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

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October 22, 2012

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



Dear Ms. Townsend:

COMMENT LETTER – DRAFT INDUSTRIAL GENERAL PERMIT

The City of Los Angeles, Bureau of Sanitation, Watershed Protection Division (Division) appreciates the opportunity to provide these technical comments on the proposed draft Industrial General Permit. Our Division manages the City of Los Angeles Stormwater Program. In addition, the Bureau of Sanitation and the City of Los Angeles as a whole operates a number of facilities that are regulated under the Industrial General Permit. As such, our Division has a vested interest in the success of the affected industrial facilities in managing their stormwater discharges and also understands the complexities and difficulties associated with the compliance of these regulations. Please consider our comments that accompany this letter in the attached table.

If there are any questions, please feel free to call Mr. Kosta Kaporis of my at (213) 485-0586.

Sincerely,

SHAHRAM KHARAGHANI, Ph.D., P.E., BCEE
Program Manager

SK:RMV:KK:HE
WPDCR 8982

c: Enrique Zaldivar, Bureau of Sanitation/EXEC
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Draft General Industrial Facility Stormwater Permit Comments

Comment Number	Document Reference Doc, p.#, Sec	Issue	Comment
1	Order, p.3, I.B.22	NONA Technical Report Clarification	<p>Wastewater treatment plants legally discharges treated effluent to waters of the United States in accordance to adopted NPDES permits. The NONA Technical Report states the following that <i>“The NONA Technical Report shall demonstrate that the facility does not discharge to waters of the United States”</i>. To clear up any confusion, the City requests that the SWRCB add “industrial storm water runoff” to the sentence as follows:</p> <p><i>The NONA Technical Report shall demonstrate that the facility does not discharge “industrial stormwater runoff” to waters of the United States.</i></p>
2	Order, p.8, I.I.48-51	Creation of three QISPs is unnecessary and burdensome	<p>The creation of three Qualified Industrial SWPPP Practitioner (QISP) levels for individuals with different levels of environmental experience or involvement with the facilities is not necessary. The QISP III should be responsible for supervising the work involved with monitoring and the generation and implementation of SWPPPs, NECs, SFRs, SLRs, and ERAs and other technical and monitoring reports. We understand the need to require training for QISP I and QISP II and this can be achieved without the need of another statewide certification program. Consider instead that the tasks performed by QISP I and QISP II be performed by trained personnel under the supervision of QISP III and that they do not need to be certified.</p>
3	Order, p.11, I.N.65	Second NAL exceedance triggers ERA	<p>Due to the greater possibility of sampling error and natural background contamination of sample results when monitoring stormwater discharges, the Bureau believes that 3 exceedances of a NAL instantaneous maximum limit more appropriately reflect the potential to accurately identify industrial sources of pollutants in the stormwater discharge.</p> <p>The City requests that the exceedance trigger language be modified to allow 3 exceedances of NALs to trigger ERAs.</p>
4	Order, p.22, VII.A.1	Multiple Permit modification due to TMDL adoptions is unwarranted	<p>The proposed language will result in frequent adoption of the Permit reopeners that will result in uncertainty for facility operators. Please consider revising the language to allow the incorporation of the new TMDL requirements upon permit renewals.</p>
5	Order, p.22, IX.A.1	Limited professions allowed serving as QISP.	<p>The draft permit allows a number of State licensed professions to serve as GISP without the need of specialized training. Please consider allowing in addition to civil engineers, other engineering disciplines including chemical and mechanical engineers that would be more common to be involved with some of the targeted facilities.</p>
6	Order, pp 36-45, XI	Monitoring Requirements are excessive	<p>While it is estimated in the provided factsheet that the anticipated costs for the permit compliance will only partially increase, in the case of many facilities, the increased would be substantial. Our Department of Airports estimates that the additional monitoring requirements</p>

Draft General Industrial Facility Stormwater Permit Comments

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7	Order, p. 38, XL.B	2 nd and 3 rd quarter sampling	including the pre-storm observations, inspections, and sampling will increase the workload and financial burden more than fourfold. Quarterly sample collection and sampling analysis requirements are unrealistic because of the rainfall pattern in Southern California, where there would typically be little or no rainfall to meet requirements during the 2 nd and 3 rd quarters. The Permit should retain the existing requirement of collecting two samples during the wet season (Oct 1- May 30 th)
8	Order, p.38 XL.B.1	First Qualifying Storm Event	The requirement of obtaining the first qualifying storm event is too rigid and may result in non-compliance for many facilities that have limited personnel. Consider allowing flexibility by accepting any qualifying storm event during the reporting quarter. This will allow for a more representative water quality data for the industrial facilities that will assist in quantifying the actual loads from the se facilities and assist in TMDL analyses.
9	Order, p.40 Table 3	Annual NAL for pH	The establishment of an annual NAL for pH is not appropriate, as pH is normally sampled as a grab sample or through a field probe, to determine compliance with instantaneous maximum limits. The City requests that the pH Annual NAL be removed.
10	Order, p.40 Table 3	NAL for pH triggering ERAs	Limits or action levels for pH of 6-9 are appropriate for effluent and receiving water limitations; they are not appropriate for stormwater. Most rainwater has an equilibrium pH of 5.6-5.8 due to the presence of carbonic acid. (H ₂ CO ₃). The surface of different industrial facilities varies and as such the ability of surfaces to buffer rainwater pH will vary as well. It is not appropriate to set a NAL for pH of stormwater at 6-9, and the City believes that pH should not be a parameter that triggers ERAs. Consider deleting this parameter from the NALs or adjust the lower range for pH to 5.0.
11	Order, p. 42, Table 5		The Numerical Action levels (NALs) uses the US EPA Multi-Sector General Permit's benchmarks as effluent limitations in contrast to US EPA's own guidance that presents these values as indicative of the need to review the facility SWPPP and take measures to attempt to further reduce these concentrations. The proposed permit has these limits as a basis of requiring additional BMPs. For areas that have developed TMDLs, many of these values are below established Water Quality Standards (WQSs) and are way lower than the typical urban stormwater runoff concentrations. Achieving these concentrations is not only infeasible but it will not contribute towards any measurable water quality benefit. This interpretation of the benchmark values is excessive and will lead to the vast majority of the facilities to be in non-compliance. Please reconsider the values selected for NALs or the use of alternative compliance language.
12	Order,	Benchmarks and	The exceedance of a benchmark should not automatically imply a violation of water quality

Draft General Industrial Facility Stormwater Permit Comments

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	p.46, XII.C.3	Level 1 Status	standards and does not trigger automatic modifications or additional BMPs (especially structural BMPs), as additional BMPs may or may not be necessary. Providing a single benchmark for all multiple dischargers, given the variability in industrial facilities, stormwater flows, background factors, and resulting pollutant loads is not appropriate. The City believes that the SWRCB should add language allowing development of alternative site-specific benchmark values to determine the effectiveness of SWPPP as being fully protective of WQSS. Also the City requests that the SWRCB add an additional paragraph to this section to provide dischargers the ability to justify why no additional BMPs are necessary despite the exceedance of NALs.
13	Order, p 47, XII.D	Level 2 Structural BMPs	The use of NAL exceedances as a trigger for mandatory consideration of structural BMPs is excessive and in contrast to US EPA guidance which only requires dischargers to review and amend the facilities SWPPP and implement additional nonstructural or structural BMPs described in the SWPPP. The use of NAL benchmarks as appropriate technology based limitations that demonstrate compliance with BCT is inappropriate if used to mandate BMPs. The 2008 MSGP Benchmarks are pollutant concentrations above which EPA determined may represent a level of concern to water quality and were never intended for bases of enforcement. Benchmarks are indicative of the need to review the facility SWPPP and take facility specific measures in cost effective and required to comply with water quality standards. The interpretation of the benchmark values as requiring mandatory structural BMPs is excessive and will lead to many facilities performing unnecessary Level 2 actions or compiling multiple Demonstration Technical Reports year after year without any receiving water impairment or benefit. The City also requests that the SWRCB reconsider the automatic Level 2 Status.