



# CALPINE CORPORATION

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**Public Comment  
Industrial General Permit  
Deadline: 10/22/12 by 12 noon**

October 19, 2012

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, Sacramento, CA 95814



RE: Comment Letter –Draft Industrial General Permit  
NPDES General Permit for Storm Water Discharges Associated with Industrial Activities  
Order No.  
NPDES No. CAS000001

Dear Ms. Townsend and State Water Resources Control Board Members:

Calpine appreciates this opportunity to comment on the “Draft NPDES General Permit for Stormwater Discharges Associated with Industrial Activities, NPDES No. CAS 000001,” issued July 2012 (the “Draft General Permit”). Calpine Corporation is a major North American power company delivering clean, reliable and fuel-efficient power to its customers in 18 U.S. States. Calpine owns and operates 21 gas-fired power plants with electrical output greater than 20 MW and 17 geothermal power plants in the state of California. In general, Calpine supports the approach that SWRCB has taken in the Draft General Permit and only has some minor comments to ease implementation at our facilities.

We first note the apparent genesis of this Draft General Permit relating to industrial activities is the General Permit associated with Construction Activities issued by the Board several years ago. While we appreciate the benefits of similar permits, we note that construction sites and industrial sites have different characteristics (the most pertinent of which is the pervasive asphalt covering of industrial sites compared to dirt and exposed earth at construction sites) which give rise to different stormwater management issues. Therefore, some of our comments spring from this difference and seek an approach more tailored to multi-site, 24 hour industrial activities. Calpine has comments in the following areas:

## QISPs

The Draft requires a QISP to be designated for each facility, and that each QISP handle training, sampling and monitoring. Calpine has over 20 facilities in state which are subject to this draft requirement. We are requesting clarification regarding the following:

- IX. Training Qualifications

- A. General

- 2. Dischargers shall:

- a. Designate a person to be the facility's QISP and ensure that this person has attended and satisfactorily completed a State Water Board sponsored or approved QISP training course and that this QISP has attained the appropriate level (QISP I, II, III) required to comply with this General Permit. Tables 1 and 2, below, contain role-specific permit requirements for the different QISP levels.

- b. Ensure that the facility's designated QISP provides sufficient training to all facility staff members assigned to perform activities related to this General Permit.

Is the State Water Board Sponsored or approved QISP training course a one-time training requirement, or will this be required on a periodic basis?

Currently, the Draft General Permit requires a QISP to be designated for each facility. Calpine would prefer to assign a QISP at the regional level to implement the General Permit and SWPPP requirements at multiple facilities. The QISP would then be responsible for training and delegating the job duties (which might include sampling and monitoring) at a facility level. Additionally requiring three levels of QISPs is a rather burdensome layering of staffing which is not likely to inure to the benefit of water quality.

In addition, Table 1: Role-Specific Permit Requirements (by Task) does not include the individual tasks for conducting the sampling, inspections and monitoring. For the specific tasks listed above, the designated regional QISP could provide this training to the individual responsible. Please confirm that designating a QISP for multiple facilities is consistent with the intent of this Draft General Permit, or provide further clarification.

### PRE-STORM INSPECTIONS

Currently the Draft General Permit requires facility personnel to monitor weather forecasts and, if certain storm events are expected, do visual observations. Devoting staff to weather forecast review and associated inspections is burdensome and duplicative of other existing observations and maintenance plans. We note that this requirement is an example of a requirement which probably arose in the construction context, where unpaved sites are the norm, and where weather events can have significant effects. Paved industrial sites have different issues and different existing tools designed to deal with weather events and their impacts. Calpine recommends the requirement that each facility perform pre-storm inspections be deleted. Instead, each facility could include in its monthly BMP inspection any areas that may be impacted by significant events.

### NALs

The Draft General Permit contains two types of NALs. One is an annual NAL, which is the 2008 MSGP benchmark value, and is applicable for all parameters listed in Table 5. The other NAL is an instantaneous maximum NAL, which has been calculated from a Water Board dataset to identify drainage areas of concern and is only applicable for Total Suspended Solids (TSS), Oil

and Grease (O&G), and pH. An NAL exceedance is determined as follows: (1) for the annual NAL, an exceedance occurs when the average of all analytical results from all samples taken at a facility during a reporting year and calculated in accordance with the US EPA guidance exceeds an annual NAL value for any parameter listed in Table 5 of this Draft General Permit (or is outside the NAL pH range), or; (2) for the instantaneous maximum NAL, an exceedance occurs when the second analytical result from any sample taken at a facility for the same parameter in Table 5 of this Draft General Permit (TSS, O&G, or pH) exceeds the instantaneous maximum NAL value (or is outside the NAL pH range) in a single reporting year. For the purposes of this General Permit, the reporting year is July 1 through June 30.

In the event that sampling results indicate an NAL exceedance, the Discharger's Baseline status immediately and automatically changes to Level 1 status for all parameters exceeded. Within 60 days of obtaining Level 1 status, Dischargers shall complete an evaluation of the facility's SWPPP and all the industrial pollutant sources at the facility. The evaluation shall identify whether additional operational source control BMPs and/or SWPPP implementation measures are necessary to prevent or reduce all industrial pollutants in industrial storm water discharges in compliance with BAT/BCT. This evaluation shall not be limited to the parameter(s) exceeding the NAL(s). This would require us to submit a level 1 ERA report.

Calpine contends this requirement is burdensome and inconsistent with other regulatory requirements. Calpine recommends following corrective action triggers in the US EPA Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Section 6.0, Monitoring. If after the collection of 4 quarterly samples, if the average of the 4 values for any parameter exceeds the NAL, you must complete Level 1 Corrective Actions. This will provide for consistency and accuracy between the MSFP and NPDES. In addition, this uniform requirement would provide time for facilities to conduct tests/inspections to determine the cause of the NAL exceedance. Typically, exceedances are caused by natural background pollutants and a facility would easily exceed the instantaneous maximum/annual NAL. Adopting the federal system of multiple episodes allows for a broader view of the conditions. Seeing the results in a more expansive context will decrease the likelihood of unnecessary actions and assessments, actions that in the final analysis would not improve water quality or add any other value.

#### OPERATING HOURS OR BUSINESS HOURS

In attachment H, the definition of Scheduled Facility Operating Hours is defined as follows:

##### *Scheduled Facility Operating Hours*

*The time periods when the facility is staffed to conduct any function related to industrial activity, but excluding time periods where only routine maintenance, emergency response, security, and/or janitorial services are performed.*

Calpine's power plants operation hours are 24 hours and the business hours are 8 am – 5 pm. The Draft General Permit section XI (A.)(2)(a) currently requires a visual observation to be

conducted during scheduled facility operating hours and within first four hours of the start of discharge. Therefore, some tasks would need to be performed in the middle of the night. It would be unsafe to visually observe if the discharge starts during the night. To ensure the safety of our employees, Calpine recommends adding "during daylight hours within scheduled facility operating hours" or changing the definition from "Operating Hours" to "Business Hours" when referencing visual observations and other SWPPP requirements.

Thank you for the opportunity to comment and for your consideration of our comments and suggestions. If you have any questions or require more information, please contact me at 925-570-0849.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. McBride', written in a cursive style.

Barbara McBride  
Director, Environmental Services  
Calpine Corporation