

City of Lompoc Comments on the Draft Industrial General Permit

After review of the Draft Industrial General Permit, the City of Lompoc would like to express our concern regarding several aspects of the proposed regulation.

1. The City is concerned with the greatly increased amount of paperwork and documentation required under the Draft Permit, as well as the need for new testing equipment and the doubling of the number of samples required. The recordation of daily rain totals and other required documentation will take time away from essential tasks and will be costly, in terms of both staff time and the expense of running the additional samples.
2. The requirement that a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSDs) prepare the site's SWPPP and a Qualified SWPPP Practitioner (QSP) administer it, will impose a significant financial burden on smaller MS4s, which have fewer staff that can qualify for these designations. In many rural areas, the number of QSD's will be limited and the need to have a qualified individual on-site will require the permittee to keep a QSD/QSP on-staff.
3. Given that a QSD is to be required to prepare the SWPPP, it is not clear why the permit also requires that a California registered professional civil engineer certify all reports related to the requirements and response to imposition of Level 2 or 3 Corrective Action Levels and Numeric Effluent Levels (NELs). This seems redundant, in light of the fact that the QSD/QSP (as defined under the Construction General Permit) would already need to be a trained environmental professional.
4. It unclear why a QSD or QSP, or Civil Engineer, each with training focused on erosion and sediment control and construction, is the right discipline to evaluate and implement a storm water program on an industrial site. Consideration should be given to the unique environment, materials and safety considerations necessary to effectively address industrial site operations and potential pollutants. For example, a person who is HAZWOPER certified and receives training in storm water management may be just as effective as a QSP, or more so, in overseeing operations at an industrial site, while ensuring that safety of workers, the public and the environment is the highest priority. It also seems reasonable that a technician from a State Certified Laboratory would be qualified to conduct the sampling at industrial sites. The Permit should be revised to allow this option.
5. Although it is the best professional judgment of the State Water Board staff that dischargers employing Best Available Technology and Best Conventional Technology can reduce the pollutants in their storm water effluent to achieve concentrations at or below the Numeric Action Levels, this may in fact be infeasible in some instances, depending on differences in use, site plans, site location and topography.
6. The City is concerned that as the Draft Permit's new record keeping, sampling and data requirements are not directly linked to the implementation of water quality protective measures and Best Management Practices, it is not clear that the provisions of

the new Industrial General Permit will result in any increase in, or protection of, water quality. Therefore we believe that a careful evaluation of the new requirements needs to be made, including a determination as to:

- What additional information is expected to be gleaned from the additional samples required and how will that information be used to create an accurate picture of water quality and / or the source of potential pollutants?
- Whether there should be designated minimum flow levels necessary before sampling to ensure sample quality is adequate and accurate in cases where the amount of storm water to be sampled is limited or where the water is stagnant?
- Whether the expense of the additional monitoring will be justified by a resulting necessary and improved characterization of existing and future water quality, or will the new requirements yield only more, though not probative, data at significant cost?
- How will sampled constituents be properly allocated to multiple industrial sources where the water sampled is commingled?

7. What is the purpose of the requirement for daily sampling at landfills during sampling storms? How is daily sampling expected to show significantly different results in pollutant characterization than the existing requirement for first day sampling? As landfills are all required to utilize adequate daily cover over the face of the landfill, and are required to direct storm water quickly off the face of the covered active Subtitle D area, the value of the additional sampling seems to be limited, and does not appear to be likely to provide enough new information to justify the cost of the additional sampling.

8. The City believes the Draft Industrial Permit should be amended to allow Industrial permittees to submit information for consideration related to the existence of natural background levels of sampled constituents, at and around their industrial sites, prior to having reached the point of imposed Numeric Effluent Levels (NELs).

9. The City is concerned first, that as a part of the encouragement / incentive program in the Draft General Industrial Permit, Low Impact Development (LID) direction provided by the SWQCB may be inconsistent with that required by our local Regional Board (Region 3). Second, LID seems appropriate for only some areas of an industrial site, as many areas have a higher potential for contamination through regular operations and hazardous materials spills. However, industrial areas without significant contamination potential such as parking lots and adjacent landscape planters could more realistically incorporate LID features.