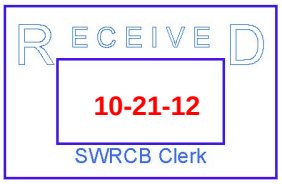
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Attention: Jeanie Townsend, Clerk to the Board

Lehigh Hanson submits the following comments on the SWRCB's draft Industrial General Permit

Comments to SWRCB

1. Page 15, Section II-B-1: Dischargers that certify their facility has no exposure of industrial activities or materials to storm water in accordance with Section XVII are not required to implement a SWPPP or comply with the monitoring requirements of this General Permit. Dischargers shall conduct one Annual Facility Comprehensive Compliance Evaluation (Annual Evaluation) as described in Section XV, pay an annual fee, and annually certify that their facilities continue to satisfy the NEC requirements.
Comment: Page 12 of the Fact Sheet states "This General Permit covers new or existing industrial storm water discharges and authorized NSWDs...". Why is any action required if there are no industrial storm water discharges?

2. Page 24- Table 2, footnote 4: For any facility other than an inactive mining facility or one subject to Subchapter N effluent limitation guidelines.
Comment: Confirm Sector E (concrete plant) is not subject to Subchapter N effluent limitation guidelines since there is no cement manufacturing; Confirm Sector J is not subject to guidelines if there is no dewatering.

3. Page 30, Section X-H-2: Dischargers may eliminate or revise any BMPs determined to be inapplicable, infeasible, inappropriate, or that require operational or physical revisions of the facility that exceed BAT/BCT and compliance with WQS.
Comment: Could a minimum BMP be replaced by an alternative BMP that offers similar benefits as the minimum BMP? For example, instead of covering a small stockpile, could a properly sized retention basin be used instead?

4. Page 30, Section X-H-2-a-iv: Cover all stored industrial materials that can be readily mobilized by contact with storm water;
Comment: Could covering of large stockpiles that are having material constantly being added and removed be considered infeasible in accordance with section X-H-2 on page 30 (Minimum BMP's)?

5. Page 32- Section X-H-2-d-vi: Observe and clean as appropriate, any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.
Comment: This section might be interpreted to mean the conveyors need to be rinsed to remove sediment. If required, the rinsing would be difficult to implement and would generate washwater that would need to be properly handled. Please confirm section X-H-2 could allow the flexibility to not wash conveyors.

6. Page 33- Section X-H-2-g: For each erodible surface facility location identified in the SWPPP (Section X.G.6), Dischargers shall:

Comment: Does this section also apply to natural areas within an industrial site that discharges to the sites area of industrial activity? If yes, the measures in this section could be required for large areas, in some cases exceeding 100's of acres.
Comment: Does erodible surface facility include stockpiles?

7. Page 34- Section X-H-7-a: Volume-based BMPs: Dischargers shall, at a minimum, design volume-based, treatment control BMPs to effectively treat the storm water volume generated from the 85th percentile 24-hour storm event.
Comment: Would this standard apply to existing stormwater ponds? If yes, it may not be economically feasible to modify the pond. Please confirm whether section X-H-2 could allow the flexibility to maintain the existing pond.
Comment: If a retention pond has capacity less than the 85th percentile 24-hour storm event and past sampling did not exceed any NAL's, then could that pond capacity be maintained?

8. Page 36- Section XI-A. Visual Observations
Comment: RWQCB should provide forms for observations that meet their requirements and receive public input on these forms.

9. Page 39- Section XI-B-5-d: Additional applicable parameters related to 303(d) listed impaired waterbodies.
Comment: Is there a master list of the impaired waterbodies?

10. Page 44- Section XI-C-6-a-i: The Discharger has taken samples in eight (8) consecutive quarters where QSEs occurred that produced a discharge;
Comment: A quarter may not be sampled since there was no discharge. Should there be 8 consecutive quarters of sampling to qualify for SFR?

11. Page 45- XI-E-b: For Dischargers with facilities subject to category 491 and 443, estimate or calculate the volume of industrial storm water discharges from each drainage area subject to the ELGs and the mass of each regulated pollutant as defined in category 419 and 443 in Subchapter N;
Comment: Clarify whether category is 491 or 419.

12. Page 46- XII-C-1: 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.
Comment: Change to "In the event that sampling results indicate an Annual or Instantaneous Maximum NAL exceedance, the Discharger's Baseline status immediately and automatically changes to Level 1 status for all parameters exceeded.

13. Page 47, XII-D-2. Level 2 Status
Comment: Assume a NAL exceedance is caused by rainfall that exceeded the design storm. BMP's such as a detention basin sized to handle up to the design storm could not adequately treat stormwater and so a NAL value such as TSS was exceeded. Could exceedance of the design storm be a justification for not needing additional BMP's in the Demonstration Technical Report, assuming the NAL exceedance was due to exceedance of the design storm? How would this same situation (exceedance of design storm causes exceedance of NAL) be handled in Level 1?

14. Page 48- XII-E-3-c: A statement that the Discharger has already designed, installed, and implemented operational source control, treatment, and/or structural source control BMPs that are required to reduce or prevent pollutants in industrial storm water discharges in compliance with BAT/BCT.
Comment: Who defines what constitutes BAT and BCT?

15. Page 48, XII-E-3-e: An evaluation of all alternative BMPs needed to meet the applicable NAL;

Comment: Does the BAT/ BCT Compliance Demonstration Technical Report need to demonstrate these alternative BMP's are prohibitively expensive or not cost effective?

16. Page 49, XII-E-4-b: A statement that the Discharger has determined that the pollutants causing the exceedances are solely attributable to storm water run-on to the facility from adjacent properties or non-industrial portions of the Discharger's property or from aerial deposition;
Comment: Does "solely" mean the source of all of a particular pollutant is from run-on, or the run-on causes a pollutant that is below the NAL to exceed the NAL?
Example- TSS is measured at a site is measured at 75 mg/l when there is no run-on. When run-on occurs the TSS is measured at 1000 mg/l. Is this exceedance of the Instantaneous Maximum NAL "solely" caused by the run-on?

17. Page 50, XII-E-5-a: 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;
Comment: Does "solely" mean the source of all of a particular pollutant is from natural background, or natural background causes a pollutant that is below the NAL to exceed the NAL?

18. Page 57- XVI-A: The Discharger shall certify and submit via SMARTS an Annual Report no later than July 15th of each reporting year.
Comment: The stormwater discharge visual observation form cannot be completed until June 30. This would limit finalization and submittal of reports to a 2 week period, which would be a difficult schedule for QISP's that prepare reports for multiple sites. The July 4 holiday also occurs during this 2 week period. It is requested that the July 15th date be extended to August 1.

19. Fact Sheet, II-A-3-a, page 15: Modify and implement SWPPPs and Monitoring Implementation Programs (MIPs) in compliance with this General Permit no later than July 1, 2013;
Comment: The 7/1/2013 goal may be difficult to achieve, depending on when the IGP is approved.

20. Fact Sheet, II-H, page 24: Persons taking the training will be provided the knowledge and capacity to successfully develop SWPPPs for multiple facilities and train compliance personnel at each represented facility.
Comment: Do the persons conducting sampling and inspections need to be a QISP I, or can they be trained by a QISP II?

21. Page 3, I-B-22: Facilities otherwise subject to this General Permit but for which a valid Notice of Non-Applicability (NONA) and a NONA Technical Report has been certified and submitted via SMARTS by the Discharger's LRP (see Wat. Code, § 13399.30, subd. (a)(2)) are not covered under this General Permit.
Comment: Some NONA's were already submitted to a particular RWQCB, but the Board did not prepare a written response to the submittal. How will these NONA's be handled in the new permit?

22. Page 48, XII-E-3: BAT/BCT Compliance Demonstration Technical Report
Comment: It is not clear how the evaluation in section XII-E-3-a is used to support the statement in section XII-E-3-c.

23. Fact Sheet, I-K-58 page 9: To comply with this General Permit the Discharger shall: electronically self-report any discharge violations via SMARTS
Comment: Where in the General Permit are instructions for this self-reporting?

24. Page 48, XII-E-2: This section lists Demonstration Technical Reports as BAT/BCT, Non-Industrial Source, and Natural Background Source.
Comment: Can an Industrial Source Pollutant Demonstration Technical Report be prepared if the pollutant(s) causing the exceedances are solely attributable to storm water run-on to the facility from adjacent industrial properties?

Regards,

Steve Zacks
Environmental Manager

Lehigh Hanson
West Region
681 Aspen Circle
Oxnard, CA 93030

Cell: 805 748-0128
Steve.Zacks@Hanson.com