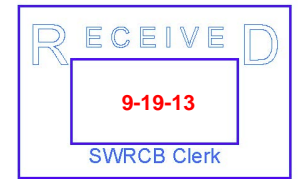




September 19, 2013

Via email to: commentletters@waterboards.ca.gov



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
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Sacramento, CA 95814

DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE DISCHARGE OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES (INDUSTRIAL GENERAL PERMIT)

Thank you for the opportunity to submit these comments of the Metal Finishing Association of Southern California [MFASC], the Metal Finishing Association of San Diego [MFASD], and the Metal Finishing Association of Northern California [MFANC] on the draft permit.

MFASC, MFASD and MFANC are nonprofit trade associations of management executives in the fields of metal finishing, electroplating, powder coatings, enameling, galvanizing, anodizing, buffing, polishing, plating on plastics, bumper recycling, electroforming and related processes. They are an essential component of California's high-tech industries, supplying surface treatments for electronics, aerospace and consumer goods manufacturers.

In addition to the submission of previous comments and testimony in SWRCB workshops, our industry participates in the WATER coalition of businesses, schools, cities and local governments that supports cost-effective water quality policies and has been participating in the development of the draft permit.

We acknowledge and appreciate significant revisions that have been made since the initial 2011 draft and are incorporated into the July 19, 2013 draft, as well as the opportunity we have had for meaningful engagement in the process as stakeholders.

A key revision is the addition of "compliance groups" as an updated version of group monitoring programs. The 2011 draft would have eliminated group monitoring programs that have been used effectively by our member facilities throughout the state. The metal finishers' group monitoring program has existed for the past sixteen years. One hundred job shop plating facilities participate, with an annual fee of \$500 per facility. This has enabled small manufacturing businesses to perform monitoring, inspections, analyses, and reports that enable the IGP objectives to be met and for the costs to be more affordable.

Other improvements have been incorporated in the July 19, 2013 draft including: the removal of numeric effluent levels [NELs], the inclusion of provisions allowing dischargers to redact trade secrets for required electronic submittals in SMARTS; the removal of requirement for pre-storm visual observations; revisions to the sampling frequency from quarterly to twice in first half of year (July 1st – December 31st) and twice in second half of year (January 1st – June 30th); and the reductions in sampling - two QSEs per year – and sampling frequency - one qualifying storm event per year.

Even the July 19, 2013 draft, however, presents significant changes for the storm water programs at metal finishing facilities throughout California, with new costs and burdens including increased sampling, training, reporting and response actions.

Concerns we have identified with the July 19, 2013 draft include:

1. Additional Analytical Parameters

It is problematic for metal finishing facilities to identify the source of pollutants at facilities, especially if the industrial activity does not involve the pollutant. Experience has confirmed that the regional board is unable to work with facilities to assist in identifying the source of pollutants that are not present in the workplace. It is impossible to perform a corrective action best management practice [BMP] when the source is unknown.

This problem could be resolved if the draft permit were to include provisions stating that, if the pollutant or parameter is not present in the process conducted at the facility, there is an exception to the permit requirements.

2. Training

The regulations do not provide specificity on the process for providing input into the requirements for a QISP and the specific training that will be required.

It would be helpful for compliance groups and individual facilities if associations and other groups be allowed to train and certify QISPs. One approach would be for a train-the-trainer type of class for QISP to be qualified to train members of the group to be QISP's. It is important to facilitate training for the permit to be effective.

3. Cost

According to economic estimate prepared in connection with the draft, the average total cost is \$37,000 per year. This is a very significant impact and can serve as a barrier to group participation. What has been overlooked is the impact on the small business. We have had group members drop out of the group because they could not afford the \$500 a year we were charging to belong to the group.

If the water board desires greater participation and data input there should be consideration for small business – \$37,000 a year is a big expense for a five-man shop.

4. SMARTS

This is not a user-friendly program and a new financial and training burden. Certainly there are facilities that do not have internet access even today.

One approach would be to model the SMARTS program on the CERS system that is in use.

5. Enforcement

The effectiveness of the permit is dependent on compliance and ensuring that facilities that do comply are not at an unfair disadvantage to those facilities that avoid compliance.

With the CERS reporting now in full operation it is easy to identify those facilities that are not in compliance.

In conclusion we urge the Board to consider these issues, and to take the appropriate action to protect the environment while providing effective compliance mechanisms.

Sincerely,

Norm Plotkin

Norman Plotkin

Executive Director

Metal Finishers Association of Southern California/Northern California/San Diego

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