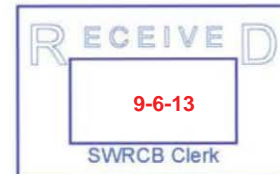




September 6, 2013

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
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commentletters@waterboards.ca.gov



Re: Comment Letter – Final Draft Industrial General Permit

Dear Chair Marcus and Members of the State Water Resources Control Board:

SA Recycling appreciates the opportunity to submit comments regarding the latest iteration and final draft of the State Water Resources Control Board's ("State Board") General National Pollutant Discharge Elimination System ("NPDES") Permit for Storm Water Discharges Associated with Industrial Activities ("Draft Industrial Permit" or "Permit"). SA Recycling has over 40 facilities located throughout California and the Southwestern region of the United States. While processing millions of tons of scrap each year, SA Recycling is committed to being a steward of the environment and working to improve the communities we serve.

SA Recycling submitted comments on the previous drafts of the Permit and appreciates the revisions made accordingly. Despite these revisions, the Draft Industrial Permit continues to remain ambiguous with certain critical issues unaddressed. In response, SA Recycling submits the following letter and respectfully recommends additional modifications.

- 1 The revised Draft Industrial Permit now includes a list describing the industrial activities covered under the Industrial Permit. (See Industrial Permit Attachment A.) However, the Industrial Permit does not acknowledge that sector-specific permits adopted by Regional Boards legally supersede the Draft Industrial Permit. Although the Draft Industrial Permit now states that "discharges of storm water regulated under another individual or general NPDES permit adopted by the State Water Board or Regional Water Board are not covered under this Industrial Permit" (Industrial Permit, pp. 3.), it does not specifically grant authority to the Santa Ana Regional Board to continue to implement and enforce the Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities Within the Santa Ana Region, Order No. R8-2012-0012, NPDES Permit No. CAG 618001 ("Sector-Specific Permit") adopted on February 10, 2012. It would be helpful to clarify this point for all dischargers in the jurisdiction of the Sector-Specific Permit as they are currently implementing the permit requirements including extensive monitoring efforts.
- 2 Furthermore, in response to comments submitted by SA Recycling and others, the State Board continues to address sector-specific permits in general as a possible future



endeavor, stating that it expects to gain “a better understanding of the feasibility and benefits of sector-specific and watershed-based permitting approaches” through the effluent and BMP performance data that will be reported by compliance groups under the Industrial Permit. (Industrial Permit, pp. 12.) The State Board should embrace the sector-specific approach for this industry and is missing an opportunity to assist the scrap metal industry with meaningful compliance with water quality standards on a statewide basis. SA Recycling is currently regulated under a regional sector-specific permit for only the Santa Ana Region and will have different (and very likely less stringent) requirements for facilities outside of the jurisdiction of Region 8. The Draft Industrial Permit allows for the formation of compliance groups for monitoring and reporting purposes, but this does little to address the differing compliance requirements for SA Recycling facilities located throughout California.

Some revisions to the Draft Industrial Permit are congruous with the requirements of the Sector-Specific Permit that SA Recycling is currently regulated under in the Santa Ana Region. Similar to the Sector-Specific Permit, the Draft Industrial Permit implements a phased approach for facilities with discharge sample results that indicate a Numeric Action Level (“NAL”) exceedance. The Draft Industrial Permit also requires implementation of minimum BMPs and uses level specifications to step up the requirements of dischargers with discharge samples results that indicate a NAL exceedance. (Draft Industrial Permit, pp. 47.) Each level requires an evaluation and implementation of new corresponding BMPs. (*Id.*) Finally, as part of the Storm Water Pollution Prevention Plan; the Draft Industrial Permit requires that each facility establish a Pollution Prevention Team responsible for assisting with the implementation of the requirements in the Draft Industrial Permit. (*Id.* at pp. 24.) With this level of similarity in regulatory requirements, it remains curious that the State Board cannot embrace the Sector-Specific Permit as a statewide permitting approach for the scrap metal industry.

- 3 The Draft Industrial Permit also does not include robust encouragement of Low Impact Development (“LID”) to address discharges of pollutants. SA Recycling reiterates its belief, communicated in previous comments, that the Draft Industrial Permit should encourage and incentivize more recharge and retention of stormwater with reuse if possible, rather than rely heavily upon storm water treatment to manage the discharge of pollutants. Additionally, the recently adopted Waste Discharge Requirements for Municipal Separate Storm Sewer System Discharges Within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4, Order No. R4-2012-0175, NPDES Permit No. CAS004001 may provide an opportunity for industrial dischargers to participate in large-scale watershed management projects in the Los Angeles Region. Despite this opportunity for a cooperative and cost effective approach at water quality improvements, the Draft Industrial Permit does not acknowledge or encourage this innovative permitting approach.

SA Recycling commends the State Board for the revisions to the Draft Industrial Permit, but renews its call for acknowledgement of sector-specific permits currently in use and recognition of the Sector-Specific Permit as legally superseding the Industrial Permit for those facilities regulated by Region 8. Additionally, SA Recycling requests that the State Board reconsider developing the sector-specific approach statewide. Finally, the Draft



Industrial Permit should include incentives for robust LID as well as other innovative approaches for managing stormwater currently being implemented in the Los Angeles Region.

Thank you again for the opportunity to comment. Please feel free to contact the undersigned with questions.

Sincerely,

A handwritten signature in blue ink that reads "Lindsay Maine". The signature is written in a cursive, flowing style.

Lindsay Maine
Environmental Manager
SA Recycling, LLC