

P.O. Box 608 • 333 Panama Street • Port Hueneme, CA 93044-0608

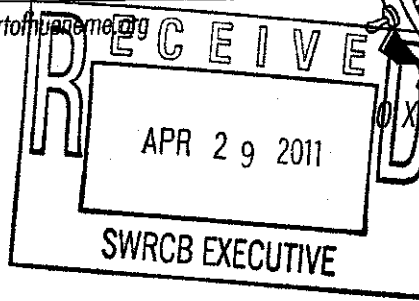
Tel 805.488.3677 Fax 805.488.2620 www.portofhueneme.org

# Port of Hueneme

OXNARD HARBOR DISTRICT  
FOREIGN TRADE ZONE #205



April 29, 2011



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

Subject: Oxnard Harbor District Comments on the Draft Industrial Permit (National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities)

Dear Ms. Townsend and Members of the Board:

The Oxnard Harbor District (OHD) appreciates the opportunity to provide comments regarding the reissuance of the current Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, Industrial Stormwater General Permit (IGP).

There are a variety of unique storm water compliance and engineering challenges associated with industrial operations within a port complex, particularly related to the relative size and impervious nature of marine terminals. Our comments focus on the key issues that we believe will have significant negative impacts on the OHD and our tenants, without a clear linkage to what receiving water benefits, if any, will be obtained.

The OHD would also like to emphasize that it is difficult to provide complete comments on the draft permit at this time because there are several important concepts that have not yet been fully developed by State Water Resources Control Board (SWRCB) staff, including the rationale behind the Numeric Action Levels (NALs)/Numeric Effluent Limits (NELs) and the Green Stormwater program. We understand the SWRCB would like to work cooperatively through a stakeholder process to further develop incomplete portions of the Draft IGP. The OHD agrees with the expanded use of the stakeholder process during development of the next Draft IGP, and looks forward to participating in that process.

Of particular concern to the OHD are the following issues:

- The use of U.S. Environmental Protection Agency (EPA) benchmark values as NALs and NELs is inconsistent with the EPA's intended use of these values.
- It may be impossible to achieve the proposed NALs using the best existing storm water treatment technologies. In addition, installation and use of these systems would be prohibitively expensive and would represent an insurmountable economic burden to the OHD and its tenants.

**BOARD OF HARBOR COMMISSIONERS**

Jess Herrera  
President

Dr. Manuel M. Lopez  
Vice President

Jesse J. Ramirez  
Secretary

Jason T. Hodge  
Harbor Commissioner

Mary Anne Rooney  
Harbor Commissioner

**PORT MANAGEMENT**

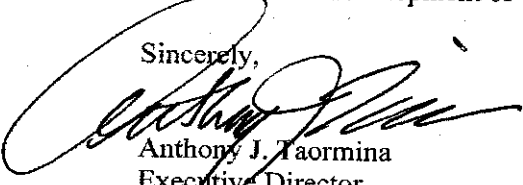
Anthony J. Taormina  
Executive Director

- The capacity of treatment control Best Management Practices (BMPs) should be consistent with typical Municipal Separate Storm Sewer Systems (MS4) NPDES permits and based on the most frequent storm events rather than very large events, like the 10-year storm event currently proposed.
- The permit must provide flexibility for industrial dischargers when evaluating potential causes for elevated concentrations or exceedances of proposed NALs. This flexibility should include the ability to provide data showing outside influences such as natural background sources, building materials, and/or atmospheric deposition when evaluating storm water discharge data. If the discharger can clearly show that an NAL exceedance is influenced by non-industrial or off-site sources, the discharger should not be held accountable for the consequences associated with the exceedance and ensuing corrective action requirements.
- The economic impacts of the proposed IGP are significant, especially for a complex site like the Port of Hueneme. A significant change between the existing IGP and the Draft IGP is the large increase in required inspections. Costs incurred to perform the required inspections, collect and analyze storm water samples, update compliance documents, and to train facility staff would pose a significant burden on the OHD and its tenants.

We are committed to the protection and improvement of the harbor waters, as demonstrated through our leadership in a recent contaminated sediment removal project at the Port of Hueneme and our continued application of best management practices (BMPs) at our berths and upland facilities. Our concerns, like the concerns of other stakeholders, are brought forward to you to ensure that the IGP being developed is scientifically sound, technically, logistically and economically feasible, and executed in a manner that ensures environmentally harmful and economically damaging actions are not required. The OHD feels that expenditures of the magnitude necessary to comply with this Draft IGP as currently written would be excessive and unwarranted. In addition, the many economic impacts associated with this Draft IGP should be thoroughly analyzed and carefully considered, given the fragile economic status of ports and harbors and the State.

Thank you for the opportunity to provide these comments. We look forward to continued involvement in development of the IGP.

Sincerely,



Anthony J. Taormina  
Executive Director  
Oxnard Harbor District