



California Stormwater Quality Association®

Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation

September 19, 2013

Ms. Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Comment Letter – Industrial General Permit issued July 19, 2013

Dear Ms. Townsend and Members of the Board:

The California Stormwater Quality Association (CASQA) appreciates this opportunity to comment on the July 19, 2013 of the draft General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit).

The CASQA Industrial Subcommittee includes a broad representation of the entities that will be affected by the Industrial General Permit, including regulated industries, municipalities, stormwater professionals, academics, and attorneys. CASQA has been involved with each issuance of California's Industrial General Permit, and has been an advocate for industrial stormwater permits that protect water quality and are practical for industrial operations, providing both technical resources to the State Water Board and a voice for stakeholders affected by the permits.

CASQA appreciates the efforts the State Water Board has undertaken since the July 2012 draft to revise the document and seek additional stakeholder input on proposed changes. In particular CASQA commends the State Water Board for the significant streamlining of the permit's requirements. The streamlined QISP requirements, Exceedance Response Action process, and the monitoring requirements are welcome changes from the 2012 draft that will assist permittees in creating and managing effective stormwater programs.

CASQA's Industrial Subcommittee has spent considerable time reviewing the draft permit and while we are in the home stretch of this permit development process we do have a substantial number of comments to improve and clarify the permit language. For this review we have focused on providing a redline markup of the permit language. Where necessary, we provided background to support the comment. (See **Attachment 1**.)

CASQA concurs with the State Water Board's conclusion that it is not feasible to establish numeric technology based effluent limitations for industrial stormwater discharges covered by the Industrial General Permit at this time. This draft Industrial General Permit represents a major step forward in the clarity and specificity of stormwater regulation and we anticipate better data to be forthcoming from this permit term to inform future decisions about the need for numeric technology based effluent limitations.

Clear compliance standards remain of critical importance for permittees, regulators, and the public. The 2013 draft Industrial General Permit provides significant assurances for compliance determinations. In particular, we commend the clear statement that exceedances of numeric actions levels do not represent permit violations providing assurance that those numeric actions levels will not be misused.

We do remain concerned about the potential misinterpretations of the receiving water limitation as de-facto water quality based numeric effluent limitations. In previous comments on the Industrial General Permit, Construction General Permit, and the larger question of numeric effluent limits in stormwater permits, CASQA has provided a detailed assessment of the development of water quality-based effluent limits. The establishment of such limitations must follow a scientifically sound, and statistically rigorous process and not merely apply the water quality objectives at the end of the permittee's pipe. (See **Attachment 2**.) The law allows best management practices to be used in lieu of numeric water-quality based effluent limits, so a defined process can be used. CASQA continues to advocate for including language like that included in the previous draft, to clarify the process to be followed where a discharge is found to cause an in-stream exceedance of water quality objectives.¹

In our review of the 197 pages of the 2013 draft Industrial General Permit (including attachments) we saw significant inconsistencies in the language of the Order and various attachments and in particular inconsistencies between the information in the Fact Sheet and in the Order. Given the Fact Sheet and other attachments will be incorporated into the Order, these inconsistencies need to be reconciled. While some of these inconsistencies are noted in our detailed comments, our review for inconsistencies was not exhaustive. CASQA requests that prior to finalizing the Order that the State Water Board have a technical editor who has not been part of the permit writing staff conduct a careful review and reconcile all inconsistencies between the Order and the Attachments.

CASQA was not able to devote significant time to reviewing the Response to Comments on the 2012 draft Industrial General Permit or the revised cost analysis posted on September 11, 2013, just one week prior to the comment deadline. However, based on our preliminary review of the cost analysis documents, we have the following observations on the information provided.

- The spreadsheet and summary do not provide the basis for the assumptions used or citations for the studies used when developing the cost analysis. Without this information, it is not possible to specifically evaluate the validity or applicability of the estimates. Further the spreadsheet does not include the variables or formula used to calculate values

¹ We note that the approach of expressing compliance as clear steps is used in EPA's 2008 Multi-Sector General Permit for Stormwater Discharges Associated With Industrial Activity ("Multi-Sector General Permit," or "MSGP"), 73 Fed. Reg. 56572 (September 29, 2008). Under Section 2.2 of the MSGP, the end point is described as "control[ing] the discharge as necessary to meet applicable water quality standards in the receiving waterbody," and the MSGP requires that the permittee comply with any additional, more stringent requirements EPA determines are necessary to meet an applicable wasteload allocation or to further control discharges to impaired waters that do not yet have an EPA approved or established TMDL. In this way, the entire exercise of determining the needs of the water body involves communication from the permitting agency as appropriate. This makes a general permit approach workable, while leaving the possibility of individual permitting if the agency determines that is needed for sites posing a greater threat to water quality

in the spreadsheet cells, making it difficult to understand the assumption made related to the number of hours and labor rates associated with various tasks.

- We note several elements summarized in the cost analysis appear to be significantly underestimated. In particular, we point out the following:
 - No costs are included for the SWPPP update. It is unreasonable to assume that there will be no cost associated with updating the SWPPP. SWPPPs are complex documents that in many cases will require professional expertise to update. At minimum SWPPPs will need to be updated to specify and reflect the revised Order and will need to be reorganized to clearly demonstrate compliance with the minimum best management practices.
 - No costs are included for the update of the monitoring program, which will require significant revision.
 - No costs are included for training facility staff involved with implementation of the storm water program. At a minimum, staff will need training related to the new permit, SWPPP revisions, changes to the monitoring program, and SMARTS reporting requirements. Merely because QISP training is not needed at the baseline level, does not eliminate the need to properly train facility staff for the requirements of the new permit.
 - Cost assumptions for the development of an ERA Level 1 report (\$750) and ERA Level 2 BMP Report (\$1,650) both appear to be significantly underestimated. It appears the State Water Board has assumed these reports will not require significant effort to complete, only few hours, using typical burdened rates of senior staff/engineers (\$150-250/hour). Based upon the 2013 draft Industrial General Permit, CASQA believes these reports will require a significant level of effort, particularly if they are to be developed and uploaded to SMARTS for regulatory and public review.
 - Costs to implement structural/treatment controls appear low, potentially orders of magnitude lower than what advanced treatment systems could cost many facilities. Further evaluation of the costs provided could not be completed without the assumptions used for the analysis such as the type of controls, the number of outfalls assumed for retrofit, and whether or not the costs and processing of agency permits was included.

To the extent the comments are not superseded in this letter, CASQA requests that our previous comments on the Industrial General Permit submitted on October 22, 2012, April 28, 2011, and October 11, 2012, be incorporated by reference.

Thank you for the opportunity to provide comments. Please contact Geoff Brosseau, our Executive Director, at (650) 365-8620 if you have any questions or need additional information, or me at (714) 955-0670. We are also available to meet at your convenience to review the issues described in these comments.

Very truly yours,

A handwritten signature in black ink that reads "Richard Boon". The signature is written in a cursive style with a large initial 'R'.

Richard Boon, Chair
California Stormwater Quality Association

Attachments

1. Detailed Comment Table
2. Discussion of Water Quality Based Effluent Limitations
3. Cumulative Hourly Rainfall Intensity Curves from the CASQA New Development Handbook

cc: Greg Gearheart, State Water Board
Diana Messina, State Water Board
CASQA Industrial Subcommittee, Executive Program Committee, Board of Directors

CASQA Comments
Attachment 1. Detailed Comment Table

Item No.	Element/Issue/Concern	Location in Draft General Permit	Comment
Comments on QISP and Training			
1.	QISP Training Options	Order pg 8-9 I.H.49, 5X, 53	<p>Include a Finding that specifies a QISP training option will be available for non-CBPELSG licensees. As drafted the General Permit implies that the training is only open to CBPELSG licensees.</p> <p><i>Recommended Language Changes</i></p> <p>49. To improve compliance and maintain consistent implementation of this General Permit, Dischargers are required to designate a Qualified Industrial Storm Water Practitioner (QISP) for each facility the Discharger operates that has entered Level 1 status in the Exceedance Response Action (ERA) process as described in Section XII of this General Permit. A QISP may be assigned to more than one facility. In order to qualify as a QISP, a State Water Board-sponsored or approved training course must be completed. A competency exam may be required by the State Water Board to demonstrate sufficient knowledge of the QISP course material.</p> <p><i>Add new before item 53.</i></p> <p><u>In order to qualify as a QISP, individuals must complete a State Water Board-sponsored or approved training course. A competency exam may be required by the State Water Board to demonstrate sufficient knowledge of the QISP course material. No pre-requisite licenses or certifications are required. A separate training and registration process will be available for California licensed professional civil, industrial, chemical, and mechanical engineers and geologists.</u></p> <p>53. California licensed professional civil, industrial, chemical, and mechanical engineers and geologists have licenses that have professional overlap with the topics of this General Permit. The California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists (CBPELSG) provides the licensure and regulation of professional civil, industrial, chemical, and mechanical engineers and professional geologists in California. The State Water Board is developing a separate specialized self-guided State Water Board-sponsored registration and training program specifically for these CPBELSG licensed engineers and geologists in good standing with</p>

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			CBPELSG.
2.	QISP Training Options	Fact Sheet pg 26-27	<p>Include a description of the intended training for non-CBPELSG licensees in the Fact Sheet. As written there is little information to support the separate process the State Water Board is planning for non-CBPELSG licensees. Without this additional information the General Permit may be interpreted as only allowing professional civil, industrial, chemical, and mechanical engineers and geologists to serve as QISPs.</p> <p><i>Recommended Language Changes</i></p> <p><u>The State Water Board is planning for two separate QISP Training processes at present. The first process is intended for environmental professionals and facility staff. The second process is intended for California licensed professional civil, industrial, chemical, and mechanical engineers and geologists.</u></p> <p><u>The State Water Board has convened an advisory group to develop a State Water Board approved registration and training program for environmental professionals or facility staff. This process will require the professional to complete a training course and potentially a competency exam.</u></p> <p>California licensed professional civil, industrial, chemical, and mechanical engineers and geologists have licenses that have professional overlap with the topics of this General Permit. The California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists (CBPELSG) provides the licensure and regulation of professional civil, industrial, chemical, and mechanical engineers and professional geologists in California. The State Water Board is developing a specialized separate self-guided State Water Board-sponsored registration and training program specifically for these CPBELSG licensed engineers and geologists in good standing with CBPELSG. The CBPELSG has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a licensed professional engineer or geologist is alleged to be noncompliant with CBPELSG’s laws and regulations. Actions that result in noncompliance with this General Permit may constitute a potential</p>

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			violation of the CBPELSG requirements and may subject a licensee to investigation by the CBPELSG.
3.	Training Qualifications	Order pg 23 IX.3	<p>CASQA recommends the deletion of footnote 8 from this section. This information is conveyed on pages 8-9 of the Order and does not need to be repeated here. If the footnote is retained, it needs to be expanded to discuss all training options and include the language changes identified in comment # 2 above.</p> <p>Further, this item should include Level 2 dischargers.</p> <p><i>Recommended Language Changes</i> Dischargers with Level 1 <u>or 2</u> status shall:</p>
4.	QISP / Geographic Regions	Fact Sheet pg 27	<p>CASQA recommends deleting the language on page 27 of the Fact Sheet regarding the geographic region for QISPs, as the Order does not require that the QISP complete tasks before, during, and after qualifying storm events.</p> <p><i>Recommended Language Changes</i> It is advisable that this individual be limited to a specific geographic region due to the difficulty of performing the needed tasks before, during, and after qualifying storm events may be difficult or impossible if extensive travel is required.</p>
5.	QISP Definition		<p>Similarly the Glossary definition (Attachment C) for a QISP needs to be revised to remove the language about geographic limitations and to revise the discussion of QISP responsibilities as the listing in the definition differs from the responsibilities identified in the General Permit.</p> <p><i>Recommended Language Changes</i> Qualified Industrial Storm Water Practitioner (QISP) Only required once a Discharger reaches Level 1 status <u>and for Compliance Groups.</u> ;-a- A QISP is the individual assigned by the Discharger to complete Level 1 and Level 2 ERA Technical Reports and to train pollution prevention team members. Compliance Groups Leaders must be QISPs. to ensure compliance with this General Permit. This includes implementing the SWPPP, performing the Annual Comprehensive Facility Compliance Evaluation</p>

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			<p>(Annual Evaluation), assisting in the preparation of Annual Reports, performing ERAs, and training pollution prevention team members. The individual must take the appropriate state approved or sponsored training to be qualified. Dischargers shall ensure that the designated QISP is geographically located in an area where they will be able to adequately perform the permit requirements at all of the facilities they represent.</p>
6.	QISP Status Revocation	Fact Sheet pg 27	<p>Correct and clarify QISP Status Revocation <i>Recommended Language Changes</i> This General Permit contains a mechanism that allows for the Water Boards' Executive Director or Executive Officer to rescind <u>the QISP status of any individual any QISP's who are</u> found to be <u>inadequately in adequately</u> performing <u>his/her their</u> duties as a QISP <u>will no longer be able to do so</u>. A QISP may appeal the decision to rescind <u>his/her their</u> QISP status to the State Water Board.</p>
7.	QISP Responsibilities for ERA Process	Order pg 47-52 XII.C-D	<p>Per section H.50, a QISP is responsible for completing Level 1 status and Level 2 status ERA requirements as specified in Section XII. Per Section II.D., a QISP must prepare Level 1 ERA Reports (Section XII.C) and Level 2 ERA Technical Reports (Sections XII.D.1-2).</p> <p>Section XII is unclear or unspecific on which of the Level 1 and Level 2 status requirements the QISP must complete. The only mention of a QISP in this section is for the completion of the Level 1 Report.</p> <p>CASQA recommends that the language in these sections be revised to specifically state which of the Level 1 and Level 2 status requirements must be completed by a QISP and that the responsibilities of the QISP for these actions be consistently described throughout the General Permit. Specifically, is a QISP required to complete the following?</p> <ul style="list-style-type: none"> • Level 1 ERA Evaluation (implied by Section II.D but not stated in Section XII.C) • Level 2 ERA Action Plan (implied by Section II.D but not stated in Section XII.D)

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			<ul style="list-style-type: none"> Level 2 ERA Technical Report (implied by Section II.D but not stated in Section XII.D)
8.	QISP Responsibilities	Order pg 8 H.49	<p>The training section indicates that a facility must designate a QISP for facilities that have entered Level 1 status. Given the limited responsibilities of a QISP (preparing ERA reports and training staff) the language in this section seems overly broad.</p> <p>To improve compliance and maintain consistent implementation of this General Permit, Once a facility has entered Level 1 or 2 status in the Exceedance Response Action (ERA) process as described in Section XII of this General Permit, Dischargers are required to designate a Qualified Industrial Storm Water Practitioner (QISP) to prepare the ERA reports and train the facility Pollution Prevention Team. for each facility the Discharger operates that has entered Level 1 status in the Exceedance Response Action (ERA) process as described in Section XII of this General Permit.</p>
9.	QISP Responsibilities	Order pg 8 H (new item)	<p>CASQA recommends this addition to section H to be consistent with section IX.A.3.b.</p> <p><u>A QISP is responsible for providing training to the pollution prevention team of a facility that has entered Level 1 or 2 status in the Exceedance Response Action (ERA) process as described in Section XII of this General Permit.</u></p>
10.	QISP Changes	Order pg 8 Fact Sheet Page 44	<p>Once a facility has designated a QISP, what is the obligation of a discharger to report changes to the QISP. What is the mechanism and timing for reporting such changes?</p> <p>CASQA recommends that the discharger report QISP changes when ERA reports are filed or updated, and in the Annual Report.</p>
Comments on NALs and ERA			
11.	Non-Industrial Source Exceedances of NAL	Order pg 11 I.M.66	<p>Given that Finding 63 establishes that exceeding an NAL does not constitute a permit violation, the following statement should be revised since exceeding any NAL for any reason is not a permit violation.</p> <p>Exceedances of the NALs that are attributable solely to pollutants originating from non-industrial pollutant sources (such as run-on from adjacent facilities,</p>

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			<p>non-industrial portions of the discharger’s property, or aerial deposition) <i>are not a violation of this General Permit because the NALs are designed to provide feedback on industrial sources of pollutants.</i></p> <p><i>Recommended Language Changes</i></p> <p>Exceedances of the NALs that are attributable solely to pollutants originating from non-industrial pollutant sources (such as run-on from adjacent facilities, non-industrial portions of the Discharger’s property, or aerial deposition) do not trigger ERA requirements if the Discharger demonstrates the non-industrial nature of the pollutant sources. are not a violation of this General Permit because the NALs are designed to provide feedback on industrial sources of pollutants.</p>
12.	Non-Industrial Source Pollutant Demonstration at Level 1	Order pg 11 I.M.66	<p>CASQA recommends allowing a discharger to file a Non-Industrial Source Pollutant Demonstration as part of their Level 1 ERA Technical Report, if they choose to do so. While this is mentioned in the Level 2 process steps, the option should be made clear in the Level 1 process.</p> <p>This would not relieve them of the obligation to perform a Level 1 Evaluation and to adopt additional BMPs for industrial pollutants, if necessary. Conducting the analysis at Level 1 would potentially avoid unnecessary effort and expenditures to implement additional BMPs where the industrial activity is not the source of the pollutants.</p> <p><i>Recommended Language Changes</i></p> <p>Dischargers may submit a Non-Industrial Source Pollutant Demonstration as part of their Level 1 or 2 ERA Technical Report to demonstrate that the presence of a pollutant causing an NAL exceedance is attributable solely to pollutants originating from non-industrial pollutant sources.</p>
13.	Pollutant Demonstration at Level 1	Order pg 47 XII.C.2	Add into this item the language regarding Non-Industrial Pollutant Source Demonstration and Natural Background Pollutant Source Demonstration cited in XII.D.2.b and c.
14.	Level 1 ERA Evaluation	Order pg 47 XII.C.1	Clarify whether the Level 1 ERA Evaluation must be submitted. As written the requirement is to complete the evaluation but there is no mention of submission to SMARTS or the Regional Water Board. If the intent is that these

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			evaluations are not to be submitted CAQSA recommends this be stated. The recommended revision is included in the next comment.
15.	Level 1 ERA Evaluation	Order pg 47 XII.C.1	<p>CASQA recommends extending the timeline to complete the Level 1 ERA Evaluation. For permittees that may need to bring in consultant support, the timeline is not sufficient for the procurement process, which can take up to three months. To accommodate procurement, and the broad scope of the described Level 1 ERA, CASQA recommends the language be revised to allow dischargers up to 120 days to perform the required evaluation.</p> <p><i>Recommended Language Changes</i></p> <p>“Within 60 <u>120</u> days of entering Level 1 status, the Discharger shall complete <u>and maintain on-site</u> an evaluation of the industrial pollutant sources ...”</p>
16.	Level 2 Action Plan	Order pg 48 XII.D.1.c and d	<p>The draft permit requires that a Level 2 ERA Action Plan be implemented no later than 1 year after submitting the plan. The timeline may not be sufficient for dischargers to budget for and implement new BMPs, in particular new structural BMPs.</p> <p>CASQA recommends the language be revised in items c and d such that the discharger describe any challenges associated with completion of the action plan and within 1 year the discharger provide an acceptable alternative.</p> <p><i>Recommended Language Changes</i></p> <p>c. All elements of the Level 2 ERA Action Plan shall be implemented as soon as practicable and completed no later than 1 year after submitting the Level 2 ERA Action Plan, <u>unless an element requiring additional time is described in the schedule and description developed in accordance with item XII.D.1.d below, including an explanation of the reason completion within one year is not reasonable or practicable.</u></p> <p>d. The Level 2 ERA Action Plan shall include a schedule and a detailed description of the tasks required to complete the Discharger’s selected demonstration(s) as described below in Section D.2.a through c. <u>The schedule and description shall identify and provide a rationale for any tasks that will not be completed within one year of submitting the Level 2 ERA Action Plan.</u></p>

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17.	Level 2 Action Plan	Order pg 48 XII.D.1.e	<p>CASQA recommends that the Water Boards take advantage of the Level 2 Action Plans to engage with dischargers on their plans to respond to a NAL exceedance. The Action Plan should serve as a planning stage with both the dischargers and regulators participating in a discussion about pollutant sources and water quality improvements. This is especially important because once dischargers begin to implement the Action Plan and develop the Technical Report they will be embarking on significant investments for special studies and potentially capital improvements for structural/treatment controls. CASQA recommends that the permit be designed to encourage this type of communications between dischargers and Water Boards and recommends that language similar to what has been included in section XII.D.3 be incorporated into XII.D.1 as a new item e.</p> <p><i>Recommended Language Changes</i></p> <p><u>e. The State Water Board and Regional Boards (Water Boards) may review the submitted Level 2 ERA Action Plan. Upon review of a Level 2 ERA Action Plan, the Water Boards may concur with the plan or request changes to the Level 2 ERA Action Plan. .</u></p>
18.	Level 2 ERA- Technical Report	Order pg 48 XII.D.2	<p>The draft permit requires that a Level 2 ERA Technical Report be provided no later than January 1 following the submittal of the ERA Action Plan. The timing outlined in the Order for these plans, BMP implementation, and reporting does not appear feasible, especially where a discharger is using Industrial Activity BMP demonstration.</p> <p>CASQA recommends the language be revised to require the Technical Report to be completed July 1 following the first wet season after the BMPs have been implemented. For example, if new BMPs are provided for in the ERA Actions Plan and they are constructed and completed by summer of 2016 then require the new Technical Report by July 1, 2017, after the BMPs have been implemented and water quality samples have been analyzed to assess BMP effectiveness.</p>

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19.	Non-Industrial Pollutant Source Demonstration	Order pg 50 XII.D.2.b.i	<p>The Non-Industrial Pollutant Source Demonstration requires a statement that the discharger has determined that the exceedance of a NAL is attributable SOLELY to the presence of non-industrial sources. While this language appears to intend otherwise, it may be argued that dischargers are required to establish that the SOLE source of a constituent originates outside the industrial facility, and that none of the constituent originates from the facility, even at low levels. In some cases, concentrations from outside sources may be substantially higher than those generated within the industrial facility. Concentrations originating within the facility that are lower than outside sources and below the NAL should be allowed within the Non-Industrial Pollutant Source Demonstration. This was discussed in the State Water Board workshop in August, and State Water Board staff stated the demonstration should identify the relative contribution of the constituent originating from industrial sources as well as non-industrial sources. If it is determined that industrial sources are below the NAL and an exceedance is due to the commingled addition of non-industrial sources, then the discharger should not be required to take further action to comply with the General Permit. This can be fixed by simply removing the word “solely” from the requirements, as shown below.</p> <p><i>Recommended language changes</i></p> <ol style="list-style-type: none"> i. A statement that the discharger has determined that the exceedance of the NAL is attributable solely to the presence of non-industrial sources.

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20.	Natural Background Pollutant Source Demonstration	Order pg 50 XII.D.2.c.i	<p>Similar to the preceding comment, the Natural Background Pollutant Source Demonstration requires a statement that the discharger has determined that the exceedance of the NAL is attributable SOLELY to the presence of the pollutant in the natural background. Again, this can be fixed by simply removing the word “solely” from the requirements, as shown below.</p> <p><i>Recommended language changes</i></p> <ul style="list-style-type: none"> i. A statement that the discharger has determined that the exceedance of the NAL is attributable solely to the presence of the pollutant in the natural background.
21.	Level 2 ERA – Annual Report	Order pg 51, XII.D.3.c/d	<p>Dischargers in Level 2 are required to annually update their Level 2 Technical Report based on changes of conditions. To streamline this process, CASQA recommends that the Annual Report completed through SMARTS include a checklist question that prompts if any change in conditions has occurred. If the answer is “NO” resubmittal of the Technical Report would not be required.</p>
22.	Level 2 ERA –Eligibility to Return to Baseline Status	Order pg 52 XII.D.4.a	<p>The draft permit states “If future NAL exceedances occur for the same parameter(s), the Dischargers Baseline status will return to Level 2 status on July 1 in the subsequent reporting year during which the NAL exceedance(s) occurred.” The term “future” is too vague. There should be a defined period of time to which this provision applies, so the discharger is not penalized for other exceedances that may have occurred and been reasonably addressed 5-10 years earlier.</p> <p><i>Recommended language changes</i></p> <p>... If future within 3 years NAL exceedances occur for the same parameter(s), the Discharger’s Baseline status will return to Level 2 status on July 1 in the subsequent reporting year during which the NAL exceedance(s) occurred. ...</p>
23.	ERA	Fact Sheet, pg 6, D.6	<p>The language in this section should be revised to clarify that for the instantaneous maximum NALs, an exceedance occurs when two or more analytical results from samples taken from any parameter within a reporting year exceed the instantaneous maximum NAL value”</p>

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			<p><i>Recommended language changes</i></p> <p>“The first time an annual NAL or instantaneous maximum NAL exceedance occurs for any one parameter; a Discharger’s status is changed to Level 1 status...” <u>“For the instantaneous maximum NALs, an exceedance occurs when two or more analytical results from samples taken from any parameter within a reporting year exceed the instantaneous maximum NAL value” to the Fact Sheet discussion for clarification.</u>”</p>
Comments on Plastics Facilities			
24.	Plastics Facilities	Order pg 13 I.P.73	<p>Almost all industrial facilities participate in post-consumer waste recycling for employees e.g., recycling bins in lunch rooms and recyclable collection bins and dumpsters. To avoid the unintended consequence of eliminating this type of recycling, the order should make it clear that facilities engaged in this type of recycling are not subject to the Plastic Materials requirements of the General Permit. While Finding 73 mentions preproduction plastics, it is not clear from the listing of plastics that post-consumer product recycling is excluded, and the provisions in section XVIII.A do not mention preproduction plastics.</p> <p><i>Recommended Language Changes</i></p> <p>Section 13367 of the Water Code requires facilities handling preproduction plastic to implement specific BMPs aimed at minimizing discharges of such materials. The definition of Plastic Materials for the purposes of this General Permit includes the following types of sources of Plastic Materials: plastic resin pellets, powders, flakes, additives, regrind, scrap, dust, and industrial process waste or <u>industrial process</u> recycling that has the potential to discharge or migrate and discharge off-site. Such Plastic Materials are considered storm water gross pollutants. <u>Plastics Facilities do not include facilities engaged in voluntary or mandatory recyclable collection programs for post-consumer plastic wastes that are not part of the industrial process (e.g. collection and handling of beverage containers from employees).</u></p>
25.	Plastics Facilities	Order pg 61 XVIII.A	<p><i>Recommended Language Changes</i></p> <p>Facilities covered under this General Permit that handle Plastic Materials as</p>

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			<p><u>part of their industrial processes</u> are required to implement BMPs to eliminate discharges of plastic in storm water in addition to the other requirements of this General Permit that are applicable to all other <u>industrial materials and activities</u>. Plastic Materials, including plastic resin pellets, powders, flakes, additives, regrind, scrap, dust, and industrial process waste or <u>industrial process</u> recycling with the potential to discharge or migrate off-site are considered storm water gross pollutants. Any Discharger facility handling these types of plastics will be referred to as Plastics Facilities in this General Permit. Any Plastics Facility covered under this General Permit that manufactures, transports, stores, or consumes these materials shall submit information to the State Water Board in their PRDs, including the type and form of plastics, and which BMPs are implemented at the facility to prevent illicit discharges. Pursuant to Water Code section 13367, Plastics Facilities are subject to mandatory, minimum BMPs. <u>Plastics Facilities do not include facilities engaged in voluntary or mandatory recyclable collection programs for post-consumer plastic wastes that are not part of the industrial process (e.g. collection and handling of beverage containers from employees).</u></p>
Comments on NEC			
26.	NEC Submittal Date	Order pg 16 II.B.4.b Fact Sheet pg 12	Dates for NEC submittal are inconsistent in the Fact Sheet (July 1, 2014) and Order (January 1, 2015). Revise Fact Sheet to indicate NEC submittal is due January 1, 2015.
Comments on TMDLs			
27.	Total Maximum Daily Loads	Order pg 21 VII.B	<p>This section of the General Permit sets a high bar for new dischargers in watersheds subject to TMDLs. This provision of the General Permit could effectively prevent new small businesses from opening, even with very minor discharges, and does not appear to consider whether pollutants come from non-industrial or background sources. The definition of new discharger for the purposes of this section should not include renewing dischargers, existing facilities that were previously exempt (NEC facilities), or new owners of existing facilities; this needs to be clarified.</p> <p>CASQA strongly recommends that the State Water Board reconsider this</p>

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			language and, perhaps in conjunction with TMDL provision implementation, develop a proposal that would allow for the equitable distribution of remaining load capacity for new businesses within impaired watersheds so as to not unfairly restrict business development, and distinguish impacts from background and non-industrial sources.
28.	SWPPP Implementation	Order pg 24 X.B	Add clarification <i>Recommended Language Changes</i> All Dischargers are required to implement their SWPPP by January 1, 2015 or upon commencement of industrial activity <u>if it occurs later</u> .
Comments on SWPPPs and BMPs			
29.	Submittal of SWPPP through SMARTS	Order pg 14 II.B.1.b.iii	To reduce the burden on dischargers associated with frequent scanning/upload of SWPPP related files to SMARTS, potentially containing trade secret information, the State Water Board should consider a simplified submittal of information excerpted from the SWPPP. CASQA recommends dischargers be allowed to submit a copy of the site map (section X.E) and BMP Summary Table (section X.H.5), in lieu of the full SWPPP. These two documents convey important information related to facility activities, associated BMP, and facility drainage features.
30.	Pollution Prevention Team	Order pg 24 D.1.	The draft permit requires facilities create a Pollution Prevention Team along with alternate team members. CASQA recommends the State allow for and recognize situations where the pollution prevention team may be one individual, plus his or her alternate, where there is only one individual operating the facility in a position to carry out these functions.
31.	Significant Spills and Leaks	Order pg 27 X.G.2.d.ii and iv	Clarify the difference between the following two requirements for the SWPPP or eliminate the redundant requirements. <i>ii. Ensure the SWPPP includes a list of any industrial materials, including unauthorized NSWDS discharged from the facility's storm water conveyance system within the previous five-year period;</i> <i>iv. Ensure the SWPPP includes a list of any industrial materials that have spilled or leaked in significant quantities and had the potential to be</i>

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			<i>discharged from the facility's storm water conveyance system within the previous five-year period; and,</i>
32.	SWPPP – Pollutant Sources	Order pg 29, X.G.2.vi.	<p>The Order requires the SWPPP to include a narrative assessment of all areas of industrial activity with potential industrial pollutant sources and as a minimum the assessment should include: “All sampling, visual monitoring, and inspection records.”</p> <p>The term “visual monitoring” does not appear to be used elsewhere in the Order. Recommend changing to: <u>All sampling, visual observation, and inspection records.</u></p>
33.	Effluent Limitations; related definition of “to the extent feasible”	Order pg 20, V.A Order pg 29, X.H.1.a and Glossary additions	<p>CASQA recommends that the definition of “to the extent feasible” be included in the Glossary (Attachment C), and <i>that Effluent Limitation V.A be better coordinated with Section X.H to add the same concept.</i> This is an important concept in the General Permit and warrants more than a footnote. In addition, Section V.A and the definition of “to the extent feasible,” now found in Footnote 11 to X.H.1, should use the phrase matching wording in EPA’s MSGP, more closely incorporating applicable technology standards:</p> <p><i>Recommended language changes:</i></p> <p>For the purposes of this General Permit, the requirement to implement BMPs “to the extent feasible” requires Dischargers to select, design, install and implement BMPs that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic <u>practicability and</u> achievability.</p> <p>V.A. Effluent Limitations</p> <p>Dischargers shall implement BMPs to reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic <u>practicability and</u> achievability</p>
34.	Minor numbering correction	Order pg 29 X.H.1.b	To be consistent with the other requirements in this section, delete the item number on “The Discharger shall” and renumber the subsequent items.

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35.	SWPPP – Good Housekeeping	Order pg 30, X.H.1.b.vi and vii Fact Sheet, pg 35, I.2.m, and Fact Sheet, pg 34, I.2.g	These two provisions require that Discharges contain or cover all industrial materials that can be mobilized by stormwater or wind. Given the variety of industrial sites that handle large stockpiles of materials CASQA recommends incorporating language that allows dischargers to use management techniques such as grading, berms, etc., to ensure materials are not dispersed. <i>Recommended language changes</i> vii. Cover or manage all stored industrial materials ... vii. Contain or manage all stored non-solid industrial materials... Similar changes need to be made to the Fact Sheet.
36.	SWPPP – Waste Garbage and Floatable Debris	Fact Sheet, pg 35, I.2.1	This section contains the sentence “This General Permit does not require the elimination of unauthorized minimum BMPs as a minimum BMP directly.” This sentence needs further clarification.
37.	SWPPP – Material Handling and Waste Management	Order pg 31, X.H.1.e	Facilities may store empty clean containers that do not pose a threat to stormwater. CASQA recommends clarifying this requirement such that waste containers only need to be covered when they contain materials that could pollute stormwater. <i>Recommended Language Changes</i> iii. Cover waste disposal containers and material storage containers that contain wastes or industrial materials when not in use;
38.	SWPPP – Erosion and Sediment Controls	Order pg 31, X.H.1.f.i, ii, and iv	CASQA recommends the following edits to clarify erosion and sediment control of industrial materials: Implement effective wind erosion controls to minimize dust generation from industrial materials or activities. Provide effective stabilization for inactive areas, finished slopes, and other erodible industrial materials prior to a forecasted storm event. Divert run-on and storm water generated from within the facility away from all erodible industrial materials,
39.	Sediment Basin Design	Order pg 32 H.1.f.v	Clarify that existing sediment basins do not need to be redesigned. Similar to treatment control design, CASQA recommends this design standard apply to new sediment basins.

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			If <u>new</u> sediment basins are implemented, ensure compliance with the design storm standards in Section X.H.6.
40.	SWPPP – Erosion and Sediment Controls	Fact Sheet, pg 33, I.2.e	<p>Recommended editing requirements for erosion and sediment controls as follows to address industrial pollutants:</p> <p>“The erosion and sediment control BMPs include implementing effective wind erosion controls <u>to minimize dust generation from industrial materials or activities</u>, providing for effective stabilization of erodible <u>industrial materials areas prior to a forecasted storm event</u>, site entrance stabilization/prevent <u>industrial</u> material tracking offsite and implement perimeter controls, diversion of run-on from <u>non-industrial sources</u>, and storm water generated from within the facility away from all erodible <u>industrial</u> materials, and ensuring compliance with the design storm standards in Section X.H.6.”</p>
41.	SWPPP – Employee Training Program	Order pg 32, X.H.1.g.i	<p>The Order requires Dischargers to: <i>Ensure that all team members implementing the various compliance activities of this General Permit are adequately trained to implement the requirements of the General Permit, including but not limited to: BMP implementation, BMP effectiveness evaluations, Visual observations, and Monitoring activities. If a Discharger enters Level 1 status, all personnel shall be trained by a QISP.</i></p> <p>Recommend changing “team members” to “Pollution Prevention Team” to be consistent with terminology presented in Order pg. 24 Section X.D.1. Pollution Prevention Team description.</p>
42.	Advanced BMPs	Order pg 32-33 H.2.a	<p>Clearly establish the linkage between advanced BMPs and the Pollutant Source Assessment.</p> <p><i>Recommended Language Changes</i></p> <p>In addition <u>Based on the Assessment of Potential Pollutant Sources required in Section X.G.2 to the minimum BMPs described in Section X.H.1</u>, the Discharger shall, to the extent feasible, implement and maintain any advanced BMPs necessary to reduce or prevent discharges of pollutants in its storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability.</p>

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43.	LID/Green Infrastructure Incentives	NA	The re-issuance of the Industrial General Permit provides a platform for the State Water Board to promote green infrastructure improvements at industrial sites and support existing local, state, and nationwide objectives. CASQA urges the State Water Board create opportunities and incentives for industrial dischargers to utilize LID as a pathway to IGP compliance. One approach to consider is from the sector-specific general storm water permit adopted by Region 8 in 2012 where a credit is provided for implementing volume reduction BMPs. This approach to incorporating LID measures in compliance evaluations was developed through a collaborative effort between dischargers, NGOs and Region 8 staff and should be considered as a model for this statewide IGP.
Comments on Design Storm			
44.	Design Storm	Order pg 34-35 H.6	CASQA supports the methodologies described in the General Permit for calculating either the volume of runoff or the flow rate of runoff as set forth in Section X.H.6. We have several recommendations to clarify and improve the requirement.
45.	Design Storm	Order pg 34-35 H.6.a.iii	<p>This section of the General provides a methodology to calculate the volume of runoff to be treated based on the unit basin storage volume to achieve 90% or more volume treatment by the method recommended in the latest edition of California Stormwater Best Management Practices Handbook.</p> <p>To be consistent with MS4 permits such as for the San Francisco Bay Area, North Orange County, and the Small MS4 Phase II General Permit, CASQA recommends this methodology should require 80% or more volume treatment, not 90%.</p> <p><i>Recommended Language Changes</i></p> <p>The volume of annual runoff based on unit basin storage volume, to achieve 90% 80% or more volume treatment by the method recommended in the latest edition of the California Stormwater Best Management Practices Handbook.</p>
46.	Design Storm	Order pg 34-35	CASQA recommends the addition of a new subsection for the volume-based

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		H.6.a	<p>calculation that would allow the option of using local historical rainfall records, similar to options provided for design of flow-based BMPs.</p> <p><i>Recommended Language Addition</i></p> <p><u>iv. “The volume of runoff produced by the 85th percentile storm event, as determined from local historical rainfall records.”</u></p>
47.	Design Storm Factor of Safety	Order pg 34 H.6	<p>The term Factor of Safety used in item 6 is not defined in the General Permit and it is not clear if the design standards specified include the specified Factor of Safety.</p> <p>Further a Factor of Safety is a concept that allows a structure to operate above its design capacity when failure can result in loss of life or property, it is not a factor that that extends the service life of a practice. Routine preventative maintenance is required to ensure stormwater is sufficiently treated throughout the life of the treatment control BMPs.</p> <p>CASQA recommends the following language be substituted for the Factor of Safety statement to reduce potential confusion around the use of this terminology.</p> <p><i>Recommended Language Changes</i></p> <p>A Factor of Safety shall be incorporated into the design of all treatment control BMPs to ensure that storm water is sufficiently treated throughout the life of the treatment control BMPs.</p> <p><u>Appropriate engineering principles and practices shall be incorporated into the design of all treatment control BMPs to ensure that storm water is sufficiently treated throughout the life of the treatment control BMPs.</u></p>
48.	0.2 inches per hour intensity for flow-based Treatment Control BMP design	Order H.6.b.i and H.6.b.ii pg 34-35	<p>Specifically related to the selection of design storm standards for design of flow-based treatment control BMPs, CASQA supports the inclusion of both approaches for calculating the volume of runoff to be treated.</p> <p>Section X.H.6.b.i requires that the discharger calculate the flow to be treated using the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inches per hour for each hour of the storm event (Uniform Intensity Approach). This is a simple, practical approach that allows dischargers to plan</p>

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			<p>treatment control BMPs. It is especially useful for dischargers located in areas where adequate historical rainfall data is unavailable. This design storm approach is consistent with many SUSMP, LID, and site development standards across the state and is an approved methodology in the Phase II Permit.</p> <p>Section X.H.6.b.ii requires the discharger to design the treatment control BMP to address the flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from local historical rainfall records, multiplied by a factor of two (California Stormwater BMP Handbook Approach). CASQA recognizes that rainfall intensities vary across the state and depending on discharger location, application of this methodology may result in calculated runoff flow rates to be treated that are greater than or less than the flow calculated by the Uniform Intensity Approach.</p> <p>Application of the Uniform Intensity Approach provides full treatment for a high percentage of storms – in the case where the rainfall intensity and resultant runoff exceeds the treatment capacity, partial treatment is still provided. The curves presented in Appendix D of the <i>CASQA Stormwater Best Management Practice Handbook for New Development and Redevelopment</i> (CASQA Handbook, January 2003) demonstrate that application of the Uniform Intensity Approach for design of treatment control BMPs provides treatment for more than 90 percent of the storms included in CASQA’s statewide evaluation. For example, for the Redding Municipal Airport, 94 percent of the storms were less than or equal to 0.2 inches per hour intensity and would be fully captured by a treatment system designed to this flow rate standard. Similarly, for Sacramento, 97 percent of the storms would be captured and fully treated. For Los Angeles WSO Airport, 93 percent of the storms would be captured and fully treated. Cumulative Hourly Rainfall Intensity Curves from the CASQA Handbook are attached for reference (Attachment 3).</p>

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49.	Design Storm Standards for Treatment Control BMPs	Fact Sheet, pg 38, I.3	<p>The Fact Sheet states: “This General Permit does not require Dischargers to retrofit existing treatment and/or structural controls that do not meet the minimum design storm standards until the Discharger has Level 2 status.”</p> <p>The Fact Sheet identifies that a Discharger in Level 2 status is required to evaluate and implement additional BMPs and provides several examples including enclosure/covering materials, physically separating pollutant sources from contact with run-on, directing contaminated storm water to sanitary sewers, or use of treatment BMPs. Discharges may have existing treatment control BMPs in place and may elect to use other BMP methods (e.g. coverage) to achieve compliance, in lieu of retrofitting the existing treatment control BMPs or may determine through a Technical Study that a retrofitted treatment control will not achieve compliance and/or not be economically feasible. CASQA recommends clarification be added for these scenarios:</p> <p><i>Recommended Language Changes</i></p> <p>“This General Permit does not require Dischargers to retrofit existing treatment and/or structural controls that do not meet the minimum design storm standards until the Discharger has Level 2 status <u>and treatment and/or structural controls subject to design storm standards are selected to achieve NAL compliance, or the Discharger has demonstrated retrofitting the existing structure is not expected to eliminate future NAL exceedance(s) or be economically achievable.</u>”</p>
Comments on Sampling, Data Submittal, and MIP			
50.	Contained Stormwater Sampling	Order pg 38 XI.B.4	<p>To be consistent with section XI.B.4, this section should clarify sampling of contained stormwater is only required when the stormwater is associated with industrial activities. Additionally, because a drainage area can only have one discharge location (Glossary Attachment C) additional edits are suggested below.</p> <p><i>Recommended Language Changes</i></p> <p>Except as provided in Section XI.C.4 (Representative Sampling Reduction), samples shall be collected from each drainage area at all discharge locations. The samples must be:</p>

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			<p>a. Representative of storm water associated with industrial activities and any commingled authorized NSWDS; or</p> <p>b. Representative of Associated with the discharge of contained stormwater associated with industrial activities and any commingled authorized NSWDS.</p>
51.	Sampling and Analysis Reporting – Date Submittal	Order pg 39,	CASQA recommends extending the timeframe to reporting results to 45 days from receipt of results. Please see the comment below for the recommended language changes.
52.	Sampling and Analysis Reporting – SMARTS Calculation	Order pg 39 XI.B.11; Order pg 46, XII.A	<p>CASQA recommends clarification that data reporting and calculation of averages are separate steps, including clarification that data will be submitted by dischargers as reported by their laboratories, and any substitution of ND and DNQ data for the purpose of calculating averages will be done within SMARTS.</p> <p>CASQA objects to the calculation of rolling averages during the wet season. SMARTS should calculate annual averages once all storm event data have been submitted for the current year. NAL annual average calculations are done using a full year of data. There is no need for SMARTS to keep a running average throughout the reporting year, and such a practice could produce misleading intermediate results.</p> <p>Further, CASQA strongly recommends eliminating use of the “Minimum Level” (ML) to substitute for DNQ data in calculation of averages. In standard practice, laboratories provide the Reporting Limit (RL) in laboratory reports as the measure of the lower limit of quantification, as well as the Method Detection Limit (MDL), which is set by the laboratory for a particular method and equipment set-up. The range of data qualified as “detected not quantifiable” is typically assigned to results that fall between the MDL and the RL.</p> <p>CASQA recommends that the Discharger calculate annual averages for the Annual Report and to eliminate any SMARTS features that automatically calculate effluent averages.</p> <p>CASQA recommends that the event based data reporting be limited to reporting actual laboratory results without calculation of averages or NAL</p>

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			<p>assessments.</p> <p><i>Recommended Language Changes</i></p> <p>11.Sampling Analysis Reporting</p> <p>The Discharger shall submit all analytical results for all individual or qualified combined samples (QCS) via SMARTS within 30-45 days of obtaining all results for each sampling event. The data shall be submitted as reported by the analytical laboratory, including any results reported as “non-detect” or “detected not quantifiable”. Reported analytical results will be averaged automatically by SMARTS by the Discharger and reported on an annual basis, following submittal of all event results for a given monitoring year.</p>
53.	Sampling and Analysis Reporting – SMARTS Calculation	Order pg 39 XI.B.11; Order pg 46, XII.A	<p>CASQA further recommends that the description of the calculation procedures be removed from this section and included in Section XII (NALs and NAL Exceedances) or removed from the permit and developed in a guidance document.</p> <p><i>Recommended Language Changes</i></p> <p>A. NALs and NAL Exceedances</p> <p>The Discharger shall perform sampling, analysis and reporting in accordance with the requirements of this General Permit and shall compare the results to the two types of NAL values found in Table 2 to determine whether either type of NAL has been exceeded for each applicable parameter. <u>For any calculations required by this General Permit, all effluent sampling analytical results that are reported by the laboratory as “non-detect” or less than the Method Detection Limit (MDL), a value of zero shall be used in the calculations. For any results reported by the laboratory as “Detected Not Quantifiable” or less than the Reporting Limit (RL) but above the MDL, a value of the MDL plus ½ the difference between the MDL and the RL shall be used in the calculations.</u></p>
54.	Test Methods	Order pg 41-42 Table 2	Triple asterisk footnote should be applied to Test Method Column not to the MDL column.

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55.	Test Methods	Order pg 41-42 Table 2	<p>Please confirm the proposed EPA method for Cyanide (Total). 40 CFR Part 136 referenced on August 23, 2013 lists the following approved method for total Cyanide: EPA 335.2 or 335.3 Standard Methods: 4500–CN C, D, or E [18th, 19th, 20th editions]</p>
56.	Test Methods	Order pg 41-42 Table 2	<p>Please clarify the meaning of or delete the parenthetical letters on the following parameters: Zinc, Total (H); Copper, Total (H); Lead, Total (H); Arsenic, Total (c); Cadmium, Total (H); Nickel, Total (H); Silver, Total (H)</p>
57.	Methods, Detection Limits	Order pg 41-42 Table 2	<p>The Method Detection Limits (MDLs) specified in Table 2 are in several cases orders of magnitude lower than the NAL.</p> <p>Table 2 should not refer to MDLs. Laboratory MDLs are statistically based values and are specific to a particular instrument in a particular laboratory.</p> <p>The practical metric that dischargers, laboratories and regulators use to evaluate the adequacy of laboratory analytical services is the Reporting Limit (RL). The RL is typically established to ensure that the constituent is measured and reported by the analytical laboratory at a level that allows for useful comparison to a regulatory action level (water quality objective, benchmark, etc.). RLs are often set at a level ten times lower than the applicable regulatory action level. Mirroring standard industry practice, guidance on the use and determination of RLs is provided in a January 2011 presentation by the state’s Surface Water Ambient Monitoring Program (SWAMP), entitled, “Quantitation and Reporting Limits 101”, which can be found at: http://www.mywaterquality.ca.gov/monitoring_council/collaboration_network/docs/bvanbuuren_jan2012.pdf (see especially slides 41, 43, 51). A thorough explanation of the differences between MDLs, MLs, and RLs is included in this presentation.</p> <p>While Dischargers recognize that it is in their best interest to obtain data reported at concentrations lower than the NALs, the very low MDLs specified in Table 2 will increase analytical costs, and will limit the laboratories that can</p>

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			<p>perform the analyses. In lieu of specifying MDLs CASQA recommends the following language.</p> <p><i>Recommended Language Addition</i></p> <p><u>The discharger must analyze stormwater samples using the specified Test Method or other approved methods provided the analytical method used shall be capable of achieving a Reporting Level below the Numeric Action Level.</u></p>
58.	Representative Sample Reduction	Order pg 43 XI.C.4.a	<p>The language in this section is not clear and may lead to confusion. CASQA recommends eliminating examples that indicate areas within an industrial facility might need to be sampled. Based on federal and state regulations only discharge locations, those locations that discharge off the facility (i.e., effluent) must be sampled. The examples provided imply that a discharger might need to sample individual roof drains. This would only be required if the roof drains were plumbed to discharge off the Discharger’s property and received contribution from industrial activity areas.</p> <p>CASQA recommends eliminating the confusing terminology of drainage area and focusing on discharge locations. As defined in the Glossary, a drainage area has one common discharge location. “Drainage Area - The area of land that drains water, sediment, pollutants, and dissolved materials to a common discharge location.” Given this definition, a drainage area can only have one discharge location. We believe the intent of this section is to allow Dischargers to reduce the number of locations sampled if substantially similar industrial activities and physical characteristics occur in different drainage areas.</p> <p><i>Recommended Language Changes</i></p> <p>The Discharger may reduce the number of discharge locations to be sampled in each drainage area (e.g., roofs with multiple downspouts, loading/unloading areas with multiple storm drains) if the industrial activities and physical characteristics (grade, surface materials, etc.) of the drainage areas for each location to be sampled are substantially similar to one another. To qualify for RSR, the Discharger shall provide a RSR justification in the MIP section of the SWPPP.</p> <p>b.i. Identification of each drainage areas and corresponding discharge</p>

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			<p>location(s);</p> <p>b.v. An identification of the discharge location(s) selected for representative sampling, and rationale demonstrating that the selected location(s) to be sampled are representative of the discharges from the <u>entire drainage area industrial activities and physical characteristics of the drainage areas</u>.</p>
59.	Qualified Combined Samples	Order pg 39 XI.B.9	<p>The statement in item 9 is not consistent with the later discussion of Qualified Combined Samples.</p> <p><i>Recommended Language Changes</i></p> <p>Samples from different discharge locations shall not be combined or composited prior to field measurements or laboratory analysis, <u>except as allowed in Section XI.C.5 (Qualified Combined Samples)</u>.</p>
60.	Sample Frequency Reduction	Order pg 45 XI.C.7	<p>CASQA recommends that dischargers have the ability to use existing storm water analytical data collected between the Permit adoption date and effective date to demonstrate eligibility for the Sample Frequency Reduction.</p> <p><i>Recommended language changes</i></p> <p>ii. Results from four (4) consecutive QSEs that were sampled (QSEs can be from different reporting years) did not exceed any NALs as defined in Section XII.A. <u>Existing Dischargers can utilize analytical results collected after the adoption date of this General Permit; and...</u></p>
Comments on NAL Assessments			
61.	Numeric Action Levels Assessment Data	Order pg 46 XII.A.1	<p>CASQA is concerned that the language for calculating annual average NALs may be interpreted literally and the parenthetical note may not make it clear that only facility effluent data should be used to calculate annual averages.</p> <p><i>Recommended Language Changes</i></p> <p>... The Discharger shall determine the average concentration for each parameter <u>using the results of all the sampling and analytical results for the entire facility required under Section XI.B for the reporting year (i.e., all "effluent" data)</u>...</p>

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			An annual NAL exceedance occurs when the average of all the analytical results for a parameter from samples <u>required under Section XI.B</u> taken within a reporting year exceeds the annual NAL value for that parameter...
62.	NAL Exceedances	Order pg 46 XII.A.2	<p>The language in this section should be revised to state that the two exceedances of the NALs triggering action must be from the same discharge location. The conditions in two separate locations may be entirely different, such that the significance of (and information that can be gleaned from) two exceedances may well be no greater than one.</p> <p><i>Recommended language changes</i></p> <p>Instantaneous maximum NAL exceedance: The Discharger shall compare all sampling and analytical results from each distinct sample (individual or combined as authorized by XI.C.5) to the corresponding instantaneous maximum NAL values in Table 2. An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken for any single parameter <u>from a distinct sample location</u> within a reporting year exceed the instantaneous maximum NAL value (for TSS and O&G) or are outside of the instantaneous maximum NAL range for pH.</p>
63.	Numeric Action Levels and Sample Analysis Reporting	Order pg 47 (Also related to the information in Order pg 39)	<p>CASQA recommends the use of geometric means for determination of annual average. Due to the variability in stormwater runoff quality from highly variable qualified storm events, an arithmetic mean of analytical results for any single parameter can be unduly distorted by a single result from an atypical storm event or by atypical site conditions. Consequently, the arithmetic mean may not be representative of the average or typical effluent quality. A geometric mean for all constituents except pH would be a more appropriate method to characterize storm water quality during a reporting period. This method was recently adopted by the Santa Ana Regional Water Quality Control Board in the Scrap Metal Sector Industrial Permit (Order R8-2012-0012).</p> <p>CASQA further recommends that data collected from storm events that exceed the design storm event be excluded from NAL instantaneous and annual averages assessments.</p>

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Comments on Annual Report Due Date			
64.	Annual Report Due Date	Order pg 56 XVI.A	<p>The reporting and evaluation year for the Industrial General Permit is July 1 through June 30. It is unreasonable to submit an annual report by July 15. At minimum 45 days following the end of the reporting period should be allowed to complete and submit the report after the necessary review time needed by the discharger’s LRP. Section K.2 requires that LRP’s certify annual reports, which requires the detailed attention of executives who may not be immediately available for review and internal discussion.</p> <p>CASQA recommends that the Industrial General Permit Annual Report be completed and submitted by August 15.</p>
Comments on NONA			
65.	NONA Design Storm	Order pg 65 XX.c.2.a Fact Sheet pg 64 II.S.2.a	<p>CASQA supports recognition of discharger documentation of “No Discharge” through the Notice of Non-Applicability (NONA) process, when called for under Water Code Section 13399.30, or voluntarily submitted. Both the Fact Sheet and General Permit provide eligibility guidance to the discharger for design storm criteria. The design storm criteria in the Fact Sheet and the General Permit do not appear to match.</p> <p>Section XX.C.2.a, the General Permit refers to the facility being “engineered and constructed to have contained the maximum historic precipitation event (or series of events) using precipitation data collected” from NOAA. While Section II.S.2.a, of the Fact Sheet states: “At a minimum, Dischargers must ensure that the containment design addresses maximum 1-hour, 24-hour, weekly, monthly and annual precipitation data for the duration of the exclusion.”</p> <p>It is not clear that the precipitation data referenced in the Fact Sheet and General Permit is the same. Additionally, the phrase 'series of events' seems to have no limit to the number or quantity of events. For specific design criteria, the language in the General Permit and Fact Sheet should agree and the term ‘series of events’ should be quantified or further defined.</p> <p>CASQA requests that the State Water Board clarify this requirement and provide an opportunity for stakeholders to review and comment upon the</p>

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			revised language.
66.	No Discharge Option NONA “No Discharge” Eligibility Requirements	Order pg 65 XX.C.3 Fact Sheet pg 65 S.2, S.3	<p>The conditions for the No Discharge NONA differ between the Fact Sheet and the Order. The “no discharge eligibility” section in Order Section XX.C.3 does not clearly explain that it is only referring to NONA filings made under Water Code § 13399.30. The following language changes are recommended to clarify that the General Permit is not requiring a NONA filing, and to make the Order consistent with the Fact Sheet. CASQA questions whether the General Permit is an appropriate vehicle to create these eligibility standards, and would prefer to see guidance provided separately and its existence simply referred to in the General Permit. However, if the General Permit does define “eligibility requirements,” language clarifications are still needed.</p> <p>Also, the “Additional Considerations” regarding infiltration of stormwater should be clarified as to the connection between NONA eligibility and containment involving infiltration.</p> <p><i>Recommended Language Changes</i></p> <p>Order XX.C.1. For the purpose of this Section XX.C, the NONA, the Entity (Entities) is referring to the person(s) defined in an “Entity” claiming the “No Discharge” option “through a NONA” means a person responding to a request from a Regional Board under section 13399.30 of the Water Code.</p> <p>Order XX.C.3. When Entities claiming the “No Discharge” option <u>through a NONA</u>, shall submit and certify via SMARTS both the NONA and a No Discharge Technical Report. The No Discharge Technical Report shall demonstrate the facility meets the eligibility requirements described above [<i>PREFERRED: “demonstrate the facility’s determination is consistent with State Water Board guidance”</i>].</p> <p>Fact Sheet S.2 and S.3:</p> <p>2. <u>NONA</u> “No Discharge” Eligibility Requirements</p> <p>The Entity <u>claiming “no discharge” under Water Code Section 13399.30</u> must submit and certify in SMARTS a NONA Technical Report prepared by a California licensed professional engineer that contains the analysis and details of the containment design that support the “No Discharge” eligibility</p>

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			<p>determination, <u>or a Technical Report prepared by a QISP demonstrating the facility's location is not hydrologically connected to waters of the United States.</u></p> <p>3. Additional Considerations</p> <p>The "No Discharge" determination does not <u>exclude from Water Board regulation</u> cover storm water containment systems that <u>discharge stormwater associated with transfer</u> industrial activities <u>pollutants</u> to groundwater, <u>although such systems may be among the features that prevent discharges at facilities not requiring General Permit coverage.</u> Entities must determine whether designs that incorporate infiltration may discharge to and contaminate groundwater. If there is a threat to groundwater, Entities must contact the Regional Water Boards prior to construction of infiltration design elements.</p>
Comments on Receiving Water Limits and Corrective Actions			
67.	Receiving Water Limitations	Order pg 21 VI.A-C, and pg 65 XXB.	<p>The Receiving Water Limits should include a presumption that they will be satisfied by following the BMP selection process, and triggered actions now in a "corrective action" provision should be integrated with the Receiving Water Limits section. Use of a process to select and evaluate BMPs is appropriate to satisfy both technology-based and water quality-based effluent limit requirements. Complying with detailed measures should clearly comply with the General Permit, satisfying the Clean Water Act mandates for both technology-based and water quality-based effluent limits.</p> <p><i>Recommended language changes:</i></p> <p>VI. RECEIVING WATER LIMITATIONS</p> <p>A. Dischargers shall <u>control pollutants in</u> ensure that industrial storm water discharges and authorized NSWDs <u>so as not to do not</u> cause or contribute to an exceedance of any applicable WQS in any affected receiving water. A Discharger will not be in violation of this Receiving Water Limitation VI.A. as long as the Discharger complies with the following procedure: <i>[Insert the procedure now found in Draft Permit Section XX.B.1, as edited below, and delete Section XXB.]</i></p> <p>B. Dischargers shall ensure that industrial storm water discharges and</p>

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			<p>authorized NSWDs to any surface or groundwater do not adversely affect human health or the environment.</p> <p>C. Dischargers shall ensure that industrial storm water discharges and authorized NSWDs to any surface or groundwater do not contain pollutants in quantities that threaten to cause pollution or a public nuisance.</p> <p><i>The following language from X.B.1 would be inserted into VI.A, as noted above:</i></p> <p>XX.B. [NewVI.A.1:] Water Quality Based Corrective Actions</p> <p>1. Upon determination by the Discharger or written notification by the Regional Water Board that industrial storm water discharges and/or authorized NSWDs contain pollutants that are in violation of Receiving Water Limitations (Section VI.), the Discharger shall:</p> <ul style="list-style-type: none"> a. Conduct a facility evaluation to identify pollutant source(s) within the facility that are associated with industrial activity and whether BMPs described in the SWPPP have been properly implemented; b. Assess the facility’s SWPPP and its implementation to determine whether additional BMPs or SWPPP implementation measures are necessary to prevent or reduce pollutants in industrial storm water discharges to meet the Receiving Water Limitations (Section VI); and, c. Certify and submit via SMARTS documentation based upon the above facility evaluation and assessment that: <ul style="list-style-type: none"> i. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP to meet the Receiving Water Limitations (Section VI); or, ii. No additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in industrial storm water discharges to meet the Receiving Water Limitations (Section VI).
Comments on Compliance Groups			
68.	Compliance Group Participant Responsibility	Order pg 55 XIV.C.1	<p>The Order language regarding the responsibilities of Compliance Group Participants needs clarification and simplification.</p> <p><i>Recommended Language:</i></p>

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			Each Compliance Group Participant is responsible for permit compliance for the Compliance Group Participant's facility, and for ensuring that the Compliance Group Leader's activities related to the Compliance Group Participant's facility comply with this General Permit. Each Compliance Group Participant is responsible for permit compliance for the Compliance Group Participant's facility.
69.	Compliance Group Leaders	Order pg 65 XIV.A and B	CASQA recommends that the State Water Board provide some flexibility as to how a Group Leader is defined. Currently, the language appears to require that it be a single individual, who is a QISP. It would be helpful to include the possibility of a Leadership Team that includes a QISP. This would be particularly useful for larger groups or agencies, where there is an administrative Group Leader – who coordinates the activities of the group and is supported by a QISP that serves in a technical support role. For reference, the 2011 permit language for a group was "(i). an industry association or trade group; (ii.) an engineering or environmental science consulting company; (iii.) a coalition of public agencies and/or private companies; or (iv.) any combination of the above." Similar language could be used in the new General Permit.
Comments on Definitions and Terminology			
70.	MIP definition	Glossary pg 3	Revise to reflect proposed visual monitoring requirements ...the Quarterly <u>Monthly</u> visual observation
71.	Non-Visible Pollutants	Glossary pg 4	Delete definition, this term is not used in the General Permit.
72.	Regional Water Board	Glossary pg 5	Suggest revising to a more complete definition of the Regional Water Board.
73.	Visual Inspection vs. Visual Observation	Order, Attachment C, Glossary	The terms visual observation and visual inspection appear to be used interchangeably. If the two are the same, CASQA recommends selecting and defining one term for use in the permit. If the two are different, please define both terms in the glossary.

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74.	Annual Evaluation	Order pg 56, XV.A	<p>Order requires Discharger to conduct “A review of all visual inspection and monitoring records and sampling and analysis results conducted during previous reporting year.”</p> <p>For consistency with terminology presented in Order pg. 36 XI Monitoring recommend changing to</p> <p><u>A review of all monthly visual observations, sampling event visual observations and sampling and analysis results conducted during previous reporting year.</u></p>

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Attachment 2. Water Quality Based Effluent Limitations

CASQA strongly recommends the BMP-focused and process-based regulatory approach proposed within the 2013 draft Industrial General Permit. The BMP-based approach coupled with numeric actions levels and an exceedance response process will significantly advance the industrial stormwater program. CASQA includes these comments to provide a reference and response to those that may seek to apply receiving water limitations as numeric quality based effluent limitations (WQBELs), or virtual numeric limits via end of pipe application of water quality objectives.

Numeric (or virtual numeric) WQBELs should be an option applied only after it has been determined that 1) the BMP-based/NAL approach of the 2013 draft Industrial General Permit and 2) subsequently established properly developed technology based effluent limitations (TBELs) are not sufficient to ensure that water quality standards will be attained in the receiving water.

CASQA's has previously recommended a process that considered the following:

- If an industrial discharger is in full compliance with all permit conditions and fully implementing the stormwater BMPs in accordance with industry and stormwater guidance, compliance with water quality standards should be presumed until it is demonstrated that the discharge is causing or contributing or has a reasonable potential to cause or contribute to an exceedance of water quality standards within the receiving water.
- Since there is no Statewide guidance regarding how a discharger determines if their discharge is causing or contributing or has a reasonable potential to cause or contribute to an exceedance of water quality standards within the receiving water, the State Water Board should work with CASQA and other interested parties in developing such guidance.
- If it has been determined that a discharger is causing or contributing or has a reasonable potential to cause or contribute to an exceedance of water quality standards within the receiving water, due to pollutants that are directly related to the industrial activity, the discharger should take all reasonable actions to ensure that future discharges do not cause or contribute to an exceedance of a water quality standard in the receiving water.
- If it is determined on a categorical or individual basis that, after the full implementation of TBELs that water quality standards are not being attained in the receiving water, individual permits and site specific WQBELs may be necessary (i.e., General Permits cannot support site-specific WQBEL),
- Although USEPA and the State Water Board have provided guidance regarding the calculation of WQBELs for toxic pollutants in traditional NPDES permits², the procedures outlined in these guidance documents (such as the determination of reasonable potential) are not directly applicable to highly variable flows such as stormwater. As a result, the State Water Board would need to work with the stakeholders to develop statewide guidance, policy and/or methodologies for stormwater discharges.

² USEPA *Technical Support Document for Water Quality-based Toxics Control (TSD)* and the State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP)*

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- The State should consider addressing the following in a statewide policy, guidance or methodology:
 - Derivations of WQBELs must require a sufficient amount of industrial discharge and receiving water data regarding frequency, duration and magnitude with which the site-specific conditions occur.
 - Defining the mixing zone and the method for developing dilution credits.
 - Determinations of reasonable potential to cause or contribute to exceedances of water quality standards within the receiving water must require a sufficient amount of industrial discharge and receiving water data as well as dilution considerations (where appropriate),
 - Given the above, detailed data sets may be necessary in order to appropriately derive WQBELs. The storm related data sets may include:
 - Effluent concentrations and flow data (more than 1 sample per hour);
 - Receiving water concentrations and flow data more than 1 sample per hour);
 - Storm event information (antecedent dry period, rainfall amounts, storm hydrograph); and
 - General facility information (facility type, BMPs implemented, etc.)
- When developing numeric WQBELs, the Board must utilize a dynamic modeling approach, especially since dynamic models can explicitly predict the effects of receiving water and effluent flow and concentration variability.

Although CASQA is not supporting the development of numeric WQBELs for this permit, we clearly note that the use of a well-defined, scientifically and statistically sound process would be critical for the successful development of appropriately derived WQBELs and it is not appropriate to apply Water Quality Objectives as de-facto or virtual numeric WQBELs.





