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September 18, 2013

*Sent Electronically Via Email*

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

**Subject: Comment Letter - Industrial General Permit, Issued July 19, 2013, Order 2013-XXXX-DWQ**

Dear Ms. Townsend and Members of the Board:

The attached comments are submitted by Marvin H. Sachse, a California State Professional Industrial Engineer, I 2688, Master's degrees in Industrial Engineering and Environmental Engineering, a CASQA Trainer of Record and QSD/P for the Construction Permit, a Certified Professional in Storm Water Quality and Course Instructor, Certified Professional in Erosion and Sediment Control and Course instructor, Certified Erosion and Sediment Storm Water Inspector and Course Instructor.

These comments represent those of the California Auto Dismantler and Recyclers Alliance (CADRA), Auto Dismantlers Association of Southern California (ADASC), Valley Auto Dismantlers and Recyclers Association (VADRA), Inland Auto Dismantlers Association (IADA), and Southern California Storm Water Group Monitoring Program (SoCal GMP), in total representing more than 300 Auto Recyclers and an additional 100 Industrial Permittees.

It should be noted that of the 10,000 active Industrial Permits, Auto Recyclers represent close to 10% of the State's Industrial Permittees, with over 1,000 permits issued to SIC code 5015, Auto Recyclers.

Auto Recyclers demographically represent a large number of the State's IGP Permittees. Businesses range from Mom and Pop businesses — barely making ends meet, to large more successful operations, some of whom are native born and others that may not be native born with English as a second language or third language.

**ISSUES:**

**1. ONE PERMIT FEE FITS ALL**

The following point was put forth in the previous draft Permit's comments, and the SWB's response was that they were not the entity that established Permit fees. A subsequent meeting on SWB fees was attended and their response to this fee issue was that they did not establish budgets, and that the fee reduction request should be addressed to the SWB. Obviously this bureaucratic circular logic does not seem to address the issues as enumerated below. Hopefully the revolving door on this issue will not rotate again, as now the fees are approaching \$1400, and are forecasted to increase by an additional 30%!

Several years ago when the Permit fees were \$200.00, fee cost was not a big issue. The present Permit fee is \$1,359.00, regardless of business size or potential to pollute storm water. If a business operates on a 10% profit margin, that requires an additional \$13,000 in gross sales to produce sufficient revenue to pay the Permit fees.

1 We would propose that the fees not be based on a one size fits all model, but on a scaling program such as used by the State of Arizona. \$350.00 for sites less than one acre, \$500.00 for sites greater than one acre but less than 40 acres, and \$1,000.00 for sites greater than 40 acres. The rates are not proposed just the scaling factor. Also, it should be noted that the State of Washington Permit fees, if they exceed \$500.00, can be paid off in two semi annual payments, without penalty.

One unanticipated consequence of high permit costs is the relationship between higher costs and the number of business that choose not to comply. Non compliers not only raise program costs, and lower revenues, they also represent businesses that could be significant sources of pollution.

## 2. BAT/BCT

2 1.E. 32 - Can a list of appropriate BMPs achieving BAT/BCT be established and maintained by the SWB?

## 3. DISCHARGE STORM WATER QUALITY VERSUS RECEIVING WATER LIMITATION

3 1.E.37 - Further clarification and definition of this complex legal issue would facilitate consistent Permit implementation and overall compliance and eliminate numerous needless CWA litigations. The cost of these litigations have done little to improve water quality discharge but have done immense damage to the State's economy. These lawsuits have forced numerous facilities to cease operations because of the cost of litigation. The Permit has never addressed the issue that discharge water that is not a direct discharge to a receiving water is a point source of discharge water, and by the time it reaches the receiving water it has been commingled with multiple sources and has gone through numerous perturbations of dilution, pollutant contributions, and physicochemical alterations and changes. Water quality standards for discharge water and receiving water must be clarified before more businesses are forced from the State.

## 4. DISCHARGES SUBJECT TO THE CALIFORNIA OCEAN PLAN

4 1.G. 43 - states that, "...dischargers with outfalls discharging to ocean waters to comply with the California Ocean Plan..." Is this paragraph applicable to direct discharges only or an application of tributary rule, where all water reaching the ocean is to be regulated according to this paragraph. Direct discharge is not defined in the Permits Glossary.

## 5. QISP TRAINING

5 1.H.51 - It is recommended that the Permit require that a Compliance Group leader qualifications be more than that of a QISP. Due to poor performance of some of the groups that impacted the overall group program, it is suggested that the Group Leader have qualifications of a P.E., CPSWQ, or other additional technical training than a QISP.

**6. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS**

- 6 I.I.54 - "SWPPP revisions shall be completed in accordance with Section X.B of this General Permit."  
How often are the revisions to be uploaded to the electronic version.

**7. ROLE OF NUMERIC ACTION LEVELS (NALS) AND EXCEEDANCE RESPONSE ACTIONS (ERAS)**

- 7 I.M. 62.b - If a facility is a business using a soil surface with crushed rock T.S.S. readings will be higher than a paved facility. Will consideration be provided for those facilities with greater pervious areas, increasing ground water recharge, which will result in higher T.S.S. readings.

- 8 I.M.63 - states that, "NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit." Is the permittee still exposed to a potential CWA Citizen Suit based upon Receiving Water standards if the permittee is in compliance with the IGP?

- 9 II.B.4.e - A July 1, 2015 implementation date, would facilitate a smoother transition to the new Permit than in the middle of the wet season.

**8. PLANNING AND ORGANIZATION**

- 10 X.D.1.b - requires that a SWPPP contains, the responsibilities, duties, and activities of each of the team members. Would not a job title suffice?

**9. LIST OF SIGNIFICANT MATERIALS**

- 11 X.F - Is a listing of material that includes raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials with the locations it is stored within a facility necessary, as these locations are continuously being altered and have no potential to pollute storm water due to the fact that they are stored inside a facility? Only the locations of materials stored outside exposed to storm water should be listed.

**10. SIGNIFICANT SPILLS AND LEAKS**

- 12 X.G.1.d.iv - "...list of any industrial materials that have spilled or leaked in significant quantities..."  
Clarification as to the term significant would be helpful.

**11. BEST MANAGEMENT PRACTICES (BMPs)**

- 13 X.H.1.b.vi - Is coverage of material to be at all times or when rain is imminent?

- 14 X.H.4.c. A typo exists in first line. It should read "subsection a." The period is missing.

**12. LEVEL 1 STATUS**

- 15 XII.C.1. Please Clarify if the ERA Evaluation is the basis for the Level 1 ERA Report, and that it is not an additional submission.

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13. **NON-INDUSTRIAL POLLUTANT SOURCE DEMONSTRATION**

XII.D.b. Clarification in the Permit's language if this document is to be provided by the Discharger or a QISP, would be helpful.

14. **ELEGIBILITY FOR RETURNING TO BASELINE STATUS**

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XII.D.4.a. The Permit is structured to return a Level 2 Discharger to baseline after certain conditions are met, but if an exceedance occurs the discharger is returned to Level 2, without being granted a Level 1 status. This appears excessively punitive and it is suggested that in all fairness that Level 1 status be available as opposed to immediate reclassification as a Level 2.

15. **COMPLIANCE GROUPS**

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XIV.B.1 - A compliance Group Leader must be a QISP. Attainment of QISP status is solely by attending a training program, without demonstration of expertise in stormwater implementation or familiarity of BMPs. Stormwater group program leaders have in some instances been less than effective. In order to insure that the Compliance Group leaders are familiar with their responsibilities and provide their group members with up-to-date and effective BMPs, and prepare accurate and effective Level 2 ERA Technical Reports, it is suggested that Compliance Group Leaders be required to have a better knowledge base than that of a QISP.

Consideration of requiring a Compliance Group Leader to have professional standing such as a P.E. or Certified Professional in Storm Water Quality (CPSWQ) or similar qualifications would seem to be appropriate.

16. **ANNUAL REPORT**

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XVI.B.1. & 2. - Where is the check list form obtained? Is this to be part of the Permit?

The time afforded at the Board's hearing on the IGP is greatly appreciated, as is the time spent in reviewing the attached comments.

If additional information can be provided please to do not hesitate to contact the undersigned.

Sincerely,



Marvin H. Sachse, P.E., CPSWQ, CPESC, CESSWI, ToR, QSD/QSP  
Principal

Attachment



# ATTACHMENT 1

## COMPLIANCE COST SPREADSHEET OVERVIEW

The Water Board's compliance cost spread sheet failed to operate as a spread sheet. The five (5) year projections would not be available without rewriting the entire spread sheet for which adequate time was not provided.

The major cost discrepancies as seen by the undersigned and its constituents include:

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1. QISP training (including time lost): \$4,000/training @ one time cost. . . . . \$4,000.00
2. Permit fees: \$1,387-\$2,000/year @ 5 years. . . . . \$6,935.00-\$10,000.00
3. Record keeping (including uploading to SMARTS): \$1,500/year @ 5 years. . . . \$7,500.00
4. Annual Report (4-6 hours): \$600/year @ 5 years. . . . . \$3,000.00
5. EC meter: \$600/unit @ 1 unit. . . . . \$600.00
6. SWPPP - existing SWPPPs cannot comply with the details required and new structure: \$3,000 - \$5,000/SWPPP @ 1 SWPPP. . . . . \$3,000.00 - \$5,000.00