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Northern California Region
Box 15287
Sacramento, CA 95851

T 916.855.4400
F 916.369.0429

graniteconstruction.com

September 17, 2013

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



RE: COMMENTS RE: DRAFT INDUSTRIAL GENERAL STORM WATER PERMIT

Dear Ms. Townsend,

Granite Construction Company (Granite) appreciates the opportunity to comment on the draft General NPDES Permit for Discharge of Storm Water Associated Industrial Activities (IGP).

Granite recognizes and appreciates the efforts of the State Water Board to incorporate changes to the IGP based on comments from industry stakeholders. Granite has comments with regard to six (6) sections of the IGP that we would like to submit for consideration:

1. The General Permit Order states that the effective date of the permit will be January 1, 2015. This proposed effective date lands in the middle of the 2014-2015 storm water reporting season and would cause significant logistical issues, specifically with respect to incorporating the new sampling, monitoring and reporting requirements during winter months. Granite proposes an effective date of July 1, 2015, which is consistent with the current reporting cycle. (Page 1, Draft General Order)
2. The General Permit Order states that Dischargers with facilities subject to storm water ELGs (Effluent Limitation Guidelines) in 40 CFR Subchapter N shall collect and analyze samples for each regulated pollutant specified in Subchapter N. Attachment F of the Permit lists the specific categories of the storm water discharges, which includes Part 436—Mineral Mining and Processing. However, Part 436 lists pollutants and effluent limitation related to process-generated waste water and mine dewatering discharges, not industrial storm water discharges. Granite requests that the Fact Sheet clarify that the only effluent limitations from Subchapter N that apply to storm water discharges under this General Permit are for limitations specific to industrial storm water discharges. (Page 45 and 46, Draft General Order)
3. The Order states “cover all stored industrial materials that can be readily mobilized by contact with storm water”. Granite requests that the Order clarify that this requirement not apply to large quantity construction material stockpiles, such as aggregate, sand,

gravel and recycle pavement material (baserock and recycled asphalt pavement). Covering these types of stockpiles poses a significant safety hazard and industry guidance suggests it is infeasible to maintain stockpile covers in a variety of weather conditions. Control of discharge from these stockpiles can be accomplished using erosion and sediment control BMPs. (Section X.H.vi of Page 30, Draft General Order).

4. The Order contains language that that each Discharger “identify and justify each minimum BMP or applicable advanced BMP not being implemented at the facility because they do not reflect best industry practice considering technological availability and economic achievability”. Granite requests clarification around what constitutes “best industry practice” and how to determine technological availability and economic achievability. (Section X.H.4)
5. Section XII of the General Permit Order details Exceedance Response Actions (ERAs). Granite requests changes to the following:
 - a. Removal of the term “as soon as practicable” from Page 47, Section XII.C.2.a and Section XII.D.1.c. This term is not defined, is not enforceable and varies depending on a number of factors.
 - b. Removal of the requirement to evaluate all drainage areas when preparing a Level 1 ERA Evaluation in Section XII.C.1. An NAL exceedance from one discharge point does not implicate an issue with all drainage areas at the site; therefore, only the drainage areas that cause or contribute to the exceedance should be evaluated.
6. Section XII of the General Permit Order details Exceedance Response Actions (ERAs). Granite requests clarity around the requirements of ERAs. Based on Granite’s current understanding of the work flow, the following issues need to be addressed:
 - a. Section XII.D.4.a states that Discharges who trigger Level 2 and are able to return to baseline are not eligible to return to Level 1 status: “If future NAL exceedances occur for the same parameter(s), the Discharger’s Baseline status will return to Level 2 status...” Granite proposes that a return to baseline also involves the ability to enter Level 1 status prior to entering Level 2 status.
 - b. Section XII.D.4.b states that Dischargers are “ineligible to return to baseline status if...” and lists three scenarios. Granite requests that a Discharger be allowed to return to baseline status after the Regional Water Board’s review and approval of any of the three listed demonstrations. If the Discharger has proven that either the NAL cannot be met using BAT/BCT or that the NAL exceedance is not due to on-site activities, then it is reasonable to allow the Discharger to go back to baseline status. A Discharger who does not have the ability to meet the NAL, but is penalized by remaining in Level 2 status, will be

required to submit the reports outlined for Level 2 annually, but not have any additional information to add. These reports would require time for the Discharger to create and submit, time for the Water Board to review, but would result in no benefit to water quality.

- c. Section XII.D.5.a describes an extension allowance for the Level 2 ERA Technical Report. Please clarify that this is an extension that can be granted for each Level 2 ERA Technical Report submitted.

If you have any questions, please feel free to contact me.

Sincerely,
GRANITE CONSTRUCTION COMPANY

A handwritten signature in black ink that reads "Candice Longnecker". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Candice Longnecker
Northern CA Environmental Manager
Granite Construction Company
Cell: (408) 640-6553
Office: (916) 855-4473
candice.longnecker@gcinc.com