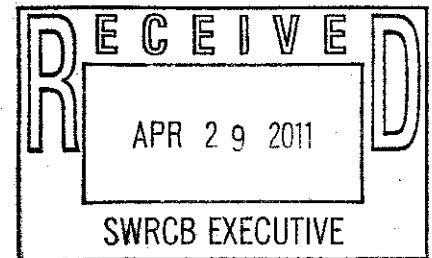


From: Joyce Dillard <dillardjoyce@yahoo.com>
To: <commentletters@waterboards.ca.gov>
Date: 4/29/2011 10:34 AM
Subject: Comment Letter-Draft Industrial General Permit due 4.29.2011 Noon



Comment Letter-Draft Industrial General Permit due 4.29.2011 Noon

From your Storm Water Fact Sheet you state:

"While early program efforts focused on controlling pollutants and implementing good management practices, the program is now also emphasizing holistic strategies aimed at not only preventing problems but providing many community benefits. Storm water is an important resource and Low Impact Development and Green Infrastructure techniques are now capitalizing on opportunities in California. The goal is to capture the water that runs off concrete and non-permeable surfaces and use it, for example, to water trees, plants and other living things on the same plot of land from which it would flow away. Groundwater supplies are replenished, too, and the amount of pollutants that flow into our waterways is reduced."

BEST MANAGEMENT PRACTICES is the method used to address Storm Water and the Industrial General Permit. This lacks scientific application and practicality as to source points of pollution.

You ask for:

- Type of pollutant
- Implementation frequency
- BMP location
- Responsible party for implementation
- BMP implementation instructions
- Equipment and/or tools needed to implement the BMP

While being responsible for

- Spills
- Leaks
- Uncontrolled pollutant sources

Effected in this permit:

- Landfills, land application sites and open dumps
- Recycling facilities
- Steam electric power facilities
- Transportation facilities
- Sewage or wastewater treatment works

"However, NPDES permit coverage is 'conditionally excluded' for discharges of storm water associated with industrial activities if the discharger can certify that a condition of 'no exposure' exists at the industrial facility. A condition of 'no exposure' means that a discharger's industrial activities and materials are not

exposed to storm water. Storm water discharges from construction and land disturbance activities are not eligible for the no exposure exclusion."

More than BMP, one needs a plan to identify the sources and contain those sources before release into the storm water.

On-site containment through Low Impact Development needs to be defined as to effective use. Measurements and pollutant loads reduced should be submitted. "Holistic" is a poor term because the taxpayer is ultimately responsible through fines for TMDLS or through bonds for water quality and water supply. Thoroughly vetted and tested program development is needed to justify that use of such methods as Low impact Development. The cost is born by the permit holder and not the taxpayer.

Focus needs to be placed on the development side. These industrial permits are based on growth and infrastructure needs, yet those needs are not addressed as a compliance issue for required or elective reporting. Here, the General Plans and the related Community Plans can be used effectively in addressing growth and development in relationship to pollution and to storm water and the infrastructure existing and the infrastructure needed.

Green building, at this point in time, is a handful of projects, not a movement, not regulated and not effective unless local governments enact building and safety code standards and encourage investment in these activities or offer incentives to execute green building practices.

The Clean Water Act is about point sources. Estuaries need to be addressed in this process. BMP must include fish and wildlife BMPs. Watershed planning should include sources of contamination and methods of containment. Ecological Area Master Plans should be introduced to Basin Plan borders and Watershed borders. Commerce exists in coastal fisheries.

People and recreation consideration are part of the CWA as is people and drinking water.

Changes of condition need a system of reporting and follow-through. Resubmission of plans should be required for immediate control of discharges.

Alternatives should be discussed but are omitted.

According to the CWA:

"The program shall, at a minimum, (A) establish priorities, (B) establish requirements for State stormwater management programs, and (C) establish expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate."

This permit does not have the following requirements:

- Performance standards
- Guidance
- Treatment requirements

You address the need for a responsible party, yet negate the need for qualified personnel and licensing to evaluate point source contamination, report point source contamination and mitigate point source contamination.

The science behind facts needs cultivation as reports tend to satisfy these procedural processes, yet allow the main problem of contamination continue without a challenge. The Responsible Party becomes the State Regional Water Quality Control Board for enacting weak and ineffective regulations.

Ongoing analysis and increases in pollution need to be monitored at the State level. Adherence procedures are not addressed in this permitting process. Cumulative effects from all permittees is not addressed in this document.

Standards are required, but not addressed in this document.

The navigability and the commerce generated is behind all regulations. This permitting is a process for economic development. That fact is not evident in the requirements.

United States District Court Case No. 10-56017, NATURAL RESOURCES DEFENSE COUNCIL, INC.; SANTA MONICA BAYKEEPER, v. COUNTY OF LOS ANGELES et al in its Opinion stated:

"Although the District argues that merely channeling pollutants created by other municipalities or industrial NPDES permittees should not create liability because the District is not an instrument of "addition" or "generation,"⁸ the Clean Water Act does not distinguish between those who add and those who convey what is added by others—the Act is indifferent to the originator of water pollution. As Judge Wilkinson of the Fourth Circuit cogently framed it: "[The Act] bans 'the discharge of any pollutant by any person' regardless of whether that 'person' was the root cause or merely the current superintendent of the discharge." Huffman, 625 F.3d at 167 emphasis added). 'Point sources' include instruments that channel water, such as "any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged." 33 U.S.C. § 1362(14) (emphasis added)."

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