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September 19, 2013

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

Re: Comments Regarding the 2013 Draft Industrial General Permit for Storm Water Discharges

Dear Ms. Townsend:

The Building Materials Industry (BMI) Storm Water Monitoring Group includes 167 facilities located in southern California that are subject to the Industrial General Permit ("IGP"). These facilities are engaged in the production of aggregate (sand and gravel), ready mixed concrete, asphalt, and other industrial materials. Sespe Consulting, Inc. acts as the Group Leader for the BMI Storm Water Monitoring Group.

Attached are BMI's comments to the 2013 Draft Revised IGP. We thank you for the opportunity to present these comments and look forward to working with the State Water Board to develop a permit that is practical and protects water quality.

Best regards,

A handwritten signature in blue ink that reads "Joseph L. King".

Joseph L. King, PE, CPESC
Vice President
Sespe Consulting
Building Materials Industry Monitoring Group Leader

COMMENTS TO 2013 DRAFT IGP

September 19, 2013

1.0 INTRODUCTION

The Building Materials Industry (BMI) Storm Water Monitoring Group represents 167 facilities in southern California that are subject to the IGP. These facilities are engaged in the production of:

- Aggregate material (sand and gravel);
- Ready mixed concrete;
- Asphalt; and
- Other industrial materials.

BMI has reviewed the 2013 Draft NPDES General Permit for Storm Water Discharges Associated with Industrial Activities (hereafter “Draft Permit” or “2013 Draft”).

BMI sincerely appreciates the hard work of Board staff to prepare the 2013 Draft and the thoughtful responses that were prepared to address the comments that were submitted on the previous draft. It is clear that Board staff has responded to industry’s comments and spent significant effort in addressing industry concerns and developing a permit that is more practical and provides greater clarity. Specifically, the following changes are a significant improvement from the 2012 draft:

- Incorporation of Trade Secrets;
- Grandfathering protection of existing infrastructures;
- Simplifying the monitoring requirements;
- QISP designation simplification and expansion to include varying engineering disciplines;
- Reduction in consecutive samples needed to obtain SFR Certification;
- Reduction of sampling for Compliance Group Participants; and
- Allowing the use of pH paper in lieu of hand-held meters.

However, we have some concerns with the timing of the implementation of the new permit and submittal of annual reports as well as various clarifications that we would like to see incorporated into the final permit to ensure that permit requirements can be met by regulated facilities. Each of these is discussed in more detail in the following sections.

2.0 PERMIT IMPLEMENTATION TIMING

The Draft Permit is written to become effective on January 1, 2015. As you know, the storm water year runs from July 1 to June 30. A mid-storm water year shift to the new Permit may prove to be very difficult to comply with.

BMI appreciates that the Draft Permit has selected an effective date that is at least 12 months after the Drafts expected adoption. We recognize that both the Board and permitted industry will need to adapt

to the permit and at least this much time will be necessary. However, implementing the draft permit in the middle of the storm year creates significant implementation challenges.

The Draft Permit adds significant duties and changes to how operators will administrate and manage facilities. Implementing a mid-storm water year switch creates the functional challenge of imposing a change in processes and employee training. Operations could be forced to change from sampling a storm even on December 31 under the 1997 Permit to sampling under the new permit on January 1.

We are very cognizant that this Draft and a new permit have been under debate for a long time. We do not believe this justifies a rushed implementation in the middle of a storm year instead of enabling a transition during the generally dry summer months. The goal should be promoting the effective implementation of the new system. As a result **we believe the effective date should be changed to July 1, 2015 or the permit be modified to include a "phase in period" of six months where operators can comply with either permit.**

3.0 ANNUAL REPORT PREPARATION

The draft permit requires that Annual Reports be submitted by July 15 (15 days after the end of the compliance year). While this is an improvement over the current IGP, which requires Annual Reports to be received on July 1 – allowing zero (0) days to complete the report – this is still insufficient time to prepare the Annual Report.

The 2013 Draft requires that Annual Reports be submitted in SMARTS and certified by the LRP. The process of preparing the Annual Report will take significant time, especially for operators that have multiple facilities. It will take time to gather all of the information from the facilities and complete the reporting in SMARTS.

In 2015, there will be nine (9) working days between the end of the storm water year (June 30) and July 15 (assuming only one day is taken off for the 4th of July holiday). This is the time of year when people are on vacation, and there are a number of other July 1 regulatory deadlines. Nine (9) working days to gather the relevant information, submit it in SMARTS, and certify it is insufficient.

Therefore, we **request that the Annual Report due date be September 1, the same date that is used in the Construction General Permit.**

4.0 VARIOUS CLARIFICATION ISSUES

There are a few areas in the permit that would benefit from some clarification. These issues are presented in the comment letter submitted by CalcIMA (dated September 18, 2013). For simplicity and brevity, all of these issues are not identified here. However, we echo CalcIMA's comments on these issues and encourage the Water Board to carefully consider them.

Again, we appreciate the Board's efforts in preparing this latest draft of the permit and look forward to resolving the issues presented.