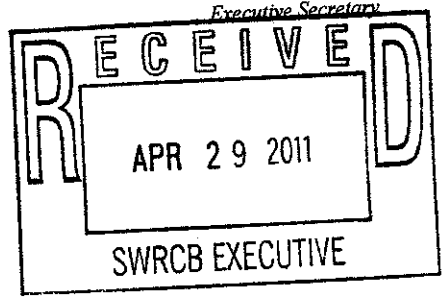


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April 29, 2011

Ms. Jeanine Townsend  
 Clerk to the Board  
 State Water Resources Control Board  
 1001 I Street, 24<sup>th</sup> Floor  
 Sacramento, CA 95814

RE: Comments on the Draft National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities

Dear Ms. Townsend and Members of the Board:

The California Association of Port Authorities (CAPA) appreciates the opportunity to provide comments regarding the reissuance of the current Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, Industrial Stormwater General Permit (IGP). CAPA is comprised of the state's eleven publicly-owned, commercial ports and is dedicated to maintaining a vigorous and vital port industry in California. The Association, which has been in existence since 1940, is committed to promoting the interests of California's ports, maintaining the state's leading role in the maritime industry, and leading the way in innovative and cutting edge environmentally-friendly port operations. We appreciate the efforts of the staff of the State Water Resources Control Board (SWRCB) and look forward to working with you as this important effort continues.

California's ports are committed to protecting the environment, including the waters we rely upon, and all of our state's public port authorities have aggressive water quality control programs to meet or exceed local, state, and federal requirements. Some ports have implemented voluntary cutting-edge water quality improvement programs as well, such as the Water Resources Action Plan adopted by the Ports of Long Beach and Los Angeles. California's ports are each unique and complicated industrial complexes, with specific engineering and other challenges associated with the size and impervious nature of marine terminals, and with the variety of business activity conducted at different port facilities.

Below we have identified key issues with the IGP we believe could have significant negative impact on California's ports and the businesses that rely upon their efficient and safe operation. We have also attached comments submitted to you under separate cover from two of our member ports that provide greater detail on some of the concerns we raise in this letter. As you deliberate, we hope the SWRCB will seriously consider the concerns raised in this comment letter as well as the attached comment letters from our member ports.

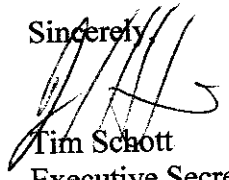
- 1. Numeric Action Levels (NALs) and Numeric Effluent Limits (NELs) – Inappropriate use of US EPA Benchmark Values.** The draft IGP inappropriately proposes to use US EPA benchmarks as NALs and NELs. US EPA has clearly stated that benchmarks are not effluent limitations, and the approach proposed in the draft IGP is inconsistent with US EPA's intended use of these values. The SWRCB should not use effluent limits that are not scientifically-based and that do not clearly establish a link between the limits and desired environmental benefits.
- 2. EPA Benchmarks – Inability to consistently be achieved, even with installation of costly treatment systems.** The best available storm water treatment technologies currently available on the market cannot consistently meet many of the proposed NAL values. Costs to install treatment systems to meet many of the values proposed in the Draft IGP would likely be prohibitive.
- 3. 10-Year 24-Hour Compliance Storm Event.** The 10-year 24-hour event is a very large event, ranging from 2.5 to 4.5 inches of rainfall in most areas. Capacity and treatment control BMPs should be designed for the most frequent storm events, not much larger events with low probability of occurrence. Over designed treatment control is ineffective, costly, and does not correlate to a significant water quality benefit. The 10-year 24-hour event is also inconsistent with current design standards in most communities under MS4 permits and with current guidance.
- 4. Background Conditions, Run-on, and Atmospheric Deposition – Greater consideration and flexibility.** The permit should provide flexibility when evaluating potential causes for elevated concentrations or exceedances of proposed NALs, including use of data demonstrating outside influences such as natural background sources and atmospheric deposition. The Draft IGP would require ports and port tenants to spend millions of dollars to address issues that are clearly background and not controllable. CAPA generally supports "true source control" efforts similar to the recent brake pad reformulation legislation.
- 5. Group Monitoring.** The IGP should provide flexibility for facilities such as ports to adopt watershed-based monitoring programs to allow a more holistic approach to management and monitoring of stormwater.
- 6. Increased Monitoring and SWPPP Requirements – Significant increase in compliance burden and cost.** The economic impacts of the proposed IGP are significant, especially for large, complex sites such as public ports. For example, under the Draft IGP a typical port terminal might expect an increase in required inspections of more than 2000% compared with inspection requirements under the current IGP.

Likewise, the requirement that a QSD be a registered professional, in addition to completing the water Board approved QSD training course, would impose a significant and unnecessary financial burden with no correlating water quality benefit.

The Draft IGP should be thoroughly analyzed and careful consideration should be given to the economic impacts associated with the IGP. We remain in uncertain and fragile economic times. Permit requirements should correlate directly to receiving water quality benefits and compliance must be technically and economically feasible. Our Association is concerned that the costs necessary to comply with the Draft IGP are excessive and could have a significant negative economic impact on local, regional and state economies.

CAPA appreciates the opportunity to provide comments on the Draft IGP and we look forward to working with you in the coming months.

Sincerely,



Tim Schott  
Executive Secretary