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To: <commentletters@waterboards.ca.gov>  
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Subject: Comment Letter – Draft Industrial General Permit  
Attachments: Letter to Waterboard Regarding New Proposal.doc

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State Water Resources Control Board  
1001 I Street, Sacramento, CA  
95814  
April 24, 2011

Comment Letter – Draft Industrial General Permit

Dear Sirs,

This letter is in response to the proposed General Permit now being considered and the changes therein. Having worked with companies and the regulating systems around the state for the past 4 years, I have some serious issues with the proposed changes as they do not address one of the greatest problems that being the systemic failings of the Waterboards, counties and cities required under the permit to develop programs and systems to assure compliance identified under the Clean Water Act. This letter will address these concerns and as a consultant to a small number of businesses, a long time environmental activist, a water sports enthusiast and organic farmer will offer some solutions that I hope you will consider.

Before addressing these concerns perhaps it would be of benefit to give you a little personal background. I was originally hired in 2007 by an engineering firm to do site evaluations and SWPPP's for companies in the greater Southern California region. I was brought in as I had a significant past experience in writing documents, had worked in a number of industrial businesses and had been involved as an environmental activist since the mid 1970's. In the 1980's and 90's I was heavily involved in water issues in the northwest primarily around habitat destruction and salmon mitigation issues. As an avid sailor, kayaker, organic farmer and consumer of grown or harvested food, water issues are very important to me. Additionally, I have a background in working with systemic problems as a business consultant, educator and systemic family therapist. I believe this offers a unique perspective as it relates to the current proposed permit changes as well as the greater issue of effectively protecting the waters and environment of this state.

In regards to the proposed General Permit changes. Having observed the storm water program in California for the past 4 years, it is my opinion that many of the problems we see in the system (although partially the fault of businesses) lies with bureaucratic system charged with creation, development and operations of a successful program that protects our waters as required under the Clean Water Act. Until these systemic problems are addressed the success of bringing about true mitigation of the environmental problems in regards to storm water pollution is highly unlikely.

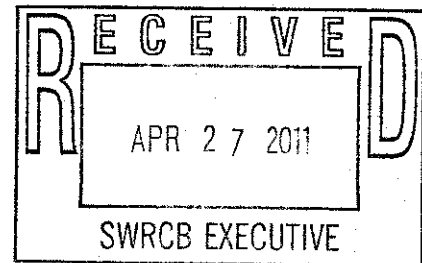
With this in mind, the following comments first address the issues I believe to be systemic within the regulatory system and are then followed by comments in regard to the proposed permit changes:

1) Lack of Leadership

It is my observation that the Water Board has missed a great opportunity to provide the leadership needed to create the positive working relationships with the business community required to deal with this issue successfully. Instead, most businesses see the regulatory system as another bureaucratic institution that only contacts them when their annual fee is due or as a threat as almost every contact involves the threat of fines. It is my observation that a majority of the business community does not see the Board as a resource or even a true advocate for the environment but only a tax generating bureaucracy. Truly sad when you consider the task we face in meeting the current and future environmental challenges we face.

2) Inconsistency throughout the entire system

Having worked with businesses in numerous areas of the state it is obvious the



program is unequally enforced statewide and even within regions. Businesses in one region are fined for submitting Annual Reports late where other regions fail to even tabulate non-filers for years. Some areas have yearly visits by inspectors where others haven't seen an inspector for many years. This inconsistency plays a major part in the problems the proposal attempts to solve in the SWPPP and sampling areas without addressing the root causes.

3) Lack of educational outreach to businesses

During the years I have been involved in this area I have seen very little effort on the part of the storm water boards to offer educational information or outreach to the permit holders. From the initial filing of the NOI, businesses are challenged with figuring out a system that doesn't need to be complicated or confusing. It wouldn't be too difficult to create simple- low cost training videos that would help businesses in their efforts to understand why storm water protection is so important or assist in training staff. These should be free and easily accessed on the net.

4) Lack of communication

Communication between the storm water bureaucracy and businesses in California is almost non-existent. Most businesses really do care about their impact on the environment but have no idea of the problems both local (i.e. local watersheds) as well as state wide. Without this information it is easy to assume the problems are much smaller than they actually are. This systemic failure is exemplified in the proposed requirements for increased testing in watersheds with high pollutants. Expecting the community to take these levels seriously and do the extra work to prevent them is difficult if businesses do not know there are problems. Programs that educate the public and businesses to the problem and encourage local "ownership" of the watersheds have been effective in many areas (salmon streams comes to mind in Washington State).

Proposed Changes to the General Permit

The following comments are issues I have with the proposed changes and include recommendations for solutions in each area of concern.

Requiring All Companies to get new SWPPP's from "Certified Professionals"

Although I can see why the board would want to bring some uniformity to the SWPPP process and probably have concerns regarding a number of questionable individuals or companies promoting themselves as "consultants", I believe the recommended solution is excessive and unduly costly to many businesses that have actually developed effective SWPPP's and programs. Although this may seem to add a new level of professionalism to system and takes the onus off the inspectors/Waterboard to do their job, there are other methods of achieving the ends of this proposal without creating additional costs to the business community and adding another level of bureaucracy.

Solution: Require all businesses to submit copies of their SWPPP's to the local Boards or inspectors and require these individuals to do their job of assessing if the SWPPP meets the required parameters. This is being done regularly in Ontario and several other communities. It means there is greater contact between the business and the inspector/Waterboard and is an opportunity to create better communication and relations between the two parties.

Qualified SWPPP Practitioner

Having a trained staff for is important in successfully operating a storm water program and most companies that have regular inspections and well developed SWPPP's do a good job. The team or individual responsible for the program is already identified in the SWPPP.

Solution: If certification is required, it should be done as an Internet study course. More important in creating effective involvement in the business is the establishment of positive working relationships between inspectors/Waterboard and businesses.

Sampling

This area has been a central problem and needs to be adjusted. By clarifying the "qualified" sampling event it will help businesses and provide some consistency. The issue of taking multiple samples from numerous discharges and requiring the lab to combine them is both ineffective and over the top so to speak. It adds costs to both labs providing sampling materials and then the costs to the businesses. It fails to accomplish anything. Does the Board

really believe that companies do not have the simple ability to accomplish such a simple task? It does not prevent a company from cheating if they are inclined to do so.

Solutions: Remove the combining requirements, maintain the current 2 samples a year unless sampling at the site is in excess of benchmarks. Additionally, it would be a positive move if the state developed resources for working with companies that have problems in their samples. Although a stick might work on occasion, carrots and good working relationships without the constant threat of fines will be more effective in the long-term success of storm water protection.

I hope the comments put forward will help you in making decisions that will bring about the positive changes needed to effectively meet the challenges we face in protecting California's waters and environment.

Sincerely,

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