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March 24, 2011

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

Re: Re: Comment Letter -- Draft Industrial General NPDES Permit for Storm Water Discharges

Dear Clerk of the Board:

These comments are submitted on behalf of the Regents of the University of California regarding the draft General NPDES Permit for the Discharge of Storm Water associated with Industrial Activities which was recently released by the State Water Resources Control Board. By way of background, these comments are submitted on behalf of the ten campuses, five medical centers and associated facilities which are owned and operated by the Regents. In general, the University of California operates institutions of higher education and does not engage in industrial activities. However, incidental operations at a few of the campuses may be covered by the proposed General Permit such as transportation vehicle maintenance or operation of a solid waste landfill. As a consequence, a few of our campuses are covered by the current General Permit for Storm Water Discharges associated with Industrial Activities. These campuses will also be required to obtain coverage under the new permit once it becomes final.

In general, the Regents support the efforts of the State Board to develop an updated version of the General Permit. While we generally support the proposed permit, the Regents would like to submit the following comments on the draft permit which we believe are necessary to assure that the draft permit is practical.

Comment No. 1. -- QSD and QSP Certification Requirements

While we support the proposed requirement that persons either preparing a SWPPP or implementing the SWPPP should be qualified to perform these tasks, the Regents believe that the

noted by EPA, these benchmark values were not intended to be used as hard line compliance limits. Instead they were intended to be used as "benchmarks" to be used by dischargers as an indication that the BMPs may need to be updated. We, therefore, respectfully disagree with the SWRCB staff and do not believe that the EPA benchmark values should be used as NALs.

On a related issue, it is unclear from the draft Permit how a follow up analysis should be conducted where only one of the listed constituents is above the benchmark values. In particular, it is unclear whether the follow up sample should be analyzed only for the constituent that was above the benchmark or whether all constituents should be analyzed for in the subsequent sampling. Similarly, it is unclear what would happen if the original constituent is below the benchmark value during a subsequent analysis but other constituents are above the relevant benchmark in a subsequent follow up analysis. In order to prevent this type of confusion, the Regents believe that a follow up analysis should be limited to only those parameters or constituents which were above the benchmark in the initial sampling.

The Regents also believe that there should be a mechanism or procedure which would allow a discharger who experiences an exceedence of a benchmark to return to the Baseline condition. For example, if a discharger records an exceedence of one constituent in year one but does not experience another exceedence of that or another constituent for a full year or two, there is no reason that the discharger should be permanently considered to be at a Level 2 or Level 3 compliance level. Instead, we believe that a discharger should be able to return to a Baseline compliance level after a reasonable period of compliance such as four quarters without another exceedence of the same constituent. Otherwise the discharger may be unfairly penalized for an unusual or unexplainable exceedence or even laboratory error.

Comment No. 5 – Erosion and Sediment Control BMPs

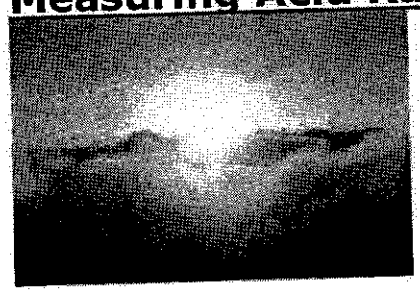
While the Regents support the use of Low Impact Development techniques, we do not believe that the permit should impose additional BMPs to control erosion and sediment where a facility has already implemented such controls as part of post construction hydromodification controls in compliance with either the General NPDES Permit for Storm Water associated with Construction Activities or as part of an approved Storm Water Management Plan. In particular, we believe that BMPs which were designed to meet the 85th percentile retention requirement should be grandfathered by the new Industrial Storm Water General Permit.

In conclusion, the Regents appreciate the opportunity to submit comments on the draft General Permit and look forward to working with the Board and its staff in developing a workable permit for the control of storm water discharges from industrial activities. If the Board or its staff have any questions regarding our comments, please give me a call at 510-987-9737.

http://www.epa.gov/acidrain/measure/index.html
Last updated on Friday, June 8th, 2007.

Acid Rain

Measuring Acid Rain



Acid rain is measured using a scale called "pH." The lower a substance's pH, the more acidic it is. See the pH page for more information.

Pure water has a pH of 7.0. However, normal rain is slightly acidic because carbon dioxide (CO_2) dissolves into it forming weak carbonic acid, giving the resulting mixture a pH of approximately 5.6 at typical atmospheric concentrations of CO_2. As of 2000, the most acidic rain falling in the U.S. has a pH of about 4.3.

For Students

To learn more about measuring the pH of water and soil, visit the Science Experiments page. This page includes information on how to measure pH, how to make a natural pH indicator, and more.

Two networks, both supported by EPA, monitor acid rain's pH and the chemicals that cause acid rain. The National Atmospheric Deposition Program Exit Disclaimer measures wet deposition and developed maps of rainfall pH (follow the link to the isopleth maps) and other important precipitation chemistry measurements.

The Clean Air Status and Trends Network (CASTNET) measures dry deposition. This EPA Web site features information about the data collected, the measuring sites, and the types of equipment used.