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

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

VIA E-MAIL

RE: Comments and Recommendations Regarding the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. NPDES No. CAS000001

Dear State Water Resources Control Board Members:

Sempra Utilities (Southern California Gas Company and San Diego Gas and Electric Company) provides essential public services to over 20 million consumers and utility rate payers in a total service area of over 25,000 square miles. In addition to providing essential public services to the communities that they serve, we also provide services to governmental agencies and other entities, which in turn, provide other essential public services such as fire protection, law enforcement, and emergency care (e.g., hospitals).

Sempra Utilities has nine facilities with coverage under the General Industrial Storm Water Permit ("IGP"). These facilities include gas storage fields, Treatment, Storage, and Disposal Facilities, and a Steam Electric Generating facility. The proposed IGP would impose significant new requirements upon these facilities that would inhibit our ability to operate in a cost effective manner and keep utility rates in the state at a competitive level.

While we support the State Water Resources Control Board staff ("staff") in developing an IGP that protects the beneficial uses of our state's water resources, we believe that the current IGP draft falls far short of that mission. Our comments and recommendations in this letter will demonstrate inconsistencies with the guidance set forth by the U.S. Environmental Protection Agency ("EPA") and the State Water Resources Control Board's (SWRCB) own Blue Ribbon Panel, leading to a draft that is overly prescriptive and burdensome. This level of regulation is unnecessary and will significantly increase costs at each of our covered facilities *without* a commensurate increase in water quality protection.

Summary of Sempra Utilities' Major Concerns and Comments

1. Inclusion of Numeric Effluent Limitations is Not Appropriate at this Time - Sempra Utilities does not support the proposed implementation of Numeric Effluent Limits (NELs) based on the US EPA's Multi-Sector General Permit benchmark values. The imposition of these benchmarks as NELs in this permit is inappropriate considering EPA's Multi-Sector General Permit (Part 6.2.1) states that "...benchmark concentrations are not effluent limitations; a benchmark exceedence,

therefore, is not a permit violation." Further, staff has not conducted the necessary analyses to develop Best Control Technology or Best Available Technology (BCT/BAT) limits and thus, the use of EPA's benchmarks does not "create" valid Technology Based Effluent Limits (TBELs), as required by the Clean Water Act.

2. Future Numeric Effluent Limits (NELs) Should Be Sector-Specific - When necessary to protect water quality, NELs should be sector-specific and their development should include consideration of the factors EPA includes in their analysis when they develop BCT/BAT limits. This approach is consistent with the BRP report recommendation and it could use focused monitoring studies of specific industry sectors funded by fees collected by the SWRCB. Currently, the SWRCB collects an estimated $1.75 million each year[1] from IGP holders though the ambient water monitoring program surcharge. We suggest that some of these dollars could be used to fund the process of developing the necessary information and conducting the analyses for NELs. Industry specific groups could work with the SWRCB staff to develop sector-specific NELs based on the Best Management Practices ("BMPs") that are appropriate and economically feasible for their sector.

3. Best Management Practices is an Appropriate Approach - Consistent with the Blue Ribbon Panel ("BRP") Report[2] recommendations, Sempra Utilities supports the implementation of applicable and economically feasible structural and/or non-structural BMPs to minimize or reduce the discharge of pollutants from industrial activities. Additionally, appropriately developed, sector-specific Numeric Action Levels (NALs) could be implemented to help assess the effectiveness of BMPs that have been implemented.

4. Pollutants Not Associated With a Facility's Industrial Activities - Sempra Utilities believes that permit requirements should be based on the implementation of BMPs with additional action levels to be used as a means to trigger a review of the adequacy of the BMPs. We believe that facilities that can demonstrate that any NAL exceedances that are attributable to pollutants from a source other than their industrial activities (e.g., background, atmospheric deposition and run-on pollutants) should not be elevated to a higher Corrective Action Level and this should apply at any level. The permit should be revised to reflect this approach.

5. Proposed Best Management Practices are Excessive and Restrictive - The draft permit SWPPP requirements state that "[D]ischargers must not only describe a BMP in a generic sense, like for example "sweeping," but must describe who is responsible for sweeping, where and how often the sweeping will occur, what the pollutants of concern are, the type and location of sweeping equipment, how and where swept materials should be handled and disposed, etc." Sempra Utilities find such prescriptive language to be overly restrictive, excessive and difficult to implement with no real benefit to water quality. Additionally, the draft permit requires quarterly inspections, an Annual Comprehensive Evaluation, monthly storm water visual observations (October –May), documentation of non-discharging storm events, drainage area inspections, and storm water storage and containment area inspections, as well as weekly outdoor inspection of areas associated with industrial activity, a weekly inspection of equipment, and a daily inspection of any outdoor material/waste handling equipment or containers. This increase in monitoring type and monitoring frequency is confusing, impedes compliance and in itself does not improve storm water quality and we also believe that process should be simplified.

[1] Estimate based on approximately 10,000 permitted dischargers, $833/ year fee and a 21% surcharge for the ambient water monitoring program.

[2] "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities," June 19, 2006.

6. Compliance and Design Storm Events Need to Be Tailored to Conditions Present at Industrial Facilities - Reasonable compliance/design storms need to be included in the permit. According to staff, the 10-year, 24 hour storm event is based on what treatment companies indicated was achievable on construction projects. This is not a good basis for built out industrial facilities where large scale storm water retention options (e.g., retention ponds) are not available, the imperviousness nature of the sites will generate significantly larger amounts of rainfall to collect and store and the potential types of pollutants to treat may require batch treatment rather than flow through treatment technologies. The compliance/design storm event criteria should be revised to a smaller storm such as the 2-year, 24-hour storm that is used by municipal storm water permittees to size post-construction best management practices.

Our more detailed comments are presented in the attached table.

Sempra Utilities welcomes the opportunity to provide you and staff with these comments, which we hope that the staff will consider when developing the next draft IGP. We also look forward to staff's response to these and all of the other comments put forth by the stakeholders.

Sincerely,

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Reference	Page/Section	Comments and Recommendations
Fact Sheet	p. 7./II. A. 2.	**General Permit Conditions/Effluent Limitations** "In the event that a discharger arrives at Corrective Action Level 3, the NAL(s) which trigger this corrective action level becomes a technology-based numeric effluent limitation (NEL). This is due to the fact that each NAL in this General Permit reflects the technology needed to reduce the pollutant to either BAT or BCT, respectively. It is the best professional judgment (BPJ) of the State Water Board staff that dischargers employing BAT and BCT can reduce the pollutants in their storm water effluent to achieve concentrations at or below the NALs." In general, EPA's process to develop technology based effluent limits includes a number of steps to characterize the target waste streams, identify the currently available control measures to remove the identified pollutants and evaluate their treatment efficiencies, and determine those control measures that are feasible (including economic) for use within the particular industry and their resulting effluent quality. This result of this process is a numerical effluent limit. This permit proposes to conduct this process in reverse. It first establishes numerical values to be used as effluent limits based upon benchmark values from EPA's Multi-Sector General Permit which EPA asserts are not intended to be used as numerical effluent limits. Secondly, it declares them to be Best Available Technology Economically Achievable (BAT)/ Best Conventional Pollutant Control Technology (BCT) or "BAT/BCT" without undergoing the required analysis. The permit does not identify control measures; either best management practices (BMPs) or treatment technologies that can be used to achieve the proposed BAT/BCT requirements. In fact, the SWRCB's BRP Report[1] states in the discussion of municipal BMPs that, with few exceptions, "Even for conventional pollutants, there presently is no protocol that enables an engineer to design with certainty a BMP that will produce a desired outflow concentration for a constituent of concern." (p.6.) **This is a fundamental flaw in this permit and the proposed NELs need to be deleted from the permit.**
Fact Sheet	p. 9./II.A.3.	**Receiving Water Limitations.** "The dischargers shall implement the changes identified in the updated SWPPP. [D]ischargers shall revise the SWPPP and implement the appropriate BMPs in a timely manner but no later than 90 days after a determination that the SWPPP is in violation of any General Permit requirement."

[1] "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities," June 19, 2006.

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		Some BMPs (e.g., treatment) may require more than 90 days to engineer, procure, construct and start up. **Therefore, it is recommended that the words, "but in no case more than 90 days after a determination that the SWPPP is in violation of any General Permit requirement" be revised to state "in accordance with a schedule approved by the Regional Board."**
Fact Sheet	p.14/II.B.3.d.	**Conditions for Permit Coverage.** "(ii.) Modify and implement SWPPPs and Monitoring Programs in compliance with this General Permit no later than [insert effective date] " **Since the draft permit is requiring significant changes to the SWPPP, it is recommended that modifications to the SWPPP and Monitoring Program be required no sooner than 180 days after the adoption of the permit.** *This comment is also applicable to other similarly written conditions in the Fact Sheet and/or Order including, but not limited to, p.17/ VIII.B.2; p.2/ I.A.5.; p. 12/II.Q.3; p.28/ IX.A.2.*
Fact Sheet	p.16./E. 1.	**SWPPP Requirements/Minimum BMPs/Good Housekeeping.** "…This General Permit seeks to define "clean and orderly" by specifying a required set of seven minimum good housekeeping BMPs which include weekly inspections of outdoor/exposed areas, BMPs for controlling material tracking and rinse/wash water activities, **covering and containing stored industrial materials** and diverting stormwater from industrial process areas." (**emphasis added)**. **This language needs to be revised to be consistent with Condition H.1.A.v. (Permit p. 5) that clarifies that this applies to "…stored industrial materials that *can be readily mobilized by contact with storm water."*** **Additionally, this condition should be revised to clarify that it does not apply to materials that are designed to be outdoors and exposed to environmental conditions.**
Fact Sheet	p.19/II.E.2.	**SWPPP.** "This General Permit's SWPPP requirements have been modified to better clarify the extent dischargers must describe their BMPs. Dischargers must not only describe a BMP in a generic sense, like for example "sweeping", but must describe who is responsible for sweeping, where and how often the sweeping will occur, what the pollutants of concern

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		are, the type and location of sweeping equipment, how and where swept materials should be handled and disposed, etc. Similarly, a discharger's training program must identify who must receive training, what type of training to provide, how often training needs to be provided, and include a method to track whether the appropriate personnel have received the training. This requirement is too restrictive and opens facilities to violations by legally binding them to follow BMP descriptions precisely. The level of specificity required does not allow for flexibility in technological changes, personnel changes, or logistical issues. **The information required to describe each BMP should be general enough as to not require routine SWPPP revisions which are administratively burdensome without benefits to water quality. If a SWPPP amendment is required, certain "levels" of changes should not require immediate re-certification of the SWPPP, but may be indicated by a revision log. In addition, job functions rather than specific employees should be indicated due to potential personnel changes.**
Fact Sheet	p. 22/F.3.1.	**Monitoring Program.** "Visually monitor the facility before every anticipated storm event to locate and manage obvious pollutant sources." Monitoring prior to every anticipated storm event regardless of how likely it is of producing precipitation would impact existing personnel resources that would have to conduct inspections rather than other normal tasks, thereby increasing costs to the dischargers without a commensurate benefit to water quality. One does not "anticipate" something that is less likely than not to occur and expressing a probability of rain as less than 50 percent means the National Weather Service "anticipates" that it will probably not rain. **This provision needs to state that the term "anticipated" means a storm event with more than a 50 percent chance of rain by the National Weather Service.**
Fact Sheet	p.36/ Figure 3	**Summary of Monitoring Activities Required by This General Permit.** This draft permit requires quarterly inspections, an Annual Comprehensive Evaluation, monthly storm water visual observations (October – May), documentation of non-discharging storm events, drainage area inspections, and storm water storage and containment area inspections. Additionally, the new minimum BMP requirements include a weekly outdoor inspection of areas associated with industrial activity, a weekly inspection of equipment, and a daily inspection of any

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		outdoor material/waste handling equipment or containers. Compliance with the conditions of the multitude of inspection requirements poses to be logistically difficult, confusing, and operationally burdensome. Furthermore, the mere increase of the required number of inspections in itself does not improve storm water quality. The acreage of some facilities makes the number and frequencies specified in the permit impractical. **It is recommended that all inspection requirements be streamlined into a standardized monthly inspection to cover storm water and non-storm water discharges, stored materials, and all industrial activities in lieu of the currently proposed requirements.**
Fact Sheet	p. 37/ Figure 3	**Summary of Monitoring Activities Required by This General Permit.** The restrictions cited on this table are from the original permit and conflict with the instruction cited on page 6, in Sections D.10, D.11, and footnote no. 4. **These restrictions need to be revised to be consistent with other sections of the Fact Sheet and permit.**
Permit	p.2/I. A.9.	**General Findings.** "The Fact Sheet is incorporated into the terms of this General Permit". Fact Sheets generally are used to provide explanation of the permit where it does not conflict with the terms of the permit. **This Finding conflicts with normal permit hierarchy and should be deleted.**
Permit	p.3/ I.B.16.	**Activities Covered Under the General Permit.** "This General Permit regulates storm water discharges and authorized non-storm water discharges from specific categories of industrial facilities identified in Attachment A *and storm water discharges and authorized non-storm water discharges from facilities designated by the Regional Water Boards to obtain coverage under this General Permit." (Emphasis added.)* The italicized section of this finding is contrary to the SWRCB's stated intent of not broadening the scope of the facilities covered by this permit. To the extent that a Regional Water Board designates the need for a non-regulated facility to be regulated under the Industrial Stormwater Permit, it shall only be designated in accordance with the procedures specified in EPA's regulations. **Therefore, the following language should be added:**

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		"…to obtain coverage under this General Permit *in accordance with the procedures specified in EPA's regulations."* *(Emphasis added.)*
Permit	p.6/ Findings I.C.34-35.	**Activities Not Covered Under the General Permit.** **These findings are not related to "Activities Not Covered Under the General Permit" and should be put under a separate heading.**
Permit	p.6/ I.D.37.	**Discharge Prohibitions.** "…Measures to control spills, leakage, and dumping, must be addressed through structural as well as non-structural Best Management Practices (Bumps)". This limits the ability of dischargers to use ***ONLY*** non-structural BMPs to control spills, leakage and dumping, even though in certain situations this may be effective. **This sentence should be revised to read:** **"Measures to control spills, leakage, and dumping, must be addressed through structural and/or non-structural Best Management Practices (BMPs)."**
Permit	p.6-7/I.E.39.	**Numeric Action Levels (NALs) and Numeric Effluent Limitations (NELs).** In referencing the BRP Report, staff states that… "The panel concluded that *numeric limits or action levels are technically feasible to control industrial storm water discharges, provided that certain conditions are considered*. The panel's final report concluded that it would be possible to determine numeric effluent limitations for industrial storm water discharges, but noted various reasons why such a determination would be problematic at that time. The *State Water Board* has evaluated the expert panel's suggestions for this General Permit, and *has included Numeric Action Levels (NALs) for all storm water discharges and a tiered compliance strategy that imposes NELs for facilities with recurring NAL trigger exceedances*." (*Emphasis added.*) The Panel's report actually states: "The Panel believes that Numeric Limits are feasible for some industrial categories." (P. 19) And it goes on to state that when TMDLs are not involved: "…the Numeric Limits should be based upon sound and established practices for storm water pollution prevention and treatment, using an approach analogous to that used in the

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		NPDES wastewater process in the 1970s. In this approach phased, Numeric Limits were first set that were based upon the use of best currently available technology, and permittees were given a defined period for compliance. Permits were established based upon industry types or categories, with the recognition that each industry has its own specific problems and financial viability". As we have stated previously, NELs are not appropriate for this permit. **This Finding should be revised to accurately reflect the Panel's findings and to provide support for a process that is consistent with its findings for those specific situations where numeric effluent limits are needed and are feasible.**
Permit	p.7/ I.E.46.	**Numeric Action Levels (NALs) and Numeric Effluent Limitations (NELs).** "Pollutants in storm water discharges caused by atmospheric deposition and/or run-on from forest fires, or any other natural disaster do not apply towards any NAL corrective action trigger determinations." Dischargers should not be held responsible for pollutants that are caused the facility's industrial activities (e.g., run-on aerial deposition from any source, natural levels of constituents in the soil) not just from certain "natural disasters." **This finding should be revised to apply to pollutants from "all pollutants not associated with the facility's industrial activities, including but not limited to, off-site run-on, atmospheric deposition and natural levels of constituents in the soil."**
Permit	p.8/ I.F.49.	**Receiving Water Limitations.** "This General Permit requires dischargers operating facilities that discharge to 303(d) listed impaired waters to evaluate potential industrial pollutants that are related to the impaired receiving waters and to analyze for additional sampling parameters. Attachment F of this General Permit provides a list of the 303(d) impaired waters." **This finding should be revised to clarify that those pollutants that are the cause of a receiving water body to be on a 303(d) list should be added to the facility's analysis list <u>only</u> when those same pollutants are present in the facility's industrial activities and are in a form that would be readily mobilized by contact with storm water.** This comment is also applicable to other similarly written conditions in the Fact Sheet and/or Order including, but not limited to, p. 31/ X.H.4.

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Permit	p.8/ I.G.51.	**Training.** "The Professional Engineers Act (Bus. & Prof. Code Section 6700, et seq.) requires that all engineering work must be performed by a California registered professional civil engineer." There are multiple registrations (e.g., civil, mechanical, electrical, etc.) that engineers may obtain depending on their field of expertise. **This finding incorrectly assumes that all engineering work must be conducted by a civil engineer and should be deleted.**
Permit	p.8-9/ I.I.55. & 56.	**Sampling, Monitoring, Reporting and Record Keeping.** Finding 55 states that Federal regulations do not require storm water sampling or periodic visual monitoring to be included in storm water permits, with the exception of annual monitoring at facilities listed in Subchapter N. Finding 56 further states that the "…General Permit contains additional monitoring requirements..." This draft permit requires quarterly inspections, an Annual Comprehensive Evaluation, monthly storm water visual observations (October –May), documentation of non-discharging storm events, drainage area inspections, and storm water storage and containment area inspections. Additionally, the new minimum BMP requirements include a weekly outdoor inspection of areas associated with industrial activity, a weekly inspection of equipment, and a daily inspection of any outdoor material/waste handling equipment or containers. Compliance with the conditions of the multitude of inspection requirements poses to be logistically difficult, confusing, and operationally burdensome. Furthermore, the mere increase of the required number of inspections in itself does not improve storm water quality. The acreage of some facilities makes the number and frequencies specified in the permit impractical. **It is recommended that all inspection requirements be streamlined into a standardized monthly inspection to cover storm water and non-storm water discharges, stored materials, and all industrial activities in lieu of the currently proposed requirements.**
Permit	p.11/ II.P.4.	**Obtaining Permit Coverage for Industrial Facilities – General.** "Failure to obtain coverage under this General Permit for storm water discharges to waters of the United States is a violation of the CWA and the California Water Code." **This condition should be revised to clarify that it applies to "…discharges associated with**

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		industrial activities *(as defined by federal regulations)* to waters of the United States…"
Permit	p.13/III.B.	**Discharge Prohibitions.** "Except as provided in Section IV. Non-Storm Water Discharges, discharges of liquids or materials other than storm water (non-storm water discharges), either directly or indirectly to waters of the United States, are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit." The first sentence states that "[D]ischarges …other than storm water…are prohibited" and then the second sentence states "[P]rohibited discharges must be …permitted by a separate NPDES permit." **This condition be revised to clearly state that discharges permitted under a separate NPDES permit are not "prohibited discharges." This condition should be revised to state that "Except as provided in Section IV. Non-Storm Water Discharges, *unless permitted by a separate NPDES permit,* discharges of liquids or materials other than storm water (non-storm water discharges), either directly or indirectly to waters of the United States, are prohibited. Prohibited non-storm water discharges must be eliminated."**
Permit	p.14/ V.A.	**Effluent Limitations.** "Storm water discharges from facilities subject to storm water effluent limitation guidelines in federal regulations (40.C.F.R. Subchapter N) shall not exceed those effluent limitations." This condition establishes limitations for facilities that are subject to "federal storm water effluent limitation guidelines." In some cases, a facility in an industry category that has federal effluent limitation guidelines (ELG) specifically for storm water runoff may not actually be subject to those specific ELGs because the facility does not have the specific industrial activity for which the storm water ELG has been established. For instance, the Steam Electric Power Generating Point Source Category contains an ELG for "coal pile runoff" resulting from rainfall. However, most Steam Electric Plants in California do not have coal piles and therefore would not be subject to this ELG. **This section should be revised to clarify that facilities without the specific industrial activity to which storm water ELG applies, are not subject to the requirements of this section.**

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Permit	p.15/V.D.	**Effluent Limitations.** "Dischargers in Corrective Action Level 3 (Section XVII.D) are subject to a numeric effluent limitation (NEL) that will be the same numeric value as the applicable pollutant NAL. A daily average exceedance of the NEL is a violation of this General Permit and may subject the discharger to mandatory minimum penalties." EPA's benchmark levels are inappropriate to use as numeric effluent limits because: 1) EPA's benchmarks were not established to be used as effluent limits; 2) staff has not conducted the appropriate analysis to establish that the benchmarks are BAT/BCT; and 3) NELs should be set at concentrations higher than benchmarks that are normally set at a lower level than effluent limits to trigger an investigation prior to an unwanted event (i.e., the effluent reaching the level of the effluent limit). **NELs are not appropriate for this permit and this condition should be deleted.**
Permit	p.15/ V.E.	**Compliance Storm Event.** "This General Permit establishes a 10-year; 24-hour storm (expressed in inches of rainfall) Compliance Storm Event for Total Suspended Solids…" The 10-year, 24-hour storm event is based on what treatment companies indicated was achievable on construction projects. This is not a good basis for built out industrial facilities where large scale stormwater retention options (e.g., retention ponds) are not available, the imperviousness nature of the sites will generate significantly larger amounts of rainfall to collect and store and the potential types of pollutants to treat may require batch treatment rather than flow through treatment technologies. **This should be revised to a smaller storm such as the 2-year, 24-hour storm that is used by municipal storm water permittees to size post construction best management practices.** *This comment is also applicable to other similarly written conditions in the Fact Sheet and/or Order including, but not limited to,* p.18/ VIII.C.3; p.25/ VIII.H.1.g.iv.
Permit	p.15/VI.B.	**Receiving Water Limitations.** "The discharger shall ensure that storm water discharges and authorized non-storm water discharges to any surface or ground water do not adversely affect human health or the environment." **This condition should be revised to delete references to ground water since this is solely a**

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		NPDES permit issued pursuant to the Ca Water Code Section 5.5.
Permit	p.15/VI.C.	**Receiving Water Limitations.** "The discharger shall ensure that storm water discharges and authorized non-storm water discharges to any surface or ground water do not contain pollutants in quantities that threaten to cause pollution or a public nuisance." **This condition should be revised to delete references to ground water since this is solely a NPDES permit issued pursuant to the Ca Water Code Section 5.5.**
Permit	p.15/ VI.D.	**Receiving Water Limitations.** "Dischargers located within the watershed of a CWA § 303(d) impaired water body, for which a TMDL has been approved by the U.S. EPA, shall comply with the approved TMDL if it identifies "industrial activity" or industrial-related activities as a source of the pollution." **This condition should be revised to clarify that it only applies when a pollutant addressed by the TMDL is used in the industrial activities at the facility and is in a form that would be readily mobilized by contact with storm water.**
Permit	p.16/ VII.B.1.a.	**Qualified SWPPP Developer.** "The discharger shall ensure that the SWPPP is written, amended and certified by a Qualified SWPPP Developer (QSD)." **The permit should be revised to clarify that a SWPPP can be written and amended by someone working under the supervision of a QSD.**
Permit	p. 16/VII.B.1.b.	**Qualified SWPPP Developer.** "A QSD shall have one of the following registrations for certifications, and appropriate experience, as required for: i. A California registered professional civil engineer; ii. A California registered professional geologist or engineering geologist; iii. A California registered landscape architect; iv. A professional hydrologist registered through the American Institute of Hydrology…"

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		None of the four listed registrations or certifications inherently possesses industrial process and process chemical knowledge. A short training course in industrial process and industrial pollutant chemistry is not sufficient. Also, while many of the individuals with these registrations may have project management expertise, it may not be industrially related. **We propose that the QSD criteria be broadened to include other qualifications (for example, academically trained Chemical Engineers, Environmental Engineers, Industrial Engineers, and Industrial Chemists, all with industrial experience, and Civil Engineers and Hydrologists with demonstrated coursework in chemistry and industrial experience).**
Permit	p.16/VII.B.2.	**Qualified SWPPP Developer.** "The discharger shall ensure that the QSD successfully completes the State Water Board-sponsored or approved QSD training course within one year of the effective date of the General Permit." This requirement implies that to be a QSD, in addition to other minimum requirements, one must successfully complete the State Water Board-sponsored or approved QSD training course and this must be accomplished in one year from the effective date of the permit. The discharger is responsible to retain an approved QSD. The QSD, not the discharger, is responsible to ensure that they complete the specified training course. Also, since training availability may not be available until sometime after the permit is adopted, the training should not be required until at least one year after the training course becomes available. **This condition should be revised to clarify that QSDs must successfully complete the State Water Board-sponsored or approved QSD training course within one year of the *availability of the training*.**
Permit	p.16/ VII.B.2.a.	**Qualified SWPPP Developer.** "The discharger shall ensure that the QSD signs the SWPPP and each amendment or revision." **The permit needs to define what constitutes a "revision" and an "amendment" and what changes, if any, can be signed by the QSP.**

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Permit	p.16/VII.B.3.	**Qualified SWPPP Practitioner.** "The discharger shall ensure that the SWPPP's BMPs and monitoring requirements are implemented by a Qualified SWPPP Practitioner (QSP)." **This condition should be revised to clarify that the BMPs and monitoring requirements are to be implemented by a QSP or by someone who has been trained and supervised by a QSP.**
Permit	p.16/ VII.B.3.	**Qualified SWPPP Practitioner.** "The discharger shall ensure that the QSP successfully completes the State Water Board-sponsored or approved QSP training course within one year of the effective date of the General Permit." This requirement implies that to be a QSP, one must successfully complete the State Water Board-sponsored or approved QSP training course and this must be accomplished in one year from the effective date of the permit. The discharger is responsible to retain an approved QSP. The QSP, not the discharger, is responsible to ensure that they complete the specified training course. **Also, since training availability may not be available until sometime after the permit is adopted, this condition should be revised to clarify that QSPs must successfully complete the State Water Board-sponsored or approved QSP training course within one year of the *availability of the training*. This condition should also state that a QSD is also a QSP.**
Permit	p.18/ VIII.C.1.b.	**SWPPP Performance Standards.** "Identify, describe, and implement the minimum BMPs as required in Section VIII.H.1 and additional facility-specific BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. BMPs shall be selected to achieve BAT/BCT and compliance with WQSs;" Staff has not yet developed numerical criteria that represent BAT/BCT so it would not be possible to meet this condition. Also, it is not clear what this condition means by "…achieve…compliance with WQSs." **This condition should be revised to clarify that it means that the discharge does not cause or contribute to an exceedance of a WQS.**

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Permit	p.18/ VIII.D.2.a.	**Planning and Organization.** "Dischargers shall include the following items in the SWPPP: a. The names and titles of "specific individuals or the positions within the facility organization" (team members) that assist the QSD/QSP to implement the SWPPP and conducting all monitoring requirements required in Section IX." **To provide more flexibility, it is recommended that this section be revised to name positions, not names.**
Permit	p.18/ VIII.D.2.c.	**Planning and Organization.** "Dischargers shall include the following items in the SWPPP: c. The procedures that shall be implemented to identify alternate team members to implement the SWPPP and monitoring requirements when the regularly assigned team members are temporarily unavailable (due to vacation, illness, out of town business, etc.)." **It is unclear why there needs to be a "procedure" for identifying backup personnel. The backup positions should just be identified in the SWPPP.**
Permit	p.19/VIII.E.1.	**Facility Map.** "…Dischargers shall include the following information on the facility map: …and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's storm water discharges and authorized non-storm water discharges." **This condition should be revised to make it clear that the location of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets can be described, rather than shown on the map, if it is not feasible to include them on the map.**
Permit	p.20/ VIII.F.	**List of Significant Materials.** "Dischargers shall prepare a list of significant materials handled and stored at the facility and shall describe the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency."

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		This condition should be revised to allow categories of significant materials (e.g., petroleum) that would be handled and managed in a similar way and to clarify that the requirement to describe where each material is shipped is a reference to where onsite it is shipped from.
Permit	p.20/ VIII.G.1.	**Description of Potential Pollutant Sources/Industrial Processes.** "The SWPPP shall describe each industrial process including the manufacturing, cleaning, maintenance, recycling, disposal, or other activities related to the process. Include the type, characteristics, and approximate quantity of significant materials used in or resulting from the process. Areas protected by containment structures and the corresponding containment capacity shall be identified and described." Facilities can have multiple industrial processes, some of which are fairly minor and do not pose a significant source of pollutants. **This requirement should be revised to apply only to major industrial processes.**
Permit	p.20/ VIII.G.3.	**Description of Potential Pollutant Sources/Dust and Particle Generating Activities.** "The SWPPP shall describe all industrial activities that generate dust or particulate pollutants that may be deposited within the facility's boundaries, including discharge locations and the type, characteristics, and estimated quantity of dust and particulate pollutants that may be deposited within the facility's boundaries. Identify the primary areas of the facility where dust and particulate pollutants would settle." This condition limits the description of activities that generate dust or particulate pollutants to industrial activities. It is widely known that other activities, such as airborne particulates from freeways (which are not industrial activities) can cause atmospheric deposition**. However, since it may be very difficult to estimate the quantity of dust and particulate pollutants that may be deposited within the facility's boundaries, this requirement should be deleted.**
Permit	p.21/ VIII.G.4.a.	**Description of Potential Pollutant Sources/Significant Spills and Leaks.** "Identify and describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges within the previous five-year period…" **This condition should be revised to clarify that significant quantities refers to "Significant Spills."**

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Permit	p.22/ VIII.H.	**Best Management Practices (BMPs).** "Dischargers shall implement all minimum BMPs in Section VIII.H.1 and identify, describe and implement appropriate facility-specific BMPs as required in Section VIII.H.2, which will reduce or prevent pollutants in storm water discharges to achieve compliance with BAT/BCT and with WQSs." Staff has not yet developed numerical criteria that represent BAT/BCT so it would not be possible to meet this condition. Also, it is not clear what this condition means by "…achieve…compliance with WQSs". **This needs to be clarified that it means that the discharge does not cause or contribute to an exceedance of a WQS.**
Permit	p.23/VIII. H.1.a.i.	**Minimum BMPs/Good Housekeeping.** "Inspect weekly all outdoor areas associated with industrial activity…" An additional inspection required by this permit makes the requirements of the permit confusing and hard to comply with. **It is recommended that streamlining all the inspection requirements be re-evaluated by the SWRCB. One solution maybe to require an all encompassing "once per month" inspection that covers ALL inspections and visual requirements and a requirement for proper housekeeping *at all times.***
Permit	p.23/VIII. H.1.a.iv.	**Minimum BMPs/Good Housekeeping.** "Cover all stored industrial materials that can be readily mobilized by contact with storm water." **This condition should be revised to clarify that it does not apply to materials that are designed to be outdoors and exposed to environmental conditions.**
Permit	p.23-24/ VIII.H.1.b.ii.	**Minimum BMPs/Preventative Maintenance.** "Identify all equipment and systems used outdoors that may spill or leak pollutants." Compliance with the conditions of the multitude of inspection requirements poses to be logistically difficult, confusing, and operationally burdensome. Furthermore, the mere increase of the required number of inspections in itself does not improve storm water quality. The acreage of some facilities makes the number and frequencies specified in the permit impractical. **It is**

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		recommended that all inspection requirements be streamlined into a standardized monthly inspection to cover storm water and non-storm water discharges, stored materials, and all industrial activities in lieu of the currently proposed requirements.
Permit	p.24/VIII. H.1.b.iii.	**Minimum BMPs/Preventative Maintenance.** "Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours or use, mileage, age, etc." It is nearly impossible to document a schedule with the amount of equipment at most large facilities. Maintenance and/or a preventative maintenance program should not be dictated by the SWRCB. The required minimum BMPs at each facility should be identified within the facility's SWPPP (housekeeping, weekly inspections, etc.) and should be sufficient mitigation for any issues with equipment that poses a risk to storm water contamination. **It is recommended that this section be deleted, as it is overly burdensome.**
Permit	p.24/ VIII.H.1.d.iii.	**Minimum BMPs/Material Handling and Waste Management.** "Dischargers shall: Cover waste disposal containers when not in use." **This condition should be revised to only be required prior to a forecasted rain event for materials that cannot become wind-borne; and for materials that can become wind-borne, this condition should be required at the end of the work day.**
Permit	p.24/VIII H.1.d.v.	**Minimum BMPs/Material Handling and Waste Management.** "Dischargers shall: Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial material or wastes." Implementation of "daily" cleaning is impractical. **It is recommended that the language be changed to "Maintain proper housekeeping for any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes at all times."**

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Permit	p.25/VIII.H.1.f.i.	**Minimum BMPs/Record Keeping and Quality Assurance.** "Dischargers shall keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual monitoring, visual inspections, etc. for five years." **The permit needs to clarify the difference between "visual monitoring" and "visual inspections".**
Permit	p.25/VIII.H.1.g.	**Minimum BMPs/Erosion and Sediment Controls.** "For each facility location identified in Section XIII.G.6, dischargers shall…" **This condition should be revised to clarify that it does not apply to areas that have permit coverage under the SWRCB's Order 2009-0009-DWQ (Stormwater Construction General Permit).**
Permit	p.26/ VIII.H.1.g.vii.	**Minimum BMPs/Visual Inspections.** "For each facility location identified in Section XIII.G.6, dischargers shall…Maintain erosion/sediment controls to achieve optimal performance during storm events." **The standard of "optimal" is too subjective. This BMP should be revised to require equipment to be maintained in accordance with their instructions and/or good operating practices.**
Permit	p.26/ VIII.H.2.	**Minimum BMPs/Visual Inspections.** "The BMPs listed in VIII.H.1 are the minimum BMPs that are required for all facilities. Based upon the potential pollutant source assessment required in Section VIII.G, dischargers shall identify and implement additional facility-specific BMPs necessary to reduce or prevent pollutants in storm water discharges to achieve compliance with BAT/BCT and with water quality standards." Additional BMPs should only be required "as necessary" to minimize or reduce pollutants. Staff has not yet developed numerical criteria that represent BAT/BCT so it would not be possible to meet this condition. Also, it is not clear what this condition means by "…achieve…compliance with WQSs". **This needs to be clarified that it means that the discharge does not cause or**

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		contribute to an exceedance of a WQS.
Permit	p.27/ VIII.I. and VIII.I.4.f.	**Annual Comprehensive Facility Compliance Evaluation (ACFCE).** "Dischargers shall conduct one comprehensive facility compliance evaluation (evaluation) in each reporting period (July 1-June 30). Either the QSD or QSP shall conduct and certify the ACFCE..." "A certification of compliance with this General Permit. If the certification cannot be provided, dischargers shall explain in the evaluation report why General Permit compliance has not been attained…" The above sections require certification of the annual report which is inconsistent with Section XXVII.J.3. that specifies that all annual reports be certified by the LRP or Approved Signatory. The permit specifies PRDs, NOTs, all Annual Reports, or other information required by the General Permit (other than PRDs and NOTs) or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's Approved Signatory (Section XVII.K.). However, the permit also states that the QSD or QSP must certify the annual comprehensive facility compliance evaluation (see: Section VIII.I) and the QSD must make a certification under the NAL Corrective Action Triggers (see: XVII.E.5.). These certification requirements appear to conflict, since the QSD/QSP is required to certify documents that Section XVII.K. requires be certified by the LRP or Approved Signatory. **The permit needs to be revised to resolve this conflict.**
Permit	p.29/IX.C.1.a.- b.	**Storm Water Dischargers Visual Monitoring.** "Dischargers shall visually monitor storm water discharges from the first qualifying storm event of each month. Visual monitoring shall occur at all discharge locations during the first four hours after a determination that the discharge is from a qualifying storm event. As related to visual monitoring, a qualifying storm event is one that: a. Has produced a minimum of ¼ inch of rainfall as measured by an on-site rainfall measurement device, and; b. Was preceded by two consecutive days of dry weather. Dry Weather shall be defined as two consecutive days of combined rainfall of less than ⅛ inch as measured by an on-site rainfall measurement device." **The definition of a qualifying storm event needs to clarify whether the precipitation on the two preceding days of less than 1/8 inch of precipitation is counted towards the ¼ inch total accumulation to determine if it is a qualified storm event.**

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		Also, this section should provide an example that further clarifies how days with less than 1/8 inch of precipitation do not count towards a qualifying storm event (e.g., there are ten consecutive days of rainfall with less of 1/8 inch of precipitation on each day (e.g., 1/16 of an inch per day), this is not a qualifying storm event because, although there is a total of 5/8 inch of precipitation, each day is preceded by two days with less than 1/8 of inch of rainfall).
Permit	p.29/IX.C.4.	**Storm Water Dischargers Visual Monitoring.** "Prior to any anticipated storm event, dischargers shall visual observe any storm water storage and containment areas to detect leaks, contamination, and ensure maintenance of adequate freeboard?" **The term "anticipated storm event" needs to be defined to mean a storm event with more than a 50 percent chance of rain by the National Weather Service.**
Permit	p.30/IX.C.5.	**Storm Water Discharge Visual Monitoring.** "Prior to completing each monthly visual observation required in Subsection C.1, dischargers shall record any storm events that occurred of less than ¼ inch or more than ¼ inch but that did not produce a discharge." There is no justifiable reason for requiring a record of storm events that do not produce a discharge. **It is recommended that this requirement be deleted.**
Permit	p.30/IX.C.6.	**Storm Water Discharges Visual Monitoring.** "Prior to anticipated storm events, discharges shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate BMPs. Pre-storm visual monitoring are only required during scheduled facility hours." It is unclear what constitutes an anticipated storm event. This first sentence should be clarified to indicate an anticipated qualifying storm event. Even so, this will require each permitted facility (many dischargers have multiple facilities covered by the general Permit) to attempt to track and document meteorological forecasts in off hours in order to predict an anticipated qualifying storm event. An additional inspection requirement along with other visual requirements will make the

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		permit more confusing and difficult to comply with. The requirement for visually observing anticipated storm events is not necessary as long as the discharger is implementing their BMPs as required by the permit**. It is recommended that this section be deleted, and a streamlining of the visual observations be incorporated (i.e. a monthly inspection and a requirement for proper housekeeping at all times).**
Permit	p. 30/X.A.	**Sampling and Analysis Requirements.** "All dischargers (including dischargers Subject to Level 1 Corrective Actions) shall collect storm water samples from the first qualifying storm event of each calendar quarter. Dischargers who fail to sample the first qualifying storm event of a quarter shall sample the following qualifying storm events that occur during the quarter. The discharger shall document in the annual report the reasons for failing to sample required qualifying storm events." This condition appears to require a discharger to sample all subsequent qualifying storm events in a quarter if the discharger fails to sample the first qualifying storm events event. This is overly punitive and should not be required. **It is recommended that the discharger be required to sample only the next qualifying storm event.**
Permit	p. 30/X.C.	**Sampling and Analysis Requirements.** Dischargers Subject to Level 3 Corrective Actions (NELs) shall collect samples from each and every qualifying storm event in a quarter. As previously stated, NELs are not appropriate for this permit. For an exceedance of a NAL, the discharger is required to review and reassess existing control measures and install additional BMPs and/or treatment as feasible. **Requiring these dischargers to sample all qualifying storm events is not justified and is unreasonable and should be revised to be no more frequent than that required for Corrective Action Level 2.**
Permit	p. 30/X.E.	**Sampling & Analysis Requirements.** "A qualifying storm event is a discharge of storm water that occurs 1. From a storm event that has produced a minimum of ¼ inch of rainfall as measured by an on-site rainfall measurement device, and 2. From a storm event that was preceded by two consecutive days (48 hours) of

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		dry weather. Dry weather shall be defined as two consecutive days (48 hours) of combined rainfall of less than ⅛ inch as measured by an on-site rainfall measurement device." **The definition of a qualifying storm event needs to clarify whether the precipitation on the two preceding days of less than 1/8 inch of precipitation (e.g., 1/16 of an inch per day) is counted towards the ¼ inch total accumulation to determine if it is a qualified storm event.** **Also, this section should provide an example that further clarifies how days with less than 1/8 inch of precipitation do not count towards a qualifying storm event (e.g., there are ten consecutive days of rainfall with less of 1/8 inch of precipitation on each day (e.g., 1/16 of an inch per day), this is not a qualifying storm event because, although there is a total of 5/8 inch of precipitation, each day is preceded by two days with less than 1/8 of inch of rainfall).**
Permit	p. 31/X.F.	**Sampling & Analysis Requirements.** "A discharger shall collect samples from all storm water drainage areas within four hours after a qualified storm event has been determined[3]. This only applies during **scheduled facility operating hours**." (emphasis added.) "[3] For example, a discharger leaves the facility Friday at close of business and less than 1/8 of an inch of precipitation was measured within the previous 48 hours. If the discharger comes back to the facility on Monday, and over 1/4 of an inch of rain has occurred over the weekend, then the storm event meets the requirements in this Section, and the discharger must sample within 4 hours on that Monday." If it has rained over the weekend but stopped before Monday, it is possible that the stormwater is no longer occurring so that no samples can be obtained. Alternately, if discharges are still occurring, there is no reason to limit the time to obtain the samples on Monday to four hours. **The requirement to sample within four hours appears to be arbitrary and should be eliminated.**
Permit	p. 31/ X.G.	**Sampling & Analysis Requirements.** "All discharge locations that discharge storm water associated with industrial activity shall be sampled…" The current permit allows facility operators that determine that the industrial activities and BMPs

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		within two or more drainage areas are substantially identical to collect samples from a reduced number of substantially identical drainage areas (Section B. Monitoring Program and Reporting Requirements, 7.d.). This is a cost saving provision and should be retained in the renewed permit. "Dischargers who do not collect samples from the first qualifying storm event in any quarter shall collect samples from the next qualifying storm events in that quarter." This condition appears to require a discharger to sample all subsequent qualifying storm events in a quarter if the discharger fails to sample the first qualifying storm events event. This is overly punitive and should not be required. **The discharger should be required to sample only the next qualifying storm event.**
Permit	p. 32/X.I.4.	**Sampling & Analysis Requirements.** "Dischargers shall contact the Regional Water Board to determine appropriate analytical methods for parameters not listed on Table 4 and for parameters required pursuant to Subsection F.5" **This condition should reference the approved methods for NPDES permits that are contained in 40 CFR136.**
Permit	p. 34/ XI. Table 4	**Sampling Analysis & Reporting.** The test method cited for Suspended Solids (TSS), Total, EPA 160.2, is no longer valid per the EPA's Method Update Rule published in October 2006. **This test method should be deleted from the table.**
Permit	p. 34/ XI. Table 4	**Sampling Analysis & Reporting.** The test method cited for Oil & Grease (TOG), EPA 413.2, is no longer valid. This method uses Freon 113, which was banned by the Montreal Protocol in 1995. **This test method should be deleted from the table.**

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Permit	p. 34/ XI. Table 4	**Sampling Analysis & Reporting.** **Total Cyanide is missing from this table and should be added to the table.**
Permit	p. 34/ XI. Table 4	**Sampling Analysis & Reporting.** **Table should allow any test procedures under 40 CFR Part 136.**
Permit	p. 37/XIV.A-D	**Facilities Subject to Federal Storm Water Effluent Limitation Guidelines.** "Dischargers with facilities subject to federal storm water effluent limitation guidelines, in addition to the requirements in Section IX and X, shall: …" This condition establishes certain sampling (A.) and analysis (B., C. & D) requirements for facilities that are subject to federal storm water effluent limitation guidelines. In some cases, a facility in an industry category that has federal effluent limitation guidelines (ELG) specifically for storm water runoff may not actually be subject to those specific ELGs because the facility does not have the specific industrial activity for which the storm water ELG has been established. For instance, the Steam Electric Power Generating Point Source Category contains an ELG for "coal pile runoff" resulting from rainfall. However, most Steam Electric Plants in California do not have coal piles and therefore would not be subject to this ELG. **This section should be revised to clarify that facilities without the specific industrial activity to which storm water ELG applies, are not subject to the requirements of the section.**
Permit	pp. 38/ XVI.A.- B.	**Sampling and Analysis Reduction.** Sections A. and B. specify criteria for obtaining a reduction in sampling and analysis requirements. **Rather than a reduction in sampling and analysis, the permit should be revised to use the criteria to reduce the discharger from one corrective action level to the next lower level. This should also apply to facilities that have reached Corrective Action Level 3.**
Permit	pp. 38-42/ XVII B.,C.,D.,E	**Corrective Actions for Level 1, 2, 3.** Upon the first occurrence that sampling results meet any one of the three NAL corrective action triggers set forth in Section XVII.E., the discharger shall do the following (Excerpt from B. C. is 2nd trigger, D is 3rd trigger (imposition of NELs), and E. reiterates NAL corrective action triggers):

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		The USEPA did not mean for benchmark values to be used as effluent limits. They represent an average value for a particular industry over time and when at least four samples are collected per storm event over four storm events and analyzed using standard QA/QC procedures. As implemented by EPA's MSGP, a single sample exceeding the benchmark is not statistically representative of a facility storm water discharge. The actions identified in this section for exceeding the benchmark values will cause an inordinate amount of investigation time and expense for industry without any discernable benefit to water quality. To implement EPA's benchmarks as proposed by the Draft Permit is inconsistent with EPA's MSGP**. If the Draft Permit includes the proposed NALs, the evaluation of sampling data needs to be revised to be consistent with the MSGP.**
Permit	pp. 38-42/ XVII B.,C.,D.,E.	**Corrective Actions.** A certification, based upon the facility evaluation and assessment required above, that either: "a. Pollutant source(s) associated with industrial activity have been identified and additional operational source control BMPs and/or SWPPP implementation measures have been included in the SWPPP in compliance with BAT/BCT,…" or "b. Pollutant source(s) associated with industrial activity have been identified but no additional operational source control BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT,…" or "c. Pollutant source(s) causing the exceedance of the NAL are not related to the facility's industrial activities and no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT. The certification shall describe the non-industrial related sources." Benchmark values are essentially being used as a compliance level. **It is recommended that the requirement be modified to use benchmarks as a goal and not as a compliance measure. Exceedances of benchmark values should be reported and discussed in the Annual Report with a re-evaluation of the BMPs and their implementation (as appropriate) and/or revision to the SWPPPs, or an indication, as identified in VII.B.2.c., that the pollutant source(s) causing the exceedance of the NAL is not related to the facility's industrial activities.**

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Permit	p. 42/ XVII. E.5.	**NAL Corrective Action Triggers.** "A certification by the discharger and QSD, based upon the facility evaluation and assessment required above, that either..." The permit specifies PRDs, NOTs, all Annual Reports, or other information required by the General Permit (other than PRDs and NOTs) or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's Approved Signatory (Section XVII.K.). However, the permit also states that the QSD or QSP must certify the annual comprehensive facility compliance evaluation (see: Section VIII.I) and the QSD must make a certification under the NAL Corrective Action Triggers (see: XVII.E.5.). These certification requirements appear to conflict, since the QSD/QSP is required to certify documents that Section XVII.K. requires be certified by the LRP or Approved Signatory. Where additional BMPs and/ or SWPPP implementation measures will be used as a corrective action, the permit requires the discharger and QSD to certify the additional BMPs and/ or SWPPP implementation measures have been identified and included in the SWPPP to meet the "Receiving Water Limitations III.2" (see: Section XVII.E.5). **It would be helpful for the SWRCB to identify the technical guidance document(s) or other reference(s) that contain test results that upon which such a certification could be made (e.g., that specifies that if one BMP (e.g., increased sweeping frequency) or another BMP (e.g., filter insert) is used that a specified reduction in pollutant concentration can be achieved).** Because of this, a QSD may be left with the choice of either: 1) selecting a BMP based on best professional judgment but not being able to certify it will result in meeting the receiving water limitations III.2 because there is no certainty in the pollutant removal efficiency; or 2) selecting an expensive treatment system with a known pollutant removal efficiency. Seems like this approach only leaves one viable option; that is the expensive treatment system and precludes the use of less expensive BMPs. **This needs to be resolve so that the default course of action is not always treatment.** **Also, the reference to "Receiving Water Limitations III.2," could not be found in the draft permit and needs to be corrected.**
Permit	p. 42/ XVII. E.6.	**NAL Corrective Action Triggers.** "If a certification states that no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges to meet Receiving Water Limitations III.2, the certification must show why the exceedance occurred and

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		why it will not occur again under similar circumstance." It is unclear how to certify that a future event will not happen again and "Receiving Water Limitations III.2," could not be found in the draft permit. **It is recommended that this requirement be deleted.**
Permit	p.43/XVII.E.8.	**NAL Corrective Action Triggers.** "Prepare and submit a report into SMARTs, within 30 days, which describes the facility evaluation and the BMPs and corrective actions that are currently being implemented to assure compliance with Receiving Water Limitations III.2." Requiring an evaluation report is unnecessary. Benchmark values are being used as a compliance measure, whereas they should be goals. **It is recommended that if an exceedance of a benchmark value occurs, additional BMPs and corrective actions be reported in the Annual Report.**
Attachment K	p. 6-7	**Significant Materials.** "Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERLCA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges." It has been clarified in other sections of the draft permit that the materials that are of concern are those that would be readily mobilized by contact with storm water**. This concept should be incorporated into this definition, as follows:** **"Materials that would be readily mobilized by contact with storm water and may include, but is not limited to: …"**

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1	Permit	p.5/ I.C.31.	**Activities Not Covered Under the General Permit.** This finding correctly clarifies that facilities that are exempt pursuant to the EPA oil and gas exemption are not subject to this permit. **We support this finding.**
2	Permit	p.6/ I.C.35.	**Activities Not Covered Under the General Permit.** This finding states that information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States. **We support this finding and ask that the language be revised so that it applies equally to the SWRCB and other agencies and/or other requests for information.**
3	Permit	p.11/ II.P.8.	**Obtaining Permit Coverage for Industrial Facilities – General.** "Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted. Dischargers must electronically file the PRDs, and mail the appropriate annual fee to the State Water Board." **We support this condition.**