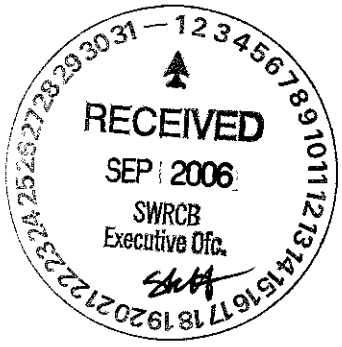
CMAC
Construction Materials
Association Of California

Storm Water Panel Report
Deadline: 9/1/06 5pm



September 1, 2006

Tam Doduc
Chair, State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Feasibility of Numeric Limits Applicable to Stormwater Discharges

Dear Ms. Doduc:

The Mineral Associations Coalition (MAC) has recently reviewed the science panel report *on the Feasibility of Numeric Limits for Stormwater Discharges.* The MAC coalition consists of the Construction Materials Association of California (CMAC), Southern California Rock Products Association (SCRPA), and the California Mining Association (CMA). Members of the MAC coalition operate under the industrial permit

We appreciate the Water Board's effort to address issues related to stormwater and numeric limits by way of an independent group of experts. We are hopeful the report proves a useful guide in balancing needs for reduction of pollutants in storm water with practical and financial feasibility.

Concern with reference to gravel operations

We would like to address one comment in the report that directly impacts our industry. Page 19 of the report implies that numeric limits may apply to an aggregate operation similar to the manner in which they would at a construction site. We offer these comments.

- To begin, the report says there are many factors which could obviate the usefulness of numeric limits at a construction site. These include site, climate, and topographical variability; high levels of natural background and turbidity; consideration of environmental impacts related to toxicity for active systems; seasonal variation; differences in receiving waters quality; and unusual storms. Many of these factors may also apply to aggregate sites.

- There are also many factors about aggregate operations that distinguish them from a construction site. In general, an aggregate operation is longer term, larger, and more complex. The mix of excavation areas, stockpiles, processing facilities, recycling yards, and truck loading facilities make more difficult the phasing of short term activities to create full detention and retention on site.

- The costs of treatment could be excessive at an aggregate operation. To adequately treat storm water for sediment at an aggregate operation, large settling basins must be

constructed where the chemicals are added and sediment is allowed to settle out of the water. This is one example of what the costs might be:

> A mid-sized sand and gravel operation (500 acres) in an area such as Sacramento with average about 24" of rainfall annually. This amount of rainfall over 500 acres equates to 325,800,000 gallons of water. Considering the average permeable and impermeable areas, assume that 50% of the water will infiltrate or be used on-site. This leaves 162,900,000 gallons of storm water to be treated. The average cost to treat for TSS using a chemical flocculent is about 5 cents per gallon. Using the above example, a midsized sand and gravel operation will spend $8,145,000 per year to treat storm water for TSS reduction. This does not even take into consideration the cost for constructing the settling basins or the land cost for the area used by the settling basins. In fact, the geographic configuration of an existing sand and gravel operation could make the construction of proper settling basins impossible. In this circumstance, numeric effluent limits are both technically and financially infeasible.

- In addition to configuration and cost problems, the report does not address other problems associated with constructing large settling basins at permanent facilities such as sand and gravel operations. It does not address the fact that some type of vector control will be needed to reduce the potential for vector born illnesses, such as West Nile Disease. The settling basins could make perfect habitat for mosquito breeding. Over the past couple of years, mosquitoes have been controlled by the use of aerial spraying in certain areas of California. This would amount to application of chemicals in addition to the flocculent chemical that would have the potential for escaping into surface water bodies or contaminating groundwater supplies, not to mention the possible increased risk to human from vector borne diseases.

- Another issues associated with constructing settling basins at an aggregate operation is compliance with water laws as they pertain to water rights. To legally capture water from a facility, the operator most likely will need either Appropriative or Riparian Surface Water Rights. In many cases, a facility may not have the right without obtaining a water right permit or may not even be able to retain run-off water at all. In general, an aggregate operation exists within a much more complex regulatory structure than a temporary construction site.

We appreciate your consideration of our comments.

Sincerely,

Charles L. Rea
Interim Executive Director, CMAC

Adam Harper
Association Manager, CMA

Steve Bledsoe
President, SCRPA

Mineral Associations Coalition (MAC)

Charley Rea
Construction Materials Association of California
1029 J Street, #300
Sacramento, CA 95814

Adam Harper
California Mining Association
1107 9th Street, #705
Sacramento, CA 95814

Steve Bledsoe
Southern California Rock Products Association
P.O. Box 40
So. Pasadena, CA 91031