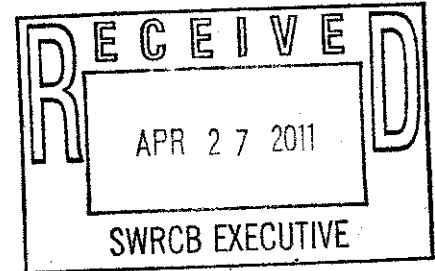


April 27, 2011

Via e-mail

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



Subject: Comments on the Draft Industrial General Permit

Dear Ms. Townsend:

Thank you for the opportunity to comment on the Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit). Blymyer Engineers, Inc. (Blymyer) has been assisting industrial facilities nationwide with storm water permitting, Storm Water Pollution Prevention Plans (SWPPPs), storm water training, and general management of their storm water programs for approximately 18 years. We currently assist over 65 facilities in California with their storm water compliance programs. We work primarily with transportation and manufacturing facilities. Blymyer is submitting these comments to explain potential problems we foresee and to provide recommendations for changes to the Industrial General Permit.

General

1. The permit is not sector-specific.

The permit must apply to a wide variety of industries. We believe it is nearly impossible to write one permit that is applicable to and effective at controlling pollutants from all industrial sectors.

Recommendation: Make the permit sector-specific permit. It should provide general baseline requirements across all sectors and additional sector-specific requirements for each sector. Examples include the current U.S. EPA, Maine, Virginia, and South Carolina industrial storm water permits. These permits outline specific requirements for each sector based upon the industrial activities commonly performed in the sector.

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2. The Qualified SWPPP Developer (QSD) registration and certification requirements in Section VII are too restrictive.

Possession of one of the registrations or certifications listed in Section VII.1.b is not a guarantee that an individual has the experience and background needed to develop an effective SWPPP. A person who has extensive experience preparing and implementing SWPPPs may be more qualified to prepare an effective SWPPP than someone who has one of the listed registrations or certifications.

Recommendation: Allow any individual to complete a State Water Board-sponsored or approved QSD training course and allow any individual who successfully completes the course to be a QSD. If it is felt that a minimum amount of experience is required, expand the list of QSD eligibility requirements in Section VII.1.b to include persons with a specified amount of background experience in SWPPP development (e.g., 3 or more years of SWPPP development experience). State Board Staff mentioned at the recent hearing and at the workshops that the P.E./Hydrologist/Architect requirement was included because hydrological calculations may be required. This is another reason why a sector-specific permit would be preferable. A large proportion of our clients' facility layouts are very basic. The facilities are mostly level and storm water discharges via storm water drains or sheet flow to the street. It is unlikely that complicated hydrological calculations will be necessary. If hydrological calculations are required, a P.E or Hydrologist can be retained.

SWPPP Inspections and Documentation

3. The facility inspection and recordkeeping requirements are burdensome.

Inspections required by the permit include: weekly minimum BMP good housekeeping inspections, weekly preventive maintenance inspections, quarterly visual inspections, quarterly non-storm water discharges visual monitoring, annual comprehensive facility compliance evaluation, monthly storm water visual monitoring, pre-storm inspections, and documentation of non-discharging storm events (see Table 1 attached). The number of inspections and amount of recordkeeping will be overwhelming, especially to smaller facilities with no environmental staff on site. The inspection requirements in the current permit can be confusing for trained personnel; the many additional inspection requirements in the draft permits will make it even more difficult for personnel to comply with inspection requirements.

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Recommendation: Consolidate the inspections. Require a weekly facility inspection that includes verification of the implementation of best management practices, the maintenance of equipment, and observations of potential problems. Require a monthly wet weather inspection during the rainy season as in the current permit. Require a quarterly inspection for non-storm water discharges and an annual comprehensive facility compliance evaluation which includes a certification of compliance with the permit. This recommended inspection schedule would be more streamlined and less confusing for facility personnel and would still be effective in protecting storm water quality.

4. The permit has numerous inspection and recordkeeping requirements in Sections VIII and IX but no guidance as to how inspections should be documented.

The permit provides no instructions for documenting inspections. It will be difficult for dischargers to devise appropriate methods for documenting inspections. There will be little consistency in recordkeeping among dischargers.

Recommendation: Provide inspection and recordkeeping forms or templates for documenting inspections. Or, if no forms or templates are provided, allow sites to submit the information on their own inspection forms and upload the forms to SMARTS instead of using the Annual Report forms. We have found the Annual Report forms for documenting inspections to be difficult to use.

5. The permit mandates in Section VIII.B that existing discharges shall implement any necessary revisions to their SWPPP no later than ninety (90) days after adoption of the General Permit.

The permit as drafted necessitates substantial changes to SWPPPs, which will take time to implement. This is particularly true for larger companies with multiple sites that must revise or prepare new SWPPPs, train facility personnel, and implement the required changes.

Recommendation: Allow at least 180 days after adoption of the General Permit to revise SWPPPs to incorporate the new requirements.

6. The BMP Descriptions listed in Section VIII.H.3 are too specific regarding the BMP implementation schedule and responsible individual/position requirements.

Due to frequent personnel turnover and schedule changes the SWPPP would constantly need to be updated. Names and/or position of responsible individuals change frequently due to promotions and turnover. Work schedules change; a BMP that was previously

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scheduled every Friday may need to be performed every Thursday if the responsible individual's working hours change.

Recommendation: Require BMP Descriptions that include: type of pollutants the BMP is designed to reduce or prevent, locations within each area of industrial pollutant where the BMP will be implemented, and maintenance procedures and/or instructions to implement the BMP. Instead of in a separate narrative description of each BMP in the SWPPP, the BMP Descriptions should be added to the required BMP summary table (example provided in Fact Sheet Figure 2) in reference to each industrial activity and associated pollutant sources.

Sampling/Analysis Requirements and Corrective Actions

7. The requirement in Section X to sample quarterly is impractical in California.

Rainfall patterns vary greatly in California. In many areas there will be no rain during some quarters, particularly in the July - September quarter. The quarterly sampling requirement will be confusing in areas of the state where little rain occurs. It will be difficult for many facilities to collect four samples in a reporting year due to the infrequency of rain events. Also, some of the storm events that do occur will likely be non-qualifying events, further reducing the opportunity for sampling.

Recommendation: Retain the current sampling schedule of two samples during the reporting year. If the requirement for four samples is retained in the permit, base the schedule on the reporting year. For example, require two samples to be collected between July 1st and December 31st and two samples to be collected between January 1st and June 30th.

8. The qualifying storm event requirements in Section X.E for performing visual and analytical monitoring are impractical.

The requirement for an on-site rain gauge means more maintenance and recordkeeping for facility personnel and the measurements are not likely to be substantially different from measurements provided by existing local rain gauges accessible online. Furthermore, facility personnel will find it difficult to frequently check an on-site rain gauge throughout each storm event to determine if $\frac{1}{4}$ inch of rainfall has occurred and a sample can be collected. In our experience it is difficult for facility personnel with little environmental background to use a rain gauge properly, resulting in inaccurate readings. We anticipate a scenario where storm water has begun discharging but facility personnel

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believe that less than ¼ inch of rain has fallen, so they wait, and then miss a sampling opportunity because the discharge stops before the rain gauge level reaches ¼ inch.

Recommendation: Eliminate the requirement to have an on-site rain gauge and take rainfall measurements to identify qualifying storm events. Require the facility to perform visual and analytical monitoring when a discharge occurs. Define a dry weather day as a day with no discharge.

9. The requirement in Section X.H to field test for Electrical Conductivity is impractical and may result in inaccurate readings.

We agree that pH must be tested in the field due to the 15-minute maximum holding time. However, Electrical Conductivity, which has a 7-day holding time, would be more accurately measured in the laboratory. Blymyer Engineers has extensive experience training facility personnel to take pH field measurements. The infrequent use of the pH meter coupled with the lack of background education and knowledge regarding the use of laboratory equipment by facility personnel often leads to confusion and inaccurate readings.

Recommendation: Allow Electrical Conductivity to be analyzed by the laboratory. Consider allowing pH to be measured by litmus paper as an alternative to using a calibrated portable instrument.

10. The Numeric Action Levels (NAL) are de facto Numeric Effluent Limits (NELs).

The permit appears to establish de facto numeric limits NELs that are not in accord with the EPA protocols. EPA benchmarks were developed as a performance guide to determine the effectiveness of and improve BMPs. There is insufficient data to show that EPA benchmarks can or should be used as numeric limits. Review of the data Blymyer Engineers has collected in the past 15 years from more than 65 facilities operated by our clients suggests that these facilities, even with well-designed and implemented BMPs, may exceed the NAL values. The consequences for permittees exceeding NALs will be considerable and costly.

Recommendation: Delete Numeric Action Levels from the permit. Use the EPA benchmarks in the way they were designed to be used: as performance guides to determine the effectiveness and to improve BMPs. Use the tiered corrective action levels as a means to assess ways to improve storm water quality.

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11. The requirements in Section X.B and X.C for an increased sampling schedule when dischargers are subject to Level 2 and Level 3 Corrective Actions are punitive and not likely to improve water quality.

There is no evidence presented in the permit or accompanying fact sheet demonstrating that increased sampling in response to an NAL trigger will improve water quality. Also, the permit does not state if the additional sampling must be for all constituents or for only the constituents that exceeded the NAL value.

Recommendation: Until an analysis is performed that demonstrates that increased sampling improves water quality, remove the requirements for increasing sampling frequency when Level 2 or Level 3 Corrective Actions are triggered. Or, if the sampling frequency is increased, require the additional sampling only for the constituent(s) that exceeded the NAL value.

12. The new permit does not allow sampling of representative locations. Section X.G states that all discharge locations associated with industrial activity must be sampled.

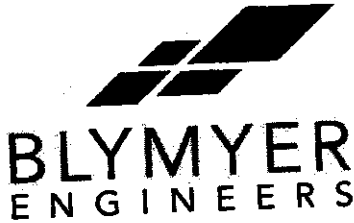
Numerous facilities have multiple drainage areas with similar physical characteristics and where similar industrial activities take place. Representative sampling would be as effective as combined sampling and would reduce the time and cost burdens associated with analytical sampling. Qualified combined sampling is a time consuming process for facility personnel who must still collect samples from each drainage area.

Recommendation: Allow representative sampling.

13. Section IX.C.1.b. does not define the qualified storm requirement of two consecutive days of dry weather.

Under the current permit there has been much confusion as to what constitutes "three dry days." Some samplers have interpreted it as three working days, not including days the facility is not in operation, while others have interpreted it as three consecutive days, regardless of whether or not the facility is operational on all three consecutive days.

Recommendation: "Two consecutive days" needs to be clearly defined in the permit. Because of past confusion the definition should address the issue of whether consecutive days includes or excludes non-working days. The definition should allow no opportunities for different interpretations so all permittees are complying with the same qualifying storm requirements when performing visual monitoring and sampling.



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14. The tiered Corrective Action levels as described in the permit do not give facilities flexibility in determining the source of a high result and the implementation of corrective action.

Instead, facilities are escalated through corrective action levels that result in costly measures when more simple operational changes could adequately and more precisely address the cause of the exceedance. Facilities we assist that have had a high result can frequently attribute it to a one-time event or a lapse in implementation of a BMP due to a change in personnel. It would be more effective for the facility to initiate corrective action based on the cause for the exceedance and not according to what corrective action level they fall in.

Recommendation: Instead of using the tiered Corrective Action levels, allow permittees to address high results using a Corrective Action Record, as in the EPA, Arizona, and South Carolina permits. A sample correction action record is attached. This will allow sites time to address the problems instead of bumping them up another tier. For example, we have had instances where a facility has cancelled their yard sweeping vendor and hired a new vendor. The facility happens to sample during the changeover and TSS is slightly high. Facility personnel can document that sweeping had been suspended but had started again and the BMP is properly implemented.

We appreciate your consideration of our comments. If you have questions, please contact Nina Schittli (nschittli@blymyer.com) at (800) 753-3773.

Regards,

Blymyer Engineers, Inc.

By: _____
Nina Schittli
Manager, Storm Water Services

Attachments (2)

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**Table 1
Summary of Inspection and Monitoring Requirements in the
Industrial General Permit**

Requirement	Description	Permit Section	Location	Frequency	Restrictions
Weekly Minimum BMP Good Housekeeping Inspections	Inspect all outdoor areas associated with industrial activity, discharge locations, drainage areas, conveyance systems, waste handling/disposal areas	VIII.H.1.a.i	All areas of industrial activity, etc.	Weekly	May be suspended during weeks with no outdoor exposure of industrial activities or materials.
Weekly Preventive Maintenance Inspections	Inspect facility equipment and systems to detect leaks or conditions that may result in leaks	VIII.H.1.b.ii	All equipment and systems used outdoor that may spill or leak pollutants	Weekly	May be suspended during weeks with no outdoor exposure of equipment or systems.
Quarterly Visual Inspections	Inspect all areas of industrial activity and associated potential pollutant sources. The annual compliance evaluation can be substituted for one.	VIII.H.1.h	All areas of industrial activity and associated potential pollutant sources.	Quarterly	None specified.
Quarterly Non-Storm Water Discharges Visual Monitoring	Visually monitor each drainage area for presence of authorized and unauthorized non-storm water discharges and their sources.	IX.B	All drainage areas	Quarterly	Not more than 16 weeks apart, during daylight hours, on days without precipitation, during regularly scheduled hours
Annual Comprehensive Facility Compliance Evaluation (ACFCE)	Review all inspection and monitoring records, inspect all activity areas and potential pollutant sources, review and evaluate all BMPs and revise as necessary, prepare evaluation report.	VIII.I	N/A	Annually	Once per reporting period, July 1 - June 30 th . Schedule a minimum of 8 months from the previous ACFCE. QSD or QSP must conduct and certify.

Requirement	Description	Permit Section	Location	Frequency	Restrictions
Monthly Storm Water Visual Monitoring	Visually observe storm water discharge quality. Record observations, dates, locations, any necessary corrective actions or SWPPP revisions.	IX.C	All discharge locations	Once per month	From the first qualifying storm during the first 4 hours after determination that discharge is from a qualifying event (produces min of 1/4 in of rainfall, preceded by 2 consecutive days of combined rainfall less than 1/8 inch)
Pre-Storm Inspections	Inspect all drainage areas during operating hours to identify spills, leaks or exposed pollutant sources	IX.C.6	All storm water drainage areas	Prior to anticipated storm events	None
Documentation of Non-Discharging Storm Events	Record any storm events that do not produce a discharge (less than 1/4 inch or more than 1/4 inch but no discharge) but occur before a monthly visual monitoring is performed.	IX.C.5.	N/A	Daily during rain events	Only document until Monthly Storm Waiver Visual monitoring has been performed for the month.
Storm Water Sampling and Analysis	Collect samples of storm water for field measurements and laboratory analysis	X - XII	All storm water discharge locations; up to four samples may be combined from substantially similar drainage areas.	Quarterly (frequency increases for Level 2 and Level 3 corrective actions)	From the first qualifying storm during the first 4 hours after determination that discharge is from a qualifying event. Samples must be combined by the lab.

CORRECTIVE ACTION RECORD CAR.EPA

Complete this page for each specific condition requiring a corrective action or a review determining that no corrective action is needed.

1. Corrective Action # _____ of _____ for this reporting period.

Complete Within 24 Hours:

2. Is this corrective action:

- An update on a corrective action from a previous annual report; or
- A new corrective action?

3. Identify the condition(s) triggering the need for this review:

- Unauthorized release or discharge
- BMPs inadequate to meet applicable water quality standards
- BMPs inadequate to meet non-numeric effluent limitations
- BMPs not properly operated or maintained
- Change in facility operations necessitated change in BMPs
- Other (describe): _____

4. Briefly describe the nature of the problem identified:

5. Date problem identified: ___/___/___

6. How problem was identified:

- Comprehensive site inspection
- Quarterly visual assessment
- Quarterly facility inspection
- Notification by EPA or State or local authorities
- Other (describe): _____

Complete Within 14 Days:

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analyses to be conducted, etc.) or if no modifications are needed, basis for that determination:

8. Did/will this corrective action require modification of your SWPPP? YES NO

9. Date corrective action initiated: ___/___/___

10. Date correction action completed: ___/___/___ or expected to be completed: ___/___/___

11. If corrective action not yet completed, provide the status of corrective action at the time of the comprehensive site inspection and describe any remaining steps (including timeframes associated with each step) necessary to complete corrective action:

Signature: _____ Facility: _____

Name (print or type): _____ Date of report: _____