

Sacramento County Airport System  
G. Hardy Acree, Director of Airports



Public Comment  
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Deadline: 4/29/11 by 12 noon  
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## County of Sacramento

April 11, 2011

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



**SUBJECT: Comment Letter – Draft Industrial General Permit**

Dear Ms. Townsend:

This letter conveys the comments of the Sacramento County Airport System (County Airport System) regarding the proposed new Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated With Industrial Activities (Industrial General Permit or Permit). The County Airport System operates four airports: Sacramento International Airport (SMF), Mather Airport (MHR), Sacramento Executive Airport (SAC), and Franklin Field (F72). In addition, we manage the aviation operations at McClellan Airport (MCC) on behalf of the County's Economic Development Department. Sacramento International Airport (International Airport) is a mid-size commercial service airport, regulated by Title 14, Part 139 of the Code of Federal Regulations (14 CFR Part 139), which takes precedence over all other regulatory requirements.

International Airport has an "umbrella" stormwater Industrial General Permit that includes all of the airlines and other tenants under its Waste Discharge Identification number (WDID) as co-permittees in practice. Tenant operations are likewise included in the Storm Water Pollution Prevention Plan (SWPPP). A wide range of tenant activities occur at SMF, ranging from airlines and aircraft maintenance firms to car rental companies and restaurants. Most of the tenants have relatively small staffs and do not possess on-site environmental expertise, which makes it more effective for the County Airport System to include tenant operations within the International Airport Permit. MHR is a cargo and general aviation airport, while SAC is solely a general aviation airport. At both MHR and SAC, tenants are required to file their own Notice of Intent (NOI) or Notice of Non-Applicability (NONA) and are not included the WDIDs or SWPPPs for those airports. F72 is not subject to a stormwater industrial general or individual permit.

### **Potential Impacts on Sacramento County Airport System Facilities and Tenants**

The proposed new Industrial General Permit will potentially affect airports and airport tenants in different ways.

### Potential Impact on Airport Tenants

Because of the complexity inherent in operating a commercial service airport with tenants ranging from airlines to car rental companies and restaurants, the “umbrella” co-permittee arrangement is a convenient way to comprehensively manage stormwater compliance at International Airport. Based on our analysis, it appears that the proposed revisions to the California Industrial General Permit will affect International Airport in a different manner than the other airports managed by the County Airport System. As currently drafted, the proposed changes in the Permit may cause the County Airport System to re-evaluate the SMF “umbrella” model and the current tenant arrangements under the SWPPP to determine if this approach remains viable. That analysis could lead to the conclusion that it would be advisable for SMF tenants to seek separate Industrial General Permit coverage applicable to their operations.

Such a determination would require airport tenants to each file their own, individual Permit Registration Documents (which would replace the NOI in the proposed new industrial general permit). Alternatively, it may require tenants to apply for one of two exclusions proposed to replace the NONA. The first option would be a Conditional Exclusion (No Exposure Certification, No Discharge Certification, described in Section XXI of the draft Permit). The second option would be a Conditional Exclusion for Dischargers That Implement Green Infrastructure Stormwater Impact Reduction Technology (G-Sirt). Regardless of whether a tenant were to submit their own Permit Registration Documents or an exclusion application, the net result would be a substantial increase in tenant responsibilities, most of whom do not possess the expertise necessary to knowledgeably apply for such permits.

### Potential Impacts on Airports Managed by the County Airport System

As proposed, the Industrial General Permit will precipitate a substantially increased workload to comply with the additional monitoring (inspection, sampling, and recordkeeping) and reporting requirements. Additional staff resources will be required. Alternatively, it may be necessary to reassign or divert personnel from other responsibilities and competing regulatory requirements. In either case, the greater regulatory compliance workload would place an economic burden on the County Airport System during already a period of constrained fiscal resources. For instance, during the current recession the County of Sacramento has been forced to lay off over 1,400 employees, and many who retired are not being replaced. The more intensive staffing requirements inherent in the proposed Industrial General Permit would require a substantial devotion of fiscal resources that many private sector entities will likewise find fiscally infeasible, especially during the current economic downturn. With finite resources, many public and private entities will be forced to choose among regulatory mandates, knowing some may not be met.

### Specific Comments on Proposed Permit

- 1) Training: It is not clear whether initial or annual training is required. Section VII.B.3, page 16 states that the Qualified SWPPP Practitioner (QSP) must successfully

complete the approved QSP training course within one year from the effective date of the Permit. On the other hand, VII.A.3, page 16, refers to including training documentation in the annual reports. We suggest that the final Permit provide greater clarity with respect to training requirements.

- 2) The last sentence is cut off on page 12.
- 3) Signature Requirement for SWPPP Amendments or Revisions: Requiring the discharger to have the Qualified SWPPP Developer (QSD) sign each amendment or revision to the SWPPP (VII.B.2.a, page 16) would create an unnecessary financial and administrative burden on the discharger for non-technical changes to the SWPPP. It would be preferable to distinguish between technical and non-technical amendments, as is the case for Spill Prevention Control and Countermeasure Plans (SPCCs).
- 4) Timing of Implementation and SWPPP Revision: Various sections of the draft Permit appear inconsistent with respect to the effective date of implementation and the timeline for revising and implementing a SWPPP. For example, Section I.A. 5 (General Findings, page 2) states that the Permit shall take effect 100 days after adoption by the State Water Board, provided the Regional Administrator of the US EPA has no objection. However, Section II.Q.3 (Conditions for Permit Coverage – Existing Dischargers Covered Under 97-03-DWQ), states that existing dischargers shall revise and implement their SWPPP and Monitoring Program no later than 90 days after the new Permit is adopted. Section VIII.B.2 (SWPPP Requirements, page 17) likewise includes a 90-day provision for implementing SWPPP revisions. Clarification of the applicability of the 100-day period versus the 90-day period would be helpful.

Furthermore, greater clarity is needed in Section VII – Training Qualifications and Certification, particularly on pages 16 and 17 with regard to Qualified SWPPP Developers (QSD). It is unclear whether the revisions to the facility SWPPP to reflect the newly adopted Permit may be revised by a non-QSP because section VIII.B.2 (page 17) states that existing dischargers shall implement any necessary revisions to their SWPPP no later than 90 days after the adoption of the General Permit. Section VII.B.2 (page 16), however, states that the discharger shall ensure that the QSD successfully completes the approved training course within one year after the effective date of the Permit. It is unclear how a QSP could assist a facility in developing a new SWPPP within 90 days if the QSP has up to one year to attend approved training to perform this function.

- 5) The term “timely” needs to be defined in Section VIII.C.c (page 18) in regard to revisions and/or updates to the SWPPP.
- 6) Definition of “Significant:” The term “significant” in relation to *significant spills and leaks*, needs to be defined on pages 20 and 21, sections VIII.E.4 and VIII.G.4.a. Additionally, it is not clear within section VIII.G.4 whether the statement “Include toxic chemicals...” is meant to be *in addition* to “significant” spills/leaks or part of the

definition of “significant spills/leaks.” The various references on pages 20 and 21 are also unclear because the term “spills and leaks” appears interchangeably with “spills or leaks.” Also, the definition of “significant” in the glossary (Attachment K) is not consistent with the terms in the Permit.

- 7) The term “significant” in relation to *significant materials* (sections VIII.F, VIII.G.1, and VIII.G.2, page 20), needs to be defined in the permit, rather than just in the glossary (Attachment K).
- 8) Preventative Measures: Section VIII.G.4.b (page 21) requires the discharger to include in the SWPPP “...preventative measures taken to ensure spills or leaks of the material do not recur.” Please note that it is impossible to guarantee that any particular preventative measure can ensure that spills or leaks of a material do not recur. It would be more realistic to rephrase the section to state “reduce the likelihood” in place of “ensure.”
- 9) Inspection Requirements: The provisions in the draft Permit would require dischargers to conduct weekly inspections of all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and water run-on to determine housekeeping needs (section VIII.H.1.a.i, page 23). It would also require dischargers to carry out weekly inspections of each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks (section VIII.H.1.b.ii, pages 23-24), and document the findings of such inspections (section VIII.H.1.f., page 25). Performing these duties would require significant additional staff resources that simply may not be available due to fiscal constraints. The current General Industrial Permit requires quarterly visual inspections of non-stormwater discharges, and visual inspection of discharges during one storm event per month during the eight-month wet season (Oct. 1 – May 31). We believe the current requirement is reasonable and should continue.

As mentioned above, International Airport maintains a facility-wide “umbrella” Industrial General Permit covering the activities of all airport tenants. As the property owner, the County Airport System holds the permit and the airlines and other covered tenants are co-permittees in practice. The SMF SWPPP encompasses tenant activities and areas. Meeting the visual and discharge inspections contemplated in the draft General Industrial Permit would require the Board of Supervisors to establish a legally-enforceable system to require airlines and other SMF tenants to conduct inspections within their leasehold areas. Such a mechanism does not currently exist, and would no doubt be virtually impossible to implement. If adopted as currently written, the permit provisions would inappropriately put the airports in the position of a defacto regulatory agency.

- 10) The term “regular” needs to be defined in regard to regular inspection and maintenance of facility equipment and system used outdoors (section VIII.H.1.b, page 23).

- 11) The term “periodic” needs to be defined in regard to establishing a schedule to perform maintenance of identified equipment and systems (section VIII.H.1.b.iii, page 24), and periodic visual inspections of a facility (section VIII.H.1.h page 26). Is it the intent of the draft Permit that the definition of “periodic” to be determined by the QSD and stated in the SWPPP?
- 12) It is unclear if the employee training program is required to be implemented initially with the issuance of the revised SWPPP, or annually (section VIII.H.1.e pages 24-25).
- 13) The draft Permit requires dischargers to conduct one Comprehensive Facility Compliance Evaluation (evaluation) each reporting year. It states that dischargers shall schedule the next evaluation a minimum of eight months from the previous evaluation. It also states that dischargers shall revise their SWPPP as appropriate and implement the revisions within 90 days of the evaluation. These time parameters could lead to an annual evaluation occurring as little as five months after the SWPPP is last revised and implemented. Example: An evaluation is conducted in June and the SWPPP is revised and implemented 90 days later (September). Eight months from June is February, which is five months since the last revision and implementation of the SWPPP. The current Permit states that evaluations will be conducted within 8-16 months of each other. It is recommended that this provisions be revised to require the next evaluation be conducted a minimum of 12 months from the previous evaluation.
- 14) The acronym “NSD” that appears several times in section IX.B (page 29) appears to be a typographical error because the reference is to the non-storm water discharge (NSWD) , and because “NSWD,” rather than “NSD,” appears in the Acronym List in Attachment J.
- 15) Qualifying Storm Event: The draft Permit defines a qualifying storm event as having produced a minimum of ¼ inch of rainfall preceded by two consecutive days of dry weather. Requiring dischargers to wait until a minimum of ¼ inch of rain to fall may impede the timing for the visual monitoring and sampling (section IX.C.1.a, page 29; and X.E, page 30), because there may be occasions when visible runoff occurs before ¼ inch of rainfall occurs.
- 16) Visual Monitoring Requirements: The storm water discharges visual monitoring requirements, as laid out in draft Permit section IX.C.1 (page 29), could create situations impossible to meet without personnel accruing overtime by working outside normal operating hours. The permit defines “dry weather” as two consecutive days with combined rainfall of less than 1/8 inch as measured by an on-site rainfall measurement device. For example, if it began to rain on a Friday night (which is outside normal operating hours), the QSP would potentially need to come to work outside of normal operating hours to check the on-site rainfall measurement device Friday at midnight, and again on Saturday and Sunday if there was rain. Because the County Airport System is responsible for conducting stormwater sampling at multiple airports, the QSP would need to go to every airport to check the

measurement on the rainfall measurement device. Defining “dry weather” in this manner would lead either to violations of the terms of the Permit or staff overtime costs that may not be affordable due to fiscal constraints.

- 17) Observations Outside Normal Business Hours: The requirement for dischargers to visually observe any storm water storage and containment areas to detect leaks, contamination, and ensure maintenance of adequate freeboard, prior to any anticipated storm event, could also potentially lead dischargers to having to work outside of normal facility hours (section IX.C.4, page 29).
- 18) Observations Prior to Storm Events: Implementing the proposed new Permit requirements for dischargers to visually observe all storm water drainage areas to identify spills, leaks, or uncontrolled pollutant sources and implement appropriate BMPs, even during regular operating hours, prior to any anticipated storm event, would require a substantial increase in staff resources or lead to other environmental regulatory requirements not being met due to staffing limitations (section IX.C.6, page 30).
- 19) Frequency of Storm Water Sampling: The draft Permit proposes to change storm water sampling from twice per wet season (October 1 to May 31) to once per calendar quarter. Located in the north-central part of the State, the airports managed by the County Airport System typically experience the first rain event of the wet season in September and the last rain occurs in May/June. The rain is usually light in the autumn and spring fringe months, thereby not producing sufficient rainfall to generate measurable runoff at the sampling locations.

The land characteristics of County Airport System facilities is also a significant factor. SMF is comprised of approximately 6,000 acres, MHR has approximately 2,875 acres, and SAC is comprised of approximately 520 acres. Most of the land at all three airports is vegetated, thereby facilitating infiltration rather than surface flow. Due to the rain patterns of the Sacramento region and the acreage found at each airport, the County Airport System has often found it difficult to meet the current requirement for taking stormwater runoff measurements during two qualifying storm events. These same rainfall seasonality and landscape dynamics would make it virtually impossible to comply with the new proposed Permit requirements. We suspect that most of the other California airports governed by 14 CFR Part 139 have similar characteristics.

- 20) Definition of “Dry Weather:” Defining “dry weather” as two consecutive days of combined rainfall of less than 1/8 inch may increase the number of potentially qualifying storm events. However, the additional reference to “two consecutive days” as “48 hours” needs to be clearly defined as starting at 12:00 AM or some other well-defined standard.
- 21) Collection All Drainage Areas: Section X.F (page 31) requires a discharger to collect samples from all storm water drainage areas within four hours after a qualified storm event. With three airports to sample, it may be difficult logistically during normal

business hours to collect samples from all locations at all three airports within four hours after a qualified storm event. The three airports are geographically dispersed and it can take up to an hour to drive from one airport to another during heavy traffic conditions.

- 22) Requirement for Additional Sampling: The draft Permit includes a provision that if no sample is collected in a quarter, then an additional storm event shall be sampled the following quarter until four qualifying storm events have been sampled in a reporting year. This provision does not address a scenario in which four qualifying storm events may not occur in a reporting year in some areas of the State (Section X.G, page 31).
- 23) Measurement Parameters: The wording in Section X.K regarding field measurements for pH and TSS or pH and electrical conductivity / specific conductance is not consistent with Table 1 and Section XI.1 (page 32). The County Airport System has an instrument to measure pH and temperature, but would need to purchase another instrument to measure electrical conductivity in the field.
- 24) The Visual Monitoring and Sample Collection Exceptions should include strong winds as a dangerous weather condition (Section XII.D.1, page 36).
- 25) The Sampling and Analysis Reduction condition of sampling ten consecutive quarters in which qualifying storm events occurred could take years to be achieved at the above referenced airports due to the low number of qualifying storm events frequently experienced (section XVI.A.1, page 38).
- 26) Definition of Storm Water Events: "Ten-year 24-hour storm event" needs to be defined (sections VIII.C.3, page 18; XVII.C.2, page 40; and XVII.C.11, page 41).
- 27) Attachment D on Storm Water Sample Collection and Handling Instructions is a helpful document.
- 28) Attachment E, Storm Water Pollution Prevention Plan Checklist, is also a helpful document. We recommend, however, that each discharger be allowed to customize this checklist to best fit their particular facilities.
- 29) The words "Non-storm water" appear to be missing from the beginning of the sentence for the term "non-storm water discharges" (Glossary, Attachment K).
- 30) "Qualifying storm event" refers to five consecutive days of dry weather, with dry weather being five consecutive days of combined rainfall of less than ¼ inch. The number of days and amounts of rainfall are not consistent with the terms of the draft Permit (Glossary, Attachment K).

The Sacramento County Airport System appreciates the opportunity to comment on the draft Industrial General Permit. Questions about our comments may be directed to Senior Environmental Analyst Greg Rowe at 916-874-0698 or [roweg@saccounty.net](mailto:roweg@saccounty.net) or

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to Senior Environmental Coordinator Wendy Hoffspiegel at 916-874-0685  
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Sincerely,



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