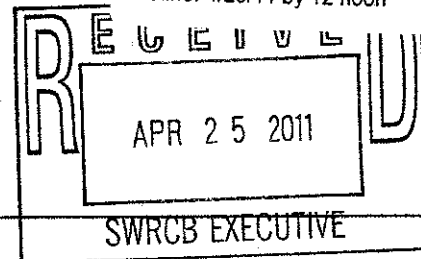




Public Works Department

Public Comment
Draft IGP
Deadline: 4/29/11 by 12 noon



April 26, 2011
File # 0780-85-KY181

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Attention: Jeanine Townsend, Clerk to the Board

SUBJECT: COMMENT LETTER – DRAFT INDUSTRIAL GENERAL PERMIT

The City of Chula Vista appreciates the opportunity to provide comments on the Draft Industrial General Permit, dated January 28, 2011. City staff has reviewed the Draft Permit and its attachments, and our comments are presented in Attachment A to this letter.

We trust that the State Water Board will give full consideration to our comments and recommendations.

Should you have any questions or if you need further information, please call me at (619) 397-6111. Thank you.

KHOSRO AMINPOUR
SENIOR CIVIL ENGINEER

Attachment

c: Rick Hopkins, Director of Public Works
Matt Little, Assistant Director of Public Works
Silvester Evetovich, Principal Civil Engineer

COMMENTS ON THE DRAFT INDUSTRIAL PERMIT DATED JANUARY 28, 2011

1. Section V.E.1 – Compliance Storm Event. This section requires all treatment BMPs to be designed for no less than a 10-year, 24-hour storm event. Compliance with this requirement may be problematic on some existing industrial facilities due to site constraints. Also, the associated costs are prohibitive for some small business owners, and may drive them out of business.

Recommendation – Revise the Compliance Storm Event to the 24-hour 85th percentile storm event, consistent with some NPDES municipal permits.

2. Section VII.B.1 – SWPPP Certification Requirements. The draft permit requires that a QSD should have registrations for particular certifications. Professionals with the listed registrations do not typically work within industrial facilities, and may not be as familiar with industrial processes as others working in such facilities.

Recommendation – Revise the requirement in such a way that allows experienced facility staff to become a QSD through training and/or other certification process. Having on-site QSDs will improve BMP implementation, and lower costs for business owners.

3. Section VIII.H.1 – Minimum BMPs. This section requires dischargers to perform weekly and daily inspections of various areas of their industrial activities, resulting in over 300 inspections per year. Industrial processes typically involve routine activities, which are not changed on a weekly or daily basis. Once BMPs are established, the QSD can identify effective inspection frequencies to maintain compliance with the BMP requirements of the permit. This flexibility will prevent unnecessary and redundant inspections.

Recommendation – Revise this requirement to allow the QSD to determine inspection frequencies.

4. Section VIII.H.1.f.i – Record Keeping and Quality Assurance. The draft permit requires weekly and daily inspections of various industrial areas and activities and record keeping of all inspections. In view of the fact that each facility may conduct over 300 inspections per year, this requirement results in a significant amount of documentation and record keeping, which has to be retained for five years.

Recommendation – Provide for a quarterly or bi-annual self-certification mechanism to demonstrate that the required number of inspections per the SWPPP and related corrective actions has been performed.

5. Section VIII.I – Annual Comprehensive Facility Compliance Evaluation (ACFCE). This section requires the ACFCE to be conducted once per reporting period (July 1-June 30). This does not correspond with the time frame stated in Sections IX and X, which divide the year in quarters based on the calendar year. In addition, the permit states in Section XX – Annual Reporting Requirements that the Annual Report is due on July 15 each year, but does not specify the reporting period.

Recommendation – Please clarify the Reporting Period and its correlation with the sampling and monitoring quarters.

6. Section IX.C.6 – Storm Water Discharges Visual Monitoring. This section requires dischargers to visually observe all storm water drainage areas prior to any anticipated storm event. Typically, anticipated storm events are defined as a percentage chance of rain. The permit is not clear on the definition of anticipated storm event.

Recommendation – Include a definition for “anticipated storm event”.

7. Section X – Sampling and Analysis Requirements. In southern California, the dry season is typically from May 1st to October 1st of each year. During the dry season there is very little, if any, precipitation and that only in the form of short duration light rain. The likelihood of a qualifying rain during the dry months is very slim.

Recommendation – Revise the draft permit to eliminate the requirement for four samples per reporting year. If there is no QSE during any quarter, the discharger should be able to explain in the Annual Report why sampling did not occur during that quarter.

8. Section X.H.4. – Sampling and Analysis Requirements. This section states that dischargers operating facilities that discharge to 303(d) listed impaired waters evaluate potential industrial pollutants that are related to the receiving waters impairment and to analyze for these additional pollutants.

It is difficult to determine which, if any, industrial pollutants cause or contribute to some 303(d) listed impairments such as toxicity or Benthic Community Effects. These additional analyses are costly and most likely will not provide a definite answer.

Recommendation – Provide more guidance as to which 303(d) listed pollutants should be monitored and how to make that determination when selecting additional pollutants for analysis.

9. Section XVII.D.5 – Level 3 Imposition of NELs. In order to submit a SNEL request, the draft permit states that the discharger must submit “Documentation that the discharge is either (1) not discharging to an impaired receiving water, (2)...”

Recommendation – The draft permit should be revised to state “Documentation that the discharge is either (1) not discharging to a receiving water impaired for the same constituent, (2)...” (underline added for emphasis).

10. Section XVII.E.2 – NAL Corrective Action Triggers. This section states that either “...the dischargers or the Regional Board is required to make a determination that storm water discharges and/or authorized non-storm water discharges contain pollutants that are in violation of Receiving Water Limitations...” It is not clear how the discharger would

determine if there were an impact to receiving water quality, since dischargers are not required to monitor receiving waters.

Recommendation – Revise the language in this section to convey that the Regional Board and not the discharger, makes the determination if the discharger is in violation of Receiving Water Limitations.

11. Section XVII – Corrective Actions. This section outlines corrective actions that dischargers must take in response to an NAL trigger. Although it provides for a means to correct an NAL trigger, it does not allow a facility to return to lower corrective action levels after implementation of additional BMPs and demonstration of compliance with BAT/BCT.

Recommendation – Provide a mechanism for returning to Baseline Compliance or a lower level of corrective action if the discharger meets all corrective action requirements of the previous level, and demonstrates compliance with BAT/BCT standards.

12. Attachment K – Glossary. The definition of Qualifying Storm Event states that the QSE must be preceded by five consecutive days of dry weather. Section IX.C.1. – Storm Water Discharges Visual Monitoring states that a QSE must be preceded by two consecutive days of dry weather.

Recommendation – Provide consistency about Qualifying Storm Event.

13. Fact Sheet Section II.A.2 - Effluent Limitations. This section states that a discharger who complies with BAT/BCT can reduce the pollutants in their storm water effluent to achieve concentrations at or below the NALs. The fact sheet states that Best Professional Judgment was used to make this determination, however, there is no documentation or explanation as to how this conclusion was drawn.

Recommendation – Provide rationale and/or supporting documentation about how BAT/BCT implementation will prevent NAL triggers.

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