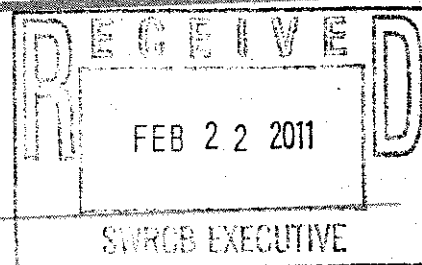


commentletters - "Comment Letter - Draft Industrial General Permit"

From: "Birmelin, Michael" <Michael.Birmelin@sdcounty.ca.gov>
To: <commentletters@waterboards.ca.gov>
Date: Tuesday, February 22, 2011 3:31 PM
Subject: "Comment Letter - Draft Industrial General Permit"



To Whom It May Concern:

The new industrial permit draft incorporates a few key requirements, which are taken from the latest construction site general permit. A couple of these include increased sampling and inspection requirements. Also, certain documents under the new draft permit must be prepared by a Qualified SWPPP Developer (QSD), which must have a specific registration such as a registered civil engineer, and pollution controls must be implemented by a Qualified SWPPP Practitioner. Both of these individuals must complete a State Board-approved training course.

According to the new permit draft, a QSD must have the following registrations for certification and appropriate experience, as required for a California registered professional civil engineer; a California registered professional geologist or engineering geologist; a California registered landscape architect; and a professional hydrologist registered through the American Institute of Hydrology.

Although personnel with the registrations listed above may be experts in their fields, many of them lack expertise in the chemical and wastewater treatment fields, (pretreatment). Knowledge and expertise in the chemical field is required when developing a SWPPP for a facility that incorporates a wide variety of chemicals and processes into their operations, as well as produces a variety of pollutants from their operations. Commonly, industries of this type require the use of a complex waste treatment system for the handling of their waste streams.

Many of the personnel in the registered professions listed above would not have the adequate knowledge to develop the SWPPP, monitoring program, or the standard operating procedures for the pretreatment equipment, which are necessary for complying not only with stormwater regulations, but a wider application of regulations at the Federal level that would also apply. Since, many of these facilities have their pretreatment systems located outdoors, personnel skilled in the background of chemistry are what is required in order to assess and handle the potential pollutants that may be present in stormwater. Some of these pollutants may be present on the organic toxic list, but are not listed in the chemical inventory list, since they are the result of reactions that occur from material being used on-site (handling, storage, and process use). These pollutants cannot be determined by review of the chemical inventory list alone.

Personnel with a strong chemical, pretreatment, and regulatory background are what is needed for the development of a SWPPP for a complex industrial facility, and such registrations or certifications should reflect these qualifications, rather than listing personnel registered as a civil, geology, or landscaping professional as qualified to develop an industrial SWPPP. These registrations are not adequate proof alone for determining the ability of personnel to develop an industrial SWPPP, particularly for industries such as ship building, naval air craft repair, pharmaceutical, semi-conductor, and television manufacturing facilities, and others commonly found in the San Diego area.

In summary, if registrations are to be required of personnel who develop industrial SWPPPs, then they should be those that are chosen to truly reflect the capability of the person(s) in dealing with industries that produce a variety of waste types and employ sophisticated pretreatment systems. I am not convinced

that those registrations listed in the new industrial permit at the exclusion of other more qualified personnel, who do not possess those particular registrations are in the best interests of industry.

Michael Birmelin, CPESC

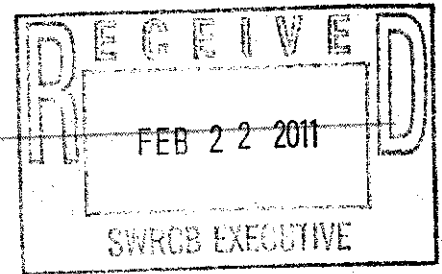
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commentletters - "Comment Letter - Draft Industrial General Permit"

From: Birmelin <birmelin@sbcglobal.net>
To: <commentletters@waterboards.ca.gov>
Date: Tuesday, February 22, 2011 6:44 PM
Subject: "Comment Letter - Draft Industrial General Permit"



To Whom It May Concern:

I submitted the email below earlier today, but without the sources of information included. After which, I received a confirmation that the message may be printed, which I was not aware of. This is alright, but it should not be printed without the following sources of information identified. The revised email listed below includes those sources. Thanks

*The new industrial permit draft incorporates a few key requirements, which are taken from the latest construction site general permit. *A couple of these include increased sampling and inspection requirements". *Certain documents under the new draft permit must be prepared by a Qualified SWPPP Developer (QSD), which must have a specific registration such as a registered civil engineer, and pollution controls must be implemented by a Qualified SWPPP Practitioner". *Both of these individuals must complete a State Board-approved training course.

*According to the new permit draft, a QSD must have the following registrations for certification and appropriate experience, as required for a California registered professional civil engineer; a California registered professional geologist or engineering geologist; a California registered landscape architect; and a professional hydrologist registered through the American Institute of Hydrology.

Although personnel with the registrations listed above may be experts in their fields, many of them lack expertise in the chemical and wastewater treatment fields, (pretreatment). Knowledge and expertise in the chemical field is required when developing a SWPPP for a facility that incorporates a wide variety of chemicals and processes into their operations, as well as produces a variety of pollutants from their operations. Commonly, industries of this type require the use of a complex waste treatment system for the handling of their waste streams.

Many of the personnel in the registered professions listed above would not have the adequate knowledge to develop the SWPPP, monitoring program, or the standard operating procedures for the pretreatment equipment, which are necessary for complying not only with stormwater regulations, but a wider application of regulations at the Federal level that would also apply. Since, many of these facilities have their pretreatment systems located outdoors, personnel skilled in a background in chemistry is what is

required in order to assess and handle the potential pollutants that may be present in stormwater. Some of these pollutants may be present on the organic toxic list, but are not listed in the chemical inventory list, since they are the result of reactions that occur from material being used on-site (handling, storage, and process use). These pollutants cannot be determined by review of the chemical inventory list alone.

Personnel with a strong chemical, pretreatment, and regulatory background are what is needed for the development of a SWPPP for a complex industrial facility, and such registrations or certifications should reflect these qualifications, rather than listing personnel registered as a civil, geology, or landscaping professional as qualified to develop an industrial SWPPP. These registrations are not adequate proof alone for determining the ability of personnel to develop an industrial SWPPP, particularly for industries such as ship building, naval aircraft repair, pharmaceutical, semi-conductor, and television manufacturing facilities, and others commonly found in the San Diego area.

In summary, if registrations are to be required of personnel who develop industrial SWPPPs, then they should be those that are chosen to truly reflect the capability of the person(s) in dealing with industries that produce a variety of waste types and employ sophisticated pretreatment systems. I am not convinced that those registrations listed in the new industrial permit at the exclusion of other more qualified personnel, who do not possess those particular registrations are in the best interests of industry.

* Beltran Law Group, a Professional Corporation <http://www.beltranlawgroup.com/blog/category/water-quality/>

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