From: "Tim Mares, Frog Env" <timmares@frogenv.com>
To: <commentletters@waterboards.ca.gov>
Date: 4/7/2011 4:05 PM
Subject: Fw: Opinions/Suggestions For the New Draft Permit (Industrial Stormwater

Hello Jeanine,

How are you? I am contacting you on behalf of Frog Environmental. I would first like to thank you for your time and patience in reviewing this email. We have approximately 600 industrial clients across all industries in Northern and Southern California, and have been in business for 13 years. My point is that we know basically every state, county, and city stormwater inspector, have witnessed the enforcement landscape change over the years; and have an intimate understanding of the challenges faced by industrial sites in most industries, as well as the challenges faced by the state when enforcing the Permit.

The following are some initial comments:

1. The first comment is regarding the proposed QSD requirement. In theory, I understand why it would make sense to list civil engineers, geologists, landscape architects, and hydrologists as the qualified personnel to develop SWPPPs. Frog has written over 500 SWPPPs and reviewed many more over the years, and has not seen a SWPPP written by a geologist, landscape architect, or hydrologist. We have seen SWPPPs written by civil engineers (mostly Construction); however, engineers tend to focus on Stormwater as one small aspect of larger projects and generally charge large amounts of money to write them.

I believe that the designation of a QSD should be available to other parties/individuals (environmental consultants) who can demonstrate a certain level of experience. We have as much hands on, practical, and actual experience as anybody. I also think it's not in "good faith" to limit business owners options to a select set of groups- this could drive up the cost of SWPPPs. The New Permit is alreasy going to cost businesses much more $ on many levels; so why limit their options?

I understand if a site/facility were to garner a Level 2 or Level 3 designation based on exceedences, that the resulting types of required site improvements (BMP implementation) and corresponding SWPPP ammendments/updates may require an engineer or hydrologist. Perhaps these limited, potential aspects of a SWPPP could be the ones required to be signed off on by an engineer, geologist, landscape architect, or hydrologist as the specific situation would dictate.

2. I believe there needs to be specific clarification regarding "Qualified Combined Samples" and the concept of a "Daily Average"- specifically, the ways to properly determine/rerpresent a Daily Average. I have been to numerous public hearings/discussions about the Draft Permit that were conducted by State Water Board personnel and have had these concepts explained differently.

3. I have fielded many questions from clients about "Design/Compliance" (Treatment Systems) and how to interpret the New Permit language regarding the proper design of a treatment system. Is the proper design supposed to cover 95% (average) of total rain for a year, or a 2 year 24 hr rain event, or a 10 year 24 hr event, etc?

4. It would be great if there was a place to easily reference if a facility is in a particular watershed area or near a water body that is protected and carries extra compliance requirements; and if those extra requirements were defined/listed.

5. I think the required pre-storm inspection is a no brainer (all sites should be doing this now regardless), and some of the proposed additional inspections make sense. However, there seems to be a potential for more than 300 required, documented inspections per year as the Draft Permit currently reads. This doesn't seem very practical.

6. I completely understand that accurate pH and Conductivity analysis is a necessity. However, I again question the practicality of requiring each site to have a pH meter and Conductivity meter and to test these parameters in the field. Accredited California State Laboratories have to establish specific sampling procedures, equipment, and quality control methods and properly implement them to ensure accuracy in order to be approved/accredited to test for pH and Conductivity- and this is in a controlled laboratory environment. Does it really make sense to require a semi- trained (at best) employee to test for these parameters in the field? Seems like the door is wide open for inaccuracy and errors. This also seems to be of serious concern when the New Draft Permit is based on triggers and Risk Levels that could be very costly and carry huge consequences.

7. Is there any other way to measure rain in areas other than to require that each site install a rain gauge?

Again, I appreciate your time and effort in reading this email.

Sincerely,
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