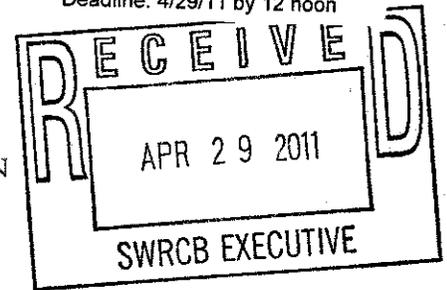




AIR TRANSPORT ASSOCIATION

April 29, 2011



**BY ELECTRONIC SUBMISSION**

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

RE: Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit; NPDES No. CAS000001)

Dear Ms. Townsend:

The Air Transport Association of America, Inc. ("ATA") is pleased to respond to the State Water Resources Control Board's ("Board") Notice of Public Hearing dated January 28, 2011 ("Notice") soliciting public comment on the draft General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES No. CAS000001 ("Draft Permit"). Pursuant to the extension of the public comment period announced during the public hearing held on March 29, 2011 and subsequently confirmed in a revised but undated notice posted on the Board's website, we understand that comments on this version of the Draft Permit are timely if submitted by noon Pacific Time on Friday, April 29, 2011.

ATA submits these comments as the principle trade and service organization of the U.S. airline industry with ATA's airline members and their affiliates representing more than 90% of all U.S. airline passenger and cargo traffic. The members of ATA are: ABX Air, AirTran Airways, Alaska Airlines, American Airlines, ASTAR Air Cargo, Atlas Air, Continental Airlines, Delta Air Lines, Evergreen International Airlines, Federal Express Corporation, Hawaiian Airlines, JetBlue Airways, Southwest Airlines, United Airlines, UPS Airlines, US Airways; associate members are: Air Canada, and Air Jamaica.

**I. The Board Acknowledges the Record is Incomplete (and Legally Insufficient) Rendering Meaningful Comment on the Draft Permit Impossible**

As an initial matter we note that the materials made available to the public in conjunction with the Notice are incomplete and that, as a result, it is not possible to develop meaningful comments at this time. Staff acknowledges that the record does not include required analyses and/or rationales for critical components of the Draft Permit – for example, with respect to the proposed Numeric Effluent Limitations, Staff states:



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[The State Water Board *must* consider a number of factors including the cost of achieving effluent reductions in relation to the effluent reduction benefits, the age of the equipment and facilities, the processes employed and any required process changes, engineering aspects of the control technologies, non-water quality environmental impacts (including energy requirements), and other such other factors as the State Water Board deems appropriate (CWA 304(b)(1)(B)). This analysis and rationale is still under development at this time and will be completed prior to adoption.]<sup>1</sup>

With respect to Corrective Action provisions, Staff merely offers (again, in language bracketed to identify it as a simple placeholder) the completely indeterminate “[Additional rationale is forthcoming.]”<sup>2</sup> It is impossible to comment on material that is not provided. Moreover, it is not possible to determine the degree to which the Draft Permit and its underlying documentation are incomplete from the materials currently available.

The Board properly acknowledges the incompleteness of the Draft Permit of the original Notice of Public Hearing:

The draft Industrial General Permit is currently not in its complete form. When the final substantive changes are made, it will be recirculated to the public for review and another public hearing will be held.<sup>3</sup>

ATA has subsequently received confirmation by e-mail from the Board Staff member listed as a contact by the Notice that a second public comment period will be noticed in connection with this permit. Staff also confirmed that that future public comment period will not be limited to any new material added to the permitting record, but will provide an opportunity for

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<sup>1</sup> DRAFT Industrial General Permit Fact Sheet (dated January 28, 2011) at 8 (emphasis added, brackets original). The Draft Fact Sheet is posted on the Board’s website and contained the quoted language as of April 25, 2011 (the cover page and pages 8 and 29 of the Draft Fact Sheet are attached as Attachment A).

<sup>2</sup> *Id.* at 29.

<sup>3</sup> *Notice of Public Hearing* at 1-2 (dated January 28, 2011) (a copy of this original notice is attached as Attachment B). We note that the subsequent “Notice of Opportunity to Comment,” extending the comment deadline from April 18 to April 29, states: “State Water Board staff will not accept additional comment letters after this deadline unless the State Water Board determines otherwise.” We understand that this statement refers to the close of the deadline for comments on this Draft Permit and does not obviate the Board’s assurance in the original Notice of Public Hearing that at a later date the Board will issue a new version of the Industrial General Permit and hold a hearing. We understand that this means the Board will issue a proposed Industrial General Permit subject to usual notice and comment requirements (i.e., the public will be provided adequate notice and opportunity to comment in writing upon the proposal and the Board will conduct a hearing at which an opportunity for oral comments will be provided).

the public, including ATA, to submit and have considered their comments on all issues raised by the draft permit and its supporting documentation as then presented. (See Attachment C.)

Owing to the incompleteness of the package made available for public comment it is not possible for ATA or other members of the public to assess the basis for the Draft Permit or to comment meaningfully on its terms. Moreover, because the degree to which additional record support, or different permit terms and conditions, might be substituted in a later “complete” iteration of the Draft Permit, it is not possible for a commenter to distinguish the incomplete portions of the Draft Permit from those that the Board might consider to be complete as published. Thus, it is not possible to develop meaningful comments on any part of the Draft Permit.

For these reasons we agree with the Board that a subsequent public comment period during which comments are solicited and considered with respect to all issues raised by the then-current draft permit is necessary to support a sustainable issuance of this new permit. We look forward to responding in detail to any such notice making available a complete permit and record.

## **II. Preliminary, Directional Comments**

Given that the purpose of the Notice is not and cannot be to solicit comments in support of a final permit, we presume the Board is seeking to gather information from the public to assist it in developing of a complete draft general industrial storm water permit. Consistent with that limited purpose, ATA provides the following preliminary and directional observations.<sup>4</sup>

### **A. Elimination of Group Monitoring Unwarranted**

The elimination of group monitoring in the Draft Permit is unwarranted and inappropriate. Group monitoring, particularly in the context of multiple permit holders at a single airport, allows one of the permitted entities (typically the airport) to take the required samples. There is no question of representativeness of the samples in these cases because the same outfalls would be sampled by all other permit holders in the absence of a group monitoring option. We suspect that the Staff’s tentative decision to eliminate group monitoring did not take this situation into account. If it had, the extra cost and wasted expense of monitoring that literally is redundant would have been clear and Staff would either have provided for a continuation of the group monitoring program for multiple-permit airports or otherwise provided a system under which non-redundant sampling would be required of permittees at those facilities.

### **B. Numeric Effluent Limitations Unsupported**

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<sup>4</sup> In offering these preliminary comments ATA does not limit the scope or content of any comments it may provide in response to a proposed Industrial General Permit if and when the Board formally proposes such a permit in the future. ATA expressly reserves the right to comment on any and all issues raised by or data and analyses presented to support such a proposed Industrial General Permit, including, without limitation, any issues raised by the Draft Permit and any data, analyses or other documentation of any kind the Board or Staff may consider “complete” as of April 25, 2011.

As noted above, the rationale required under 33 U.S.C. § 1314(b)(1)(B) and its implementing regulations to support the proposed Numeric Effluent Limitations (NELs) has not yet been developed. In the absence of such an analysis, there is no record support for the NELs contained in the Draft Permit. Unless such a record is developed, the NELs cannot be promulgated.

ATA believes that it will be extremely difficult to develop such a record. The Draft Permit uses the benchmark limits from the federal Multi-Sector General Permit (“MSGP”) as the basis for its NELs as well as its Numeric Action Levels. Those values were not analyzed or validated by EPA as effluent limitations during its promulgation and subsequent reissuance of the federal MSGP. Thus, the federal permitting record cannot provide sufficient legal basis to qualify the MSGP benchmark limits as NELs in the Draft Permit. In light of the considerations necessary to establish a technology-based effluent limitation on the basis of the permit writer’s Best Professional Judgment, we believe that it will be very difficult for the Board to develop a record sufficient to support these values as effluent limitations for any sector but especially as effluent limitations for the Air Transportation Sector. In addition, the Draft Permit would impose NELs for parameters not even subject to benchmark values for the Transportation Sector under the federal MSGP. Thus, just as there is no record support for the values themselves there is no record support for the Draft Permit’s selection of parameters to be subject to NELs for sectors, including the Air Transportation Sector.

More generally, we believe the process for successful development of a record sufficient to support any specific value as NELs will require close consultation with industry and other interested parties over an extended period prior to formal proposal. We encourage the Board to initiate such a process before proposing any NELs in the final Draft Permit.

For these and other reasons the Board should reconsider Staff’s decision to include NELs in the Draft Permit. We also look forward to an adequate public comment period to assess and develop comments on that aspect of any future draft general permit.

### **C. Numeric Action Levels Are, in Effect, Unsupported Effluent Limitations**

While the Numeric Action Levels (“NAL”) in the Draft Permit are described as though they were something less than effluent limitations the obligations that attend exceedance of an NAL make it clear that they and effluent limitations are indistinguishable. For example, where a Level 2 Corrective Action is required, the permittee’s obligation is to:

If the NAL corrective action trigger is for one or more of the constituents previously addressed in a Level 1 NAL Exceedance Evaluation Report, the discharger shall employ a [] to evaluate and select additional structural source control BMPs and/or treatment BMPs *with the goal of achieving the applicable NAL value(s) in future discharges.*<sup>5</sup>

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<sup>5</sup> Draft Permit at Section XVII.C.2, page 40 (emphasis added).

Obligating a permit holder to design and build a solution “with the goal of achieving the applicable NAL value(s),” where failure to do so is a permit violation, converts the NAL(s) into enforceable effluent limitations.

Similar concerns exist with respect to the responses required for Level 1 (where the clear intent is to equate “compliance with BAT/BCT” with the NALs) and Level 3 (under which NALs become NELs), but this example suffices to illustrate the kinds of concerns that ATA would express should any future permit attempt to establish corrective action requirements that directly or indirectly establish compliance with the NALs as their goal or objective.

#### **D. Design Storm Designation is Inappropriate**

The Draft Permit also errs when it establishes a 10-year, 24-hour (expressed in inches of rainfall) Compliance Storm Event for Total Suspended Solids, and the same event as the design storm for all treatment BMPs for any other pollutants. Draft Permit at Section V.E.

There is no record to support the selection of such a storm, and there is no evidence that consideration was given to differences between facilities whose discharges might be authorized by the Draft Permit. The latter concern is especially acute in connection with airport runoff, where FAA regulations tightly constrain on- and near-airport surface waters in order to protect the flying public from accidents due to bird strikes, and where the large acreages involved make airports qualitatively different from virtually every other facility to be regulated under this permit.

Moreover, because discharges of storm water from airports is permitted primarily to control the runoff of deicing fluids and those fluids are applied predominantly in freezing conditions, “inches of rainfall” most likely is an inappropriate measure of a design storm for such facilities. For these and other reasons, ATA strongly advises the Board to instruct Staff to reconsider the selection and definition of any design storm for the Air Transportation Sector.

### **III. CONCLUSION**

As stated above, the incomplete nature of the Draft Permit and its supporting documents makes it impossible for ATA to analyze or to provide meaningful comment on the Draft Permit at this time. We are pleased to have been able to provide the preliminary observations above, however, and we stand ready to work with the Board in future development of a draft general permit to replace the existing 1997 general permit for discharges of storm water associated with industrial activities.

California Water Resources Control Board  
DRAFT Industrial General Permit  
Air Transport Association – Preliminary Comments  
April 29, 2011

Sincerely,

A handwritten signature in black ink, appearing to read "Tim", written over a large, stylized capital letter "P".

Timothy Pohle  
Managing Director, US Environmental Affairs and  
Assistant General Counsel

California Water Resources Control Board  
DRAFT Industrial General Permit  
Air Transport Association – Preliminary Comments

**ATTACHMENT A**

**DRAFT Industrial General Permit Fact Sheet**

**Cover page and pages 8 & 29**

**Dated January 28, 2011**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
 GENERAL PERMIT FACT SHEET FOR  
 STORM WATER DISCHARGES  
 ASSOCIATED WITH INDUSTRIAL ACTIVITIES  
 NPDES NO. CAS000001**

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appropriate, and assess whether additional BMPs are necessary. The permits did not contain or reference a set of significant quantity concentrations for these parameters. This led to inconsistent interpretations and difficulty in enforcement. This General Permit incorporates the US EPA storm water discharge benchmark values as NALs.

The values used as NALs in the General Permit provide a quantitative indicator that storm water discharges have reduced those particular pollutants using BAT/BCT. Therefore, effluent that results in a corrective action trigger as defined by this General Permit indicates that the discharger may not be employing BAT/BCT. Similar to the US EPA MSGP, this General Permit is using these NAL values to spurn corrective actions where needed.

The US EPA benchmarks are located in the US EPA's MSGP<sup>5</sup> and appear in Table VIII.2 of this General Permit for common pollutants found in industrial storm water discharges. As used by the US EPA, these NALs are not numeric storm water effluent limits, are not related or necessarily protective of any specific receiving water, and exceedances of these NALs are not automatically considered permit violations. Similar to the US EPA's MSGP, exceedances of these NALs trigger the need for Corrective Actions.

In the event that a discharger arrives at Corrective Action Level 3, the NAL(s) which trigger this corrective action level becomes a technology-based numeric effluent limitation (NEL). This is due to the fact that each NAL in this General Permit reflects the technology needed to reduce the pollutant to either BAT or BCT, respectively. It is the best professional judgment (BPJ) of the State Water Board staff that dischargers employing BAT and BCT can reduce the pollutants in their storm water effluent to achieve concentrations at or below the NALs.

[The State Water Board must consider a number of factors including the cost of achieving effluent reductions in relation to the effluent reduction benefits, the age of the equipment and facilities, the processes employed and any required process changes, engineering aspects of the control technologies, non-water quality environmental impacts (including energy requirements), and other such other factors as the State Water Board deems appropriate (CWA 304(b)(1)(B)). This analysis and rationale is still under development at this time and will be completed prior to adoption.]

### 3. Receiving Water Limitations

Pursuant to CWA section 301 and Water Code section 13377, this General Permit requires strict compliance with water quality standards. Storm water discharges shall not cause or contribute to a violation of an applicable water quality standard. Implementation of BMPs that comply with BAT and BCT will usually result in compliance with water quality standards. Therefore, if a facility's storm water

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<sup>5</sup> [http://www.epa.gov/npdes/pubs/msgp2008\\_finalpermit.pdf](http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf)

sampling. This General Permit allows Dischargers to go from quarterly sampling to collecting just the first qualifying storm after October 1 of each reporting year. At any time the Discharger meets one or more of the three NAL compliance triggers, the Discharger immediately reverts back to normal sampling requirements.

#### **K. Corrective Actions**

[Additional rationale is forthcoming.]

The previous permit requires dischargers who believe that their storm water discharge is causing or contributing to a water quality violation to evaluate their facility's pollutant sources and BMPs to determine what additional BMPs are necessary to achieve compliance with water quality standards. In accordance with the previous permit's Receiving Water Limitation (C.1-4 page 5) requirements dischargers are required to follow a set of instructions on BMP implementation and on how to report the possible exceedances of water quality standards to the appropriate Regional Water Board office. The previous permit, however, does not include a methodology for determining when a discharge is causing or contributing to a water quality standard. The previous permit does not reference the US EPA's MSGP benchmarks or any other set of action levels or triggers. Many Regional Water Boards have formally or informally notified dischargers that exceedances of US EPA's MSGP benchmarks should be used to determine whether additional BMPs are necessary. However, there is considerable confusion as to what extent a discharger is expected to implement corrective actions, and what the timelines are to avoid or trigger enforcement actions. This lack of specificity in terms of compliance triggers and expectations have been labeled a problem by both industry and environmental stakeholders.

This permit contains storm water sampling Numeric Action Levels (NALs) and corrective actions. The corrective actions are divided into three levels of complexity depending upon the number of years a facility's discharge triggers an NAL corrective action. These three levels are explained in Section XX. For dischargers that fail to comply with the prescribed corrective actions in each level, and/or whose discharge continues to meet the defined triggers, the technology-based NALs become technology-based NELs subject to mandatory minimum penalties under Water Code Section 13385. This system provides Dischargers with an adaptive process to develop and implement cost-effective BMPs prior to becoming subject to mandatory enforcement. At the same time, this General Permit's corrective action system is designed to have a well-defined compliance end-point – either a Discharger will implement effective BMPs in compliance with BAT/BCT or become subject to mandatory enforcement. The corrective action Levels 1 and 2 in this General Permit constitutes a technology-based non-numeric (narrative) effluent limitation as provided in 40C.F.R. section 122.44(k). The corrective action Level 3 requirements, where NALs become NELs, constitute technology-based numeric effluent limitation.

The corrective action requirements were developed in consideration of the State Water Board's best professional judgment and experience with the short-comings of the previous permit's compliance procedures. The State Board also considered comments in the preceding hearings on the draft 2002/2005 permits and looked at other states'

California Water Resources Control Board  
DRAFT Industrial General Permit  
Air Transport Association – Preliminary Comments

**ATTACHMENT B**

**NOTICE OF PUBLIC HEARING  
DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMIT FOR THE DISCHARGE OF STORM  
WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES  
(INDUSTRIAL GENERAL PERMIT)**

**Dated January 28, 2011**



**Linda S. Adams**  
Acting Secretary for  
Environmental Protection

# State Water Resources Control Board

## Executive Office

**Charles R. Hoppin, Chairman**  
1001 I Street • Sacramento, California 95814 • (916) 341-5603  
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**Edmund G. Brown Jr.**  
Governor

## NOTICE OF PUBLIC HEARING

### DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE DISCHARGE OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES (INDUSTRIAL GENERAL PERMIT)

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will hold a public hearing to accept comments on the draft Industrial General Permit. A quorum of the Board may be present; however, no State Water Board action will be taken. The location and time of the hearing are provided below.

**March 29, 2011 – 9:00 a.m.**  
**Joe Serna Jr./Cal-EPA Headquarters Building**  
**Coastal Hearing Room**  
**1001 I Street, 2nd Floor**  
**Sacramento, CA 95814**

#### **BACKGROUND**

On April 17, 1997, the State Water Board adopted the Industrial General Permit (Water Quality Order 97-03-DWQ) for regulation of storm water discharges associated with industrial activity. Water Quality Order 97-03-DWQ has expired but remains in effect until a new General Permit is adopted.

Staff of the State Water Board initiated an effort to reissue the Industrial General Permit in 2003 that continued into 2005. Concerns raised at that time regarding the role of numeric effluent limitations in storm water permits halted this effort.

On June 19, 2006, a panel of storm water experts (Panel) submitted a report to the State Water Board titled: "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities." The Panel's final report is posted on the State Water Board Web site at [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/numeric.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/numeric.shtml). The State Water Board has considered the report's conclusions and recommendations in the preparation of this draft Industrial General Permit. In addition, staff has considered comments that were raised during 2003 and 2005 in preparing the draft Industrial General Permit. The draft Industrial General Permit is currently not in its complete form.

*California Environmental Protection Agency*

When the final substantive changes are made, it will be recirculated to the public for review and another public hearing will be held.

#### **DOCUMENT AVAILABILITY**

The draft Industrial General Permit and the existing Industrial General Permit are available to view or download on the Storm Water Web site:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml)

#### **REQUESTS FOR DOCUMENTS, COMMENTS, AND OTHER INFORMATION**

The State Water Board is interested in receiving comments regarding all aspects of the draft Industrial General Permit. Oral comments can be made during the public hearing. Comments on the draft Industrial General Permit may also be submitted in writing. Written comments must be received by **12:00 noon on Monday, April 18, 2011** and addressed to:

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

Comment letters may be submitted to the Clerk to the Board via email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (if less than 15 megabytes in total size) or by fax at (916) 341-5620.

Please indicate in the subject line: **“Comment Letter – Draft Industrial General Permit”**.

For information regarding future public notices or status of the Industrial General Permit, please sign up for the “Storm Water Industrial Permitting Issues” electronic mailing lists at the State Water Board’s Lyris List Web site:  
[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml).

#### **PARKING AND ACCESSIBILITY**

A parking garage is located across from the Cal-EPA building with entrances on 10th and 11th Streets between “I” and “J” Streets. Metered parking spaces are also available in the vicinity of the building. For a map, refer to the State Water Board Web site: <http://www.calepa.ca.gov/epabldg/location.htm>

Please note: All visitors to the Cal/EPA Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance (10th Street entrance). Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance before proceeding to the Coastal Hearing Room on the 2nd floor.

The Cal/EPA Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to call (916) 341-5880 at least 5 working days prior to the meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device.  
HEARING IMPAIRED RELAY SERVICE: TDD to voice 1 800-735-2929; voice to TDD 1-800-735-2922.

Questions regarding the draft Industrial General Permit should be directed to Leo Cosentini at (916) 341-5524 or email at [lcosentini@waterboards.ca.gov](mailto:lcosentini@waterboards.ca.gov) or Laurel Warddrip at (916) 341-5531 or email at [lwarddrip@waterboards.ca.gov](mailto:lwarddrip@waterboards.ca.gov).

January 28, 2011

Date

*Jeanine Townsend*

Jeanine Townsend  
Clerk to the Board

California Water Resources Control Board  
DRAFT Industrial General Permit  
Air Transport Association – Preliminary Comments

## ATTACHMENT C

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**From:** Leo Cosentini [mailto:lcosentini@waterboards.ca.gov]  
**Sent:** Friday, April 01, 2011 3:39 PM  
**To:** Felix S. Yeung  
**Subject:** Re: Quick procedural questions about Industrial Storm Water Permit's second draft and comment period

1) Do you know at this point how long that second comment period is going to be? You mentioned 30 days at one point during our conversation, but also indicated that it might be up to 60 days.

**Don't know but at least 30 days;**

2) Related to question #1, has the Board set any deadlines on when the second draft will need to be released? (I absolutely understand if the answer is "to be determined" -- I know it is very difficult to predict these timelines before you have received all of your public comments for the first draft).

**No**

3) Can you confirm that the second comment period is also going to allow **\*\*written\*\*** comments to be submitted, before the Board meets the public again to discuss the second draft? (In other words, I just want to confirm that the public will not be restricted to providing second draft comments only in-person at the next Board meeting).

**Yes. Written comments must be considered**

4) Can you also confirm that during this second comment period, we can comment on **\*\*all\*\*** aspects of the permit, and not just new / revised content added after the first draft, and that even comments on pre-second draft content will be accepted and considered by the Board?

**You can comment on anything you want.**

5) Finally, one more question about the first draft. Since there is going to be a second comment period, and given the strong interest in this permit, we want to try our best to respect your and the Board's need for efficiency, and not send you repetitive comments. Can you please give us some sense as to what the Board hopes to learn from the public at this first-draft stage, and whether there are specific

California Water Resources Control Board  
DRAFT Industrial General Permit  
Air Transport Association – Preliminary Comments  
**Attachment C**

questions or sets of questions they especially want to receive input on,  
in anticipation of the next draft?

**We can't guide people's comments. I am attaching, some questions one of our Board  
members asked at the conclusion of the hearing.**

Thank you in advance for your additional guidance! I look forward to  
hearing from you soon.

Felix

Felix S. Yeung

Beveridge & Diamond, PC  
1350 I Street, NW ~ Suite 700  
Washington, DC 20005  
T (202)789-6014 ~ F (202)789-6190  
[fyeung@bdlaw.com](mailto:fyeung@bdlaw.com) <<mailto:fyeung@bdlaw.com>>