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April 25, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Comment Letter – Draft Industrial General Permit
Humboldt Redwood Company, LLC

The preliminary draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges associated with Industrial Activities Order No. CAS000001 is open for public comment through 4/29/11. Humboldt Redwood Company, LLC (HRC) respectfully submits the enclosed comments for consideration. Moreover, HRC has been working closely with the CASQA Industrial Subcommittee and supports the group's comments as submitted to the Board.

Thank you,

A handwritten signature in black ink, consisting of a large, stylized initial 'T' followed by a cursive 'andra'.

Tandra Fisher
Environmental Engineer

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Tambra Fisher
Humboldt Redwood Company, LLC

General Comments:

The preliminary draft Industrial General Permit (IGP) requires a notable increase of required monitoring and inspections. Inspections are scattered throughout the permit and should be combined into one section clearly outlining requirements necessary for compliance. Additionally, the inspection frequencies currently listed in the draft IGP are unrealistic for large and/or multiple facilities with minimal monitoring personnel and should be consolidated to allow for a more reasonable, streamlined and practical inspection schedule. Inspections and sampling should still be required during daylight and operational facility hours for safety reasons. Furthermore, please consider the large increase in costs and time associated with the monitoring and inspection program as proposed by the preliminary draft permit as it relates to the benefit to water quality. The number of inspections under the existing permit is estimated to be approximately 40. By contrast, the number of inspections expected under the proposed IGP is approximately 450. This is a dramatic increase of approximately 1,150%.

There are several areas in which inspections as proposed in the draft IGP can be consolidated. For example, pre-storm and weekly inspections can be combined with either the quarterly inspections or consolidated into one monthly facility-wide inspection. If pre-storm inspections are required, more definition should be provided as to when to conduct inspections. In particular, it is often difficult to demarcate the ending of one storm and the beginning of another.

It is unrealistic to require that all outdoor areas associated with industrial activity, perimeter areas impacted by off-facility materials or storm water run-on be inspected weekly to determine housekeeping needs, and upon identification of debris and wastes, be cleaned daily. Likewise, requiring weekly inspections of each identified equipment and systems is also unrealistic due to staff safety, scheduling differences and operational use of those systems and equipment. Facilities should be required to conduct preventative maintenance on a routine basis, however, some discretion or allowance should be provided so that facilities can incorporate these types of inspections reasonably.

The sampling and inspection frequencies should be streamlined and provide further explanation. For example, the elimination of the option for dischargers to collect only one sample from a group of drainage areas that are substantially identical will result in a significant increase in the number of locations a discharger must sample, as well as increased staff efforts (including time and additional personnel required) and analytical costs. Additionally, if an exceedance triggers the need for further sampling in order to provide evidence that BMP upgrades and/or required SWPPP revisions prove to

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be effective or are found to be ineffective still, then discharges incur yet further expenses and require added time for sampling.

Existing facilities with outdated designs and layouts with regard to increasing environmental protection and storm water quality may not be able to meet such stringent standards as those that would trigger an NAL/NEL exceedance and should be given an allowance for implementing pollutant reduction BMPs, even if exceedances occur. The permit should state that an exceedance of an NAL is not a permit violation as long as the discharger is engaged in the corrective action process. The corrective action system as laid out in the draft IGP penalizes facilities that may have limited abilities both structurally and economically to attain compliance with the NAL/NEL benchmarks. Furthermore, imposing minimum mandatory penalties associated with the NEL exceedance(s) still does not address the problem and takes away from the ability for a facility to allocate funds for implementing additional BAT/BCT that is economically feasible in order to strive for a solution. When NALs are consistently violated after follow-up actions by the discharger, the Regional Board should be allowed to verify that BAT/BCT is properly being implemented and allow for non-attainment of NALs.

With regard to the training required for QSD/QSP appointments, there should be some cross-over allowed for those who have either been trained, or plan to be trained, as a QSD/QSP under the Construction General Permit (CGP) to be synonymous with training required for the IGP QSD/QSP (vice-versa). Additionally, the training qualifications should be expanded to incorporate education and experience and the program should be broadened so that a wider range of people may apply for and complete the training course. Moreover, training courses should be provided to all far-reaching areas within the State via live training and/or live webcast opportunities. By allowing training via webcast, people would have better access and convenience to participate in the training program; thereby increasing the efficiency of the training program overall and educating more people in regards to storm water management. This would also be more affordable for industries in rural settings and require less travel time and lodging costs associated with attendance to a course offered out of the area. It should be added to the permit that a QSP be allowed to train and delegate responsibilities to other qualified personnel working at the facility in order to enhance the facility's storm water monitoring program, as well as aiding in compliance with the permit, without the extra cost and time associated to enroll personnel into the State's approved training program.

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Specific Items for Comment:

No.	Identify Permit Element/Issue/Concern	Location in Draft IGP	Comment
1.	Permit effective date	General Findings A.5, pg 2	The effective date should be extended from 100 days after adoption to one year. Dischargers should be given ample time to make facility specific BMP upgrades pertaining to BAT/BCT that are economically feasible.
2.	...the discharger is referred to as the Legally Responsible Person (LRP)	Section II, P.1, pg 10	Please add LRP clarification similar to Section I.1 pg 24, "Electronic Signature and Certification Requirements" as listed in the Construction General Permit (CGP). This section of the CGP also states "either the LRP or a person legally authorized to sign and certify PRDs..." and then it continues to clarify in Section I.1.a, "The LRP's Approved Signatory must be one of the following..."
3.	Revision	Section VIII, F, pg 20	<p>Requiring facilities to provide a current list of significant materials handled and stored at the facility should allow for facilities to submit a Hazardous Materials Business Plan in addition to the SWPPP, perhaps as an appendix/attachment. This is also another area of regulatory cross-over that will be overly burdensome for dischargers to maintain accurate inventory as required by the SWPPP because quantities, storage locations and handling frequencies may change throughout the year and more clarification is needed as to when to update this requirement (30 days, 60 days, 90 days, etc?).</p> <p>Additionally, a definition or reference for the listing of the quantity of a significant material should also be added to the SWPPP requirements. For example, listing storage containers greater than 55 gallons.</p>

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4.	Revision of introductory paragraph	Section VIII, H, pg 22	Dischargers should implement the minimum BMPs listed in Section VIII.H.1 to the extent practicable and identify...
5.	Paragraph revision and inspection consolidation	Section VIII, H.1.a.i pg 23	"Inspect weekly all outdoor areas associated with industrial activity, storm water discharge locations... <u>Any identified debris or wastes should be managed properly on a routine basis. Any spilled, tracked, or leaked materials shall be cleaned immediately and disposed of properly.</u> Additionally, this inspection should be consolidated into a documented monthly inspection.
6.	Sentence revision	Section VIII, H.1.a.iv, pg 23	Cover or secure all stored industrial materials, when feasible and when <u>not in use for at least 14 days</u> that can be readily mobilized by contact with water; Note: A very specific example where this will not be feasible is log decks.
7.	Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this General Permit's requirements.	Section VIII, H.1.a.vii, pg 23	This is an impractical and infeasible requirement for existing facilities that places a lot of burden on the discharger and may also subject dischargers to additional untimely permitting requirements. Moreover, neighboring facilities may not be able divert storm water due to existing infrastructure, utilities and adjoining property lines. Dischargers should not be penalized for pollutants already entrained in storm water run-on and should be allowed to characterize run-on conditions as to prevent a trigger that may be cause for corrective action(s) due to an NAL/NEL exceedance.

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8.	Sentence addition	Section VIII, H.1.a.viii, pg 23	For facilities with outdoor storage or stockpiles subject to on-going use and/or mechanized activity, alternate BMP's are acceptable in order to minimize and prevent pollutants from becoming entrained in storm water without disruption of industrial activities/operations.
9.	Inspection reduction	Section VIII, H.1.b.ii, pg 23	Inspect weekly each of the identified equipment and systems to detect leaks... This inspection should be consolidated into a monthly documented inspection. Additional pertinent laws and regulations may provide cross-over as facilities may already be obligated to conduct and document monthly inspections similar to those required by 40 CFR 112 for example.
10.	Inspection reduction	Section VIII, H.1.d.v, pg 24	Inspect and clean daily any outdoor material/waste handling equipment or containers... This inspection should be consolidated into a monthly documented inspection and upon detection should be cleaned on a routine basis. Additional pertinent laws and regulations may provide cross-over as facilities may already be obligated to conduct and document inspections, as well as proper waste management similar to those required by Title 22 for example.
11.	Revision	Section VIII, H.1.f.i, pg 25	Dischargers shall keep and maintain records of <u>all</u> required inspections, <u>monitoring data and analysis, spills in excess of reportable quantities, BMP maintenance activities, corrective actions, etc. for a minimum period of five years.</u>

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12.	Suggestion and addition	Section VIII, H.1.g.iv, pg 25	<p>There should be an allowance or grandfather for existing basins as reconstruction could be overly costly and require additional various agency permitting.</p> <p><u>Existing sediment basins designed for sediment reduction are grandfathered from this requirement unless they are being reconstructed.</u></p> <p>The facility's design may not allow for run-on diversions.</p>
13.	Effectively manage run-on, and all runoff within the site and all runoff that discharges off the site. Run-on from off-site shall be directed away from all disturbed areas and stockpiled materials...	Section VIII, H.1.g.v, pg 26	<p>Similar to comment #6, facilities should not be held liable for storm water pollutants resulting from run-on and samples should be allowed to characterize contributions of storm water pollutants as a result of run-on.</p>
14.	Omit/revision	Section VIII, H.3.b, pg 276	<p>The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation should not be a requirement of the SWPPP due to variable changes in maintenance scheduling and operational changes associated with downtime for facilities or seasonal variances.</p> <p>Noting the initial implementation schedules and date of project completion of seasonal and permanent BMPs should be required.</p>
15.	Omit/revision	Section VIII, H.3.d, pg 27	<p>The identity of the individual and/or position responsible for implementing the BMP should not be required due to personnel turnover and/or leave of absences.</p> <p>At the very least, perhaps the need to identify a specific department rather than a specific individual would be more useful here.</p>

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16.	Revision	Section I, Introduction, pg 27	<p>“Dischargers shall conduct one comprehensive facility compliance evaluation... Either the QSD or the QSP shall conduct and certify the ACFCE”.</p> <p>Properly trained personnel should be allowed to conduct the inspection as long as they received instruction from the QSD/QSP. Dischargers most likely have more intimate knowledge of the facility layout, drainage patterns and operations that affect storm water discharges.</p>
17.	Change request	Section I, 4.a, pg 27	<p>The name or <u>position of the individual</u> performing the evaluation; (see comment #15)</p>
18.	Sentence revision/addition	Section IX, C.2, pg 29	<p>Dischargers shall visually observe the discharge of stored or contained storm water at the time of discharge, <u>during daylight and scheduled facility operating hours</u>. Currently, our discharge locations do not have adequate lighting and requiring visual observations at night would not be safe due to inclement weather conditions, steep embankments, forested areas, unlighted access into gated facilities and nocturnal wildlife.</p>
19.	Revision	Section IX, C.4. pg 29	<p>This requirement should be added to the monthly inspections and should allow for cross-over as facilities may already be obligated to conduct and document monthly inspections similar to those required by 40 CFR 112 for example. The requirement to inspect containment areas <i>prior to any anticipated storm events</i> significantly increases the amount of inspections required and may be unnecessary in most cases.</p>

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20.	Revision	Section IX, C.6, pg 30	This requirement is repetitive of the requirement listed in Section IX.C.4.pg 29.
21.	Sentence addition	Section X, F, pg 31	In general, requirements outlined in pre-storm inspections should be combined into one monthly inspection. A discharger shall collect samples during <u>daylight and operational facility hours</u> from all storm water drainage areas within...
22.	Revision	Section XI, Tables 1, pg 32 and Table 4, pg 34	Several parameters listed in Table 4 identify only one approved test method, rather than both the EPA and/or the equivalent Standard Method. The Lab Method column shown on Table 1 and the Test Method column shown on Table 4 should be modified to include both the EPA and/or the equivalent Standard Method.
23.	Revision	Section XII, A.1 and A.4	Monitoring should allow for sample collection where discharges and drainage areas are associated with representative industrial activities rather than requiring grab samples at every discharge location within a drainage area. This would also help to alleviate the enormous increase of costs associated with the monitoring requirements listed in the draft IGP.
24.	Revision	Section XIII, B, pg 36	This criterion seems to implicate that every day of a particular storm event would require sampling. Clarification should be provided here.