requirements should not exceed the three (3) years required in the USEPA MSGP.
6. The requirements to maintain a NEC are excessive, and should align with the USEPA Conditional Exclusion for No Exposure.
7. Based on the responses received to our previous comments, it is apparent that the Board has underestimated the additional costs associated with personnel,

planning, training, and implementation that would be required to comply with the Draft Industrial General Permit when compared to the USEPA MSGP.

Huhtamaki, like many other industrial facilities with operations in California, competes with manufacturing facilities throughout the United States and overseas. The environmental regulations in California are by far the most stringent in the nation, and the most costly with which to comply. Therefore, we once again urge the Board to consider abandoning the additional requirements imposed by this Draft Industrial General Permit beyond the requirements of the USEPA MSGP before finalizing this permit.

Sincerely,

For Robert Braun
Senior Process Engineer/
Environmental Coordinator
Huhtamaki, Inc. - Sacramento

Robert A. Steeves
Environmental Manager
Huhtamaki, Inc.

For Larry Eckhart
Engineering Manager/Environmental Coordinator
Huhtamaki, Inc. – Los Angeles