Comments to the Storm Water Panel Meeting Blue Ribbon Panel
September 14, 2005

By way of introduction, my name is Marvin Sachse. I am a Professional Engineer, with a Master's Degree in Industrial Engineering and a Master's Degree in Environmental Engineering. I am before this Blue Ribbon Panel representing the 1,000 NPDES Permitted California State licensed Auto Dismantlers, and their respective trade associations and professional associations.

Industry background information is included in the comment text, but is eliminated in this presentation for the sake of brevity.

Auto Recyclers comprise one of the largest single group of permitees. By virtue of their outside operations they are identified as an industry with a high potential to have storm water discharges containing pollutants. It should be noted that auto recyclers provide a unique service that is beneficial to American Industry and the environment. Approximately 80% of each vehicle processed is recycled. By recycling these vehicles, numerous environmental benefits are derived. Material going into land fills is reduced, energy consumed to produce secondary iron and steel is less than for virgin iron and steel, and affordable used car parts are available to keep older cars running at peak performance.

As a group, the vast majority of present day auto recyclers are small, family owned/operated businesses. The profit margins, which were not large, have been reduced by competition from unlicensed and unregulated operators. As an industry, the storm water regulatory compliance

rates are high for the auto recycling industry. Standard Best Management Practices have been developed, numerous agency and municipal workshops and work sheets have been disseminated to owner/operators. In addition to the standardized BMPs, the average auto recycler has provided the Regional Water Quality Control Boards with sampling data from bi annual or annual testing analysis.

Auto recyclers recognize that importance of the installation and maintenance of BMPs, and the evaluation of their effectiveness with monitoring and sampling data. The consideration of the utilization of effluent limits appears inconsistent with the intent of the previous Industrial Permits, and U.S. EPA guidance. The underlying issue in the "effluent limit" debate is, "What is the most cost effective method to assure that storm water discharged from the facility has not been adversely impacted by on-site industrial activity?"

It is our understanding that knowledgeable representatives from industry, the regulating community, and the municipal sector, have expressed a preference for the use of BMPs instead of Effluent Limits to establish Permit compliance. The auto recycling industry is adding its voice to the chorus of those preferring the use of BMPs over effluent limits, for the following reasons:

1. BMPs allocate resources to reduce or eliminate storm water contamination from on-site industrial activities. Effluent limits divert resources to provide sampling data which is useful to establish background data or enforcement actions. Effluent limit expenditures do not clean up storm water discharges.

2. According to RWQCB staffers, BMP installation effectiveness can be determined with a site audit, even during a non storm period. Why commit additional funds to obtain unnecessary compliance information?

3. Municipalities are required to implement extensive watershed sampling data collection programs. Effluent sampling in some areas would be redundant to the Municipal Permit sampling programs.

4. The accuracy of storm water sampling collection procedures by industrial facility operators has been challenged. If, sampling data is presently considered to lack scientific accuracy, who would then collect storm water samples? If outside entities are to be utilized to collect samples the additional costs would have to be borne, ultimately by the Permitee, which would place additional financial hardship upon the small business operator.

5. The Permit and the Clean Water Act refer to exceedance of receiving water standards. Effluent water chemistry analysis established at the facility does not directly correlate to water chemistry at the receiving water due to numerous factors that alter the discharge water's chemistry en route to the receiving water. This includes changes resulting from the processes of sedimentation, physicochemical changes, photosynthesis, naturally occurring water purification, chemical reactions with other material in the storm drain conveyance, and dilution processes. The link between facility storm water discharges

and receiving water water chemistry appears, scientifically tenuous.

6. The present U.S. EPA Benchmarks are based upon somewhat questionable health risk data including, 30 year old scientific data, and the use of measuring equipment method detection limits to establish contamination level instead of actual health risk data.

7. The presence of naturally occurring soil elements that leach into the storm water, by natural processes, not industrial activity, can cause U.S. EPA Benchmark exceedances. Numerous soil samples were collected from the Otay Mesa and Oceanside areas. All samples indicated high naturally occurring levels of iron at 1.5%, and aluminum at 1.2%. Storm water discharge analysis from San Diego County area facilities, predicably, had U.S. EPA Benchmark exceedances in these metals.

8. The Conelly 3 decision/opinion indicated a legal perspective that favored the use of BMPs over effluent limits.

9. Effluent limits would fall into "one size fit's all" category, instead of recognizing the existence of different issues, different industries, different potential pollutants, in different regions.

10. Resources spent on effluent limit sampling reduces the amount of available resources for facility owner/operator education, training, and BMP installation, without reducing storm

water pollution levels.

11. Resources used to increase Permitee scrutiny reduces efforts to locate non permitted facilities.

The foregoing concerns are brought to the attention of this Blue Ribbon Panel not only for permitted auto recycling facilities, but for all Industrial Permit permitees.

Your time and consideration is greatly appreciated.

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