



May 8, 2012

MEMORANDUM

TO: DR. URBINA, MAURA MCGOVERN AND KATHY ROSOW
 FROM: PETE JACOBSON
 RE: STORMWATER QUESTIONS

Here is a list of questions and comments based on our initial review of the new stormwater discharge permit. We realize that a few of these questions will be addressed during the upcoming training sessions in July and August. However, we would expect to receive answers on many of these concerns and discrepancies well before the effective date of July 1, 2012.

No Exposure Certification (Opt-Out) Page 10 of new permit:

If a company does not discharge stormwater (or any amount that is measurable) but elects not to opt out with No Exposure Certification or the Termination Application, what will be Monitoring requirements (Visual or Benchmark) if there are no measurable stormwater discharges? (i.e. a small amount of stormwater runs off of drive entrance into barrow ditch adjacent to county road or curb/gutter adjacent to city road?)

Completed Permit Signature Process: What if there is an inspection and the permit is in the mail between plant and corporate office for signature of corporate officer?

Inspection Frequency and Personnel?

- What happens if an inspection is made in the last few weeks of the quarter and the next and only measurable storm event occurs on the first day of the next quarter? (before 20 days is up?) I.G.1.a
- What happens in a year where there is no measurable storm event? I.G.1.b

Inspection Procedures and Documentation:

- What level of detail needs to be included in an inspection schedule? Is "once per quarter" enough detail? I.F.7.a.ii
- What is meant by "tentative schedule for facilities in climates with irregular stormwater runoff discharges?"

Procedures:

- Throughout the Permit, there are requirements for documentation of procedures – how detailed are these procedures expected to be? I.D.1.d, I.F.6, I.F.7, I.F.8, I.F.8.b.iii

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- Permit asks for documentation of procedures for Spill Prevention and Response. If separate SPCC plan is referenced, which is allowed in Permit, all requested procedures will not be provided and are not required for SPCC, is this correct?

Spill Prevention, three items:

- 1) Provide example/guidance of training for spill prevention employee
- 2) Define/provide examples of 'Necessary spill response equipment'
- 3) Clarify procedures for labeling and monitoring (as it pertains to spill prevention)

Monitoring Procedures and Documentation:

- Why the increase to five types of monitoring from one type of monitoring compared to old permit which was based on Effluent Limitations Guidelines Monitoring?
- The "revised monitoring schedule" required to accommodate our climate with irregular stormwater runoff, will become a moving target. What is purpose of continually maintaining such schedule in SWMP? Again, how detailed is schedule? I.H.9
- Monitoring when plant is closed? What is the recommended procedure for monitoring when the closest employee is 14-20 miles away and the plant is closed for the weekend, holiday, etc?
- Monitoring at Inactive Sites. How does an operator know that it is raining at an inactive site that is 50-60 miles away from the closest plant that is operating?

Please provide guidance about pulling discharge meters in winter: Define acceptable months and what happens if there is a winter inspection and meter is pulled due to cold weather?

Please provide a fee schedule with definitions and dollar ranges for potential fines.

We need definitions for the following items:

- Storm Event
- Qualified Person
- On SWMP Map: define "vicinity as appropriate"
- Permittee must 'minimize generation of dust'
- Quantify 'significant quantities of pollutant'
- 'Non-structured control measures'

Sheet Flow Sampling:

- Is the sample collection guidance provided by the Division (through the State of Minnesota) accurate?
- Is it the best, most effective collection procedure? Cost effective?
- Is there supporting documentation showing this collection method is realistic for the State of Colorado?

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- Considering several supplies will be needed to utilize this collection method, has the Division discussed the possibility of contamination from these supplies within the water sample? No matter how thorough and diligent the operators are in keeping the supplies clean this is a legitimate concern.
- Is it safe to assume that if a storm event does not produce enough runoff/sheet flow to allow for a sample to be gathered by using the suggested guidance from the State of Minnesota then a "No Discharge" conclusion can be reached for that event?
- If there is a small section of driveway that falls outside of the operating area of the plant, but is technically included within the property boundary, does this need to be sampled via sheet flow guidance? Precipitation landing on these areas will not be able to contact any industrial activity and therefore may be unneeded and/or not provide enough surface area to collect enough precipitation to produce sheet flow.

Other Items of Concern to CSSGA stakeholder group?

- What is the differentiation between a standard maintenance task and a corrective action? Do regular maintenance activities need to be documented as Corrective Actions? I.C.2.c, I.J.1.d & e.
- What happens when permittee cannot collect the required number of samples due to lack of discharges? I.H.9.b
- Define "Results of observations". I.I.1.c.v
- Clarify "visual monitoring procedures" I.I.1.e

Summary

If you have any questions or points which need to be clarified further, please do not hesitate to contact me. We look forward to hearing from you at earliest convenience. Thanks for your time.