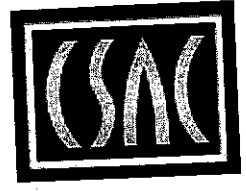


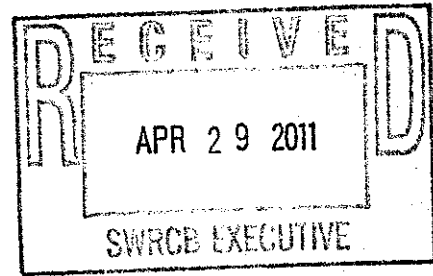
WATEK

Workable Approach to Environmental Regulation



April 29, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
P.O. Box 100
Sacramento, CA 95812-0100



RE: National Pollutant discharge Elimination System (NPDES) Proposed General Permit for Storm Water Discharges

Dear Ms. Townsend:

WATER is a coalition of business, taxpayers, and local governments that supports cost-effective water quality policies. Thousands of California school districts, local governments, recycling facilities, truckers, manufacturers and other businesses currently comply with an Industrial General Storm Water Permit that requires them to manage storm water runoff through best management practices (BMPs). The State Water Resources Control Board has proposed a revised storm water permit that would require that these public agencies and businesses comply with several new requirements that are above and beyond what the US Environmental Protection Agency (EPA) mandates and will result in hundreds of millions of dollars in additional costs with no proven environmental benefits.

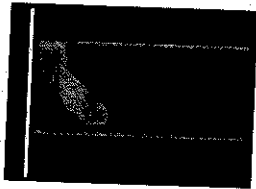
The Water Board has scheduled a hearing on the Industrial General Storm Water Permit and set a final comment deadline even though the very notice for this rule states that it is "currently not in its complete form." This is a violation of California and federal law. **We are writing to urge your support for an industrial general storm water permit without technically and legally flawed numeric limits and which will protect water quality while minimizing costs to the public agencies and private companies that must comply with it.**

The State Water Board convened a panel of experts to address questions about imposing "numeric limits" in storm water permits. Calculating appropriate numeric limits requires the agency to analyze the wide variation in storm water flow conditions, and what controls can be achieved by technology at each category of facility. The panel suggested that before even considering the imposition of numeric limits the State Water Board needed to re-examine the existing data sources and collect new data. None of these recommendations for obtaining better data before imposing numeric limits was acted upon by State Water Board staff before proposing this new permit.

In fact, the panel states (on page 16 of its report):

"Whether the use of Numeric Limits is prudent, practical or necessary to more effectively achieve nonpoint pollution control is a separate question that needs to be answered, but is outside the scope of this Panel."

State law requires that a number of factors be analyzed before developing such regulations including measuring water quality benefits and calculating the cost of compliance.



However, the State Water Board staff appears to have written the rules for the permit before doing the analysis. This is disconcerting because such information should have informed the permit drafting process. Instead, it appears this analysis may simply be used as an attempt to justify decisions that already have been made.

In addition to our concerns with the process so far followed in promulgating this proposed permit, we have four substantive concerns with the proposal itself:

1. Arbitrary Numeric Limits Increase Costs and Uncertainty Without Proven Water Quality Benefit

Requiring numeric limits will be very costly for schools, ports, cities, transit agencies, counties and employers. These costs could range from tens of thousands of dollars at small businesses and schools to hundreds of millions of dollars at large facilities owned by ports and industrial facilities. At a time when public agencies already are facing budget deficits, this permit would mean even further cuts to vital services. For the private sector, the added costs could mean the difference of hiring or retaining employees and expanding operations and business opportunities.

Furthermore, these arbitrary and costly numeric limits are would be imposed without any analysis about whether they are focused on the correct contaminants and whether the limits themselves will have any impact on water quality.

2. Unsound Regulation Invites Costly Lawsuits

By establishing arbitrary numeric limits, this permit will invite costly lawsuits to be filed against cities, counties, sanitation agencies, water treatment agencies and private companies. There won't be a chance to discuss whether data really justifies enforcement, because there is strict liability, combined with mandatory penalties. Litigation costs will mean there is even less money for government agencies to spend on vital services, and companies will have less money to retain existing employees or hire new ones. By requiring sensitive information about the location of hazardous materials to be posted online, it could also be a security threat to California communities.

3. Duplicative Regulations Don't Take Into Account Cumulative Impacts

The cumulative cost of regulations is already a burden for California businesses and public agencies which are still hurting from the economic recession. In fact, this permit would duplicate many existing regulations. It just doesn't make sense to add the new and unnecessary cost from this new storm water permit when there are effective regulations already in place to address storm water controls. It will reduce funding for the essential services provided by school districts, cities and counties. It will impair the ability of companies to create new job, and hurt the ability to attract new employers.

4. Prohibits Cost-Effective Group Compliance

The existing Industrial General Permit allows facility operators in industrially similar operations to comply with the conditions of the permit by participating in a Group Monitoring Plan (GMP). Group monitoring adds an additional layer of compliance review, streamlines the reporting process, and significantly reduces the costs associated with regulatory compliance. At present, there are approximately 1,600 facilities that participate in 30 Storm Water Monitoring Groups in California.

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However, the draft permit does not provide for GMPs and proposes to remove this cost-effective system for storm water compliance. Removing the GMP from the General Industrial Permit is directly contrary to the SWRCB's objectives for revising the permit in the first place which are (1) improve data quality, (2) improve compliance consistently and (3) provide incentives to reduce compliance burden. Removing the GMP participation from the permit will create unnecessary, significant additional costs for each facility subject to the permit.

There's a Better Way to Address Stormwater Management.

WATER supports efforts to improve water quality and coalition members are willing to take reasonable and measured steps towards this end. However, sudden, new, unproven and expensive programs are simply not appropriate at any time, especially during a period of economic recovery. We ask that California make the right choice -- to not embark on an experiment that puts its businesses at serious risk, and to take a more tried and true approach that provides the level of protection recognized as sufficient by USEPA.

Sincerely,

County State Assn. of Counties

California Chamber of Commerce

Coalition for Adequate School Housing

Agricultural Council of California

California Trucking Assn.

Industrial Environmental Assn.

California Small Business Alliance

California Metals Coalition

Consumer Specialty Products Assn.

California Construction and
Industrial Materials Assn.

International Warehouse Logistics Assn.

Lumber Assn. of California and Nevada

Metal Finishing Assn. of Northern California

California Cement Manufacturers
Environmental Coalition

Golden State Builders Exchanges

California Manufacturers & Technology Assn.

National Federation of Independent Business, CA

Regional Council of Rural Counties

Wine Institute

California League of Food Processors

Western Growers

California Grain and Feed Assn.

Pacific Egg and Poultry Assn.

California Warehouse Assn.

California Paint Council

Engineering and Utility Contractor Assn.

Metal Finishing Assn. of Southern California

California Seed Assn.

California Independent Petroleum Assn.

International Oil Producers Agency



Searles Valley Minerals



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Western Agricultural Processors Assn.

Partnership for Sound Science in Environmental Policy

Western Plant Health Assn.

Western Wood Preservatives Institute

Chemical Industry Council of California

Bayer HealthCare LLC

Bonanza Concrete Inc.

California Steel Industries, Inc.

Del Monte Foods

Frank B. Marks & Sons, Inc.

Graniterock Company

Kraft Foods

National Cement Company of California

National Ready Mixed Concrete Company

Olam Spices and Vegetable

Pacific Coast Producers

Qualcomm

Safety-Kleen Systems

Sierra Pine

Sunsweet Dryers

Waste Management

Wheelabrator Norwalk Energy Company

Manufacturers Council of the Central Valley

Can Manufacturers Institute

Campbell Soup Co.

California Cotton Ginners and Growers Assns.

Solid Waste Assn. of North America California Chapters

Solid Waste Industrial Stormwater Partnership

Western States Petroleum Assn.

American Chemistry Council

Bode Concrete LLC

Builders Concrete Inc.

Dart Container

Escalon Premier Brands

General Mills

Ingomar Packing Company, LLC

Los Gatos Tomato Products

National Gypsum Company

Network Environmental Systems

Omya California Inc.

Procter and Gamble Company

RCP Block & Brick, Inc

Searles Valley Minerals

Solar Turbines

Viking Ready Mix Co.

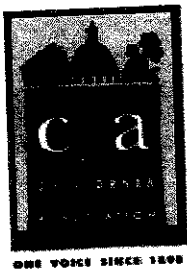
TXI Riverside Cement

Chambers of Commerce, Ventura and Santa Barbara Counties

Waste Connections

The Dow Chemical Company

California Grocers Association



Bruce Bauer Lumber & Supply

Ganahl Lumber

California Alliance for Jobs

League of California Cities

Pacific Merchant Shipping Association

West Coast Products

Musco Family Olive Co.

Herrera & Company

American Team, LLC

Safeway Services L.P.

Blommer Chocolate of California, LLC

California Restaurant Association

Institute of Scrap Recycling Industries (ISRI)

Team Truck Dismantling Inc.

BayBio

Pick A Part Hesperia, LLC

Trinity Lumber & Building Supply Inc.

American Lumber Company, Inc.

Verco Decking, Inc.

Broadmoor Lumber & Plywood Co., Inc.

Cambria Hardware Center

Eichleay Engineers Inc. of California

Grove Lumber

Nabors Well Services Co.

Superior Ready Mix Concrete, L.P.

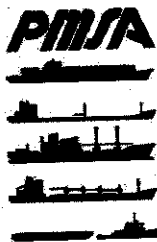
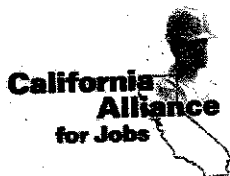
Heppner Hardwoods, Inc.

CalPortland Company

LKQ Corporation

Los Angeles Area Chamber of Commerce

cc: Mr. Charles R. Hoppin, Chair; State Water Resources Control Board



Los Angeles Area Chamber of Commerce