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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



Subject: Comments on the Draft NPDES General Permit for Storm Water Discharges
Associated with Industrial Activities
NPDES No. CAS000001

Dear Ms. Townsend:

Georgia-Pacific LLC (Georgia-Pacific) appreciates the opportunity to submit the following comments on the draft NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES Permit No. CAS000001 (CA SWGP). Georgia-Pacific and its subsidiaries have more than 200 locations across North America, South America and Europe, ranging from large facilities, such as pulp, paper and tissue operations; to moderately sized facilities, such as gypsum plants, chemical plants, and building products complexes; to small facilities, such as Dixie[®] product plants, corrugated container plants, warehouses and sales offices. Georgia-Pacific has several operating facilities in California including two gypsum board plants, a gypsum paper mill and seven corrugated container plants. These facilities possess NPDES storm water permits and will be affected by the proposed changes to this permit.

Georgia-Pacific also operates in a number of states in the U.S. under state-issued and U.S. Environmental Protection Agency (EPA) issued general storm water permits. These permits range from the EPA multi-sector general permit (MSGP), to permits in states such as Louisiana and South Carolina, which are modeled after the EPA MSGP, to permits in states such as Wisconsin and Illinois (and formerly California), which have permits modeled and evolved from the original EPA 1992 Industrial General Permit. However, the draft CA SWGP presents a significant departure from permits issued by EPA and almost every other state in the U.S. The draft CA SWGP will impose a significant economic burden on those businesses operating in California. Additionally, we believe these additional burdensome measures and their high cost will only offer marginal improvements in storm water quality. We encourage the State Water Resources Control Board to abandon the draft CA SWGP in its present form, and instead, adopt a multi-sector permit modeled after the EPA MSGP and supported by EPA's substantial supporting publications and guidance.

We provide the following comments to illustrate the burdens and issues that would be imposed by the draft CA SWGP:

Comments:

Condition II.C.3 – This condition requires the seller of a property covered under the SWGP to inform the buyer of the General Permit requirements. This requirement is inappropriate and difficult to enforce. Sellers should not have the obligation to inform buyers of environmental requirements. In many cases a seller may not be knowledgeable of the specifics of a buyer's operation, nor is the buyer required to inform the seller of their intended use of the property. The storm water requirements of the buyer may be more or less stringent based on the SIC code. Requirements can also vary even if the buyer and seller are members of the same SIC code. For example, a seller operating under a No Exposure Certification (NEC) has no way of knowing if the buyer intends to operate in the same manner, or if the buyer will operate outside of the exclusion. To what extent must the buyer be informed? Georgia-Pacific requests removal of this requirement.

Condition II.D.1 – As written, this condition appears to allow existing dischargers who have operated without coverage under the current permit an additional year to submit an NOI and gain coverage under the CA SWGP. This condition is inequitable, effectively allowing facilities that have operated outside the law to continue to do so for another year, while those facilities that have operated in compliance with the current permit are expected to immediately comply with the new permit. Georgia-Pacific requests removal of the distinction between existing dischargers who have and have not submitted an NOI or NEC under the current permit, and require all those that qualify for coverage under this permit to submit PRDs at the same time.

Condition VI.C – This condition is ambiguous with no objective or measureable standard defining "pollution" or "public nuisance". The intent of this condition is already accounted for in the discharge prohibitions described in Part III.C of the permit. Georgia-Pacific requests removal of this condition.

Condition IX – We disagree with the SWRCB that a special role of Qualified Industrial SWPPP Practitioner (QISP) is necessary. EPA has long recognized that the operator possesses the best people to develop and certify the SWPPP [60 FR 50819]. Furthermore, we have found that external preparation of plans often leads to inaccuracies in the plans themselves due to consultants' unfamiliarity or misconceptions with site operations. We believe this requirement should be completely removed.

We also disagree that external government-led training for the role of Qualified Industrial SWPPP Practitioner (QISP) is necessary as a required component. We have found that training specific to GP operations is the most relevant and the most pertinent to compliance with permits and regulations. Considering the demands on environmental professionals' time by all media, additional generic training requirements and exams will only increase the time away from the day to day compliance attention required at a facility. If the SWRCB wishes to offer optional training to dischargers that do not have other training options, then that is certainly understandable and would be supported.

Conditions II.D.3, IX.A.2.c, X.B, X.H.e.i – There appear to be several instances throughout the draft permit where compliance schedules are not consistent. **Condition II.D.3** requires existing dischargers to revise and implement the SWPPP by July 1, 2013, and **Condition X.B** requires implementation of the SWPPP immediately upon receiving NOI coverage. This conflicts with

Condition IX.A.2.c which allows until July 1, 2014 for a QISP to prepare a SWPPP and MIP, which only they are qualified to do according to Table 1. A QISP must develop a compliant plan that is to be implemented immediately upon the effective date of the permit, yet the QISP does not have to take the training and exam for one year after the effective date of the permit. As a result, plans prepared in accordance with certain provisions of the draft permit may be considered non-compliant with other sections of the draft because they were prepared by someone not yet certified as a QISP. We believe the requirement for a QISP using yet unspecified training and exams is not well conceived and will lead to much confusion and problems with the development of a revised SWPPP.

Condition XI.A.2.d – This requires inspections of storm water drainage and containment areas prior to any anticipated storm events. This is overly burdensome to a facility considering a forecast can change over the course of the day. A Permittee may check the forecast in the morning and the chance of precipitation could be less than 50%, negating the need for a pre-storm event site inspection. The forecast could change to greater than 50% later that afternoon, requiring a pre-storm event site inspection. This provision of the draft permit would require personnel at the facility to continually monitor the precipitation forecast throughout the day, every day, so as not to miss a required pre-storm event inspection. Documentation supporting the decision to perform, or not perform, a pre-storm event inspection would be difficult and burdensome. Additional records would also be required to document pre-storm inspections, increasing the recording keeping burden. Regular site inspections, as required elsewhere in the permit, are sufficient as designed by the storm water preparer for the specific site. This requirement should be removed.

Condition XI.B.1 – As written, this condition could require the sampling of storm water discharges from storage tank containment structures prior to discharge. We believe the intent is to sample storm water releases from collection systems designed to contain storm water, such as detention ponds. Regardless, this would be burdensome and expensive for facilities to analyze for all of the required parameters from each secondary containment structure and outfall. A documented visual inspection of storm water in secondary containment is already required by other regulations, such as 40 CFR 112. Regular dry weather site inspections and secondary containment inspections required by other regulations provide reasonable assurance that secondary containment discharges meet stormwater requirements when released. We request this requirement be deleted, or in the alternative, narrowed and clarified.

Condition XI.B.5.b – The requirement for a facility to self-identify monitoring parameters outside of those already identified by the SWRCB through Tables 3 and 4 is overly burdensome, ambiguous, and leaves covered facilities open to enforcement subjectivity regarding pollutants that may be perceived to be discharge by one entity and not another. Georgia-Pacific requests removal of this condition and clearly specifying all parameters a facility should test for based on particular primary and co-located activities as identified by SIC code.

Condition XI.B.5.e – The requirement for every discharger to contact their regional water board to inquire about any other parameters the RWB would like sampled is burdensome and unprecedented and will lead to inequitable permit requirements and enforcement. Such a requirement creates an undue and unjustified burden for permittees and the RWBs, and the potential for inconsistency in monitoring requirements among facilities in the same industry based on what each RWB dictates. The ability for the SWRCB or RWB to require additional sampling or other activities is already provided in Condition XIX. Georgia-Pacific requests removal of this condition.

We appreciate the opportunity to submit comments on the above proposed permit. If you have any questions regarding our comments, please contact me at (404) 652-4776.

Sincerely,

A handwritten signature in cursive script that reads "Traylor Champion".

Traylor Champion
Vice President – Environmental Affairs
Georgia-Pacific Corporation, LLC