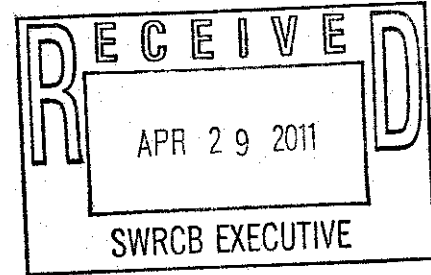




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April 29, 2011

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

Subject: Comment Letter – Draft Industrial General Permit for Storm Water Discharges Associated with Industrial Activities (Order No. NPDES CAS000001)

Dear Ms. Townsend,

On behalf of the Fibre Box Association (FBA) Group Monitoring Plan (GMP), AECOM Technical Services, Inc. (AECOM) is providing the following comments on the Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. NPDES CAS000001 issued for public comment on January 28, 2011 (Draft General Permit).

SECTION I.E- Numeric Action Level (NALs) and Numeric Effluent Limitations (NELs). The panel concluded that numeric limits or actions levels are technically feasible to control...

AECOM comment: We recommend that a detailed cost-benefit analysis be conducted by the State before implementing numeric effluent limits that was previously deemed problematic.

Section II.Q.3 – Existing dischargers shall revise and implement necessary revisions to their SWPPP and Monitoring Program in accordance with Section VIII. Revisions shall be made in a timely manner but no later than ninety (90) days [insert adoption date of permit] after adoption of this General Permit...

AECOM comment: Dependent upon the requirements in the approved/adopted Draft General Permit, AECOM believes implementation of the proposed requirements will require a significant amount of resources from the discharger. AECOM recommends that the revisions to the SWPPP and Monitoring Program shall be made in a timely manner but no later than one hundred eighty (180) days [insert adoption date of permit] after adoption of this General Permit.

Section VII.B.1.b SWPPP Certification Requirements – A QSD shall have one of the following registrations for certifications, and appropriate experience, as required for: 1. A California registered professional civil engineer; ii. A California registered professional geologist or engineering geologist; iii. A California registered landscape architect; iv. A professional hydrologist registered through the American Institute of Hydrology;

AECOM comment: AECOM believes that being a California-registered professional civil engineer, professional geologist, landscape architect, or professional hydrologist is a qualified occupation to prepare a SWPPP, but it should not be a necessary requirement. There may be a specific structural best management practice (e.g. detention pond) that may require a professional engineer or geologist to design and certify, but not all SWPPPs or facilities need this requirement. AECOM recommends that Section VII.B.1.b be expanded to include qualified individuals who have sufficient education and experience to prepare the SWPPP and, if necessary, approval by the State Water Resources Control Board.

Section VIII.G.4.b. – The description shall include the location, characteristics, and approximate quantity of the material spills or leaked, the cleanup or remedial actions that have occurred...

AECOM comment: AECOM recommends that the size or quantity of the spill or leak be defined in the Draft General Permit to satisfy Section VIII.G.4.b.

Section VIII.H.1.a.iv. – Cover all stored industrial materials that can be readily mobilized by contact with storm water.

AECOM comment: Majority of the facilities in the Fibre Box Association Group process scrap paper into bales for recycling. Due to the large amount of bales and the limitations of indoor space, the scrap paper bales are often stored outdoors until they can be shipped for recycling. It is a common industrial practice not to cover the scrap paper bales due to resources, safety, and feasibility. The outdoor storage areas are inspected on a daily or more frequent-basis and loose scrap paper is cleaned up as necessary. AECOM believes that frequent inspection and clean up is an effective housekeeping best management practice in preventing storm water pollution. AECOM recommends that this section be removed from the Draft General Permit or provide a site-specific definition for "industrial materials."

Section VIII.H.1.d.v. – Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

AECOM comment: AECOM recommends that "and clean daily any" be removed from this section. The frequency of inspections should be determined by the QSD and should be dependent on the potential of storm water pollution for the specific piece of equipment.

Section VIII.H.2 – Dischargers shall identify and implement additional facility-specific BMPs necessary to reduce or prevent pollutants.

AECOM comment: AECOM suggests that dischargers identify and evaluate the additional site-specific BMPs for applicability. The discharge will explain the reason if a site-specific BMP is considered inapplicable.

Section IX Monitoring Requirements – General.

AECOM comment: AECOM believes that the previous Group Monitoring Program under the current 97-03-DWG should be added to the proposed Draft General Permit. The Group Monitoring Program provides a significant value to small businesses. Through shared resources and practical experience, storm water monitoring groups provide a mechanism through which facilities with similar industrial activities are able to achieve compliance with the California General Industrial Permit effectively and efficiently. These benefits are attributable in large part to the central role

played by each monitoring group's designated "Group Leader," who is responsible for managing the technical and administrative aspects of permit compliance.

An effective group leader has extensive expertise in storm water pollution control and compliance and provides each group member with industry-specific training to assist in completing a site-specific SWPPP and implementing the GMP developed for the monitoring group. The GMP is the group's proposed framework for permit compliance. Each monitoring group member is required to attend training seminars regarding the various aspects of permit compliance, including SWPPP revisions, compliance requirement updates, and monitoring requirements.

Under the current General Permit, the Group Leader must inspect 40 percent of the group members' facilities every year to review onsite activities, evaluate BMPs, and site-specific storm water permit compliance issues. Each year the Group Leader reviews and evaluates the visual and analytical monitoring data collected by each group member. The members' BMPs and their visual and analytical results are discussed with the individual members, and, where appropriate, additional BMPs or revisions to existing BMPs are recommended. In addition to the annual reports required for each group member, the Group Leader must file a detailed report on the group's sampling data, inspection reports, BMP development and implementation, and overall compliance.

Many aspects of the group monitoring program outlined above are "additional" requirements not demanded of individual general permittees. These additional requirements clearly provide additional, significant benefits and add to the overall benefits of group monitoring, such as sharing information and having full access to qualified engineering and other resources through group participation.

While the group members benefit from greater access to expertise, and the industry itself benefits from greater compliance and environmental stewardship, the state also benefits significantly from group monitoring. These benefits include:

- Groups provide another layer of review and enforcement, which can correct potential problems before they result in compliance issues or potential harm to the environment, saving the State from having to bring enforcement actions in the future. Further, the review and enforcement role played by Group Leaders can be particularly effective because the relationship between Group Leader and Group Member promotes far more candor than the naturally adversarial relationship that exists between an industry member and the regulatory enforcement community.
- Because the monitoring group is able to share resources, the technical expertise of the Group Leader is available to individual members at a fraction of the cost of hiring individual consultants, allowing more regulated facilities greater access to the type of compliance assistance that generates better environmental performance than would be possible under an individual approach.
- The monitoring group provides training and oversees each member's compliance activities. Where necessary, such as the result of employee turnover, additional training is provided. This is an important benefit to individual companies that do not have the financial resources to conduct effective stormwater training in today's complex regulatory environment. Without such training, new employees often are referred to manuals and must attempt to figure things out for themselves. While such manuals can provide enough basic

compliance information to stay out of trouble, these new employees miss opportunities for proactive, cost-effective, and proven approaches otherwise available through groups.

- The Group Leader inspects 40 percent of the group members each year and reviews the visual and analytical monitoring data. Where necessary, the Group Leader recommends revisions to existing BMPs and/or additional BMPs. Because of the Group Leader's familiarity with trends in storm water management technologies and industry-specific compliance issues, the Group Leader is in a position to provide effective, industry-specific advice. This advice would not only be too expensive to obtain otherwise for most small businesses (a majority of groups cater to small businesses), but a "typical" engineer generally would not have as much industry-specific knowledge or experience as a Group Leader.
- Group Leaders also should be informed regarding federal and state regulatory developments that affect the stormwater program and can provide group members with a more strategic compliance program that might incorporate aspects of programs that might lead to environmental management systems, participation in TMDL allocations, etc.
- Monitoring groups also provide the state with easy information distribution and a ready supply of industry input. For example, on many occasions, the SWRCB has been able to call meetings and seek input or distribute important program information. The success of these meetings must be attributed in large part to the group organization network.

Section IX.C. – Visual monitoring shall occur at all discharge locations during the first four hours after a determination that the discharge is from a qualifying event.

AECOM comment: AECOM suggests that visual monitoring shall occur at all discharge locations if the qualifying storm event occurs during business hours. The qualifying storm shall be determined based on local forecast and professional judgment. It is not feasible to maintain and operate on-site rainfall measurement devices, specially, for small facilities with limited resources.

Section X.A. – All dischargers (including dischargers Subject to Level 1 Corrective Actions) shall collect storm water samples from the first qualifying storm event of each calendar quarter.

AECOM comment: California's weather conditions present variable rainfall patterns including rainfall intensity, duration, timing, and geographic location. Tracking stormwater events and collecting storm water samples from the first qualifying storm event of each quarter is extremely difficult. There are areas in California where a qualifying rainfall event may not occur in a 4 to 6 month period (or more) during facility operating hours. AECOM recommends that dischargers should collect no more than a total of two storm water samples per monitoring season per discharge area.

Section X.Table 1 – Test Methods, Detection Limits, and Reporting Unit Basic Parameters

AECOM comment: For pH and electrical conductivity/specific conductance, dischargers should have the option to use a calibrated portable field instrument or defer to laboratory analysis.

Section X.K. – Field measurements for pH and TSS (sic) shall be performed on each sample collected using a calibrated portable instrument. Dischargers are not allowed to combine samples from different storage areas prior to field measurements.

AECOM comment: For pH and electrical conductivity/specific conductance, dischargers should have the options to use a calibrated portable instrument or defer to laboratory analysis. AECOM recommends that this section should be removed.

Section XI.1. – The individual field results for pH and Specific Conductance, and;

AECOM comment: For pH and electrical conductivity/specific conductance, dischargers should have the option to use a calibrated portable instrument or defer to laboratory analysis. AECOM recommends that this section should be removed.

Section XII.B. and Attachment D – Qualified Combined Samples

AECOM comment: In this section, “from as many as four drainage areas” should be deleted. The QSD can make a determination and certify how many drainage areas can be combined. The sentence “Samples shall be combined by the laboratory and not by the discharger” should also be deleted. Dischargers qualified to collect the sample should be qualified to combine the sample if properly trained.

Section XII.D. – Visual Monitoring and Sample Collection Exceptions

AECOM comment: Dischargers should not be required to collect samples or conduct visual monitoring when there is limited light due to health and safety concerns.

Section XVII.C and D – Corrective Actions

AECOM comment: The numeric action limits (NALs) should not be treated as numeric effluent limits. We believe a numeric limits should be established for an individual stormwater permit not for the General Permit. The discharge flow is as important as concentration. A facility under the General Permit often has relatively small or irregular discharges; therefore, creating challenges to establish numeric effluent limits.

XVII.E.1 – NAL corrective action trigger

AECOM comment: The trigger definition lacks a scientific basis. AECOM recommends that the State either eliminate the corrective action trigger or provide the rationale how the frequency of exceeding is defined.

XVII.E.8 – The implementation schedule shall not exceed 90 days from the date of determination.

AECOM comment: It is not feasible to implement some structural BMP within 90 days given that agency permits are often needed prior to construction. AECOM recommend that it be changed to 180-days.

Section XVII.E – Within 14 days following approval of the report described above by the regional water board...

AECOM comment: AECOM recommends that 14 days is changed to 30 days.

Section XX.A – Dischargers shall prepare and submit Annual Reports to the Regional Water Board no later than July 15 of each year.

AECOM comment: AECOM recommends that dischargers shall prepare and submit Annual Reports to the Regional Water Board no later than August 1 of each year. This extended time will allow for a more thorough review of the Annual Report (internal review, legal, consultant, etc) and for BMP implementation/modification as a result of NSWDC observations, storm water samples, and/or the annual comprehensive facility compliance evaluation.

Attachment D. Section 3 – Samples that quality to be combined shall be combined by the laboratory and not by the discharger.

AECOM comment: The section should be deleted. Dischargers qualified to collect the sample should be qualified to combine the sample if properly trained.

Attachment D. Section 5 – Use only the sample containers provided by the laboratory to collect and store samples. Use of any other type of containers could contaminate your samples.

AECOM comment: Most of the FBA GMP member facilities do not have a horizontal outfall pipe where storm water sampling containers can be placed to easily collect a storm water sample. Many of the FBA GMP member facilities' outfalls are storm drains where they have to temporarily cover the drain to allow for storm water runoff to pond and use a transfer container to collect the water and pour it into the sample bottles. The analysis may require up to 1 liter or more of sample and the sample containers are not suitable to directly collect the sample in this manner. Removing the storm drain grate and reaching down below grade to directly collect the sample into the sampling container may require OSHA confined space training and presents an unnecessary safety hazard. Finally, advanced sampling equipment can be costly and difficult to use for most facilities. AECOM recommends that this statement be removed from the Draft General Permit.

AECOM appreciates the opportunity to comment on the draft General Permit and respectfully requests that the State Water Resources Control Board carefully consider all comments regarding the Draft General Permit. If you have any questions, please contact the undersigned at 630-836-1700.

Yours sincerely,
AECOM



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