State Water Board Staff's Responses to Comments

2013 Draft Industrial General Permit (IGP)

February 24, 2014

Acronym List for The 2014 Draft Industrial General Permit NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (GENERAL PERMIT)	
Acronym	**Stands for**
ASBS	Areas of Special Biological Significance
BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
BPT	Best Practicable Control Technology Currently Available
CBPELSG	California Board for Professional Engineers, Land Surveyors and Geologists
DWQ	Division of Water Quality
ELGs	Effluent Limitations Guidelines and New Source Performance Standards
EPA	Environmental Protection Agency
ERA	Exceedance Response Action
MDL	Method Detection Limit
MIP	Monitoring Implementation Plan
ML	Minimum Level
MS4	Municipal Separate Storm Sewer System
MSGP	Multi Sector General Permit
NAL	Numeric Action Level
NAICS	North American Industrial Classification System

NEC	No Exposure Certification
NEL	Numeric Effluent Limitation
NOI	Notice of Intent
NONA	Notice of Non Applicability
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
NSWD	Non Storm Water Discharges
O&G	Oil and Grease
PRDs	Permit Registration Documents
QA/QC	Quality Assurance/Quality Control
QCS	Qualified Combined Samples
QISP	Qualified Industrial Storm water Practitioner
QSE	Qualifying Storm Event
RSR	Representative Sampling Reduction
SFR	Sampling Frequency Reduction
SIC	Standard Industrial Classification
SMARTS	Storm Water Multiple Application Reporting and Tracking System
SWPPP	Storm Water Pollution Prevention Plan
TBEL	Technology Based Effluent Limitation
TDS	Total Dissolved Solids
TMDL	Total Maximum Daily Load
TOC	Total Organic Carbon
TSS	Total Suspended Solids
U.S. EPA	United States Environmental Protection Agency
WDID	Waste Discharge Identification Number
WLA	Waste Load Allocation
WQBEL	Water Quality Based Effluent Limitation
WQS	Water Quality Standard

Commenter Number	Commenter	Representative(s)	Number	Summary	Response
1	AECOM Technical Services, Inc. on behalf of Fibre Box Association Group Monitoring Plan	Ernest Miyashita, Brian O'Neil	1	An effective date in the middle of a monitoring period may cause confusion between the monitoring and reporting requirements of the current Permit and the proposed Permit. The effective date should be changed to July 1, 2015 to provide a more effective transition.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
1		Ernest Miyashita, Brian O'Neil	2	The new Discharger (buyer) should have the responsibility of knowing and understanding the General Permit requirements independent of the prior Discharger (seller). This sentence should be removed from the draft General Permit or revised to, "When there is an ownership change, the prior Discharger (seller) should inform the new Discharger (buyer) of the General Permit applications and regulatory coverage requirements."	The Permit has not been changed to address the comment. This is a Standard Condition contained in all NPDES Permits.
1		Ernest Miyashita, Brian O'Neil	3	The term "significant" should be defined for this specific statement or examples of significant revisions should be provided.	The Permit has not been changed to address the comment. The term "significant" is used throughout the draft Permit, in a variety of contexts. As with all terms in common usage, the term "significant," if not specifically defined, is used in accordance with its ordinary meaning. This draft Permit intentionally allows Dischargers to exercise their discretion when reasonably determining the difference between significant and non-significant.
1		Ernest Miyashita, Brian O'Neil	4	The majority of facilities in the FBA Group process scrap paper into bales for recycling. Due to the large number of bales and the limitations of indoor space, the scrap paper bales are often temporarily stored outdoors until they can be shipped for recycling. It is a common industrial practice not to cover the scrap paper bales due to resources, safety, and feasibility. The outdoor storage areas are inspected on a daily or more frequent-basis and loose scrap paper is cleaned up, as necessary. AECOM believes that frequent inspection and clean up is an effective housekeeping best management practice in preventing storm water pollution. AECOM recommends that this section be removed from the draft General Permit or modified with "Control all stored significant materials to minimize storm water contamination as much as possible. For significant materials that cannot be covered or otherwise protected from storm water, establish an inspection and cleaning schedule to	Feasibility of BMP selection can be addressed in the SWPPP. The Permit requires exceedance response actions that require technical evaluation of a facility's BAT/BCT BMPs.

				collect loose materials, as appropriate."	
1	Brash Industries	Marvin Sachse	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.	The Permit has been revised to address the comment. Since Compliance Group Leaders (CGLs) are responsible for compliance activities of many facilities as well as the training of many individuals, which will require the demonstration of a higher level of expertise in storm water implementation more/compliance than what is expected of a QISP. CGLs are required to complete a State Water Board sponsored or approved training program for Compliance Group Leaders. The standards for being a Compliance Group Leader are more rigorous than becoming a QISP. Compliance Group Leaders may have to submit a statement of qualifications, review, exam and in person training. It is expected someone at this level will have the expertise and understanding of the Permit/industrial storm water to be able to design effective compliance strategies for Group Participants at their facilities.
1		Ernest Miyashita, Brian O'Neil	5	The term "industrial materials" should be changed to "significant materials" to be consistent with the Permit or should be defined and included in Attachment C Glossary.	The Permit has been edited to address the comment. The term "significant industrial materials" has been removed. Dischargers are required to list their industrial materials in the SWPPP and implement BMPs to control the discharge of industrial materials. The definition of industrial materials is in the glossary, attachment C.
1		Ernest Miyashita, Brian O'Neil	6	The term "waste" should be defined and included in Attachment C Glossary.	The Permit has not been revised to address the comment. All references to "waste" in the Permit refer to industrial waste.

1		Ernest Miyashita, Brian O'Neil	7	The term “contained storm water” should be defined or further clarified. It is not clear if the phrase “contained storm water” pertains to release of water from secondary containment structures (wax tanks, used oil tanks, etc.), or ponded water on a tarp, etc.	The monitoring section of the Permit contains requirements to monitor containerized storm water. Examples have been provided to add more clarity (see section XI.A.2.)
1		Ernest Miyashita, Brian O'Neil	9	Dischargers should not be required to collect samples or conduct visual monitoring when there is limited light due to health and safety concerns. It is not always possible or practical to provide temporary lighting equipment that is sufficient to safely collect a storm water sample at night. An effective visual observation of the storm water sample per Section XI.A.2 may not be feasible due to low/limited light conditions. This proposed change would be consistent with Section XI.A.1.b. “The monthly visual observations shall be conducted during daylight hours . . ."	The Permit allows Dischargers to select alternative sampling locations if a discharge is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). State Water Board believes in all other circumstances it is not unreasonable to require Dischargers to select and use appropriate portable lighting to satisfy the sampling and visual observation requirements of the Permit.
2	Airlines for America	Timothy Pohle	1	Response to 2012 comment did not fully address issye: In the 2012 Draft Industrial General Permit Response to Comments staff responded to an A4A comment (denoted as A4A comment number 10) objecting to the transfer of the burden for standard setting from the State to the regulated community by noting that Section 308 of the federal Clean Water Act provides broad authority for information gathering. Without addressing the extent of information gathering authority conferred by Section 308 and without commenting on whether Section 308 of the federal statute confers any authority on delegated states, this response indicates that staff misunderstood the comment that A4A offered then and that it reiterates now. The comment relates the Draft IGP’s failure to establish BAT- or BCT-based effluent limitations as required by statute. One manifestation of that failure is the unwarranted information gathering required under the Draft IGP. The most problematic result of that failure, as pointed out in our previous comments, is that the IGP effectively transfers the tasks of identifying and defending the appropriate levels for BAT and BCT control from the Board to the regulated community. The current Draft Permit suffers from the same infirmity in this regard as did the 2012 Draft IGP.	The approach taken in this permit is consistent with the approach used by U.S. EPA in its 2008 MSGP. Rather than attempting to dictate specific effluent limitations, both U.S. EPA and the State Water Board have chosen to rely on more generalized requirements in Section V. The commenter is correct that one consequence of this approach is that the Dischargers will have to determine whether they are in compliance with those requirements. As additional data is collected, the State Water Board will evaluate whether a more prescriptive approach is possible.
2		Timothy Pohle	2	EPA decided that it should not establish national Aircraft Deicing Fluid (ADF) collection (and associated discharge requirements) based on any one or more of the ADF collection technologies as the presumptive BAT-level control technology. Rather, site-specific proceedings are the appropriate forum for weighing all relevant considerations in establishing aircraft deicing discharge controls.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs

2		Timothy Pohle	3	The size and cost of the collection and treatment systems that must be utilized by airports render them qualitatively different than systems in other industries that would be covered by the Permit.	Details of site operations and how to protect water quality can be addressed at airports in a manner similar to other large industrial operation.
2		Timothy Pohle	4	The Permit fails to provide a mechanism for joint sampling at airports. At some airports multiple parties (including the airport, airlines, and other parties) are Permitted to discharge through the same outfalls. At such facilities, the Board's interest in generating enhanced storm water monitoring data is not served by requiring these multiple parties to produce redundant samples from the same outfalls during the same storm events. o A narrow amendment allowing multiple Permitted parties that discharge through common airport outfalls to fulfill their monitoring obligations by submitting a single set of discharge data will address this issue.	The Permit has not been revised to address the comment. This is proposed to be a custom monitoring program acceptable to the corresponding regional water board.
2		Timothy Pohle	5	Application of Compliance Groups to this industry does not make sense, unless such groups are redefined and limited to parties Permitted at individual airport facilities. As EPA determined, in the air transportation industry, "[BAT] determinations should continue to be made on a site-specific basis because such determinations appropriately consider localized operational constraints (e.g., traffic patterns), land availability, safety considerations, and potential impacts to flight schedules." o A narrow amendment, clarifying that, for Air Transportation Facilities, Compliance Groups are to be defined as airport-specific entities and participation in such groups should include all parties required to comply with the Permit, whether directly as Permittees or indirectly, through contracts or leases, will address this issue.	The Permit has not been revised to address the comment. The current language concerning Compliance Groups would allow of similar airport Permittees to form a compliance group.
2		Timothy Pohle	6	Parties who are not themselves subject to the Permit should not be authorized to form Compliance Groups under the Permit. We believe further development is required to properly describe the criteria for membership in a Compliance Group and the governance structure of such groups so that the regulated community can evaluate and comment meaningfully on this novel concept.	The Permit has not been revised to address the comment. If a Discharger is not subject to the Permit, the Discharger does not need to obtain Permit coverage and therefore is not eligible to participate in a Compliance Group for the purposes of this Permit. The State Water Board concludes that the Compliance Group description in this Permit is sufficient. State Water Board staff will develop guidance as to what Compliance Group leaders must provide when requesting approval. This information will be available to the public via SMARTS.

2		Timothy Pohle	7	The Permit inadvertently fails to incorporate thresholds applicable Air Transportation Facilities in the 2008 MSGP. The 2008 MSGP limits application of monitoring for Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD) and Ammonia as Nitrogen (NH3-N) to airports that use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons of urea annually. A narrow amendment, clarifying that these thresholds adopted by EPA in the 2008 MSGP also apply in the Permit will address this issue.	The Permit has been edited to conform to the MSGP.
2		Timothy Pohle	8	We ask that the Board clarify for its Regional Boards that the language in Section III (B) of the draft Permit prohibits active discharges of pollutants during dry weather, but that it does not prohibit discharges during storm water runoff of pollutants that have come to reside on outdoor surfaces during dry weather. This clarification can appear in the Permit itself or in Section II(C) of the final Fact Sheet. It is perfectly appropriate to require that Dischargers employ BAT/BCT levels of control to manage and minimize the presence of such residues in order to reduce the potential for entrainment when a precipitation event occurs. What is not permissible is to prohibit, absolutely and in any amount, the wet weather transport of such pollutants. A4A greatly appreciates the Board's clarification of this distinction going forward.	The Permit has not been changed to address the comment. The Permit already regulate dry weather conditions. Dischargers are required to implement minimum BMPs to reduce possible discharge of pollutants, implement corrective actions, describe such BMPs in the SWPPP and monitoring for non-storm water discharges.
3	Alcoa Inc.	John Morton	1	Findings, H. Training, 50, Page 8 – Alcoa does not agree with the wording "A QISP is responsible for completing Level 1 status and Level 2 status ERA requirements as specified in Section XII of this General Permit." This implies a QISP (qualified industrial storm water practitioner) has authority to authorize expenditure of monies, make plant changes, modify operating or manufacturing procedures and generally act as the owner or operator of the facility when, in fact, that individual may not even be employed by the company. Alcoa requests that this sentence be modified to say "Level 1 status and Level 2 status ERA requirements shall be reviewed and approved by the QISP." The Permittee has ultimate responsibility for compliance with the Permit.	The Permit has been edited to address the comment. A QISP must assist the Discharger in completing the ERA requirements. The Discharger is responsible for certifying and submitting these documents.
3		John Morton	2	Findings, H. Training, 52, Page 8 – The wording "engineering work" included here could be construed to require the use of a registered professional engineer licensed by the State of California for almost all aspects of the draft Permit. The Fact Sheet on page 27 contains Table 1, showing the breakdown of tasks that are to be performed by a licensed professional engineer verses what a QISP would perform. Alcoa suggests that the tasks shown for a licensed professional engineer be inserted into this Finding and eliminate the wording of "engineering work", to make it clear what activities require a licensed professional engineer.	The Permit has been edited to address the comment. Professional engineers are required when engineering judgment, expertise, and or calculations are needed in accordance with the law in California..

4	American Chemistry Council, SPI: The Plastics Industry Trade Association, Western Plastics Association	Tim Shestek, jane Adams, John Picciuto	1	Strongly endorse the material handling requirements for plastics facilities as outlined in the General Permit.	Comment noted.
5	AMVAC Chemical Corporation	Cynthia Eagleson	1	We believe that the lower numeric action level (NAL} for pH (less than 6.0} is neither reasonable nor practicably achievable.	The value of 6.0 for pH numeric action level is reasonable and practicably achievable. A similar pH numeric action level has been used in other storm water permits in California and around the country without significant issues.
5		Cynthia Eagleson	2	We believe that the NAL annual average of 100 mg/L for suspended solids should be changed	The value for suspended solids concentration is derived from the USEPA multi-sector general permit and is well supported in that and other storm water permits in California and around the country without significant issues.
5		Cynthia Eagleson	3	The draft Permit states the following: "Exceedances of the NALs that are attributable solely to pollutants originating from non-industrial sources (such as run-on from adjacent facilities, non-industrial portions of the Discharger's property, or aerial deposition) are not a violation of the Permit because the NALs are designed to provide feedback on industrial sources of pollutants. Dischargers may submit a Non-Industrial Source Pollutant Demonstration as part of their Level 2 ERA Technical Report to demonstrate that the presence of the pollutant causing an NAL exceedance is attributable solely to pollutants originating from non-industrial pollutant sources."[1] However, determining the extent of the effect of such pollutants in a facility's storm water runoff would be difficult, would demand additional resources, and cause undue burden.	The Permit retains the Level 2 requirements without significant change. It is acknowledged that the costs to make the demonstrations may vary greatly depending upon, for examples, amount of additional sampling required or the availability of existing local data. Guidance will be developed as part of the QISP training with recommended procedures on how to perform the demonstrations. It is envisioned that as existing data is identified, this data will be collected and made available for other Dischargers to use when applicable.

5		Cynthia Eagleson	4	There are facilities that are located in highly industrialized areas which are exposed to offsite diesel truck exhaust and other offsite pollutant sources which will affect the quality of their storm water runoff.	Comment noted.
5		Cynthia Eagleson	5	Based on information from numerous sources, including the Environmental Protection Agency (EPA), the pH of unpolluted rainwater is below pH 6.0: "Normal, clean rain has a pH value of between 5.0 and 5.5, which is slightly acidic. However, when rain combines with sulfur dioxide or nitrogen oxides - produced from power plants and automobiles - the rain becomes much more acidic. Typical acid rain has pH value of 4.0." [3] "Normal rainwater has a pH of 5.6 (slightly acidic). This is because it is exposed to the carbon dioxide in the atmosphere." [4] "Pure water has a pH of 7.0 (neutral); however, natural, unpolluted rainwater actually has a pH of about 5.6 (acidic)." [5] "Rain water is naturally slightly acidic, with a pH of about 5.0." [6]	This permit does not regulate the discharge of rain or storm water that does not come into contact with industrial activity. The value of 6.0 for pH numeric action level is reasonable and practicably achievable. A similar pH numeric action level has been used in other storm water permits in California and around the country without significant issues.
5		Cynthia Eagleson	6	For some facilities, such as those that operate 24 hours per day, 7 days per week, it may not always be feasible for their samples to be received by the laboratory(ies) within 48 hours of the physical sampling. For example, due to the unpredictability of rainfall, if samples are taken on a Friday evening, the samples may not be delivered until the following Monday at the earliest for rea sons including the following: delivery arrangements/service may not be available after business hours and/or the laboratory may not be open on weekends to accept delivery. In the event of a long weekend due to a holiday, the time for delivering the samples may be longer. Hence we are in agreement that the 48-hour delivery time be a guide and not be a requirement for compliance.	Dischargers are encouraged to contract with laboratories with the ability to accept samples on weekend days. Lengthy holding times interfere with the accuracy of the tests. Please note that the 48 hour laboratory delivery is in the Attachment H "SAMPLE COLLECTION AND HANDLING INSTRUCTIONS". The actual instructions read " The testing laboratory should receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory). Should is used instead of shall recognizing there may be circumstances beyond the control of the Discharger where the samples cannot be delivered to the laboratory within 48 hours.
6	Ashworth Leininger Group	Jayme Dryden	1	If clarification was to be added to Section XVII.B.2 (and Appendix 2) to specify that Industrial Materials and Activities do not include sources of authorized NSWD's, the current conflict in the regulation for activities which may currently fall under both regulatory definitions would be resolved. Alternatively, if the Board considers the definition of Industrial Materials and Activities to include cooling towers, then Section XVII.D should be amended to state sources of authorized NSWDs do not require storm-resistant shelter. This clarification would be consistent with The State Water Board's view that when best management practices are in place, discharges from authorized NSWD do not contain significant quantities of contaminants.	The Permit has not been changed to address the comment. The authorized NSWDs listed in the Permit are only authorized if BMPs are in place to ensure that pollutants in authorized NSWDs are reduced or prevented in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.

7	Barnes & Thornburg LLP on behalf of Airport California Monitoring Group	Jeffrey Longsworth	1	Requests that the current group monitoring program be retained.	The Permit has not been revised to address the comment. The addition of the Compliance Group concept at least partially addresses many of the benefits in old “group monitoring” program, though.
7		Jeffrey Longsworth	2	Group Leaders should not be required to be QISP trained but they should have access to a QISP trained individual.	The Permit has been revised, however the revisions do not address the comment. The QISP training is centered on providing compliance information for the Industrial General Permit. It is appropriate for Compliance Group Leaders (CGLs) to learn the same information that the individual QISPS are required to know. Since CGLs are responsible for compliance activities of many facilities as well as the training of many individuals, CGLs are required to complete a State Water Board sponsored or approved training program for Compliance Group Leaders. It is expected someone at this level will have the expertise and understanding of the Permit/industrial storm water to be able to design effective compliance strategies for Group Participants at their facilities.
7		Jeffrey Longsworth	3	"Training programs should not be used as a means for any group to profit from conducting or mandating certain training. Instead, the SWRCB should develop an internet-based training module that allows appropriate facility personnel to take the course and pass a test without having to travel or attend a state-run or commercial training seminar. This training should be free, with the costs of developing and maintaining the training course paid for from Permit fees. If done correctly, no prior degree should be necessary and one's ability to pass the final exam should be all that is required by the course."	Comment noted. The State Water Board is developing a training program for QISPs that will be implemented through workshops and third party input.
7		Jeffrey Longsworth	3	Section XIV.C.l. must also be modified to remove the group participant's responsibility for group leader compliance. This section should state only, "Each Compliance Group Participant is responsible for Permit compliance at its own Permitted facility.	The Permit has not been revised to address the comment. Participants are responsible for Permit compliance as well as ensuring that the leader upholds compliant activities at their facility, since the Discharger is ultimately responsible for compliance.

7		Jeffrey Longsworth	4	If the SWRCB develops an appropriate training course (or perhaps a "standard" as well as "advanced" training courses), then the Board should eliminate many of the Permit mandates requiring PE certifications. The training course can identify when a facility is best advised to retain a PE, recognizing that many PEs are not entirely qualified for advising industrial sites regarding storm water compliance. In any event, mandating training for facility personnel, and then mandating additional PE certifications, could be interpreted as admitting that the training program is either unnecessary or ineffectual. If the State decides to mandate training as proposed, it should remove unnecessary PE certifications and trust the judgment of well-trained individuals to retain PEs as appropriate, but not both.	The permit does not mandate the use of a professional licensed by the California Board of Professional Engineers, Land Surveyors and Geologists (CBPELSG). The California Business and Professions Code and related regulation specify when a licensed professional is required. In many case, though, a Discharger may need to employ the services of a CBPELSG-licensed professional. It is partly due to this reason that some licensees are not required to obtain additional training to become a QISP.
7		Jeffrey Longsworth	4	EPA's MSGP approach to compliance with WQBELs and TMDLs is an efficient and fair "burden-shifting" process between the Permitting authority and Permittee. Conversely, ACMG asserts that the notion that the SWRCB will reopen the Permit at a future date to include interpretive TMDL mandates is inconsistent with the NPDES Permit program or at least providing Permittees with any reassurance against significant Permit modifications, which the SWRCB has planned to attempt at about the same time that airports' new SWPPPs, as well as related facility improvements to meet initial Permit requirements, will be fully implemented and tested.	The Permit has not been revised to address the comment. Regional Water Board, with the assistance of the State Water Board, will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit. Airports have unique industrial pollutants that will need to be addressed though facility specific SWPPPS.
7		Jeffrey Longsworth	5	Section X.D.2.a. implies that a facility must amend its SWPPP to conform to any modified federal, state, or local requirements. This is a virtually impossible task to monitor any legal developments after the adoption of this Permit and ensure the SWPPP is appropriately modified. Instead, the State and Regional Boards should identify any applicable requirement upon the adoption of the final Permit and require appropriate compliance during SWPPP development. Future requirements could then be required either during adoption of the next Permit or through direct communication from the State or Regional Boards that indicate the additional requirements are recommended in the interim. In addition, the final Permit could be formally amended to include particularly relevant and important revisions, but the bottom line is that facilities should not be tasked with having to monitor every new federal, state, or local ordinance to determine if its SWPPP must be amended.	The Permit has not been revised to address the comment. The Discharger is required to develop a SWPPP that does not create non-compliance with other regulations, even for existing plans, meaning existing plans need to be updated to meet any applicable requirements.
7		Jeffrey Longsworth	5	Training programs should not be used as a means for any group to profit from conducting or mandating certain training. Instead, the SWRCB should develop an internet based training module that allows appropriate facility personnel to take the course and pass a test without having to travel or attend a state-run or commercial training seminar. This training should be free, with the costs of developing and maintaining the training course paid for from Permit fees.	Only Dischargers entering Level 1 or Level 2, are required to have a QISP. The State Water Board is currently developing a QISP training program.

7		Jeffrey Longsworth	6	If the SWRCB develops an appropriate training course (or perhaps a "standard" as well as "advanced" training courses), then the Board should eliminate many of the Permit mandates requiring PE certifications.	The Permit has not been revised to address the comment. The State Water Board is currently developing a QISP training program.. Select groups such as geologists and engineers are required for calculations and professional judgment.. By their professional certifications they are excepting liability (through their licensing agency(bpelsg.ca.gov)) that their best judgment will be sound and perform as described. Industrial pollutants can be harmful to human health and the safety of the public and environment.
7		Jeffrey Longsworth	7	Section X.D.2.a. implies that a facility must amend its SWPPP to conform to any modified federal, state, or local requirements. This is a virtually impossible task to monitor any legal developments after the adoption of this Permit and ensure the SWPPP is appropriately modified. Instead, the State and Regional Boards should identify any applicable requirement upon the adoption of the final Permit and require appropriate compliance during SWPPP development.	The Permit has not been revised to address the comment. The Discharger is required to develop a SWPPP that complies with other regulations. This applies to existing plans, meaning existing SWPPPs need to be regularly updated to meet any applicable requirements.
7		Jeffrey Longsworth	8	Section X.F. and X. G. require listing significant materials and describing processes involving significant materials, respectively. The SWRCB should make clear that these requirements should be applied only to those materials or processes with a reasonable likelihood that any related pollutants are both "associated with industrial activity" and likely to result in related storm water discharges. if in fact, these concepts are better explained by the Permit and set forth in Section X.G.2., describing potential pollutant sources. the start of X.G. should be cut back, eliminated, or should reference Section X.G.2. for more specific requirement.	This definition has changed, however, the State Water Board concludes that it is important for Dischargers to list industrial materials at the facility, even if not exposed/outdoors. Such materials may have the potential to discharge even if not directly exposed to storm water.
7		Jeffrey Longsworth	9	Similarly, Section X.G.I.d. (Significant Spills and Leaks) should be restricted solely to those "reportable quantity" requirements identified at 40 CFR §§ 110, 117, and 302. Not all industries subject to the Permit arc subject to Form R reporting, making that provision confusing at best, while other requirements create the type of subjective determinations that create unnecessary challenges for regulated parties. The "reportable quantity" regulations were designed specifically for this type of purpose and need (including to protect receiving waters), and nothing more should be required to be rep01ted or documented. The terms "significant" and "reportable" should be synonymous with regard to documentation in the SWPPP	The Permit has not been changed to address the comment. The State Water Board concludes that Dischargers should assess all spills and leaks that are significant and could discharge. Since these quantities may result in a discharge of pollutants during a rain event. The term "significant" is used throughout the draft Permit, in a variety of contexts. As with all terms in common usage, the term "significant," if not specifically defined, is used in accordance with its ordinary meaning. This draft Permit intentionally allows Dischargers to exercise their discretion when reasonably determining the difference between significant and non-significant.

7		Jeffrey Longsworth	10	Footnote 11 appears to be an attempt to define the term "feasible" for purposes of determining best management practice implementation and, for lack of a better term, proficiency. The SWRCB should recognize that EPA has proposed a definition of the term "infeasible" in a recent stormwater-related rulcmaking. On April 1, 2013, EPA published a Federal Register.	To date, U.S. EPA has not finalized its proposed rule, which applies to construction storm water.
7		Jeffrey Longsworth	11	The SWRCB should follow EPA's example and recognize that site-specific factors must be considered in assessing BMPs and that it should avoid making any broad or universallyapplicable feasibility pronouncements. ACMG believes it is appropriate to tie the concept of "feasibility" specifically to industry economic practicability (affordabi lity) within the concept of a technology-based effluent limitation.	To date, U.S. EPA has not finalized its proposed rule, which applies to construction storm water.
7		Jeffrey Longsworth	12	Sections X.G.l.f. and H.I.f. both address "erodible" surfaces or erosion generally. Both provisions appear to exceed the Board's legal authority to regulate stormwater "associated with industrial activity" by requiring controls for impacts from non-industrial stormwater, including "run-on." The SWRCB lacks Clean Water Act authority to regulate non-industrial stormwater discharges or run-on to the extent that such stormwater discharges do not otherwise commingle with industrial stormwater. Hence, the Board can require BMPs to reduce erosion caused by industrial stormwater discharges, but it cannot control or mandate BMPs for other unregulated stormwater flows	Industrial pollutants can bind to soil and other particles from erosion, and be discharged along with the storm water. This is the same approach the U.S. EPA took with its 2008 MSGP.
7		Jeffrey Longsworth	13	ACMG does not believe that the SWRCB should require uploading SWPPP documents onto SMARTS. There is no justification for modifying the existing "publicly available" procedures for SWPPP documents. SWPPPs arc meant to be modified as needed, sometimes quite frequently. In the alternative, the SWRCB should give facilities the option of uploading a SWPPP summary onto SMARTS, and not require the entire document. The complete SWPPP upload will act as a deterrent to SWPPP modification or as a means of playing "gotcha" with paperwork violations/inconsistencies between SMARTS and the facility.	The Permit has not been revised to address the comment. The State Water Board concludes that the electronic submittal and availability of the SWPPP is crucial element to reviewing and providing transparency on the implementation of this Permit and allowing the public a clear and meaningful opportunity to participate in the Permitting process. It is also consistent with the other state wide storm water Permits' electronic reporting programs. Section II.B.3.c-d allows the redaction of trade secret and security sensitive information from SWPPPs submitted via SMARTS. SWPPP updates in SMARTS are not required more frequently than once every 3 months, but within 30 days of any significant revisions (see Section X.B).

7		Jeffrey Longsworth	14	The draft Permit continues to rely upon EPA's benchmark monitoring methods, but with additional requirements that are not fully justified or appropriate. Please review ACMG's prior comments (attached) for discussions regarding reliance upon EPA's benchmark monitoring scheme. ACMG believes that such a scheme is an inefficient and inappropriate waste of resources and generates far too much confusion and debates about a facility's compliance, when the real focus should remain on BMP implementation and visual inspection.	This permit provision has not been substantially changed to address the comment. The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT.
7		Jeffrey Longsworth	15	The SWRCB has not provided any justification or basis for changing the current analytical sampling requirements in the current Permit . Without appropriate justification (missing), the Board should not arbitrarily increase the amount of analytical sampling required by the Permit.	The increased sampling, compared to the current Permit's two samples during the wet season, is consistent with the 2008 MSGP and other states' Permit requirements and will improve compliance determination with the Permit. The Permit allows Dischargers to participate in Compliance Groups that allow a reduction of sampling to twice a year.
7		Jeffrey Longsworth	16	Permittees should not have to upload any sampling results into SMARTS until all samples for a year have been collected. Facilities may choose to monitor more than required by the Permit or have other reasons to confirm prior results before uploading into a public database. This could easily occur with an annual report to reduce the overall burden.	The Permit has not been revised to address the comment. Submittals of sampling data over the reporting year provide more real time feedback for the performance of the facility.
7		Jeffrey Longsworth	17	The SMARTS data base should not assign values to "non-detect" sample results or prematurely "average" the results being uploaded.	Results will be reported as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised to address this comment.

7		Jeffrey Longsworth	18	SWRCB should eliminate the concept of "instantaneous Maximum NALs" for TSS, O&G or pH. These parameters should be treated in the same manner as EPA's benchmark or the proposed Annual NALs in the draft Permit. The values created by the SWRCB for these parameters are unjustified. /\CMG's prior comments explain that EPA's TSS benchmark of 100 mg/1 was derived from composite sampling and the "appropriate" comparable grab sample benchmark should be 500 mg/1, or 25 percent higher than the proposed instantaneous NAL for TSS of 400 mg/1. In addition, the pH NAL also is artificially restrictive for stormwater monitoring and also impacted by numerous sources other than a facility's "industrial activity." Not only do results in excess of pH 9 not present any environmental risk, but they are permitted, for example, by various national technology standard.	The intent of the instantaneous maximum NAL is to identify specific drainage areas of concern or episodic sources of pollution in industrial storm water that may indicate inadequate storm water controls and/or water quality impacts. In the effort to add instantaneous NAL exceedances to the ERA process, the State Water Board explored different options for the development of an appropriate value (i.e. percentile approach, benchmarks times a multiplier, confidence intervals).
7		Jeffrey Longsworth	19	The 25 mg/l O&G NAL is unjustified. In fact, APT's standards for oil/water separators typically have a design range of 15 mg/1 to 30 mg/1. The instantaneous maximum NALs should be eliminated or, in the alternative, raised to appropriate levels that recognize the high degree of variability associated with stormwater BMPs and discharges. Finally, it remains unclear how the instantaneous maximum and annual average would interact for the three basic parameters. In certain circumstances, instantaneous NALs could be unnecessarily punitive, resulting in one outlying sample triggering the instantaneous NAL and unfairly skewing the annual average. An airport might exceed the instantaneous maximum for one outfall, which also then raises the annual average, resulting in two exceedances and pushing the airport straight to Level 2, but for one bad sample result that may not be the fault of the airport itself. This creates essentially a double jeopardy compliance nightmare.	The intent of the instantaneous maximum NAL is to identify specific drainage areas of concern or episodic sources of pollution in industrial storm water that may indicate inadequate storm water controls and/or water quality impacts. In the effort to add instantaneous NAL exceedances to the ERA process, the State Water Board explored different options for the development of an appropriate value (i.e. percentile approach, benchmarks times a multiplier, confidence intervals). The Oil and Grease (O&G) action level values are particularly important because, at very low concentrations, O&G can cause sheen on the surface of water. O&G can adversely affect aquatic life, create unsightly floating material, and make water undrinkable. Sources of O&G include, but are not limited to, maintenance shops, vehicles, machines and roadways.
7		Jeffrey Longsworth	20	Taking the additional steps to require PE-certified technical reports or other "punitive" actions across the board through the proposed general Permit is unnecessary.	The Permit has not been revised to address the comment. The Exceedance Response Action (ERA) reports, which are required if a Discharger goes up the ERA processes do not need to be certified by a PE. PE certification is limited to calculations for Dischargers subject to Subchapter N in accordance with Section XI.D, the inactive mining SWPPP and the optional No Discharge Technical Report because the calculations and designs required for these are engineering based by nature.
7		Jeffrey Longsworth	21	In lieu of the Permit's proposal to create extra hoops for facilities to jump through the SWRCB should recognize that it (and Regional Boards for that matter) retain specific "designation authority" pursuant to CWA Section 402(p)(2)(E) - in addition to the powers the SWRCB reserves within the draft Permit - to individually designate a facility that continue to discharge significant quantities of pollutants despite corrective actions for individual Permitting.	The Permit has not been changed to address the comment. The designation authority that The State Water Boards have most often refers to discharges not subject to any other Permit (i.e. if the facility has an SIC code that is not required to obtain coverage under the Permit).

7		Jeffrey Longsworth	22	The ability to mandate a host of facility-specific tests, reports, and who knows what else, is the appropriate deterrent to facilities "slacking off' in their BMP implementation.	Comment noted. The Permit combines monitoring and BMP implementation for site compliance.
7		Jeffrey Longsworth	23	ACMG respectfully requests that the SWRCB simplify its multi-level and (arguably) punitive ERA program into a simpler program fashioned after the logic and simplicity of EPA's MSGP. The State retains significant authority to "require more" from facilities that consistently submit monitoring results well in excess of benchmarks.	The Permit uses the USEPA benchmarks as NALs. The Permit did not contain benchmarks/NALS and did not define a process to establish what a Discharger should do in response to sampling results. Many Dischargers have commented that sampling results that were high were attributed to other non-industrial sources and therefor Dischargers should not be held responsible. The Permit establishes a two-step ERA process with the goal of allowing Dischargers a mechanism to demonstrate their Permit compliance. Although not exactly the same, the Permit incorporates elements of other states' general Permits and the MSGP that attempt to reach the same goal. And unlike the other general Permits, the Permit allows Dischargers to consider pollutants from natural background, discharges into the facility from adjacent property, and non-industrial related pollutants from a Dischargers' own facility. In addition, the Permit allows Dischargers to demonstrate that the BMPs they are already implementing comply with the Permit despite NAL exceedances. For Dischargers with NAL exceedances, the Permit contains more costly requirements than the current Permit. State Water Board has strived to propose requirements that reduce costs wherever possible while insuring that the ultimate goal of water quality protection is achieved.
7		Jeffrey Longsworth	24	Cost analyses are far too general and not appropriate for representing real world costs of compliance at airports, which we have already demonstrated are the most complex and unique entities under the industrial stormwater program. Hence, we encourage the SWRCB to maintain appropriate flexibility and to work with the airport group to ensure a fair and appropriate compliance program under the Permit.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing Order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility (e.g. airports). State Water Board is available to work with airport representatives to develop tools to comply with the proposed Permit.

8	Barnes & Thornburg LLP on behalf of Federal Storm Water Association	Jeffrey Longsworth	1	EPA's MSGP approach to compliance with WQBELs and TMDLs is an efficient and fair "burden-shifting" process between the Permitting authority and Permittee.	The Permit has not been revised to address the comment. Regional Water Board , with the assistance of the State Water Board, will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit
8		Jeffrey Longsworth	2	The notion that the SWRCB will reopen the Permit at a future date to include interpretive TMDL mandates is inconsistent with the NPDES Permit program or at least providing Permittees with any reassurance against significant Permit modifications at about the same time that their new SWPPPs, as well as any related facility improvements to meet initial Permit requirements, will be fully implemented and tested.	The Permit has not been revised to address the comment. Regional Water Board , with the assistance of the State Water Board, will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit
8		Jeffrey Longsworth	6	Section X.F. and X.G. require listing significant materials and describing processes involving significant materials, respectively. The SWRCB should make clear that these requirements should be applied only to those materials or processes with a reasonable likelihood that any related pollutants are both "associated with industrial activity" and likely to result in related storm water discharges. In fact, these concepts are better explained by the Permit and set forth in Section X.G.2., describing potential pollutant sources. Hence, the broad language in Section X.F. and the start of X.G. should be cut back, eliminated, or should reference Section X.G.2. for more specific requirements.	Language has been revised in this General Permit, the term "Significant Materials" has been removed.
8		Jeffrey Longsworth	7	Similarly, Section X.G.I.d. (Significant Spills and Leaks) should be restricted solely to those "reportable quantity" requirements identified at 40 CFR §§ 110, 117, and 302. Not all industries subject to the Permit are subject to Form R reporting, making that provision confusing at best, while other requirements create the type of subjective determinations that create necessary challenges for regulated parties. The "reportable quantity" regulations were designed specifically for this type of purpose and need (including to protect receiving waters), and nothing more should be required to be reported or documented. The terms "significant" and "reportable" should be synonymous with regard to documentation in the SWPPP.	The Permit has not been changed to address the comment. The State Water Board believes that Dischargers should assess all spills and leaks that are significant and could discharge. Since these quantities may result in a discharge of pollutants during a rain event. The term "significant" is used throughout the draft Permit, in a variety of contexts. As with all terms in common usage, the term "significant," if not specifically defined, is used in accordance with its ordinary meaning. This draft Permit intentionally allows Dischargers to exercise their discretion when reasonably determining the difference between significant and non-significant.

8		Jeffrey Longsworth	8	Footnote 11 appears to be an attempt to defme the term "feasible" for purposes of determining best management practice implementation and, for lack of a better term, proficiency. The SWRCB should recognize that EPA has proposed a definition of the term "infeasible" in a recent stormwater-related rulemaking. On April1, 2013, EPA published a Federal Register Notice soliciting comments on proposed modifications to the effluent limitations guidelines for the Construction and Development Point Source Category (C&D ELG). 78 Fed. Reg. 19,434. EPA's proposal is the result of litigation over the Agency's 2009 C&D ELG rulemaking and subsequent settlement with the industry petitioners. Id. at 19,436. EPA must take final action on the proposed revisions to the C&D ELG by February 28,2014. In its Federal Register, EPA has proposed a definition of the term "infeasible" as follows: "Infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices."	To date, U.S. EPA has not finalized its proposed rule, which applies to construction storm water.
8		Jeffrey Longsworth	9	The SWRCB should follow EPA's example and recognize that site-specific factors must be considered in assessing BMPs and that it should avoid making any broad or universally-applicable feasibility pronouncements. FSWA believes it is appropriate to tie the concept of"feasibility" specifically to industry economic practicability (affordability) within the concept of a technology-based effluent limitation	To date, U.S. EPA has not finalized its proposed rule, which applies to construction storm water.
8		Jeffrey Longsworth	10	Sections X.G.l .f. and H.l.f. both address "erodible" surfaces or erosion generally. Both provisions appear to exceed the Board's legal authority to regulate storm water "associated with industrial activity" by requiring controls for impacts from non-industrial storm water, including "run-on." The SWRCB lacks Clean Water Act authority to regulate non-industrial storm water discharges or run-on to the extent that such storm water discharges do not otherwise commingle with industrial storm water. Hence, the Board can require BMPs to reduce erosion caused by industrial storm water discharges, but it cannot control or mandate BMPs for other unregulated storm water flows.	The Permit appropriately proposes requirements for discharges of storm water and authorized non-storm water associated with industrial activity from erodible surfaces and areas that may be subject to erosion. The State Water Board has drawn special attention to this set of circumstances due to the concerns associated with sediment and sediment-bound pollutants being discharged from industrial facilities and activities covered by this Permit.
8		Jeffrey Longsworth	11	FSWA does not believe that the SWRCB should require uploading SWPPP documents onto SMARTS. There is no justification for modifying the existing " publicly available" procedures for SWPPP documents. SWPPPs are meant to be modified as needed, sometimes quite frequently. In the alternative, the SWRCB should give facilities the option of uploading a SWPPP summary onto SMARTS, and not require the entire document. The complete SWPPP upload will act as a deterrent to SWPPP modification or as a means of playing "gotcha" with paperwork violations/inconsistencies between SMARTS and the facility.	The Permit has not been revised to address the comment. The State Water Board concludes that the electronic submittal and availability of the SWPPP is crucial element to reviewing and providing transparency on the implementation of this Permit and is consistent with the other state wide storm water Permits' electronic reporting programs. Dischargers are not required to submit SWPPP revisions via SMARTS more than once every three (3) months in the reporting year (Section X.B.3).

8		Jeffrey Longsworth	12	The draft Permit continues to rely upon EPA's benchmark monitoring methods, but with additional requirements that are not fully justified or appropriate. Please review FSWA's prior comments (attached) for discussions regarding reliance upon EPA's benchmark monitoring scheme. FSWA believes that such a scheme is an inefficient and inappropriate waste of resources and generates far too much confusion and debates about a facility's compliance, when the real focus should remain on BMP implementation and visual inspection.	The intent of the instantaneous maximum NAL is to identify specific drainage areas of concern or episodic sources of pollution in industrial storm water that may indicate inadequate storm water controls and/or water quality impacts. In the effort to add instantaneous NAL exceedances to the ERA process, the State Water Board explored different options for the development of an appropriate value (i.e. percentile approach, benchmarks times a multiplier, confidence intervals).
8		Jeffrey Longsworth	13	If, however, the Board continues to embrace EPA's benchmark monitoring scheme, the following concerns with the Permit must be addressed. First, the SWRCB has not provided any justification or basis for changing the current analytical sampling requirements in the current Permit. Without appropriate justification (missing), the Board should not arbitrarily increase the amount of analytical sampling required by the permit. Next, permittees should not have to upload any sampling results into SMARTS until all samples for a year have been collected. Facilities may choose to monitor more than required by the permit or have other reasons to confirm prior results before uploading into a public database. This could easily occur with an annual report to reduce the overall burden. Further, the SMARTS data base should not assign values to "non-detect" sample results or prematurely "average" the results being uploaded for the same reasons.	The increase in minimum required sampling is not significant and is intended to help improve data quality and the overall performance of the BMPs at the facility. In addition, the data reporting scheme is intended to provide a timely feedback loop to the discharger, the regulators and all the interested parties to ensure that missing or failing BMPs are evaluated and address as soon as possible.
8		Jeffrey Longsworth	14	In addition, the SWRCB should eliminate the concept of "Instantaneous Maximum NALs" for TSS, O&G or pH. These parameters should be treated in the same manner as EPA's benchmark or the proposed Annual NALs in the Permit. The values created by the SWRCB for these parameters are unjustified. FSWA's prior comments explain that EPA's TSS benchmark of 100 mg/l was derived from composite sampling and the "appropriate" comparable grab sample benchmark should be 500 mg/l, or 25 percent higher than the proposed instantaneous NAL for TSS of 400 mg/l. In addition, the pH NAL also is artificially restrictive for stormwater monitoring and also impacted by numerous sources other than a facility's "industrial activity." Not only do results in excess of pH 9 not present any environmental risk, but they are permitted, for example, by various national technology standards.	The intent of the instantaneous maximum NAL is to identify specific drainage areas of concern or episodic sources of pollution in industrial storm water that may indicate inadequate storm water controls and/or water quality impacts. In the effort to add instantaneous NAL exceedances to the ERA process, the State Water Board explored different options for the development of an appropriate value (i.e. percentile approach, benchmarks times a multiplier, confidence intervals).
8		Jeffrey Longsworth	15	The 25 mg/l O&G NAL is unjustified. In fact, API's standards for oil/water separators typically have a design range of 15 mg/l to 30 mg/l. The instantaneous maximum NALs should be eliminated or, in the alternative, raised to appropriate levels that recognize the high degree of variability associated with storm water BMPs and discharges. Finally, instantaneous NALs could be necessarily punitive, resulting in one outlying sample triggering the instantaneous NAL an unfairly skewing the annual average. This creates essentially a double jeopardy compliance nightmare. Hence, the instantaneous NAL concept should be dropped.	The intent of the instantaneous maximum NAL is to identify specific drainage areas of concern or episodic sources of pollution in industrial storm water that may indicate inadequate storm water controls and/or water quality impacts. In the effort to add instantaneous NAL exceedances to the ERA process, the State Water Board explored different options for the development of an appropriate value (i.e. percentile approach, benchmarks times a multiplier, confidence intervals).

8		Jeffrey Longsworth	16	With regard to the proposed "Baseline, Level 1 and Level 2" ERA status hierarchy and mandates, FSWA respectfully asserts that the SWRCB is creating an administrative and compliance nightmare for itself and the regulated community. Again, FSWA directs the SWRCB to EPA's corrective action program under the MSGP. Despite the Board's apparent desire to add-on to EPA's program, there is no need and the Board only creates more problems than it believes it solves. EPA's program embodies the same objectives sought by the SWRCB by requiring continued corrective actions when monitoring results exceed benchmark values. The Board should be applauded for identifying appropriate concepts that allow for identifying and gaining credits for non-industrial pollutant sources, including natural background sources, much like EPA has in its MSGP. However, taking the additional steps to require PE-certified technical reports or other " punitive" actions across the board through the proposed general Permit is unnecessary.	The Permit uses the USEPA benchmarks as NALs. The Permit did not contain Benchmarks/NALS and did not define a process to establish what a Discharger should do in response to sampling results. Many Dischargers have commented that sampling results that were high were attributed to other non-industrial sources and therefor Dischargers should not be held responsible. The Permit establishes a two-step ERA process with the goal of allowing Dischargers a mechanism to demonstrate their Permit compliance. Although not exactly the same, the Permit incorporates elements of other states' general Permits and the MSGP that attempt to reach the same goal. And unlike the other general Permits, the Permit allows Dischargers to consider pollutants from natural background, discharges into the facility from adjacent property, and non-industrial related pollutants from a Dischargers' own facility. In addition, the Permit allows Dischargers to demonstrate that the BMPs they are already implementing comply with the Permit despite NAL exceedances. For Dischargers with NAL exceedances, the Permit contains more costly requirements than the current Permit. State Water Board has strived to propose requirements that reduce costs wherever possible while insuring that the ultimate goal of water quality protection is achieved. The Permit only requires PE certified technical reports for inactive mines as required by USEPA regulations, and for the NONA No Discharge exemption claims. The State Water Board considered allowing Entities to review United States Army Corp of Engineer maps to determine, without a California licensed professional engineer, whether their facility location was within a basin and/or other physical location that are is not hydrologically connected to waters of the United States. State Water Board believes that this determination can be difficult in some cases, or is likely to be performed incorrectly. In addition, there may be areas of the state that are not hydrologically connected to waters of the United States, but are not on United States Army Corps of Engineer maps. Because containment design will require hydraulic calculations, soil permeability analysis, soil stability calculations, appropriate safety factor consideration, and the application of other general engineering principles, state law requires the technical report to be prepared and signed (wet signature and license number) by a California licensed professional engineer. The Permit otherwise only requires that calculations must be performed by a licensed engineer in accordance to state law.

8		Jeffrey Longsworth	17	In the alternative, the SWRCB should recognize that analytical results will continue to be reported to the State and Regional Boards. Corrective actions will be mandated for any benchmark exceedances. Facilities also can report non-industrial and background pollutant sources and their interference with assessing "industrial" sources. But in lieu of the Permit's proposal to create extra hoops for facilities to jump through the SWRCB should recognize that it (and Regional Boards for that matter) retain specific "designation authority" pursuant to CWA Section 402(p)(2)(E) - in addition to the powers the SWRCB reserves within the draft Permit - to individually designate a facility that continue to discharge significant quantities of pollutants despite corrective actions for individual Permitting.	The Permit has not been changed to address the comment. The designation authority that The State Water Boards have most often refers to discharges not subject to any other Permit (i.e. if the facility has an SIC code that is not required to obtain coverage under the Permit).
8		Jeffrey Longsworth	18	That threat, as well as the ability to mandate a host of facility-specific tests, reports, and who knows what else, is the appropriate deterrent to facilities "slacking off' in their BMP implementation. A general Permit is not the appropriate tool for addressing those types of facilities, but rather is an administrative convenience to provide an efficient and workable Permit for the vast majority of industrial sites that can reasonably control their industrial pollutant discharges, while reducing the administrative burdens on the SWRCB. An efficient general Permit should be a privilege for responsible industrial Dischargers. Facilities that abuse that privilege should be weeded out for more stringent oversight though individual Permitting.	The Permit has not been changed to address the comment. It is often more efficient to have a Discharger comply with a General Permit than it is to issue an individual Permit for that facility.
8		Jeffrey Longsworth	19	FSW A respectfully requests that the SWRCB simplify its multi-level and (arguably) punitive ERA program into a simpler program fashioned after the logic and simplicity of EPA's MSGP. The State retains significant authority to "require more" from facilities that consistently submit monitoring results well in excess of benchmarks	The Permit uses the USEPA benchmarks as NALs. The Permit did not contain benchmarks/NALS and did not define a process to establish what a Discharger should do in response to sampling results. Many Dischargers have commented that sampling results that were high were attributed to other non-industrial sources and therefor Dischargers should not be held responsible. The Permit establishes a two-step ERA process with the goal of allowing Dischargers a mechanism to demonstrate their Permit compliance. Although not exactly the same, the Permit incorporates elements of other states' general Permits and the MSGP that attempt to reach the same goal. And unlike the other general Permits, the Permit allows Dischargers to consider pollutants from natural background, discharges into the facility from adjacent property, and non-industrial related pollutants from a Dischargers' own facility. In addition, the Permit allows Dischargers to demonstrate that the BMPs they are already implementing comply with the Permit despite NAL exceedances. For Dischargers with NAL exceedances, the Permit contains more costly requirements than the current Permit. State Water Board has strived to propose requirements that reduce costs wherever possible while insuring that the ultimate goal of water quality protection is achieved.

9	Blymyer Engineers, Inc.	Nina Schittli	1	The Permit effective date, January 1, 2015, falls In the middle of the reporting year. Requirements under the current 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.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
9		Nina Schittli	2	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.I.	Both sections are needed; section X.G.2.a.vii details the effectiveness of existing BMPs while section X.H.I. is intended to define areas that are exposed to storm water and industrial processes.
9		Nina Schittli	3	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 110utside of daylight hours."	The Permit requires visual observations of storm water discharges at the time of sampling. The Permit has an exception for sampling during dangerous weather conditions such as flooding or electrical storms. The Permit also allows Dischargers to select alternative sampling locations where a discharge location is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). The State Water Board does not wish to place Dischargers in harms way day or night so has made the above exceptions to give Dischargers the ability to avoid accidents.
9		Nina Schittli	4	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.	The SMARTS application and other resources are available to help determine applicable receiving waters. Unfortunately it is not possible to rationally calculate where all discharges drain to, due to local government drainage systems and other site-specific factors. For this reason it is in the Discharger's interest to use multiple lines of evidence to identify candidate receiving waters.

9		Nina Schittli	5	The Permit has numerous observation, inspection, and recordkeeping requirements but no guidance as to how these should be documented. Recommendation: Provide inspection and recordkeeping forms or templates for documenting inspections.	The State Water Board is not planning to provide recordkeeping templates as these templates are not required to be submitted unless requested. Dischargers are free to design their record-keeping templates in a manner convenient to them. If there is additional interest in having The State Water Board develop templates, that can be considered at a later time.
9		Nina Schittli	6	XI.B.6 is vague 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.	Under this General Permit, Dischargers are required to identify and evaluate all sources of pollutants that may affect the quality of industrial storm water discharges and authorized NSWDs. Sampling is required for all sources of potential pollutants listed in the facilities' SWPPP. Dischargers subject to this Permit are not required to analyze for additional parameters unless directed by the Regional Water Board.
9		Nina Schittli	7	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.	The Regional Water Boards do not have the authority to revise the definition of an NAL exceedance in this General permit, once adopted. In the Regional Water Board authorities section of this General permit, the following language has been added: All Regional Water Board actions that modify a Discharger's obligations under this General Permit must be in writing and must also be submitted in SMARTS.
9		Nina Schittli	8	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.	The Regional Water Boards will enforce the Permit in accordance to its provisions.

9		Nina Schittli	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 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."	The State Water Board believes the definition of QSE as written in this The Permit is sufficient. It does not include the previous "working days" without a discharge reference.
9		Nina Schittli	10	Allow assignment of a unique Organization 10 and LRP to each facility operated by a company with multiple facility locations, if desired by Dischargers.	The Permit has not been revised to address the comment. If a Discharger chooses to organize facilities under unique Organizations, SMARTS will allow this.
9		Nina Schittli	11	Add headers containing the Permit section numbers at the top of each page of the Permit. An example can be found in the New York State Department of Environmental Conservation SPDES Multi-Sector The 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	The Permit has gone through several public drafts, and the final formatting may change to address such concerns once the final language is adopted. None of the State Water Board statewide general Permits have implemented such a header since the sections are relatively short..
9		Nina Schittli	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.	The Permit has not been revised to address the comment. The State Water Board concludes that the electronic submittal and availability of the SWPPP is crucial element to reviewing and providing transparency on the implementation of this Permit and allowing the public a clear and meaningful opportunity to participate in the Permitting process. It is also consistent with the other state wide storm water Permits' electronic reporting programs. Section II.B.3.c-d allows the redaction of trade secret and security sensitive information from SWPPPs submitted via SMARTS.

9		Nina Schittli	13	Remove the use of MDL 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.	The Permit has been edited to remove the method detection limit column since it is unnecessary. By specifying the test method, the Permit is implicitly identifying the appropriate test sensitivity necessary to provide a range of low to high sampling result concentrations. The test methods are unchanged from the current Permit and are commonly used test methods.
10	BNSF Railway	Edward Phillips	1	It is significant to note here that for the purposes of this definition, BNSF Railway (BNSF) rail facilities are not industrial plants, except to the extent that they may conduct fueling and vehicle maintenance activities as described in Attachment A. As clearly stated in the U.S. Environmental Protection Agency (U.S. EPA) Environment:1.l Appeals Board Decision, only those portions of the facility involved in non-transient industrial activities are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) program.	This General Permit does not expand the definition of storm water associated with industrial activities than provided by the storm water regulations. For transportation facilities, only those portions of the facility associated with vehicle maintenance is subject to Permitting.
10	BNSF Railway	Edward Phillips	2	The Permit requires that the Discharger file Permit Registration Documents (PRDs) for both Notice of Intent (NOI) and NEC coverage. Specifically, this Permit departs from past Permits in that it requires all This requirement is outside of the scope of the language defining which industrial activities Dischargers to file either the NOI or the NEC. This requirement is outside of the scope of the language defining which industrial activities occurring at a Transportation Facility are required to obtain NPDES Permit coverage, and therefore essentially expands the coverage requirement beyond the federal definition and requirements found in both the NPDES regulations and the definitions found in this General Permit. Not all BNSF rail facilities conduct" ... vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) ... " and therefore are not required to obtain coverage under the NPDES program or this General Permit.5 BNSF recommends the State Water Resources Control Board (State Board) include language in Appendix 2 to clarify that Transportation Facilities that do not conduct" .. . vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) ... " are not subject to the Permit and, as such, are not required to file an NOI or NEC.	This General Permit does not expand the definition of storm water associated with industrial activities than provided by the storm water regulations. For transportation facilities, only those portions of the facility associated with vehicle maintenance is subject to Permitting.

10	BNSF Railway	Edward Phillips	3	Storm Water Discharges Associated with Industrial Activity is defined in Attachment C as "The discharge from any conveyance is used for collecting and conveying storm water ... " Also found in Attachment C is the definition of sheet flow, "Flow of water that occurs overland in areas where there are no defined channels and where the water spreads out over a large area at a uniform depth." BNSF recommends that the SWRCB include a statement in the definition of sheet flow to reflect whether or not it is included in U1e definition of "Storm Water Associated witl1 Industrial Activity". Requiring sampling of sheet flow would mean that entire yards would need to be redesigned to capture and collect sheet flow in order to sample. This is not practical given the fact that this would take significant engineering and, in many cases, additional Permitting. This is a significant undertaking with no demonstrated environmental benefit. Furthermore, in some instances, "this may conflict with local ordinances that prohibit such practices as they can cause damage or erosion to down gradient property owners, or cause other environmental problems (Fact sheet D. 4.(c)."	All storm water discharging from a the portions of a facility subject to the Permit must be sampled including sheet flow. A Discharger is not required to make capitol improvements to channelize storm water. There are sampling techniques available to obtain samples from sheet flow. There is no change in the Permit versus the current Permit in that sheet flows are subject to sampling. Representative sampling is only allowed for sheet flow discharges or discharges from drainage areas with multiple discharge locations. Dischargers shall select the appropriate location(s) to be sampled and intervals necessary to obtain samples representative of storm water associated with industrial activities generated within the corresponding drainage area.
10	BNSF Railway	Edward Phillips	4	"Ensure the SWPPP includes a list of any industrial materials that have spilled or leaked in significant quantities and had the potential to be discharged from the facility's storm water conveyance system within the previous five-year period." BNSF recommends the SWRCB include a definition of the term "significant quantities" in Attachment C to assist the Discharger in addressing this Storm Water Pollution Prevention Plan (SWPPP) requirement.	The Permit has not been changed to address the comment. The term "significant" is used throughout the draft Permit, in a variety of contexts. As with all terms in common usage, the term "significant," if not specifically defined, is used in accordance with its ordinary meaning. This draft Permit intentionally allows Dischargers to exercise their discretion when reasonably determining the difference between significant and non-significant.
10	BNSF Railway	Edward Phillips	5	II .. . Industrial facilities are also responsible for storm water discharges that contain pollutants resulting from the leaching effect of acidic water on metal building structures. Therefore, operators must be aware when certifying a condition of "no exposure" of the existence of structural elements that could be soluble as a result of contact with acidic precipitation (e.g., uncoated copper roofs). If the dissolved metals or other contaminants could cause or contribute to a water quality violation, a condition of "no exposure" cannot be certified. " If in fact a condition of "no exposure" cannot be certified due to pollutants resulting from the leaching effect of acidic water on building structures, and additional implemented BMPs (ie., painting structure) are not adequately addressing the resulting pollutant, it is likely a Discharger would be pushed into a Level2 status and	The paragraph regarding acid rain leachate was deleted from the general guidance for No Exposure Certifications in Attachment 2.

				potentially required to implement treatrnent controls to address a Discharge that is not directly associated with industrial activity. Furthermore, other contributors to said pollutants that are not required to obtain coverage under the IGP are likely significant sources of these types of resulting pollutants. As such, requiring a subset of industrial facilities to address these types of resulting pollutants would be a significant undertaking with no demonstrated environmental benefit. Lastly, the State Board specifically lists "metal building structures" and later in the paragraph lists "structural elements". BNSF recommends the SWRCB strike the term "structural elements" and replace with "metal building structures", if that is the intention of this requirement.	
10	BNSF Railway	Edward Phillips	6	The Permit includes a NEC Specific Definition of Industrial Materials and Activities that is defined as, " ... material handling activities or equipment, industrial machinery, raw materials, intermediate products, by-products, final products, and waste products." This language effectively expands the definition of "Storm Water Discharges Associated with Industrial Activities" at Transportation Facilities, by failing to include the phrase, " ... Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) ... " in this definition.67 Storm Water Discharges Associated with Industrial Activities has already been defined in Appendix C, and the U.S. EPA Environmental Appeals Board decision in San Pedro Forklift. Including a separate definition is confusing and misleading. As such, BNSF recommends the State Board strikes "Industrial Materials and Activities" from the Permit in its entirety and replaces it with "Storm Water Discharges Associated with Industrial Activity". This will provide consistency and clarity, and eliminate any expansion of the definition beyond what is included in Appendix C, and the U.S. EPA Environmental Appeals Board decision in San Pedro Forklift. Furthermore, BNSF recommends the State Board include a definition of "product" as those items being produced or processed by the facility (e.g., manufactured), and a definition of "wastes" in Attachment C of the Permit.	The State Water Board does not concur with expanding the definition of storm water associated with industrial activity to other parts of a transportation facility other than the areas that are involved with vehicle maintenance. The language cited by the commenter comes directly from USEPA and The State Water Board agrees that a better example of outdoor stored materials could have been used to avoid confusion. If a manufacturer of train rails stores the train rails outdoors, the facility will not qualify for an NEC. Attachment A of the Permit clearly limits the areas of a transportation facility that is subject to permitting to areas involved with vehicle maintenance.

10	BNSF Railway	Edward Phillips	7	"Stockpiled train rails" are listed as a final product not qualifying for a certification of "No Exposure". The inclusion of "stockpiled train rails" in Appendix 2 effectively expands the definition of Storm Water Discharges Associated with Industrial Activities found in Attachment A, Appendix C, and further clarified in the U.S. EPA Environmental Appeals Board decision in San Pedro Forklift, " ... Only those portions of the facility; involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) ... ". If Congress intended to include in the definition of Storm Water Discharges Associated with Industrial Activity stockpiled train rails or any other materials that are in storage but not processed by a facility, the term "materials" would be listed separately in the definition in contrast to either raw materials or finished products. Substituting products as a synonym for materials effectively expands the definition of Storm Water Discharge Associated with Industrial Activity, and is not included in the definition found in Attachment A, Appendix C, or in the U.S. EPA Environmental Appeals Board decision in San Pedro Forklift. As such, BNSF recommends the State Board strike the term "stockpiled train rails" from the specified section.	The State Water Board does not concur with expanding the definition of storm water associated with industrial activity to other parts of a transportation facility other than the areas that are involved with vehicle maintenance. The language cited by the commenter comes directly from USEPA and the State Water Board agrees that a better example of outdoor stored materials could have been used to avoid confusion. If a manufacturer of train rails stores the train rails outdoors, the facility will not qualify for an NEC.
10	BNSF Railway	Edward Phillips	8	"NEC coverage is available on a facility-wide basis only, not for individual outfalls." This sentence effectively expands the definition of Storm Water Discharges Associated with Industrial Activities occurring at Transportation Facilities that are required to obtain NPDES Permit coverage beyond the definitions found in Attachment A, Appendix C, and further clarified in the U.S. EPA Environmental Appeals Board decision in San Pedro Forklift.. As such, BNSF recommends that the State Board replaces the sentence, "NEC Coverage is available on a facility-wide basis only, not for individual outfalls" with the following language: "NEC coverage is available for any facility where the Discharger certifies that their discharge is entirely composed of storm water that has not been exposed to industrial activities as defined in Attachment A and Appendix C of the Permit".	The State Water Board does not concur with expanding the definition of storm water associated with industrial activity to other parts of a transportation facility other than the areas that are involved with vehicle maintenance. If the vehicle maintenance portion of a transportation facility has two or more outfalls, and one of those drainage areas has exposure, then the maintenance portion of a transportation facility is ineligible to file for NEC coverage.
10	BNSF Railway	Edward Phillips	9	" ... the State Water Board finds that discharges in compliance with this general Permit will not result in the lowering of water quality to a level that does not achieve water quality objectives and protect beneficial uses .. . " Section 8 of the Instructions for NEC contradicts this finding by stating "Operators who certify that their facilities qualify for NEC coverage, may, nonetheless, be required by the Regional Water Board to obtain NOI coverage if the Regional Water Board determines that the facility's discharge has the potential to cause or contribute to an exceedance of applicable water quality objectives/ standards or determines that exposure exists at the facility ... " This contradictory language also effectively expands the requirements to obtain coverage under the NPDES program in spite of the definition of Storm Water discharges Associated with Industrial Activity and the requirements for Transportation Facilities found in Attachment A, Appendix C, and the U.S. EPA Environmental Appeals Board decision in San Pedro Forklift. As such, BNSF recommends the State Board replace the aforementioned language with the following: "Operators who certify that their facilities qualify for NEC	The provision allowing a Regional Water Board to require coverage if it finds that the discharge has the potential to cause or contribute to an exceedance of a water quality standard is consistent with the federal No Exposure regulation. It is not inconsistent with a general finding that the permit, as a whole is expected to not result in lowering of water quality; to the contrary, it is one of several permit mechanisms to help to ensure that the water quality is not lowered.

				coverage, may, nonetheless, be required by the Regional Water Board to obtain NOI coverage if the Regional Water Board determines that the facility's discharge is associated with industrial activities as defined in Attachment A and Appendix C of this General Permit."	
10	BNSF Railway	Edward Phillips	10	The Permit requires an ERA report be submitted by 1 January of the following year, if required as a result of changing Baseline status. For the first year of the effective date of the Permit, the year will end on 30 June, only allowing the Discharger to collect a half year of samples. Facilities participating in Compliance Groups could conceivably have only one sample collected during this period. If any parameters analyzed in this one sample exceeded the respective numeric action levels (NAL), an ERA would need to be submitted by 1 January of the following year. This requirement to submit an ERA would not be based upon the average of all samples taken in the prior year as stated in the Permit. As such, BNSF recommends delaying the effective date of the Permit until July 2015 to give all Dischargers a full year of sampling data.	The effective date of the Permit is July 1, 2015. The change of this proposed date from the 2013 draft Permit's January 1, 2015 effective date avoids the problems cited by the commenter.
10	BNSF Railway	Edward Phillips	11	The Permit specifies that" .... Dischargers with Level2 status shall submit a Level2 ERA Technical Report that includes one or more of the following demonstrations: a. Industrial Activity BMPs Demonstration; b. Non-industrial Pollutant Source Demonstration; and/ or c. Natural Background Pollutants Source Demonstration." Considering non-industrial sources are common storm water pollutants and often significant, BNSF recommends that, in circumstances where the industrial Discharger has strong evidence to indicate on-site industrial activities are not responsible for NAL exceedances, the Discharger may submit the relevant Technical Report(s) as part of Level status.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements.
10	BNSF Railway	Edward Phillips	12	"The Permit establishes design storm standards for all treatment control BMPs ..... These design standards are generally expected to be consistent with BAT/ BCT, to be protective of water quality, and_ t~ be effective for most pollutants .... "BNSF recommends that the State Board include language in the Permit that clearly states that only data collected from storm events that do not exceed the Design Storm Event should be included in the evaluation of NAL exceedances. Without this clarification, there will be a disparity between the event magnitude required for treatment controls and that required to assess the need for additional controls in the ERA process.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations..

10	BNSF Railway	Edward Phillips	13	" ..... Any Discharger facility handling these types of plastics will be referred to as Plastics Facilities in this General Permit. Any Plastics Facility covered under this General Permit that manufactures, transports, stores, or consumes these materials shall submit information to the State Water Board in their PRDs, including the type and form of plastics, and which BMPs are implemented at the facility to prevent illicit discharges .... " This language effectively expands the definition of Storm Water Discharges Associated with Industrial Activity by inserting the term, "handling" instead of the phrase, "The discharge ... which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant as identified in Attachment A of this General Permit." which is taken directly from the definition included in Appendix C of this Permit. Unless it is the intent of the State Board to require all facilities that transport pre-production plastics to be referred to as Plastics Facilities, e.g. Freight Railroads, the State Board should clarify this language to be consistent with the definition of Storm Water Associated with Industrial Activities and the requirements for Transportation Facilities found in Appendix C, Attachment A, and the U.S. EPA Environmental Appeals Board decision in San Pedro Forklift. As such, BNSF recommends that the State Board clarify this language by modifying it to state: "Any Discharger facility whose discharge is directly related to manufacturing, processing, or raw materials storage areas of pre-production plastics at an industrial plant as identified in Attachment A of this General Permit will be referred to as Plastics Facilities in this General Permit. Any Plastics Facility covered under this General Permit that manufactures, uses, stores, or consumes these materials shall submit information to the State Water Board in their PRDs, including the type and form of plastics, and which BMPs are implemented at the facility to prevent illicit discharges."	The Fact Sheet has been edited to address the comment. The Permit is not proposing to expand the definition of Storm Water Discharge Associated With Industrial Activity. Only the facilities described in Attachment A are subject to the requirements in the General Permit related to pre-production plastics.
10	BNSF Railway	Edward Phillips	15	"As appropriate, the Regional Water Boards may issue NPDES storm water general or individual Permits to a Discharger, categories of Dischargers, or Dischargers within a watershed or geographic area. Upon issuance of such NPDES Permits, this General Permit shall no longer regulate the affected Discharger (s)."This language does not include any metric or standard by which the Regional Water Boards shall determine what is "appropriate". Furthermore, the language " ... within a watershed or geographic area ... " may create a situation where individual Regional Water Boards issue Permits to the same Discharger at separate facilities owned by the Discharger throughout the state, with each Permit having different requirements. From a Discharger's standpoint, creating the potential for this type of "patchwork" Permitting is intolerable. BNSF recommends that the State Board modify this section to state, "The Regional Water Boards may issue NPDES storm water general or individual Permits to a Discharger, or category of Dischargers, pursuant to Section XX, Subsection B, Water Quality Based Corrective Actions, of this General Permit. For Dischargers that operate facilities subject to this General Permit that are located in different watersheds and/ or geographic areas, the State Board shall issue the NPDES storm water	This General Permit does not expand the definition of storm water associated with industrial activities than provided by the storm water regulations. For transportation facilities, only those portions of the facility associated with vehicle maintenance is subject to Permitting.

				general or individual Permit instead of the Regional Water Boards, pursuant to Section XX, Subsection B of this General Permit. The Regional Water Board and/ or the State Water Board must demonstrate that the Discharger cannot meet the Receiving Water Limitations, WQS, or TMDL through compliance with Section XX, Subsection B of this Permit, prior to taking such action."	
10	BNSF Railway	Edward Phillips	16	"The Regional Water Boards may approve requests from a Discharger to include co-located, but discontiguous, industrial activities within the same facility under a single NOI or NEC coverage." This language is contrary to the requirement to obtain coverage for Transportation Facilities as described under item 8 of Attachment A of the Permit, as well as the definition of Storm Water Associated with Industrial Activity as defined in Appendix C of the Permit.13 A Transportation Facility Discharger that is required to file an NOI for Storm Water Associated with Industrial Activities at their facility is only required to include in their NOI " ... those portions of the facility; involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified under this Permit as associated with industrial activity. As such, BNSF recommends that the State Board modify this section to state: "The Regional Water Boards may approve requests from a Discharger to include collocated, but discontiguous, industrial activities within the same facility under a single NOI or NEC coverage, except for Transportation Facilities which are statutorily entitled to file a single NOI for collocated, but discontiguous, industrial activities within the same facility under 40 CFR 122"16	This General Permit does not expand the definition of storm water associated with industrial activities than provided by the storm water regulations. For transportation facilities, only those portions of the facility associated with vehicle maintenance is subject to Permitting. This section of the Permit would theoretically affect a transportation facility that had two distinct and separate vehicle maintenance areas within the same facility.
10	BNSF Railway	Edward Phillips	17	BNSF recommends that the State Board modify Permit Section XXI.(I) as follows to allow inspections to be conducted in a safe and compliant manner: Dischargers shall allow The State Water Boards, USEPA, and local MS4 (including any authorized contractor acting as their representative), upon contacting appropriate Discharger facility personnel and announcing the inspection, and if so required, to be escorted during the inspection for reasons of safety, to: 1. Enter upon the premises at reasonable times where a regulated industrial activity is being conducted or where records are kept under the conditions of this General Permit; 2. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit; 3. Inspect the facility at reasonable times; and 4. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.	The Permit has not been changed to address the comment. This requirement is a Standard Condition contained in all NPDES Permits.

10	BNSF Railway	Edward Phillips	18	The NALs proposed in the draft permit are inadequate as there is no evidence that annual NALs can be met with current BMP technology. The annual NALs incorporated into this draft Permit are the 2008 MSGP benchmark values that are not based on BAT/BCT. Understanding that NAL exceedances defined in the draft Permit are not, in and of themselves, violations of this Permit, exceedance of the NALs requires Dischargers to comply with Level and\ or Level2 status ERA requirements that could result in the need to install structural treatment controls for storm water discharges. Structural treatment controls can be very costly to install/ operate/ maintain. BNSF recommends that the State Board adequately assess whether or not available treatment and control technologies are capable of consistently meeting these NALs in storm water discharges before requiring a Discharger to implement treatment controls to achieve these levels.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT.
10	BNSF Railway	Edward Phillips	19	"The Discharger shall certify and submit via SMARTS an Annual Report no later than July 15th of each reporting year using the standardized format and checklists in SMARTS." The reporting year for the Permit is 1 July through 30 June. Rather than the currently specified Annual Report deadline of 15 July that only allows for 15 days after year end for submittal of the Annual Report, BNSF recommends at least 30 days to complete and submit the Annual Report changing the Annual Report deadline to 1 August.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the due date specified in the current Permit. Sampling result are no longer required to be submitted with the Annual Report, and the Annual Report has been simplified to a checklist. The State Water Board concludes that the Annual Report can be worked on during the reporting year and submitted on or before July 15 of each year..
11	Brash Industries	Marvin Sachse	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 semiannual payments, without penalty.	The Permit has not been changed to address the comment. The State Water Board is not necessarily opposed to a different fee structure but that is beyond the scope of this Permit adoption. The fees charged are based on State law which would require a separate process to change.
11	Brash Industries	Marvin Sachse	2	1.E. 32 - Can a list of appropriate BMPs achieving BAT/BCT be established and maintained by the SWB	The word “appropriate” is analogous to the word “best” in the term “Best Available Technology Economically Achievable (BAT) and/or Best Conventional Pollutant Control Technology (BCT)”. The State Water Board does not intend to develop a list of BMPs that constitute compliance with these standards [defined in Section 304(b)(4) of the CWA]. One reason is that there are many site-specific factors to consider when determining BAT or BCT for Permit compliance. Therefore it is not feasible for the State Water Board to develop and maintain such a list of appropriate options.

11	Brash Industries	Marvin Sachse	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.	Industrial activities that come into contact with precipitation or run off from precipitation are the focus of this industrial storm water Permit. Industrial storm water that is hydraulically connected to waters of the US is the responsibility of the industrial facility under this Permit. A well-developed SWPPP should reduce the amount of comingle sampling, dilution, and other sources. Exceedances and other issues will be resolved in the ERA process with assistance from storm water professionals and regional water board .
11	Brash Industries	Marvin Sachse	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.	The Permit has not been changed to address the comment. These ASBS requirements only apply to direct discharges to an ASBS ..The Regional Water Board will interpret which outfalls are regulated in accordance with the ASBS requirements.
11	Brash Industries	Marvin Sachse	6	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.	SWPPP updates in SMARTS are not required more frequently than once every three months, but within 30 days of a significant revisions (see Section X.B).
11	Brash Industries	Marvin Sachse	7	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.	This permit and the NALs and ERA associated with it apply to industrial storm water. Wind and rain erosion of surface materials that are associated with industrial activity could be subject to the requirements in the permit.

11	Brash Industries	Marvin Sachse	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 Permit?	The comment does not provide enough detail in the hypothetical situation posed to properly respond. The permit is clear that from the perspective of the permit writers, an exceedance of the NALs does not constitute a violation, therefore an exceedance of the NALs would be an unlikely basis for a citizen suit using Clean Water Act provisions, which require evidence of a permit violation. A helpful report on this subject is available here: http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/citizen_suits/citizen_suit_report.pdf
11	Brash Industries	Marvin Sachse	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.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
11	Brash Industries	Marvin Sachse	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?	The Permit has not been revised to address the comment. The Permit requires that the Discharger identify the positions and their associated Permit compliance duties. Dischargers must assign responsibilities to perform Permit compliance duties and often will need to provide various levels of training.
11	Brash Industries	Marvin Sachse	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.	This definition has changed, however, the State Water Board concludes that it is important for Dischargers to list industrial materials at the facility, even if not exposed/outdoors. Such materials may have the potential to discharge even if not directly exposed to storm water.

11	Brash Industries	Marvin Sachse	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	The Permit has not been changed to address the comment. The State Water Board believes that Dischargers should assess all spills and leaks that are significant and could discharge. Since these quantities may result in a discharge of pollutants during a rain event. The term "significant" is used throughout the draft Permit, in a variety of contexts. As with all terms in common usage, the term "significant," if not specifically defined, is used in accordance with its ordinary meaning. This draft Permit intentionally allows Dischargers to exercise their discretion when reasonably determining the difference between significant and non-significant.
11	Brash Industries	Marvin Sachse	13	X.H.1.b.vi - Is coverage of material to be at all times or when rain is imminent?	Section X.H.1.b.vi requires all readily mobilized materials that may come into contact with storm water to be covered. The intent of this requirement is to keep stored, industrial materials from being transported or dispersed via wind, non-storm water or storm water into waters by covering readily mobilized materials. A Discharger may determine that is technically infeasible to cover a material due to safety or other concerns in their SWPPP.
11	Brash Industries	Marvin Sachse	14	X.H.4.c. A typo exists in first line. It should read "subsection a." The period is missing.	The Permit has been edited to address the comment.
11	Brash Industries	Marvin Sachse	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.	The Permit has not been substantially changed to address the comment. The Permit language is clear that the evaluation is not a separate item to be submitted.

11	Brash Industries	Marvin Sachse	16	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.	NON-INDUSTRIAL POLLUTANT SOURCE DEMONSTRATION XII.D.b is found in the Level 2 status requirements in the Permit. A QISP is responsible for completing the Level 1 status and Level 2 status ERA requirements as specified in above-cited section.
11	Brash Industries	Marvin Sachse	17	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.	The Permit has been revised to allow any Discharger with Baseline status to rise to Level 1 regardless of whether the Discharger had previously been in Level 2. Dischargers that had designed and implemented BMPs to eliminate future exceedances may experience a unique one -time event such as fire, earthquake, or equipment mal - function that would not necessarily trigger a complete Level 2 ERA Evaluation since there may not be anything wrong with the original design and installation. Equipment mal-function or operator error can be addressed through SWPPP revisions Improved operator training, better maintenance schedules, etc. which is included in the Level 1 ERA.
11	Brash Industries	Marvin Sachse	18	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.	The Permit has been revised to address the comment. Since Compliance Group Leaders (CGLs) are responsible for compliance activities of many facilities as well as the training of many individuals, which will require the demonstration of a higher level of expertise in storm water implementation more/compliance than what is expected of a QISP. CGLs are required to complete a State Water Board sponsored or approved training program for Compliance Group Leaders. The standards for being a Compliance Group Leader are more rigorous than becoming a QISP. Compliance Group Leaders may have to submit a statement of qualifications, review, exam and in person training. It is expected someone at this level will have the expertise and understanding of the Permit/industrial storm water to be able to design effective compliance strategies for Group Participants at their facilities.
11	Brash Industries	Marvin Sachse	19	ANNUAL REPORTXVI.B.1. & 2. - Where is the check list form obtained? Is this to be part of the Permit?	There is no checklist form; a form will be developed and programmed into the Storm Water Multiple Application and Report Tracking System. The future form will be a streamlined/check box and updated version of the current paper annual report.

11	Brash Industries	Marvin Sachse	20	The State 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: 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	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
12	Building Materials Industry Storm Water Monitoring Group	Joseph King	1	We believe the effective date should be changed to July 1, 2015 or the Permit be modified to include a "phase in period" of six months where operators can comply with either Permit.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
12		Joseph King	2	Request that the Annual Report due date be September 1, the same date that is used in the Construction General Permit.	The Permit has not been revised to address the comment. The submittal date for the Annual Report has already been extended 15 days beyond the current due date, sampling reporting has been unhinged from the annual report, and the annual report has been simplified to a checklist. The annual report can be worked on during the reporting year (by an LRP, AS, or DS) if needed and quickly certified and submitted by the LRP on or before July 15. The Regional Water Boards have reports due for other Permits/programs during the summer/dry months; the currently proposed due date addresses staff workload scheduling ..
13	California Asphalt Pavement Association	Russell Snyder	1	There are a number of asphalt facilities for which industrial activities have been suspended for more than 10 consecutive calendar days due to the lack of demand for material. These sites have equipment and may have a variety of raw materials stored on site. The sites do not have full time staff and no scheduled operating hours. These facilities would not be performing storm water sampling or monthly observations since they do not have operating hours. We recommend Section X.H.3 be modified to include inactive facilities which have not been in operation in the last 30 days, to be eligible for relief from monthly visual observations, sampling and analysis and the associated reporting.	Section X.H.3 of the Permit has been revised to provide relief from monitoring activities during periods of when the facility is inactive 10 or calendar days. The State Water Board believes that Dischargers should consider whether to implement additional BMPs for any inactive period. But less lengthy inactive periods tend to not pose as much of a water quality threat than lengthier inactive periods. The State Water Board selected 10 days as the trigger for reporting inactive industrial activity as a compromise between a longer period (30 days as the commenter suggested) which is seen as too long and periods less than ten days that would introduce additional and unnecessary administrative

					burdens on Dischargers.
13		Russell Snyder	2	Section XVI of the Permit requires submittal of the annual report by July 15th. The deadline is only 15 days after the end of the reporting year. In addition, the Fourth of July holiday occurs during this 15 day period. We request Section XVI change the deadline to the third week of August.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the current due date, sampling reporting has been unhinged from the annual report, and the annual report has been simplified to a checklist. The annual report can be worked on during the reporting year if needed and quickly certified and submitted by the LRP on or before July 15. The Regional Boards have multiple reports due for other Permits during the summer/dry months, extending the date creates an additional staff burden that cannot be supported.
13		Russell Snyder	3	We support CASQA's comments as well as comments of other stakeholders who have recommended changes to the permit to allow dischargers to use professional expertise to evaluate their operation and implement BMPs "to the extent feasible." That will reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.	See response to CASQA's comments.
13		Russell Snyder	4	We believe additional language can help clarify the feasibility to use other management techniques. CalEPA supports CASQA's recommendation of incorporating language that allows Dischargers to use management techniques such as grading, berms, etc., to ensure materials are not dispersed. Recommended language changes vii. Cover or manage all stored industrial materials … vii. Contain or manage all stored non-solid industrial materials	A Discharger may determine that it is technically infeasible to cover a stock pile due to safety or other concerns in their SWPPP.

13		Russell Snyder	5	The inclusion of non-industrial pollutant sources needs to be clarified to reduce the ambiguity. We request that Section XII-D-2-b-i be revised as follows: A statement that the discharger has determined that the exceedance of the NAL is attributable solely to the presence of non-industrial pollutant sources. The sources shall be identified as either run-on or aerial deposition from man-made sources.	The State Water Board staff does not recognize the ambiguity cited by the commenter. The Level 2 Technical Report allows dischargers to assess all sources of non-industrial pollutants including non-industrial pollutants generated by the discharger's own facility. The State Water Board agrees that the primary two pathways for off-site pollutant sources is run on and atmospheric deposition but that does not establish ambiguity.
13		Russell Snyder	6	A facility that finds itself with an exceedance of an NAL will not have an opportunity to return to baseline even if that site determines that the exceedance was a result of the extra ordinary event or run-on. As a result, we recommend the following wording: In cases where the NAL exceedance and subsequent exceedances are solely due to an event that exceeded the design storm, then there would be no violation of the Permit. The Industrial Activity Demonstration shall be documentation that the treatment control BMP meets or exceeds treatment control BMP design standards. Dischargers with Level 2 status caused by the design storm exceedance will be eligible to return to baseline status upon submittal of the Industrial Activity Demonstration Report.	The State Water Board acknowledges that unique one-time events may cause NAL exceedances. However, the State Water Board does not agree with allowing Dischargers to make such assessments to avoid Level 1. The Permit seeks to create a structure for determining whether Dischargers are in compliance. Assessing the effects of non-industrial pollutant sources is a vital part of that determination. The design storm criteria provided in the Permit cannot be confused with a "compliance" storm. The State Water Board does not have the technical information to make a compliance storm determination. It is anticipated that Dischargers implementing structural controls that satisfy the design storm criteria will rarely have NAL exceedances. Large volume flows are likely to be more diluted. If NAL exceedances occur, Dischargers may be able to demonstrate that no additional BMPs are necessary in their Level 2 Technical Report.
13		Russell Snyder	7	Section XI B 5 d requires analysis of the 303d list. We recommend the Fact Sheet provide clarity regarding where to access the most current 303d list of impaired water bodies. We also recommend that the Permit include notification of the Permittees regarding 303d list updates.	Dischargers subject to this General Permit are not required to analyze for additional parameters unless directed by the Regional Water Board. Dischargers in the 303(d) impaired watershed are required to analyze for additional parameters, if applicable. See General Permit Section XI.B.6.e. In the event that any of the impairments in this appendix are subsequently delisted, the Dischargers in that watershed are no longer required to analyze for the additional parameters for those impairments, and the provisions for new Dischargers in 303(d) impaired watersheds contained in Section VII.B of this General Permit no longer apply for those impairments. The latest report containing the list of impaired waterbodies in California can be found on this page: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml

13		Russell Snyder	8	Section XIV allows compliance groups for facilities of the same industry type. Asphalt plants are often located on sources with an aggregate plant, ready mix plant and other similar types of operations. Sites with multiple operations will have a number of SIC codes. It is our understanding that facilities with the same primary SIC code may create compliance groups regardless of other activities on site that have separate SIC codes.	The Permit has not been revised to address the comment. Generally speaking facilities with multiple SIC codes/industrial activities have different BMPs/pollutant sources. If you have multiple SIC codes a facility, pollutant sources and BMPs must be similar, or these mixed facilities need to be the group.
14	California Coastkeeper Alliance, California Sportfishing Protection Alliance, Heal the Bay, Center for Biological Diversity, Pacific Coast Federation of Fisherman's Associations	Sara Aminzadeh, Bill Jennings, Kristen James, Emily Jeffers, William Grader	1	The Board Cannot Solely Require That Dischargers Implement BMPs That Reflect "Best Industry Practices" Without Referencing Clean Water Act-Mandated BAT and BCT.	Section V.A of the permit and the accompanying discussion in the Fact Sheet have been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.
14		Sara Aminzadeh et al.	2	Proposed Section V.A and footnote 11 are inconsistent with the Clean Water Act's definitions of BAT and BCT. By failing to make reference to BAT and BCT, this requirement would appear to replace the statutory criteria mandated to implement and achieve BAT and BCT with a truncated and subjective evaluation by individual dischargers of what pollution reduction is feasible. The focus on BMPs rather than BAT and BCT appears designed to suggest to dischargers that they can comply with the permit without actually implementing the best technologies.	Section V.A of the permit and the accompanying discussion in the Fact Sheet have been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of section V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators. It is not necessary to continue to repeat this clarification in footnote 11, because it is adequately stated in section V.A. and the fact sheet.
14		Sara Aminzadeh et al.	3	Staff and the Board have not done any analysis that supports altering in any way Congress' BAT and BCT criteria, or how those criteria might be applied to industrial stormwater discharges on a facility-by-facility basis.	Section V.A of the permit and the accompanying discussion in the Fact Sheet has been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.

14		Sara Aminzadeh et al.	4	As a result, the new permit's effluent limitations must clearly require each discharger to implement BAT and BCT. Any alteration in those criteria would be inconsistent with the Clean Water Act and invites dischargers to randomly select BMPs based on their subjective notion of "best industry practice" and some loose consideration of "technological availability" and "economic achievability."	Section V.A of the permit and the accompanying discussion in the Fact Sheet has been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of section V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.
14		Sara Aminzadeh et al.	5	Board staff does not have the authority to unhinge the Draft Permit's BMP requirement from the Clean Water Act's BAT and BCT standards. By March 31, 1989, the Clean Water Act required all point source dischargers, including those discharging polluted stormwater, to achieve effluent limitations based upon BAT for toxic and nonconventional pollutants and BCT for "conventional" pollutants. Conventional pollutants are TSS, oil and grease ("O&G"), pH, biochemical oxygen demand ("BOD"), and fecal coliform. All other pollutants are either toxic or nonconventional. These are the minimum levels of pollution control required by the Act.6 In 1987, when Congress amended the Act to address EPA's failure to properly regulate stormwater discharges in the previous fifteen years, Congress did not alter any of these deadlines for any "discharge associated with industrial activity." To the extent industrial dischargers in California have not implemented BAT or BCT, they are now 22 years overdue.	Section V.A of the permit and the accompanying discussion in the Fact Sheet has been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of section V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.
14		Sara Aminzadeh et al.	6	Unlike the lesser standard of best practicable control technology established for the early years of implementation of the Clean Water Act, a BAT-based effluent limitation does not take into account any cost-benefit analysis. Hence, the Fact Sheet is incorrect where it suggests that, in identifying BAT, "[t]he costs of implementing these BMPs are weighed against their effectiveness and ability to protect water quality." Indeed, Congress fully expected that, for any given category of dischargers, application of BAT would result in the closure of some facilities. "Congress clearly contemplated that cleaning up the nation's waters might necessitate the closing of some marginal plants."	It is correct that BAT does not involve a cost/benefit analysis. BAT does, however, require a weighing of several factors, including costs. EPA has characterized the BAT requirement as follows: "In general, Best Available Technology Economically Achievable (BAT) represents the best available economically achievable performance of plants in the industrial subcategory or category. The factors considered in assessing BAT include the cost of achieving BAT effluent reductions, the age of equipment and facilities involved, the process employed, potential process changes, non-water quality environmental impacts, including energy requirements and other such factors as the EPA Administrator deems appropriate. EPA retains considerable discretion in assigning the weight according to these factors. BAT limitations may be based on effluent reductions attainable through changes in a facility's processes and operations. Where existing performance is uniformly inadequate, BAT may reflect a higher level of performance than is currently being achieved within a particular subcategory based on technology transferred from a different subcategory or category. BAT may be based upon process changes or internal controls, even when these technologies are not common industry practice." http://water.epa.gov/scitech/wastetech/guide/questions_inde

					x.cfm [last visited on February 21, 2014] To date, the State Water Board does not have sufficient information or data to conclude that the existing performance of any particular subcategory or category of industrial dischargers is uniformly inadequate.
14		Sara Aminzadeh et al.	7	Nor is the average performer within a category of dischargers representative of BAT. "[Rather than establishing the range of levels in reference to the average of the best performers in an industrial category, the range should, at a minimum, be established with reference to the best performer in any industrial category." Thus, even for a nation-wide BAT effluent limitation established by EPA, data from as little as three facilities employing an, at the time, state of the art, "experimental" technology, was sufficient for EPA to make an achievability finding for the entire industrial category (in that instance pulp mills)	Section V.A. makes it clear, in lay terms, that the BAT/BCT requirements require "best" industry practice, not average industry practice. In addition, the number of pulp mills is substantially smaller than the number of industrial facilities.
14		Sara Aminzadeh et al.	8	Anticipated application of technologies resulting from public and private research is a proper basis for establishing a BAT limitation.16 "[T]he reasonableness of what is 'economically achievable' should reflect an evaluation of what needs to be done to move toward the elimination of the discharge of pollutants and what is achievable through the application of available technology - without regard to cost.	While newly-available technologies are certainly relevant in determining compliance with BAT, cost is still a relevant factor to be applied in determining whether those technologies constitute BAT.
14		Sara Aminzadeh et al.	9	The Clean Water Act establishes very specific criteria for determining BCT – which the Board has no authority to change – even by subtly replacing BAT and BCT with new terminology focused only on BMPs.	Section V.A of the permit and the accompanying discussion in the Fact Sheet have been revised to explicitly state that the BCT requirement applies. The narrative provision of section V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.

14		Sara Aminzadeh et al.	10	In the absence of any BCT determination by the State Board or EPA, it devolves to each discharger to apply the BCT criteria looking to the entire category of California industrial stormwater dischargers. In doing so, each facility must determine that its BCT implementation "will directly - not just incidentally - reduce [the relevant pollutant] and do so better than any other pollutant control technology.	"Best industry practice" does not mean best practice across all industrial dischargers. Rather, Dischargers must evaluate what is appropriate for similar types of dischargers. For example, the ELGs are developed on a sector-by-sector basis, and vary between sectors.
14		Sara Aminzadeh et al.	11	The Draft Permit entirely overlooks the findings and determinations required by Water Code § 13263 and 40 C.F.R. § 122.28(a)(2)(i). No such findings or determinations are found anywhere in the draft permit or accompanying Fact Sheet. Given that the findings must be made in order to utilize the general permit, it is nevertheless clear that the Board must agree that all industrial dischargers around the State produce stormwater discharges "by the same or similar operations," "involve the same or similar types of waste," and "require the same or similar treatment standards." The Board must make these required findings and provide required analysis to support such findings. For example, the Board should make a finding that clarifies that industrial dischargers covered under the Draft permit produce stormwater discharges by "the same of similar operations." Further, because the Board has opted to issue a statewide general permit for all industrial storm water dischargers, it has to have identified all industrial storm water discharges as a single, industrial category. Hence, each discharger must look to the best performers throughout all the facilities enrolled in the General Permit.	The State Water Board believes that discharges of industrial storm water are produced by similar operations, involve similar types of waste, and require similar treatment standards. As the Fact Sheet explains further, the permit applies to discharges of storm water from industrial facilities. U.S. EPA similarly regulates all industrial storm water discharges from industrial facilities under a single permit. The permit does not apply to process wastewater discharges from industrial facilities, and does not apply to any types of facilities other than regulated industrial facilities. While there is certainly variation between the different types of industrial facilities, the minimum BMPs specified by the permit can be implemented by most, if not all, industrial facilities. In addition, the permit requires that certain categories of industrial facilities comply with sector-specific ELGs. Finally, the State Water Board's intent for the effluent data, BMP selection, cost, and performance information, and other industry-specific information provided in Compliance Group reports will assist the State Water Board in evaluating whether future industrial storm water permits should be issued to certain categories of industrial facilities.
14		Sara Aminzadeh et al.	12	The 2013 Draft Permit does include several findings that refer to BAT and BCT. For example, proposed Finding 1 states that "The NPDES permit must require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges (NSWDs)." Also, Section IV.B.3 illegally requires implementation of BMPs that reflect "best industry practices" without BAT and BCT references. Additionally, proposed Finding 32 states that "This General Permit requires control of pollutant discharges using BAT and BCT to prevent and reduce discharges of pollutants, and any more stringent effluent limitations necessary to meet applicable WQS." However, these findings simply bolster the dischargers' arguments that the watered-down language of proposed Section V.A reflects the Board's determination of BAT and BCT for industrial stormwater dischargers. Again, no such BAT or BCT determination has been made. Hence, the Board should ensure that effluent limitation in Section V.A meets the Board's statutory mandate that it be consistent with BAT and BCT and not be interpreted or misunderstood as replacing those requirements with a newly defined "best industry practices"	Section V.A of the permit and the accompanying discussion in the Fact Sheet have been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.

				standard	
14		Sara Aminzadeh et al.	13	Likewise, the proposed Glossary generally describes the BAT and BCT standards. As staff indicated to the State Board during the August 21, 2013 workshop, it was not their intent to either make a BAT or BCT determination or lessen those mandated requirements in the Draft Permit. However, by omitting the key terms from the effluent limitation, while including it in several findings and the glossary, it is clear that dischargers intend to argue that the proposed Section V.A language is the Board's determination of what BAT and BCT is for industrial stormwater discharges. As noted above, no such determination applying Congress' mandatory criteria has been conducted. The Board should make this clear by adding the Coalition's suggested language edits to Section V.A set forth below.	Section V.A of the permit and the accompanying discussion in the Fact Sheet have been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators.
14		Sara Aminzadeh et al.	14	In the interest of arriving at a final Permit that addresses our groups' concerns, we provide several options for edits to each of the problematic provisions referenced: Page 20: section V.A Option 1: Dischargers shall implement BMPs that achieve BAT and BCT and that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability. Option 2: Dischargers shall implement BMPs that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability and that otherwise achieve BAT and BCT. Option 3: Dischargers shall implement BMPs that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability. The BMPs implemented by each discharger must achieve BAT and BCT	The revised version of section V.A. of the permit closely resembles, and is substantively the same as, the first option proposed by the commenter.
14		Sara Aminzadeh et al.	15	In the interest of arriving at a final Permit that addresses our groups' concerns, we provide several options for edits to each of the problematic provisions referenced:Page 29, Section X.H.1, footnote 11 Option 1: For the purposes of this General Permit, the requirement to implement BMPs "to the extent feasible" requires Dischargers to select, design, install and implement BMPs that achieve BAT and BCT and that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability. Option 2: For the purposes of this General Permit, the requirement to implement BMPs "to the extent feasible" requires	Section V.A of the permit and the accompanying discussion in the Fact Sheet have been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of section V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators. It is not necessary to continue to repeat this clarification in footnote 11, because it is adequately stated in section V.A. and the fact sheet.

				Dischargers to select, design, install and implement BMPs that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability and that otherwise achieve BAT and BCT. Option 3: For the purposes of this General Permit, the requirement to implement BMPs "to the extent feasible" requires Dischargers to select, design, install and implement BMPs that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability. The BMPs implemented by each discharger must achieve BAT and BCT.	
14		Sara Aminzadeh et al.	16	In order to evaluate the thoroughness and legitimacy of a facility's BMP selection and whether or not their facility complies with BAT and BCT, the permit's SWPPP requirement and the Exceedance Response Action (ERA) technical Reports should include, in addition to showing how Numeric Action Levels (NAL) will be achieved, an explanation of how the facility evaluated and is implementing BAT and BCT for their operations. Thus, Section X.H.4.b should include a specific reference to BAT and BCT	Section V.A of the permit and the accompanying discussion in the Fact Sheet have been revised to explicitly state that the BAT/BCT requirements apply. The narrative provision of section V.A was retained as a restatement of the BAT/BCT requirements in order to provide a more understandable expression of the BAT/BCT requirements for lay facility operators. It is not necessary to continue to repeat this clarification in section X.H.4.b, because it is adequately stated in section V.A. and the fact sheet.
14		Sara Aminzadeh et al.	17	The Level 1 and 2 ERA Technical Reports should have to include in their reports/responses an explanation of how dischargers believe their BMPs meet the BAT and BCT requirements. Currently, even at a Level 2 ERA Technical Report, the focus of the permit is entirely on meeting NALs rather than the core requirement – BAT/BCT (which the NALs disavow they have anything to do with, see Finding M.63 ["NALs are not intended to serve as technology-based … numeric effluent limitations [and]… are not derived directly from … BAT/BCT requirements"). The specific linkage to BAT and BCT should be reflected in this important component of the permit by requiring facilities to explain how they made and are implementing their BAT and BCT determinations. Given the permit's additional focus on technical competence for Qualified Industrial Stormwater Practitioners (QISP) and report preparers, each facility should be able to engage in an informed discussion of what they believe BAT or BCT to be for a given facility.	The Level 2 Technical Report is focused on meeting the NALs, because, as the commenter correctly points out, the NALs are not directly related to the BAT/BCT technology-based requirements. Instead, section X.H.4 of the permit requires Dischargers to both identify all BMPs that they are implementing, and justify any decisions to not implement minimum or advanced BMPs because they do not meet the BAT/BCT standard.
14		Sara Aminzadeh et al.	18	Section X.H.6 of the draft Permit establishes design storm standards for treatment control BMPs. These specifications generally mirror those used for new and re-development standards, as they appear in various Municipal Separate Storm Sewer System (MS4) Permits around California.23,24,25 These standards have been advanced in other contexts, yet are more lax than the 95th percentile standards established by EPA for federal projects.26 The draft Permit fails to consider the suitability of using weakened municipal standards for the purposes of industrial Permitting, where pollutant concentrations vary widely from one facility to another. We request that the 85th percentile volume-based standard be re-evaluated and replaced with design standards more appropriate for industrial facilities and reflective of current technical standards.	The Permit establishes design storm standards for all industrial storm water permittees in California. While it is true that specific design storms in this permit are based on those in municipal storm water permits in California, it is not accurate that these standards are "weakened" in any way. To arrive at these design storm standards, the State Water Board has relied heavily on previous Water Board decisions concerning treatment efficacy for municipalities, published documents, stakeholder comments, and reasonableness. The primary objective of specifying a design storm standard is to properly size BMPs to, at a minimum, effectively treat the first flush of run-off from all storm events. This design storm standard was based on research demonstrating that the standard represents the maximized treatment volume

					cut-off at the point of diminishing returns for rainfall/runoff frequency.
14		Sara Aminzadeh et al.	19	Design storm standards specified in Section X.H.6 of the draft Permit include those for volume- and flow-based BMPs. The proposed flow-based standards seem appropriate, because they take into account a margin of error and would ensure adequate drawdown and release rates, assuming the flow-based BMP incorporates adequate treatment. The 85th percentile design storm for volume-based BMPs, however, fails to consider continuous conditions (i.e. drawdown times, inter-event periods, release rates and flow hydrographs) affecting the design and adequacy of storage structures and control devices. Without such considerations the Board is unable to anticipate exceedance frequencies of storage volume or pollutant load. This standard is insufficient to satisfy BAT/BCT and fails to ensure pollutant discharges will not cause or contribute to an exceedance of a water quality standard (WQS).	Drawdown times, inter-event periods, release rates and flow hydrographs are the responsibility of the professional engineer designing the structure and his corresponding safety factor to ensure the volume based structure does not discharge industrial storm water containing pollutants that exceed the NALs. Exposure to industrial pollutants can result in a risk to human health and or property damage a treatment control BMPs need to be engineered to adequately address the associated risk. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
14		Sara Aminzadeh et al.	20	Board staff should review the volume-based specifications and provide clarity regarding the consequences of selecting the 85th percentile annual 24-hour storm as the standard. Does this mean that Permittees are exempt from compliance during storms exceeding this value? Since the standard fails to consider specifications for a release rate for the design volume, a potential reading of the draft Permit would be that so long as the first storm of the year is captured, equal to or equivalent to the 85th percentile annual 24-hour storm, all subsequent runoff throughout the wet season would be Permitted for unregulated release. This must be clarified. If it means all subsequent runoff would be Permitted, it cannot be said to satisfy BAT/BCT requirements, and on its face fails to ensure pollutant discharges will not cause or contribute to an exceedance of WQS.	A design storm is not a compliance storm and a Discharger is still responsible for industrial pollutants discharged. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
14		Sara Aminzadeh et al.	21	Inconsistencies in Section X.H.6 introduce uncertainty to Permittees regarding Permit requirements and the required design storm. The Permit states "A Factor of Safety shall be incorporated into the design of all treatment control BMPs to ensure that storm water is sufficiently treated throughout the life of the treatment control BMPs."27 The draft Permit then specifies numeric design standards, without defining "factor of safety" or elaborating on what it mean that sufficient treatment shall be achieved. Are facilities in fact required to capture, harvest and store runoff above this standard? If so, what is a reasonable limit? Should Permittees plan for the 5-year 24-hour storm or the 100-year 24-hour storm?	The safety factor is for the professional in charge to determine so that for the life of the designed structure, no NAL exceedances will occur. . If exposure to industrial pollutants can result in a risk to human health and/or property damage, a treatment control BMPs need to be engineered to adequately address the associated risk. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.

14		Sara Aminzadeh et al.	22	In practice, facilities are most likely to utilize the 85th percentile volumetric standard without consideration of necessary parameters, such as safety factor, drawdown times and release rates. They may install retention ponds, infiltration basins, baker tanks, cisterns or dry wells designed for the 85th percentile storm, but what happens when these fill-up after the first significant storm event of the year? If this captured water cannot be safely infiltrated at a rapid rate or used on-site for other purposes, runoff from all subsequent storms will likely be discharged directly. This is the reason several recent settlements resolving citizen suits against industrial facilities have required implementation of higher design storms, explicitly providing that the facility shall only be responsible for runoff associated with storms below a specified return interval (e.g. the 10-year 24-hour storm or 25-year 24-hour storm). The fact that a number of industrial facilities throughout California have successfully implemented measures utilizing higher, more protective standards than the proposed 85th percentile standard proposed shows that a higher design storm standard is feasible. For example, a current draft EIR for the WestPac Pittsburg Energy Infrastructure Project states the facility is currently equipped to retain a storm in excess of the 100-year 24-hour storm and new stormwater facilities on the site are designed for the 10-year 24-hour storm	Captured water cannot be safely infiltrated at a rapid rate or used on-site for other purposes. Runoff from all subsequent storms must be included in the design of the volumetric structure by increasing the size of the structure, to safely handle the increased volume factor. The size of the structure must be large enough to ensure that the minimum BMPs in combination with any advanced BMPs have reduced or prevented pollutants in industrial storm water discharge. Compliance with this General Permit's technology-based effluent limitations is required.
14		Sara Aminzadeh et al.	23	Under the proposed language, the State Board specifies a capture volume without consideration of continuous conditions (e.g. inter-event period, drawdown, infiltration). Rather than specifying a given design storm for the purposes of sizing volumetric control structures, the State Board may wish to specify a bypass rate or Permitted overflow that achieves BAT and BCT. Continuous simulation modeling using site-specific data can be conducted with simple, freely available models to determine under which scenarios their system would discharge. This would enable optimization for cost and sizing and grant the State Board greater assurance of beneficial-use attainment. If, for example, facilities were responsible only for storms below the 10-year 24-hour return period, control structures could be appropriately designed for cost and physical constraints. Conversely, if the Board intends to exempt all discharges in excess of the 85th percentile storm event the Permit should clearly reflect this intent, along with the rationale.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
14		Sara Aminzadeh et al.	24	To reduce uncertainty regarding what constitutes compliance, we recommend a minimum standard for volume-based controls that ensures capture of all storms up to the 95th percentile event. Calculations must be informed by local rainfall history and information regarding the capture-and-release control utilized. Since runoff occurs much faster than typical drawdown periods, additional storage will be required to capture multiple storms, or treatment and/or infiltration must be employed to release captured runoff within the required timeframe. For the purposes of establishing a BAT and BCT standard for volume-based control structures, it may be appropriate to provide that Permittees would not be held liable for runoff associated with storm events in excess of the 10-year 24-hour storm.	A design storm is not a compliance storm and a discharger is still responsible for industrial pollutants discharged. Drawdown times, inter-event periods, release rates and flow hydrographs are the responsibility of the professional engineer designing the structure and the corresponding safety factor implemented to ensure the volume based structure does not discharge industrial storm water above the NALs. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.

14		Sara Aminzadeh et al.	25	The Board Must Ensure that Industrial Stormwater Discharges and Authorized NSWDs Do Not Cause or Contribute to an Exceedance of Water Quality Standards for Receiving Waters. The draft Permit causes confusion for industrial stormwater Dischargers regarding their obligation not to cause or contribute to exceedances of water quality standards. Paragraph 37 of the draft Permit states: This General Permit requires all Dischargers to comply with all applicable WQS for waters of the United States that may be affected by their industrial storm water discharges and authorized NSWDs. WQS apply to the quality of the receiving water, not the quality of the industrial storm water discharge. Therefore, compliance with the receiving water limitations can generally not be determined solely by the effluent water quality characteristics.	Comment noted. The Finding has been modified to properly reflect the basis of the requirements and the points in this comment.
14		Sara Aminzadeh et al.	26	The Draft Permit's language purporting to move the point of compliance for all stormwater dischargers and adding the language "in any affected receiving water" to Effluent Limit VI.A constitutes backsliding from the 1999 Permit, which required that "dischargers shall not cause or contribute to a violation of an applicable water quality standard" measured at the location where stormwater leaves the facilities. By attempting to move the facilities monitoring location or point of compliance for the receiving water limits into unspecified downstream waters, the Draft Permit effectively adds a mixing zone without have adhered to the requisite regulatory process.29 That alteration to the water quality-based receiving water limit is less stringent than the existing permit as written and as clarified by the courts. Clean Water Act and federal regulations prohibit backsliding, or weakening of permit terms, from the previous permit. Section 402(o)(1) of the Clean Water Act requires that, for effluent limitations based on a state standard, "a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit," except in circumstances not present here.30 Similarly, federal regulations require that "when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit. . . ."31 In order to avoid violating the rules for establishing mixing zones and EPA's approval process, and to avoid improper backsliding, the State Board should maintain the receiving water limitation in the current permit.	Order 97-03-DWQ did not specify where the receiving water limitation applied. Receiving water limitations apply anywhere in the water body that receives the discharge, as well as in downstream water bodies. This does not constitute a substantive change from Order 97-03-DWQ.
14		Sara Aminzadeh et al.	27	Long-standing case law states that where a discharger does not possess a permit with an express mixing zone provision, that discharger's compliance with receiving water objectives must be determined at the point of discharge from the facility. A permitted discharger may only receive a mixing zone of dilution to determine compliance with receiving water objectives, if and only if that discharger has conducted a mixing zone study, submitted to the Regional Board for approval, and written into the individual discharger's permit.33 Where dischargers have not conducted a mixing zone study to determine their relative contribution to receiving water quality degradation, the CWA does not provide a free pass, and evaluation of compliance with	The permit does not contain any mixing zones. See response to Commenter's comment number 27, and permit finding 37.

				water quality standards can only be made through analysis of the discharged effluent.	
14		Sara Aminzadeh et al.	28	The only relevant information the Draft Permit requires industrial stormwater dischargers to collect is end-of-pipe effluent data, not receiving water quality data. It is well-established that every NPDES permit must include discharge monitoring sufficient to determine compliance with all permit limits—in this case, the Draft Permit's requirement to comply with all applicable receiving water quality standards. As recently explained by the 9th Circuit Court of Appeals: [T]he Clean Water Act requires every NPDES permittee to monitor its discharges into the navigable waters of the United States in a manner sufficient to determine whether it is in compliance with the relevant NPDES permit. 33 U.S.C. § 1342(a)(2); 40 C.F.R. § 122.44(i)(1) ("[E]ach NPDES permit shall include conditions meeting the following . . . monitoring requirements . . . to assure compliance with permit limitations."). That is, an NPDES permit is unlawful if a permittee is not required to effectively monitor its permit compliance.34 The Draft Permit fails this test by (1) prohibiting discharges that fail to comply with receiving water standards, (2) wrongly asserting that such compliance cannot be determined solely by analyzing the quality of effluent discharging from a facility, yet (3) only requiring water quality monitoring of effluent discharging from each facility.	The permit does rely primarily on effluent data, observations, inspections, and BMP implementation. This approach is similar to the monitoring approach in U.S. EPA's 2008 MSGP. In addition, the State Water Board collects substantial amounts of ambient receiving water quality data through other programs. This data can also be used to evaluate compliance with receiving water limitations.
14		Sara Aminzadeh et al.	29	Numeric waste load allocations ("WLAs") that apply to dischargers covered by the Draft Permit must be directly incorporated into the permit as water quality-based effluent limitations ("WQBELs"). WLAs are "a type of WQBEL." When developing WQBELs for NPDES permits, the permitting authority is required to ensure that "effluent limits are consistent with the assumptions and requirements of any available wasteload allocation for the discharge."36 It is EPA's longstanding position that NPDES permits must contain effluent limits and conditions that are consistent with the requirements of WLAs in established TMDLs.37 The State Water Board is obligated to immediately incorporate existing, applicable WLAs as WQBELs into any adopted permit.	The State Water Board attempted to incorporate specific TMDLs into this permit, but concluded that each and every TMDL that applies to industrial storm water required substantial effort to convert into meaningful permit term that are consistent with the TMDL and Waste Load Allocation. (See the discussion in the Fact Sheet.) The State Water Board is committed to completing this task, but believes that further delays in reissuing the permit to complete this task will delay necessary water quality improvements related to discharges of industrial storm water. The State Water Board is on the verge of completing the same task for the Caltrans storm water permit.

14		Sara Aminzadeh et al.	30	Contrary to these requirements, the Draft Permit inappropriately defers incorporation of any WLAs as WQBELs. In fact, the Draft Permit seemingly puts on hold discharger compliance with all TMDLs to an unspecified date in the future.38 Specifically, the Draft Permit states that the regional boards must have their recommendations on "TMDL-specific permit requirements" to the State Board by July 1, 2015.39 However, it is uncertain if and when a permit re-opener to include the WLAs will actually occur. Further, the Draft Permit appears to allow for TMDLs with numeric WLAs that have already been approved by regional boards and USEPA to now be modified to a "a BMP-based approach when incorporated into the Permit,"40 without proper stakeholder process. Does the State Board anticipate the regional boards re-opening all TMDL Basin Plan Amendments? The public will not be able to adequately address any concerns over the proposals for the 33 TMDLs listed in Attachment E during a generic 30- day comment period. Approved TMDLs have individually gone through lengthy stakeholder processes prior to adoption. Thus the Draft Permit, as proposed, may not be legally adopted.	Findings 40 and 42 has been revised to include a firm deadline of July 1, 2016 for the State Water Board to initiate the public comment period necessary to re-open the permit to include TMDL-specific permit requirements. The State Water Board agrees that a 30 day comment period may not be adequate, and has therefore declined to specify a date by which the permit will be amended.
14		Sara Aminzadeh et al.	31	As a practical matter, the Board has articulated no legitimate basis for not incorporating the existing WLAs now. A review of TMDLs developed in California reveals that there are many numeric WLAs specifically developed and applicable to industrial dischargers covered by the Draft Permit. Some of these TMDLs include the Ballona Creek and Estuary Metals TMDL, the Los Angeles River Metals TMDL, the LA River Trash TMDL, the Calleguas Creek Watershed Metals and Selenium TMDL, and the Santa Monica Bay DDT and PCB TMDL, among others. These WLAs must immediately be incorporated as WQBELs into the Draft Permit to ensure that the permit complies with legal mandates. A delay in WLA incorporation is especially unjustified for TMDLs with expired compliance deadlines, such as the Santa Clara River Reach 3 Chloride TMDL, the Los Angeles Area Lakes Nitrogen, Phosphorus, Mercury, Trash, Organochlorine Pesticides and PCBs TMDLs, and the San Gabriel River Metals and Selenium TMDL, among others. Rather than deferring incorporation of WLAs to an unknown later day and allowing for a BMP-based approach for compliance when numeric WLAs are in-effect, the Board must revise the Draft Permit to incorporate all existing, applicable numeric WLAs as WQBELs prior to adoption.	The State Water Board attempted to incorporate specific TMDLs into this permit, but concluded that each and every TMDL that applies to industrial storm water required substantial effort to convert into meaningful permit term that are consistent with the TMDL and Waste Load Allocation. (See the discussion in the Fact Sheet.) The State Water Board is committed to completing this task, but believes that further delays in reissuing the permit to complete this task will delay necessary water quality improvements related to discharges of industrial storm water. The State Water Board is on the verge of completing the same task for the Caltrans storm water permit.
14		Sara Aminzadeh et al.	32	The Board Should Strengthen Monitoring Requirements to Determine Compliance and Support the Development of NELs. Since the Storm Water Panel on Numeric Limits was convened in 2006, California's Storm Water Multiple Application and Report Tracking System (SMARTS) database has matured into a robust dataset and a number of stormwater control manufacturers have released numeric performance data to the public. Information available from the database may be used to inform determinations of feasibility, regarding inclusion of numeric effluent limits in California's industrial permit, as well as evaluations of BAT/BCT technology(ies). However, the Board finds that "current electronically-available storm water data set	This General Permit includes a stronger monitoring program than the current Permit. Sampling has essentially doubled and the rules regarding when a discharger may sample have been eased to insure that most dischargers will be able to collect all the samples in most years. Dischargers must sample all drainage areas while the current Permit allowed dischargers to not sample drainage areas that were significantly similar. This General permit includes other revisions that should lead to better data quality. The State Water Board, as explained in the Fact Sheet, does not have the data to develop numeric effluent limitations in accordance with USEPA regulations. The State Water

				… has very limited value due to the limited pool of industrial facilities submitting electronic data, poor overall data quality and extreme variance within the dataset," and has therefore referred to the draft Permit as a "bridge permit" meant to collect quality storm water discharge data. The discharger community also asserts that the data collected under the current stormwater permit is insufficient to be used to determine compliance with the permit. If the dischargers are correct, the draft Permit likewise fails to comply with this legal requirement because, as designed, the program will not result in the collection of data sufficient to determine permittees' compliance with the Permit's key requirements, including its Discharge Prohibitions, Effluent Limitations and Receiving Water Limitations. As Natural Res. Def. Council, Inc. v. Cnty. of Los Angeles recently reaffirmed, NPDES permit must include a self-monitoring program adequate to determine compliance with permit conditions. To meet the requirements of the Clean Water Act, and to achieve the Board's goal of providing more robust data, the program must be revised and strengthened.	Board will reopen this General Permit to specifically include TMDL implementation requirements. The State Water Board believes the Level 2 BMP demonstrations anticipated during this General Permit will greatly assist The State Water Board in evaluating technologies to comply with BAT/BCT.
14		Sara Aminzadeh et al.	33	The draft Permit Should Require Sample Collection at Each Facility Outfall. The proposed Sampling Location Reduction in the draft Permit will prevent Permittees, the Board and the public from meaningfully evaluating compliance with Permit requirements. The Representative Sampling Reduction ("RSR") provision essentially allows Dischargers to cherry-pick the best discharge locations with the least risk of a NAL exceedance to sample for each drainage area under the condition that "the industrial activities and physical characteristics of the drainage areas(s) are substantially similar."46 As indicated in our October 2012 comments, this is considerably weaker than the 1997 Permit's requirement of "substantially identical" BMPs and sampling locations. The Board's Response to Comments states that the previous phrasing was "worthless or subject to misinterpretation" and that sampling and analysis would be "costly and in many cases unnecessary." Our groups strongly disagree. The new language doesn't account for Dischargers' impact on receiving waters and the fact that some facilities may discharge to more than one water body, each with different water quality limits and impairments. The draft Permit also fails to impose a limit on the number of locations that can be reduced so long as they are in the same drainage area. As a result, the RSR significantly weakens the draft Permit's monitoring program. This reduction of required sampling locations violates both the intent of the Clean Water Act to eliminate all pollutant discharges47 and the requirement for monitoring programs to collect sufficient data of "representative of the monitored activity."48 The draft Permit must therefore require sampling at each discharge outfall.	Representative Sampling Reduction is only applied in narrow circumstances like parking lots and rooftops - not large drainage areas with a single outfall. This This is an improvement over the current Permit which allowed Dischargers to reduce sampling from entire drainage areas if the drainage area were substantially similar. The State Water Board disagrees that it represent a considerably weakening of the monitoring program. The Qualified Combined Samples option is a carryover from the current Permit but has been strengthened in the Permit by capping the number of sample that can be combined to 4, mandating that only laboratories may combine the samples (not Dischargers), and strengthening the requirements that the Discharger demonstrate that the industrial activities and physical characteristics (grade, surface materials, etc.) within each of the drainage areas are substantially similar to one another. improvement of the monitoring requirement versus the current Permit.

14		Sara Aminzadeh et al.	34	The draft Permit Should Not Allow For a Reduction to the Number of Annual Qualifying Sampling Events. The draft Permit allows for a reduction to the number of "qualifying storm events" ("QSEs") for Dischargers who can demonstrate that results from four consecutive QSE's do not exceed NALs and "full compliance" with the Permit requirements. With frequent inconsistencies in discharges and anomalies in sampling, the Board's proposed sampling reduction scheme could Permit a Discharger to continue negatively impacting water quality while slipping under the radar of the Permit's monitoring scheme. Also, decreased monitoring frequencies will decrease the likelihood of finding NAL exceedances and triggering actions. Further, the NAL values are very weak and do not serve as an adequate surrogate for determining if the discharge is causing or contributing to a water quality standards exeedance. Also there are not NALs, in particular "instantaneous maximum" NALs, in the draft Permit for all constituents that may be monitored so this is an inappropriate trigger for monitoring reduction. Four sampling events per year is already a low frequency considering the potential risks of industrial discharge. Consistent monitoring should remain throughout the Permit cycle in order to track trends and to adequately understand the discharge. Thus, we urge the State Board to remove this provision. In addition, it is inappropriate to allow a Discharger to reduce their monitoring effort simply because they are a member of a Compliance Group. All facilities have unique characteristics and manage their storm water differently. Requiring only one (if they meet the SFR requirements) or two sampling events per year will not provide the Board and the public the information necessary to meaningfully evaluate compliance with Permit requirements.	Similar to the current Permit, the Permit allows Dischargers to reduce the number of sampling events based upon performance. However, the sampling reduction requirements have been improved versus the current Permit in several ways. The Permit requires an increased sampling frequency (4) which is twice the number (2) of the current Permit. For Dischargers not participating in Compliance Groups, Dischargers qualifying for sampling reduction are required to sample two QSEs/year which is exactly the number of samples required in the current Permit without a sampling reduction. The current Permit only required an additional two samples over the life of the Permit in most cases while the Permit requires sampling of two QSEs/year. The State Water Board believes that once a Discharger collects a sufficient number of samples with no NAL exceedances and is otherwise complying with the Permit requirements, it is an unnecessary burden on Dischargers to continue full sampling. As soon as an NAL exceedance occurs, the Discharger is ineligible for sampling reduction until the Level 1 ERA is completed and the Discharger samples 4 QSEs without further NAL exceedances. The Permit does not allow sample reduction for most Dischargers that enter Level 2. Only Dischargers who implement BMPs that eliminate future exceedances are eligible for sample reduction.
14		Sara Aminzadeh et al.	35	The draft Permit Should Not Allow the Combination of Samples. The draft Permit further weakens the effectiveness of the monitoring program by allowing Dischargers to have the lab combine samples from up to four (or more than four with regional board approval) different drainage areas for analysis "if the industrial activities and physical characteristics (grade, surface materials, etc.) within each of the drainage areas are substantially similar to one another."49 Like the Sample Location Reduction provision of the draft Permit, no consideration is given to the different control measures that may exist in different drainage areas of the facility. Moreover, as proposed, the Qualified Combined Samples provision will apply to samples from a facility with outfalls discharging to different waterbodies with potentially different water quality limits and impairments. The Qualified Combined Samples provision encourages Dischargers to combine samples in order to dilute discharges and reduce lab analysis costs. In addition, because it fails to focus individually on each outfall and its BMPs, the Qualified Combined Samples provision will add unnecessary complication to the required, careful evaluation of the effectiveness of the facility's BMPs and the need for additional pollution control measures. Such combinations would only serve to mask the	The Qualified Combined Samples option is a carryover from the current Permit but has been strengthened in the Permit by capping the number of sample that can be combined to 4, mandating that only laboratories may combine the samples (not Dischargers), and strengthening the requirements that the Discharger demonstrate that the industrial activities and physical characteristics (grade, surface materials, etc.) within each of the drainage areas are substantially similar to one another. Since the drainage areas must be substantially similar, it is not expected there would be large variations in storm water quality from one sample to another. The State Water Board includes this provision in order to reduce costs for facilities with numerous drainage areas that are substantially similar. The Permit offers no relief for Dischargers with facilities where the drainage areas are not substantially similar.

				potential pollutants contained in storm water discharges and would lead to gross underestimates of facility impacts to receiving waters. For these reasons, the Qualified Samples Provision must be removed from the Permit.	
14		Sara Aminzadeh et al.	36	The Board Should Put in Place a Framework to Develop Numeric Technology-Based Effluent Limitations. The permit was last updated nearly seventeen years ago in 1997. Since then, our understanding and techniques to manage stormwater have progressed significantly, as have our industrial data sets. We are disappointed that this draft Permit fails to include enforceable limits for toxic chemicals associated with stormwater runoff from the thousands of industrial facilities across California. This is despite demonstration that such limits are feasible and currently being attained by the majority of industrial sites. This permit will not go into effect until July 2015, almost two years from now. During this time, we urge the Board to put in place a framework for assessing the adequacy of data collection and monitoring parallel to permit implementation, including a process for making revisions to monitoring and reporting requirements, as needed. The draft Permit states that the "State Water Board expects that this information and assessment process will provide information necessary to determine the feasibility of numeric effluent limits for industrial dischargers in the next reissuance of the Permit, consistent with the Blue Ribbon Panel recommendation." We urge the Board to develop and adopt a process and timeline or "workplan" for doing so with established checkpoints to assess progress towards this important goal. The workplan could address the data gaps identified in the 2006 Blue Ribbon Panel Report50, which highlights the need for a rigorous sampling scheme that allows facilities and regulators to assess numeric effluent limitations equivalent to the pollutant reduction achievable through the implementation of BAT/BCT technology(ies). A workplan would help the Board ensure that this permit yields the data necessary to develop numeric technology-based effluent limitations grounded in the BAT/BCT standards for controlling pollutants discharged from industrial sites in California. A workplan should ensure that there are adequate performance data on technology(ies) chosen for analysis under the BAT/BCT factors required by 40 C.F.R. § 122.44(a) and (b), § 123.5 such that, once the chosen technology(ies) have been identified as BAT/BCT, the effluent limitations based on BAT/BCT can be expressed numerically.	The State Water Board, as explained in the Fact Sheet, does not have the data to develop numeric effluent limitations in accordance with USEPA regulations. However, this General Permit uses the MSGP benchmarks and developed two types of NAL exceedances that trigger two levels of Exceedance Response Actions. During the period prior to the permit effective date, Water Board staff will work to complete development of the QISP training component, complete SMARTS capabilities, begin working with Regional Board offices to develop TMDL implementation requirements, identify methods of contacting facilities subject to the new No Exposure Certification coverage, and a host of other pre-permit implementation tasks. The State Water Board anticipates developing a plan to assess the sampling data at some point.

14		Sara Aminzadeh et al.	37	The Board must ensure that the Draft Permit is consistent with the law regarding pre-production plastics. The Draft Permit indicates that a plastics facility is "exempt" if they meet one of the two listed requirements (XVIII Special Requirements-Plastic Materials, Section A, subsection 2). The second of the listed requirements offers a suite of BMPs to be used in lieu of the screen capture system. We are concerned that these BMPs may allow pre-production pellets to enter the stormdrain system. What analysis did the State Board conduct to determine that these BMPs will lead to equivalent protections? In addition, this appears to be inconsistent with the law. In fact, the law specifies that the regional boards may go beyond the 1 mm screen and implement additional BMPs. This evidences legislative intent to have additional and more robust protections. In addition, the Permit describes the situations in which an alternative to the 1mm mesh screens would be appropriate, subject to Board approval, and these differ very slightly, but significantly from Assembly Bill 258. The Permit allows for submission of alternatives if the containment system is "infeasible" or poses the threat of "illicit discharge" (XVIII Special Requirements-Plastic Materials, Section A, subsection 1, subpart b). In contrast, AB 258 allows for proposal of an alternative when the installation is "...not appropriate because one or more of a facility's down gradient drainage areas is not discharged through a stormwater conveyance system, or when the regional board determines that... [a] screen is not appropriate..."51 Thus the Permit is overly-broad, giving the facility more leeway in proposing alternatives if they argue that the system is "infeasible" or poses an illicit discharge threat. This is inconsistent with the law and should be addressed.	The State Water Board believes that the plastics provisions in the permit provide for a more protective approach for water quality than adhering solely to the screen capture system. Because the alternatives are more protective of water quality, they are consistent with Water Code section 13367's minimum requirements.
14		Sara Aminzadeh et al.	38	Commingled non-industrial stormwater should not be excused. Section XII.D.2.b encourages commingling and run-on from non-industrial stormwater, thus diluting monitoring results effectiveness for evaluating on-site BMPs and protecting water quality. This Section should be revised to require continued monitoring of claimed non-industrial source or run-on.	The Discharger must demonstrate that the pollutant contribution from the industrial activities by itself does not result in an NAL exceedance.
14		Sara Aminzadeh et al.	39	Disturbed background levels are not natural and should not be excused. Section XII.D.2.c states that the Natural Background Pollutant Source Demonstration shall include "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." The Permit needs to specify that this does not include natural levels that have been disturbed by the industrial activity i.e. the facility.	The permit has been revised as requested.

14		Sara Aminzadeh et al.	40	Excluding all off-site auxiliary functions will not protect water quality. The Industrial Permit Fact Sheet, pg. 9, finds that "when auxiliary functions are performed at physically separate facilities from the establishment they serve, they generally are not subject to General Permit coverage." The Industrial Permit should cover off-site auxiliary functions when those functions are a primary component of the facility's operation. For example, off-site bulk storage may be auxiliary to a concrete batch facility, but that bulk storage would be one of the most polluting aspects of the facility's operation. To protect water quality from all sources of industrial activities, the Permit should cover any off-site auxiliary function that is a primary component to a facility's operation	The Permit has not been changed to address the comment. If the off-site industrial activity discharges storm water associated with industrial activity as defined in Attachment C, Permit coverage would be required.
14		Sara Aminzadeh et al.	41	The SWPPP map should show monitoring locations. Section X.E.3. requires the Discharger to include various information on their SWPPP map, including: the facility's boundary area, drainage areas, flow direction, location of storm water collection and conveyance systems, identification of all impervious areas of the facility, locations of areas directly exposed to precipitation, and areas of industrial activity. However, there is no requirement for the Discharger to show where a facility's monitoring locations exist. Given the Permit's numerous monitoring exemptions, it is critical that the Discharger provide, at the very least, its monitoring locations.	Language was added to this General Permit Section X.E.3.
14		Sara Aminzadeh et al.	43	The Industrial Permit should not incorporate LID language from the Region 8 Scrap Metal Permit. During the August 21st State Water Board Public Hearing, a suggestion was made that the Industrial Permit should incorporate LID language from Region 8's Scrap Metal Permit. Region 8's Permit, ORDER NO. R8-2012-0012, NPDES No. CAG 618001, requires Permittees: To the extent practicable, minimize the runoff from the site through low impact development (LID) type of BMPs, such as: onsite infiltration including percolation and retention basins, pervious pavement, evapotranspiration and onsite storage (e.g., rain barrels or cisterns to store storm water) and use, green roofs, etc.; control flow volume and velocity through vegetated swales, bioretention facilities, etc. Develop and implement a program, to the maximum extent practicable, to percolate, evapotranspirate, or use onsite, the design volume of runoff from non-industrial areas and uncontaminated runoff from industrial areas. While our groups generally encourage the use of LID, and in particular stormwater Permits that encourage Permittees to utilize LID practices to manage stormwater, the suggested language from the Metal Yard Permit is vague, unenforceable, and we fear does not meet the appropriate Clean Water Act standards. We support the use of LID in the Industrial Permit, but we believe a numeric standard is necessary to meet the requirements of the Clean Water Act. We support the inclusion of LID language with a numeric standard that conforms to other Permits requiring, at minimum, 95th percentile storm retention where feasible (infeasibility could be the result of pollutant specific concerns for recharge).	The Permit and Fact Sheet language has been revised to point out and clarify requirements in the Permit that allow and encourage the use of LID and related green infrastructure techniques. Developing a statewide credit system for LIDs across all industries is a significant effort not addressed in this Permit reissuance. The State Water Board may consider such a LID credit system next time it reissues the Permit.

15	California Construction and Industrial Materials Association	Adam Harper	1	Footnote 11 Proposed Modification: For the purposes of this General Permit, the requirement to implement BMPs "to the extent feasible" requires Dischargers to select, design, install and implement BMPs that reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic oracticabilitv and achieva bi lity.	To date, U.S. EPA has not finalized its proposed rule, which applies to construction storm water.
15	California Construction and Industrial Materials Association	Adam Harper	2	Language Clarity Based on Above Definitions Use of "Eliminate" should be made consistent with the federal MSGP as follows. Uses of Eliminate should have the qualifier II to the extent achievable' included after their usage at the following locations throughout the documents: 1. Fact Sheet, Page 21 - Second paragraph. After "eliminate" insert" to the extent achievable' 2. Fact Sheet Page 21 -Second Paragraph, last sentence. After "eliminate"-Insert" to the extent achievable' 3. Fact Sheet, Page 34 - after \\eliminate" insert 1\to the extent achievable." 4. Attachment C, Glossary- Good Housekeeping BMP's, after eliminate insert '1 to the extent achievable."	The fact sheet and permit have been revised. In many instances, “eliminate” has been replaced with “prevent.” In sections X.H.1 and X.H.2, the requirements to implement BMPs are qualified by “to the extent feasible.”
15	California Construction and Industrial Materials Association	Adam Harper	3	Conforming Effluent Limitation Language in V.A CASQA has provided specific suggestions to address the similar language issue in the Effluent Limitation language in Section V.A, which we agree with. [Or: For the reasons cited above, and consistent with the MSGP, the language in Section V.A, Effluent Limitations, should be clearly linked to the SWPPP and BMP requirements in the draft Permit, and should also refer to economic practicability.]	Language has been changed to address this comment proposing that Dischargers are required to consider economic practicability and achievability. The revised proposed language is now consistent with the MSGP.
15	California Construction and Industrial Materials Association	Adam Harper	4	What occurs when minimum BMP's are infeasible We note that the Fact Sheet, while recognizing minimum BMP's may not be appropriate in all instances, does little to nothing to describe such scenarios nor the expected actions of the Permittee when it occurs.	When minimum BMPS are infeasible a facility must consider implementing advanced BMPs.

15	California Construction and Industrial Materials Association	Adam Harper	5	1. Minimum Best Management Practices (BMPs) This General Permit requires Dischargers to implement a set of minimum BMPs. The minimum BMPs, in combination with any advanced BMPs (collectively, BMPs) necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations. Although there is great variation in industrial activities and pollutant sources between industrial sectors and, in some cases between operations within the same industrial sector, the minimum BMPs specified in this General Permit represent common practices that can be implemented by most facilities. Where a minimum BMP is infeasible the SWPPP shall include a discussion of the advanced and/or alternative BMP's utilized to manage stormwater For that activity.	Comment noted.
15	California Construction and Industrial Materials Association	Adam Harper	6	Page 20 of Fact Sheet, Proposed Addition 2. Minimum and Advanced BMPs Section V of this General Permit requires the Discharger to comply with technology-based effluent limitations. In this General Permit, those limitations take the form of BMPs which Dischargers must implement to prevent and reduce the presence of pollutants in their discharge. The BMP effluent limitations have been integrated into the Section X.H of this General Permit and are divided into two categories - minimum BMPs which are generally non-structural BMPs that all Dischargers must implement to the extent feasible, and advanced BMPs which are generally structural BMPs that must be implemented to the extent feasible if the minimum BMPs are inadequate or infeasible. Section X of this General Permit includes both substantive control requirements in the form of the BMPs listed in Section X.H, as well as various reporting and recordkeeping requirements. The requirement to implement BMPs "to the extent feasible" allows Dischargers flexibility when implementing BMPs, by not requiring the implementation of BMPs that are not technologically available or economically achievable in light of best industry practices. There is general recognition within stormwater regulation that the covering of large stockpiles is infeasible. This is reflected both within the MSGP in Providing mineral facilities with an inactive mine provision which does not require no exposure status as well as within the BMP handbooks of other jurisdictions such as Washington State which notes, "For large uncovered stockpiles implement containment practices at the perimeter of the site and at and catch basins as needed to prevent erosion and discharge of the stockpiled material off-site or to a storm drain. Ensure that no direct discharge of contaminated storm water to catch basins exists without conveying runoff through an appropriate treatment BMP. " 2 And provides further clarity as follows "Applicable Treatment BMP: Convey contaminated storm water from the stockpile area to a wet pond, wet vault, settling basin, media filter, or other appropriate treatment system depending on the contamination." Facilities not implementing a minimum BMP for feasibility reasons need to include a description of the alternative BMP's implemented.	The large diversity of industry and the fate and transport of specific pollutants creates many unique possibilities that listing specific solutions in the Permit will not be applicable in all situations.

15	California Construction and Industrial Materials Association	Adam Harper	7	In several places the term "readily mobilized" is used within the document. While we are sympathetic of the need to provide some flexibility to the interpretation of that term, considering the number of industries regulated under this draft, we believe it would be beneficial to provide some additional clarity to the term's usage. It is clear from the draft and associated documents that a soluble material such as rock salt is readily mobilized. From our discussions with staff we understand that it is intended to describe industrial materials such as powders or liquids that are mobilized by contact with stormwater. If our understanding is correct, materials such as a non-revegetated topsoil stockpile or fertilizer storage pile for reclamation would represent readily mobilized materials. However, a storage pile of rock may not. Is this understanding correct?	Dischargers and their advisors must use professional judgment when interpreting many of the requirements in the Permit. Pollutants associated with industrial activity may be mobilized in discharges of storm water and authorized non-storm water in various ways. This is specific to conditions at the facility, including but not limited to the exposure of the pollutants, the specific types of pollutants and the fate and transport mechanisms associated with all of these conditions. It is not possible to cover all the potential scenarios and clarify this language further than it is in in the Permit.
15	California Construction and Industrial Materials Association	Adam Harper	8	Section X.H.4 includes details of multiple descriptions required in the SWPPP which are redundant to other components and/or unnecessary or misplaced. Keeping these items within this section is likely to lead to unnecessary changes to the SWPPP throughout the year. These items are as follows; 1. ''The pollutant(s) that the BMP is designed to reduce or prevent in industrial storm water discharges" (X.H.4.a.i) - a. Found in BMP Handbook 2. The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation" (X.H.4.a.ii)- a. Varies significantly based on sample results and activities at a site. Seems to force Discharger to update SWPPP whenever scenarios not anticipated during initial SWPPP drafting result in changing processes on the ground. 3. "The locations within each area of industrial activity or industrial pollutant source where the BMP shall be implemented" (X.H.4.a.ili) - a. Found in BMP Summary Table and on Site Map 4. "The procedures, including maintenance procedures, and/or instructions to implement the BMP effectively" (X.H.4.a.v)- a. Found in BMP Handbook 5. "The equipment and tools necessary to implement the BMP effectively" (X.H.4.a.vi)- a. Found in BMP Handbook 6. The BMPs that may require more frequent visual observations beyond monthly visual observations as described in Section XI.A.1" (X.H.4.a.vii)- a. First, Section XI.A.1 does not currently include a requirement to discuss areas which may need more frequent visual observations. b. Second, such a discussion more appropriately belongs in Section X.I (Monitoring Implementation Plan). As the Monitoring Implementation	The Permit has not been revised to address the comment. This General Permit has to have its own enforceable requirements, and does not enforcement the "BMP handbook". This General Permit also mirrors the US EPA multi sector general Permit regarding how a Discharger is required to describe their BMPs.

				Plan is the document facilities will use to coordinate their visual observation and sampling activities. c. The language in (X.H.4.a.vi) should be deleted from that section and moved to an appropriate location in X.I (Monitoring Implementation Plan)	
15	California Construction and Industrial Materials Association	Adam Harper	9	Effective Date: Please Change to July 1, 2015:	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
15	California Construction and Industrial Materials Association	Adam Harper	10	The Fact Sheet includes Figure 3 on page 44, which is a compliance flowchart. We would like to note this flow chart appears to be incomplete. The specific issue within the flow chart is it does not account for several factors which may result in a facility not having two sampled storm events per half year.	The compliance flow chart has been updated. The Permit is clear that it is not a violation if the Discharger cannot obtain the required samples if there not enough QSEs.
15	California Construction and Industrial Materials Association	Adam Harper	11	Our review of this language considers the nature of mineral operations, which are often large facilities with a very large percentage area of pervious surfaces and much smaller sections impervious surfaces. As a result when a system of storms comes through while discharges may occur from the impervious areas earlier in such a system, the pervious drainages at a facility may not discharge until later in the week under a different precipitation event. This language would therefore appear to prevent us from sampling discharges from the pervious areas of a facility when a storm system came through on a Monday causing a discharge from drainage 1. Monday night that event passed discharge ceased and the following Wednesday another event came through causing discharges at points 2 and 3. Under the draft definition we would seem to be precluded from taking samples at discharge points 2 and 3 due	A Qualifying Storm Event (QSE) is a precipitation event that: (1) produces a discharge for at least one drainage area; and (2) is preceded by 48 hours with no discharge from any drainage area. For the majority of facilities this QSE definition is easy to understand and should rarely be limit the number of eligible QSEs because of drainage areas discharging at different times. The State Water Board recognizes that their may be some instances at complex facilities that the QSE definition may sometimes reduce the number of eligible QSEs.

				to the language in l.b.	
15	California Construction and Industrial Materials Association	Adam Harper	12	The federal MSGP has provided clarity on an issue that has occasionally been discussed in California. As the SIC code for mining operations are specifically listed for inclusion within the Industrial Stormwater Permit, we believe translating these definitions into the Fact Sheet is important to ensuring mines maintain adequate SWPPP's throughout their life. Specifically the federal MSGP has provided definitions for Active phase, Construction phase, Reclamation phase, Exploration phase, etc. The MSGP also clarifies that discharges from all phases of a mineral operation are covered under this Permit, including construction and reclamation. Making sure it is clear mineral operations comply with this draft for their entire facility duration is appropriate and these federal definitions and clarifications do that.	The Permit has not been changed to address the comment. The Permit is not a multi-sector Permit with sector specific requirements like the federal MSGP.
15	California Construction and Industrial Materials Association	Adam Harper	13	8.1.1 Covered Stormwater Discharges.NOTE: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).8.J.3.6 Active Mineral Mining Facility-8.J.3.7 Inactive Mineral Mining Facility-8.J.3.8 Temporarily Inactive Mineral Mining Facility.	This permit provision has not been substantially changed to address the comment. The Construction General Permit covers these other mining phases.
15	California Construction and Industrial Materials Association	Adam Harper	14	Exceedance Response Actions As Soon as Practicable CalCIMA believes this language should be deleted from the draft as follows. The language itself is impossible to define and seems to only create a potential point of disagreement and conflict. As there is already language which sets a no later than point of time, we believe that standard is more appropriate.	The Permit has not been changed to address the comment. Dischargers are required to comply with BAT/BCT at all times. If a Discharger determines that additional BMPs are necessary to implement to comply with BAT/BCT the Discharger is obliged to implement these BMPs in a timely manner. Although the Permit provides an absolute deadline to submit the Level 1 ERA Report and implement BMPs, the deadline is not meant to provide relief from implementing BMPs in a timely manner. The State Water Board believes that most additional BMPs implemented in Level 1 will be operational and relatively easy to implement well prior to January 1.

15	California Construction and Industrial Materials Association	Adam Harper	15	Level/1 ERA -Evaluating All Drainage Areas (XILC.1) The requirement that "ALL" drainage areas should be evaluated should be removed from this section. Mine sites can be extremely large and diverse in activity and therefore pollutants being managed in drainages. Facilities that are hundreds of acres	The Permit requires the following: "Although the evaluation may focus on the drainage areas where the NAL exceedance(s) occurred, all drainage areas shall be evaluated". State Water Board has proposed the requirement to address all drainage areas as a preventative step to reduce the possibility of future NAL exceedances. If a Discharger has no reason to believe, for example, that total suspended solids (TSS) is not a problem in a drainage area that is 100 percent impervious versus a drainage area with a TSS exceedance that is 100 percent dirt, then the Discharger can easily make that conclusion.
15	California Construction and Industrial Materials Association	Adam Harper	16	The general summary is that the Fact Sheet language states a Dischargers level 2 obligations are met upon submittal of the Level 2 technical report and they are subject to no further Exceedance Response Actions (ERA's) unless directed by a Regional Board. The draft on the other hand states Dischargers are obligated to submit a new technical report each year. Our understanding is the intent of changes within the draft language is to indeed require some reevaluation of technical report sufficiency, however we disagree that annual review of a full technical report is desirable or needed.	The Fact Sheet has been edited to correspond to the Permitting requirement. The Permit does not require a new technical report each year a facility is in Level 2 subsequent to submittal of a Level 2 ERA Technical Report. Dischargers are required to update the Report based upon additional NAL exceedances of the same parameter and same drainage area, facility operational changes, pollutant source(s) changes, and/or information that becomes available via compliance activities (monthly inspections visual observations, sampling results, annual evaluation, etc.).
15	California Construction and Industrial Materials Association	Adam Harper	17	The draft properly lists several sources of water that may be present at industrial facilities and classifies them as authorized Non Stormwater Discharges (NSWD's). Recognizing that water is a predominant form of dust control at industrial facilities, particularly at mining operations where the watering of roads, misting of conveyor transfer points and drop points are often mandated by regulation. We believe that it is both appropriate and necessary to classify incidental water from dust control activities as an authorized NSWD under this Permit in section IV.A.	The Permit has not been changed to address the comment. The Permit does not proposed to restrict the use of water to suppress dust however it should not be used in excess so it produces a runoff off-site unless the runoff is captured and disposed of properly.
15	California Construction and Industrial Materials Association	Adam Harper	18	In Section VII.B of the draft requirements for impaired water bodies are discussed. We believe clarity needs to be added to this section in two areas. First that "impaired water bodies" are "303 (d) listed impaired water bodies" and second the meaning of "New Discharger" within the section.	The Permit has been changed to address the comment. This section describes impaired waters as 303(d) listed and a definition for New Discharger has been added to the Glossary.

15	California Construction and Industrial Materials Association	Adam Harper	19	CalCIMA believes clarity should be added to the Permit or Fact Sheet that only the effluent limitations relevant to storm water discharges from those ELG guidelines apply. If the Permit is in fact authorizing the discharge of these non-storm water discharges, it should be clarified that those subparts apply to the extent such waters are discharged and not to storm water discharged.	The Permit has not been changed to address the comment. The Permit only allows the discharge of industrial storm water and a few select approved non-storm water discharges listed in Section IV of the Permit.
15	California Construction and Industrial Materials Association	Adam Harper	20	While we believe this clarity is beneficial at multiple points in the Fact Sheet in discussing BMP's the single term "prevent" is used instead. Alternately we find references to "prevent or reduce" and "prevent and reduce". In order to promote clarity as well as the proper application of this definition where intended we have compiled the following list of locations where "Prevent" or "Prevent or/and Reduce" appears to have been used instead of the clarified "Reduce or Prevent". We attempted to be thorough but may have missed a few.	The Permit has been edited to address the comment. Language in the Fact Sheet has been changed to "reduce or prevent".
15	California Construction and Industrial Materials Association	Adam Harper	21	One of the modifications to the draft which occurred in this last iteration was a consolidation of multiple inspections into monthly visual observations under XI.A. As a result as we read through the Fact Sheet, draft and Appendix 1, we notice references to inspection which no longer appear in the draft and have been replaced by "visual observations". We have attempted to identify such areas below. Bold use of the word "inspection(s}" should be replaced with "observations" or perhaps" visual observations'	The Permit has been edited to address the comment.
16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	1	We are concerned that the draft Permit has doubled the number of sampling events required without a clear justification of the benefits of the increase. We believe that the Fact Sheet should include the ability to provide an explanation in the Annual Report to substantiate why there was no QSE and sampling (reflecting Monitoring provision XI.C.6. b of the Order). Furthermore, we recommend keeping the two QSE per. year sampling. requirement consistent with The Permit.	The increased sampling, compared to the current Permit's two samples during the wet season, is consistent with the 2008 MSGP and other states' Permit requirements and will improve compliance determination with the Permit. The Permit allows Dischargers to participate in Compliance Groups that allow a reduction of sampling to twice a year.

16	California Council for Environmental and Economic Balance	Robert Lucas, Gerald Secundy	2	We generally agree that covering waste disposal containers when not in use and when a storm event is imminent is an important BMP. However, it is generally not feasible to cover all roll off type containers and these types of containers are common at industrial facilities. It is important to allow a suite of BMPs to be utilized in such circumstances (and as mentioned in 1.2.0 Implementation of BMPs) in the SWPPP. This section of the Fact Sheet should reference 1.2.0 for any infeasible BMP.	The Permit has been revised to address the comment. Details have been added to the Permit to clarify that containers must contain industrial materials. Additionally a facility may determine that is technically infeasible to cover a stock pile due to safety or other concerns in their SWPPP.
16	California Council for Environmental and Economic Balance	Robert Lucas, Gerald Secundy	3	Receiving Water Limitations should specifically include the control of pollutants in discharges through a BMP selection process as allowed under the Clean Water Act. The selection and evaluation of BMPs through such a defined process will address technology-based and water quality-based effluent limits.	Comment noted. The Permit does not limit how a facility controls pollutants to comply with the receiving water limitation requirements.
16	California Council for Environmental and Economic Balance	Robert Lucas, Gerald Secundy	4	The Finding needs to clarify that Non-Industrial Source Pollutant Demonstration, Natural Background Pollutant Source Demonstration, and Industrial Activity BMPs Demonstration ERA Plans and Technical Reports can be submitted at any time before Level 2 is reached. Please see our further comment under Exceedance Response Actions XII.D.3.d, XII.D.4.b.ii, & XII.D.4.b.iii (pages 51 & 52) below.	The Permit has not been revised to address the comment. The Findings are not operative Permit requirements. Details regarding report options are included in the Permit requirements under Section XII.D.2.d.
16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	5	There are numerous industrial facilities that have skeleton crews at night tasked with monitoring control panels and responding to emergencies only. Companies may have more than one such facility. Technically, these facilities might be considered 24/7 facilities, but in regards to staffing, the night shift(s) are not normal operating hours. This minimum number of night shift personnel cannot shift attention from their process monitoring to leaving control stations to go outside at night to remote monitoring locations. A requirement to monitor at night would entail adding at least one, probably two (for safety) additional personnel for each night shift that are trained in sampling procedures, or contract with one or more similarly trained consultants to respond to callouts for sampling. This cost was not included in the SWRCB Cost Analysis, and in of itself, can cost a company more than the total incremental cost of compliance per facility (which is low, ignoring this element). We propose that the MIP document these reduced normal operating hours and that the SWRCB modify Section XI.B.S to require such documentation in an added XI.B.S.c.	Thus The Permit requires visual observations of storm water discharges at the time of sampling. The Permit has an exception for sampling during dangerous weather conditions such as flooding or electrical storms. The Permit also allows Dischargers to select alternative sampling locations where a discharge location is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). The State Water Board does not wish to place Dischargers in harms way day or night so has made the above exceptions to give Dischargers the ability to avoid accidents.

16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	6	We recommend increasing the amount of time allowed to enter data into SMARTS following data receipt from the analytical lab from 30 to 60 days in order to allow the facility sufficient time to review the data.	The State Water Board believes that 30 days is an adequate reporting period to report sampling result into SMARTS after receiving the results from the laboratory. The justification for increasing the time to 45 days is not convincing.
16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	7	The Dischargers should be allowed to proactively perform any of the Action Plans and Technical reports mentioned in the Permit (currently only mentioned at an elevated level) while at the Baseline Level without risk of Level elevation if information is available to adequately prepare the report(s) and perform demonstration(s). Without this provision, the Permit subjects the Discharger to endangerment. To alleviate this risk, we propose three Baseline Action Plans and Technical Reports as follows: 1) The Baseline Industrial Activity BMP Demonstration would be a Discharger in-house evaluation designed to determine whether BMP improvements are needed to avoid NALS. This plan and evaluation need not be submitted for review and approval as no NALs would necessarily be expected to be exceeded during the Baseline Period; 2) The Baseline Non-Industrial Pollutant Source Demonstration Plan and Technical Report. This Plan and Technical Report would have to be submitted and approved due to the potential and presumption that nonindustrial pollutant sources (ex., atmospheric deposition) could contribute to a future NAL exceedance; 3) A Baseline Natural Background Pollutant Source Demonstration Plan and Technical Report. This Plan and Technical Report would have to be submitted and approved due to the potential and presumption that non-industrial pollutant sources (ex., natural background pollutant contribution) could contribute to a potential NAL exceedance).	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements. The Permit retains the same structure as the current draft Permit (baseline, Level 1, and Level 2) as State Water Board believes it provides clarity to what a Discharger is required to do based upon sampling results and NAL exceedances.
16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	8	We also propose that if either or both of the Baseline Non-industrial Pollutant Source Demonstration Reports and Natural Background Pollutant Source Demonstration Technical Reports demonstrate that non-industrial pollutant sources or natural background pollutant sources are a potential cause of a future NAL exceedance, that either or both these sources (as applicable) continue to be sampled once each year to verify and justify remaining at Base line level.	This permit provision has not been modified to address the comment. This General Permit only allows dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. This General Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. It is not anticipated that many such reports will be fully reviewed and, therefore, it would be inappropriate to reduce the status. All NALs are applicable to Dischargers with Baseline status while dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).

16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	9	The Level ERA Evaluation justifiably should address the pollutant(s) that exceed an NAL(s) and the potential pollutant sources in the drainage basin where the NAL(s) was/were exceeded. However, the requirement to evaluate drainage basins not exceeding NALs is excessive and costly given that the draft Permit does not detail the elements of such an evaluation for basins not exceeding an NAL. We recommend that the SWRCB delete the requirement for evaluation of drainage basins not exceeding an NAL, or provide a description of a cost effective "preventative" analysis such as a descriptive discussion of why the BMPs or other measures employed for the basin exceeding the NAL are or are not applicable to the other basins. We further propose that the Discharger be allowed to plan and perform any of the evaluations of the Permit necessary to remain at Level or return to Baseline Level status as the changing industrial landscape and circumstances warrant if information is available to adequately prepare the report(s) and perform demonstration(s).	The Permit has not been modified to address the comment. The Permit requires the following: "Although the evaluation may focus on the drainage areas where the NAL exceedance(s) occurred, all drainage areas shall be evaluated". The Proposed requirement to address all drainage areas as a preventative step to reduce the possibility of future NAL exceedances have been included in the Permit. If a Discharger has no reason to believe, for example, that TSS is not a problem in a drainage area that 100 percent impervious versus a drainage area with a TSS exceedance that is 100 percent dirt, then the Discharger can easily make that conclusion in the same manner the commenter recommends. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s) addressed in the Level 2 Technical Report(s).
16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	10	If a Discharger has not exceeded an NAL, or has submitted a Level 1 Technical report which also addresses the elements described by the Level 2 Demonstration Technical Reports due changes in the industrial landscape or circumstances, the Discharger should not be automatically placed in Level 2. We propose that XII.D.3.d be modified to allow these exceptions.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements. The Permit retains the same structure as the 2013 draft Permit (baseline, Level 1, and Level 2) as State Water Board believes it provides clarity to what a Discharger is required to do based upon sampling results and NAL exceedances.
16	California Council for Environmental and Economic Balance	Robert Lucas, gerald Secundy	11	If a discharge reaches Level 2 without satisfactorily performing previous demonstrations or if the annual verifications of these demonstrations show that the Discharger's industrial contribution exceeds an NAL then the Discharger should remain at level 2 until a applicable and satisfactory technical report is approved and a number of QSE results indicate that the Discharger's industrial contribution is again below the NAL threshold. The Discharger should then be allowed to return to Baseline Level. This provides an incentive for a proactive applicant as well as provides a deterrent for those less proactive. We recommend removing the perpetual Level 2 status prescribed by XII.D.4.b.ii and iii and allowing return to Base Level once the above conditions are met.	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).

16	California Council for Environmental and Economic Balance	Robert Lucas, Gerald Secundy	12	Please clarify if similar separate facilities in one company can constitute a Compliance Group.	Multiple facilities within the same company may form a compliance group.
16	California Council for Environmental and Economic Balance	Robert Lucas, Gerald Secundy	13	We recommend a due date of July 30 (instead of July 15) for the Annual Report. Our rationale is that companies with multiple facilities, as well as Compliance Groups, may need more than 15 days to compile multiple reports.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the due date specified in the current Permit. Sampling result are no longer required to be submitted with the Annual Report, and the Annual Report has been simplified to a checklist. The State Water Board concludes that the Annual Report can be worked on during the reporting year and submitted on or before July 15 Of each year.
16	California Council for Environmental and Economic Balance	Robert Lucas, Gerald Secundy	14	K.4.a. For a corporation: For the purposes of this section, an authorized corporate officer means: (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or • Any other person who performs similar policy- or decision-making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.	This definition is consistent with the US EPA Cross-Media Electronic Reporting Regulations.
17	California League of Food Processors	Trudi Hughes	1	Submission of Storm Water Pollution Prevention Plans (SWPPPs) through SMARTS, Section II.B.1, Order Page 14 we would highly recommend that Dischargers be able to redact sensitive information from the site map. That way, they can delete information about chemicals and where they are stored.	Language has been added to this General Permit that allows Dischargers to redact information if the process in Section II.B.3.d is followed.

17	California League of Food Processors	Trudi Hughes	2	We are very concerned with the "Additional Considerations" to the No Discharge Eligibility Requirements in the Fact Sheet. The language referring to the infiltration of stormwater should be clarified as to the connection between NONA eligibility and containment involving infiltration. We want to be certain that the "No Discharge" determination does not exclude storm water containment systems that discharge stormwater associated with industrial activity to groundwater	The “No Discharge” determination does not specifically exclude or include the discharge of industrial storm water to ground water. In some cases The State Water Boards may require additional requirements to facilities discharging waste to land or ground water.
17	California League of Food Processors	Trudi Hughes	3	CLFP continues to be very concerned about the potential misuse of receiving water limits as numeric effluent limits for water quality. We have issued comments on past iterations of the permit that question the appropriateness of numeric effluent limits in stormwater permits. We have argued that such limitations must be based on scientifically sound analysis, and not simply on end of pipe water quality objectives. We would strongly support language like that included in the 2013 draft, to clarify the process to be followed where a discharge is found to cause an in-stream exceedance of water quality objectives.	This permit provision has not been substantially changed to address the comment. This General permit contains no numeric effluent limitations. The permit does include numeric action levels (NALs) exceedances that trigger Level I and Level 2 Exceedance Response Actions. The permit is clear that NAL exceedances are not permit violations. A discharger is in violation for not satisfying the applicable Exceedance Response Actions.
18	California Manufacturers & Technology Association	Michael Rogge	1	CMTA appreciates that the effective date has been extended one year to January 1, 2015, but we believe that a mid-rainy season effective date will be problematic for reporting and for analysis to determine compliance. We would definitely prefer to see a July 1, 2015 implementation date adopted.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
18	California Manufacturers & Technology Association	Michael Rogge	2	We believe that Permittees with known exceedances due to naturally occurring levels should qualify for a Natural Pollutant Source Demonstration initially upon the effective date without having to reach a Level 2 Exceedance Response Action Level. Because the purpose of the report is to demonstrate that other sources are the cause of the NAL exceedances, the Permit should not place limits on when those demonstrations can be submitted.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements.

18	California Manufacturers & Technology Association	Michael Rogge	3	While the majority of our facilities have pH meters and trained personnel to handle them, that is definitely not the situation with a significant number of small manufacturers producing non-technical products. We believe that pH paper should suffice to determine if the facility storm water discharges or acidic or basic and pH meters should be mandated where a problem has been demonstrated to exist. Employees handling such equipment must be technically savvy	The Permit allows most Dischargers to use pH paper as a screening. The State Water Board believes more accurate methods are necessary only when pH screening indicates pH exceedances or as required by federal law. Dischargers required to use pH meters must adequately train their staff on how to use and maintain equipment.
18	California Manufacturers & Technology Association	Michael Rogge	4	Per the draft Permit, annual reports are due July 15th. CMTA recommends 30 days from the end of the reporting year…15 days is simply not enough time. An extra 15 days during a non-rainy season period should not negatively impact the effectiveness of the program.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the due date specified in the current Permit. Sampling result are no longer required to be submitted with the Annual Report, and the Annual Report has been simplified to a checklist. The State Water Board concludes that the Annual Report can be worked on during the reporting year and submitted on or before July 15 of each year.
19	California Metals Coalition	James Simonelli	1	The State Water Resources Control Board (SWRCB) has 20+ years of storm water sampling data for the metalworking industry. This data clearly shows that it is often impossible for certain facilities to meet all of the US EPA benchmarks. As a result, using the US EPA benchmarks as Numeric Action Level triggers in the draft Permit will inherently set-up small metalworking businesses for failure. CMC supports the development of properly derived and statistically valid Numeric Action Levels (NALs), if done on an industry sector-specific basis. If the SWRCB continues to use US EPA benchmarks, this should be done only if NALs are used in the same way as the US EPA, which is as one tool for assessing a facility's performance.	The Permit has not been changed to address the comment. The data for industry types is not of sufficient quality to use as suggested. The data coming in over the next few years should be of higher quality and may lend itself to be analyzed as suggested. The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT.
19		James Simonelli	2	"NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit." Section I.N.63. CMC agrees with this statement and appreciates the clarification.	Comment noted.

19		James Simonelli	3	Sections I.M.62.B and XII(A)(2) should contain clarifying language that states that an NAL triggering action can only occur when two or more analytical results from any parameter and from the same discharge point occur.	This General Permit has not been modified as requested. Any two instantaneous exceedance of the same parameter, regardless of the drainage area, triggers a change in the discharger's status from baseline to Level 1. When constructing the ERA process, the State Water Board strived to capture both chronic problems in a single drainage area and indications of wide-spread problems from various drainage areas.
19		James Simonelli	4	Effective date of the next Permit should be moved to July 1st and not January 1st.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
19		James Simonelli	5	CMC suggests adding a QISP training specific to Group Leaders. This training would be nothing more than the general QISP training material, but with additional material specific to Group Leaders. The output of Level 1 and Level 2 reports will be of higher quality if we take the time to establish better Group Leaders.	The Permit has been revised to address the comment. Since Compliance Group Leaders (CGLs) are responsible for compliance activities of many facilities as well as the training of many individuals, which will require the demonstration of a higher level of expertise in storm water implementation more/compliance than what is expected of a QISP. CGLs are required to complete a State Water Board sponsored or approved training program for Compliance Group Leaders. The standards for being a Compliance Group Leader are more rigorous than becoming a QISP. Compliance Group Leaders may have to submit a statement of qualifications, review, exam and in person training. It is expected someone at this level will have the expertise and understanding of the Permit/industrial storm water to be able to design effective compliance strategies for Group Participants at their facilities.
19		James Simonelli	6	The State Water Board Should Maintain The Receiving Water Limitations Provision in the Findings Section of the draft Order And Adopt Language That Ensures that Receiving Water Limitations Will Be Satisfied by The Assessment and/or Implementation of Additional Best Management Practices ("BMPs") Set Forth in Section XX Section I.E. of the draft Order. More specifically, the group members maintain that the following language contained in the draft Order should be included in the Final Order: "WQS apply to the quality of the receiving water, not the quality of the industrial storm water discharge. Therefore, compliance with the receiving water limitations can generally not be determined solely by the effluent water quality characteristics." Section I.E.37. it is necessary to include language in Section VI ("[d]ischargers shall ensure that industrial storm water discharges and	The Clean Water Act requires that all discharges of industrial storm water and authorized non-storm water must not cause or contribute to an exceedance of a water quality standard. This is the basis of the receiving water limitations in this Permit.

				authorized NSWDs do not cause or contribute to an exceedance of any applicable WQS in any affected receiving water") that specifically states that a facility will not be in violation of a Receiving Water Limitation as long as the facility complies with the procedures outlined in Section XX.B. Making it clear that complying with Section XX.B will not result in an alleged violation of a Receiving Water Limitation is extremely important and necessary to protect	
19		James Simonelli	7	At a minimum, the term "new Discharger" needs to be defined in the General Permit for the purposes of this section. The definition of new Discharger for the purposes of this section should not include renewing Dischargers, existing facilities that were previously exempt (NEC facilities), or new owners or existing facilities.	The Permit has been revised to address the comment. Whenever there is a change to the facility location, the Discharger shall certify and submit new PRDs via SMARTS. When ownership changes, the prior Discharger must inform the new Discharger of the General Permit regulatory coverage requirements. The new Discharger must certify and submit new PRDs via SMARTS to obtain coverage under this General Permit.
19		James Simonelli	8	Electronic filing is also a new requirement, when compared to the current Permit. Most metalworking companies are unfamiliar with electronic filing for this Permit. CMC suggests, first and foremost, that there are "warning" prompts before the user confirms sampling data that exceeds the NALs.	The Permit has not been revised to address the comment. SMARTS cannot warn on the annual average, Dischargers are responsible for ensuring oversight of their data before certifying and submitting into SMARTS.
19		James Simonelli	9	CMC suggests that there must be a mechanism to remove erroneous data, or to keep erroneous data from annual or instantaneous calculations.	The Permit has not been revised to address the comment. Dischargers cannot remove data, Dischargers can explain data and submit corrections, however, previously submitted data cannot be removed. SMARTS will have a mechanism to allow Dischargers to omit erroneous values from the NAL exceedance calculations.

19		James Simonelli	10	CMC suggests protecting proprietary information by removing the requirement for SWPPPs to be electronically filed with The State Water Boards.	The Permit has not been revised to address the comment. The State Water Board concludes that the electronic submittal and availability of the SWPPP is crucial element to reviewing and providing transparency on the implementation of this Permit and allowing the public a clear and meaningful opportunity to participate in the Permitting process. It is also consistent with the other state wide storm water Permits' electronic reporting programs. Section II.B.3.c-d allows the redaction of trade secret and security sensitive information from SWPPPs submitted via SMARTS.
19		James Simonelli	11	It is unacceptable that the cost analysis was released the same day as the end of the public comment period (September 12)--then to have the comment period extended only five working days to September 19. The comment period should have been extended 30 days based on this release schedule.	The Permit has not been changed to address the comment. The comment period was for the public review of the Permit documents. The State Water Board is not legally bound to provide a cost analysis.
19		James Simonelli	12	How can there be no cost increase for developing and updating a SWPPP and monitoring program plan when they move from Baseline to Level 1, and then from Level 1 to Level 2? Not only are there substantial changes required at each step, the changes will likely require engineering, technical and even legal review.	The cost analysis has not been revised to address the comment. The excel spreadsheet is organized by tabs the individual cost can be found in each tab. For example the training cost tab includes cost estimates for Permit and SWPPP compliance training. The estimate assumes an amount of required training for employees as shown. The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
19		James Simonelli	13	Designating one person at the facility to be the storm water program lead (or QISP) is important, but what about the cost of training other employees in areas who work in production, maintenance and goods movement? Everyone at the facility has a responsibility for storm water and this cost needs to be defined in the cost analysis.	The cost analysis has not been revised to address the comment. The excel spreadsheet is organized by tabs; the individual cost can be found in each tab. For example the training cost tab includes cost estimates for Permit and SWPPP compliance training. The estimate assumes an amount of required training for employees as shown. The State Water Board intended the cost analysis as a comparative cost from the requirements in existing Order 97-03-DWQ to the proposed requirements in the new draft Permit. Assumption made was necessary in order to generalize the cost and are not intended to be representative of real world costs. The State Water Board suggests the commenter provides detailed cost data to compare to the data used in the existing cost report for use

					in future cost reports/Permit analysis.
19		James Simonelli	14	drafting a Level 1 ERA report will not cost $750. A better estimate is $5,000-$8,000 for a small facility, and $14,500-$25,000 for a large facility. (4) drafting a Level 2 technical report will not cost $1,650. A better estimate is $8,500-$13,000 for a small facility and $27,500-$38,000 for a large facility.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
19		James Simonelli	15	What about the cost of treatment? If treatment equipment and installation costs approximately $55,000-$1.5M (plus annual maintenance), where is this factored in the cost analysis? Metalworking companies compete around the world, are operating on very narrow margins, and have a number of other new laws to comply with over the next five years. Remaining competitive in today's changing economy is different than anything we have faced in the past. Cumulative impacts of California's regulatory costs only works against our goal of a healthy economy and middle class jobs.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
19		James Simonelli	16	CMC requests that the SWRCB provide a report illustrating the allocation of resources dedicated to enforcement of non-filers, site reviews/inspections of industrial Dischargers who have not filed notices of intent ("NOI"), and industrial Dischargers who have not established a SWPPP. CMC believes that the SWRCB should be transparent for how our fees are used to enforce non-filers.	The Permit has not been changed to address the comment. Resources are used to investigate non-filers. The State Water Boards post their performance reports at the following website location: http://www.waterboards.ca.gov/about_us/performance_report_1213/ which provides detailed information on water board targets on enforcement, site inspections etc.

19		James Simonelli	17	No pathway for compliance for small businesses. Small businesses remain even further exposed to unknown costs and liabilities. CMC strongly encourages the SWRCB and its staff to clear any ambiguity as best possible going forward.	Comment noted.
20		Richard Boon		CASQA had many line edits in their letter, not all captured in these summaries	
20	California Stormwater Quality Association	Richard Boon	1	The spreadsheet and summary do not provide the basis for the assumptions used or citations for the studies used when developing the cost analysis. Without this information, it is not possible to specifically evaluate the validity or applicability of the estimates. Further the spreadsheet does not include the variables or formula used to calculate values in the spreadsheet cells, making it difficult to understand the assumption made related to the number of hours and labor rates associated with various tasks.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit.
20		Richard Boon	2	No costs are included for the SWPPP update. It is unreasonable to assume that there will be no cost associated with updating the SWPPP.	The cost analysis has not been revised to address the comment. The excel spreadsheet is organized by tabs the individual cost can be found in each tab. For example the training cost tab includes cost estimates for Permit and SWPPP compliance training. The estimate assumes an amount of required training for employees as shown. The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.

20		Richard Boon	3	No costs are included for the update of the monitoring program, which will require significant revision.	The cost analysis has not been revised to address the comment. The excel spreadsheet is organized by tabs the individual cost can be found in each tab. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
20		Richard Boon	4	No costs are included for training facility staff involved with implementation of the storm water program.	The cost analysis has not been revised to address the comment. The excel spreadsheet is organized by tabs; the individual cost can be found in each tab. For example the training cost tab includes cost estimates for Permit and SWPPP compliance training. The estimate assumes an amount of required training for employees as shown. The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
20		Richard Boon	5	Cost assumptions for the development of an ERA Level 1 report ($750) and ERA Level 2 BMP Report ($1,650) both appear to be significantly underestimated. It appears the State Water Board has assumed these reports will not require significant effort to complete, only few hours, using typical burdened rates of senior staff/engineers ($150-250/hour). Based upon the 2013 draft Industrial General Permit, CASQA believes these reports will require a significant level of effort, particularly if they are to be developed and uploaded to SMARTS for regulatory and public review.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.

20		Richard Boon	6	Costs to implement structural/treatment controls appear low, potentially orders of magnitude lower than what advanced treatment systems could cost many facilities.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
20		Richard Boon	7	QISP Training Options Order pg 8-9 I.H.49, 5X, 53 Include a Finding that specifies a QISP training option will be available for non-CBPELSG licensees. As drafted the General Permit implies that the training is only open to CBPELSG licensees.	The Permit has not been revised to address the comment. The QISP training will be open to CBPELSG Licensees and other individuals requesting to be a QISP. The CBPELSG Licensees will perform an online only version of the training in the similar manner as the QSD/QSP in the Construction General Permit. Individuals who are not a CBPELSG Licensee must take the traditional training which will consist of online and in-person training.
20		Richard Boon	8	QISP Training Options Fact Sheet pg 26-27 Include a description of the intended training for non-CBPELSG licensees in the Fact Sheet. As written there is little information to support the separate process the State Water Board is planning for non-CBPELSG licensees. Without this additional information the General Permit may be interpreted as only allowing professional civil, industrial, chemical, and mechanical engineers and geologists to serve as QISPs.	Individuals who wish to become a QISP will be required to take a State Water Board approved training program. This program will go over the Permit and specifically compliance information related to the QISP role (e.g. ERA demonstrations and technical reports). QISPS are not limited to engineers. The intent of this Fact Sheet language is to provide rationale for creating a special training option for the licensees. Thorough and complete guidance for all QISP candidates is under development and will be published on the State Water Board web site.
20		Richard Boon	9	Training Qualifications Order pg 23 IX.3 CASQA recommends the deletion of footnote 8 from this section. This information is conveyed on pages 8-9 of the Order and does not need to be repeated here. If the footnote is retained, it needs to be expanded to discuss all training options and include the language changes identified in comment # 2 above. Further, this item should include Level 2 Discharger	The Permit has not been revised to address the comment. The State Water Board concludes that the language needs to be present at both locations for clarity.

20		Richard Boon	10	QISP / Geographic Regions Fact Sheet pg 27 CASQA recommends deleting the language on page 27 of the Fact Sheet regarding the geographic region for QISPs, as the Order does not require that the QISP complete tasks before, during, and after qualifying storm events.	The Permit has not been revised to address the comment. A QISP must be able to adequately perform the Permit requirements for the facilities they represent on a daily basis if needed.
20		Richard Boon	11	QISP Definition Similarly the Glossary definition (Attachment C) for a QISP needs to be revised to remove the language about geographic limitations and to revise the discussion of QISP responsibilities as the listing in the definition differs from the responsibilities identified in the General Permit.	The Permit has not been revised to address the comment. A QISP must be able to adequately perform the Permit requirements for the facilities they represent. Time and distance are not dependent of the Permit language.
20		Richard Boon	12	QISP Status Revocation Fact Sheet pg 27 Correct and clarify QISP Status Revocation	The Permit has not been revised to address the comment. The Executive Director of the State Water Board or an Executive Officer of a Regional Water Board may rescind any QISP registration if it is found that the QISP has repeatedly demonstrated an inadequate level of performance in completing the QISP requirements in this General Permit. Professional engineers are required when engineering judgment, expertise, and or calculations are needed.
20		Richard Boon	13	QISP Responsibilities for ERA Process Order pg 47-52 XII.C-D Per section H.50, a QISP is responsible for completing Level 1 status and Level 2 status ERA requirements as specified in Section XII. Per Section II.D., a QISP must prepare Level 1 ERA Reports (Section XII.C) and Level 2 ERA Technical Reports (Sections XII.D.1-2). Section XII is unclear or unspecific on which of the Level 1 and Level 2 status requirements the QISP must complete. The only mention of a QISP in this section is for the completion of the Level 1 Report. CASQA recommends that the language in these sections be revised to specifically state which of the Level 1 and Level 2 status requirements must be completed by a QISP and that the responsibilities of the QISP for these actions be consistently described throughout the General Permit. Specifically, is a QISP required to complete the following? • Level 1 ERA Evaluation (implied by Section II.D but not stated in Section XII.C) • Level 2 ERA Action Plan (implied by Section II.D but not stated in Section XII.D) • Level 2 ERA Technical Report (implied by Section II.D but not stated in Section XII.D)	The Permit has been edited to address the comment. QISP is required to prepare a level one and level two evaluation.

20		Richard Boon	14	QISP Responsibilities Order pg 8 H.49 The training section indicates that a facility must designate a QISP for facilities that have entered Level 1 status. Given the limited responsibilities of a QISP (preparing ERA reports and training staff) the language in this section seems overly broad.	The Permit has not been revised to address the comment. Not all Dischargers will need a QISP. Only Dischargers entering Level 1 or Level 2, are required to have a QISP. The State Water Board is currently developing a QISP training program.
20		Richard Boon	15	QISP Responsibilities Order pg 8 H (new item) CASQA recommends this addition to section H to be consistent with section IX.A.3.b. "A QISP is responsible for providing training to the pollution prevention team of a facility that has entered Level 1 or 2 status in the Exceedance Response Action (ERA) process as described in Section XII of this General Permit."	The Permit has been edited to address the comment. A QISP is required to provide training to a facility once it has reached level1 or level 2 status.
20		Richard Boon	16	QISP Changes Order pg 8 Fact Sheet Page 44 Once a facility has designated a QISP, what is the obligation of a Discharger to report changes to the QISP. What is the mechanism and timing for reporting such changes? CASQA recommends that the Discharger report QISP changes when ERA reports are filed or updated, and in the Annual Report.	The Permit has not been changed to address the comment. Significant SWPPP updates in SMARTS are limited to every three months (and within 30 days of the revisions). However, The State Water Board concludes inspections may occur at any time and the SWPPP should be representative of current site conditions.
20		Richard Boon	17	Non-Industrial Source Exceedances of NAL Order pg 11 I.M.66 Given that Finding 63 establishes that exceeding an NAL does not constitute a permit violation, the following statement should be revised since exceeding any NAL for any reason is not a permit violation. Exceedances of the NALs that are attributable solely to pollutants originating from non-industrial pollutant sources (such as run-on from adjacent facilities, non-industrial portions of the discharger's property, or aerial deposition) are not a violation of this General Permit because the NALs are designed to provide feedback on industrial sources of pollutants.	It is correct that an NAL exceedance is not, by itself, a violation of the permit, as explained in Finding 63. Additional clarification of Finding 66 may be warranted to avoid any possible confusion.

20		Richard Boon	18	Non-Industrial Source Pollutant Demonstration at Level 1 Order pg 11 I.M.66 CASQA recommends allowing a Discharger to file a Non-Industrial Source Pollutant Demonstration as part of their Level 1 ERA Technical Report, if they choose to do so. While this is mentioned in the Level 2 process steps, the option should be made clear in the Level 1 process. This would not relieve them of the obligation to perform a Level 1 Evaluation and to adopt additional BMPs for industrial pollutants, if necessary. Conducting the analysis at Level 1 would potentially avoid unnecessary effort and expenditures to implement additional BMPs where the industrial activity is not the source of the pollutants.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements. .
20		Richard Boon	19	Pollutant Demonstration at Level 1 Order pg 47 XII.C.2 Add into this item the language regarding Non-Industrial Pollutant Source Demonstration and Natural Background Pollutant Source Demonstration cited in XII.D.2.b and c.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements. ..
20		Richard Boon	20	Level 1 ERA Evaluation Order pg 47 XII.C.1 Clarify whether the Level 1 ERA Evaluation must be submitted. As written the requirement is to complete the evaluation but there is no mention of submission to SMARTS or the Regional Water Board. If the intent is that these evaluations are not to be submitted CAQSA recommends this be stated. The recommended revision is included in the next comment.	The Level 1 Evaluation is not a separate reportable document. The only reportable document is the Level 1 ERA Report. No change is necessary.
20		Richard Boon	21	Level 1 ERA Evaluation Order pg 47 XII.C.1 CASQA recommends extending the timeline to complete the Level 1 ERA Evaluation. For Permittees that may need to bring in consultant support, the timeline is not sufficient for the procurement process, which can take up to three months. To accommodate procurement, and the broad scope of the described Level 1 ERA, CASQA recommends the language be revised to allow Dischargers up to 120 days to perform the required evaluation.	The Permit has been revised to provide an additional month (October 1) to complete the ERA evaluation. This should be ample time for Dischargers to arrange for a QISP, schedule a facility inspection, and prepare an evaluation. Since the Level 1 ERA Report is not due until January 1, the Discharger can explain why additional time was needed to complete ERA evaluation.

20		Richard Boon	22	Level 2 Action Plan Order pg 48 XII.D.1.c and d The draft Permit requires that a Level 2 ERA Action Plan be implemented no later than 1 year after submitting the plan. The timeline may not be sufficient for Dischargers to budget for and implement new BMPs, in particular new structural BMPs. CASQA recommends the language be revised in items c and d such that the Discharger describe any challenges associated with completion of the action plan and within 1 year the Discharger provide an acceptable alternative.	The Permit allows Dischargers to automatically extend the time to implement BMPs for up to six month. The Dischargers may also request an additional time extension of greater than six months upon approval be the Regional Water Board.
20		Richard Boon	23	CASQA recommends that the Permit be designed to encourage communications between Dischargers and Water Boards (The Action Plan is one such tool that could be used to do this) and recommends that language similar to what has been included in section XII.D.3 be incorporated into XII.D.1 as a new item e.	The Permit has not been revised to incorporate a Regional Board concurrence element. Dischargers may contact the Regional Water Boards to discuss their Level 2 Action Plan or capital improvement projects but we cannot guarantee neither the timely review nor concurrence by the Regional Boards.
20		Richard Boon	24	The Technical Report to be completed July 1 following the first wet season (Instead of January 1) after the BMPs have been implemented. For example, if new BMPs are provided for in the ERA Actions Plan and they are constructed and completed by summer of 2016 then require the new Technical Report by July 1, 2017, after the BMPs have been implemented and water quality samples have been analyzed to assess BMP effectiveness.	The Permit contains many scheduling revisions that correspond to the new effective date which satisfy the commenter's concerns. In addition, any NAL exceedances occurring prior to October 1 will not be counted. Dischargers that expeditiously implement additional BMPs will not risk triggering a Level 2 exceedance during the first three months after entering Level 1. Dischargers that implement BMPs after October 1 risk the chance of an NAL exceedance. State Water Board considered a longer window for Dischargers to implement BMPs without risking an additional NAL exceedance but it would interfere with the Dischargers ability to collect two samples in the first half year. Since most BMPs in Level 1 are envisioned to be operational BMPs versus structural BMPs, the three month window to implement BMPs without counting NAL exceedances is found to be a reasonable compromise.
20		Richard Boon	25	Non-Industrial Pollutant Source Demonstration Order pg 50 XII.D.2.b.i The Solely language may be confused to mean that the dischargers are required to establish that the SOLE source of a constituent originates outside the industrial facility, instead of solely the exceedance. CASQA recommends removing ths word.	This section has been revised to clarify that “solely attributable” refers to the NAL exceedance, rather than the presence of the pollutant source. That is, the Discharger must determine that the exceedance is solely attributable to the non-industrial pollutant source, which means that there would have been no exceedance of the NAL, but for the non-industrial pollutant source.

20		Richard Boon	26	Natural Background Pollutant Source Demonstration Order pg 50 XII.D.2.c.i requires 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. Again, this can be fixed by simply removing the word “solely” from the requirements, as shown below.	This section has been revised to clarify that “solely attributable” refers to the exceedance of the NAL, rather than the presence of the pollutant in the natural background. That is, the Discharger must determine that the exceedance is solely attributable to the presence of the undisturbed pollutant in the natural background, which means that there would have been no exceedance of the NAL, but for the natural background source of the pollutant.
20		Richard Boon	27	Level 2 ERA – Annual Report Order pg 51, XII.D.3.c/d Dischargers in Level 2 are required to annually update their Level 2 Technical Report based on changes of conditions. To streamline this process, CASQA recommends that the Annual Report completed through SMARTS include a checklist question that prompts if any change in conditions has occurred. If the answer is “NO” resubmittal of the Technical Report would not be required.	The recertification of the Level 2 ERA technical report will be part of the annual report submittal.
20		Richard Boon	28	Level 2 ERA –Eligibility to Return to Baseline Status Order pg 52 XII.D.4.a The draft Permit states “If future NAL exceedances occur for the same parameter(s), the Dischargers Baseline status will return to Level 2 status on July 1 in the subsequent reporting year during which the NAL exceedance(s) occurred.” The term “future” is too vague. There should be a defined period of time to which this provision applies, so the Discharger is not penalized for other exceedances that may have occurred and been reasonably addressed 5-10 years earlier.	The Permit has been revised to allow any Discharger with Baseline status to rise to Level 1 regardless of whether the Discharger had previously been in Level 2. Dischargers that had designed and implemented BMPs to eliminate future exceedances may experience a unique one -time event such as fire, earthquake, or equipment mal - function that would not necessarily trigger a complete Level 2 ERA Evaluation since there may not be anything wrong with the original design and installation. Equipment mal-function or operator error can be addressed through SWPPP revisions Improved operator training, better maintenance schedules, etc. which is included in the Level 1 ERA.
20		Richard Boon	29	ERA Fact Sheet, pg 6, D.6 The language in this section should be revised to clarify that for the instantaneous maximum NALs, an exceedance occurs when two or more analytical results from samples taken from any parameter within a reporting year exceed the instantaneous maximum NAL value”	The Fact Sheet has been edited to address the comment.

20		Richard Boon	30	Plastics Facilities Order pg 13 I.P.73 Almost all industrial facilities participate in post-consumer waste recycling for employees e.g., recycling bins in lunch rooms and recyclable collection bins and dumpsters. To avoid the unintended consequence of eliminating this type of recycling, the order should make it clear that facilities engaged in this type of recycling are not subject to the Plastic Materials requirements of the General Permit. While Finding 73 mentions preproduction plastics, it is not clear from the listing of plastics that post-consumer product recycling is excluded, and the provisions in section XVIII.A do not mention preproduction plastics.	The Permit has been changed to address the comment. The definition of Plastic Materials has been edited to clarify that facilities engaged in this type of recycling are not subject to the pre-production plastic requirements contained in the Permit.
20		Richard Boon	32	NEC Submittal Date Order pg 16 II.B.4.b Fact Sheet pg 12 Dates for NEC submittal are inconsistent in the Fact Sheet (July 1, 2014) and Order (January 1, 2015). Revise Fact Sheet to indicate NEC submittal is due January 1, 2015.	The Permit has been edited to revise the various deadlines due to the change in effective date. To avoid an overlap of current Dischargers re-filing for NOI coverage at the same time as new filers for NEC coverage, the NEC deadline has been moved back to October 1, 2015. SMARTS may not have the capacity to handle the traffic associated with both the NEC and NOI filings. In addition, staff resources will better handle the workload of assisting Dischargers with SMARTS registration/navigation questions with the workload spread over a lengthier time.
20		Richard Boon	33	TMDL new Discharger definition CASQA strongly recommends that the State Water Board reconsider this language and, perhaps in conjunction with TMDL provision implementation, develop a proposal that would allow for the equitable distribution of remaining load capacity for new businesses within impaired watersheds so as to not unfairly restrict business development, and distinguish impacts from background and non-industrial sources.	The Permit is in conformance with federal regulations. New Dischargers may eliminated all exposure to storm water of the pollutant(s) for which the water body is impaired, demonstrate that the pollutant is not present at the Discharger's facility, or demonstrate that the discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard Load allocations, when appropriate, will be determined through the TMDL development process.
20		Richard Boon	34	SWPPP Implementation Order pg 24 X.B Add clarification Recommended Language Changes All Dischargers are required to implement their SWPPP by January 1, 2015 or upon commencement of industrial activity <if it occurs later>.	The Permit has not been revised to address the comment. These dates are placeholders, SWPPP implementation required by effective date, whenever that is.

20		Richard Boon	35	Submittal of SWPPP through SMARTS Order pg 14 II.B.1.b.iii Trade Secrets - simplified submittal of information excerpted from the SWPPP. CASQA recommends Dischargers be allowed to submit a copy of the site map (section X.E) and BMP Summary Table (section X.H.5), in lieu of the full SWPPP. These two documents convey important information related to facility activities, associated BMP, and facility drainage features.	The electronic submittal of documents is part of the transparency to the public and is providing an accessible way to view compliance documents. Not having the documents public under a statewide Permit creates an issue with the public participation process. Having these documents electronically available also increases efficiency of the State Water Board needing to review facility information.
20		Richard Boon	36	Pollution Prevention Team Order pg 24 D.1. The draft Permit requires facilities create a Pollution Prevention Team along with alternate team members. CASQA recommends the State allow for and recognize situations where the pollution prevention team may be one individual, plus his or her alternate, where there is only one individual operating the facility in a position to carry out these functions.	The "Pollution Prevention Team" may be made up of one person although the State Water Board encourages Dischargers to appoint and train an alternate in the case that primary person is unavailable.
20		Richard Boon	37	Significant Spills and Leaks Order pg 27 X.G.2.d.ii and iv Clarify the difference between the following two requirements for the SWPPP or eliminate the redundant requirements. ii. Ensure the SWPPP includes a list of any industrial materials, including unauthorized NSWDs discharged from the facility's storm water conveyance system within the previous five-year period; iv. Ensure the SWPPP includes a list of any industrial materials that have spilled or leaked in significant quantities and had the potential to be discharged from the facility's storm water conveyance system within the previous five-year period; and,	The Permit has not been revised to address the comment. The difference is a spill or leak may not discharge to surface water;, if a spill or leak reaches surface water, then it is an unauthorized NSWD.
20		Richard Boon	38	SWPPP – Pollutant Sources Order pg 29, X.G.2.vi. The Order requires the SWPPP to include a narrative assessment of all areas of industrial activity with potential industrial pollutant sources and as a minimum the assessment should include: "All sampling, visual monitoring, and inspection records." The term "visual monitoring" does not appear to be used elsewhere in the Order. Recommend changing to: <All sampling, visual observation, and inspection records>.	The Permit has been edited to address the comment.

20		Richard Boon	39	Effluent Limitations; related definition of “to the extent feasible” Order pg 20, V.A Order pg 29, X.H.1.a and Glossary additions CASQA recommends that the definition of “to the extent feasible” be included in the Glossary (Attachment C), and that Effluent Limitation V.A be better coordinated with Section X.H to add the same concept. This is an important concept in the General Permit and warrants more than a footnote. In addition, Section V.A and the definition of “to the extent feasible,” now found in Footnote 11 to X.H.1, should use the phrase matching wording in EPA’s MSGP, more closely incorporating applicable technology standards (add word practicability).	The definition in the permit’s footnote was retained, as it is more readily accessible than Attachment C. The word “practicability” was added as requested, as it is consistent with the U.S. EPA 2008 MSGP.
20		Richard Boon	40	Minor numbering correction Order pg 29 X.H.1.b To be consistent with the other requirements in this section, delete the item number on “The Discharger shall” and renumber the subsequent items.	The Permit has been edited to address the comment.
20		Richard Boon	41	SWPPP – Good Housekeeping Order pg 30, X.H.1.b.vi and vii, Fact Sheet, pg 35, I.2.m, and Fact Sheet, pg 34, I.2.g These two provisions require that Discharges contain or cover all industrial materials that can be mobilized by storm water or wind. Given the variety of industrial sites that handle large stockpiles of materials CASQA recommends incorporating language that allows Dischargers to use management techniques such as grading, berms, etc., to ensure materials are not dispersed. Recommended language changes vii. Cover <or manage> all stored industrial materials … vii. Contain <or manage> all stored non-solid industrial materials… Similar changes need to be made to the Fact Sheet.	The Permit has not been revised to address the comment. Dischargers are required to the extent feasible to use the BMPs described in this General Permit, however, they are allowed under this General Permit to use a variety of BMPs to address these minimum BMPs if the minimum BMP is not feasible. If a BMP is used that is not described in this General Permit, Dischargers are required to document this in the SWPPP and why the listed minimum BMPs were infeasible to meet/what alternatives are being used.
20		Richard Boon	42	SWPPP – Waste Garbage and Floatable Debris Fact Sheet, pg 35, I.2.l This section contains the sentence “This General Permit does not require the elimination of unauthorized minimum BMPs as a minimum BMP directly.” This sentence needs further clarification.	This language was deleted in the Fact Sheet.

20		Richard Boon	43	SWPPP – Material Handling and Waste Management Order pg 31, X.H.1.e Facilities may store empty clean containers that do not pose a threat to storm water. CASQA recommends clarifying this requirement such that waste containers only need to be covered when they contain materials that could pollute storm water. Recommended Language Changes iii. Cover waste disposal containers and material storage containers <that contain wastes or industrial materials> when not in use;	Language was added to this General Permit Section X.H.1 that clarifies the intent for covering industrial waste disposal containers. Industrial waste containers when in use/not in use with industrial materials (not for waste disposal containers in general) must be covered.
20		Richard Boon	44	SWPPP – Erosion and Sediment Controls Order pg 31, X.H.1.f.i, ii, and iv CASQA recommended multiple line edits for this section, see original comment letter.	No changes were made to this General Permit to address this comment. This General Permit regulates industrial activities/materials, even if not said in every section. This minimum BMP is related to industrial materials, and wind erosion controls should control dust generation.
20		Richard Boon	45	Sediment Basin Design Order pg 32 H.1.f.v Clarify that existing sediment basins do not need to be redesigned. Similar to treatment control design, CASQA recommends this design standard apply to new sediment basins. If "new" sediment basins are implemented, ensure compliance with the design storm standards in Section X.H.6.	Dischargers are required to reduce or remove pollutants using the BAT/BCT standard(s) on "day one" of the Permit's effective date. Dischargers must evaluate and implement minimum and advanced BMPs to meet site BAT/BCT. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
20		Richard Boon	46	SWPPP – Erosion and Sediment Controls Fact Sheet, pg 33, I.2.e Recommended multiple edits to the requirements for erosion and sediment controls to address industrial pollutants.	No changes made to this General Permit. It is generally understood that this General Permit regulates industrial activities/materials, even if not said in every section. This minimum BMP is related to industrial materials and wind erosion controls should control dust generation.

20		Richard Boon	47	SWPPP – Employee Training Program Order pg 32, X.H.1.g.i The Order requires Dischargers to: Ensure that all team members implementing the various compliance activities of this General Permit are adequately trained to implement the requirements of the General Permit, including but not limited to: BMP implementation, BMP effectiveness evaluations, Visual observations, and Monitoring activities. If a Discharger enters Level 1 status, all personnel shall be trained by a QISP. Recommend changing "team members" to "Pollution Prevention Team" to be consistent with terminology presented in Order pg. 24 Section X.D.1. Pollution Prevention Team description.	Team members collectively describes the pollution prevention team.
20		Richard Boon	48	Advanced BMPs Order pg 32-33 H.2.a Clearly establish the linkage between advanced BMPs and the Pollutant Source Assessment. Recommended Language Changes.	The language linking this is clear. Dischargers are required to assess pollutant sources.
20		Richard Boon	49	The re-issuance of the Industrial General Permit provides a platform for the State Water Board to promote green infrastructure improvements at industrial sites and support existing local, state, and nationwide objectives. CASQA urges the State Water Board create opportunities and incentives for industrial Dischargers to utilize LID as a pathway to Permit compliance. One approach to consider is from the sector-specific general storm water Permit adopted by Region 8 in 2012 where a credit is provided for implementing volume reduction BMPs. This approach to incorporating LID measures in compliance evaluations was developed through a collaborative effort between Dischargers, NGOs and Region 8 staff and should be considered as a model for this statewide Permit.	The Permit and Fact Sheet language has been revised to point out and clarify requirements in the Permit that allow and encourage the use of LID and related green infrastructure techniques. Developing a statewide credit system for LIDs across all industries is a significant effort not addressed in this Permit reissuance. The State Water Board may consider such a LID credit system next time it reissues the Permit.
20		Richard Boon	50	Design Storm Order pg 34-35 H.6 CASQA supports the methodologies described in the General Permit for calculating either the volume of runoff or the flow rate of runoff as set forth in Section X.H.6. We have several recommendations to clarify and improve the requirement.	Comment noted.

20		Richard Boon	51	Design Storm Order pg 34-35 H.6.a.iii This section of the General provides a methodology to calculate the volume of runoff to be treated based on the unit basin storage volume to achieve 90% or more volume treatment by the method recommended in the latest edition of California Stormwater Best Management Practices Handbook. To be consistent with MS4 Permits such as for the San Francisco Bay Area, North Orange County, and the Small MS4 Phase II General Permit, CASQA recommends this methodology should require 80% or more volume treatment, not 90%. Recommended Language Changes The volume of annual runoff based on unit basin storage volume, to achieve <90%> or more volume treatment by the method recommended in the latest edition of <the> California Stormwater Best Management Practices Handbook.	The Permit has been edited to address the comment. Language has been changed to 80 percent as suggested by the comment.
20		Richard Boon	52	Design Storm Order pg 34-35 H.6.a CASQA recommends the addition of a new subsection for the volume-based calculation that would allow the option of using local historical rainfall records, similar to options provided for design of flow-based BMPs. Recommended Language Addition iv. <The volume of runoff produced by the 85th percentile storm event, as determined from local historical rainfall records.>	Language has been added to clarify the Permit as suggested by the comment.
20		Richard Boon	53	Design Storm Factor of Safety Order pg 34 H.6 The term Factor of Safety used in item 6 is not defined in the General Permit and it is not clear if the design standards specified include the specified Factor of Safety. Further a Factor of Safety is a concept that allows a structure to operate above its design capacity when failure can result in loss of life or property, it is not a factor that that extends the service life of a practice. Routine preventative maintenance is required to ensure stormwater is sufficiently treated throughout the life of the treatment control BMPs. CASQA recommend language changes to substitute for the Factor of Safety statement to reduce potential confusion around the use of this terminology.	The safety factor is for the professional in charge to determine so that for the life of the designed structure, no NAL exceedances will occur. If exposure to industrial pollutants can result in a risk to human health and/or property damage, a treatment control BMPs need to be engineered to adequately address the associated risk. The State Water Board agrees that routine preventative maintenance and monitoring is required to ensure storm water is sufficiently treated throughout the life of the treatment control BMPs.
20		Richard Boon	54	Order H.6.b.i and H.6.b.ii pg 34-35 CASQA Supports 0.2 inches per hour intensity for flow-based Treatment Control BMP design - Uniform Intensity Approach is a simple, practical approach that allows Dischargers to plan treatment control BMPs. It is especially useful for Dischargers located in areas where adequate historical rainfall data is unavailable. This design storm approach is consistent with many SUSMP, LID, and site development standards across the state and is an approved methodology in the Phase II Permit. The curves presented in Appendix D of the CASQA Stormwater Best Management Practice Handbook for New Development and Redevelopment (CASQA Handbook, January 2003) demonstrate that application of the Uniform Intensity Approach for design of treatment control BMPs provides treatment for more than 90 percent of the storms included in CASQA's statewide evaluation. For example, for the Redding Municipal Airport, 94 percent of the storms were less than or equal to 0.2	Comment noted. The State Water Board reviewed rainfall data from a variety of locations across the state and found most facilities will experience near the 0.2 inches per hour rainfall rate. In addition a design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.

				inches per hour intensity and would be fully captured by a treatment system designed to this flow rate standard. Similarly, for Sacramento, 97 percent of the storms would be captured and fully treated. For Los Angeles WSO Airport, 93 percent of the storms would be captured and fully treated. Cumulative Hourly Rainfall Intensity Curves from the CASQA Handbook are attached for reference (Attachment 3).	
20		Richard Boon	55	Design Storm Standards for Treatment Control BMPs Fact Sheet, pg 38, I.3 CASQA recommends clarification be added for treatment BMP retrofit scenarios. Recommended Language Changes: This General Permit does not require Dischargers to retrofit existing treatment and/or structural controls that do not meet the minimum design storm standards until the Discharger has Level 2 status <and treatment and/or structural controls subject to design storm standards are selected to achieve NAL compliance, or the Discharger has demonstrated retrofitting the existing structure is not expected to eliminate future NAL exceedance(s) or be economically achievable.>	Dischargers are required to reduce or remove pollutants using the BAT/BCT standard(s) on "day one" of the Permit's effective date. Dischargers must evaluate and implement minimum and advanced BMPs to meet site BAT/BCT. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
20		Richard Boon	56	Contained Stormwater Sampling Order pg 38 XI.B.4 To be consistent with section XI.B.4, this section should clarify sampling of contained storm water is only required when the storm water is associated with industrial activities. Additionally, because a drainage area can only have one discharge location (Glossary Attachment C). Recommended Language Changes	No clarification necessary. The Discharger is only required to sample discharges of storm water associated with industrial activities regardless if it is contained or not.
20		Richard Boon	57	Sampling and Analysis Reporting – Date Submittal Order pg 39, CASQA recommends extending the timeframe to reporting results to 45 days from receipt of results. Please see the comment below for the recommended language changes.	The State Water Board believes that 30 days is an adequate reporting period to report sampling result into SMARTS after receiving the results from the laboratory. The justification for increasing the time to 45 days is not convincing.

20		Richard Boon	58	Sampling and Analysis Reporting – SMARTS Calculation Order pg 39 XI.B.11; Order pg 46, XII.A CASQA recommends clarification that data reporting and calculation of averages are separate steps, including clarification that data will be submitted by Dischargers as reported by their laboratories, and any substitution of ND and DNQ data for the purpose of calculating averages will be done within SMARTS.	Results will be reported as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised to address this comment.
20		Richard Boon	59	Sampling and Analysis Reporting – SMARTS Calculation Order pg 39 XI.B.11; Order pg 46, XII.A CASQA objects to the calculation of rolling averages during the wet season. SMARTS should calculate annual averages once all storm event data have been submitted for the current year. NAL annual average calculations are done using a full year of data. There is no need for SMARTS to keep a running average throughout the reporting year, and such a practice could produce misleading intermediate results.	The Permit has not been revised to address the comment. Averages will not be public information until the end of the reporting year/all sampling data has submitted for that reporting year.
20		Richard Boon	60	Sampling and Analysis Reporting – SMARTS Calculation Order pg 39 XI.B.11; Order pg 46, XII.A CASQA strongly recommends eliminating use of the "Minimum Level" (ML) to substitute for DNQ data in calculation of averages. In standard practice, laboratories provide the Reporting Limit (RL) in laboratory reports as the measure of the lower limit of quantification, as well as the Method Detection Limit (MDL), which is set by the laboratory for a particular method and equipment set-up. The range of data qualified as "detected not quantifiable" is typically assigned to results that fall between the MDL and the RL.	Results will be reported as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised to address this comment.
20		Richard Boon	61	Sampling and Analysis Reporting – SMARTS Calculation Order pg 39 XI.B.11; Order pg 46, XII.A CASQA recommends that the Discharger calculate annual averages for the Annual Report and to eliminate any SMARTS features that automatically calculate effluent averages.	The Permit has not been revised to address the comment. SMARTS will run average at the end of the year.

20		Richard Boon	62	Sampling and Analysis Reporting – SMARTS Calculation Order pg 39 XI.B.11; Order pg 46, XII.A CASQA recommends that the event based data reporting be limited to reporting actual laboratory results without calculation of averages or NAL assessments.	The Permit has not been revised to address the comment. Averages will not be public information until the end of the reporting year/all sampling data has submitted for that reporting year.
20		Richard Boon	63	Sampling and Analysis Reporting – SMARTS Calculation Order pg 39 XI.B.11; Order pg 46, XII.A Recommended Language Changes 11.Sampling Analysis Reporting	Results will be reported as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised to address this comment.
20		Richard Boon	64	Sampling and Analysis Reporting – SMARTS Calculation Order pg 39 XI.B.11; Order pg 46, XII.A CASQA further recommends that the description of the calculation procedures be removed from this section and included in Section XII (NALs and NAL Exceedances) or removed from the Permit and developed in a guidance document. Recommended Language Changes A. NALs and NAL Exceedances The Discharger shall perform sampling, analysis and reporting in accordance with the requirements of this General Permit and shall compare the results to the two types of NAL values found in Table 2 to determine whether either type of NAL has been exceeded for each applicable parameter. <For any calculations required by this General Permit, all effluent sampling analytical results that are reported by the laboratory as “non-detect" or less than the Method Detection Limit (MDL), a value of zero shall be used in the calculations. For any results reported by the laboratory as “Detected Not Quantifiable” or less than the Reporting Limit (RL) but above the MDL, a value of the MDL plus ½ the difference between the MDL and the RL shall be used in the calculations>.	Results will be reported as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised in the Permit.
20		Richard Boon	65	Test Methods Order pg 41-42 Table 2 Triple asterisk footnote should be applied to Test Method Column not to the MDL column.	The Permit has been edited to address the comment.

20		Richard Boon	66	Test Methods Order pg 41-42 Table 2 Please confirm the proposed EPA method for Cyanide (Total). 40 CFR Part 136 referenced on August 23, 2013 lists the following approved method for total Cyanide: EPA 335.2 or 335.3 Standard Methods: 4500–CN C, D, or E [18th, 19th, 20th editions]	The Permit has been edited to provide the correct test method.
20		Richard Boon	67	Test Methods Order pg 41-42 Table 2 Please clarify the meaning of or delete the parenthetical letters on the following parameters: Zinc, Total (H); Copper, Total (H); Lead, Total (H); Arsenic, Total (c); Cadmium, Total (H); Nickel, Total (H); Silver, Total (H)	The Permit has been edited to indicate that the (H) means that the sampling result for the identified metal is hardness dependent. Although the Permit does not require that hardness be considered when evaluating whether NAL exceedances have occurred, hardness might be considered for discharges to impaired water bodies or when TMDLs are adopted into the Permit.
20		Richard Boon	68	Methods, Detection Limits Order pg 41-42 Table 2 The Method Detection Limits (MDLs) specified in Table 2 are in several cases orders of magnitude lower than the NAL. Table 2 should not refer to MDLs. Laboratory MDLs are statistically based values and are specific to a particular instrument in a particular laboratory. The Reporting Limit (RL) is the standard metric used by industry: Mirroring standard industry practice, guidance on the use and determination of RLs is provided in a January 2011 presentation by the state's Surface Water Ambient Monitoring Program (SWAMP), entitled, "Quantitation and Reporting Limits 101", which can be found at: http://www.mywaterquality.ca.gov/monitoring_council/collaboration_network/ docs/bvanbuuren_jan2012.pdf (see especially slides 41, 43, 51). A thorough explanation of the differences between MDLs, MLs, and RLs is included in this presentation. While Dischargers recognize that it is in their best interest to obtain data reported at concentrations lower than the NALs, the very low MDLs specified in Table 2 will increase analytical costs, and will limit the laboratories that can perform the analyses. In lieu of specifying MDLs CASQA recommends the following language. Recommended Language Addition <The Discharger must analyze storm water samples using the specified Test Method or other approved methods provided the analytical method used shall be capable of achieving a Reporting Level below the Numeric Action Level.>	The Permit has been edited to remove the method detection limit column since it is unnecessary. By specifying the test method, the Permit is implicitly identifying the appropriate test sensitivity necessary to provide a range of low to high sampling result concentrations. The State Water Board does not agree that the method detection limit should only be a little below the NALs. The test methods specified were developed for the current Permit and are commonly used for the listed parameters in the Permit. The Permit has been revised to allow Dischargers to propose an analytical test method for any parameter or pollutant that does not have an analytical test method specified in Table 2 or in SMARTS. Dischargers may also propose analytical test methods with substantially similar or more stringent method detection limits than existing approved analytical test methods. Upon approval, the analytical test method will be added to SMARTS. The State Water Board agrees that test methods can change and prior to adopting the next Permit. The revised language should give the Dischargers and the program the ability to revise test methods when appropriate.

20		Richard Boon	69	Representative Sample Reduction Order pg 43 XI.C.4.a CASQA recommends eliminating examples that indicate areas within an industrial facility might need to be sampled. Based on federal and state regulations only discharge locations, those locations that discharge off the facility (i.e., effluent) must be sampled. The examples provided imply that a Discharger might need to sample individual roof drains. This would only be required if the roof drains were plumbed to discharge off the Discharger's property and received contribution from industrial activity areas. CASQA recommends eliminating the confusing terminology of drainage area and focusing on discharge locations. As defined in the Glossary, a drainage area has one common discharge location. "Drainage Area - The area of land that drains water, sediment, pollutants, and dissolved materials to a common discharge location." Given this definition, a drainage area can only have one discharge location. We believe the intent of this section is to allow Dischargers to reduce the number of locations sampled if substantially similar industrial activities and physical characteristics occur in different drainage areas. Recommended language changes.	A facility may have multiple drainage area each with its own discharge location. Past commenters have pointed out that some drainage areas with common pollutant sources like parking lots and roofs may have numerous inlets or downspouts. Since this The Permit requires that all drainage areas be sampled, The State Water Board has included the Representative Sampling Reduction requirements to provide an opportunity for Dischargers with these type of circumstances to reduce the number of samples collected.
20		Richard Boon	70	Qualified Combined Samples Order pg 39 XI.B.9 The statement in item 9 is not consistent with the later discussion of Qualified Combined Samples. Recommended Language Changes Samples from different discharge locations shall not be combined or composited prior to field measurements or laboratory analysis, <except as allowed in Section XI.C.5 (Qualified Combined Samples).>	The Permit has been edited to address the comment.
20		Richard Boon	71	Sample Frequency Reduction Order pg 45 XI.C.7 CASQA recommends that Dischargers have the ability to use existing storm water analytical data collected between the Permit adoption date and effective date to demonstrate eligibility for the Sample Frequency Reduction. Recommended language changes ii. Results from four (4) consecutive QSEs that were sampled (QSEs can be from different reporting years) did not exceed any NALs as defined in Section XII.A. <Existing Dischargers can utilize analytical results collected after the adoption date of the Permit; and…>	The sampling procedures, methods, and exceptions required in the Permit are different from that the current Permit. In many cases, the sampling results may be incomparable. For examples, the current Permit allowed Dischargers to collect samples from a reduced number of similar drainage area while the Permit requires samples be collected from all drainage areas. The Permit contains specific sample collection and handling instructions while the current Permit did not. The current Permit allowed Dischargers to test for pH longer than 15 minutes while the Permit requires testing within 15 minutes of sampling. In addition to monitoring differences, the Permit includes specific minimum BMPs that the current Permit did not have. The State Water Board wishes to see the resultant sampling data achieved by these new minimum BMPs.

20		Richard Boon	72	Numeric Action Levels Assessment Data Order pg 46 XII.A.1 CASQA is concerned that the language for calculating annual average NALs may be interpreted literally and the parenthetical note may not make it clear that only facility effluent data should be used to calculate annual averages. Recommended Language Changes	The intent of the instantaneous maximum NAL is to identify specific drainage areas of concern or episodic sources of pollution in industrial storm water that may indicate inadequate storm water controls and/or water quality impacts. In the effort to add instantaneous NAL exceedances to the ERA process, the State Water Board explored different options for the development of an appropriate value (i.e. percentile approach, benchmarks times a multiplier, confidence intervals). An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken (from all of the facility, regardless of discharge location) for any single parameter within a reporting year exceed the instantaneous maximum NAL value (for TSS and O&G) or are outside of the instantaneous maximum NAL range for pH.
20		Richard Boon	73	NAL Exceedances Order pg 46 XII.A.2 The language in this section should be revised to state that the two exceedances of the NALs triggering action must be from the same discharge location. The conditions in two separate locations may be entirely different, such that the significance of (and information that can be gleaned from) two exceedances may well be no greater than one. Recommended language changes	Evaluating operational BMPs (Level 1 ERA) for all drainage areas is appropriate because the need to improve in one area may serve as an opportunity to also improve the same operational BMPs in another drainage area. The cost of evaluating operational BMPs is significantly less than evaluating structural and treatment controls (Level 2 ERA) so it makes sense to do the operational review for all parts of the facility at this stage in the ERA process.
20		Richard Boon	74	Numeric Action Levels and Sample Analysis Reporting Order pg 47 (Also related to the information in Order pg 39) CASQA recommends the use of geometric means for determination of annual average. Due to the variability in stormwater runoff quality from highly variable qualified storm events, an arithmetic mean of analytical results for any single parameter can be unduly distorted by a single result from an atypical storm event or by atypical site conditions. Consequently, the arithmetic mean may not be representative of the average or typical effluent quality. A geometric mean for all constituents except pH would be a more appropriate method to characterize storm water quality during a reporting period. This method was recently adopted by the Santa Ana Regional Water Quality Control Board in the Scrap Metal Sector Industrial Permit (Order R8-2012- 0012).	Geometric is appropriate when it is anticipated a data set will have a range over several orders of magnitude or if it has been determined that the occurrence of a very high value is an anomaly. A high value may be an anomaly or may be from temporary lack of BMP implementation. The State Water Board is also concerned that dischargers with high values will not be required to conduct ERAs because of the use of geometric mean. Consider a discharger with the following four sampling results for TSS: 200, 180, 141, and 20. The annual NAL average of this data set is 135 and would appropriately place the discharger in Level 1. However, by using the geometric mean, the discharger's annual NAL average would be 97.29 and the discharger would not be required to conduct Level 1 ERAs. Clearly the trend is that the discharger appears to be frequently having large exceedances of TSS. Over the next 5 years, The State Water Board will receive and evaluate sampling results submitted into SMARTS. The use and value of applying the geometric mean can be re-evaluated at that time.

20		Richard Boon	75	CASQA further recommends that data collected from storm events that exceed the design storm event be excluded from NAL instantaneous and annual averages assessments.	A design storm is not a compliance storm. Dischargers are required to reduce or remove pollutants using the BAT/BCT standard(s) on "day one" of the Permit's effective date. Dischargers must evaluate and implement minimum and advanced BMPs to meet site BAT/BCT. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
20		Richard Boon	76	Annual Report Due Date Order pg 56 XVI.A CASQA recommends that the Industrial General Permit Annual Report be completed and submitted by August 15.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the current due date, sampling reporting has been unhinged from the annual report, and the annual report has been simplified to a checklist. The annual report can be worked on during the reporting year if needed and quickly certified and submitted by the LRP on or before July 15. The Regional Boards have multiple reports due for other Permits during the summer/dry months, extending the date creates an additional staff burden that cannot be supported.
20		Richard Boon	77	NONA Design Storm Order pg 65 XX.c.2.a Fact Sheet pg 64 II.S.2.a CASQA supports recognition of Discharger documentation of "No Discharge" through the Notice of Non-Applicability (NONA) process The design storm criteria in the Fact Sheet and the General Permit do not appear to match. Section XX.C.2.a, the General Permit refers to the facility being "engineered and constructed to have contained the maximum historic precipitation event (or series of events) using precipitation data collected" from NOAA. While Section II.S.2.a, of the Fact Sheet states: "At a minimum, Dischargers must ensure that the containment design addresses maximum 1-hour, 24-hour, weekly, monthly and annual precipitation data for the duration of the exclusion." It is not clear that the precipitation data referenced in the Fact Sheet and General Permit is the same. Additionally, the phrase 'series of events' seems to have no limit to the number or quantity of events. For specific design criteria, the language in the General Permit and Fact Sheet should agree and the term 'series of events' should be quantified or further defined. CASQA requests that the State Water Board clarify this requirement and provide an opportunity for stakeholders to review and comment upon the revised language.	The Permit has not been revised to address the comment. Historic Maximum Precipitation Event includes a 24-hour, 1-hour, 72-hour time period. Probability of reoccurrence (100yr, 20yr) is an estimate that the event will occur in the future. Determining the facilities maximum historical rainfall event is complex and must be in accordance with laws and regulations addressing issues regarding California businesses and professions. The fact sheet contains incorrect information about designing containment for specific hydraulic conditions. The approach has since changed and the fact sheet was erroneously not revised completely. Staff will make the necessary revisions to the fact sheet prior to the adoption meeting.

20		Richard Boon	78	No Discharge Option NONA "No Discharge" Eligibility Requirements Order pg 65 XX.C.3 Fact Sheet pg 65 S.2, S.3 The conditions for the No Discharge NONA differ between the Fact Sheet and the Order. Also, the "Additional Considerations" regarding infiltration of stormwater should be clarified as to the connection between NONA eligibility and containment involving infiltration. Recommended Language Changes.	The "No Discharge" determination does not specifically exclude or include the discharge of industrial storm water to ground water. In some cases The State Water Boards may require additional requirements to facilities discharging waste to land or ground water.
20		Richard Boon	79	Receiving Water Limitations Order pg 21 VI.A-C, and pg 65 XXB. The Receiving Water Limits should include a presumption that they will be satisfied by following the BMP selection process, and triggered actions now in a "corrective action" provision should be integrated with the Receiving Water Limits section. Use of a process to select and evaluate BMPs is appropriate to satisfy both technology-based and water quality-based effluent limit requirements. Complying with detailed measures should clearly comply with the General Permit, satisfying the Clean Water Act mandates for both technology-based and water quality-based effluent limits. Recommended language changes.	The permit's distinction between technology-based requirements and water quality-based requirements is consistent with the approach in U.S. EPA's 2008 MSGP. While it is expected that the proper selection of BMPs will typically result in compliance with the receiving water limitations, in some cases a Discharger may need to do more than is required by the technology-based requirements in order to comply with the receiving water limitations. (See Finding 37.) The Water Quality Based Corrective Action requirements in section XX.B of the permit are a backstop to ensure that a Discharger's BMPs satisfy the receiving water limitations.
20		Richard Boon	80	Compliance Group Participant Responsibility Order pg 55 XIV.C.1 The Order language regarding the responsibilities of Compliance Group Participants needs clarification and simplification. Recommended Language.	The Permit has not been revised to address the comment. Participants are responsible for Permit compliance as well as ensuring that the leader upholds compliant activities at their facility, since the Discharger is ultimately responsible for compliance.
20		Richard Boon	81	Compliance Group Leaders Order pg 65 XIV.A and B CASQA recommends that the State Water Board provide some flexibility as to how a Group Leader is defined. Currently, the language appears to require that it be a single individual, who is a QISP. It would be helpful to include the possibility of a Leadership Team that includes a QISP. This would be particularly useful for larger groups or agencies, where there is an administrative Group Leader – who coordinates the activities of the group and is supported by a QISP that serves in a technical support role.	The Permit has not been revised to address the comment. A Compliance Group leader must be one individual, however a leader can have a team that helps implement and administer the Compliance Group. The Permit requires Compliance Group Leaders to take a separate state approved training program to assure only highly qualified individuals can be compliance group leaders.

20		Richard Boon	82	MIP definition Glossary pg 3 Revise to reflect proposed visual monitoring requirements …the <Monthly> visual observation	The Permit has been edited to address the comment.
20		Richard Boon	83	Non-Visible Pollutants Glossary pg 4 Delete definition, this term is not used in the Permit.	The Permit has been edited to address the comment.
20		Richard Boon	84	Regional Water Board Glossary pg 5 Suggest revising to a more complete definition of the Regional Water Board.	The Permit has not been changed to address the comment. The Permit describes the Regional Water Board authorities in Section XIX and other specific section in the Permit, the definition in the glossary is not designed to define these authorities.
20		Richard Boon	85	Visual Inspection vs. Visual Observation Order, Attachment C, Glossary The terms visual observation and visual inspection appear to be used interchangeably. If the two are the same, CASQA recommends selecting and defining one term for use in the Permit. If the two are different, please define both terms in the glossary.	The Permit has been edited to address the comment.

20		Richard Boon	86	Annual Evaluation Order pg 56, XV.A Order requires Discharger to conduct “A review of all visual inspection and monitoring records and sampling and analysis results conducted during previous reporting year.” For consistency with terminology presented in Order pg. 36 XI Monitoring recommend changing to <A review of all monthly visual observations, sampling event visual observations and sampling and analysis results conducted during previous reporting year.>	The Permit had been edited to address the comment.
20		Richard Boon	87	CASQA strongly recommends the BMP-focused and process-based regulatory approach proposed within the 2013 draft Industrial General Permit. The BMP-based approach coupled with numeric actions levels and an exceedance response process will significantly advance the industrial stormwater program. CASQA includes these comments to provide a reference and response to those that may seek to apply receiving water limitations as numeric quality based effluent limitations (WQBELs), or virtual numeric limits via end of pipe application of water quality objectives. Numeric (or virtual numeric) WQBELs should be an option applied only after it has been determined that 1) the BMP-based/NAL approach of the 2013 draft Industrial General Permit and 2) subsequently established properly developed technology based effluent limitations (TBELs) are not sufficient to ensure that water quality standards will be attained in the receiving water. CASQA’s has previously recommended a process that considered the following language found in CASQA attachment 2.	Comment noted. We look forward to working with CASQA on future reissuance of this Permit and other projects that may address the topics in this comment, none of which directly apply to the Permit as it is currently proposed.
21	Calpine Corporation	Barbara McBride	1	The Permit currently requires a sample to be collected during scheduled facility operating hours and within first four hours of the start of discharge. Therefore, it would be unsafe to visually observe if the discharge starts during the night. To ensure the safety of our employees, Calpine recommends adding to section XI.B.5.b "during daylight hours within scheduled facility operating hours" or adding to section XI.C.6.a.ii "during nighttime hours for 24hr operating facilities".	State Water Board disagrees with the comment. Dischargers that are able to obtain samples at night should also, through the use of portable lighting, Sample collection and visual observations are not required during dangerous weather conditions such as flooding or electrical storms.
21	Calpine Corporation	Barbara McBride	2	The draft Permit does not allow a Discharger to return to baseline status if a natural background pollutant source demonstration is submitted. Therefore, a Discharger will always maintain a Level 2 and must submit a Level2 ERA provided by a QISP annually. To recreate each Level2 ERA would be overly burdensome, repetitive and not cost effective.	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).

22	Castellon & Funderburk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc.	Anna Le May	1	The State Water Board Should Maintain The Receiving Water Limitations Provision in the Findings Section of the draft Order And Adopt Language That Ensures that Receiving Water Limitations Will Be Satisfied by The Assessment and/or Implementation of Additional Best Management Practices ("BMPs") Set Forth in Section XX	The Clean Water Act requires that all discharges of industrial storm water and authorized non-storm water must not cause or contribute to an exceedance of a water quality standard. This is the basis of the receiving water limitations in this Permit.
22	Castellon & Funderburk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc.	Anna Le May	2	Although CBPMGI Members Agree That Numeric Action Level ("NAL") Exceedances Are Not Violations of the General Permit, Members Request Further Clarifying Language	The State Water Board believes the permit language is clear that an exceedance of the NALs does not constitute a violation of the permit.
22	Castellon & Funderburk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc.	Anna Le May	3	CBPMGI Members Agree That The NALs Are Not Intended to Serve as Technology-Based or Water Quality-Based Numeric Effluent Limitations	The State Water Board believes the permit is clear that an exceedance of the NALs does not constitute a violation of the permit.
22	Castellon & Funderburk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc.	Anna Le May	4	The Design Standard Should Include Language That Does Not Require The Allowed Storm Water Bypass To Meet The NALs	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations..

22	Castellon & Funderburk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc.	Anna Le May	5	Compliance Groups Options Should Be Retained In The Final Permit	Comment noted.
22	Castellon & Funderburk LLP on behalf of Chemical Batch Processing Monitoring Group, Inc.	Anna Le May	6	The Cost Analysis Underestimates The Cost Of Implementing The Proposed New Permit	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
23	Castellon & Funderburk LLP on behalf of Paper, Glass, and Plastic Recyclers Monitoring Group	Anna Le May	1	The State Water Board Should Maintain The Receiving Water Limitations Provision in the Findings Section of the draft Order And Adopt Language That Ensures that Receiving Water Limitations Will Be Satisfied by The Assessment and/or Implementation of Additional Best Management Practices ("BMPs") Set Forth in Section XX Section I.E. of the draft Order. More specifically, the group members maintain that the following language contained in the draft Order should be included in the Final Order: "WQS apply to the quality of the receiving water, not the quality of the industrial storm water discharge. Therefore, compliance with the receiving water limitations can generally not be determined solely by the effluent water quality characteristics." Section I.E.37. it is necessary to include language in Section VI ("[d]ischargers shall ensure that industrial storm water discharges and authorized NSWDs do not cause or contribute to an exceedance of any applicable WQS in any affected receiving water") that specifically states that a facility will not be in violation of a Receiving Water Limitation as long as the facility complies with the procedures outlined in Section XX.B. Making it clear that complying with Section XX.B will not result in an alleged violation of a Receiving Water Limitation is extremely important and necessary to protect	The Clean Water Act requires that all discharges of industrial storm water and authorized non-storm water must not cause or contribute to an exceedance of a water quality standard. This is the basis of the receiving water limitations in this Permit.

23		Anna Le May	2	PGPRMG members strongly support CASQA's3 proposed revisions that address Receiving Water Limitations issues.	Comment noted.
23		Anna Le May	3	As noted in the 2012 draft Industrial General Permit Response to Comments,4 the State Water Board clarified that the "existing statement that 'NAL exceedances defined in the General Permit are not, in and of themselves, violations of this General Permit' is already sufficiently broad in that it explains that NAL exceedances do not constitute any type of alleged violation of the general permit, including violations of receiving water limitations." Pages 38 and 39 (emphasis added). In order to ensure consistency and clarity, PGPRMG members request that this language be included in the Permit's final draft. Further, Sections I.M.62.B and XII.A.2 should contain clarifying language that states that an NAL triggering action can only occur when two or more analytical results from any parameter and from the same discharge point occur.	The State Water Board believes the permit language is clear that an exceedance of the NALs does not constitute a violation of the permit. As for the request to clarify the "same discharge point" comment, that is not the intent of this permit. An exceedance occurs when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the instantaneous maximum NAL value (for TSS and O&G) or are outside of the instantaneous maximum NAL range for pH.
23		Anna Le May	4	The members commend the State Water Board for adopting the following language: "[t]he NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives." Section I.M.63. This language is consistent with 40 C.F.R. 122.44 that requires a reasonable potential analysis before imposing water quality based numeric effluent limitations.	Comment noted.
23		Anna Le May	5	Section X.H.6 of the 2013 draft Permit provides design storm standards for treatment control BMPs. For example, volume-based BMPs must be calculated by using one of three methods which includes, by way of example, the volume of runoff produced from an 85th percentile 24-hour storm event. In the event a large storm exceeds the design standard, storm water could bypass the treatment control. It is necessary, in order to be consistent with the inclusion of a design storm in the proposed Permit, that the allowed storm water bypass not be required to meet the NALs.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.

23		Anna Le May	6	PGPRMG continues to support the Compliance Group option for its members and would like to continue playing a role in developing industry specific data and BMPs.	Comment noted.
23		Anna Le May	7	The updated cost analysis for the 2013 Final draft Industrial General Permit underestimates the cost of implementing the proposed new Permit.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	1	The City is concerned that the outreach and questions from industrial sites on the new No Exposure Certification (NEC) requirements may fall on the City NPDES staff, creating an undue burden. The City urges the State Board to invest in a comprehensive outreach program to industrial facilities previously considered "light industry" under the 1997 Permit, which will now be required to actively submit and pay for an NEC. Based on the State Water Board's estimate, approximately 30,000 businesses will be required to file an NEC across the state. The City estimates between 900 and 950 businesses within San Diego alone will be impacted, with many potentially requiring full Permit coverage. If the State Board is going to assess an annual fee for filing NECs, the fees should be used to fund the outreach program rather than potentially pushing the burden on local municipalities.	State Water Board does not see a difference on local municipality burden between a facility eligible for NEC coverage filing an NEC as required by the Permit or not filing as was the case the current Permit. If anything, any burden might be mitigated since there will now be a database of NEC facilities from which to review and better target inspections. The State Water Boards as staff resources allow will review NEC coverage submittals especially those that appear to be incorrectly files.
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	2	US EPA and West Coast states with NPDES Permitting authority (i.e., Washington and Oregon) only require submittal of the NEC checklist once every 5 years. In addition, they do not require a filing fee or require the development and submittal of a site map. The City recommends the State Water Board be consistent with federal and other surrounding states NEC filing requirements, and not subject small, low threat to water quality, businesses to excessive costs associated with annual fees and submitting updates on an annual basis. The City also recommends removing the requirement to develop and submit a site map with the same level of detail as required of sites with full Permit coverage. Developing a SWPPP compliant site map may require small businesses to hire professional assistance creating additional economic burden on these businesses.	All Dischargers must annually inspect their facility(ies) to ensure continued compliance with NEC requirements, and annually re-certify and submit an NEC via SMARTSs. Based on regulatory experience, State Water Board concludes that a five-year maximum NEC re-certification period is inadequate. A significant percentage of facilities may experience turnover of staff knowledgeable of the NEC requirements and limitations. Accordingly, State Water Board believes that annual NEC evaluation and re-certification requirements are appropriate to continually assure adequate program compliance. State Water Board does not agree that a site map for NEC coverage should be less comprehensive than a site map for NOI coverage. By filing for NEC coverage, the Discharger is effectively

					exempting the facility from complying with BAT/BCT, the SWPPP requirements, and the monitoring requirements. Great care must be taken by the Discharger when making the NEC assessment and an adequate site map is fundamental to this assessment. The site map will also be a useful tool for the State Water Board to assess the validity of the NEC coverage filing and to target inspections or follow-up.
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	3	While the ERA process has been improved, we are concerned there will be inconsistent implementation throughout our jurisdiction and urge the State Water Board to develop appropriate outreach and guidance for both Dischargers and those tasked with review/oversight of BMP implementation and Permit compliance.	The State Board is developing a QISP training program that will include guidance on the ERA process. It is anticipated that State and Regional Water Board storm water will attend QISP training and be familiar with the associated guidance. The Permit has not been substantially changed to address the comment.
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	4	The City strongly recommends this Permit include low impact development (LID) and green infrastructure incentives that promote existing development improvements that are in line with the City's MS4 Permit. The City's MS4 Permit includes LID requirements for development and significant redevelopment projects to reduce pollutants in storm water runoff. Industrial facilities retrofitting their sites with LID projects to comply with the Permit should be provided incentive/credit for installing these types of BMPs that have the potential to significantly reduce the volume of discharge and subsequent mass of pollutants from the site. The Permit requires the site to evaluate these types of BMPs based solely on discharge concentration, not accounting for the overall pollutant removal associated with the BMP. The City urges the State Water Board to look for opportunities to provide this incentive.	The Permit and Fact Sheet language has been revised to point out and clarify requirements in the Permit that allow and encourage the use of LID and related green infrastructure techniques. Developing a statewide credit system for LIDs across all industries is a significant effort not addressed in this Permit reissuance. The State Water Board may consider such a LID credit system next time it reissues the Permit.
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	5	This section of the Permit sets a high bar for new Dischargers in watersheds subject to TMDLs. This provision would effectively prevent new businesses from opening or require new business to implement substantially higher level of BMPs to meet water quality standards if there is no remaining load available. At a minimum the term 'new Discharger' should be defined in the Permit for the purposes of this section. The definition of new Discharger for the purposes of this section should not include renewing Dischargers, existing facilities that were previously exempt (NEC facilities), or new owners of existing facilities. The City strongly recommends that the State Water Board reconsider this language and develop a proposal that would allow for the equitable distribution of remaining load capacity for new businesses within impaired watersheds so as to not unfairly restrict business development.	The Permit has been revised to include a definition of "new discharger." The approach is consistent with U.S. EPA's 2008 MSGP. In addition, new dischargers may be eligible for coverage under an individual storm water permit.

24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	6	Clarify that existing sediment basins do not need to be redesigned. Similar to treatment control design, the City recommends this design standard apply to new sediment basins. If new sediment basins are implemented, ensure compliance with the design storm standards in Section X.H.6.	Dischargers are required to meet BAT/BCT. Dischargers are required to address the question of whether retrofits are needed once they obtain Level 2 status. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	7	The City supports the use of the 85th percentile, 24-hour storm as the design storm which is consistent with the MS4 permit requirements. The City recommends that data collected from storm events which exceed the design storm event be excluded from Numeric Action Level (NAL) instantaneous and annual averages assessments.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	8	The Method Detection Limits (MDLs) are set, in several cases, orders of magnitude lower than the NAL. Additionally, low TMDLs will not necessarily result in data values with these low concentrations as variables, such as sample matrix effects can raise laboratory Minimum Levels above MDLs. While Dischargers recognize that it is in their best interest to obtain data reported at concentrations lower than the NALs, the very low MDLs specified in Table 2, will increase analytical costs, and will limit laboratories that can perform the analyses. We also note that the terminology Minimum Level is not standard; the concept conveyed by the definition of Minimum Level in the Glossary is most commonly referred to as the Reporting Level or Practical Quantification Limit by laboratories. Additionally, the use of the term Minimum Level is not consistent with the State Implementation Policy, which is the primary regulatory document that uses this terminology in California. The City appreciates the fact that the State Water Board included a definition of Minimum Level in the Permit, but believes that over the course of the Permit term, this non-standard terminology will cause confusion.	The Permit has been edited to remove the method detection limit column since it is unnecessary. By specifying the test method, the Permit is implicitly identifying the appropriate test sensitivity necessary to provide a range of low to high sampling result concentrations. The test methods are unchanged from the current Permit and are commonly used test methods. "Minimum Level" is the terminology used most commonly by The State Water Boards. State Water Board agree that the Practical Quantitation Limit or Reporting Limit/Level are equivalent terms.
24	City of San Diego, Transportation and Storm Water Department	Kris McFadden	9	The State Water Boards should take advantage of the Level 2 Action Plans to engage with Dischargers on corrective action plans to respond to NAL exceedance. The Action Plan should serve as a planning stage with both the Dischargers and regulators participating in a discussion about pollutant sources and water quality improvements. This is especially important because once Dischargers begin to implement the Action Plan and develop the Technical Report they will be embarking on significant investments for special studies and potential capital improvements for structural/treatment controls. The City recommends that the Permit be designed to encourage this type of communications between Dischargers and Water Boards and	The Permit has not been revised to incorporate a Regional Water Board concurrence element. Dischargers may contact the Regional Boards to discuss their Level 2 Action Plan or capital improvement projects but we cannot guarantee neither the timely review nor concurrence by the Regional Water Boards.

				recommends that language similar to what has been included in section XII.D.3 be incorporated into XII.D.1 as a new item e. Recommended Language Changes e. The State Water Board and Regional Boards (Water Boards) may review the submitted Level 2 ERA Action Plan. Upon review of a Level 2 ERA Action Plan, The State Water Boards may concur with the plan or request changes to the Level 2 ERA Action Plan.	
25	City of Vernon, Community Services & Water Department	Samuel Wilson	1	The draft Permit does not address TMDLs as does the local MS4 Permit. The draft Permit needs to match the same requirements as the MS4 in order to not shift the burden of responsibility from the industrial facilities to the municipalities.	The Permit has not been revised to address the comment. Regional Water Boards, with the assistance of the State Water Board, will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit
25	City of Vernon, Community Services & Water Department	Samuel Wilson	2	The Draft Industrial General Permit must include more than just self-monitoring. It must include a strong enforcement component for monitoring. If a strong enforcement component for monitoring is not inserted into the Industrial General Permit it places the municipal Permittee in a vulnerable position. If at any time there is an exceedance detected in an outfall and/or the receiving water, the violation notice will be sent to the municipal Permittee.	No change is proposed to the permit. The requirement to submit data via SMARTS will provide greater transparency and improve the opportunity for enforcement.
25	City of Vernon, Community Services & Water Department	Samuel Wilson	3	Inconsistencies between the draft Industrial General Permit and the Los Angeles County MS4 Permit are alarming to the City of Vernon. The draft Industrial General Permit needs to support the requirements of the Los Angeles County MS4 Permit. Effluent limitation language varies between the draft industrial Permit and the Los Angeles MS4	The Permit has not been revised to address the comment. The Permit is a statewide Permit and is intended to hold industrial discharges throughout the state to consistent requirements, as applicable. There may be several areas in California that have more stringent industrial guidelines due to region-specific requirements and receiving water-specific limitations and/or conditions.

26	Contra Costa Water District	David Omoto	1	CCWD believes that the proposed effective date creates an overlap of the annual reporting period with the current Permit, which has a reporting period from July 1 to June 30. As a result, a scenario is created where two different annual reports in two different reporting formats would be required for the same reporting period. CCWD believes this issue is a minor oversight that can easily be resolved by changing the Industrial Permit proposed effective date to June 30, 2015	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
27	Council for Watershed Health	Nancy Steele	1	we encourage the 2013 JGP to support a quantitative and coordinated monitoring approach that is engaged with existing watershed monitoring programs where available. Specifically, where individual Dischargers or Compliance Groups discharge to receiving waters, we encourage that these entities be required to contribute to and participate with monitoring programs workgroups to reduce redundancies in monitoring efforts, reduce monitoring costs to the Permittees, and to improve data quality. This approach will assist watershed managers in understanding the role of industrial discharges in context with other Permitted discharges throughout the watershed lending to more efficient and effective management decisions.	Water Code section 13383.5 requires that the State Water Board include (1) standardized methods for collection of storm water samples, (2) standardized methods for analysis of storm water samples, (3) a requirement that every sample analysis be completed by a State certified laboratory or in the field in accordance with Quality Assurance and Quality Control (QA/QC) protocols, (4) a standardized reporting format, (5) standardized sampling and analysis programs for QA/QC, and (6) minimum detection limits. The monitoring requirements in the Permit (Section XI), as supplemented by SMARTS, address these requirements. The State Water Board believes that development of non-standardized alternative sampling programs may not be consistent with the Water Code.
28	County of San Bernardino Solid Waste Management Division	David Doublet	1	At most of our closed landfill and disposal sites, storm water samples are collected in auto samplers. Sites are vacant and technicians collect samples after the storm event. Sampling event observations are not feasible. Can the language be changed to address sampling event visual observations and auto-samplers?	The Discharger can only use automatic sampling device to sample parameters that the device is designed for. For pH, Dischargers can only use automatic sampling devices with the ability to read pH within 5 minutes of sample collection. The Discharger is prohibited from using an automatic sampling device for Oil and Grease, unless the automatic sampling device is specifically designed to sample for Oil and Grease accurately. Dischargers may also relieve themselves of Section X.H.3 requirements for 3. Temporary Suspension of Industrial Activities. .
28	County of San Bernardino Solid Waste Management Division	David Doublet	2	In Section Xl. Monitoring, B Sampling and Monitoring, paragraphs 1-3 two storm water samples are required to be collected in the first half and two in the second half of the reporting year, respectively. Nothing is clearly stated that samples must be collected the first qualifying storm event, as in the current Water Quality Order 97-03-DWQ that requires sample collection during the first qualifying storm event of the rainy season (October 1 – May 31). Does this mean that this section refers to collection of two samples from any two qualifying rain events of the half year in question?	The Permit does not require sampling of the first eligible QSE of each 1/2 year. State Water Board highly recommends that Dischargers sample the first two eligible QSEs or risk being in violation of the Permit requirements. State Water Board are proposing less stringent requirements compared to the current Permit's requirement in recognition that there may be certain eligible QSEs where the Discharger cannot collect samples. Such Dischargers will nonetheless not be in violation as long as they subsequently collect samples from two eligible QSEs .

28	County of San Bernardino Solid Waste Management Division	David Doublet	3	How do ERAs apply to a closed/inactive landfill that has very little industrial activities but does experience a level of entrained soils from the landfill due to winds, some run-off from roads, slopes, upperdecks, etc. During a qualifying storm event that occurs early in the reporting year. The storm water sample analysis may be high in TSS and NALs (both annual average and instantaneous). Subsequent qualifying storm event samples are below the NALs, and the annual average but the results still exceed the NAL for the annual average; prior samples where historically below the NALs. Would this landfill still enter level 1?	This permit and the proposed NALs and ERA associated with it apply to industrial storm water. Wind and rain erosion of surface materials that are associated with industrial activity may be subject to the requirements in the permit.
29	County of San Diego Department of Public Works	Cid Tesoro	1	Implementation Date of the Proposed Permit - The proposed implementation date for the Permit is January 1, 2015, i.e., mid-fiscal year. Under this scenario, the Qualifying Storm Event (QSE) criteria, visual monitoring, and sampling analytical parameters would potentially change half-way through the fiscal year. It would ease the transition to a new Permit to begin implementation on July 1, 2015, so the new requirements will begin at the start of the fiscal year.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
29	County of San Diego Department of Public Works	Cid Tesoro	2	The Permit still imposes a higher starting point for sampling and may not improve the pollutant characterization of a site. It makes sense to allow facilities with extensive sampling to count past compliance results toward the proposed Permit obligations. Those with one or more previous fiscal years of sampling results below Numeric Action Levels (NALs) should qualify for a sampling frequency reduction. These historical sample data then would be recorded in the SMARTS database system. The proposed Permit would also make sampling more burdensome and costly by requiring two samples for QSEs from July 1st to December 31st and two additional samples for QSEs from January 1st to June 30th from all discharge locations associated with the industrial activity. Most of the industrial facility operators in our jurisdiction already have a difficult time obtaining one sample for a Qualifying Storm Event (QSE) during the rainy season (October 1st - April 30th). Moreover, sampling costs will increase proportionally. For example, the cost of analyzing Total Suspended Solids(TSS), Oils and Grease (O&G), and pH from one QSE for one sample location is approximately $115.But, for a facility with four discharge points, this would result in an annual costs increase of $1610 for these constituents alone.	The proposed sampling procedures, methods, and exceptions required in the Permit are different from that of the current Permit. The Permit. In many cases, the sampling results may be incomparable. For examples, the current Permit allowed Dischargers to collect samples from a reduced number of similar drainage area while the Permit requires samples be collected from all drainage areas. The Permit contains specific sample collection and handling instructions while current Permit did not. The current Permit allowed Dischargers to test for pH after 15 minutes of sample collection while the Permit requires testing within 15 minutes of sample collection. In addition to monitoring differences, the Permit proposes specific minimum BMPs that the current Permit did not have. The State Water Board wishes to see the resultant sampling data achieved by these new minimum BMPs.

				This is a significant increase given the minimal benefit to pollutant characterization likely to be obtained. A more efficient and cost-effective alternative is to require industrial facilities to sample from the most significant discharge area two times during the fiscal year (July 1st to June 30th of the following year).	
29	County of San Diego Department of Public Works	Cid Tesoro	3	The reduction of the three proposed QISP types down to one QISP designation will help to standardize the implementation of the Permit. However, the QISP training and testing requirement standards should also be applied consistently and should not offer fast-track, self guided training and certification for select groups such as geologists, engineers, and landscape architects. Since 1997, the specific activities required by the Permit have been carried out successfully by other industry professionals representing diverse disciplines, and they will continue to do so during this next Permit cycle. Therefore, only one training and test should be applied across the board for all industry professionals to ensure proper standardization for effective implementation of the Permit.	The Permit has not been revised to address the comment. The State Water Board is currently developing a QISP training program.. Select professionals such as geologists and engineers are required for calculations and professional judgment. Industrial pollutants can be harmful to human health and the safety of the public and environment. Therefore, through their professional certifications, such professionals are excepting liability (through their licensing agency (bpelsg.ca.gov)) that their best professional judgment is sound and performed as described.
29	County of San Diego Department of Public Works	Cid Tesoro	4	industrial facilities that we inspect tend to be small businesses that are trying to comply with the current Industrial General Permit with limited income. The proposed changes should take into account the current economic situation and implement changes that are economically and technically feasible while using sound science to protect water quality.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.

30	Covanta Energy Corporation	Kelly Champion	1	Industrial Activities covered under this General Permit are described in (Attachment A) "Facilities Covered by National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit)". Some facilities may be considered to qualify for the need for an Permit under this rule based on one of the definitions in Attachment A but may not currently have an Permit based on past (SWRCB) decisions. Additional confusion is raised by language in I. 0 . 72., " ... Light industry facility Dischargers that were previously excluded from coverage must obtain the appropriate coverage under this General Permit ... " (Note: The term "light industry facility is not included in either Attachment A or C.) The definition of "Discharger" found in Attachment C is not helpful in this determination since it defines a Discharger as "A person, company agency or other entity that is the operator of the industrial facility covered by this Permit. “Please clarify the language in the relevant areas to indicate if past decisions regarding the need to have (or not have} an Permit are still relevant and applicable even if the facility appears to be covered based upon the definition of one of the categories in Attachment A.	The Permit has not been changed to address the comment. Under the current Permit facilities defined as light industry by their SIC codes qualified for an exemption from Permit coverage. The Permit propose all SIC codes under Attachment A must receive Permit coverage, however a Discharger may apply for No Exposure Certification (NEC) coverage if they meet the eligibility requirements. The State Water Board conclude that most of the previously defined light industry sites will qualify for this type of coverage. If a Discharger has previously filed a Notice of Non-Applicability (NONA), the NONA is proposed to be still valid unless contacted by the Regional Water Board.
30	Covanta Energy Corporation	Kelly Champion	2	Item 11 states that terms used in the Permit are defined in Attachment C. A review of Attachment C shows that there is no definition for the term "discharge" which is used repeatedly in the document. Is a discharge only when storm water leaves the plant site through one or more outfall locations? Does it include storm water that is in unlined structures that recedes into the ground? Or does it mean storm water from roofs, etc. as it goes into an unlined pond, swale, etc.? Please define the term "discharge" in Attachment C.	The Permit has not been revised to address the comment. The Permit requires the Discharger to define in their SWPPP what industrial storm water discharges are for their facility. The Permit regulates how the industrial facility is to characterize and monitor this discharge. There are many site specific ways storm water leaves a surface, which includes outfalls, sheet flow, is part of the reason it is not generally defined in the glossary.
30	Covanta Energy Corporation	Kelly Champion	3	Item 20 indicates that storm water discharges " ... regulated under another individual or general NPDES Permit adopted by the State Water Board or Regional Water Board are not covered under this General Permit. .. " Does this include facilities that have storm water requirements in their current Waste Discharge Requirements (WDRs} or only those facilities that actually have an NPDES Storm Water Permit?	The Permit has not been changed to address the comment. Federal regulations require Dischargers with applicable SIC codes (see Attachment A) to obtain an NPDES Permit for their storm water discharges associated with industrial activity (as defined in Attachment C).

30	Covanta Energy Corporation	Kelly Champion	4	General Permit Coverage (NOI: This section requires Dischargers to register for coverage. Please clarify if this requirement is only for Dischargers that do not already have a NPDES Storm Water Permit or coverage under an existing WDR, or if it applies to those already covered under said requirements.	The Permit has not been changed to address the comment. All Dischargers under the current Permit must re-enroll under the new Permit once it is adopted. If the industrial storm water discharge from the facility is already covered under another NPDES Permit then the Discharger would not have to enroll.
30	Covanta Energy Corporation	Kelly Champion	5	a. Visual Observations: Section Xl.1.b states that monthly visual observations "shall be conducted ... on days without precipitation." CEC is curious about this requirement. Limiting visual observations to days without precipitation seems unnecessary. It could also be difficult for a facility to comply if there is an extended period of continuous precipitation. How would a facility determine what would constitute a day without precipitation. Does this mean absolutely no precipitation? Is there a minimum threshold? What happens if there is a little rain or other type of precipitation in the morning but it's dry in the afternoon? Would such a situation mean that no visual observations could occur on that day? We recommend revising Section XI.A.l.b as follows: "The monthly visual observations shall be conducted during daylight hours of scheduled facility operating hours and may be conducted on days without precipitation."	The visual observation includes identifying any NSWD which makes it necessary that the ground is dry. Dischargers should not perform visual observations just before a storm event because it does not give the Discharger time to make BMPs adjustments or mitigate uncontrolled outdoor pollutant sources. It would not be a violation of the Permit if a visual observation could not be made because it had rained each and every day of a month. We are not proposing a threshold to establish what constitute a storm event. That was attempted in the 2013 draft Permit and was withdrawn due to the complexity of maintaining rain gauges.
30	Covanta Energy Corporation	Kelly Champion	6	This rule defines a "Qualifying Storm Event (QSE)" in terms of discharge and not in terms of precipitation. Please discuss the rationale for this. The language in this section reinforces the need for the SWRCB to define what it means by the term discharge. In addition, there is no discussion about an exemption if a facility has no QSE's. It is highly likely that in arid areas or in drought conditions that there will be a QSE at all. There may be situations where there is only 1 QSE for one half of the reporting year and none in the other. Please clarify the language to address these types of situations. Below is some suggested language: "The Discharger is exempt from monitoring if that discharge did not occur due to use of onsite retention system or other storm water treatment system, or infrequent storm events of sufficient magnitude to produce discharge during normal business hours and safe conditions."	The State Water Board believes it is clear that it is not a Permit violation if a Discharger fails to obtain samples from 2 QSEs in the first 1/2 of the year and 2 QSEs from the second 1/2 of the year if there is not a sufficient number of QSEs in each 1/2 of the year. The Permit does not define a QSE by a minimum rainfall total. The 2013 draft Permit had included a minimum rainfall total which was roundly criticized as it would require Dischargers to maintain rain gauges and a single standard was insufficient due to the variability of facility surfaces and discharge occurrence. The Permit maintains the current Permit's reliance on storms that produce a discharge from at least one drainage area. The State Water Board had no authority to exempt infrequent discharges from the requirements of the Permit.

30	Covanta Energy Corporation	Kelly Champion	7	This section requires that the Annual Report be submitted no later than July 15th. We request that the reporting deadline be changed to July 30th to allow for additional time to get results from any samples that may need to be taken in late June.	The annual report due date remained July 15 which is 15 days more than the current Permit. Since sampling data must be submitted subsequent to receiving the laboratory results, and the annual report will be much more streamlined than the annual reports from the current Permit, the State Water Board does not believe it is necessary to extend the deadline any further.
30	Covanta Energy Corporation	Kelly Champion	8	The Permit only requires that facilities that wish to file NONA applications " ... shall meet the following eligibility requirements: a. The facility shall either be (The facility shall either be (1) engineered and constructed to have contained the maximum historic precipitation event (or series of events) using the precipitation data collected from the National Oceanic and Atmospheric Agency's website ... "The term "maximum historic precipitation event" is not defined in the rules, but the Fact Sheet states that: "At a minimum, Dischargers must ensure that the containment design addresses maximum 1-hour, 24-hour, weekly, monthly, and annual precipitation data for the duration of the exclusion." Requiring this level of containment seems unreasonable. Given the natural background discharges that are likely to occur during storms that approach or exceed this threshold, the SWRCB should consider returning to the more reasonable and straightforward language from the 2011 draft as stated below: "Dischargers who have facilities designed to contain a 100 year 24-hour storm event and three (3) consecutive 20 year 24-hour storm events in a month are not found to have a potential to discharge pollutants, and therefore pose no threat to water quality." b. In addition, there is nothing in the requirements listed in the NONA section that states that, prior to applying for a NONA, the facility must first obtain a NEC certification. The only place this is stated is in Section S of the "National Pollutant Discharge Elimination System (NPDES) General Permit Fact Sheet for Storm Water Discharges Associated with Industrial Activities" (AKA Fact Sheet}. This is an important requirement that should be included in the final Permit. Finally, CEC does not agree with the requirement to have a NEC certification to receive a NONA.	The Permit has not been revised to address the comment. Historic Maximum Precipitation Event includes a 24-hour, 1-hour, 72-hour time period. Probability of reoccurrence (100yr, 20yr) is an estimate that the event will occur in the future. Determining the maximum historical rainfall event is complex and will need to be done by licensed professionals. The “no discharge” claim does not require a NEC certification.

31	Downey Brand Attorneys LLP	Melissa Thorme	1	While the State Board describes the draft Permit as performance-based, the performance required is in reality very prescriptive and extremely complex.1 In other cases, the draft Permit makes it very difficult to determine what is actually being required as opposed to being suggested. While we appreciate that consideration was given to the fact that many covered facilities will be small businesses, we fear that many entities may lack the sophistication to understand or interpret the draft Permit's voluminous requirements. In many cases, the State Board has developed Permit requirements based on an incomplete understanding of the realities of operating a small business or inaccurate assumptions and estimates related to actual rainfall conditions and operating costs, as well as the onerous regulatory climate currently in place by all regulatory agencies, not just The State Water Boards. As currently written, we are concerned that the draft Permit offers no true or clear endpoint for demonstrating compliance.	The Permit has not been changed to address the comment. The State Water Board acknowledges that this is a Permit that has many different types of Dischargers. The State Water Board attempts to provide assistance and outreach on compliance with the Permit requirements.
31	Downey Brand Attorneys LLP	Melissa Thorme	2	Many of the assumptions made by State Board staff are based on data provided by facility submissions made through the SMARTS system. However, only a small percentage of regulated facilities appear to have been regularly using the SMARTS system. Apparently, most of the data available through the paper submission of Annual Reports have not been evaluated or considered in the development of the draft Permit. Entities find it disconcerting to discover that decades of monitoring efforts have not been adequately considered.	State Water Board has used the monitoring information submitted by Dischargers over the years in combination with BMPs to evaluate site compliance, however, for the purposes of the Permit, the State Water Board does not have the resources to evaluate the paper analytical monitoring reports. Only data that had a significant number of values in SMARTS was used in developing the instantaneous values, data is not available to develop further instantaneous numeric action levels. The data in SMARTS, for example, for the metals was too sparse to use for a statewide Permit. This general Permit requires the use of an electronic data submittal system to prevent the issues of using paper data occurring in the future.
31	Downey Brand Attorneys LLP	Melissa Thorme	3	It is unclear why the draft Permit requires all covered facilities, no matter the size or complexity to have or engage a trained and certified QISP for the preparation of documents and on-site compliance activities. This represents a very burdensome requirement and based on the staff estimates of facility compliance levels, many regulated facilities would be required to have documents and actions prepared by a QISP. Since many facilities would not be likely to have a QISP on staff, this would create significant expense to hire outside personnel. To date, no clear information has been presented on the type of training required, the cost of the training, and location and availability of the training. The State Board would be better served by making workshops available, where the regulated community could obtain information on a voluntary basis when required as many other regulatory agencies do.	The Fact Sheet has not been revised to address the comment. Not all Dischargers will need a QISP, a QISP is required only if the Discharger enters level 1 and a QISP is needed for level 2 requirements. The same training requirements were implemented in the State Water Board statewide Construction General Permit. Further information regarding training requirements for industrial QISPs will be provided to Dischargers before the effective date of the Permit.

31	Downey Brand Attorneys LLP	Melissa Thorme	4	By the State Board staff estimates, the time required for annual compliance activities would amount to approximately 1100 hours for facilities that reach the ERA Level 2 compliance threshold. Board staff estimates that between 20 and 50% of facilities covered would reach at least Level 1 compliance status, while 10 to 25% would reach Level 2 status. Thus, facilities will be obligated to have facility staff devote a significant amount of time to attend to these regulatory requirements on top of the burden of other regulatory compliance obligations. There has been no correlation provided between these annual compliance activities and improved water quality to justify the additional burden. Thus, we request that the State Board consider ways to reduce the time burden on small businesses with very few staff.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values
31	Downey Brand Attorneys LLP	Melissa Thorme	5	The preliminary cost estimate data provided by State Board staff seriously underestimates the real costs of compliance. Assuming staff estimates of the percentage of Permitted facilities that will find themselves at Level 1 or Level 2 compliance status, and using the numbers of covered facilities provided by staff documents the projected cost of compliance for only a small percentage of covered facilities may well reach a level of $100,000,000.00 or higher. Staff estimates of costs are extremely low. As an example, staff estimates for the installation of a media filtration system (which may be required for at least 25% of the regulated facilities) is $185,000.00 at the high end. This number is substantially lower than the cost which some of our clients incurred within the last year in order to settle a citizen suit by a factor of two. The State Board should re-do the economic analysis and perform a more rigorous analysis like those required for regulations under S.B. 617.	Cost estimates for structural treatment controls are based on data from a study in the State of Washington. The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
31	Downey Brand Attorneys LLP	Melissa Thorme	6	Globally throughout the draft Permit - Change the word "Discharger" to "Permittee" to be consistent with the fact that these discharges are Permitted. The term "Discharger" connotes that nothing of value is being achieved by the Best Management Practices (BMPs) in place prior to discharge. Additionally, this change would be consistent with federal regulations that refer to "the Permittee." (See e.g., 40 C.P.R. §122.41(a).)	The Permit has not been changed to address the comment. The use of this term is consistent with other California Storm Water Permits. The State Water Board uses the term Discharger as the entity that owns and/or operates the industrial facility.

31	Downey Brand Attorneys LLP	Melissa Thorme	7	Pgs. 3, 15-16: The Permit must maintain compliance with the Homeland Security Act and must not require maps and/or SWPPPs to be sent to The State Water Boards if facilities are subject to the Homeland Security Act or U.S. Department of Homeland Security CPATS regulations. Thus, we respectfully request that, for these facilities, the maps and SWPPP need only remain on site, and be available for State or Regional Board inspection upon request, instead of having redacted documents submitted. In addition, for other facilities that must provide non-redacted copies of the SWPPP and site map, the transmitted information may contain private confidential information or trade secrets. Therefore, the State Board needs to take additional measures, such as segregating these documents from the public file, to ensure that these documents remain confidential so as to not transform these documents into public records that might be subject to public disclosure and might reveal trade or business secrets. (See Wat. Code §13267(b)(2); Gov. Code §6254(k); Evid. Code§ 1060. Information may be a trade secret if disclosure of the information would cause a competitive disadvantage. (Uribe v. Howie (1971) 19 Cal.App.3d 194.).)	Language has been added to this General Permit that allows Dischargers to redact information if the process in Section II.B.3.d is followed. Section II.B.3.c of the permit states that Dischargers shall not submit any information covered by the Homeland Security Act and related laws. Therefore, any such portions of SWPPPs and other documents should not be submitted. The remainder of the documents is required to be submitted to further the Water Boards' goals of transparency and accessibility of information. Section II.B.3.d of the permit has been revised to specify that confidential trade secret information will be maintained in
31	Downey Brand Attorneys LLP	Melissa Thorme	8	Pgs. 5-6: The concept of Reasonable Potential (RP) must be included whenever discussing effluent limitations. Under federal regulations, no NPDES permit must contain effluent limitations for any pollutant unless and until a discharge is proven to demonstrate the reasonable potential to cause or contribute to an in-stream exceedance of an applicable water quality standard. (40 C.P.R. §122.44(d)(1)(i)-(iii).) This includes situations where a Total Maximum Daily Load (TMDL) and Wasteload Allocation (WLA) apply because the regulations first require the reasonable potential analysis and then "when developing water quality-based effluent limitations," the permitting agency must consider any available WLA for the discharge. (/d. at (i) and (vii)(B).) The following changes are requested: Para. 34. Federal regulations at 40 Code of Federal Regulations section 122.44(d) also requires that NPDES permits include Water Quality Based Effluent Limitations (WQBELs) where reasonable potential exists in order to attain and maintain applicable numeric and narrative WQS for receiving waters. Para. 38 ... Discharges addressed by this General Permit are considered to be point source discharges, and therefore, if reasonable potential exists, must	This General permit does not contain numeric effluent limitations other than those required under federal law. Dischargers will have an opportunity to participate in the development of the TMDL implementation requirements and will have opportunities to comment on these proposed requirements both at the Regional Board level and State Water Board level. It is unclear if these TMDL requirements will allocate specific loadings to each facility or will include some other mechanisms to attain compliance.

				comply with effluent limitations that are "consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the state and approved by U.S. EPA pursuant to 40 Code of Federal Regulations section 130.7.:._(40 C.F.R. §122.44(d)(l)(i) and (vii).Qll.)	
31	Downey Brand Attorneys LLP	Melissa Thorme	9	Pg. 5, Receiving Water Limitations Finding: The last sentence in Paragraph 37 should be removed because it is not clear what "in some cases" applies to and when Permittees would be required to "implement controls that are more protective than the controls that are necessary to meet the technology-based requirements in this General Permit." While the NALs are "not intended to serve as technology-based or water quality-based numeric effluent limitations (draft Permit at 11, Para. 63), the BMPs that are adopted in order to comply with the NALs could be characterized as being "in lieu" of WQBELs since such limitations are not feasible, and are not required for stormwater discharges. (See accord 40 C.F.R. §122.44(k)(1)(BMPs for plant site runoff under CWA Section 304(e)); (k)(2)(authorized under CWA Section 402(p) for stormwater discharges); (k)(3)(where numeric effluent limitations are infeasible); and (k)(4)(are reasonably necessary to achieve effluent limitations); see also SWRCB Order No. 98-01 ("Storm water Permits must achieve compliance with water quality standards, but they may do so by requiring implementation of BMPs in lieu of numeric water quality-based effluent limitations"); and SWRCB Order Nos. 91-03,91-04, and 96-13.).)	The Clean Water Act requires that all discharges of industrial storm water and authorized non-storm water must not cause or contribute to an exceedance of a water quality standard. This is the basis of the receiving water limitations in this Permit.
31	Downey Brand Attorneys LLP	Melissa Thorme	10	Pg. 9: To address previous comments about the SWPPP, the third sentence of Paragraph 54 should be modified to read: Para. 54 .... Except for facilities subject to the Homeland Security Act and in accordance with the Permit Provision II.B.3c., the SWPPP must be submitted electronically via SMARTS,_, and a copy of the facility's SWPPP must always be kept at the facility.	The Permit has been revised to address the whole of the comments regarding when and how to report information, including information from facilities subject to the Homeland Security Act.

31	Downey Brand Attorneys LLP	Melissa Thorme	11	Pg. 9: The citation in Paragraph 55 should be changed to section 122.44(i) reference the requirements for storm water discharges associated with industrial activity.	Comment noted. 122.44(i) is stated in the Permit.
31	Downey Brand Attorneys LLP	Melissa Thorme	12	Pgs. 10-11, 41, 47: The "instantaneous" designation on the maximum Numeric Action Levels (NALs) should be removed from Paragraph 62, Table 2, and Provision XII.A.2. as inaccurate since two or more exceedances are needed in order to trigger this NAL, not one single instantaneous event. Perhaps these NALs should just be called "Maximum" or "Duplicate Maximum" values in order to provide a more accurate description and name. For these reasons, the terminology needs to be modified for accuracy. In addition, the term Instantaneous maximum or even Maximum is not applicable to pH, which has an acceptable range, not just a maximum value. It is also not clear why pH could not be contained in the Annual NALs since 2 "exceedances" could be one below the acceptable range and one above the acceptable range, which would dictate two different and conflicting remedies. Instead, the values should be averaged and then compared to the Annual NALs as is done in the U.S. EPA benchmark monitoring under the MSGP.	Instantaneous is meant to be analogous to terms used in traditional NPDES permits where grab samples are compared directly to the values. The State Water Board considered the terms, “direct,” “grab sample” and other, related terms but decided to stick with the term “instantaneous” despite the fact that our permit allows the first exceedance to not count, essentially. The removal of pH from Annual NALs is based on the problems associated with averaging pH values and the examples cited where bi-directional “exceedances” could offset each other and not adequately reflect true pollution risk or BMPs performance.
31	Downey Brand Attorneys LLP	Melissa Thorme	13	Pg. 11: We appreciate the inclusion of Paragraph 66, which is consistent with the U.S.EPA Multi-Sector The Permit (MSGP) and provides that non-industrial sources of pollutants should be excluded when considering whether NAL exceedances have occurred. However, the draft Permit should expressly allow for groups or regions to submit an area-wide or jurisdiction-wide Non-Industrial Source Pollutant Demonstration where local soils are naturally high in metals or where local conditions would otherwise exceed NALs. Allowing for such coordination and not requiring every Permittee to "reinvent the wheel" where such occurrences are well-known and widespread in an area would represent a substantial cost savings for small businesses and others subject to the draft Permit.	The State Water Board encourages coordination among the various QISPs. It is anticipated that regional data will be assembled and made available as it is collected. The Permit includes Compliance Groups that will also bring efficiency to preparing demonstrations. Demonstrations are facility specific; sources of background and non-industrial pollutants may not be the same at different facilities.
31	Downey Brand Attorneys LLP	Melissa Thorme	14	Pg. 12 - It is unclear why the municipal Standard Urban Storm Water Mitigation Plan (SUSMP) program is used for setting the appropriate "design storm" for industrial stormwater treatment BMPs. Has the State Board determined that these levels can be met and are attainable statewide, even in the North Coast that gets much more rain? What is the consequence of having a rain event larger than the design storm? The Permit must make clear that these treatment BMPs are technology-based requirements and that an upset defense would apply in rain events larger than a design storm. Alternatively, the Permit should make clear that rain events above the design storm are expected to include so much dilution that the industrial constituents in storm water should be rendered insignificant.	A design storm is not a compliance storm and a Discharger is still responsible for industrial pollutants discharged. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit’s technology-based effluent limitations.

31	Downey Brand Attorneys LLP	Melissa Thorme	15	Pg. 12 -Paragraph 72 should delineate exactly what specific light industries are being referenced that "were previously excluded from coverage." Is a No Exposure Certification (NEC) required for businesses that are have their industrial processes completely contained in a building where the only "industrial-like activity" is the loading and unloading of trucks into and out of that building? This is not currently clear and should be better clarified. Also, the difference between needing an NEC and a Notice of Non-Applicability (NONA) should be described in the findings.	The NONA requirement in the Permit no longer contains the NEC option as of July 1, 2015 because Dischargers qualifying for NEC coverage must file electronically into SMARTS. Currently, Dischargers the category 10 of Attachment 1 of the current Permit are not required to file documentation if they qualify for the conditional exclusion. They may file the current NONA if requested.
31	Downey Brand Attorneys LLP	Melissa Thorme	16	Pg. 15: In relation to the previous comments about Homeland Security compliance and trade secret protection, Provisions II.B.3.c. and d. should be modified as follows to avoid duplication and make the requirements more clear: II.B.3.c. Any information provided to The State Water Boards by the Discharger shall not be submitted./required to submit any PRDs, including a SWPPP or site map, if submittal of that information would conflict with requirements of the Homeland Security Act and other federal or state law§. that addresses security in the United States; any information that does not comply should not be submitted in the PRDs. Instead, the Permittee shall certify that it has the required PROs available on site for Regional Water Board review. d. If PRDs are submitted, but redacted, due to concerns about Homeland Security or other security requirements, or to redact trade secrets, the Discharger must provide justification to the Regional Water Board regarding for providing redacted information within any submittal. d. Dischargers may redact trade secrets from required submittals. Dischargers Permittees who certify and submit redacted information via SMARTS must also include a general description of any redacted information and the basis for the redaction in the submittal that includes the information. e. Where redacted information is submitted via SMARTS, Permittees Dischargers must submit complete and un-redacted paper copies of the information to the Regional Water Board within 30 days of the redacted information submittal per this Section. These un-redacted versions will be held separate from the public file and will not be subject to public isclosure.	Language has been added to this General Permit to allow Dischargers to redact information if the process in Section II.B.3.d is followed.

31	Downey Brand Attorneys LLP	Melissa Thorme	17	Pg. 16: We appreciate the fact that this section states that a facility that receives a Notice of Termination (NOT) before January 1, 2015 will not be subject to the ISWGP. However, it is not clear what happens to facilities that receive an NOT after this date or that receive a NONA approved by The State Water Boards. The draft Permit should be clarified to state that these facilities are also not subject to the ISWGP.	The Permit has not been changed to address the comment. Once a Dischargers files and receives approval for an NOT or NONA then they would not be subject to the Permit. If a Discharger does not file a NOT or NONA before the effective date of the new Permit then they would be subject to the new Permit's requirements.
31	Downey Brand Attorneys LLP	Melissa Thorme	18	Pg. 18: It is not clear why a facility moving from an NEC to a full Notice of lntent to be covered by the Permit (NO I) would have to pay the full NOI fee and not just the difference in cost. This appears to be inconsistent with the approach for facilities going from an NOI to an NEC. Further, it appears excessive to require annual fees and certifications for continuing NEC coverage. The requirement should be to pay an initial fee for NEC coverage, and that certification and fee is all that is required for the normal 5-year term of the NPDES Permit unless the situation at the site changes. Requirements for annual fees and certification seem overly punitive and unnecessary.	The Permit has been revised to be consistent with how fees are charged for other programs within The State Water Board. Dischargers switching from NEC to NOI coverage or from NOI to NEC coverage will pay the full fee for the coverage without regard to time of year or the length of time under the current permit coverage.
31	Downey Brand Attorneys LLP	Melissa Thorme	19	Pg. 19: It is not clear how facility can "satisfy" the conditions in IV.B.1. and 2. As currently proposed, these provisions seem to require permittees to prove a negative, that the facility is not in violation of water quality control plans or ordinances. For clarity and in order to be able to demonstrate compliance, Provisions B.1. and B.2. should become a component of Provision B.3. as follows: IV.B. The NSWDs identified in Section IV.A. are authorized by this General Permit if the Discharger Permittee satisfies the following conditions:1. The authorized NSWDs are not in violation of any Regional \Vater Board Water Quality Control Plans (Basin Plans) or other requirements, or statev;ide \Vater quality control plans or policies requirement. 2. The authorized NS\VDs are not in violation of any municipal agency ordinance or requirements. ~ BMPs have been included in the SWPPP and- that were designed and implemented to: a. Prevent or reduce the contact of unauthorized NSWDs with materials and equipment that are potential sources of pollutants in order to address the applicable water quality standards and requirements contained in Regional Water Board Water Quality Control Plans (Basin Plans), statewide water quality control plans or policies, and applicable municipal agency ordinances. b. Minimize to the extent practicable, the flow or volume of authorized NSWDs; and c. Ensure that authorized NS\VDs do not contain quantities ofpollutants that cause er-contribute to an e;~weedance of a V/QS;2o Prevent or reduce discharges of pollutants in authorized NSWDs in a manner that reflects best industry practice	Section IV.B has been changed so that the specified conditions still apply, but the Discharger is not under an affirmative obligation to “satisfy” them in the first instance.

				considering technological availability and economic achievability.	
31	Downey Brand Attorneys LLP	Melissa Thorme	20	Pg. 20: What is the definition of "Best Industry Practice considering technological availability and economic achievability" contained in Provision V.A.? Many technologies for pollutant removal exist and some facilities may have these technologies in place. If one facility is using a technology or if a technology is commercially available, how will the Water Board determine economic achievability? Will it be some percent of profit, or something else? This needs to be clarified and potentially standardized so small businesses are not required to install the same technologies as Fortune 500 companies.	Section V.A of the permit has been clarified to explain that the narrative is a restatement of the BAT/BCT requirement. Compliance with section V.A will be determined by assessing what constitutes best industry practice at any given point in time.
31	Downey Brand Attorneys LLP	Melissa Thorme	21	Pg. 20: Clarifying language is needed in Provision V.C. The following change should be made: C. Dischargers Permittees located within a watershed for which a Total Maximum Daily Load (TMDL) has been approved by U.S. EPA, shall comply with any applicable TMDLspecific Permit requirements that after such requirements have been incorporated into this General Permit	The Permit has not been changed to address the comment. Dischargers located within a watershed for which a Total Maximum Daily Load (TMDL) has been approved by U.S. EPA, shall comply with any applicable TMDL-specific Permit requirements that have been incorporated into this Permit .
31	Downey Brand Attorneys LLP	Melissa Thorme	22	Pg. 21: As with the other stormwater Permits in California, the Receiving Water Limitations language in Provision VI. needs to be revised. How does a facility "ensure" compliance with these requirements? The current Permit's language should be retained for this section, or the following changes should be made to this section: VI. RECEIVING WATER LIMITATIONS Permittees shall design, update as necessary, and timely implement the facility's BMPs and other requirements of the facility's SWPPP so that industrial storm water discharges and authorized NSWDs from the facility are not found by The State Water Boards to: A. Dischargers shall ensure that industrial discharges and authorized NSWDs do not	The Clean Water Act requires that all discharges of industrial storm water and authorized non-storm water must not cause or contribute to an exceedance of a water quality standard. This is the basis of the receiving water limitations in this Permit.

				cause or contribute to an exceedance of any applicable WQS in any affected receiving water. B. Dischargers shall ensure that industrial discharges and authorized NSWDs do not adversely affect human health or the environment. C. Dischargers shall ensure that industrial discharges and authorized NS\VDs do not contain pollutants in quantities that threaten or cause pollution or a public nuisance.	
31	Downey Brand Attorneys LLP	Melissa Thorme	23	Pg. 22: Why does Provision VII.B.3.(1) require meeting water quality standards at the end of pipe when there may be available dilution, particularly in a storm event? Dilution should be allowed and wet weather standards should be considered for adoption statewide. At least the following change should be made: VII.B.3 .(1) the discharge complies with WQS at the point of discharge considering available dilution	As pointed out by other commenters, there is no technical basis for allowing a generally-applicable mixing zone.
31	Downey Brand Attorneys LLP	Melissa Thorme	24	Pg. 23: IX.A.2. contains information about the appeal of a rescinded QISP registration, which seems odd to include in an NPDES Permit. This should be removed and placed in a separate policy or other place besides the Permit.	The Permit has not been changed to address the comment. The Executive Director of the State Water Board or an Executive Officer of a Regional Water Board may rescind any QISP registration if it is found that the QISP has repeatedly demonstrated an inadequate level of performance in completing the QISP requirements in this General Permit. Professional engineers are required to use their engineering judgment, expertise, and or calculations as needed.
31	Downey Brand Attorneys LLP	Melissa Thorme	25	Pg. 24: There seems to be an inconsistency between Provision X.B.2 and B.3 One (B.2) requires that SWPPP revisions be submitted and certified within 30 days, but the other (B.3.) says facilities are not required to submit SWPPP revisions more than once every three months in the reporting year. However, if a SWPPP is revised often, B.2. could be violated since B.3. does not say "notwithstanding the requirements in B.2." This provides another reason why SWPPPs should not be submitted to SMARTS. To correct this problem, the following change should be made: B.3. Not be required to submit SWPPP revisions more than once every three (3) months in the reporting year notwithstanding the requirements in Provision X.B.2.	The Permit has been edited to address the comment.

31	Downey Brand Attorneys LLP	Melissa Thorme	26	Pg. 24: Provision X.D.l. requires every facility to have a "Pollution Prevention Team." However, many facilities are small and may not have enough people for a team. This section should be reconsidered to allow for a designated "Pollution Prevention Person" at all facilities that are not big enough to support a team.	The "Pollution Prevention Team" can be made up of one person. To maintain continuous Permit compliance with a small "team" of one, State Water Board recommends the Discharger appoint an alternate person to be trained in the situation that the primary person is unavailable.
31	Downey Brand Attorneys LLP	Melissa Thorme	27	Pg. 26: The term "areas of industrial activity" in Provisions X.E.3.e. needs to be more carefully defined to be uncovered industrial activities or industrial activities otherwise exposed to storm water. To clarify this point, the following change should be made: e. Areas of industrial activity subject to this General Permit. Identify all uncovered or other exposed storage areas and storage tanks, shipping and receiving areas, fueling areas, ...	The Permit has not been changed to address the comment. Areas of industrial activity are generally described in the definition of Storm Water Discharge Associated With Industrial Activity (see Attachment C).
31	Downey Brand Attorneys LLP	Melissa Thorme	28	Pg. 32: The term "personnel" in Provision X.H.l.g.i. needs to be narrowed to the appropriate, relevant, storm water-related individuals, not secretaries, telemarketers, etc. Thus, the following or similar changes should be made: i .... If a Discharger enters Level 1 status, all appropriate personnel with storm water related duties shall be trained by a QISP.	This General Permit section was changed to address the comment.
31	Downey Brand Attorneys LLP	Melissa Thorme	29	Pg. 32: It is not clear whether advanced BMPs are "necessary" if NALs are being met. Thus, the heading for Provision X.H.2. should be revised to specifically state that this section applies only where Permittees are in Level 1 or Level2 status. X.H.2. Advanced BMPs for Permittees in Level 1 or Level 2 status	Advanced BMPs are required at all facilities to the extent feasible.

31	Downey Brand Attorneys LLP	Melissa Thorme	30	Pg. 33: The temporary suspension requirements whenever a facility may be closed for 10 or more consecutive days seems excessive. Many small businesses close for holidays and vacations, meaning industrial activities have ceased during that period. Additional SWPPP s should not be required if the other normal BMPs are in place.	The Permit has not been changed to address the comment. Dischargers are not required to temporarily suspend their activities; this general Permit language relates to the situations where facilities are planning to close and are requesting relief from monitoring and reporting requirements, because the facility is inaccessible.
31	Downey Brand Attorneys LLP	Melissa Thorme	31	Pg. 35: For flow-based BMPs, a safety factor of2 is unnecessary and has not been adequately justified if the BMPs are properly engineered. A properly engineered flow based BMP, set for a particular design storm, should be adequate for most all storm events except those overwhelmed with dilution. Furthermore, the safety factor makes the design storm irrelevant since an artificial doubling is added. Finally, this design storm concept needs to explicitly state that where rain events are larger than the design storm, they are considered to contain so much dilution that discharges in that event are considered to be compliant.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations. The safety factor of 2 is consistent with recommended industry practices.
31	Downey Brand Attorneys LLP	Melissa Thorme	32	Pg. 37: Definition of Qualifying Storm Event (QSE). We appreciate the change requiring that an actual discharge occurs instead of arbitrarily tying the event to a certain amount of rain that may or may not produce a discharge. However, other portions of the previous definition must be maintained, including the requirement that "Sample collection is only required of storm water discharges that occur during scheduled facility operating hours" and "during daylight hours." Small businesses do not have the staffing or resources to send employees back to the facility to catch rain events after work hours, and requiring people to go out in the dark to often precarious sampling locations may violate Cal-OSHA requirements. For these reasons, the former Permit's caveats about sampling during business and daylight hours should be maintained and referenced in this section. 1. A Qualifying Storm Event (QSE) is a precipitation event that can be sampled in accordance with the restrictions in Provision XI.C.6. and that:	There is no requirement to sample at night unless the facility is operating. The Permit requires visual observations of storm water discharges at the time of sampling. The Permit has an exception for sampling during dangerous weather conditions such as flooding or electrical storms. The Permit also allows Dischargers to select alternative sampling locations where a discharge location is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). The State Water Board does not wish to place Dischargers in harms way day or night so has made the above exceptions to give Dischargers the ability to avoid accidents.

31	Downey Brand Attorneys LLP	Melissa Thorme	33	Pg. 37: The previous Permit contained a requirement for two samples, one from the first storm event of the wet season, and one from at least one other storm event in the wet season. (Order No. 97-03-DWQ at 26.) The draft Permit is proposing twice as many samples, which seems excessive particularly for long-time Permittees that have been diligent in monitoring and have adequately characterized their industrial-related discharges. Thus, existing facilities should be maintained at 2 storms per year and the additional monitoring should be reserved for new facilities/operations so that these facilities can adequately characterize their storm water discharges.	The increased sampling, compared to the current Permit's two samples during the wet season, is consistent with the 2008 MSGP and other states' Permit requirements and will improve compliance determination with the Permit. The Permit allows Dischargers to participate in Compliance Groups that allow a reduction of sampling to twice a year.
31	Downey Brand Attorneys LLP	Melissa Thorme	34	Pg. 39: Provision XI.B.9 on this page (which states that "samples from different discharge locations shall not be combined or composited prior to field measurements or laboratory analysis") is inconsistent with Provision XI.C.5.a. On page 43 (which states "the Discharger may authorize the lab to combine samples of equal volume from as many as four (4) discharge locations .... "). This inconsistency needs to be resolved to modify Provision XI.B.9 to allow for combined and composited samples.	The Permit has been edited to address the inconsistency noted in the comment.
31	Downey Brand Attorneys LLP	Melissa Thorme	35	Pg. 39: Provision XI.B.11. states that if a lab resulted is detected, but not quantified (DNQ), the value will be presumed to be the arbitrary halfway point between the Method Detection Level (MDL) and the Minimum Level (ML). First, an ML is the lowest quantifiable concentration or the lowest point on the calibration curve and values should not properly be extrapolated below this value. (See accord State Implementation Policy (SIP) at Part 2.4.2 (even though not directly applicable for storm water, the SIP indicates that values lower than the ML are not reliable).) Instead, the presumed value should be zero. At most, such data should be labeled DNQ and the Permit could provide the flagged value that represents the "estimated" chemical concentration for information, but not for compliance, purposes.	For the purposes of calculating the annual average concentration for each parameter, the Permit considers any sampling result less than the minimum level as a zero (0) value. The reason to use zero (0) values instead of the detected but not quantifiable value (minimum level or reporting limit) is that these values are very low and are unlikely to contribute to an NAL exceedance. There are statistical methods to include low values when calculations are for numeric criteria and limitations, however, the NALs in the Permit are approximate values used to provide feedback to the Discharger on site performance, and are not numeric criteria or limitations. Therefore, State Water Board does not concur that it is not necessary to include these insignificant values in the calculations for the NALs.
31	Downey Brand Attorneys LLP	Melissa Thorme	36	Pg. 41, Table 2: Setting the Numeric Action Levels (NALs) at the same values as the U.S. EPA benchmark values is inappropriate because those levels were based in many cases on national criteria that may have no application in California. Because exceedances of the NALs may trigger an Exceedance Response Action (ERA), which can be an expensive process and may require actions unrelated to the exceedance, the NALs should not be set at levels where nearly half of the regulated community will automatically trigger ERAs. The statistical analysis of data provided in the supporting documentation for the draft Permit shows that more than 40% of facilities were above the proposed NALs for total copper and for total zinc, which are likely due to copper in brake pads and zinc in tires over which an industrial	NALs are not effluent limitations and exceedances of the NALs do not constitute a violation of the permit. The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs, or aid in the development of NELs in future permits.

				facility has no true ability to control. This information and data should be reviewed and more attainable NALs should be incorporated into the draft Permit. As an example, in Washington State, the action levels are set at approximately two times the U.S. EPA benchmark levels. Even so, a statistical analysis of Washington data still showed an exceedance rate of21% for total zinc, again most likely from tire wear. If the State Board intends to allow for tire tread wear to be excluded from industrial activities, then this should be added to Paragraph 66 and Provision XI.D.2.b.iv. as other examples of "non-industrial pollutant sources." Finally, we recognize and appreciate that the draft Permit does state that NALs are not effluent limitations and exceedances of the NALs do not constitute a violation of the permit if required actions are taken to address those exceedances. (See Paragraph 63.) However, the data being generated may be used to allege violations of the permit's Receiving Water Limitation (RWL) requirements. We have provided language above to attempt to address this RWL concern, but permit holders are wary of collecting additional data that will just be used against them in a lawsuit when they are taking all appropriate and required actions to address these exceedances. Therefore, making clear what does and doesn't constitute a violation is very important.	
31	Downey Brand Attorneys LLP	Melissa Thorme	37	Pg. 41: The State Board should address the underlying assumptions for the NALs, which are based on EPA's benchmarks. Many of EPA's benchmarks assume the following: Assumptions: Receiving water temperature- 20 C. Receiving water pH -7.8. Receiving water hardness CaC03 100 mg/L. Receiving water salinity - 20 g/kg Acute to Chronic Ratio (ACR) -10. (See 65 Fed. Reg. 64768 (Oct. 30, 2000).) If the actual site conditions differ from these assumptions, then these values should not be used without correcting the underlying assumptions. Further, many of these values are based on recommended aquatic life criteria or secondary treatment regulations that have no direct application to storm water discharges. (See 65 Fed. Reg. 64767 (Oct. 30,2000).) Thus, the State Board should carefully consider whether the NALs should be altered to reflect application in California to industrial storm water directly.	Exceedances of the NALs do not constitute a violation of the permit. The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs, or aid in the development of NELs in future permits.
31	Downey Brand Attorneys LLP	Melissa Thorme	38	Pg. 41: The proposed aluminum NAL is inappropriate for much of California because of the high volume of aluminum found naturally in the sediment that cannot be controlled by facilities. A higher value should be used, particularly because there are few if any impairments for aluminum in California waterways. In addition or alternatively, metals in natural soils should be included in Paragraph 66 as other instances of "non-industrial pollutant sources.	An exceedance of the NALs does not constitute a violation of the permit. The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs, or aid in the development of NELs in future permits.

31	Downey Brand Attorneys LLP	Melissa Thorme	39	Pg. 43: The draft Permit at Provision XI.C.3. requires Permittees to identify alternative discharge locations where current outfalls are "difficult to observe or sample." However, there is no guidance on how the State Board suggests designating an alternate sample where the outfall pipe is submerged at the outlet and BMPs are contained in the drop inlet to that pipe. If samples are taken before the BMPs, then an inaccurate and higher reading can be registered that is not representative of outflow quality. This happens in many cases and a potential solution should be included in the Permit.	The QISP training will develop guidance on sample location. Dischargers with complex are difficult sampling conditions may need to consult with a QIP or obtain professional assistance.
31	Downey Brand Attorneys LLP	Melissa Thorme	40	Pg. 43: We appreciate the inclusion of Provision XI.C.4, which provides the ability for Permittees to qualify for Representative Sampling Reduction (RSR). However, the draft Permit allows Regional Boards to "reject the RSR justification" without any standards for that rejection. (Provision XI.C.4.d.). This section and similar language in Provisions XI.C.5.d. and XI.C.7.f. should be modified as follows:	The State Water Board believes the section describing the Sampling Frequency Reduction (SFR) provides the limitations that the commenter requests. The Regional Boards may reject a SFR if they disagree that the results from four (4) consecutive QSEs that were sampled did not exceed any NALs as defined in Section XII.A; or if the Discharger is not in full compliance with the requirements of the Permit and has not updated, certified and submitted via SMARTS all documents, data, and reports required by the Permit during the time period in which samples were collected, or if the Discharger is subject to an enforcement action.
31	Downey Brand Attorneys LLP	Melissa Thorme	41	Pg. 44: We appreciate that there are conditions specified when samples should not be taken and this should be expanded to include non-daylight hours. Although some industrial facilities may operate around the clock, it may be dangerous to try to access outfalls in the dark to obtain samples. Thus, the following should be added to Provision XI.C.6.:Pg. 44: Provision XI.C.6.a.i. During non-daylight hours or during dangerous weather conditions,_ such as flooding or electrical storms; or	The Permit requires visual observations of storm water discharges at the time of sampling. The Permit has an exception for sampling during dangerous weather conditions such as flooding or electrical storms. The Permit also allows Dischargers to select alternative sampling locations where a discharge location is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). The State Water Board does not wish to place Dischargers in harms way day or night so has made the above exceptions to give Dischargers the ability to avoid accidents.
31	Downey Brand Attorneys LLP	Melissa Thorme	42	Pg. 45: We have the following comments on Provision XI.C.7: Provision XI.C.7.a.i. -The draft Permit should allow for sampling under the previous Permit to be used to justify Sampling Frequency Reduction (SFR). For example, if the facility has not exceeded EPA benchmarks for the last 4 samples for Pollutant x, then they should be able to reduce the sampling for that pollutant. Provision XI.C.7.b.- The language in this section related to the Permittee being "subject to an enforcement action" should be limited to Water Board enforcement only, and be amended as follows: 7.b. The Regional Water Board may notify a Discharger Permittee that it may not reduce the number of QSEs sampled each reporting year if the Discharger Permittee is subject to a:H -Water Board enforcement action. Provision XI.C.7.f.- This provision is inconsistent with the 4.d. and 5.d. construct that puts the alternative program in place until rejected. In this instance, a SFR certification is not valid until the SFR certification is approved. Since these documents are certified (presumably under penalty of perjury) and submitted	The sampling procedures, methods, and exceptions required in the Permit are different from that of the current Permit. In many cases, the sampling results may be incomparable. For examples, the current Permit allowed Dischargers to collect samples from a reduced number of similar drainage area while the Permit requires samples be collected from all drainage areas. The Permit contains specific sample collection and handling instructions while the current Permit did not. The current Permit allowed Dischargers to test for pH longer than 15 minutes while the Permit requires testing within 5 minutes of sampling. In addition to monitoring differences, the Permit includes specific minimum BMPs that the current Permit did not have. The State Water Board wishes to see the resultant sampling data achieved by these new minimum BMPs. The State Water Board has chosen to allow Dischargers with no NAL exceedances for 4 consecutive QSEs to qualify for sampling reduction. Dischargers satisfying the sampling reduction requirements only have to sample 2 QSEs per year. Each of those samples must include all the required

				through SMARTS, it is not clear why this alternative request should be treated differently than the RSR or QCS requests. Provision XI.C.7.g.- This sentence must clarify that the SFR is only lost for the pollutant with an exceedance, not for all monitoring. For example, if all pollutants were below NALs for 4 QSEs, then the entire facility would be allowed an SFR for all pollutants. However, if there is one NAL exceedance for Pollutant X (which is not the same as one sample exceeding the NAL), the SFR would continue for everything except Pollutant X, which would be monitored 4 times a year until 4 clean samples occur again. This is the way that this provision was being interpreted, so it should be clarified to confirm or change that interpretation. The confirmatory language would be as follows: Provision XI. C. 7 .g. A Discharger Permittee loses its SFR for an individual parameter if an NAL exceedance occurs (as defined in Section XII.Al. and A.2.).	parameters. The commenter suggests an alternative approach of maintaining the SFR for all other pollutants except for the pollutant with the NAL exceedance. The State Water Board disagrees with that approach not just because of tracking difficulties. The State Water Board believes that pollutant sources at a facility causing an exceedance may be mobile and NAL could begin to occur in other parts of the facility. It is appropriate to require full implementation of the sampling requirements in order to better characterize the facility's Dischargers. Dischargers may immediately reduce the number of QSEs allowed under the SFR requirements unless otherwise rejected by the Regional Boards. Regional Board approval is only needed once a SFR has been rejected or the Discharger has been requested to provide additional supporting documentation.
31	Downey Brand Attorneys LLP	Melissa Thorme	43	Pg. 49: There is a typographical error in Provision XI.D.2.a.ii.- There should be "an" not "An" and the word "all" does not properly modify "pollutant source." Thus, this section should be modified as follows: Provision XI.D.2.a.ii. Shall include A~ evaluation of all the pollutant source(s) associated with industrial activity that are or may be related to the NAL exceedance(s);	This permit has been edited to address the comment.
31	Downey Brand Attorneys LLP	Melissa Thorme	44	Pg. 52: It is not clear why Provisions XI.D.4.b.i.-iii. prohibits permittees from returning to baseline status if they make an industrial activity BMP demonstration, a non-industrial source demonstration or a natural background demonstration. If the facility has demonstrated that attaining the NALs is infeasible or not caused by industrial activities, that should be enough to return to baseline status or some other currently undefined status level besides Levels 1 and 2. Perhaps an annual certification on infeasibility or the cause of the exceedances could be added to ensure that nothing changes, but the facility should be allowed to return to baseline or a lower level status than Level 2.	This permit provision has not been modified to address the comment. This General Permit only allows dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. This General Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. It is not anticipated that many such reports will be fully reviewed and, therefore, it would be inappropriate to reduce the status. All NALs are applicable to Dischargers with Baseline status while dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).
31	Downey Brand Attorneys LLP	Melissa Thorme	45	Pg. 59: The draft Permit at Provision XVII.A. states that "[d]ischarges of storm water which have not been exposed to industrial activity are not industrial storm water discharges." Based on this language, it is not clear why an NEC is required if the storm water is not regulated by the industrial storm water program, and would instead be part of a municipal separate storm sewer system (MS4) discharge, or merely be unregulated stormwater runoff if outside of an MS4's jurisdiction. (33 U.S.C. §1342(p)(1).) Instead, it would appear that a Notice of Non-Applicability (NONA) might be a better fit. However, if the NEC approach is being used in order to provide Waste Discharge Requirements (WDR) and/or NPDES Permit coverage to protect against allegations of unPermitted	Each candidate “no exposure” and “no discharge” circumstance will be unique and it is in the interest of the facility owner and/or operator to use their best judgment in deciding which route, if any, is appropriate based on the specifics of that facility and setting. If “no exposure” is claimed, the discharge of any storm water that is no longer exposed to industrial activity is from that time forward,, considered to not be industrial storm water.

				stormwater discharges, that intent should be made more clear.	
31	Downey Brand Attorneys LLP	Melissa Thorme	47	Pg. 63: Provision XVIII.A.2.b.i. Training should be just for "relevant" employees as discussed in issue 23 above. Provision XVIII.A.2.b.i. Plastics Facilities shall annually train relevant employees handling Plastic Materials that may be exposed to storm water.	Adding the word "relevant" provides little benefit while complicating compliance determination and enforceability of the Permit; therefore Permit has not been revised to address the comment.
31	Downey Brand Attorneys LLP	Melissa Thorme	48	Pg. 64: There appears to be a typographical error in Provision XIX.F. where the phrase "is appropriate" should be "as appropriate."	The Permit has been edited to address the comment.
31	Downey Brand Attorneys LLP	Melissa Thorme	49	Pg. 65: Provision XX.B.l. should remove the phrase "in violation of Receiving Water Limitations" since a violation can only be determined after an adjudicatory hearing. Instead this section should state the following that is more consistent with the changes proposed to the R WL provisions previously: XX.B.1. Upon determination by the Discharger Permittee or written notification by the Regional Water Board that industrial storm water discharges and/or authorized NSWDs contain pollutants that are inconsistent with the violation of Receiving Water Limitations (Section VI), the Discharger Permittee shall: ...	While it is correct that a certain formal enforcement actions for violations of the permit are subject to notice and hearing requirements (e.g., assessment of civil liabilities), the type of determination of a violation described in section XX.B.1 would typically be an informal determination by Regional Water Board staff in a notice of violation letter, or a self-determination of a violation by the Discharger, based on available data.
31	Downey Brand Attorneys LLP	Melissa Thorme	50	Pg. 65: Provision XX.B.2. should be modified consistent with the comments made related to issue 34 above: Provision XX.B.2 The Regional Water Board may reject the Dischargers Permittee's water quality based corrective actions for good cause and/or request additional supporting documentation in accordance with the requirements of Water Code section 13267.	The State Water Board does not agree that modification to this section are necessary. The Regional Boards would reject or request additional information in accordance with their authority provided in Water Code which does not need to be repeated whenever a Regional Board action is required or allowed.

31	Downey Brand Attorneys LLP	Melissa Thorme	51	Pg. 65: The draft Permit's characterization of a NONA in Provision XX. C. is too narrow, covering just the "no discharge" requirements. The State Board's NONA form provides seven different justifications for submittal of a NONA besides no discharge. These include: 1) Closed Facility; 2) No Storm Water Discharge and/or Exposure; 3) Not Required to be Permitted under Federal Law;4 4) Regulated by Another Permit; 5) New Facility Operator; 6) Never Operated Facility; and 7) Other Reason for Non Applicability. These justifications would and should carry over into the new draft Permit and should be added to Provision XX.C.	The “no discharge” language in the Permit is the only case that demands clarification, since the law does not provide guidance on the hydraulic and hydrological standards meant by “no discharge.” In attempting to clarify this “no discharge” standard, the Permit must also communicate the expectation that such demonstration require a technical report be provided and certified by a California licensed civil engineer. All the other examples are clear and do not require Permit clarification.
31	Downey Brand Attorneys LLP	Melissa Thorme	52	Pgs. 66-71: The standard upset and bypass provisions must be included in Provision XXI. (Standard Conditions) of this Draft Permit, particularly because technology-based BMPs and treatment can fail. See accord 40 C.F.R. §122.41 (The following conditions apply to all NPDES permits)(m) (Bypass) and (n)(Upset); see also FMC Corp. v. Train, 539 F.2d 973 (4th Cir.l976) and Marathon Oil v. EPA, 564 F.2d 1253 (9th Cir. 1977). In the Marathon Oil case, the Ninth Circuit Court of Appeal concluded that a facility using proper technology operated in an exemplary fashion would not necessarily be able to comply one hundred percent of the time, and thus an upset defense in the permit was necessary. Further, in the Marathon Oil case, the Ninth Circuit Court of Appeal concluded an upset defense in the permit was necessary and could be used to cover instances of equipment failure and human error. (Id. at 1273.)	40 C.F.R. section 123.25(a) allows states to omit provisions, including the bypass and upset provisions, as long as doing so results in more stringent requirements. While the specific defenses are not included in the permit, there are other permit provisions that address similar issues. For example, the design storm standards at section X.H.6 of the permit authorize the construction of treatment control BMPs that are not designed to capture all storm water from every type of storm event possible.
32	Ecology Auto Parts	Roger Griffin	1	New Permit specifically include in Section IV a clearer legal definition of non-storm water to include the sentence: "Storm water which is containerized prior to treatment is specifically excluded from the definition of non-storm water."	The monitoring section of the Permit states the obligation to monitor containerized storm water, examples have been provided to add more clarity (see section XI.A.2.)
32	Ecology Auto Parts	Roger Griffin	2	specific dates be in the Permit rather than statements such as “... 60 days after...,” or “.. 6 months after....” etc. etc. Having a calendar date specified for each requirement will allow everyone to know exactly what is required by that given date.	The Permit has been edited to address the comment. Specific dates have been added where applicable.

32	Ecology Auto Parts	Roger Griffin	3	Throughout the Permit, industrial facilities are required to meet specific deadlines (report submissions, evaluations of advanced BMP's, etc), yet there is no requirement - such as "within 30 days," "within 90 days," etc. - that board staff meet any deadline with respect to its actions on submitted documents, studies, analyses, etc. This leaves companies in 'limbo' with respect to submittals, literally forever! This comment pertains to issues such as the State Water Board-sponsored/approved QISP training course [pg. 23], NEC [pg. 12] and NONA submittals [pg. 18], and other regulatory actions and decisions. We are, therefore, requesting that regional board staff also be required - in the Permit – to take action on all submittals within 90 days to enable Dischargers to know where they stand.	The Permit has been edited to address the comment. Where it is appropriate to specify dates, dates are specified in the Permit. The State Water Board cannot regulate the Regional Water Boards through Permit requirements therefore Regional Water Board have not been required - in the Permit – to take action on submittals.
32	Ecology Auto Parts	Roger Griffin	4	regarding pH measurements, we are reminding the Board that 10-15% of the adult population is color blind, so relying on a color change via litmus paper likely defeats the purpose of good quality data for monitoring surface discharges. Accordingly we are in favor of retaining the requirement to use calibrated hand held pH meters for field measurements	Dischargers who do not have available staff who are not colorblind must measure pH with a pH meter.
32	Ecology Auto Parts	Roger Griffin	5	there is reference to "non-industrial pollutants" (page 11), and by inference, "natural background" and "external sources..." as they pertain to contributions to surface storm water discharges. However, there is no guidance whatsoever on how one is to determine scientifically how to separate such 'naturally occurring' contaminant levels from industrial contributions. (See comment letter)	The QISP training will include the development of guidance on acceptable approaches to determine the sources of non-industrial pollutants.
32	Ecology Auto Parts	Roger Griffin	6	There are statements in the draft Permit requiring industrial facilities to "...demonstrate...." or provide a "..demonstration.." of a condition, influence, proposed approach or result, etc. [NONA's, NISPD's, Natural Background, etc.]. Yet there is not a single listing or definition of the evaluation criteria for such a demonstration for any of these. How is one able to demonstrate anything without reference to a standard or a criteria by which to judge the submission? We encourage the Board to require its staff to provide such criteria in the Permit in order that a lot of time and resources not be wasted!	The combination of the Permit and the Fact Sheet contain the guidance and clarity needed for Permit compliance. Due to varying site-specific and receiving water-specific conditions, further detail in one statewide Permit is not appropriate.

32	Ecology Auto Parts	Roger Griffin	7	With respect to 'qualified persons' [QISP's] being in charge of certain activities, we encourage the Board to include some type of grandfather clause for previously existing experience/education or existing Certifications such as Region 8's Qualified SWPPP Developer (QSD). Otherwise there will again be needless duplication of standards and requirements for persons who, in all likelihood, already have the requisite skills, experience and certifications to provide quality data.	The Permit has not been revised to address the comment. Only Dischargers entering Level 1 or Level 2, are required to have a QISP. The State Water Board is currently developing a QISP training program. Professional engineers are required when engineering judgment, expertise, and or calculations are needed.
32	Ecology Auto Parts	Roger Griffin	8	Definitions: Well defined standards are the key to clearly determining and demonstrating compliance with the permit. a. We are requesting that the Board specifically define "Significant" inasmuch as it is used numerous times in the permit. The permit does not define exactly what a significant quantity is!! This could be in gallons per event, pounds spilled, area of spill, mg/day, or some other quantifiable unit. We do note that the County of Riverside specifically refers to a gallon or less oil spill as NOT being significant. b. We prefer the definition of "annual average" to be the same as in the Sector specific Permit recently adopted by the Santa Ana Regional Board (Region 8). This definition specifically defines an annual average – with the exception of pH measurement values – as the geometric mean value. This would be consistent across the state and would avoid the problems with outliers frequently encountered with measurements of stream flows and water bodies. c. Define "industrial and non-industrial pollutants." They are used throughout the Permit and have given rise to a great deal of concern due to lack of specificity. All elements and compounds are fungible (i.e. behave the same; are interchangeable). It makes no difference if a zinc atom comes from run-on to one's property, falls out of the sky or is an integral part of the tires on a vehicle – it is the same element and has the same toxicity and/or benefit in water! d. Define "residual industrial materials" (page 58). Incomplete or inadequate definitions are the biggest source of contention in enforcement! Please make the definition quantifiable, not visual – i.e. use grams, pounds, or other units in order that overzelous inspectors not go beyond the intent of the Permit.	a. The permit has been revised to remove the references to "significant materials." The term "significant" does remain in the permit in other contexts, e.g., "significant spills." In those instances, the term generally is synonymous with "substantial," and should be evaluated in context. For example, a significant spill includes spills that could affect water quality if not properly addressed. b. The calculation for the annual average in this permit varies depending on whether or not the Discharger is using composite sampling or flow-weighted measurements. c. A definition of "industrial materials" has been added to the Glossary, Attachment C. d. The term "residuals" comes from the federal regulations for "no exposure" that this permit is implementing. It is not appropriate to provide specific quantifications because even small amounts of some industrial materials can cause serious water quality problems.
32	Ecology Auto Parts	Roger Griffin	9	Deletions: a. Delete the word "solely" and "entirely" from sections throughout the permit (as in Section XII, D, 2, b. 1 and c. 1. and Section XVII A). Living in a 'universe,' nothing is solely or entirely responsible for anything, particularly in the natural world. To be scientific, any demonstration must be quantifiable. If a measure of proof is required, make the action quantifiable such as adding the phrase "..by more than 10%..." or some similar quantifiable unit or amount. b. We further believe that deleting all references to "professional judgment" would provide a more sound scientific basis for the regulation. One engineer's 'professional judgement' may be significantly different than another's judgement. It would be most beneficial to all parties that the Board specifically fund a full	The use of the term "solely" has been clarified. The use of professional judgment continues to be a necessary component for compliance with the permit. The training for QISPs is intended to result in more standardized judgment.

				scale demonstration of competing stormwater treatment technologies [particularly in lieu of "professional judgment" statements], at an reference flow of at least 100 gpm to demonstate that NAL's can be met on a consistent basis!	
32	Ecology Auto Parts	Roger Griffin	10	Numeric compliance/action values based on concentration. a. Under recent court cases, merging flows of stormwater use concentration units to determine compliance with standards. However, it is well known that mass discharges are the preferred technique for determining impacts of analytes discharged into stream flows; particularly in dispersion modeling of fluid flows. b. Changing from a concentration based standard (which tells you nothing) to a mass discharge standard would have the benefit of allowing easy calculations of a water body's ability to absorb additional contaminants and would make future calculations of mass loading allowances much easier.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs, or aid in the development of NELs in future permits.
32	Ecology Auto Parts	Roger Griffin	11	Effective date: We prefer that a July 1, 2015 date be specified in the Permit rather than in the middle of the 'wet season' [January 1] for obvious reasons.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
32	Ecology Auto Parts	Roger Griffin	12	We urge the Board to clarify language regarding BMPs (particularly treatment BMP's) to include: " ...economic practicability and achievability" or "...where economically feasible." These latter terms must be defined using a "$ cost/pound of contaminant removed" basis or other similar criteria. This will avoid overzealous application of ill-or non-defined terms which can lead to extreme litigation costs. It would also give a clear standard for reasonableness and achievability.	The word "practicability" was added, but there is insufficient technical support in the record to convert the narrative technology-based requirements into a numeric standard.

33	Environmental Compliance Management Services	Maureen Daggett	1	current draft Permit language continues to fail to define and describe the Permit's intent, compliance obligations and expectations in a clear, transparent and organized manner. It cannot be the burden of the industrial Discharger to have to continue to defend either the intent or compliance expectations of the Industrial General Permit in federal and state courts. a) Ensure that the Permit language does not paraphrase or restate the promulgating regulatory definitions and/or narrative. specifically: i) Incorporate into the Industrial General Permit explanation of critical terminology necessary to define/describe Permit compliance criteria that is consistent with USEPA interpretation/guidance including, but not limited to: (1) The definition of direct (storm water) discharge and indirect (storm water) discharge subject to the Industrial General Permit, and when WQBELs apply; (2) Waters of United States: Attachment C the draft Permit incorrectly defines Waters of the United States; (3) Non-Visible Pollutants: Attachment C of the draft Permit incorrectly states that the discharge of Non-Visible Pollutants are not authorized; b) compliance with the 2013 draft Permit is intended to demonstrate comply with the BAT/BCT standard, this intent is not firmly established in the Permit's language c) Remove all narrative in the Permit and Fact Sheet that represents, at best, an opinion of the Permit writer(s) but fails to meet the Best Professional Judgment (BPJ) threshold, as defined in Attachment C of the Permit.	The State Water Board concludes this General Permit represents a balanced approach in defining the Dischargers' Permit compliance responsibilities. It uses terminology and structure similar to other state Permits and applies similar requirements as the MSGP. All storm water associated with industrial activities is subject to Permitting whether they are direct or indirect. The definition of non-visible pollutants has been removed since the term is not used in the Permit. The State Water Board disagrees that the definition of water of the United States is incorrect.
33	Environmental Compliance Management Services	Maureen Daggett	2	To ensure that Compliance Groups (CG) achieve their fundamental objectives, CG leaders would be required to meet the QISP qualifications, with at least three (3) years of demonstrated expertise/experience within the compliance group's industrial sector, and;	The Permit has been revised to address the comment. Compliance group leaders are required to complete a State Water Board approved training program, and may be rejected from the executive director of the State Water Board or the executive officers of the Regional Water Boards.
33	Environmental Compliance Management Services	Maureen Daggett	3	To ensure that Compliance Groups (CG) achieve their fundamental objectives, CG leaders would be required to meet the QISP qualifications, with at least three (3) years of demonstrated expertise/experience within the compliance group's industrial sector, and; 1. Group Leaders would serve as the participants' designated QISP, including: a. Development and implementation of a group-wide SWPPP in accordance with the 2013 draft Permit; b. Development and implementation of a group-wide Monitoring Implementation Plan (MIP)an in accordance with 2013 draft Permit, including development and implementation of a group-wide and site-specific Sample and Analysis Plans (SAP) which includes: i. Quality Assurance Program Plan (QAPP) consistent with the USEPA and State Board guidelines; and ii. Sampling and	The Permit has been revised to address the comment. Since Compliance Group Leaders (CGLs) are responsible for compliance activities of many facilities as well as the training of many individuals, which will require the demonstration of a higher level of expertise in storm water implementation more/compliance than what is expected of a QISP. CGLs are required to complete a State Water Board sponsored or approved training program for Compliance Group Leaders. The standards for being a Compliance Group Leader are more rigorous than becoming a QISP. Compliance Group Leaders may have to submit a statement of qualifications, review, exam and in person training. It is expected someone at this level will have the expertise and understanding of the Permit/industrial storm water to be able

				analysis frequency; a list of constituents, analytical methods and method detection limits 2. Group Leaders would be required to prepare both Level 1 and Level 2 ERAs for group participants and facilitate implementation of corrective actions by participating members; 3. Group Leaders would be responsible for establishing and justifying the Compliance Group's BMPs' performance criteria sufficient to demonstrate BMP's effectiveness, as well as protocols for monitoring BMP performance; 4. Group Leaders would be required to schedule stormwater sampling and analysis to ensure that: a. Each year, each group participant collects stormwater samples from the minimum of storm events that are most representative of that facility's stormwater quality in both flow volume and pollutant loading; and b. That each year, a sufficient number of stormwater samples are collected that reflect the variability among group members' site and operating conditions 5. The group leader would be responsible for training any facility personnel involved in the sample collection, handling and sample preservation protocols; 6. Group Leaders would be responsible for training site personnel in proper BMP installation, maintenance, inspection and performance monitoring; 7. Group Leaders would be required to conduct detailed site assessments of each Baseline status group participant at least every other year, and each of Level 1 and Level 2 status group participant annually; and 8. When applicable Group Leaders would be required to develop site-specific Corrective Action Plans and Schedules based the site assessments	to design effective compliance strategies for Group Participants at their facilities.
33	Environmental Compliance Management Services	Maureen Daggett	4	At issue is not the volume of storm water samples, but rather the quality of the data generated and, more importantly, how that data is applied to determine BMP effectiveness. Since 1992 tens of thousands, if not hundreds of thousands of industrial storm water quality data sets have been generated. Yet to date, this massive amount of data has not been utilized in any meaningful manner as intended by regulation. The 2013 The Permit must develop a system that will ensure that storm water quality data is generated in a standardized manner reflecting acceptable good laboratory practices . The State Water Board can rely on USEPA's March 2009 Industrial Stormwater Monitoring and Sampling Guide, EPA 832-B-09-003 to achieve this objective. This can be accommodated by developing an expanded Notice of Intent (NOI) module in SMARTs that associates the industrial activity with identified pollutant and pollutant sources; BMPs to control or reduce storm water exposure to identified industry specific pollutant/sources; and the storm water quality parameter and performance benchmark to be monitored to assess the BMP's effectiveness.	The State Water Board did not have a common database for Dischargers to enter storm water sampling data nor had the resources to enter the data itself. The current Permit did not contain NALs nor did they provide standardized sample collection and handling instructions. The current Permit did not require testing for Oil & Grease at all facilities (which is a fairly common pollutant) and allowed Dischargers to test for pH beyond the 15 minute recommended timeframe. In addition, many Dischargers were only able to sample infrequently because of the definition of a qualifying storm event. The State Water Board believes the above problems are addressed in the Permit and the data collected will be improved, meaningful, and accessible. The State Water Board agrees that Dischargers may benefit from reading the USEPA sampling guidance but recognizes that most Dischargers will not read lengthy documents. The State Water Board expects that SMARTS may be expanded to link Dischargers to appropriate BMP information in the future.

33	Environmental Compliance Management Services	Maureen Daggett	5	As defined in Title 16 of the California Code of Regulations, neither civil engineers or geologists are qualified to practice industrial pollution prevention or environmental regulatory compliance management simply by virtue of their licensing requirements. Moreover, as drafted, the 2013 ISP effectively prohibits otherwise qualified professional engineers from practicing in their area of expertise in violation of the Professional Engineering Act. To avoid the confusion and uncertainty that continues to plague the QSD and QSP program requirements of 2009 Construction General Permit, it is recommended that The State Water Board adopt DTSC's Environmental Professionals standard, revised to recognize the level and type of education and experience unique to storm water quality management and pollution prevention.	The Permit has not been revised to address the comment. Professional engineers are required when engineering judgment, expertise, and or calculations are needed.
33	Environmental Compliance Management Services	Maureen Daggett	6	sites that rely on the Technical Reports allowed in the draft permit, should not be allowed to "return to baseline status". Instead sites that cannot meet baseline conditions but can satisfy, the yet to be defined. technical report requirements should be delegated to a Level 3 compliance status. Doing so will clearly and effectively distinguish true baseline compliance sites from those site that cannot meet the same, and presumably, more strenuous NALs.	Adding an additional level could cause further confusion and is unnecessary. SMARTS will track the discharger's status including whether a Level 2 Technical Report was submitted.
33	Environmental Compliance Management Services	Maureen Daggett	7	It is absolutely unacceptable for the State Water Board, at this point in time, 20 years into the Permit program, to now mandate that treatment controls meet any design storm requirement. The design storm criteria must only be mandated for Level 2 sites that rely on Technical Reports to demonstrate Permit compliance.	This General Permit does not require Dischargers to retrofit existing treatment and/or structural controls that do not meet the minimum design storm standard until the Discharger has Level 2 status. The design storm standard is only required for new BMPs.
33	Environmental Compliance Management Services	Maureen Daggett	8	It has become apparent that many of the issues and concerns arising out of the current Permit are related to the misinterpretation of the Permit's intent and assumptions, and mis-application of the Permit's requirements. It is imperative that formal guidance be developed that standardizes the General Permit's intent, requirements, and the expected level of effort necessary to demonstrate compliance to the General Permit's requirements. Development of formal standardized guidance addressing the application and implementation of the revised Permit is critical to ensure fair and consistent enforcement of, and compliance to, the Permit's intent and obligations. We strongly urge The State Water Board establish an Compliance Guidance Stakeholder Group, made up of Permittee representatives, industrial storm water quality Permitting and management experts, as well as water board staff, to facilitate development of practical and useful guidance in a competent and transparent manner.	Comment noted.

34	Environmental Pollution Solutions	Arthur Deicke	1	General Order, Page 31, X. SWPPP, H. BMPs, 1. Minimum BMPs e. Material Handling and Waste Management iii Cover waste disposal containers and material storage containers when not in use. For specific industries, such as those facilities under SIC 5093 (Scrap and Waste Materials), waste disposal bins are either in active and inactive use. Bins are rotated full from client facilities to industrial facilities for disposal/transfer and returned empty for further use. The bin is typically not the same bin as was removed from the client facility. There are multiple empty bins staged and awaiting delivery. These bins are typically staged for several days before being delivered to the client facility. These bins would be considered active, but not in use. There are other bins that are out of circulation for either repair or other reasons. These bins would be considered inactive, not in use. There is similarity to this concept of the active/inactive waste disposal bins to construction stockpiles. Construction stockpiles are considered inactive if not used for 2 weeks, at which point, BMPs must be implemented. RECOMMENDATION: Consideration should be given to industries that use waste disposal containers as a product or service and provide reasonable exception as to when these bins must be covered.	The Permit has been edited to address the comment. Details have been added to the Permit to clarify the containers must contain industrial materials. Additionally, a Discharger may determine that it is technically infeasible to cover a stock pile due to safety or other concerns in their SWPPP.
34	Environmental Pollution Solutions	Arthur Deicke	2	General Order Page 56, XVI. ANNUAL REPORT A. The requirement that the Annual Report be submitted no later than July 15th of each reporting year ignores the possibility of sampling of a QSE in late June. RECOMMENDATION: Change Annual Report due date to 15 August instead of 15 July.	The Permit has not been revised to address the comment. The submittal date for the Annual Report has been extended 15 days beyond the due date specified in the current Permit. Sampling result are no longer required to be submitted with the Annual Report, and the Annual Report has been simplified to a checklist. The State Water Board concludes that the Annual Report can be worked on during the reporting year and submitted on or before July 15th of each year.
34	Environmental Pollution Solutions	Arthur Deicke	3	General Order, Page i: Order 97-03-DWQ does not have a requirement to submit annual reports by January 1, 2015. Please explain. It is understood that the two Permits cannot be executed at the same time; however, the issue of moving from one Permit to the other is not clear and needs further discussion.	The Permit has been edited to address the comment. This was a typo in the 2013 draft Permit.

34	Environmental Pollution Solutions	Arthur Deicke	4	General Order Page 47, XIII. EXCEEDANCE RESPONSE ACTIONS (ERAs), B. Baseline Status. It may be helpful to list the tasks that are or are not required for Dischargers in Baseline Status. For example, a QISP and ERA reporting is not required and while optional pH field testing can be employed. Additionally, Baseline Status provides a buffer between Level 1 and Level 2, which can amount to two years.	The Permit requires Dischargers to implement a SWPPP and various monitoring in baseline status. The Permit clearly identifies the additional requirements that accompany each subsequent Level. Some minor revisions have been made to clarify QISP responsibilities.
34	Environmental Pollution Solutions	Arthur Deicke	5	General Order Page 47, XIII. EXCEEDANCE RESPONSE ACTIONS (ERAs), C. Level 1 Status 1. Level 1 ERA Evaluation. To provide clarity and continuity, the Level 1 ERA Evaluation should be completed by 01 September, instead of within 60 days. The due date is the same, but other requirements for reporting use a date when applicable.	The Permit has been edited to address the comment. The date has been clarified in the Permit.
34	Environmental Pollution Solutions	Arthur Deicke	6	General Order Page 52, XIII. EXCEEDANCE RESPONSE ACTIONS (ERAs), D. Level 2 Status 4. Eligibility for Returning to Baseline Status a. and b. This section is not clear. Subpoint a. discusses how submitting an Industrial Activity BMPs Demonstration in accordance with subsections 2.a.i through iii can return to a Discharger to Baseline Status, but not if in accordance with subsection 2.a.iv. A better explanation should be provided as to why the subsection 2.a.iv. Industrial Activity BMPs Demonstration precludes return to Baseline Status. Why would the Discharger believe that the implemented BMPs will not eliminate future NAL exceedances without field evaluation and monitoring of the implemented BMP? For subsections ii and iii, an explanation should be provided that annual updates of technical reports require a QISP, which would preclude Baseline Status, if that is the intent	The Permit has been slightly modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s). The Permit has been modified to require a QISP to prepare any necessary updates to the Level 2 ERA Technical Report.
34	Environmental Pollution Solutions	Arthur Deicke	7	Fact Sheet Page 35, II.I. SWPPP 2. Minimum and Advanced BMPs I. Waste, Garbage and Floatable Debris. This statement does not make sense and needs clarification: This General Permit does not require the elimination of unauthorized minimum BMPs as a minimum BMP directly.	The Fact Sheet has been edited to address the comment.

34	Environmental Pollution Solutions	Arthur Deicke	8	Fact Sheet Page 37, II. I. SWPPP 3. Design Storm Standards for Treatment Control BMPs refers to Section X of the General Permit. It may be more precise to refer to Section X.H.6. as Section X encompasses a large quantity of information	The Fact Sheet has been changed to address with comment.
34	Environmental Pollution Solutions	Arthur Deicke	9	Fact Sheet Page 41, II. J. Monitoring Figure 3 This Compliance Flowchart is much simplified from the previous draft, but may need additional explanation. At the point where the box is: Review and revise SWPPP, a YES may need to be added leading to the Continue Sampling in the subsequent year Box. Also, the Level 2 ERA requirements met Box is a terminal point and should lead back to the Continue Sampling in the subsequent year Box.	The Fact Sheet has been edited to address the comment.
34	Environmental Pollution Solutions	Arthur Deicke	10	Fact Sheet Pages 39 through 51 J. Monitoring There does not appear to be a discussion about General Order Section XI.B.5 in the Fact Sheet. The new requirement of collecting samples from a QSE within four hours of the start of discharge or within the previous 12 hour period if the QSE occurs before/after facility operating hours is missing in the Fact Sheet.	The Fact Sheet does discuss the changes in the definition of a QSE in D.10.
34	Environmental Pollution Solutions	Arthur Deicke	11	General Order, Page 11, I. FINDINGS. A. General Findings 62.a. and 62.b. Finding 62 states in the last sentence that An NAL exceedance is determined as follows: It appears that a. and b. and connected by the coordinating conjunction 'and' instead of 'or' and may mislead the reader into thinking that both an annual NAL and instantaneous maximum NAL are required for a NAL exceedance to occur.	This permit has been edited to address the comment.
34	Environmental Pollution Solutions	Arthur Deicke	12	General Order, Page 29, X. SWPPP, H. BMPs, 1. Minimum BMPs b. Good Housekeeping should be formatted as 1.c. in that The Discharger shall: should stand on its own and not be assigned 'i'. Subsequent subpoints ii through x should be numbered i through ix.	The Permit has been edited to address the comment. Formatting change has been completed.

34	Environmental Pollution Solutions	Arthur Deicke	13	General Order Page 65, XX. SPECIAL CONDITIONS C. NONA. There appears to be a minor formatting error within subsection 2.a: The facility shall either be should stand on its own and introduce subpoints a. and b. The (1) should be removed.	Thank you for the comment. Formatting problems have been corrected in the Permit.
34	Environmental Pollution Solutions	Arthur Deicke	14	Fact Sheet Page 23, II.F. TMDLs. In the last paragraph on the page to the Fact Sheet Section II.I, but should be II.J.	The Fact Sheet has been edited to address the comment. (see discussion regarding monitoring requirements in Fact Sheet Section II.J.).
34	Environmental Pollution Solutions	Arthur Deicke	15	Fact Sheet Page 35, II. I. SWPPP 2. Minimum and Advanced BMPs l. Waste, Garbage and Floatable Debris. This appears to be a minor typographical error: Material handling and waste management BMPs are includes in Section X.H.1.e of this General Permit. includes was probably meant as included.	The Fact Sheet has been edited to address the comment.
34	Environmental Pollution Solutions	Arthur Deicke	16	Fact Sheet Page 55, II. K. Exceedance Response Actions (ERAs) At the bottom of the page in the last sentence, the conjunction and appears to be missing between Level 1 status Level 2 Status. Refers to Section X of the Permit. It may be more precise to refer to Section X.H.6. as Section X encompasses a large quantity of information. Appendix 1 refers to the Annual Comprehensive Site Compliance Evaluation instead of the Annual Comprehensive Facility Compliance Evaluation.	The Fact Sheet has been revised to address the comments.

35	Fresno Metropolitan Flood Control District	Bob Van Wyk	1	The "No Exposure Certification" should be filed electronically just once during the term of the Permit, at no cost to the applicant. The burden should be on the business operator to truthfully report the nature of their operations (with appropriate penalties for misrepresentation) and the burden to find noncompliance should remain with the lead regulatory agency (State and Regional Water Quality Control Boards).	All Dischargers must annually inspect their facility(ies) to ensure continued compliance with NEC requirements, and annually re-certify and submit an NEC via SMARTSs. Based on regulatory experience, State Water Board concludes that a five-year maximum NEC re-certification period is inadequate. A significant percentage of facilities may revise, expand, or relocate their operations in any given year. Furthermore, a significant percentage of facilities experience turnover of staff knowledgeable of the NEC requirements and limitations. Accordingly, State Water Board believes that annual NEC evaluation and re-certification requirements are appropriate to continually assure adequate program compliance.
35	Fresno Metropolitan Flood Control District	Bob Van Wyk	2	Revenues generated by the Permit should be used to provide local compliance assistance and RWQCB-level Permit oversight specifically targeting non-filers. Such activities have the potential to improve water quality.	Comment noted.
36	Friends of the North Fork	Michael Garabedian	1	We address here the need for the program and general Permit to have and define: -For individual Discharger SWPPs, monitoring programs and annual reports, and no exposure/no discharge certifications, a process for public notification of and public involvement including comment, in their creation, and completion, and certification, - For the new general Permit and Fact Sheet, description of the notice to and opportunities for, and actual public and Discharger involvement in development of the new Permit, and - Online mechanisms for the public and others to know when SWPPs and NECs are being developed by Dischargers and submitted according to watershed and sub-watershed, and to access a statewide list of all SWPPs and NECs listed by industrial categories and municipal category.	Comment noted.
37	General Public	Dave Sluga	1	For specific NPDES Permits like the Industrial and General Construction Permits, the provisions of the Permit must ensure that the Discharger's facility or site is best prepared when higher probabilities of a discharge may occur; therefore precipitation forecasts must be monitored to ensure that inspections are conducted prior to a likely or impending precipitation event.	The 2013 draft Permit included the requirement to monitor for future rain events. Numerous stakeholders objected because of the complexity of continually monitoring National Oceanic and Atmospheric Administration NOAA data and enforcement issues. The State Water Board believes that Dischargers should be prepared when storm events occur but Dischargers should use normal common sense sources such as local television or radio weather forecasts, internet sources or newspapers, etc. Because Dischargers have additional time (4 hours) to collect samples surprise storm events should not be a problem to sample. Dischargers should include their sample procedures in the Monitoring Implementation program to insure the sampling is done correctly even for surprise storms.

37	General Public	Dave Sluga	2	According to the provisions included in Section XI, Monitoring, of the draft Industrial Permit, a visual observation is required once a month on any dry day, during daylight business hours. With my experience that provision means a visual observation will be conducted near the first or last day of each month irrespective of potential precipitation events. The outdoor conditions at many facilities change drastically each day within a 30 day period. The result is a facility that documents the required observations, but really doesn't resolve any items which could cause pollution during storm water discharges.	The State Water Board encourages Dischargers to try to conduct the monthly visual observation near an anticipated storm event since that would have the best impact at reducing pollutant discharge. Dischargers who wish to avoid NAL exceedances would be wise to schedule prior to a storm event. However, the 2013 draft Permit had attempted to require pre storm visual observations. Commenters had successfully pointed out to The State Water Board the difficulty of doing so and the risk of non-compliance.
37	General Public	Dave Sluga	3	Please consider returning the visual observation requirement that is tied to predicted precipitation.	The Permit has not been revised to address the comment. State Water Board received many comments opposing this requirement during the last comment period. It was determined by State Water Board that monthly visual observations are sufficient to protect water quality.
38	General Public	Jerry Crooks	1	Auto dismantler contamination fate and transport is bad	Comment noted.
39	General Public	John Strandberg	1	a professional engineer who is qualified by training or experience should be the determinant in the certification process	The Permit has not been revised to address the comment. Professional engineers are required when engineering judgment, expertise, and or calculations are needed.

40	General Public	Kenneth Goss	1	The effective date of the draft general Permit should be moved to July 1 to harmonize with the annual cycle of the outgoing industrial general Permit. If the new general Permit becomes effective January 1, Dischargers will still need to file an annual report by June 30 covering the previous July 1-December 31 under the provisions of the old Permit. Why not start with a clean slate and launch the new Permit when the old Permit has completed an annual cycle?	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
41	Granite Construction Company	Candice Longnecker	1	The Permit Order effective date will be Jan. 1, 2015. This date is in the middle of the 2014-2015 reporting season and would cause logistical issues. Granite proposes an effective date of July 1, 2015 which is consistent with the current reporting cycle. (Page 1, draft General Order)	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
41	Granite Construction Company	Candice Longnecker	2	Granite request that the Fact Sheet clarify that the only effluent limitations from subchapter N that apply to storm water discharges under the Permit are for limitations specific to industrial storm water discharges. (Pg. 45 and 46, draft general order)	No further clarity needed. The applicable subchapter N effluent limitations are limited to the storm water discharges regulated by the Permit.
41	Granite Construction Company	Candice Longnecker	3	The Order states “cover all materials that can be readily mobilized by contact with storm water”. Granite requests that the Order clarify this requirement not apply to large quantity construction material stockpiles, such as aggregate, sand, gravel and recycle pavement material (baserock and recycled asphalt pavement}. Covering these types of stockpiles poses a significant safety hazard and industry guidance suggests it is infeasible to maintain stockpile covers in a variety of weather conditions. Control of discharge from these stockpiles can be accomplished using erosion and sediment control BMPs. (Section X.H.vi of Page 30, draft General Order}.	An industrial Discharger may determine that it is technically infeasible to cover a stock pile due to safety or other concerns in their SWPPP.

41	Granite Construction Company	Candice Longnecker	4	The Order contains language that that each Discharger " identify and justify each minimum BMP or applicable advanced BMP not being implemented at the facility because they do not reflect best industry practice considering technological availability and economic achievability". Granite requests clarification around what constitutes "best industry practice" and how to determine technological availability and economic achievability. (Section X.H.4}	BMP implementation is site-specific and industry-specific. The complex nature of contaminant fate and transport may require a facility to hire a professional to determine the best course of action in controlling their specific industrial pollutants through the use of a variety of BMP options.
41	Granite Construction Company	Candice Longnecker	5	Section XII of the Permit Order details Exceedance Response Actions (ERAs}. Granite requests changes to the following: a. Removal of the term "as soon as practicable" from Page 47, Section XII.C.2.a and Section XII.D .l.c. This term is not defined, is not enforceable and varies depending on a number of factors. b. Removal of the requirement to evaluate all drainage areas when preparing a Level ERA Evaluation in Section XII.C.l. An NAL exceedance from one discharge point does not implicate an issue with all drainage areas at the site; therefore, only the drainage areas that cause or contribute to the exceedance should be evaluated.	The Permit has not been changed to address the comment. Dischargers are required to comply with BAT/BCT at all times. If a Discharger determines that additional BMPs are necessary to implement to comply with BAT/BCT the Discharger is obliged to implement these BMPs in a timely manner. Although the Permit provides an absolute deadline to submit the Level 1 ERA Report and implement BMPs, the deadline is not meant to provide relief from implementing BMPs in a timely manner. State Water Board believes that most additional BMPs implemented in Level 1 will be operational and relatively easy to implement well prior to January 1.
41	Granite Construction Company	Candice Longnecker	6	Section XII of the Permit Order details Exceedance Response Actions (ERAs}. Granite requests clarity around the requirements of ERAs. Based on Granite's current understanding of the work flow, the following issues need to be addressed: a. Section XII.D.4.a states that Discharges who trigger Level 2 and are able to return to baseline are not eligible to return to Level status: "If future NAL exceedances occur for the same parameter(s}, the Discharger's Baseline status will return to Level 2 status ... " Granite proposes that a return to baseline also involves the ability to enter Level status prior to entering Level 2 status. b. Section XII.D.4.b states that Dischargers are " ineligible to return to baseline status if ... " and lists three scenarios. Granite requests that a Discharger be allowed to return to baseline status after the Regional Water Board's review and approval of any of the three listed demonstrations. If the Discharger has proven that either the NAL cannot be met using BAT/BCT or that the NAL exceedance is not due to on-site activities, then it is reasonable to allow the Discharger to go back to baseline status. A Discharger who does not have the ability to meet the NAL, but is penalized by remaining in Level 2 status, will be required to submit the reports outlined for Level 2 annually, but not have any additional information to add. These reports would require time for the Discharger to create and submit, time for The State Water Board to review, but would result in no benefit to water quality. c. Section XII.D.S.a describes an extension allowance for the Level 2 ERA Technical Report. Please clarify that this is an extension that can be granted for each Level 2 ERA Technical Report submitted.	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s). The State Water Board does not believe additional clarity is necessary for Level 2 ERA Technical Report extensions. New Level 2 ERA Technical Reports in subsequent years are subject to all the Level 2 ERA requirements not just the Level 2 ERA Technical Report extension requirement.

42	Granite Rock Company	Reed Carter	1	Section X.H.I.(a) states "The discharger shall, to the extent feasible, implement and maintain all of the following minimum BMPs to reduce or prevent pollutants in industrial storm water discharges." Footnote 11 elaborates on these. The requirement regarding which BMPs to implement leaves out an important aspect which we believe is essential to compliance with this permit. We understand the MSGP was used to help shape this section, and we agree with linking the two regulations. However, we believe there was a key omission in Footnote 11 of the BMP section of the Draft Permit. In defining "to the extent feasible," the Draft Permit states that dischargers are required to "implement BMPs ... in a manner that reflects best industry practice considering technological availability and economic achievability." We request that the Board add "practicability" to the definition, in order to maintain consistency with the Federal MSGP.	The word "practicability" was added as requested, as it is consistent with the U.S. EPA 2008 MSGP.
42	Granite Rock Company	Reed Carter	2	Section X.H.2 Advanced BMPs. Reading the draft Permit, it seems that advanced BMPs are always required to be implemented. The BMPs described in Section X.H.2 are advanced BMPs in that they are highly-involved engineered controls, and would be both time consuming and expensive to implement. The Permit reads "In addition to minimum BMPs described in Section X.H.1, the Discharger shall, to the extent feasible, implement and maintain any BMPs necessary to reduce or prevent discharges of pollutants in its storm water discharge in a manner that reflects best industry practice considering technological availability and economic achievability." The implementation requirement has the same language as the minimum BMPs, which leads us to believe that the advanced BMPs would be required without respect to the efficacy of the minimum BMPs in place at our facilities. This poses issues as it would seem under the current language that practices such as Exposure Minimization BMPs are required. This practice would be very costly and would have the added effect of increasing runoff significantly.	Advanced BMPs are required to the extent feasible. A facility may be exempted from the requirement to install advanced BMPs if it is technologically or economically infeasible to do so.
42	Granite Rock Company	Reed Carter	3	the January 1, 2015 effective date causes undue administrative burden for the industry in the middle of storm season. The timing of this draft Permit is different than the current Permit in that the storm season is effectively split in two following the calendar year. It is for these reasons we request that the Board change the effective date of the Permit to July 1, 2015.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.

42	Granite Rock Company	Reed Carter	4	The language in the Fact Sheet currently reads: "1. A Qualifying Storm Event (QSE) is a precipitation event that: (a) produces discharge from at least one drainage point; and (b) Preceded by 48 hours with no discharge from any drainage." This is concerning in that many of our facilities, especially aggregate mines, have large areas of pervious surfaces, which require much more rain to produce a discharge than an impervious area, for example a paved access road. If the access road were to drain at the beginning of a series of large storm events, with several inches of rain falling, but a day or two of dry weather in between, it would seem that we are precluded from sampling larger discharge point by virtue of the access road point having discharged too recently. Our suggestion is to treat each drainage point as a watershed unto itself and separate the sampling requirements so that we are able to take a sample when a specific point begins to discharge and still be in compliance with the Permit.	The State Water Board understands that Dischargers with complex facilities may have unique challenges when complying with the Permit. Such facilities may have a mix of discharge locations some of which discharge frequently and others that discharge rarely. but the Permit cannot contain less stringent requirements because of the challenges of obtaining samples from two QSEs in each 1/2 year from all drainage areas. Dischargers are free to perform hydraulic calculations in accordance with state law to determine the amount of rain necessary to produce a discharge in order to avoid false mobilizations. The Monitoring Implementation Plan may include the sampling procedures that will be utilized based upon the hydraulic calculations.
42	Granite Rock Company	Reed Carter	5	We suggest that the Board expand the hours further to facilitate compliance. The draft Permit currently reads: "The Permit requires Dischargers to collect samples, during facility operating hours, from each drainage location within four hours of .. {2} the start of scheduled facility operating hours if the QSE occurred within the previous twelve (12} hours." We agree with the expansion of the requirement; however we think it should go further. Many of our facilities are open 8 hours per day, as necessary to serve the construction industry. This means that a discharge could begin within 16 hours of our facility operating hours, our personnel would not know whether it was within 12 hours of scheduled operation or not. Our concern is that if we take a sample when the discharge occurred 14 hours prior to scheduled operation we are out of compliance	The State Water Board recognizes that facilities operate under differing schedules. Some facilities are open around the clock, some have double shifts, others have either 8 or 9 hour days, and still others are open only partially on certain days. There is no one time period that would accommodate these varying schedules. The current Permit did not allow the collection of storm water if it began to rain the preceding night. The State Water Board has changed this requirement in order to insure that samples are collected from 4 QSEs and with an interest of understanding the characteristics of storm water collected after more than 4 hours. However, The State Water Board is cautious with this approach and does not wish to extend the sampling period too far. Dischargers may consult various weather sources to obtain approximate times rainfall began.
42	Granite Rock Company	Reed Carter	6	In the BMPs section of the Permit, dust controls are required as a minimum BMP. The industry standard for this practice is to use a water truck to spray down roads as a dust suppressant. We believe this to be one of the most necessary and effective BMPs and we agree with its placement as a minimum BMP. Graniterock utilizes this practice at many of our facilities. We are concerned that water used as dust suppressant is not included in the list of Authorized Non-Storm Water Discharges. We suggest the addition of this to the list outlined in the Order, Section IV.	The Permit has not been changed to address the comment. The Permit does not propose to restrict the use of water to suppress dust however it should not be used in excess so it produces a runoff off-site unless the runoff is captured and disposed of properly.
42	Granite Rock Company	Reed Carter	7	The timeline for the ERA reports causes overlap of requirements and could open up the possibility of Level 2 triggers to supersede Level without allowing the Discharger sufficient time to implement Level response actions.	The Permit clarifies that additional NAL exceedances for the same parameter in the same drainage area does not constitute a new exceedance or alter the timeline to complete the Level e ERA Technical report. A new Level 2 NAL exceedance is any Level 2 NAL exceedance for 1) a new parameter in any drainage area, or 2) the same parameter that is being addressed in an existing Level 2 ERA Action Plan in a different drainage area. In addition, the Permit does not recognize NAL exceedances occurring prior to October 1 of the year a Discharger enters Level 1 to give the Discharger time to implement BMPs that will eliminate future NAL exceedances.

42	Granite Rock Company	Reed Carter	8	The Draft Permit discusses requirements for new dischargers applying for coverage near impaired water bodies in Section VII.B. We believe there was a significant omission from this section and reference to the 303(d) list should be included in the definition of impaired water bodies. In the Fact Sheet Section D.7 of the Draft Permit reference is made to the list: "This General Permit requires Dischargers to monitor additional parameters if the discharge(s) from their facility contributes pollutants to receiving waters that are listed as impaired for those pollutants {303{d) listings)" We believe it is an important qualifier to add to Section VII.B of the order that New Dischargers applying for coverage in the watershed of impaired water bodies are to use the 303(d) list as guidance for determining an impaired water body. This will lessen the chance for confusion and refer to a reliable and complete list of impaired water bodies.	Section VII.B of the permit has been revised to add a reference to the 303(d) list of impaired water bodies, as requested.
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	1	Compliance Clarity A. Compliance with the Permit Constitutes Compliance with the Clean Water Act Permits for discharges associated with industrial activity must meet applicable provisions of the Clean Water Act. Clean Water Act § 402(p)(3)(A), 33 U.S.C. § 1342(p)(3)(A). Those provisions include any applicable technology-based effluent limitations (achieved through the use of “best available technology economically achievable” [BAT] and “best conventional pollutant control technology” [BCT]) and, if necessary to meet relevant water quality standards (WQS), water quality-based effluent limitations. Id. at § 301(b), 33 U.S.C. § 1311 (b). Where EPA has developed effluent limitations guidelines (ELGs) for an industrial category, they serve as the technology-based effluent limitation (TBEL). Id. at § 304(b), 33 U.S.C. § 1314(b). If numeric effluent limitations are infeasible, EPA may specify best management practices (BMPs) to achieve the BAT/BCT standard. 40 C.F.R. § 122.44(k)(3). Where EPA has not established ELGs (in the form of numeric limits or BMPs), the Permit writer must use his or her best professional judgment (BPJ) to develop Permit terms and conditions that will achieve the BAT/BCT standard. Clean Water Act § 402(a)(1), 33 U.S.C. § 1342(a)(1). BMPs also may be included in the Permit as water quality-based effluent limitations (WQBELs) where numeric effluent limitations are infeasible. 40 C.F.R. § 122.44(k)(3) and (4). The point of all this is that by complying with the terms and conditions of the Permit (which for the most part is BPJ-based), a Discharger is complying with the applicable BAT/BCT and WQS standards for discharges associated with industrial activity. If a Discharger is in compliance with the Permit, he or she is in compliance with the CWA.	The Clean Water Act requires that all discharges of industrial storm water and authorized non-storm water must not cause or contribute to an exceedance of a water quality standard. This is the basis of the receiving water limitations in this Permit.

				We raise this point at the outset because of a concern that some could interpret the Permit to require Permit compliance and compliance with BAT/BCT/WQS standards. By clarifying that compliance with the Permit constitutes compliance with the applicable standards, Staff would provide the regulated community with needed (and appreciated) certainty.	
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	2	Minimum BMPs The Permit requires Dischargers to implement and maintain certain minimum BMPs enumerated in the Permit. As we understand it, implementation of these minimum (mandatory) BMPs generally will achieve the BAT/BCT standard, as determined by the Permit writer's BPJ. We commend Staff for developing this minimum BMP approach for achieving BAT/BCT, which should make Permit compliance more certain to ascertain. However, the Permit needs to be clarified.	Comment noted. The Permit and Fact Sheet are to be used in combination in order to provide clarity.
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	3	As we understand the concept of NALs, they should serve as a tool for dischargers to use to determine when the minimum BMPs may not be working as designed/intended. Thus, they should represent pollutant targets that most facilities can achieve when implementing the minimum BMPs.2 NAL exceedances generally should be limited to situations where the minimum BMPs have been improperly designed/implemented/maintained or where a facility has unique characteristics. If the NALs have not been tailored to California-specific conditions and facilities, they may not adequately serve this purpose. Because the Permit's NALs are derived from EPA's national benchmarks included in the Multi-Sector General Permit (MSGP), they are not necessarily appropriate indicators of ineffective controls for California facilities. As the Blue Ribbon Panel of Experts concluded, NALs (and NELs) should be based on California-specific data; until the State Board has such data (or has demonstrated that the use of national data is appropriate) the use of NALs may not be appropriate. Accordingly, before adopting the Permit, we ask that the Board direct Staff to demonstrate that the MSGP-derived NALs are applicable and relevant for use at California facilities. Alternatively, we suggest Staff could revise the Permit to allow for the use of "alternative" NALs, established by dischargers themselves, as is allowed in the State of Georgia's 2012 NPDES General Permit for	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs.

				Storm Water Discharges Associated with Industrial Activity.3	
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	4	As noted above, the Fact Sheet clearly states that advanced BMPs only are required "when implementation of the minimum BMPs do not meet the requirements" of the Permit. Fact Sheet, Section I.D.1 at p. 5. Unless this means advanced BMPs only are required when NAL exceedances have occurred, the statement is confusing. Implementation of the minimum BMPs should be presumed to achieve the BAT/BCT standard, which is the requirement of the Permit. Exceedances of a NAL or NALs suggest to the Discharger that implementation of the minimum BMPs may not be achieving BAT/BCT We also recommend that Staff revise the Permit to clarify that if NAL exceedances continue to occur after the Discharger has implemented any advanced BMPs necessary to meet the BAT/BCT standard, the Discharger will still be deemed in compliance with the Permit and that no additional steps need be taken. The Fact Sheet currently appears to say this: if any additional BMPs required to eliminate NAL exceedances go beyond the BAT/BCT standard, the Discharger is not required to implement the additional BMPs.	The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serves as the basis for compliance with the Permit's technology-based effluent limitations.
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	5	Our principle concern with the ERA process is that all Dischargers should be allowed to make "Non-Industrial Pollutant Source" and "Natural Background Pollutant Source" demonstrations, not only Level 2 Dischargers. If a NAL exceedance is the result of non-industrial pollutant sources or background pollutant sources, a Discharger should be allowed to use that information to avoid Level 1 or Level 2 status in the first place. It is a waste of resources to require the Discharger to go through the Level 1 and Level 2 hoops if, at the end of the day, the Discharger will be "absolved" of the NAL exceedance.8 Perhaps more significantly, it appears that making a Non-Industrial or Natural Background Pollutant Source demonstration actually gets a Discharger very little, if any, relief. While the Fact Sheet says that a Discharger who demonstrates that a NAL exceedance is the result of nonindustrial or natural background pollutant sources may be excused from	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s) addressed in the Level 2 Technical Report(s).

				further ERA requirements (see Fact Sheet, Section I.D.6 at p. 6), the Order itself appears to provide the opposite. It provides that Dischargers are ineligible to return to baseline status if they submit either of those two demonstrations. See Order, Section XII.D.4.b at p. 52. Accordingly we request that Staff revise the Permit to clarify that (i) any Discharger may demonstrate that a NAL exceedance is the result of non-industrial or natural background pollutant sources, and (ii) making such a demonstration will result in the Discharger being placed in baseline status, with no further Permit obligations.	
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	6	Staff should revise the Permit to clarify that (i) the Discharger may presume that the minimum BMPs will result in compliance with the RWLs,9 and (ii) provided the Discharger implements the required corrective action, he or she will be in compliance with the Permit.	The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serves as the basis for compliance with the Permit's technology-based effluent limitations.
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	7	Point of Compliance Finding No. 37 in the Order makes clear that WQS apply to the quality of the receiving water, not the quality of the storm water discharge/effluent. Order, Section I at p. 5. In other words, compliance with the permit's RWLs is determined in the receiving water, not at the "end of the pipe." Given concerns that the permit's RWL language could be viewed by some as a form of WQBEL, we recommend that the clarifying language of Finding No. 37 be included in Section VI. of the Order.	No change is proposed. Finding 37 and section VI.A of the permit both refer to "receiving waters."
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	8	The Permit provides that each Regional Board will develop its own TMDL-specific Permit and monitoring requirements that the State Board will incorporate into the Permit. See Order, Section VII.A at p. 21. We believe this is a reasonable approach. However, we believe the State Board should provide guidance to the Regional Boards so that TMDL implementation through the Permit is consistent.	Comment noted. Regional Water Board , with the assistance of the State Water Board, will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit

43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	9	Notwithstanding that the Regional Boards will be developing their own TMDL-specific Permit requirements, the Fact Sheet prejudges the ultimate process, stating that Dischargers will be required to design or retrofit treatment control BMPs to meet the TMDL implementation requirements. See Fact Sheet, Section II.I.3 at p. 38. The Order itself does not include this language. We recommend that Staff remove the "treatment control BMP" language in the Fact Sheet.	The Fact Sheet has been edited to address the comment.
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	10	Coverage under the Permit is not available to a "new Discharger" that discharges a pollutant into a water body which is impaired for that pollutant if there are not sufficient remaining waste load allocations (WLAs) in an approved TMDL. See Order, Section VII.B at 21-22. Rather than this absolute bar to new economic activity, we recommend that Staff look into the possibility of equitably reallocating the existing WLAs in an approved TMDL. Also, Staff should define the term "new Discharger" such that, at a minimum, a new owner of an existing facility is not subject to "new Discharger" requirements.	The Permit has been revised to address the comment. Dischargers may eliminated all exposure to storm water of the pollutant(s) for which the water body is impaired, Show that the pollutant is not present at the Discharger's facility, or The discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard.
43	Hunton & Williams on behalf of Utility Water Act Group	Kristy Bulleit	11	The IGP requires that all permit registration documents be certified by the discharger's "Legally Responsible Person" (LRP). Order, Section XXI.K.1 at p. 68. For a corporation, an LRP must be an "authorized corporate officer." Id. This requirement essentially is unchanged from the current permit. However, for a reason not explained in the permit documents, Staff has revised the definition of "authorized corporate officer." The previous definition of "authorized corporate officer" was the same as the federal definition found at 40 C.F.R. § 122.22(a)(1) and (b).11 The revised definition likely only will serve to complicate the corporate certification process, without any perceived benefit to human health or the environment.	The revised definition is intended to be consistent with 40 C.F.R. section 122.22(a)(1) and the subsequent note, but also provide more flexibility and direction regarding written authorizations.
44	Industrial Environmental Association	Jack Monger	1	IEA requests that the Permit allow flow-weighted averaging for calculating compliance with annual average. Equating all discharges, regardless of flow, is not reflective of water quality conditions / pollutant loading.	The Permit does allow Dischargers who have the ability to measure flow to provide flow-weighted measurements in accordance with standard practices. The average concentrations shall be calculated in accordance with the U.S. EPA's NPDES Storm Water Sampling Guidance Document.

44	Industrial Environmental Association	Jack Monger	2	It is our understanding from the Permit that Level 1/Level 2 status is meant to implicate drainage areas that contributed to the exceedance. Following this logic, we recommend if certain drainage areas are consistently below NALs, they should be allowed to remain on a reduced sampling frequency. In other words, focus on the area that contributed to the exceedance rather than the entire facility. Evaluating all drainage areas, based upon one area exceedance is a waste of valuable resources and manpower.	State Water Board propose to only allow Dischargers with no NAL exceedances for 4 consecutive QSEs to qualify for sampling reduction. Full sampling is appropriate when one or more drainage areas has continued NAL exceedances since the pollutant sources causing the exceedances may also begin impacting other drainage areas. State Water Board believes that full sampling better characterizes the storm water discharges and wished to only provide reduced sampling in instances where there is sufficient evidence of Discharger compliance.
44	Industrial Environmental Association	Jack Monger	3	Applicability of Reduced Monitoring on a Pollutant Basis is Too Complicated. We have offered our assessment in the workshops that reduced monitoring could apply on a pollutant basis. The SWRCB indicated that the draft Permit did not include such a provision because of concerns with complexity and difficulty with tracking. We explained that reducing the list of pollutants to be analyzed at different outfalls could be an area of significant cost savings and should be given additional consideration by the SWRCB.	State Water Board propose to allow Dischargers with no NAL exceedances for 4 consecutive QSEs to qualify for sampling reduction. Dischargers satisfying the sampling reduction requirements only have to sample 2 QSEs per year. Each of those samples must include all the required parameters. The commenter suggest s an alternative approach of retaining the requirement of sampling 4 QSEs/year but reducing the number of pollutants analyzed at various outfalls. State Water Board does not concur with proposed option. Reducing the number of parameters eliminates the ability to properly characterize the storm water discharge. New NAL exceedances would go undetected which is inconsistent with the goals of the monitoring program to evaluate whether BMPs are effective.
44	Industrial Environmental Association	Jack Monger	4	Alternative Monitoring Strategy IEA requests additional clarity on the potential of incorporating watershed-based monitoring into TMDL requirements.	The Permit has not been revised to address the comment. Regional Water Board , with the assistance of the State Water Board, will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit
44	Industrial Environmental Association	Jack Monger	5	Applicability of Numeric Action Level Exceedances on Drainage Area Basis It was our initial impression from the permit that evaluations following Numeric Action Level exceedances pertain to the drainage areas that contributed to the exceedance. Yet, the permit language indicates that "all drainage areas shall be evaluated." (Page 47, Paragraph C.1) Again, this requirement poses significant cost implications for large industrial facilities. We recommend that evaluations be limited to the drainage areas that contributed to the exceedance. If the objective of the SWRCB is to identify drainage areas of concern and then to require focused investigation, the permit should reflect that and should not require investigation of the entire facility.	Evaluating operational BMPs (Level 1 ERA) for all drainage areas is appropriate because the need to improve in one area may serve as an opportunity to also improve the same operational BMPs in another drainage area. The cost of evaluating operational BMPs is significantly less than evaluating structural and treatment controls (Level 2 ERA) so it makes sense to do the operational review for all parts of the facility at this stage in the ERA process.

44	Industrial Environmental Association	Jack Monger	6	Effective Date IEA joins the many other organizations that have recommended an implementation date of July 2015. We agree that implementation in the middle of the rainy season would be counterproductive to an effective Permit cycle.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
44	Industrial Environmental Association	Jack Monger	7	EPA specifies that when sampling for O&G, the glass sample bottle is to be filled directly from the discharge and never collected in a container first and then transferred to the sample bottle. This is not possible when using automatic water samplers. There is no similar guidance from EPA for TOC. Also, EPA Method 415.1 sample collection procedure indicates that …"Sampling and storage of samples in glass bottles is preferable. Sampling and storage in plastic bottles such as conventional polyethylene and cubitainers is permissible if it is established that the containers do not contribute contaminating organics to the samples." Therefore we would like to encourage the State to consider keeping TOC, at the very least, as an alternative to O&G. Something that might also be considered is recognizing that Teflon (used in the construction of the sample tubing) could be used when sampling for O&G.	Oil and grease (O&G), and total organic carbon (TOC) are different tests for different pollutants. State Water Board is proposing to require the O & G test because most facilities have delivery/shipping trucks as well as other machinery that may leak oils and grease. Facilities that handle organic materials may in addition test for TOC. Dischargers must use the appropriate sample containers for either test.
44	Industrial Environmental Association	Jack Monger	8	We would also point out that the general Permit indicates that …"Visual observations are only required of storm water discharges that occur during daylight hours", this same requirements does not apply to sampling, so if discharge begins outside to daylight hours, you still need to get a sample. Sampling is required within (proposed) four hours of discharge and scheduled facility operating hours. If you operate 7/24 and it is after dark, you still need to put your employees at risk to get a sample in the dark. The current Permit offered an alternative in that it indicated that…" Facility operators are not required to collect samples or perform visual observations during adverse climatic conditions." The new draft Permit does not. The safety of employees that take these sample is still a concern.	Thus The Permit requires visual observations of storm water discharges at the time of sampling. The Permit has an exception for sampling during dangerous weather conditions such as flooding or electrical storms. The Permit also allows Dischargers to select alternative sampling locations where a discharge location is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). State Water Board does not wish to place Dischargers in harms way day or night so has made the above exceptions to give Dischargers the ability to avoid accidents.
44	Industrial Environmental Association	Jack Monger	9	The Permit language that defines the LRP who is authorized to sign and certify NOIs and other documents required by the Permit is inconsistent with EPA's standard definitions found in 40 CFR 122.22.a.1. and places unnecessary limitations on who can be a LRP, resulting in complicating the implementation of this Permit. We request this definition be revised to be consistent with EPA's definitions, as follows: Revise Section K.4.a.(a) to state: "For the purposes of this section, an authorized corporate officer means: (a) a president, secretary, treasurer, vice-president, or any other person who performs similar policy- or decision-making functions for the corporation officer of the corporation with authority to execute documents on behalf of the corporation pursuant to corporate bylaws or board resolution; or (b) the manager of the facility, if authority to sign documents has been	This definition is consistent with the US EPA Cross-Media Electronic Reporting Regulations.

				assigned or delegated to the manager in accordance with corporate procedures bylaws and by corporate resolution;" Note that EPA's regulations do not specify that these designations need to be confirmed in the corporations bylaws or within a corporate resolution.	
44	Industrial Environmental Association	Jack Monger	10	Impact on Fees Given the extent of the new Permit changes, will additional funds be required to support the operations of the local regional boards? And will this result in Permit fee increases?	The Permit has not been revised to address the comment. Permit fees will not change automatically with the adoption of a new Permit.
44	Industrial Environmental Association	Jack Monger	11	IEA views this Permit as an opportunity to expand its education and outreach to non-IEA members and to "light industry". This type of environmental initiative and stewardship has significant potential benefit by improving discharge and receiving water quality by focusing attention on facilities that have not been subject to Permit compliance. IEA is very interested in working with State Water Board staff to develop this type of program. In reciprocation, IEA member organizations would like consideration of reduced Permit fees and/or where appropriate tailored Permit language that credits this initiative	Comment noted. Training program for QISPs is being developed through workshops and third party input. Permit fees are adopted by the State Water Board under separate proceedings and are outside the scope of this Permitting action.
44	Industrial Environmental Association	Jack Monger	12	We suggest caution be used when querying MS4 industrial/commercial databases to identify "light" industrial facilities. Many of these facilities do not have a SIC codes that subject themselves to the Permit.	Comment noted.

45	Lawrence Berkeley National Laboratory	Tim Bauters	1	Non-Industrial Source Pollutant Demonstration and/or a Natural Background Pollutant Source Demonstration Submittals. Permittees should be allowed to submit a Non-Industrial Source Pollutant Demonstration and/or a Natural Background Pollutant Source Demonstration at any time. Section XII.D.2.b and XII.D.2.c states that a Permittee can submit a Non-Industrial Source Pollutant Demonstration or a Natural Background Pollutant Source Demonstration as part of a Level 2 ERA Technical Report. LBNL recommends revising the Permit to allow a Permittee to submit these reports at any time.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements.
45	Lawrence Berkeley National Laboratory	Tim Bauters	2	Returning to Baseline Status. The Permit should clarify that a Discharger can return to Baseline status if the sample results for the same drainage area or discharge point show no exceedances for four subsequent and consecutive QSEs.	The Permit has been modified to add more clarity by defining what a new Level 2 exceedance is: " A new Level 2 NAL exceedance is any Level 2 NAL exceedance for 1) a new parameter in any drainage area, or 2) the same parameter that is being addressed in an existing Level 2 ERA Action Plan in a different drainage area". State Water Board agree with the commenter that a Discharger can return to Baseline status if the sample results for the same drainage area and the same parameter that is being addressed in an existing Level 2 ERA Action Plans how no exceedances for the s four subsequent and consecutive QSEs.
45	Lawrence Berkeley National Laboratory	Tim Bauters	3	Returning to Baseline Status. Page 52. Eligibility for Returning to Baseline Status (4)(b). Dischargers should not be ineligible to return to Baseline status because they have: · submitted an industrial activity BMP demonstration, · a non-industrial pollutant source demonstration, or · a natural background pollutant source demonstration.	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).
45	Lawrence Berkeley National Laboratory	Tim Bauters	4	Test Methods and Method Detection Limits. The Permit should clarify the applicable test methods and provide NAL values which are above commercially achievable reporting limits for all parameters.	The Permit has been edited to remove the method detection limit column since it is unnecessary. By specifying the test method, the Permit is implicitly identifying the appropriate test sensitivity necessary to provide a range of low to high sampling results. The test methods have method levels that are below the NALs.

46	Lehigh Hanson	Tina Lau	1	as the Permit is currently written, a NAL exceedance would be triggered by two analytical report exceedances from anywhere in the facility, regardless of the source or discharge location. This would not provide adequate information to target facility BMP improvements and may instead waste resources as facilities try to identify a trend that may or may not exist. recommends the language An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken for any single parameter from the same sample location within a reporting year exceed the instantaneous maximum NAL value (for TSS and O&G) or are outside of the instantaneous maximum NAL range for pH."	Evaluating operational BMPs (Level 1 ERA) for all drainage areas is appropriate because the need to improve in one area may serve as an opportunity to also improve the same operational BMPs in another drainage area. The cost of evaluating operational BMPs is significantly less than evaluating structural and treatment controls (Level 2 ERA) so it makes sense to do the operational review for all parts of the facility at this stage in the ERA process. The intent of the instantaneous maximum NAL is to identify specific drainage areas of concern or episodic sources of pollution in industrial storm water that may indicate inadequate storm water controls and/or water quality impacts. In the effort to add instantaneous NAL exceedances to the ERA process, the State Water Board explored different options for the development of an appropriate value (i.e. percentile approach, benchmarks times a multiplier, confidence intervals). An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken (from all of the facility, regardless of discharge location) for any single parameter within a reporting year exceed the instantaneous maximum NAL value (for TSS and O&G) or are outside of the instantaneous maximum NAL range for pH.
46	Lehigh Hanson	Tina Lau	2	serious concerns about the safety of personnel attempting to conduct samples at night. While some facilities have areas with lighting that would make night sampling acceptably safe, the majority of our facilities do not have lighting at all discharge locations. discharge locations in remote areas that have wildlife (e.g. snakes), Permit language be modified: During dangerous weather conditions such as flooding or electrical storms or other unsafe conditions, such as lack of lighting or dangerous wildlife.	Thus The Permit requires visual observations of storm water discharges at the time of sampling. The Permit has an exception for sampling during dangerous weather conditions such as flooding or electrical storms. The Permit also allows Dischargers to select alternative sampling locations where a discharge location is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). The State Water Board does not wish to place Dischargers in harms way day or night so has made the above exceptions to give Dischargers the ability to avoid accidents.
46	Lehigh Hanson	Tina Lau	3	Because of the potential for errors and confusion, Hanson requests the effective date be moved to July 1, 2014.	The Permit been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.

46	Lehigh Hanson	Tina Lau	4	Given that the monitoring period ends on June 30th of each year, a July 15th deadline for annual reports could be difficult to meet The July 4th holiday also occurs during this time, further making it difficult to complete. Hanson requests the Annual Report deadline be modified to August 1st.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the due date specified in the current Permit. Sampling results are no longer required to be submitted with the Annual Report, and the Annual Report has been simplified to a checklist. The State Water Board concludes that the Annual Report can be worked on during the reporting year and submitted on or before July 15 of each year..
46	Lehigh Hanson	Tina Lau	5	There can be situations when the start of a Qualifying Storm Event (QSE) is unknown. For example, there could be a discharge on the first work day after a facility is closed when staff first comes back to work, such as Monday mornings or the first work day after a holiday. It may not be known whether the discharge occurred within the previous 12 hour period while the facility was closed. Permit language be modified: The start of facility operations if the QSE occurs within the previous 12 hour period (e.g., for storms with discharges that begin during the night for facilities with day-time operating hours). If a QSE cannot be reasonably determined to have started within the previous 12-hours, then a sample is not required.	The State Water Board recognizes that facilities operate under differing schedules. Some facilities are open around the clock, some have double shifts, others have either 8 or 9 hour days, and still others are open only partially on certain days. There is no one time period that would accommodate these varying schedules. The current Permit did not allow the collection of storm water if it began to rain the preceding night. The State Water Board has changed this requirement in order to insure that samples are collected from 4 QSEs and with an interest of understanding the characteristics of storm water collected after more than 4 hours. However, The State Water Board is cautious with this approach and does not wish to extend the sampling period too far. Dischargers may consult various weather data sources to obtain approximate times rainfall began.
46	Lehigh Hanson	Tina Lau	6	A Discharger who successfully develops and implements improved BMPs that return their facility to Baseline status should be treated like other facilities in Baseline status: if an additional NAL exceedance occurs, the facility should enter Level 1 status and not jump immediately to a Level 2 status. Having a facility immediately enter Level 2 status does not account for the efforts already undertaken by the facility, and instead "punishes" the Discharger for once having been a Level 2 facility in the past. The second NAL exceedance from the facility could be triggered by situations entirely different from previous exceedances, and it would be overly punitive to have a facility bypass Level 1 and immediately be labeled as Level 2.	The Permit has been revised to allow any Discharger with Baseline status to rise to Level 1 regardless of whether the Discharger had previously been in Level 2. Dischargers that had designed and implemented BMPs to eliminate future exceedances may experience a unique one -time event such as fire, earthquake, or equipment mal - function that would not necessarily trigger a complete Level 2 ERA Evaluation since there may not be anything wrong with the original design and installation. Equipment mal-function or operator error can be addressed through SWPPP revisions Improved operator training, better maintenance schedules, etc. which is included in the Level 1 ERA.
46	Lehigh Hanson	Tina Lau	7	it is unclear whether run-on from adjacent facilities includes adjacent industrial facilities, as the term "non-industrial" could be construed to mean no industrial sources, whether on-site or off-site. Based on discussions with Board staff, Hanson understands that the intent of this item is to include off-site industrial pollutants over which the discharger has no control (e.g. there is no technologically or economically practical means to divert or prevent run-on). If this is the case, Hanson requests clarification on the language.	Run-on includes run-on from adjacent industrial facilties. While the Discharger may have responsibility for run-on, the Exceedance Response Action requirements are different because they are intended primarily for controlling pollutants that originate from the Discharger's facility.

46	Lehigh Hanson	Tina Lau	8	The Permit does not allow for a Non-Industrial Source Pollutant Demonstration as part of a Level 1 ERA Technical Report. A Discharger should have the ability to demonstrate that exceedances are attributable to solely to pollutants originating from off-site or non-industrial pollutant sources at Level 1, and not have to wait until reaching the higher Level 2 status.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements. The Permit retains the same structure as 2013 draft Permit (baseline, Level 1, and Level 2) as State Water Board believes it provides clarity to what a Discharger is required to do based upon sampling results and NAL exceedances.
46	Lehigh Hanson	Tina Lau	9	There can be large and numerous stockpiles at our operations that make covering them unsafe and infeasible. For example, some of our operations can have aggregate stockpiles with footprints almost an acre in size. Furthermore, material is constantly added and removed from these stockpiles based on fluctuating market demand. There are alternatives to covering stockpiles, such as providing containment or downstream BMPs (e.g. silt fence, dikes or berms), which would accomplish the goal of preventing these materials from discharging offsite. Since covering aggregate stockpiles is not an industry best practice, it is Hanson's understanding that these large and/or active stockpiles would not need to be covered per Footnote 11 on page 29. However, this condition should be clarified to avoid potential misinterpretations. Hanson recommends the following language change: "Cover or otherwise prevent from discharging off-site all stored industrial materials that can be readily mobilized by contact with storm water;"	A Discharger may determine that is technically infeasible to cover a stock pile due to safety or other concerns in their SWPPP.
46	Lehigh Hanson	Tina Lau	10	As discussed in the workshops with Board Staff, it is Hanson's understanding that until a Regional Water Board rejects a SFR certification, the Discharger may proceed with the SFR without waiting for approval, and there would be no retroactive penalty against the Discharger for having done so. If this is the case, Hanson requests the following language change to clarify this point "Regional Water Boards may reject a SFR certification and/or request supporting documentation. A Discharger may operate per the SFR certification until notified by the Regional Water Board of a rejection and/or request for supporting documentation. In such instances, a Discharger is ineligible for the SFR until the Regional Water Board provides SFR certification approval. Revised SFR certifications shall be certified and submitted via SMARTS by the Discharger	The Permit has been edited to indicate that the (H) means that the sampling result for the identified metal is hardness dependent. Although the Permit does not require that hardness be considered when evaluating whether NAL exceedances have occurred, hardness might be considered for discharges to impaired water bodies or when TMDLs are adopted into the Permit.

46	Lehigh Hanson	Tina Lau	11	Section X.H.6 of the Permit defines design standards for treatment control BMPs, such as sizing requirements for detention basins. For example, a detention basin should be designed to hold and treat the volume of runoff from an 85th percentile 24-hour storm event. However it is possible that there could be a storm that exceeds these Permit defined design standards, and that a NAL exceedance occurs as a result of this unforeseen large storm. The Permit, as written, does not account for situations where a NAL exceedance is caused by a storm that exceeds the Permit design standards. In such a case, the cause of the exceedance is outside the control of the Discharger and the facility is often unable to improve upon existing BMPs to account for these unusually large storms. Future large storm events that exceed the Permit design standards could again cause an NAL exceedance, and additional BMPs would likely not be able to reduce or prevent another exceedance. Hanson recommends the following language be added to Section XII.D.2.a, as condition vii: In cases where the NAL exceedance and subsequent exceedances are solely due to an event that exceeded the design storm standards in the Permit, the Industrial Activity Demonstration report shall be used to document that the treatment control BMP meets or exceeds the Permit standards. Dischargers with Level 2 status caused by the design storm exceedance will be eligible to return to baseline status upon submittal of the Industrial Activity Demonstration report.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
47	LKQ Corporation	Eileen Sottile	1	The State Water Board will be penalizing a much-needed California recycling industry with excess sampling.	The Permit does not single out a single industry for additional sampling other than required by federal regulations. The increased sampling, compared to the current Permit's two samples during the wet season, is consistent with the 2008 MSGP and other states' Permit requirements and will improve compliance determination with the Permit. The Permit allows Dischargers to participate in Compliance Groups that allow a reduction of sampling to twice a year.
47	LKQ Corporation	Eileen Sottile	2	Increased sampling in year 1 is a de facto penalty without cause. Sampling should not be increased from current requirements in year one, unless a facility in year one samples out of compliance, which is taken care of by the new Action Level system.	The increased sampling, compared to the current Permit's two samples during the wet season, is consistent with the 2008 MSGP and other states' Permit requirements and will improve compliance determination with the Permit. The Permit allows Dischargers to participate in Compliance Groups that allow a reduction of sampling to twice a year.

47	LKQ Corporation	Eileen Sottile	3	If SMARTS is designed to protect "trade secrets" it would not have increase administrative cost by the Storm Water Board to protect this information from public distribution; leaving this out of the Permit could lead to erroneous reporting by some industries, because the threat of suit by third parties is far more costly, frivolous or not, than increased sampling. Every LKQ facility out of compliance WILL take the necessary steps to remedy the issues, however, they do not need a second penalty from unqualified groups intervening during this process.	The Permit has not been revised to address the comment. Dischargers are not required to submit "trade secrets" online for the public to view. The Permit now contains procedures for redaction of sensitive material.
47	LKQ Corporation	Eileen Sottile	4	Compliance reports need to let facilities out of higher action levels if they can show, due to minimum and advanced BMPs implemented, the discharge from the facility is lower (or only slightly higher) than surrounding lands such as roads and parking lots even if the overall discharge is higher than the NEL for the particular element. More specifically, when recycling automobiles, we should be able to distinguish what exceedances are from normal automobile traffic (notably heavier in some areas of California than the rest of the country) and what is from our actual facility operations. I.e. If our facility discharge is lower (or higher) than the road or the parking lot, the difference should be our recorded level of discharge for that element, not the sum. A facility should not bear the cost to treat storm water discharge exceeedances that are not theirs. The demonstration report allowances in this area of the draft are not clear on this point.	The demonstrations are clear that all non-industrial pollutant sourced may be evaluated. If these sources are causing the exceedances, the Discharger is not required to implement BMPS for those sources.
47	LKQ Corporation	Eileen Sottile	5	For applicable industrial facilities, The State Water Board should implement a system by which The State Water Board will declare, on behalf of a facility, that the facility is in compliance with all state and federal requirement of its industrial storm water Permit, and therefore should not be subject to other municipal storm water fees, impervious surface requirements, or cost not directly outlined in this Permit.	The State Water Board does not have the authority to exempt Dischargers from other state and local requirements. Regardless of whether a Discharger is in full compliance with this General Permit, the Discharger is required to comply with BAT/BCT by implementing their SWPPP and monitor for future storm water discharge problems..

47	LKQ Corporation	Eileen Sottile	6	Cost of using automatic flow-based sampling equipment for Advance BMPs should be addressed more strongly	Automatic sampling equipment is an option at most industrial facilities, but not all facilities.
47	LKQ Corporation	Eileen Sottile	7	Compliance Cost estimate of $200k over 5 years	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
47	LKQ Corporation	Eileen Sottile	8	Numeric action levels should be guidelines to assess BMP's, not violation triggers	Comment noted. That is consistent with the permit.
47	LKQ Corporation	Eileen Sottile	9	Delay imposing Numeric Effluent Limits (NEL's)	The Permit is not proposing new Numeric Effluent Limits (NELs).

47	LKQ Corporation	Eileen Sottile	10	Support the Compliance Group changes	Comment noted.
47	LKQ Corporation	Eileen Sottile	11	Further review of the setting of Total Maximum Daily Limits (TMDL'S); July 2015 is too soon for The State Water Board to access the impact on industry. The period to express the terms of TMDLs in the new Permit should be extended to allow The State Water Board time to evaluate if the new standard are going to be feasible for recycling companies like ours. Six months is not enough time for the Water Board or industry to evaluate the cost and structural impact of this incorporation. More specifically, the incorporation of the limits, will need to account for major changes that may occur under the new industrial Permits other provisions. A facility may have made or be in the process of making changes, outlined by this Permit, then need to start over for new concerns during the incorporation of TMDLs. This is a wasted cost for all industrial facilities.	Comment noted.
47	LKQ Corporation	Eileen Sottile	12	The final comment to form a working group to review these issues BEFORE the new Permit is issued	Comment noted.

47	LKQ Corporation	Eileen Sottile	13	Regarding of the State Water Board's removal of Numeric Effluent Limitations (NELs) that were present in the last draft Industrial General Permit, LKQ is confused how the Numeric Action Level (NALs) system does not effectively accomplish the same goal by using the same numerology. The NALs are based on the same U.S. Environmental Protection Agency (EPA) benchmarks. LKQ strongly opposes this approach, and agrees with EPA that it is wholly inappropriate to use benchmarks as NELs. The use of benchmarks in evaluating and adjusting management practices is a more effective as it allows environmentally responsible operators, such as LKQ, to continuously fine tune procedures. This is a more successful system because operationally materials handled in automotive recycling may be changed by manufactures without notice to dismantlers. As the State Water Board is well aware, the typical rain in California from border to border does not have a standard chemical composition, therefore a hard-line NAL that penalizes industries in the path of this rain is unfair.	The State Water Board believes the permit is clear that an exceedance of the NALs does not constitute a violation of the permit.
47	LKQ Corporation	Eileen Sottile	14	Benchmarks for use in evaluating Best Management Practices (BMPs) have been in place for years and, when properly utilized for adapting BMPs, adequately protect against pollutant storm water discharges. The State Water Board should not abandon this cost-effective and efficient approach. In contrast, the draft Industrial The Permit's second trigger level would require either structural source control and/or treatment of storm water. Any facility reaching third trigger level would be forced to sample each and every storm throughout the year. This would be devastating to our industry.	The Permit uses the USEPA benchmarks as NALs. The current Permit did not contain benchmarks/NALS and did not define a process to establish what a Discharger is required to do in response to sampling results. Many Dischargers have commented that sampling results that were high were attributed to other non-industrial sources and therefore Dischargers should not be held responsible. The Permit establishes a two-step ERA process with the goal of allowing Dischargers a mechanism to demonstrate their Permit compliance. Although not exactly the same, the Permit incorporates elements of other states' general Permits and the MSGP that attempt to reach the same goal. For Dischargers with NAL exceedances, the Permit contains more costly requirements than the current Permit. The State Water Board has strived to propose requirements that reduce costs wherever possible while insuring that the ultimate goal of water quality protection is achieved. The Permit has not been substantially changed to address the comment.
47	LKQ Corporation	Eileen Sottile	15	The draft Industrial General Permit's NELs and NALs methodology will have an impact on our facilities that inaccurately portray our operations as insensitive to ecological concerns when in fact we are leaders in an essential environmental industry.	The State Water Board believes the permit is clear that an exceedance of the NALs does not constitute a violation of the permit.

47	LKQ Corporation	Eileen Sottile	16	We understand the need to occasionally request the services of a laboratory or other specialist, but to require a business to either hire a new employee or a consultant should not be mandated by the State Water Board. It is unreasonable to mandate a business owner to hire an outside party to write a SWPPP, when the start-up managers or our in-house trained experts are capable of understanding the Permitting requirements and know the business operations and how to prevent pollutants best. It is our experience that the vast majority of facilities SWPPPs do not require a specialized level of engineering or laboratory oversight as the draft suggests. The Storm Water Board gives no rationale for the narrow list of qualified individuals that may fill this QSD position, nor does it give adequate reasoning why other professionals do not qualify.	Only Dischargers entering Level 1 or Level 2, are required to have a QISP. The State Water Board is currently developing a QISP training program. The training program is modeled similarly to the training program for the CGP, More information will be provided before the effective date of the Permit. . Select groups such as geologists and engineers are required for calculations and professional judgment.. By their professional certifications they are excepting liability (through their licensing agency(bpelsg.ca.gov)) that their best judgment will be sound and perform as described. Industrial pollutants can be harmful to human health and the safety of the public and environment.
47	LKQ Corporation	Eileen Sottile	17	Subjecting licensed operators to unreasonable scrutiny from regulators and environmental groups will put many of us out of business, resulting in more end-of-life vehicles being handled by these rogue entities that are less likely to take adequate measures to properly recover and handle these ecologically hazardous materials. It is estimated only one out of five (about 700,000) of all end-of-life vehicles in California are recycled by licensed auto dismantlers each year.5 Unlicensed operations in the state do not volunteer themselves to the State's environmental Permitting. Facilities in California that are subject to the general storm water Permit 5 Nathan Arbitman & Mike Gerel, Sustainable Conservation, Managing End-of-Life Vehicles to Minimize Environmental Harm White Paper on Sustainable Conservation's Auto Recycling Project, pg. 7, (2003) http://www.suscon.org/autorecycling/pdfs/autorecycling_whitepaper_elvs.pdf have failed to file their notice of intent (NOI) with the State Water Board to obtain coverage under the statewide General Permit for Discharge of Stormwater Associated with Industrial Activities.	Comment noted.
48	Los Angeles County Flood control District and the County of Los Angeles	Gail Farber, Gary Hildebrand	1	The LACFCD and the County are concerned that the draft Industrial General Permit does not adequately encourage industrial Permittees to reduce flow from their facilities, which affects the amount of flow entering MS4s. The State Water Board, however, should do more to encourage stormwater retention and green infrastructure under the Industrial General Permit, or at least provide that Regional Boards can impose more stringent retention requirements in those regions that will benefit from such requirement.	The Permit and Fact Sheet language has been revised to point out and clarify requirements in the Permit that allow and encourage the use of LID and related green infrastructure techniques. Developing a statewide credit system for LIDs across all industries is a significant effort not addressed in this Permit reissuance. The State Water Board may consider such a LID credit system next time it reissues the Permit.

48		Gail Farber, Gary Hildebrand	2	The Industrial General Permit should recognize the interrelationship between the Industrial General Permit and theMS4 Permits being adopted throughout the state. Newer MS4 Permits are authorizing Watershed Management Programs or Enhanced Watershed Management Programs that are designed to address storm water pollution on a watershed-wide basis. State Water Board should add a section that allows industrial Permittees to coordinate their programs with Watershed Management Programs where the MS4 Permittees agree.	The Permit has not been changed to address the comment. One of the main purposes for the monitoring required in this General Permit is to assess the effectiveness of the BMPs implemented onsite.
48		Gail Farber, Gary Hildebrand	3	draft Permit's approach to incorporation of TMDLs and its apparent inconsistency with MS4 Permits. Specifically, the LACFCD and County are concerned about the potential delay in requiring industrial Dischargers to meet TMDL waste load allocations. The State Water Board should either impose deadlines for compliance with TMDL waste load allocations that are no later than the deadlines imposed on the MS4 Permittees for the same TMDLs or provide that MS4 Permittees will not be penalized as a result of receiving these discharges.	The Permit has not been revised to address the comment. Regional Water Board , with the assistance of the State Water Board , will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit
48		Gail Farber, Gary Hildebrand	4	The draft Permit incorporates the Special Protections requirements of the ASBS General Exception and the Ocean Plan prohibition. However, these requirements only apply to industries that have direct discharges to an ASBS, and not industrial Dischargers that discharge to MS4s that then discharge to an ASBS.	The Permit has not been changed to address the comment. These requirements only apply to direct discharges to an ASBS and only if the Discharger has obtained an exception already by applying.
49	Los Angeles Department of Water and Power	Katherine Rubin	1	Supports the redaction language for SMARTS submittals	Comment noted.

49		Katherine Rubin	2	In addition, LADWP supports the Board staff's decision not to establish numeric effluent limitations (NELs) for the 2013 draft Permit.	Comment noted.
49		Katherine Rubin	3	supports the Board's decision to allow sampling from discharge locations to commence within four (4) hours of the start of discharge or within the previous 12-hour period of the start of facility operations.	Comment noted.
49		Katherine Rubin	4	NALs should be based on California site-specific data. Storm water sampling from California facilities have been done since the 1990's, and it appears that this data has not been utilized to determine NALs. Nationwide data is not relevant since the pollutant background concentrations, rain events, and weather patterns from other areas of the nation are very different from California.it is uncertain that any capital investment for the BMPs will result in reduction of the concentration to meet the NAL values in stormwater discharge. NALs should be regionally determined, and the draft Permit should allow for this variation. For these reasons, LADWP believes the shift from a performance-based approach to a numeric method is not reasonable for stormwater discharges.	The proposed instantaneous maximum NALs values are based on available California storm water data.
49		Katherine Rubin	5	LADWP strongly recommends that the Board continue implementing the current performance-based approach and commence special studies to determine common pollutants and their natural background and ambient levels, to research different types of technologies and pollutant reduction methods, and to examine the efficiency of BMPs at industrial facilities in California.	The Permit has not been revised to address the comment. Through the Permit process new data will be acquired on the performance of BMPS with different types of pollutant loading, natural background, and operating conditions. The valuable data will provide insight to the impact industrial pollutants are having on beneficial uses of receiving waters, and which BMPs are efficient at improving water quality.
49		Katherine Rubin	6	LADWP supports the clarification that "NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit.	Comment noted.

49		Katherine Rubin	7	LADWP requests that the Board confirm that a permittee is not required to report an exceedance of NALs via SMARTS, since an NAL exceedance does not, by itself, constitute a permit violation.	NAL exceedances are not violations of the permit but they required to be reported via SMARTS.
49		Katherine Rubin	8	A non-CBPELSG who has been working in the field developing storm water plans and implementing BMPs for at least 7 years should be considered a storm water professional and qualified to be a QISP if that person also holds certain certifications. Due to the professional experience, this person is just as knowledgeable, if not more so, than the newly licensed Professional Engineer who may only have two to four years of professional experience. A Certified Professional in Storm Water quality (CPSWQ) requires mandated professional experience, related education, references, an examination, and continued education credits, and should be considered qualified to meet the QISP requirements. LADWP recommends that a CPSWQ be added to the list of professionals allowed to pursue the self-guided option.	The Permit allows some CBPELSG-licensees to be exempt from the normal QISP training requirements. This is based on many factors, including assumptions made about their background education, experience and knowledge on the Permit subject matters. We did not evaluate the CPSWQ program to compare but it is clear that an engineering or geologist education and background is more comprehensive than a 24 or 36 hour training course can provide. Also this licensee training determination is based on the fact that another State agency, specifically the CBPELSG in the Department of Consumer Affairs, is able to review and enforce the professional conduct requirements for licensees that fail to comply with those requirements, and possible the ones in this Permit. Without the clear background equivalency and State accountability, the CPSWQ title is not a good candidate for the same approach.
49		Katherine Rubin	9	There is currently no timeline for establishing the State required classes and State administered exam for the QISP.LADWP recommends delaying the QISP requirement until the training program has been developed and available to the Permittees.	The Fact Sheet has not been revised to address the comment. QISP training will initiate prior to the i effective date of this General Permit.
49		Katherine Rubin	10	It is feasible that QSE events can and will occur outside of daylight hours for a 24 hour operating facility that can safely sample a QSE outside of daylight hours, but is unable to obtain visual observations, it is unclear if this would be considered a violation of the Permit. Sections XI. A. 2.d. reflects that the Discharger shall provide an explanation in the Annual Report for uncompleted sampling event observations; however, it is unclear if an additional sampling event will be needed to capture the missing QSE visual observations. Recommends clarifying language.	The Permit requires the visual observation of storm water discharge at the time the sample is collected. It is unclear from the commenter under what circumstances the visual observation could not made but the more difficult task of collecting samples could be performed. Thus The Permit does not include a make-up provision if a visual observation is not conducted. The Discharger should report why the visual observation was not conducted. Enforcement is subject to the discretion of the Regional Board.

49		Katherine Rubin	11	LADWP recommends that Board staff add language to the Permit to clarify these two issues, that 1) the failure to sample due to a lack of QSEs is not a Permit violation, and 2) there will be no roll-over of the missed sampling into the subsequent half of the report year due to the lack of QSEs.	Minor edits have been made to the Permit to clarify that the failure to sample due to a lack of QSEs is not a Permit violation, and there will be no roll-over of missed sampling into the subsequent half of the report year due to the lack of QSEs or missed QSEs..
49		Katherine Rubin	12	LADWP recommends a night-time exemption for sampling where warranted in the opinion of site operators that allows site personnel to conduct the required sampling and inspection activities during daylight hours the following day for a facility that operates 24 hours.	Thus The Permit requires visual observations of storm water discharges at the time of sampling. The Permit has an exception for sampling during dangerous weather conditions such as flooding or electrical storms. The Permit also allows Dischargers to select alternative sampling locations where a discharge location is difficult to observe or sample (e.g. submerged discharge outlets, dangerous discharge location accessibility). The State Water Board does not wish to place Dischargers in harms way day or night so has made the above exceptions to give Dischargers the ability to avoid accidents.
49		Katherine Rubin	13	LADWP recommends that this language be strengthened in order to specify that, where a Permittee provides sufficient information, the RWQCB shall allow the Permittee to use a BMP-based approach for TMDL implementation.	Comment noted. BMPs cover a large variety of practices that are not limited to eliminating industrial pollutants through installing structures to protect against exposure or eliminating the uses of the pollutant at a facility.
49		Katherine Rubin	14	LADWP recommends allowing a Permittee to return to the Baseline status if all ERAs are met, even if the exceedances are due to non-industrial pollutant sources or natural background conditions.(EPA Language: "if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring" (p. 37 2008 MSGP)	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).

49		Katherine Rubin	15	LADWP also recommends that the Board require the RWQCB to provide detailed justification whenever additional requirements are imposed on Permittees at Level 1 and Level2.	Regional Water Boards implement their authority as provided in the Water Code. All Regional Water Board actions must be consistent with their authority. As provided by the Water Code, Dischargers have administrative appeal rights available to them to address potential Regional Water Board abuse of authority.
49		Katherine Rubin	16	LADWP requests that the Board clarify whether "aerial deposition from manmade sources," which is listed as a non-industrial pollutant source (p. 50 in the 2013 draft Permit), includes wildfire or whether wildfire is identified as a natural background source.	Guidance will be developed as part of the QISP training to address the various demonstrations as part of Level 2 ERA Technical Report. Regardless of whether wildfires are designated as natural background or from mad made sources, the Discharger is given the opportunity to demonstrate that the cause of an NAL exceedance is not related to industrial activities.
49		Katherine Rubin	17	The Water Board should clarify that a permittee shall not be considered in violation of the receiving water limitations as long as the permittee follows a BMP based approach with procedures such as a pollutant source evaluation, assessment of SWPPP implementation measures for pollutant reduction/prevention, and evaluation of additional BMPs/SWPPP implementation measures as specified in Section XX.B.1 (pp. 64-65 in the Draft Permit). Receiving Water Limitations should be met through dischargers complying with TMDLs.	As explained in the fact sheet, industrial storm water discharges must comply with both the technology-based and water quality based requirements of the Clean Water Act. The State Water Board is retaining “cause or contribute to an exceedance of any applicable water quality standard” as the appropriate receiving water limitation. Section 2.2.1 of the U.S. EPA MSGP uses the same standard. The commenter is suggesting an approach that has been requested for municipal storm water permits. Municipal storm water permits are issued under a different section of the Clean Water Act that does not apply to industrial storm water permits. There is no authority for an exception to industrial storm water dischargers’ obligation to comply with water quality based requirements.
49		Katherine Rubin	18	The 2013 draft Permit uses the 85th percentile, 24-hour storm event as the basis for design storm requirements for both volume-based and flow-based treatment controls. LADWP supports this feature of the 2013 draft Permit and believes that a design storm is necessary to minimize regulatory uncertainty and costs for all types of BMPs, including both minimum and advanced BMPs.	Proposed flow-based design storm requirements are not based on a 24-hour event. The requirements are based on historical records of highest hourly rainfall data and capped at 0.2 inches per hour.

49		Katherine Rubin	19	LADWP believes that a credit should be provided for reducing the volume of stormwater runoff and the associated pollutant load via LID or green infrastructure methods/BMPs at industrial facilities.	The Permit and Fact Sheet language has been revised to point out and clarify requirements in the Permit that allow and encourage the use of LID and related green infrastructure techniques. Developing a statewide credit system for LIDs across all industries is a significant effort not addressed in this Permit reissuance. The State Water Board may consider such a LID credit system next time it reissues the Permit.
49		Katherine Rubin	19	LADWP recommends that a compliance storm be defined for the Permit such that samples collected during extraordinarily large storm events (i.e., events larger than the compliance storm) would not be considered when comparing analysis results to the NALs specified in the Permit.	The State Water Board does not have the technical information necessary in accordance with the law to develop a compliance storm standard(s). State Water Board believes that NAL exceedances that occur from discharges exceeding the design storm standard will happen infrequently. If a Discharger enters Level 2 because of NAL exceedances caused by storms above the design standard, Dischargers are required to complete a Level a Technical Report. The Technical Report will address the pollutant sources and whether additional BMPs are necessary.
49		Katherine Rubin	20	LADWP requests that the Permit effective date be changed from January to July 2015 and that storm water monitoring in the winter of 201 4/2015 be conducted pursuant to the current Permit requirements.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
49		Katherine Rubin	21	LADWP recommends 1) adding language to clarify that only the compliance checklist is required to be submitted annually, and 2) allowing public review of and comment on the draft compliance checklist.	The Annual Report will be electronically in SMARTS; the checklist will be a summary of the current annual report.

49		Katherine Rubin	22	LADWP recommends the Permit Annual Report be submitted at a minimum of 45 days following the end of the annual reporting period. This does not allow adequate time to receive data back in the event of a late season storm, or internal review and discussion immediately after the reporting period ends.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the current due date, sampling reporting has been unhinged from the annual report, and the annual report has been simplified to a checklist. The annual report can be worked on during the reporting year if needed and quickly certified and submitted by the LRP on or before July 15. The Regional Boards have multiple reports due for other Permits during the summer/dry months, extending the date creates an additional staff burden that cannot be supported.
49		Katherine Rubin	23	LADWP believes required BMPs should be practical and cost effective that provide maximum environmental benefits. LADWP recommends that the Board commence data collection in order to identify BAT/BCT BMPs that are also the most practical and cost effective.	The Permit has not been revised to address the comment. The Permit requires exceedance response actions which will require technical evaluation of a facility's BAT/BCT BMPs. This data can be used to determine cost effective approaches that improve water quality.
49		Katherine Rubin	24	LADWP believes required BMPs should be practical and cost effective that provide maximum environmental benefits. LADWP recommends that the Board commence data collection in order to identify BAT/BCT BMPs that are also the most practical and cost effective.	The Permit requires exceedance response actions that require technical evaluation of a facility's BAT/BCT BMPs. This data could be used to determine cost effective approaches that improve water quality.
49		Katherine Rubin	25	LADWP requests that the Board provide a definition of "significant materials," and allow public comment on this definition prior to Permit adoption.	The Permit has not been changed to address the comment. The term "significant" is used throughout the draft Permit, in a variety of contexts. As with all terms in common usage, the term "significant," if not specifically defined, is used in accordance with its ordinary meaning. This draft Permit intentionally allows Dischargers to exercise their discretion when reasonably determining the difference between significant and non-significant.
49		Katherine Rubin	26	LADWP recommends adding language stating that only SWPPP sections that contain engineering work should be prepared and certified by a CA licensed engineer.	The Permit has not been revised to address the comment. SWPPPs are not required to be developed by a CA licensed professional engineer. Finding 52 requires all engineering work to be done by engineers which is required under state law. If certain elements of the SWPPP (design of retaining ponds for example). then it must be performed by a licensed engineer.

49		Katherine Rubin	27	LADWP is also uncertain what defines "readily available records" for the NONA provisions. LADWP recommends that the historical maximum precipitation event be defined as the 1 0-year, 24-hour storm event, consistent with the compliance storm that applies to the ATS under the CGP.	The Permit has not been revised to address the comment. Historic Maximum Precipitation Event includes a 24-hour, 1-hour, 72-hour time period. Probability of reoccurrence (100yr, 20yr) is an estimate that the event will occur in the future. Determining the maximum historical rainfall event is complex and must be in accordance with laws and regulations addressing issues regarding California businesses and professions.
49		Katherine Rubin	28	LADWP recommends allowing an implementation extension for Level 1, as well as Level 2, should there be any unforeseen delays.	Adjustments to both Level 1 and Level 2 requirements have been made to provide sufficient time to complete described tasks.
49		Katherine Rubin	29	LADWP requests that the Board clarify whether multiple facilities within the same company may form a compliance group.	Multiple facilities within the same company may form a compliance group.
50	Metal Finishing Association of Southern California, Metal Finishing Association of San Diego, Metal Finishing Association of Northern California	Norman Plotkin	1	It is impossible to perform a corrective action best management practice [BMP] when the source is unknown. This problem could be resolved if the draft Permit were to include provisions stating that, if the pollutant or parameter is not present in the process conducted at the facility, there is an exception to the Permit requirements.	The Discharger is required to identify the source of an NAL exceedance in the Level 2 Technical Report. Once the Discharger identifies the cause of an exceedance as not an industrial pollutant, exceedances of the NAL do not trigger additional actions by the Discharger except under limited circumstances. The State Water Board believes the sources of NAL exceedances will not be difficult in most cases. The QISP training will include guidance on acceptable practices on how to make such determinations.

50		Norman Plotkin	2	It would be helpful for compliance groups and individual facilities if associations and other groups be allowed to train and certify QISPs. One approach would be for a train-the-trainer type of class for QISP to be qualified to train members of the group to be QISP's. It is important to facilitate training for the Permit to be effective.	Trainers of Record are the only individuals allowed to hold QISP training classes for individuals to become a QISP. A Compliance Group Leader is required to take the State approved training program for Compliance Group Leaders. Any individual that has been deemed a Trainer of Record for QISPs can train QISPs.
50		Norman Plotkin	3	If The State Water Board desires greater participation and data input there should be consideration for small business – $37,000 a year is a big expense for a five-man shop.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.
50		Norman Plotkin	4	This is not a user-friendly program and a new financial and training burden. Certainly there are facilities that do not have internet access even today. One approach would be to model the SMARTS program on the CERS (California Environmental Reporting System) system that is in use.	Dischargers must contact The State Water Boards and submit a hardship claim. Dischargers must explain the nature of the hardship and designate a representative with internet access to submit all required documents electronically for this General Permit.
50		Norman Plotkin	5	The effectiveness of the Permit is dependent on compliance and ensuring that facilities that do comply are not at an unfair disadvantage to those facilities that avoid compliance. With the CERS reporting now in full operation it is easy to identify those facilities that are not in compliance.	Storm Water Multi-Application and Report Tracking System tracks Permit compliance, enforcement and violation history for Permitted facilities.

51	NEST Environmental Services, Inc.	Don Reh	1	NEST objects to an early 2014 implementation of the 2013 draft Permit, if it includes the requirement for two samples between January and June 2014. Changing our sampling program halfway through the season is not practicable. There will be robust objections from clients to paying more for an expanded program for which they were not expecting for 2013-2014 season.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
51		Don Reh	2	NEST thinks that the Permit needs a mechanism built into it to gradually lower this instantaneous maximum NAL values for TSS and O&G over the life of the Permit to about the half their currently proposed IM-NAL values. Leaving that outer range values fixed will not send the right message about reducing pollutant levels for those two pollutants over the next five years, and if it goes like the current 1997 Permit, up to 15 year. In light of that, is it wise to set and maintain IM-NAL values that may possibly not decrease for the next 5-15 years? At a minimum, leave an opener clause in the Permit to allow the SWRCB to implement periodic scaled reductions of instantaneous maximum NAL values.	It is entirely possible that the next Permit may have different NALs based upon the data collected during the Permit cycle. State Water Board does not concur that there is reason or the time to evaluate just a few years worth of sampling data to reduce or increase NALs. Most Level 2 Technical Reports will not be received until at least year four of the Permit term. Due to the variable and spatial nature of storm water discharge, sampling from many storms over many years will provide the type of comparative data necessary to support changes to NALs.
51		Don Reh	3	Using litmus paper strips to test for pH will not likely improve quality of pH results compared to sending sample kit to labs. Samplers will contaminate or misplace strips. A requirement to use a low cost calibrated, pH measuring instrument may give better quality results. What is so unacceptable about waiting for overnight, 24-hour delivery of the sample to the lab? Is the loss of precision pH data that important? It's the outer ranges that need and get immediate attention. Results that are a tenth or three off frankly don't generate much concern, because the causes are likely not readily apparent.	Testing for pH should be done within 5 minutes of sample collection to minimize testing inaccuracies. Waiting 24 hours to sample almost automatically introduces test errors while it is very possible for Dischargers to learn to implement the use of pH strips with proper training.
51		Don Reh	4	The SMARTS "linking" process and instructions need to be simplified or clearer, and timely telephone assistance is needed. The simplest solution is for the SMARTS office to do the linking upon receiving the Permittee's application. If that is not to be, the operator and office admin person need prompt, clear, and accurate telephone help the first call with experienced staff. Not receiving useful help to do the linking is frustrating and wastes everyone's time. The SMARTS must be more user friendly for Permit Permittees, who as a group are not as computer literate as CGP Permittees.	The State Water Board proposes to streamline the SMARTS linking functions.

51		Don Reh	5	Don't expect a breakthrough in storm water discharge quality from Permittees using the storm water discharge visual observation forms. NEST's conclusions were that some observers don't see what should be visually apparent and others report seeing something that should not be present, when reported visual observations are compared to lab analysis for suspended solids and TOC/oil and grease (basically visual observations provide unreliable information).	It is in the Discharger's interest to carefully conduct visual observations. They can serve to alert the Discharger to pollutant sources that had not been mitigated through BMPs. Dischargers should train the observers what to look for in the discharge which will often be dependent on the type of industrial materials handled at the site.
51		Don Reh	6	Who submits the Level 2 ERA <Action> Plan, the business or a QISP? What happens if the Permittee's submitted ERA Plan does not address the Level 2 Technical Report Requirements?	All documents are submitted by the Discharger. Dischargers that fail to comply with the Level 1 and Level 2 requirements are in violation of the Permit.
51		Don Reh	7	The proposed ERAs and technical reports are not going to be useful reports for a while. NEST experience with their own BMP evaluation forms sent to their Dischargers is that facilities want to be told what BMPs will work instead of figuring it out, there are economic constraints at small facilities to implement some BMPs, and many Dischargers may not even return the forms.	Dischargers that need Permit compliance assistance should hire independent professionals to aid them in selecting the most cost effective BMP processes.
51		Don Reh	8	Pre-storm inspections, NEST has found, generates more immediate results for attempting to improve the quality of storm water runoff. NEST sends to it storm water clients a September inspection/checklist for operators and managers to use in preparing for the rainy season, and we get pretty good response rate. We have also learned that visiting a participant hours or a day or two before a predicted rain event and getting the operator or manager walk through his/her facility with us to see and correct on the- spot, any poorly implemented BMPs is quite effective. Recommendation NEST recommends that the operator or designated alternative be required to perform a walk through 24-36 hours before the predicted rain event – its usually on the local radio and TV news channels - and document the day and time such walk through took place and summarize required corrective actions needed and if accomplished before the rain event occurred or reason that the corrective actions did not occur, and keep for his/her storm water records and later reports.	The State Water Board encourages Dischargers to try to conduct the monthly visual observation near an anticipated storm event since that would have the best impact at reducing pollutant discharge. Dischargers who wish to avoid NAL exceedances would be wise to schedule prior to a storm event. However, the 2013 draft Permit had attempted to require pre storm visual observations. Commenters had successfully pointed out to The State Water Board the difficulty of doing so and the risk of non-compliance.

52	Pacific Merchant Shipping Association	TL Garrett	1	Concern with NALs not being used like the MSGP benchmarks We suggest that the Permit be revised to acknowledge that once a facility has an approved SWPPP, additional BMPs will only be required if it can be demonstrated that the facility has failed to appropriately implement the BMPs in the SWPPP or that the additional BMPs can be shown to be feasible, cost effective and, most important of all, will achieve the NALs. This "off-ramp" provision should to be allowed when either an annual average or an instantaneous NAL is triggered, regardless of the compliance level of the facility.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs
52		TL Garrett	2	SWRCB should make the training available as frequently as possible to allow for maximum participation. If possible the SWRCB should consider the preparation of interactive, on-line training that would allow for people to schedule the training around their job instead of scheduling their job around the training.	Comment noted. The State Water Board is developing a training program for QISPs that will be implemented through workshops and third party input.
52		TL Garrett	3	Compliance Group concept, we want to stress that it needs to be flexible, predictable, and consistent, to replace the Group Permit process. We understand that many of the specifics of Compliance Group implementations will be resolved at the Regional Water Board Level. Therefore, we request that the State Water Board stay involved in developing a process that will result in reasonable and effective programs with the goal of improving water quality. Our concern is that without some oversight Regional Water Boards may have vastly different approaches to the Compliance Groups, which could result in unnecessary inspections, monitoring and reporting requirements.	Comment noted.
53	Port of Long Beach	Heather Tomley	1	Our concerns are particularly related to the use of inappropriate NALs that are not based on BAT/BCT, but will potentially have the effect of pushing the Port toward ERA Level 2 and the need to look at structural/treatment controls for storm water discharges. Implementation of structural/treatment controls to meet artificially low NALs for metals could cost the Port as much as $73,000,000 in initial capital costs. In addition, annual land use costs and operations/maintenance are estimated to be approximately $1,586,000 per year. Cost analysis done by water board, way under estimated. Based on our estimates, the costs to complete the Level 1 ERA Report and Level 2 ERA Technical Reports are at least 5-6 times higher than included in the State Board's cost analysis.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.

53		Heather Tomley	2	The Port recommends a mechanism be written into the Permit allowing Dischargers to obtain concurrence from their Regional Board staff before designing and constructing large scale capital improvements in response to NAL exceedances and development of the ERA Level 2 Action Plan.	The Permit has not been revised to incorporate a Regional Water Board concurrence element. Dischargers may contact the Regional Water Boards to discuss capital improvement projects but the State Water Board cannot guarantee neither the timely review nor concurrence by the Regional Water Boards.
53		Heather Tomley	3	The Port recommends allowing a Discharger to file a Non-Industrial Source Pollutant Demonstration as part of their Level 1 ERA Technical Report, if they choose to do so. While this is mentioned in the Level 2 ERA process steps, the option should be made clear in the Level 1 process.(Dischargers may submit a Non-Industrial Source Pollutant Demonstration as part of their "Level 1 or 2 ERA")	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements.
53		Heather Tomley	4	At minimum the term 'new Discharger' needs to be defined in the Permit for the purposes of this section. The definition of new Discharger should not include renewing Dischargers, existing facilities that were previously exempt (NEC facilities), or new owners of existing facilities. The Port strongly recommends that the State Board reconsider this language and develop a proposal that would allow for the equitable distribution of remaining load capacity for new businesses within impaired watersheds so as to not unfairly restrict business development.	The Permit has been revised to address the comment. (not seeing the Change) Whenever there is a change to the facility location, the Discharger shall certify and submit new PRDs via SMARTS. When ownership changes, the prior Discharger (seller) must inform the new Discharger (buyer) of the General Permit applications and regulatory coverage requirements. The new Discharger must certify and submit new PRDs via SMARTS to obtain coverage under this General Permit.
53		Heather Tomley	5	The Port recommends the use of geometric mean for determination of annual average.	The State Water Board explored the use of geometric mean and decided it was not appropriate to use it at this time. Geometric is appropriate when it is anticipated a data set will have a range over several orders of magnitude or if it has been determined that the occurrence of a very high value is an anomaly. A high value may be an anomaly or may be from temporary lack of BMP implementation. The State Water Board is also concerned that dischargers with high values will not be required to conduct ERAs because of the use of geometric mean. Consider a discharger with the following four sampling results for TSS: 200, 180, 141, and 20. The annual NAL average of this data set is 135 and would appropriately place the discharger in Level 1. However, by using the geometric mean, the discharger's annual NAL average would be 97.29 and the discharger would not be required to conduct Level1 ERAs. Clearly the trend is that the discharger appears to be frequently having large exceedances of TSS. Over the next 5 years, The State Water Board will receive and evaluate sampling results submitted into SMARTS. The use and value of applying the geometric mean can be re-evaluated at that

					time.
53		Heather Tomley	6	this section should be revised to state that the two exceedances of the NALs triggering action must be from the same discharge location. The conditions in two separate locations may be entirely different, such that the significance of (and information that can be gleaned from) two exceedances may well be no greater than one. (NAL exceedance occurs when two (2) or more analytical results from samples taken for any single parameter "from a distinct sample location")	This General Permit has not been modified as requested. Any two instantaneous exceedance of the same parameter, regardless of the drainage area, triggers a change in the discharger's status from baseline to Level 1. When constructing the ERA process, the State Water Board strived to capture both chronic problems in a single drainage area and indications of wide-spread problems from various drainage areas.
53		Heather Tomley	7	The Port recommends that the State Board provide some flexibility as to how a Group Leader is defined. It would be helpful to include the possibility of a Leadership Team that includes a QISP (with one lead for implementation). For reference, the 2011 Permit language for a group was "(i). an industry association or trade group; (ii.) an engineering or environmental science consulting company; (iii.) a coalition of public agencies and/or private companies; or (iv.) any combination of the above." Similar language could be used in the new Permit.	The Permit has not been revised to address the comment. A leader must be one individual, however a leader can have a team that helps implement and administer the group.
53		Heather Tomley	8	For a facility such as the Port, with a significant number of outfalls designated for sampling, this provision to collect samples for subsequent QSE's When a discharge does not occur creates a significant disincentive for implementing BMPs to promote onsite retention of runoff and could potentially require multiple expensive mobilizations, resulting in no additional samples collected.	State Water Board understands that Dischargers with complex facilities may have unique challenges when complying with the Permit. Such facilities may have a mix of discharge locations some of which discharge frequently and others that discharge rarely. However the Permit cannot contain less stringent requirements because of the challenges of obtaining samples from two QSEs in each 1/2 year from all drainage areas. Dischargers are free to perform hydraulic calculations in accordance with state law to determine the amount of rain necessary to produce a discharge in order to avoid false mobilizations. The Monitoring Implementation Plan may include the sampling procedures that will be utilized based upon the hydraulic calculations.

53		Heather Tomley	9	The Receiving Water Limits should include a presumption that they will be satisfied by following the BMP selection process, and triggered actions now in a "corrective action" provision should be integrated with the Receiving Water Limits section. Use of a process to select and evaluate BMPs is appropriate to satisfy both technology-based and water quality-based effluent limit requirements. Complying with detailed measures should clearly comply with the IGP, satisfying the Clean Water Act mandates for both technology-based and water quality-based effluent limits. The Port concurs with the recommended language proposed by CASQA in their 2013 draft IGP Comments.	See the response to CASQA's comment number 79.
54	Port of San Diego	Jason Giffen	1	The Port supports the concept of requiring qualified persons to evaluate and certify that a facility has met the NEC coverage. However, the Port requests a simplified NEC process that would provide coverage once for the entire Permit cycle, without annual re-certification.	All Dischargers must annually inspect their facility(ies) to ensure continued compliance with NEC requirements, and annually re-certify and submit an NEC via SMARTSs. Based on regulatory experience, the State Water Board concludes that a five-year maximum NEC re-certification period is inadequate. A significant percentage of facilities experience turnover of staff knowledgeable of the NEC requirements and limitations. Accordingly, State Water Board believes that annual NEC evaluation and re-certification requirements are appropriate to continually assure adequate program compliance. The State Water Board in the 2013 draft Permit considered requiring A QISP to prepare NEC submittals to assure that exposure was properly evaluated. State Water Board has not proposed this requirement in the Permit because most facilities that qualify for NEC coverage can be easily evaluated without a high degree of knowledge, the additional costs related to obtaining a QISP, and the logistical problems with expanding the QISP training program to train possibly 20,000 possible QISPs.
55	Rio Tinto Minerals, Inc.	Rhys Jenkins	1	However the 2013 draft Permit appears to put a far higher threshold that must be met to achieve such a determination: At a minimum, Dischargers must ensure that the containment design addresses maximum 1-hour, 24-hour, weekly, monthly, and annual precipitation data for the duration of the exclusion. The State Board should reconsider returning to the more reasonable and straightforward language cited above from the 2011 draft.	Drawdown times, inter-event periods, release rates and flow hydrographs are the responsibility of the professional engineer designing the structure and the corresponding safety factor implemented to ensure the volume based structure does not discharge industrial storm water above the NALs. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
55		Rhys Jenkins	2	The Permit should clarify that existing sediment basins do not need to be redesigned. Specify that 1) The design standard only apply to new sediment basins that are constructed after the effective date of the Permit. and 2) Ensure compliance with the design storm standards in Section X.H.6. If a revised design standard is required for existing sediment basins, provide at least a 5-year compliance period and, if reconstruction to meet the design standards is not feasible allow a proposal for alternative compliance.	Dischargers are required to reduce or remove pollutants using the BAT/BCT standard(s) on "day one" of the Permit's effective date. Dischargers must evaluate and implement minimum and advanced BMPs to meet site BAT/BCT. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.

55		Rhys Jenkins	3	Dischargers should not be ineligible to return to Baseline Status because they have: • Submitted an industrial activity BMP demonstration; • A non-industrial pollutant source demonstration; or • A natural background pollutant source demonstration.	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).
56	Riverside County Waste Management Department	Hans Kernkamp	1	The Department suggests that the effective date of the Permit be contingent upon the adoption date of the Permit. The Department recommends that the 2013 draft Permit effective date be July 1 and a minimum of one calendar year from the date of Permit adoption.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
56		Hans Kernkamp	2	Section I. M. 66., Page 11 line edits to take out violation language. Correlating NAL exceedances and non-industrial pollutant sources to "violations" is a potential cause of confusion. The Department recommends that the 2013 draft Permit consistently link NAL exceedances to ERAs.	The Permit is clear that NAL exceedances are not violations. Violations occur if the Discharger has NAL exceedances but fails to comply with the Level 1 and Level 2 requirements.
56		Hans Kernkamp	3	Seems inconsistent that Dischargers should even compare storm data to NALs when the data is from a storm event that exceeds the design storm standard. Regardless of the status of the facility (i.e. baseline, Level 1 or Level 2), storm water data should only be compared to NALs when data is from storms that are less than or equal to the design standards.	A compliance storm differs from a design storm in subtle yet important ways. A compliance storm is used to look retrospectively back at a BMP and rain event and, if exceeded, any discharges that occur after that point in time would be exempt from at least the effluent limitations and possibly the receiving water limitations in this permit. A design storm, on the other hand, represent a hypothetical, future rain and runoff event for which any BMP subject to it would have to be deigned to handle, at a minimum, in order to comply the effluent and receiving water limitations in this permit. The approach this permit takes is to establish the design storm (as discussed in the Fact Sheet) and not use it as a compliance storm, since there is no evidence that this design storm meets BAT or BCT in all cases, let alone the need to comply with receiving water limitations. Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with

					any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
56		Hans Kernkamp	4	Section X.H.1.f.ii. , Page 31 - remove reference to forecasted events. The 2013 draft Permit has removed such a concept. Additionally, stabilization is not the only BMP that may be appropriate for erodible areas.	The Permit has not been revised to address the comment. This General Permit is only requiring stabilization of erodible surfaces before it rains/likely to rain. There is no rain event concept in this General Permit, but the idea is to make the management of erodible surfaces more reasonable by limiting this BMP to before the rain. There is no specified method to do this, but we expect Discharges to use such sources as phone applications, newspaper, internet news, and other similar media.
56		Hans Kernkamp	5	The Department recommends that the Section be modified to allow facilities to continue to make use of existing sediment basins. (clarify that redesign is not required).	The Permit has been revised to address this comment. The Permit does not require Dischargers to retrofit existing treatment and/or structural controls that do not meet the minimum design storm standards until the Discharger has Level 2 status and (1) treatment and/or structural controls subject to design storm standards are selected to achieve NAL compliance, or (2) the Discharger has demonstrated retrofitting the existing structure is not expected to eliminate future NAL exceedance(s) or be economically achievable.
56		Hans Kernkamp	6	Delete Factor of Safety language - The purpose of the Factor of Safety is not clear. Is the Factor of Safety to provide a design that actually exceeds the design storm standards, or is the Factor of Safety to provide treatment to the design storm standards even in the event that a component of the treatment control BMP has reduced capacity/functionality over time? A Factor of Safety is typically applied to building structures or systems when the failure of which can result a risk to human health or property. A treatment control BMP does not pose that same risk.	The Permit has not been revised to address the comment. The safety factor is for the professional in charge to determine so that for the life of the designed structure, no NAL exceedances will occur under expected, repeated rain events as determined using the specified return frequency (percentile). If exposure to industrial pollutants can result in a risk to human health and/or property damage, a treatment control BMP needs to be engineered to adequately address the associated risk.

56		Hans Kernkamp	7	Considering the frequency and timeframe for which samples are to be submitted via SMARTS, the Department requests that lab data be submitted in a manner similar to another Water Board Program, Geotracker. The lab data is directly uploaded to the Geotracker database without the need to manually enter the data. Not only is this method more expeditious, but it also reduces the chance of a manual data entry error.	The State Water Board proposes to add this functionality in SMARTS for future Permit implementation.
56		Hans Kernkamp	8	The Department also disagrees with the requirement to enter "non-detect" data as zero. This is factually incorrect and does not accurately or truthfully represent the data as quantified and reported by the laboratory. State certified laboratories are familiar with the data reporting requirements of Geotracker and "nondetect" data is easily and conveniently reported for Geotracker submittals.	Discharger should not report “non-detect” values as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised to address this comment.
56		Hans Kernkamp	9	The "Minimum Level" terminology is not a term common to the industry. The Department recommends that this term be replaced with Practical Quantitation Limit or Reporting Limit/Level, two terms that are commonly used.	"Minimum Level" is the terminology used most commonly by The State Water Boards. State Water Board agree that the Practical Quantitation Limit or Reporting Limit/Level are equivalent terms.
56		Hans Kernkamp	10	Section XI.B.11., Page 41 - Table 2 The Method Detection Limit specified in the table is often times several orders of magnitude less than the corresponding Annual NAL. Requiring laboratories to report concentrations to these low concentrations increases the test costs without a corresponding benefit. The Department recommends that the Method Detection Limit column be removed from the table and that the following text be added as a footnote to the Test Method column: "Storm water samples shall be analyzed using the test method specified, or a similar industry standard method that is capable of achieving a Reporting Limit that is less than the Annual NAL."	The Permit has been edited to remove the method detection limit column since it is unnecessary. By specifying the test method, the Permit is implicitly identifying the appropriate test sensitivity necessary to provide a range of low to high sampling result concentrations. State Water Board does not agree that the method detection limit should only be a little below the NALs. The test methods specified were developed for the current Permit and are commonly used for the listed parameters in the Permit.

56		Hans Kernkamp	11	The Department recommends that the geometric mean be specified in this Section. Storm water parameter concentrations are highly influenced by storm size, similar to bacteria concentrations commonly used to assess ocean water quality at beaches, which utilize the geometric mean for comparison to threshold values. The geometric mean tends to dampen the effect of very high or very low concentrations. If the geometric mean is utilized, non-detect concentrations cannot be reported as zero. Therefore, the Department recommends non-detect data be substituted with a value that is one half the method detection limit for calculating the geometric mean. The Department requests that The State Water Board provide the rationale for the use of arithmetic mean versus the geometric mean.	The State Water Board explored the use of geometric mean and decided it was not appropriate to use it at this time. Geometric is appropriate when it is anticipated a data set will have a range over several orders of magnitude or if it has been determined that the occurrence of a very high value is an anomaly. A high value may be an anomaly or may be from temporary lack of BMP implementation. The State Water Board is also concerned that dischargers with high values will not be required to conduct ERAs because of the use of geometric mean. Consider a discharger with the following four sampling results for TSS: 200, 180, 141, and 20. The annual NAL average of this data set is 135 and would appropriately place the discharger in Level 1. However, by using the geometric mean, the discharger's annual NAL average would be 97.29 and the discharger would not be required to conduct Level1 ERAs. Clearly the trend is that the discharger appears to be frequently having large exceedances of TSS. Over the next 5 years, The State Water Board will receive and evaluate sampling results submitted into SMARTS. The use and value of applying the geometric mean can be re-evaluated at that time.
56		Hans Kernkamp	12	The Department recommends that the concept of a Compliance Storm Event be incorporated into the 2013 draft Permit as a design storm event to assess storm water sample data.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
56		Hans Kernkamp	13	The Department recommends that NALs, annual and instantaneous, only be applicable to storm events that are less than or equal to the design storm event, that is the 85th percentile 24-hour storm event. ERAs would only be triggered if storm water data for storm events that are less than or equal to the design storm event exceeded NALs. Unnecessary work would be required by the Discharger and the local Regional Water Quality Control Boards to prepare and review ERAs for sites that were functioning as designed and in compliance with the Permit, if ERAs are not based on the design storm.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass.

56		Hans Kernkamp	14	In the 2012 draft RTC, The State Water Board concluded that NAL exceedances will be unlikely for BMPs designed and implemented to the design storm standards. As the Department explained in comment 13, it is likely that NAL exceedances will occur when storm events occur that are greater than the design storm standard. The State Water Board responded directly to the Department's comment regarding this issue in the 2012 draft Permit (response to comment number 5, page 284) in stating the following: "Dischargers would not be required to install costly treatment devises or implement additional BMPs if the BMPs were designed to treat up to the design storm and the only events that triggered an NAL exceedances were beyond the design storm specified in the draft Permit." The Department believes that The State Water Board's comment helps clarify this issue; however, the 2013 draft Permit was not modified to include The State Water Board's response. The issue is unresolved without the addition of this language into the 2013 draft Permit. Further. in order to correlate discharge sampling data to storm events, the 2013 draft Permit should require that 24-hour storm volume also be measured (onsite or local rain gauge) and reported with the discharge sampling data.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations. It is neither feasible to require 24 hour volume discharge data to be monitored and reported, nor is it our interest to correlate storm event size with effluent data in this permit.
56		Hans Kernkamp	15	Storm water samples should be collected from the Qualifying Storm Event regardless whether that storm could eventually exceed the design storm event. This change would require the re-introduction of some complexity into the 2013 draft Permit. Permittees would be required to monitor and report the 24-hour storm volume for sampling events. this would help The State Water Boards with assessing compliance and assist Permittees with clear requirements of designing BMPs to meet the design storm. Permittees would also not need to perform ERAs in response to sample data that exceeds NALs if the sample data was from a storm that is greater than the design storm event and which the facility was not designed for.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
56		Hans Kernkamp	16	without having the benefit of actually reviewing the Annual Report form, the July 15 annual submittal date provides little time between the end of the reporting period and the Annual Report submittal date. The Department requests that the Annual Report form be provided to potential Dischargers for review and comment, prior to the adoption of the 2013 draft Permit.	The State Water Board proposes to develop a standard Annual Report form and program into the Storm Water Multiple Application and Report Tracking System. It will be a streamlined/check box and updated version of the current paper annual report. Electronic annual reports will not be required until 2016 (for the 2015/2016 reporting year under this General Permit).

56		Hans Kernkamp	17	The Department recommends that the Annual Report submittal date be changed to July 31, which would enable Permittees sufficient time to complete the Annual Report.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the current due date, sampling reporting has been unhinged from the annual report, and the annual report has been simplified to a checklist. The annual report can be worked on during the reporting year (by more individuals than just the Legally Responsible Person - LRP) if needed and quickly certified and submitted by the LRP on or before July 15. The Regional Boards have multiple reports due for other Permits during the summer/dry months, extending the date creates an additional staff burden that cannot be supported.
56		Hans Kernkamp	18	The Department also recommends that the Data Entry Person designation, currently allowed for in the Storm Water Multi-Application and Report Tracking System (SMARTS), be continued in the current form.	The Permit allows Dischargers to have a person be a data entry person in the Storm Water Multi-Application and Report Tracking System.
56		Hans Kernkamp	19	The 2013 draft Permit strictly defines the Duly Authorized Representative, and this definition does not include a data entry person. If The State Water Board makes a formal distinction between uploading and submitting information into SMARTS, then this should be specified in the Permit. Additionally, if a data entry person remains a personnel category for SMARTS, then this too should be specified in the Permit.	The Permit has not been revised to address the comment. SMARTS will allow for data submitters, however the State Water Board f does not need to define a data submitter, see existing Construction General Permit electronic reporting info.
56		Hans Kernkamp	20	Factsheet Section 1.0.5., 6., 8. and 9., Pages 6 and 7 - Please refer to the Department's comment 11 regarding the 2013 draft Permit Section XII.A.1.	See response to commenter 56, comment 11 and 23.

56		Hans Kernkamp	21	Fact Sheet Section II.A.3., Page 11. Please refer to the Department's comment 1 regarding the 2013 Permit Section I.A.7.	Comment noted.
56		Hans Kernkamp	22	Fact Sheet Section II.A.4., Page 12, The Permit Coverage for Landfills. - Definitive rules for landfills, rather than subject guidance, would provide Permittees with certainty regarding applicable 2013 draft Permit coverage.	The Permit has not been changed to address the comment. The purpose of the Fact Sheet is to provide the rationale and guidance for the requirements in the Permit. Depending on the land disturbance activity at the landfill, it may be covered under the landfill industrial general Permit, or may fall into the construction Permit, it is infeasible to define this generically, since it is very site specific as to how this is determined. Attachment A clearly states what landfill application sites need an industrial general Permit.
56		Hans Kernkamp	23	Factsheet Section 11.0.4., Page 18 & Section II.D.4 Page 19 See also Design Storm Comment 11 and The Department suggests storm water data sets should be separated by industry type, for analysis and not only for future NELs, but also for the current promulgation of instantaneous NALs. See comment letter for specifics on the Departments SMARTS data analysis, but in conclusion - The Department recommends that if instantaneous NALs are going to be implemented as part of the 2013 draft Permit, that industry types be considered in the data analysis.	The State Water Board explored the use of geometric mean and decided it was not appropriate to use it at this time. Geometric is appropriate when it is anticipated a data set will have a range over several orders of magnitude or if it has been determined that the occurrence of a very high value is an anomaly. A high value may be an anomaly or may be from temporary lack of BMP implementation. The State Water Board is also concerned that dischargers with high values will not be required to conduct ERAs because of the use of geometric mean. Consider a discharger with the following four sampling results for TSS: 200, 180, 141, and 20. The annual NAL average of this data set is 135 and would appropriately place the discharger in Level 1. However, by using the geometric mean, the discharger's annual NAL average would be 97.29 and the discharger would not be required to conduct Level1 ERAs. Clearly the trend is that the discharger appears to be frequently having large exceedances of TSS. Over the next 5 years, The State Water Board will receive and evaluate sampling results submitted into SMARTS. The use and value of applying the geometric mean can be re-evaluated at that time. The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass.

56		Hans Kernkamp	24	Fact Sheet Section II. H. , Page 26- Training Qualifications - the Department recommends that a QISP be required to prepare a SWPPP even for sites that are in a baseline status.	The Permit has not been revised to address the comment. Only Dischargers entering Level 1 or Level 2, are required to have a QISP. The State Water Board is currently developing a QISP training program. Requiring all Dischargers to have a QISP would greatly burden The State Water Board's ability to administer the training program and would pose increased costs for Dischargers that in many cases would be inappropriate.
56		Hans Kernkamp	25	Attachment H - 5. Use only the sample containers provided by the laboratory to collect and store samples. Use of any other type of containers may contaminate samples. The above requirement is not always feasible. The Department utilizes "automatic" stainless steel storm water samplers to collect and store storm water samples, prior to transferring the water to laboratory provided containers. In addition, the Department has utilized a telescoping rod, with a plastic collection bucket, to obtain storm water samples from difficult to access locations in the past. The water was subsequently transferred to laboratory provided containers. The Department recommends that the subject Section be modified as follows: "Use only the sample containers provided by the laboratory add: "to submit samples for laboratory analysis". Delete: <collect and store samples. Use of any other type of containers may contaminate samples.>	State Water Board had modified the Permit to allow Dischargers to use non-laboratory sample containers when they are incompatible with the automatic samplers. The State Water Board has added the following in Appendix H. " For automatic samplers that are not compatible with bottles provided by the laboratory, the Discharger is required to send the sample container included with the automatic sampler to the laboratory for analysis". State Water Board does not agree that telescoping rods using non-laboratory containers is appropriate. The transfer of storm water to the laboratory container will leave oil and grease in original container, for example.
56		Hans Kernkamp	26	Attachment H - 7 Oversimplifying the procedures for untrained personnel and not requiring baseline status facilities to have a QISP overseeing the sampling can result in continued inaccurate sample results. Please refer to the Department's comment 24 regarding Section II.H. of the Fact Sheet. Section be modified as follows: "Fill the sample containers considering the water quality parameters being analyzed for. delete <do not overfill sample containers>. Under filling or Overfilling can change the analytical results.	The current Permit did not include sample collection and handling instructions that have now been incorporated into the Permit in attachment H The State Water Board agrees that the instructions are not comprehensive. But many Dischargers will not read comprehensive sampling guidance. Attachment H is intended to improve a Discharger's sampling procedures in a readily understandable way. Dischargers are required to work with a QISP in Level 1. State Water Board had proposed to require all Dischargers to work with a QISP but this was withdrawn because of the cost to Dischargers and the burden on the program of providing training to multi-thousand Dischargers prior to the Permit effective date.
57	RockTenn CP, LLC	Robert Dinehart	1	The 2008 MSGP excludes "source-separated recycling" facilities such as those we operate in California; the 2013 draft permit does not make this distinction. Especially given the high value placed on recycling, the Board should revise the draft permit to exclude "source-separated recycling" facilities from the additional monitoring requirements in the draft permit (Fe, Pb, Al, Zn, and COD) and from the associated requirements for ERAs if one of the additional pollutants specified in Table 1 were to exceed an NAL in Table 2 of the 2013 draft permit. Under SIC Code 5093 is the benchmark monitoring required for non-source separated recycling facilities in Sector N of the MSGP. Source-separated recycling facilities are expressly excluded from this required monitoring.	This permit has been edited to address the comment. Source separated recycling is not included in the SIC code 5093 monitoring requirements.

57		Robert Dinehart	2	RockTenn requests that the Board acquire further data and study the impacts of stormwater runoff from source-separated recycling facilities on the quality of receiving waters before imposing permit conditions that will in practice, divert attention and resources from other environmental efforts.	This permit has been edited to address the comment. The permit provisions have been revised to clarify that source-separated recycling materials are not subject to SIC code 5093 conditions.
58	Rural County Representatives of California, California State Association of Counties	Staci Heaton, Karen Keene	1	The most problematic component of the final draft Permit is the proposed January 2015 implementation date. It causes confusion on reporting under a new Permit vs current Permit during the rainy season. A July implementation makes more sense because it allows facilities to begin compliance with new requirements during a drier part of the year. RCRC recommends a July 1, 2015 implementation date to avoid these problems.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
58		Staci Heaton, Karen Keene	2	Requiring submittal via SMARTS alienates the rural population because many rural areas do not have broadband access, increasing the uncertainty of using a system like SMARTS. Before The State Water Board mandates the use of SMARTS, there should be a phase-in period that allows the more remote facilities some flexibility to account for technological shortcomings.	Dischargers must contact The State Water Boards and submit a hardship claim. Dischargers must explain the nature of the hardship and designate a representative with internet access to submit all required documents electronically for this General Permit.
58		Staci Heaton, Karen Keene	3	The requirement to cover empty waste disposal containers should not apply to those that are new or have been cleaned. We would ask that a specific exemption for new or cleaned containers be included in the final Permit.	The Permit has been revised to address the comment. Details have been added to the Permit to clarify that containers must contain industrial materials. Additionally a facility may determine that is technically infeasible to cover a stock pile due to safety or other concerns in their SWPPP.

59	SA Recycling	Lindsay Maine	1	the Industrial Permit docs not acknowledge that sector-specific Permits adopted by Regional Boards legally supersede the draft Industrial Permit. The Permit does not specifically grant authority to the Santa Ana Regional Board to continue to implement and enforce the Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities Within the Santa Ana Region, Order No. RS-2012-0012, NPDES Permit No. CAG 618001 ("Sector-Specific Permit") adopted on February 10, 2012. It would be helpful to clarify this point for all Dischargers in the jurisdiction of the Sector-Specific Permit as they are currently implementing the Permit requirements including extensive monitoring efforts.	The Permit has not been revised to address the comment. The sector-specific scrap metal Permit adopted by the Santa Ana Regional Water Board is discussed on page 10 of the Permit Fact Sheet.
59		Lindsay Maine	2	The State Board should embrace the sector-specific approach for this industry and is missing an opportunity to assist the scrap metal industry with meaningful compliance with water quality standards on a statewide basis. Allowing compliance groups to form helps, however this does little to address the differing compliance requirements for SA Recycling facilities located throughout California. With the level of similarity in regulatory requirements between the Region 8 Scrap metal Permit and this General Industrial Permit, it remains curious that the State Board cannot embrace the Sector-Specific Permit as a statewide Permitting approach for the scrap metal industry.	The Permit has not been revised to address the comment. Sector-specific Permits may be something that the State Water Board decides to adopt in the future but it is beyond the scope of the Permit.
59		Lindsay Maine	3	the draft Industrial Permit does not acknowledge or encourage this innovative Permitting approach of large-scale watershed management projects (Los Angeles MS4s) nor does it include robust encouragement of Low Impact Development ("LID")/infiltration/retention to address discharges of pollutants.	The Permit and Fact Sheet language has been revised to point out and clarify requirements in the Permit that allow and encourage the use of LID and related green infrastructure techniques. Developing a statewide credit system for LIDs across all industries is a significant effort not addressed in this Permit reissuance. The State Water Board may consider such a LID credit system next time it reissues the Permit.
60	Sacramento County Department of Waste Management and Recycling	Mike Koza	1	Section XI.B.7, Table 2, Annual NAL for Iron - This comment letter had about a page of technical information regarding landfills and background levels of iron. The draft permit as currently constructed would allow demonstration of background levels, but would not allow such demonstration to remove a discharger from Level 2, where dischargers are subject to additional BMPs. DWMR suggests that one of the following actions be taken: 1) Change the NAL so that it applies to dissolved iron only 2) Change the total iron NAL to at least 3 mg/1 3) Require that the successful demonstration of concentrations similar to background at any time in the permit life will result in a change in NAL for that parameter at that facility, to the corresponding background level as calculated by the appropriate statistical methodology.	Exceedances of the NALs do not constitute a violation of the permit. The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs, or aid in the development of NELs in future permits.

60		Mike Koza	2	Section XII.D.2 Please reinstate the following language from the 2012 draft Industrial The Permit: "Once a Demonstration Technical Report is submitted, the Discharger automatically returns to Baseline Status for that pollutant for NAL/ERA purposes. If a BAT/BCT Compliance Demonstration Technical Report is submitted, the Discharger remains responsible for compliance with receiving water limitations for the discharge identified in the Demonstration. If a Non Industrial Source Pollutant Demonstration Technical Report is submitted, the Discharger remains responsible for compliance with BAT/BCT and receiving water limitations for the discharge identified in the Demonstration. If a Natural Background Demonstration Technical Report is submitted, the Discharger is not responsible for the identified parameter(s) in the drainage area(s) in the Demonstration Technical Report." REASON: DWMR prefers the reinstatement of the infeasibility defense as existed in the 2012 draft Permit. DWMR believes that demonstration of infeasibility should result in a return to Baseline status.	The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s). The only penalty in remaining in Level 2 is the Discharger is ineligible for sampling reduction and that in some instances the Technical Report may need to be updated to address new industrial and/or non-industrial sources.
61	San Francisco Baykeeper (141 signers)	Eliet Henderson	1	I object to new Permit language that delays or fails to encourage industrial storm water polluters to implement the best storm water pollution treatment technologies. This creates confusion among the industrial community and regulators alike.	The Permit has been revised to address the comment and clarify the State Water Board's intent. The Permit contains language that encourages compliance with BAT or BCT as defined in Section 304(b)(4) of the CWA.
61		Eliet Henderson	2	The draft fails to include enforceable limits for toxic chemicals associated with stormwater runoff from the thousands of industrial facilities across California. I urge the State Water Board to work with staff to develop a streamlined permit that is clear and enforceable, and achieves the shared goal of collecting more and better data.	It is not feasible to develop numeric, technology-based effluent limitations for all industries and facilities subject to this permit at this time. The State Water Board will continue to work with all stakeholders to explore and revisit this topic over the next storm water reissuance cycle(s).
62	Sanitation Districts of Los Angeles County	Kristen Ruffell	1	Item 1: There should be a clear process for responsible dischargers to establish their compliance with the narrative receiving water limitations. The Sanitation Districts request that the State Board provide a process to be followed when a discharge is found to cause an in-stream exceedance of water quality objectives. We recommend that the State Board add a statement to the end of VI. A. to state that a Discharger will not be in violation of Receiving Water Limitation VI.A. as long as the Discharger complies with the procedure currently outlined in XX.B.1. The narrative receiving water limitation can be misinterpreted as de-facto water quality based numeric effluent limitations.	As explained in the fact sheet, industrial storm water discharges must comply with both the technology-based and water quality based requirements of the Clean Water Act. The commenter is suggesting an approach that has been requested for municipal storm water permits. Municipal storm water permits are issued under a different section of the Clean Water Act that does not apply to industrial storm water permits. There is no authority for an exception to industrial storm water dischargers' obligation to comply with water quality based requirements.

62		Kristen Ruffell	2	Concern with applying the US EPA benchmarks as NALs, U.S. EPA Benchmarks derived from stormwater runoff data of primarily paved surfaces are not economically achievable at unpaved industrial facilities such as landfills and that the development of any NAL should be technology-based and rely on sector or group-specific data.	The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs.
62		Kristen Ruffell	3	it is more representative to use geometric average of analytical results, which is more suitable for data that range several orders of magnitude, when reporting the annual average of an analytical parameter.	The State Water Board explored the use of geometric mean and decided it was not appropriate to use it at this time. Geometric is appropriate when it is anticipated a data set will have a range over several orders of magnitude or if it has been determined that the occurrence of a very high value is an anomaly. A high value may be an anomaly or may be from temporary lack of BMP implementation. The State Water Board is also concerned that dischargers with high values will not be required to conduct ERAs because of the use of geometric mean. Consider a discharger with the following four sampling results for TSS: 200, 180, 141, and 20. The annual NAL average of this data set is 135 and would appropriately place the discharger in Level 1. However, by using the geometric mean, the discharger's annual NAL average would be 97.29 and the discharger would not be required to conduct Level1 ERAs. Clearly the trend is that the discharger appears to be frequently having large exceedances of TSS. Over the next 5 years, the State Water Board will receive and evaluate sampling results submitted into SMARTS. The use and value of applying the geometric mean can be re-evaluated at that time.
62		Kristen Ruffell	4	The Sanitation Districts have concerns with regard to reporting "non-detect" data as anything other than as reported by the laboratory. Reporting "non-detect" results as zero values will generate a biased-low running average over a Permit cycle. The reporting protocols recommended here have previously been adopted by the Regional Board for NPDES reporting purposes and can be found in many Waste Discharge Requirements for the Sanitation Districts' Water Reclamation Plants. A better way to report the two categories of sample results that are less than the Minimum Level or the Reporting Limit (ML/RL) is as follows: (1) Sample results< laboratory's MDL Report sample results that are less than the laboratory's MDL as "less than the numerical value of the MDL". This preserves the integrity of the original laboratory value and allows future analysis of the data. (2) Laboratory's MDL< Sample results< ML/RL. Report the estimated chemical concentrations with the appropriate data qualifiers, so that it is clear to the end user that these results are "detected, but not quantified" (DNQ). In reality, a DNQ result is a numerical estimate of the chemical	Results will be reported as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised to address this comment.

				concentration of the sample, and as such, it is often reported as a numerical estimate with the letter "E" in front of it. For example, a DNQ value of 5.0 mg/L is reported as E5.0 mg/L.	
62		Kristen Ruffell	5	Proposed language for Section XI.B.11 (MDL etc)	Results will be reported as zero and premature averaging will not be calculated in the Storm Water Multiple Application and Report Tracking System. General Permit Section XI.B.11 has been revised to address this comment.
63	Schnitzer Steel Industries	Chris Orsolini	1	In short, conducting our recycling operations in a fully contained manner would severely impact the efficiency of our operations. In addition, the cost of such large buildings (literally covering multiple acres) and new fully-contained bins for material handling would be prohibitively expensive and provide relatively little environmental benefit to water quality. Schnitzer Steel believes that the current Permit which allows regulated facilities to develop their own site/industry specific BMPs promotes efficient, cost effective reductions of pollutants in storm water by allowing BMPs to be specifically tailored to facility-specific and industry characteristics. Schnitzer believes substituting broadly applied prescriptive minimum BMPs for the facility/industry specific approach allowed in the current Permit would cause unnecessary operational and financial burdens on industry while achieving very minimal additional environmental benefit. Specifically cited minimum BMP Sections X.H.1.e.ii, X.H.1.b.vi, X:H.1.b.vii.	The Permit promotes the use of site-specific and industry-specific uses of BMPs.
64	Solid Waste Industry Stormwater Partnership, Butte County Public Works Department, California Refuse Recycling Council, Clean World Partners, Inland Empire Disposal	Mike Crump, kathy Lynch, Shawn Garvey, Kelly Astor, Douglas Landon, William Merry, Lou Ratto, Bill Zimmerman, Amy Dietz, Chuck Helget, Mary Pitto, Patrick Mathews, Tom Reilly, Charles White, James Durfee	1	Strong Supports the Natural Background demonstration, pH screening, in general the RWL framework (see comment 5), TMDL framework, and the absence of NELs,	Comment noted.

	Association, Los Angeles County Waste Management Association, Kern County Waste Management Department, Monterey Regional Waste Management District, North Bay Corporation, Placer County Department of Facility Services, Recology, Republic Services, Rural Counties' Environmental Services Joint Powers Authority, Salinas Valley Solid Waste Authority, Solid Waste Association of Orange County, Waste Connections, Waste Management, Western Placer Waste Management Authority				
64		Mike Crump, et al.	2	SWISP requests that the effective date be extended to July 1, 2015. It will be problematic to have half of a rainy season under the existing Permit and the second half of the rainy season under the new Permit. Splitting the rainy season will overly complicate not only the reporting but also analysis of data to determine Permit compliance.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.

64		Mike Crump, et al.	3	SWISP disagrees that the Construction General Permit should be required – in addition to the General Permit – for ongoing landfill construction activities such as the construction of "buildings and impervious parking lots or roads that disturb greater than one acre" or other construction of "any structural improvements designed to remain until the landfill is closed."	The Permit only regulates the normal day-to-day industrial activities at a facility. This Permit does not regulate discharges from construction projects that are not a part of normal industrial operations.
64		Mike Crump, et al.	4	The Permit should clarify that the exceedance of the instantaneous NALs is determined based on two or more analytical results of the same parameter for discharges from the same drainage area at the facility but during different sampling events. Two exceedances of an instantaneous NAL in different drainage areas (whether during the same or different sampling events) should not trigger an instantaneous maximum NAL exceedance. The intent of this provision is to allow the permittee and the agencies to determine which drainage areas have chronic stormwater problems.	This General Permit has not been modified as requested. Any two instantaneous exceedances of the same parameter, regardless of the drainage area, trigger a change in the discharger's status from baseline to Level 1. When constructing the ERA process, State Water Board staff strived to capture both chronic problems in a single drainage area and indications of wide-spread problems from various drainage areas.
64		Mike Crump, et al.	5	SWISP is concerned that the permit, as currently proposed, removes the previous safe harbor with respect to receiving water limitations and now requires that dischargers ensure compliance, which will be difficult if not impossible to demonstrate. Section VI. Receiving Water Limitations should read: Permittees shall design, update as necessary, and timely implement the facility's BMPs and other requirements of the facility's SWPPP so that industrial storm water discharges and authorized NSWDs from the facility are not found by the Water Boards to: A. an exceedance of any applicable WQS in any affected receiving water. B. Adversely affect human health or the environment. C. Contain pollutants in quantities that threaten or cause pollution or a public nuisance (The words "or contribute to" are not required by federal law except in the context of performing a reasonable potential analysis. (40 C.F.R. §122.44(d)(1)(i) and (ii).) Therefore, these words should be removed from this provision).	As explained in the fact sheet, industrial storm water discharges must comply with both the technology-based and water quality based requirements of the Clean Water Act. The State Water Board is retaining "cause or contribute to an exceedance of any applicable water quality standard" as the appropriate receiving water limitation. Section 2.2.1 of the U.S. EPA MSGP uses the same standard.

64		Mike Crump, et al.	6	The SWRCB should reconsider returning to the more reasonable and straightforward language for no discharge determinations from the 2011 draft (Dischargers who have facilities designed to contain a 100 year 24-hour storm event and three (3) consecutive 20 year 24 hour storm events in a month are not found to have a potential to discharge pollutants, and therefore pose no threat to water quality).	The Permit has not been revised to address the comment. Historic Maximum Precipitation Event includes a 24-hour, 1-hour, 72-hour time period. Probability of reoccurrence (100yr, 20yr) is an estimate that the event will occur in the future. Determining the facilities maximum historical rainfall event is complex and must be in accordance with laws and regulations addressing issues regarding California businesses and professions.
64		Mike Crump, et al.	7	Is there any obligation on the Discharger to amend this designation in SMARTs if the QISP changes and, if so, what is the timeline for such a change?	Dischargers are required to update the contact information for the designated QISP in SMARTS. Since the map revisions are essentially a part of the SWPPP, and per Section X.B.2., the SWPPP revisions must be submitted and certified via SMARTS within 30 days, this timeframe applies to maps as well.
64		Mike Crump, et al.	8	The term "Significant" is rather loosely defined and includes the phrase "change in storage locations". It is our understanding that the Permit provides the Permittee to determine what constitutes a "significant change". For example, we would not consider moving a drum of oil from one side of the building to another side of the building to be significant. In addition, what is the required timeframe to submit a modified map into SMARTs?	The Permit has not been revised to address the comment. This General Permit intentionally does not define this term for every Discharger with Permit coverage. Dischargers are allowed to make such determinations at their facility to provide them with compliance flexibility. Since the map revisions are essentially a part of the SWPPP, and per Section X.B.2., the SWPPP revisions must be submitted and certified via SMARTS within 30 days, this timeframe applies to maps as well.
64		Mike Crump, et al.	9	-Our CA industry stores literally thousands of empty waste disposal containers when they are not in use, requiring such containers to be covered when stored would be tremendously expensive. Further, why mandate the covering of any containers if there is not a stormwater quality problem that can be otherwise mitigated? -The owner of the industrial site where the container is located should be the entity responsible for any covering of containers – not the owner of the container. -Some containers are hard to cover - construction and demolition debris containers are typically covered when being transported from a collection site to a waste management facility. However, the covering or tarping of these containers while being used to collect waste at a construction site is problematic. -The Permit should be modified to only require covering of containers that contain waste and, then, only if there is a water quality problem attributable to the storage of such containers.	The Permit has been revised to address the comment. Details have been added to the Permit to clarify that containers must contain industrial materials in them. Additionally, a Discharger may determine that is technically infeasible to cover a stock pile due to safety or other concerns in their SWPPP.

				In summary, SWISP requests the following changes: a) Waste Container covering not be required when the container is being stored and not used for the management of waste. Covering of empty containers may be proposed by a Permittee if as a BMP if warranted to mitigate a stormwater problem. b) Covering of Containers while in use only be required as part of a BMP developed by the Permittee – not an absolute requirement of the Permit.	
64		Mike Crump, et al.	10	BMPs--Page 31(f)(ii)-- remove forecasted rain event language, There is no longer a definition of a forecasted storm event and SWISP requests this condition be revised to read: Provide effective stabilization for inactive areas, finished slopes and other erodible areas.	While the Permit no longer contains the definition of a forecasted storm event for other reasons, the intent of this requirement is clear. Using common tools (e.g. internet, phone application, television news, other media), a Discharger can easily determine if a storm event is forecasted (or not).
64		Mike Crump, et al.	11	Sample Analysis Reporting Page 39 (11) — We request timeframe be extended to 45 days (compared to 30 days provided in Permit) from date of receipt of analysis to enter the data into SMARTS.	The Permit continues to require data to be reported within 30 days of obtaining results. This is to balance timeliness for responding (e.g., new BMPs, maintain BMPs, etc.) with the burden to dischargers to report. Staff considers 30 days to be the appropriate timeframe.
64		Mike Crump, et al.	12	There seems to be no consistency in the Permit and attached documents with this phrase. In many cases the word “or” is used in place of “and”. The Permit needs to consistently use the words “and” and “or”.	The Permit has been edited to address the comment.

64		Mike Crump, et al.	13	Permittees should be allowed to submit a Non-Industrial Source Pollutant Demonstration and/or a Natural Background Pollutant Source Demonstration at any time.	The Permit clarifies that a Discharger is not precluded from submitting a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status if information is available to adequately prepare the report and perform the demonstrations. A Discharger who chooses to submit a Level 2 ERA Action Plan or ERA Technical Report prior to entering Level 2 status will automatically be placed in Level 2. Dischargers who intend to prepare a Level 2 ERA Action Plan must submit the Action Plan by January 1 and comply with the other Level 2 ERA scheduling requirements.
64		Mike Crump, et al.	14	Returning to Base Line Status. The Permit should clarify that a Discharger can return to Baseline status if the sample results for the same drainage area or discharge point show no exceedances for four subsequent and consecutive QSEs. SWISP recommends the following revision to Section XII.C.2.b: A Discharger's Level 1 status for a parameter will return to Baseline status: - once a Level 1 ERA report has been completed, - all identified additional BMPs have been implemented, and - results from four (4) subsequent and consecutive QSEs that were sampled indicate no additional NAL exceedances for that <parameter in the drainage area or at the discharge point that triggered Level 1 status>. Section XII.D.4.a, SWISP recommends the following revisions. Dischargers with Level 2 status who submit an Industrial Activity BMPs Demonstration in accordance with subsection 2.a.i through iii above and have implemented BMPs to prevent future NAL exceedance(s) for the Level 2 parameter(s) shall return to baseline status for that parameter, if results from four (4) subsequent consecutive QSEs sampled indicate no additional NAL exceedance(s) for that parameter(s)< in the drainage area or at the discharge point that triggered Level 2 status>. If future NAL exceedances occur for the same parameter(s)< in the same drainage area or at the same discharge point>, the Discharger's Baseline status will return to Level 2 status on July 1 in the subsequent reporting year during which the NAL exceedance(s) occurred. These Dischargers shall update the Level 2 ERA Technical Report as required above in Section D.3.c.	The Permit does allow Dischargers in Level 1 to return to baseline status. No Permit revision is necessary. The Permit has been revised to allow any Discharger with Baseline status to rise to Level 1 regardless of whether the Discharger had previously been in Level 2. Dischargers that had designed and implemented BMPs to eliminate future exceedances may experience a unique one -time event such as fire, earthquake, or equipment mal - function that would not necessarily trigger a complete Level 2 ERA Evaluation since there may not be anything wrong with the original design and installation. Equipment mal-function or operator error can be addressed through SWPPP revisions Improved operator training, better maintenance schedules, etc. which is included in the Level 1 ERA.
64		Mike Crump, et al.	15	Dischargers should not be ineligible to return to Baseline status because they have: a) submitted an industrial activity BMP demonstration, b) a non-industrial pollutant source demonstration, or c) a natural background pollutant source demonstration. SWISP recommends that the Board delete Section XII.D.4.b in its entirety, or, at a minimum provide a reasonable explanation as to these demonstrations should preclude returning to Baseline status.	The Permit has not been modified to address the comment. The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s).

64		Mike Crump, et al.	16	Test methods change, may not be a good idea to set the methods in stone in the Permit. SWISP recommends that the Permit allow for Permittees to use either the test methods in effect at the time that the Permit is issued or test methods that are subsequently adopted by EPA into 40 CFR Part 136.	The Permit has been revised to allow Dischargers to propose an analytical test method for any parameter or pollutant that does not have an analytical test method specified in Table 2 or in SMARTS. Dischargers may also propose analytical test methods with substantially similar or more stringent method detection limits than existing approved analytical test methods. Upon approval, the analytical test method will be added to SMARTS. State Water Board agree that test methods can change and prior to adopting the next Permit. The revised language should give the Dischargers and the program the ability to revise test methods when appropriate.
64		Mike Crump, et al.	17	Monthly inspection on days with precipitation. Section XI.1.b - This appears to be an unnecessary restriction Furthermore, the Permit does not explain how to determine what days qualify as "without precipitation." Does this mean no precipitation at all? More than 1/10th of an inch? What happens if there is a brief shower in the early morning, then dry weather at the time of the visual observation? SWISP recommends revising Section XI.A.1.b as follows: The monthly visual observations shall be conducted during daylight hours of scheduled facility operating hours and may be conducted on days without precipitation.	The visual observation includes identifying any NSWD which makes it necessary that the ground is dry. Dischargers should not perform visual observations just before a storm event because it does not give the Discharger time to make BMPs adjustments or mitigate uncontrolled outdoor pollutant sources. It would not be a violation of the Permit if a visual observation could not be made because it had rained each and every day of a month. We are not proposing a threshold to establish what constitute a storm event. That was attempted in the 2013 draft Permit and was withdrawn due to the complexity of maintaining rain gauges.
64		Mike Crump, et al.	18	Page 43, XI Monitoring C. Methods and Exceptions 5. Qualified Combined Samples (QCS)and Attachment H indicates that only the lab can combine samples and RWQCB approval is only needed if combining more than four discharge points. This creates a potential problem if the lab does not combine samples per the Permittee's request. SWISP requests that Permittees be allowed to combine samples and that the Fact Sheet be consistent with the Permit in regard to when RWQCB approval is necessary.	Laboratories follow specific procedures when combining samples to assure all residual pollutants are not left inside the original sample containers. For example, a laboratory will use a solvent to remove oils and grease that remain in the original container. Dischargers therefore should only contract with laboratories that will combine samples.
64		Mike Crump, et al.	19	Attachment H should be amended to provide a means to use substitute sampling devices as necessary to collect the sample prior to placement into the container provided by the lab. It should only be required to use the correct lab container for shipping samples (as identified by the lab method), and other than lab bottles should be allowed.	State Water Board does not agree Dischargers should be able to transfer storm water from one container to another. The transfer of storm water to the laboratory container will leave oil and grease in original container, for example.

64		Mike Crump, et al.	20	The General Permit should define industrial activities through the use of NAICS codes, and not SIC codes. The Board should abandon the outdated use of SIC codes for purposes of determining general Permit coverage under the General Permit and instead adopt the currently used NAICS codes. SWISP recommends that the Board consider making this transition now. The increasingly antiquated SIC system is no longer supported by the U.S. Census Bureau and will likely create greater uncertainty and litigation issues in the future if the new NAICS system is not adopted. SWISP cited many legal references to why the change should be made to NAICS.	The Permit has not been revised to address the comment. SIC codes are used in the federal regulations. Until the federal regulations are updated by US EPA, the State Water Board will continue to use SIC codes.
64		Mike Crump, et al.	21	Effluent Limitation Guidelines(ELGs) s. SWISP believes that clarification is needed to Table 1, "Storm Water Specific NSPS Effluent Limitation Guidelines". Only "contaminated storm water" from landfills is subject to ELGs. EPA's effluent limits for Subtitle D landfills are codified at 40 CFR Part 445. "Contaminated stormwater" is defined as: storm water that comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in paragraph (f) of this section. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas. 40 CFR § 445.2(b). In contrast, "non-contaminated stormwater" is defined as, storm water that does not come in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater that is defined in paragraph (f) of this section. Non-contaminated storm water includes storm water which flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.	This permit and the NALs and ERA associated with it apply to industrial storm water. Wind and rain erosion of surface materials that are associated with industrial activity could be subject to the requirements in the permit.
64		Mike Crump, et al.	22	Plastics Facilities. Pages 13 and 61. Almost all industrial facilities participate in post-consumer waste recycling for employees e.g., recycling bins in lunchrooms and recyclable collection bins and dumpsters. To avoid the unintended consequence of eliminating this type of recycling, the order should make it clear that facilities engaged in this type of recycling are not subject to the Plastics Materials requirements of the General Permit. While Finding 73 mentions pre-production plastics, it is not clear from the listing of plastics that post-consumer product recycling is excluded, and the provisions in section XVIII.A do not mention pre-production plastics.	The Permit has been changed to address the comment. The definition of Plastic Materials has been edited to clarify that facilities engaged in this type of recycling are not subject to the pre-production plastic requirements contained in the Permit.

64		Mike Crump, et al.	23	Sediment Basin Design. Page 32. SWISP requests that the final Permit Clarify that existing sediment basins do not need to be redesigned. Similar to treatment control design, SWISP requests that this design standard only apply to new sediment basins that are constructed after the effective date of the Permit. For new sediment basins, ensure compliance with the design storm standards in Section X.H.6. If the design standard is required of existing sediment basins, provide at least a 5-year compliance period and, if reconstruction to meet the design standards is not feasible allow a proposal for alternative compliance.	The Permit does not require Dischargers to retrofit existing treatment and/or structural controls that do not meet the minimum design storm standards until the Discharger has Level 2 status and (1) treatment and/or structural controls subject to design storm standards are selected to achieve NAL compliance, or (2) the Discharger has demonstrated retrofitting the existing structure is not expected to eliminate future NAL exceedance(s) or be economically achievable. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
64		Mike Crump, et al.	24	Annual Report Submittal. Page 56. Section XVI Annual Report A. Reports are due July 15th. Fifteen days from the end of the reporting year is simply not enough time. SWISP recommends allowing at least 30 days to submit the annual report.	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the current due date, sampling reporting has been unhinged from the annual report, and the annual report has been simplified to a checklist. The annual report can be worked on during the reporting year s than just the Legally Responsible Person - LRP) if needed and quickly certified and submitted by the LRP on or before July 15. The Regional Boards have multiple reports due for other Permits during the summer/dry months, extending the date creates an additional staff burden that cannot be supported.
64		Mike Crump, et al.	25	Level 2 Technical Report Rejection. Page 51. "Water Board may reject the Level 2 ERA Technical Report". This doesn't seem reasonable and timely. Considering the Permittee has up to 1 year to submit a Plan and then submit a Technical Report by Jan 1 of the following year. After all your effort and time, the Permit should provide an opportunity to meet and resolve technical report issues short of outright rejection. SWISP requests that an opportunity be provided in the Permit to meet and confer with the SWRCB or RWQCB prior to rejection of any technical report.	The Permit has not been revised to incorporate a Regional Water Board concurrence element. Dischargers may contact the Regional Boards to discuss their Level 2 Action Plan or capital improvement projects but we cannot guarantee neither the timely review nor concurrence by the Regional Water Boards.
65	State of California Auto Dismantler Association	Martha Cowell	1	For the auto dismantling industry, the sampling requirements in the draft Permit will represent a huge increase in sampling activity and cost. Yet the draft Permit offers no evidence or justification that the specific increase in sampling called for in the draft Permit will provide an adequate database that meets the State Board's goals. In fact, we believe that the new database will probably continue to be too variable and inaccurate to be reliably used for the Board's stated purposes.	The increased sampling, compared current Permit's two samples during the wet season, is consistent with the 2008 MSGP and other states' Permit requirements and will improve compliance determination with the Permit. The Permit allows Dischargers to participate in Compliance Groups that allow a reduction of sampling to twice a year.

65		Martha Cowell	2	We also reaffirm our belief that an improved and more credible and reliable database could be provided by allowing industries to propose alternative sampling programs that would be professionally managed and utilize automatic flow-based sampling equipment installed at a representative group of facilities. We again urge the State Board to consider such an option.	Water Code section 13383.5 requires that the State Water Board include (1) standardized methods for collection of storm water samples, (2) standardized methods for analysis of storm water samples, (3) a requirement that every sample analysis be completed by a State certified laboratory or in the field in accordance with Quality Assurance and Quality Control (QA/QC) protocols, (4) a standardized reporting format, (5) standardized sampling and analysis programs for QA/QC, and (6) minimum detection limits. The monitoring requirements in the Permit (Section XI), as supplemented by SMARTS, address these requirements. The State Water Board believes that development of non-standardized alternative sampling programs may not be consistent with the Water Code.
65		Martha Cowell	3	We appreciate the changes in the proposal that provides for the use of either pH paper strip tests or pH meters for the onsite testing. The added cost of the meters and updates on top of other regulatory compliance costs and Permit fees add up quickly. Allowing for the use of paper test strips will be sufficiently accurate at a lower cost.	Comment noted.
65		Martha Cowell	4	The use of the EPA benchmarks as NALs is outside the intended scope for these numbers, We anticipate that most stormwater samples from auto dismantling facilities will exceed the NALs for iron, copper, zinc, and to a lesser extent aluminum and perhaps other parameters. Consistently meeting these NALs will usually require the installation of extremely expensive stormwater filtration and treatment systems that are not economically achievable for most dismantlers. Such expenditures should not be triggered solely by the exceedance of NALs that were originally intended by USEPA to be used only as a general guide to evaluate BMPs and identify areas of concern. We recommend that the NALs be used as recommended by USEPA – to assess BMPs and identify problem areas.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs.
65		Martha Cowell	5	Lack of scientific information justifying numbers - there is little if any indication that an iron level exceeding 1.0 mg/l is harmful to fish and aquatic life or other beneficial use. The Total Suspended Solids (TSS) benchmark of 100 mg/l was selected because it approximated the median level in urban runoff during the Nationwide Urban Runoff Program (NURP) study in the 1980s. Complying with such NALs that lack a strong scientific basis will do little to protect the beneficial uses of California's waterways.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs.

65		Martha Cowell	6	We are concerned that the sampling data that would be compared against the NALs will likely be too variable to be an accurate assessment.	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs.
65		Martha Cowell	7	Since the State Board intends to implement Numeric Effluent Limits (NELs) in future permits, we recommend that "numerically-triggered" structural/treatment controls be postponed until such NELs are developed. Industries are still facing too many unknowns and uncertainties: structural/treatment controls that are designed to meet the NALs may not be adequate to meet future NELs and BAT/BCT– which could require facilities to remove and replace expensive controls. Of course, facilities would be required to implement structural/treatment controls if their BMPs were inadequate or they were contributing to a TMDL water quality problem (as mandated in the existing general permit).	The NALs in this permit are intended to be guidelines for determining BAT/BCT and not strict drivers of BMPs. The ERA process in the permit is designed to not only guide dischargers towards BAT/BCT, but it should inform the whole storm water program and community about the performance and cost-effectiveness of BMPs that could represent BAT and BCT. For this reason it is desirable to have the NALs employed for all discharges, even those that occur as a result of a bypass. The State Water Board will evaluate the data in this permit over the next few years to hopefully derive better, sector-specific NALs, or aid in the development of NELs in future permits.
65		Martha Cowell	8	We anticipate that at least half of the auto dismantlers will need to comply with the Level 2 requirements. We strongly urge the State Board to simplify and streamline the ERA process. We note that the September 6, 2013 Compliance Cost Analysis prepared by the State Board staff estimated an average cost of $12,150 to evaluate structural/treatment BMPs and prepare the Level 2 ERA Technical Report – a huge financial burden for any small business.	The Permit uses the USEPA benchmarks as NALs. The current permit did not contain Benchmarks/NALS and did not define a process to establish what a Discharger should do in response to sampling results. Many Dischargers have commented that sampling results that were high were attributed to other non-industrial sources and therefor Dischargers should not be held responsible. The Permit establishes a two-step ERA process with the goal of allowing Dischargers a mechanism to demonstrate their Permit compliance. Although not exactly the same, the Permit incorporates elements of other states' general Permits and the MSGP that attempt to reach the same goal. And unlike the other general Permits, the Permit allows Dischargers to consider pollutants from natural background, discharges into the facility from adjacent property, and non-industrial related pollutants from a Dischargers' own facility. In addition, the Permit allows Dischargers to demonstrate that the BMPs they are already implementing comply with the Permit despite NAL exceedances. For Dischargers with NAL exceedances, the Permit contains more costly requirements than the current permit. The State Water Board has strived to propose requirements that reduce costs wherever possible while insuring that the ultimate goal of water quality protection is achieved.

65		Martha Cowell	9	SCADA appreciates the retention of the Compliance Groups, replacing the current Group Monitoring Programs (GMP). Such Compliance Groups should have an active role in reviewing collected sampling data, identifying needed BMPs, developing future NELs, and evaluating the potential for developing a sector specific Permit. SCADA also appreciate the accountability required of Compliance Group Leaders and the incentives for being in a Compliance Group.	Comment noted.
65		Martha Cowell	10	Supports the simplification of QISPs and the associated training. Further, Recommend that QISP training be allowed to be offered by organizations such as SCADA, or by experienced consultants that serve the industry.	Comment noted. The State Water Board is developing a training program for QISPs that will be implemented through workshops and third party input.
65		Martha Cowell	11	we are highly concerned that SMARTS electronic submittals remain complicated and time-consuming for many dismantlers, especially the smaller operations. Some dismantlers do not have computers or the skill necessary to submit the information.	The Permit has not been revised to address the comment. Dischargers must contact The State Water Boards and submit a hardship claim. Dischargers must explain the nature of the hardship and designate a representative with internet access to submit all required documents electronically for this General Permit. The State Water Board proposes to streamline many of the reporting requirements in SMARTS.
65		Martha Cowell	12	It is also important that SMARTS be designed to protect "trade secrets" from inappropriate public distribution.	The Permit has not been revised to address the comment. Section II.B.3.c-d allows the redaction of trade secret and security sensitive information from SWPPPs submitted via SMARTS.

65		Martha Cowell	13	Additional steps should also be taken to ensure that the submitted data are accurate, and erroneous reporting is minimized.	The electronic reporting in this General Permit is user-driven, the storm water helpdesk does a review of some of the submittals, however, it is the Discharger's responsibility to submit data/information that is true and correct. If errors are made, there is a process for noting the error electronically.
65		Martha Cowell	14	If such vulnerabilities (Further, providing all compliance-related information on SMARTS will increase our industry's vulnerability to third-party lawsuits and invite abuse of the system) are pursued in greater numbers, this will only serve to put these "good actors" out of business to the detriment of water quality. Recommend that the existing data and information submitted to SMARTS be continued, but that additional submittals not be required at this time and that the information not be immediately transparent. We recommend a process whereby the information could be obtained through a formal request to the Board, which will help alleviate witch hunts from being so easily undertaken with the immediate availability of such information.	Language has been added to this General Permit that allows Dischargers to redact information if the process in Section II.B.3.d is followed.
65		Martha Cowell	15	Further review of the TMDLs is necessary; given the many years that TMDLs have been developed, it does not appear that the State Board can adequately assess the impact on industry by July 2015. We concur that more specific TMDL reports would be valuable, but recommend that sufficient data and analysis be collected and analyzed to support the accuracy of specific TMDL waste load allocations.	The Permit has not been revised to address the comment. Regional Water Board , with the assistance of the State Water Board, will develop and submit the proposed TMDL-specific Permit requirements for each of the TMDLs listed in Attachment E by July 1, 2016. After conducting a 30-day public comment period, the Regional Water Boards will propose TMDL-specific Permit requirements to the State Water Board for adoption into this General Permit
65		Martha Cowell	16	For the auto dismantling industry, we believe that the Compliance Cost Report seriously underestimates the percentage of facilities that will need to comply with Level 2 structural/treatment BMP requirements. The Report also ignores the cost of Level 1 Advanced BMPs, and greatly underestimates the cost of Level 2 structural/treatment systems that a typical auto dismantler would need to implement to consistently meet the NALs. For the dismantling industry, we estimate that the typical facility would incur a 5-year compliance cost of $280,000 – which represents a 72% increase in the cost of complying with the existing (1997) Permit. Some large dismantling facilities with multiple stormwater discharge locations will face a compliance cost approaching $1 million. Such a cost increase will cripple the professional auto dismantling industry in California, drive smaller operations out of business, force more dismantlers underground as illegal operators, and ultimately threaten water resources since fewer vehicles will be properly processed.	The cost analysis has not been revised to address the comment. The intent of the cost analysis is to provide a comparative cost from the requirements in existing order 97-03-DWQ to the new requirements in the proposed Permit. The authors of the analysis made many assumptions in order to generalize the cost and, as stated in the analysis, the results are not intended to be representative of costs at any facility. The State Water Board is available to work with representatives to develop tools to comply with the Permit. Some facilities may have increased cost over the estimated values and some facilities may have reduced cost as compared to the estimated values.

65		Martha Cowell	17	The Permit will have a tremendous impact on auto dismantlers. We remain highly concerned that the long-term business viability of the good actors – SCADA members – depends on alternative options for compliance, protection from unreasonable litigation and further action to address the underground operations. Failure to address these issues going forward will result in the good actors going out of business to the detriment of water quality as the unregulated community takes over. In order to protect water quality without further tilting the playing field in favor of the bad actors, we recommend that a working group be formed to report to the State Board that would be made up of licensed dismantlers (and other industry sectors with similar concerns/impacts), regulators, and environmental advocates. Such a working group could be established to provide a forum for dialogue on Permit compliance, overall water quality and other environmental issues that are a result of activities associated with end of life vehicles.	The State Water Board is aware of the uneven playing field for this Sector. The State Water Board has been discussing this issue and possible solutions outside of the Permit and with other agencies.
66	United States Army Corps of Engineers	John Esparza	1	Gen. Permit. Section B(2) – use construction definition and 50% Probability per NOAA?	The requirement to conduct pre-storm inspections was removed in last draft Permit and replaced by a monthly inspection. The State Water Board encourages Dischargers to try to conduct the monthly inspection prior to expected rainfall. Dischargers are free to use any means available to them such as whether station, TV and radio news, etc. if choosing to schedule monthly inspections prior to a rain event.
66		John Esparza	2	Gen. Permit. Section B(5)(d) – The following appears to be an incomplete sentence: “Parameters indicating the presence of industrial pollutants that may be causing or contributing to an exceedance of a water quality standard in the receiving waters”.	State Water Board cannot find the referenced section in the Permit.
66		John Esparza	3	Gen. Permit. Section XII(A)(1)(b) – “An instantaneous maximum NAL exceedance occurs when two or more analytical results for TSS, O&G or pH from samples“. Does the ‘two or more’ analytical results apply to the same sample location or to all sample locations in the entire facility? Case 1: Sample Point 1 TSS and O&G exceed NAL. Therefore considered an ‘instantaneous maximum NAL exceedance’. Case 2: Sample Point 1 TSS result exceed NAL. No other results exceed. Sample Point 2 O&G result exceeds NAL. No other results exceed. (Note: Sample point 2 represents a different industrial activity than sample point 1). Not considered an ‘instantaneous maximum NAL exceedance’ as ‘two or more’ analytical results (from same sample location) did not exceed an NAL. Please confirm.	An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken (from all of the facility, regardless of discharge location) for any single parameter within a reporting year exceed the instantaneous maximum NAL value (for TSS and O&G) or are outside of the instantaneous maximum NAL range for pH.

66		John Esparza	4	Gen. Permit. Section (I)(D)(29) – Revise this section by citing section IV of the general permit.	Comment noted.
67	United States Department of Defense, Region 9	C.L. Stathos	1	US Constitutional law and federal jurisprudence only allow federal agencies to pay state imposed charges in certain limited circumstances. General Permit Coverage (NOI) and No Exposure Certification (NEC) coverage require payment of an annual fee . DoD needs sufficient information describing the type and level of services we receive from the State agency to ensure this charge is a payable fee. The record should provide information and analysis to support the conclusions that the charge is a payable fee and not a non-payable tax .	Federal fee issues will be resolved after the permit is issued.
67		C.L. Stathos	2	2 . Waiver of Sovereign Immunity Section: Page 19, III.C Comment: Water Code Section 13050 implicates Cal ifornia nuisance law for which there is no waiver of sovereign immunity. Recommendation: Remove references to "nuisance" or provide qualifier for federal facilities.	The waiver of sovereign immunity in Clean Water Act section 313, subdivision (b), includes state law related to control and abatement of water pollution. Therefore, Congress has generally waived sovereign immunity for state laws related to discharges of industrial storm water, including those that implicate nuisance or other health or safety concerns. The permit provisions that deal with nuisance and health and safety apply only to the discharges covered by the permit.
67		C.L. Stathos	2	2 . Waiver of Sovereign Immunity Section: Page 19, III.C Comment: Water Code Section 13050 implicates Cal ifornia nuisance law for which there is no waiver of sovereign immunity. Recommendation: Remove references to "nuisance" or provide qualifier for federal facilities.	combine with above comment

67		C.L. Stathos	3	Unclear what benefit is derived from requiring monthly visual observations of "outdoor industrial equipment and storage areas, outdoor industrial activities areas, BMPs , and any other potential source of industrial pollutants" . In combination with the many other new requirements in the Permit , these additional changes will require a substantially greater effort and increased resources , especially in the case of large military facilities. Quarterly visual observations would still be burdensome on manpower but are much more feasible without a significant reduction in the environmental benefit. These monthly requirements should be changed to quarterly.	The current The Permit includes quarterly NSWD inspections and monthly visual observations of storm water discharge. It did not specifically set a frequency to visually observe BMPs or outdoor areas. The 2013 draft Permit had included pre-storm inspections which commenters had numerous concerns. Many of these commenters proposed the new monthly visual observation of BMPS, outdoor area, and NSWD and a reduction in the storm water discharge visual observations from a maximum of eight to the maximum of four. The State Water Board believes that periodic visual observations of a Dischargers facility is a necessary component to Permit compliance. The Permit requires compliance the entire year not just during rainy periods. During a period of one month of industrial activity, many changes can occur such as the moving of industrial materials from one area to another, equipment failures, additional outdoor storage, etc. These changes can have an effect on the efficacy of the BMPS described in the SWPPP, and may introduce new uncontrolled sources of pollutants. At some facilities, more frequent visual observations may be necessary. The monthly visual observation is meant to establish a floor so that no matter the type of facility the Discharger will have the information necessary to keep the SWPPP up to date and eliminate or reduce the discharge of pollutants in storm water discharges.
67		C.L. Stathos	4	QISP Training Courses Section : Page 23, IX DoD would like the opportunity to participate in the development of the QISP training courses to ensure that they meet our needs. Recommendation: Through workshops or the public comment process, ensure stakeholders including DoD are able to provide input on QISP training courses.	Comment noted. The State Water Board is developing a training program for QISPs that will be implemented through workshops and third party input.
67		C.L. Stathos	5	SWPPP Reporting Section: Page 27, X. G. 2 . d The reporting of significant spills and leaks for the previous five years for a large DoD facility seems excessive and would encompass a lengthy review of numerous facility records. The Permit does not define a significant quantity and a reportable quantity may include numerous relatively small quantities. Recommendation: Suggest that the number of years be reduced from five to no more than three years.	The Permit has not been revised to address the comment. Reportable quantities vary by material/pollutant and situation. Federal (USEPA) regulations and California Water Code provide some guidance on this matter. Since the inception of the program in 1992 the requirement has remained unchanged and since five (5) years is the life of the Permit, the State Water Board feels this is the appropriate timeframe.

67		C.L. Stathos	6	Requiring all personnel involved in Permit compliance to be trained by a QISP if the Discharger enters Level 1 status is a significant burden with a negligible benefit . Given that a facility is likely to only have one QISP, This requirement should be applied narrowly to those relevant staff who operate within the drainage area{s) where the exceedance triggering Level 1 status occurred, and possibly further narrowed down by the Exceedance Response Action (ERA) Evaluation and/or Report {Section XII.C) to those working in areas identified as potential sources of the pertinent pollutant. Recommendation : Change the statement that currently reads, "If a Discharger enters Level 1 status, all personnel shall be trained by a QISP;" to instead read, "If a Discharger enters Level 1 status , all personnel working in the drainage area where the exceedance occurred shall be trained by a QISP, with the potential for this group of personnel to be narrowed down further based on the outcome of the Exceedance Response Action (ERA) Evaluation and/or Report {Section XII . C).	The Permit has been revised to address the comment. If a Discharger enters Level 1 status appropriate team members shall be trained by a QISP.
67		C.L. Stathos	7	Large military facilities , which encompass multiple drainage areas that require varying amounts of rainfall, some up to 0.5", to produce runoff, the elimination of a quantitative rainfall requirement may lead to increased false mobilizations for those areas not simultaneously producing runoff. When combined with a reduced antecedent dry period, this increase in mobilizations along with the increased sampling requirement (i . e. every outfall), would rapidly become very costly, especially for remote locations such as San Clemente Island or San Nicolas Island or large installations. Re commendation : Either change the definition of a QSE to a "storm event that has produced a minimum of l/4" inch of rainfall within the preceding 24 hour period", or, if this definition of a QSE is retained in the Permit, a provision should be included to address elimination of mobilizations at those locations that do not produce a discharge after completion of the two required QSE's in a reporting period. In addition, Dischargers should be able to demonstrate to the Board that specific site conditions consistently do not produce a discharge and sampling should only be required for storm which exceeds a certain threshold likely to produce runoff (i.e. 1/4") .	The State Water Board concurs that Dischargers with complex facilities may have unique challenges when complying with the Permit. The Permit however cannot contain less stringent requirements because of these challenges. The 2013 draft Permit had attempted to include a minimum rainfall definition but it was removed due to considerable stakeholder concern. Dischargers may perform hydraulic calculations in accordance with state law to determine the amount of rain necessary to produce a discharge in order to avoid false mobilizations. The Monitoring Implementation Plan may include the sampling procedures that will be utilized based upon the hydraulic calculations.
67		C.L. Stathos	8	Section: Page 39, XI.B . ll - 45 days instead of 30 to submit lab results. "The Discharger's LRP shall certify and submit all analytical results via SMARTS within 45 days of obtaining all required results for each sampling event."	The Permit has not been revised to address the comment. The State Water Board concludes that 30 days after sampling results is sufficient to upload into SMARTS, and if the schedule prolonged, it does not provide the real-time information for the sampling results.

67		C.L. Stathos	9	Section: Page 43 , XI. C.4.a and XI.C.S Reduction of the drainage areas should be allowed based on the industrial activities and physical characteristics of the drainage areas, as well as previous knowledge, experience, and well documented sampling results collected over many years at a facility. Dischargers should be able to use past sampling knowledge, experience, and sampling results to allow reduction of substantially similar drainage areas especially in those drainage areas evaluated to have minimal discharge and no exceedances.	The proposed sampling procedures, methods, and exceptions required in the Permit are different from that of the current permit. In many cases, the sampling results may be incomparable. For examples, the current Permit allowed Dischargers to collect samples from a reduced number of similar drainage area while the Permit requires samples be collected from all drainage areas. The Permit contains specific sample collection and handling instructions while the current Permit did not. The current Permit allowed Dischargers to test for pH after 15 minutes of sample collection while the Permit requires testing within 15 minutes of sample collection. In addition to monitoring differences, the Permit proposes specific minimum BMPs that the current Permit did not have. The State Water Board wishes to see the resultant sampling data achieved by these new minimum BMPs.
67		C.L. Stathos	10	Page 46 , XII.A Annual NAL Exceedance - Recommendation: Include a provision that takes into consideration the potential for one sample to skew the results thereby sending the entire facility into a Level 1 status by allowing the discharger to evaluate the origin and provide a corrective action to eliminate this exceedance. The corrective action could then be monitored during following sampling events .	The State Water Board does not concur. The added complexity associated with this recommendation does not outweigh the benefits anticipated by the commenter. Together with stakeholders the State Water Boards will develop guidance and training to address the “too few samples” issue described in the comment.
67		C.L. Stathos	11	Page 46, XII.A - NAL exceedances and Level 1 ERA Status - If a Discharger can demonstrate by diversion or treatment that they will significantly reduce the pollutant load to the receiving water based on a much reduced pollutant level existing in the remaining discharge , as opposed to one that has not been treated or diverted , the Discharger should not immediately be elevated to a Level 1 status. This would create incentive for the Discharger to treat or divert their discharges.	The Permit has not been substantially changed to address the comment. The Permit requires compliance with BAT/BCT at the entire facility subject to Permitting. Eliminating pollutant loading from one drainage area does not allow Dischargers to not comply with the requirements in another drainage area.
67		C.L. Stathos	12	Page 47 , XII.C.I Level 1 ERA Evaluation - Limit the evaluation and investigation to the drainage area where the exceedance occurred rather than an investigation of the entire facility.	The Permit requires the following: "Although the evaluation may focus on the drainage areas where the NAL exceedance(s) occurred, all drainage areas shall be evaluated". The Permit includes the requirement to address all drainage areas as a preventative step to reduce the possibility of future NAL exceedances. If a Discharger has no reason to believe, for example, that TSS is not a problem in a drainage area that 100 percent impervious versus a drainage area with a TSS exceedance that is 100 percent dirt, then the Discharger can easily make that conclusion.

67		C.L. Stathos	13	Section: Page 56, XVI - Dischargers should have 90 days to prepare the annual report from the end of the reporting year. Recommendation: Change the deadline for the Annual Report to October 1st	The Permit has not been revised to address the comment. The Annual Report has already been extended 15 days beyond the current due date, sampling reporting has been unhinged from the annual report, and the annual report has been simplified to a checklist. The annual report can be worked on during the reporting year (by more individuals than just the Legally Responsible Person - LRP) if needed and quickly certified and submitted by the LRP on or before July 15. The Regional Boards have multiple reports due for other Permits during the summer/dry months, extending the date creates an additional staff burden that cannot be supported.
67		C.L. Stathos	14	Section: Page 69 , K.5 Comment: Duly Authorized Representative for military installations may be a senior officer or equivalent senior civilian in position of responsibility related to Permitted Industrial facilities . This distinction was made in the Approved Signatory requirements in the CA Construction General Permit (Order 2010-0014- DWQ) and a similar distinction should be made for the Industrial General Permit to ensure consistency in signature authority. Recommendation: Add the following language to Section K. S: "For the military: any military officer or Department of Defense civilian, acting in an equivalent capacity to a military officer, who has been designated. "	The Permit has not been revised to address the comment. Current definition does not preclude officers.
67		C.L. Stathos	15	Penalties - Section: Page 70, XXI.Q.l Comment: Congress has not waived sovereign immunity for fines and penalties under the CWA. Recommendation: Reword language as follows: " .. Any COVERED person as provided for by federal law that violates any perrnit condition .. ".	Issues related to sovereign immunity for enforcement against federal facilities will be addressed at the time an enforcement action is initiated.
68	University of California	Robert Charbonneau	1	Request that the SWRCB consider incorporating allowances or credits for low impact development/green infrastructure Improvements that are implemented at Permitted industrial sites. Specifically, for runoff volume reduction improvements and the corresponding pollutant load reductions the University supports CASQA's comment on this issue.	The Permit and Fact Sheet language has been revised to point out and clarify requirements in the Permit that allow and encourage the use of LID and related green infrastructure techniques. Developing a statewide credit system for LIDs across all industries is a significant effort not addressed in this Permit reissuance. The State Water Board may consider such a LID credit system next time it reissues the Permit.

68		Robert Charbonneau	2	requests that the SWRCB consider advancing the Permit effective date from January 1, 2015 to July 1, 2015 to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit (covering July 1, 2014- June 30, 2015) with the proposed effective date of the new revised Permit.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.
69	Ventura Countywide Stormwater Quality Management Program	Gerhardt Hubner	1	Our Program supports the comments of the California Stormwater Quality Association.	Comment noted.
69		Gerhardt Hubner	2	Request inclusion of the recently adopted Total Maximum Daily Load (TMDL) for Ventura River Algae, Eutrophic Conditions and Nutrients (Resolution No. R12-011), effective June 28, 2013, in the list of TMDLs in Ventura County listed in Attachment E of the July 2013 draft Permit. This TMDL includes waste load allocations (WLAs) assigned to General Industrial Stormwater Permittees.	The TMDL for Ventura River Algae are included in Appendix 3
70	Western States Petroleum Association	Kevin Buchan	1	WSPA supports by reference the comments submitted by CASQA	Comment noted.

70		Kevin Buchan	2	NELs not feasible at this time, supports the inclusion of design storm criteria for BMPs in the 2013 draft Permit, and suggests further that a "compliance storm" should be added and applied to the NALs. TMDLs that will eventually be in the Permit contain WQBELs that are the equivalent of NELs. These more stringent limitations should be the subject of "compliance storm" limitations for the purpose of enforcement. Therefore, we recommend that a compliance storm be defined for the Permit.	Any sampled bypass water must be compared to NALs. A design storm is not a compliance storm. The Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations.
70		Kevin Buchan	3	Samples collected during extraordinary events should be excluded when comparing analysis results to the NALs specified in the Permit, and that additional ERAs would not be required for these extreme events. Under such extreme conditions, ERAs become less relevant or meaningful.	The State Water Board does not have the technical information necessary in accordance with the law to develop a compliance storm standard(s). The State Water Board believes that NAL exceedances that occur from discharges exceeding the design storm standard will happen infrequently. If a Discharger enters Level 2 because of NAL exceedances caused by storms above the design standard, Dischargers are required to complete a Level a Technical Report. The Technical Report will address the pollutant sources and whether additional BMPs are necessary.
70		Kevin Buchan	4	Receiving Water Limitations (Section VI, page 2) should specifically include the control of pollutants in discharges through a BMP selection process as allowed under the Clean Water Act. The selection and evaluation of BMPs through such a defined process will address technology-based and water quality-based effluent limits.	See the response to CASQA's comment number 79.
70		Kevin Buchan	5	WSPA recommends that the language of Section I.F.41 (p. 7 in the 2013 draft Permit) specify that, where a Discharger provides sufficient information, the RWQCB must allow the Discharger to use a BMP-based approach.	The Permit has not been revised to address the comment. TMDL-specific Permit requirements are not limited by the BAT/BCT technology-based standards. Where a BMP-based approach is proposed, the Discharger must submit an explanation regarding how the proposed BMP implementation will be sufficient to comply with applicable waste load allocation

70		Kevin Buchan	6	Section VII.B of the 2013 draft Permit states that "new Dischargers" who apply for discharge to a 303(d) listed water body will be ineligible for Permit coverage unless certain criteria is met. WSPA believes that these requirements improperly impose a NEL equivalent to the water quality objective, and treat existing and new Dischargers unequally. Section VII.B does not appear to consider if the pollutant(s) is associated with a new Discharger's industrial activity, a non-industrial source, or a natural background source; these considerations are included in the 2013 draft Permit only for Dischargers that have already obtained Permit coverage. If a water body is impaired by a pollutant that is listed primarily through atmospheric deposition—a process that would deposit the constituent throughout the area, and across a wide range of land use types—it is possible that a new Discharger would be unable to make the findings quoted above. This would prevent the Discharger from obtaining Permit coverage. Similarly, if a water body is impaired by legacy sources, even if current discharges are negligible, a new Discharger may be prevented from applying for and obtaining Permit coverage. WSPA requests removal of Section VII.B.	The Permit has not been revised to address the comment. Dischargers may eliminated all exposure to storm water of the pollutant(s) for which the water body is impaired, show that the pollutant is not present at the Discharger's facility, or the discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard.
70		Kevin Buchan	7	Permittees under the non-industrial pollutant source or natural background demonstrations cannot return to Baseline Status and thus would continue to be subject to Level 2 ERAs this unfairly penalizes and subjects Dischargers under the Permit to additional Permit requirements for pollutants that do not originate from their facility or industrial processes (e.g., run-on from neighboring sources or atmospheric deposition of pollutants). The 2008 MSGP does not require corrective actions for natural background claims. WSPA recommends allowing a Permittee to return to the Baseline status if all ERAs are met, even if the exceedances are due to non-industrial pollutant sources or natural background conditions. We also recommend that the SWRCB require the regional boards to provide detailed justification whenever additional requirements are imposed on Permittees at Level 1 and Level 2.	The Permit only allows Dischargers in Level 2 that implement BMPs to eliminate future NAL exceedances to return to Baseline status. Dischargers submitting Level 2 ERA Technical Reports that do not eliminate future exceedances remain with Level 2 status and are ineligible for sampling reduction. The Permit does not require Regional Water Boards to take an official action on Level 2 ERA Technical Reports. All NALs are applicable to Dischargers with Baseline status while Dischargers remaining in Level 2 will not be subject to one or more of the NALs for a specific drainage area(s). The only penalty in remaining in Level 2 is the Discharger is ineligible for sampling reduction and that in some instances the Technical Report may need to be updated to address new industrial and/or non-industrial sources. Regional Water Boards implement their authority as provided in the Water Code. All Regional Water Board actions must be consistent with their authority. As provided by the Water Code, Dischargers have administrative appeal rights available to them to address potential Regional Water Board abuse of authority.
70		Kevin Buchan	8	WSPA requests the SWRCB amend the Permit to allow sampling of two QSEs per year, or provide an explanation of how the benefits of additional monitoring justify the costs.	The increased sampling, compared to the current Permit's two samples during the wet season, is consistent with the 2008 MSGP and other states' Permit requirements and will improve compliance determination with the Permit. The Permit allows Dischargers to participate in Compliance Groups that allow a reduction of sampling to twice a year.

70		Kevin Buchan	9	WSPA requests the SWRCB clarify that multiple facilities operated by one company may form a compliance group. WSPA is concerned that this requirement may preclude the formation of compliance groups between facilities in a similar industrial type because of trade-secret and proprietary issues. The formation of a compliance group made up of facilities owned by the same company would facilitate the company's efforts to enhance storm water quality while also adequately protect sensitive trade secret information.	The Permit has not been revised to address the comment. Yes, Dischargers with multiple facilities may form a compliance group.
70		Kevin Buchan	10	WSPA requests the term "significant materials" be clearly defined (p. 26 of the 2013 draft Permit).	Language has been revised in this General Permit, the term "Significant Materials" has been removed.
70		Kevin Buchan	11	WSPA requests, consistent with Staff representations at the August 14, 2013 workshop, that only specific sections of the SWPPP (i.e., those that require engineering analyses or expertise) must be prepared by a CA licensed professional engineer.	The Permit has not been revised to address the comment. SWPPPs are not required to be developed by a CA licensed professional engineer. Finding 52 requires all engineering work to be done by engineers which is required under state law. If certain elements of the SWPPP (design of retaining ponds for example). then it must be performed by a licensed engineer.
70		Kevin Buchan	12	WSPA request clarification of the No Discharge Certification (NDC) requirements of the Permit. Currently, the NDC requirements are based on the "historic maximum precipitation event" (p. 65 in the 2013 draft Permit), which is undefined. Consistent with the request for a compliance storm event, we request that a specific, smaller size storm event be defined for the NDC.	The Permit has not been changed to address the comment. Maximum = greatest or highest amount possible; Historic = existed in the past; precipitation = rain, snow, sleet that falls to the earth surface; Event = takes place or happened. The No Discharge Eligibility Requirements must be approved by a California-licensed professional engineer who will be able to interpret the meaning of historical maximum precipitation event.

70		Kevin Buchan	13	WSPA requests that the Permit become effective in July 2015, rather than January 2015. Implementation of the new Permit in the middle of the storm season may create unintended implementation and compliance efforts.	The Permit has been edited to address the comment. Many commenters requested a July 1, 2015 effective date to prevent overlap and/or confusion between the monitoring, inspection, and reporting requirements of the existing Industrial General Permit.