BLYMYER ENGINEERS

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September 18, 2013

Via email to commentletters@waterboards.ca.gov

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

Subject: **Comments on the July 2013 Draft Industrial General Permit, NPDES No. CAS000001**

Dear Ms. Townsend and Members of the Board:

Thank you for the opportunity to comment on the 2013 Draft Industrial General NPDES Permit for Storm Water Discharges Associated with Industrial Activities. Blymyer Engineers, Inc. has been assisting industrial facilities nationwide with storm water permitting, Storm Water Pollution Prevention Plans (SWPPPs), storm water training, and general management of their storm water programs for approximately 19 years. We currently assist over 70 facilities in California with their storm water compliance programs. We work primarily with transportation and manufacturing facilities. Blymyer Engineers is submitting these comments to describe anticipated potential problems and to provide recommendations for modifications to the permit.

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1. The Permit effective date, January 1, 2015, falls in the middle of the reporting year.

Requirements under the previous permit will be in effect from 7/1/14 through 12/31/14 and requirements under the new permit will be in effect 1/1/15 through 06/30/15. It would be confusing to permittees to have to comply with two different permits during the reporting year.

Recommendation: Change the permit effective date to 7/1/15.

2

2. Section X.G.2.a.vii requires an assessment of the effectiveness of existing BMPs. Section X.G.2.a.viii requires an assessment of the effectiveness of implementing minimum BMPs, which are listed in section X.H.1.

Section X.G.2.a.viii states that the listed minimum BMPs shall be implemented to the extent

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feasible. A separate assessment of existing BMPs serves no purpose. Instead, the SWPPP should contain one assessment of the effectiveness of all BMPs implemented at the facility as of the date of the SWPPP. This will include existing BMPS that have proven effective and any new BMPs that are being implemented to meet the minimum BMPs required by section X.H.1.

Recommendation: Delete section X.G.2.a.vii on page 29 of the permit. Require one assessment of all BMPs implemented at the facility, both existing and any new BMPs added to meet the minimum BMP requirements in section X.H.1.

3

3. Section XI.A.1.b states that monthly visual observations shall be conducted during daylight hours. This is not specified for collecting storm water samples for analysis.

Storm water samples for analysis should also be collected during daylight hours. Collection of samples at discharge locations in remote unlit areas of the facility may be unsafe during non-daylight hours.

Recommendation: Add the requirement for sampling during daylight hours to Section XI.B, Sampling and Analysis. Add an exception to Section XI.C.6.a stating that sample collection and visual observations are not required "outside of daylight hours."

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4. The receiving water limitations requirements in Section VI are vague.

All receiving water limitations applicable to each permittee should be identified by the Regional Board and communicated to the permittee.

Recommendation: When NOI acknowledgment letters are sent to permittees (or posted on SMARTS), any applicable receiving water limitations, including any approved TMDLs, should be identified in the letter. If receiving water limitations or TMDLs change, the changes should be communicated to permittees.

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5. The permit has numerous observation, inspection, and recordkeeping requirements but no guidance as to how these should be documented.

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The permit provides no instructions for documenting inspections. It will be challenging for dischargers to devise appropriate methods for documenting inspections that will meet the permit requirements. There will be little consistency in recordkeeping among dischargers.
Recommendation: Provide inspection and recordkeeping forms or templates for documenting inspections.

6

6. Sampling requirements for facilities discharging to 303(d) listed impaired water bodies are unclear.

Section XI.B.6 states that the "The Discharger shall analyze all collected samples for the following parameters, " which include "Additional applicable parameters related to receiving waters with 303(d) listed impairments or approved TMDLs..." The permit does not specify a method for determining which, if any, additional parameters must be analyzed. If a facility determines that it does not store or use any potential industrial pollutants related to the impaired receiving waters then is sampling required? For which parameters? For example, if a water is listed as impaired for "Toxicity" or "Sediment Toxicity," what industrial pollutants and applicable parameters are related to this impairment?

Recommendation: Specify in the permit a procedure for facilities that discharge to impaired waters to follow or provide guidance to determine if additional parameters must be analyzed, and which parameters. Alternatively, require the Regional Boards to inform dischargers in their regions if sampling for impairment pollutants is required) and for which parameters, as in Oregon and Virginia.

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7. Require all Regional Boards to apply the Annual and Instantaneous Maximum NALs in Table 2 of the permit.

Under the current permit some Regional Boards apply more stringent benchmark values.

Recommendation: Require all Regional Boards to uniformly apply the Annual and Instantaneous Maximum NALs in Table 2 of the permit. Alternately, if a Regional Board wishes to apply more stringent NALs than those in Table 2, it must notify all permittees of its requirements.

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8. Regional Boards must uniformly follow the Permit and allow eligible Dischargers to use litmus pH paper for pH screening.

The permit states that Dischargers that are not subject to ELGs and have never entered Level 1 status for pH are eligible to screen for pH using wide range litmus pH paper or other equivalent pH test kits. In our experience, some Regional Boards have advised Dischargers that pH may not be measured using litmus pH paper but must be measured using a calibrated pH meter, even though the 1997 permit states only that field instruments for measuring pH must be calibrated and maintained in accordance with manufacturer's specifications. It does not specify a required method for measuring pH.

Recommendation: Ensure that the Regional Boards understand the permit requirements for pH measurement and enforce the requirements uniformly.

9

9. Clarify QSE definition

Per XI.B.1.b, a QSE is a precipitation event that is preceded by 48 hours with no discharge from any drainage area. The current permit defined a QSE as one preceded by three "working days without...discharges and that occur during scheduled facility operating hours."

Recommendation: Add language clarifying whether the 48 hours with no discharge requirement applies to any hourly periods, including non-operating hours, or applies only to "working days."

10

10. Allow SMARTS to assign a unique Organization ID and LRP to each facility operated by a company with multiple facility locations.

We have been advised by a SMARTS representative that under the new permit a company that operates multiple facilities will be required to have just one central "corporate" Organization ID and LRP. However, some of our clients prefer each of its facilities to be assigned its own Organization ID with a duly-authorized LRP unique to each WDID. They believe that personnel domiciled at the facilities have the most detailed understanding of permit requirements and the accuracy of reports being submitted.

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Recommendation:

Allow assignment of a unique Organization ID and LRP to each facility operated by a company with multiple facility locations.

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11. Add headers containing the permit section numbers at the top of each page of the permit.

Many permit sections contain references to other sections and subsections but the permit is difficult to navigate. A page may contain a subsection "C," for example, but with no indication whether it is section "X.C" or "XI.C." Much turning of pages back and forth is required to confirm one is looking at the correct section.

Recommendation:

Add a header containing the section number at the top of each page. Include subsection numbers, too. An example can be found in the *New York State Department of Environmental Conservation SPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity effective October 1, 2012*. A copy is located at:
http://www.dec.ny.gov/docs/water_pdf/gp12001.pdf
Alternatively, expand the table of contents to the section, subsection, and sub-subsection level of detail.

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12. Allow permittees to retain SWPPPs on-site and make SWPPPs available for review. Do not require submittal of SWPPPs to the Regional Boards via SMARTs.

There is concern among our clients that the required electronic filing of the SWPPP may result in the release of confidential information or information that must be protected in order to ensure public health and safety.

Recommendation:

In accordance with the current MSGP requirements, require only that the Discharger have the SWPPP available at its facility. If a member of the public requests the SWPPP, arrangements can be made with the discharger to provide the information requested.

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13 **13. Remove Method Detection Limit standards specified in Table 2.**

The MDLs for several parameters are inconsistent with the methods identified and are below levels achievable by several state certified laboratories.

Recommendation:

The permit should specify that the EPA or the equivalent Standard Methods must be used to analyze the parameters listed in Table 2 without specifying MDLs that may be unachievable.

We appreciate your consideration of our comments. If you have questions, please contact Nina Schittli (nschittli@blymyer.com) at (800) 753-3773.

Regards,

Blymyer Engineers, Inc.

By: _____
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