



September 11, 2013



Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Comments on the Final Draft Industrial General Storm Water Permit

Dear Chair Marcus:

On behalf of the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC), we thank you for the opportunity to comment on the Final Draft Industrial General Storm Water Permit (Final Draft Permit). Our counties are proud of what they have accomplished to help reduce run-off through their storm water programs. Counties across the state are finding cost efficient, innovative solutions to accommodate the unique characteristics of their communities and over a number of years have developed strong relationships with the regulated community.

As is always the case with the Industrial General Permit, counties are in the somewhat unique position of viewing the proposed Final Draft Permit from two perspectives--first, as an enforcer of local water quality objectives and, secondly, as a regulated discharger. As regulators of water quality under the Water Board's Municipal Storm Water Permitting Program, counties remain committed to working closely with the Water Board to improve existing control requirements for industrial sites and to develop the tools necessary for meaningful and effective enforcement.

On the other hand, most local governments are also considered to be industrial dischargers. Our regulated industrial activities include such things as county-owned landfill sites, recycling centers and material recovery facilities, water and wastewater treatment plants, vehicle maintenance yards, airports, and other transportation-related facilities. Counties currently expend tremendous resources in an effort to control storm water discharges from these activities and to comply with existing permit monitoring and reporting requirements.

RCRC and CSAC have been involved in the development of this Final Draft Permit throughout the process, and while it still has some minor issues, we appreciate and commend the efforts of Water Board staff to address stakeholder comments and resolve the outstanding issues in the 2012 version of the Permit. We feel the Final Draft Permit offers a much more feasible path to compliance, particularly for small facilities. Ultimately, this permit will actually deliver better water quality, because permitted facilities will be able to fully comply while providing valuable data to the Board to help improve our state's receiving waters. The communication between staff and stakeholders over the past year has been a model example of the progress and results that can be achieved when regulators and stakeholders communicate and work together to solve problems to reach a greater goal, and we hope staff continues this type of collaborative effort in the future. In light of that collaborative spirit, we offer the following recommendations.

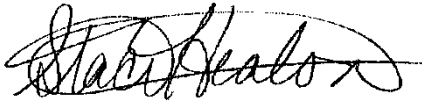
The most problematic component of the final draft Permit is the proposed January 2015 implementation date. As you know, the monitoring year for the Permit begins July 1 and ends June 30 each year, with facilities required to submit an annual report covering their discharge activities for the entire season. A January implementation date will cause confusion for facilities because they will be in the midst of the rainiest part of the monitoring year when the new Permit takes effect. A July implementation makes more sense because it allows facilities to begin compliance with new requirements during a drier part of the year. The January implementation date will also cause issues when time to submit their annual reports, because they will have been monitoring discharge under two separate permits and sets of requirements during the same year. RCRC recommends a July 1, 2015 implementation date to avoid these problems.

Our organizations also still have concerns with the mandatory use of the SMARTS program. We appreciate the Water Board's attempt to consolidate the data collected from this Permit. However, requiring submittal via SMARTS alienates the rural population because many rural areas do not have broadband access, increasing the uncertainty of using a system like SMARTS. We are concerned that many facilities will experience connection issues and will not be able to submit their Annual Reports in a timely fashion. Before the Water Board mandates the use of SMARTS, there should be a phase-in period that allows the more remote facilities some flexibility to account for technological shortcomings.

Finally, RCRC and CSAC feel that the requirement to cover empty waste disposal containers should not apply to those that are new or have been cleaned. Landfills store numerous new and cleaned waste disposal containers throughout the year when they are not in use, and it would be an added unnecessary cost to require them to be covered when they pose no threat to stormwater quality. We would ask that a specific exemption for new or cleaned containers be included in the final Permit.

Thank you again for the opportunity to comment. Your consideration of our input is very much appreciated, and we would be happy to work with staff in the future to resolve our continued concerns about the Draft Permit. Please feel free to contact us with any questions or concerns regarding our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Staci Heaton, RCRC
Regulatory Affairs Advocate

A handwritten signature in blue ink, appearing to read "Karen A. Keene". The signature is cursive and elegant, with a long horizontal flourish extending to the right.

Karen A. Keene, CSAC
Legislative Representative

CC: Matthew Rodriguez, Secretary, California Environmental Protection Agency
Members of the State Water Resources Control Board
Tom Howard, Executive Director, State Water Resources Control Board