



December 26, 2013

U.S. Environmental Protection Agency  
EPA Document Center  
Attention: Docket ID # EPA-HQ-OW-2012-0803  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: EPA Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Industrial Sources  
Docket ID No. EPA-HQ-OW-2012-0803

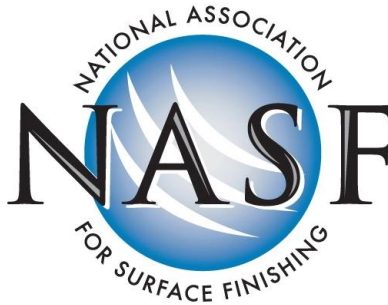
Dear Sir or Madam:

Enclosed please find comments submitted on behalf of the National Association for Surface Finishing (NASF) regarding EPA's draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Industrial Sources, also referred to as the Multi-Sector General Permit (MSGP). 78 Fed. Reg. 59672 (September 27, 2013).

If you have any questions, would like additional information, or would like to discuss these comments, please contact me by telephone at 202-257-3756 or by email at [jhannapel@thepolicygroup.com](mailto:jhannapel@thepolicygroup.com).

Respectfully submitted,

Jeffery S. Hannapel  
The Policy Group  
On Behalf of NASF



**December 26, 2013**

**National Association for Surface Finishing  
Comments on EPA's Draft National Pollutant Discharge  
Elimination System (NPDES) General Permit for Stormwater  
Discharges from Industrial Sources**

**Docket ID No. EPA-HQ-OW-2012-0803**

These comments are submitted on behalf of the National Association for Surface Finishing (NASF) regarding the United States Environmental Protection Agency (EPA) draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Industrial Sources, also referred to as the Multi-Sector General Permit (MSGP). 78 Fed. Reg. 59672 (September 27, 2013). In response to the draft MSGP, NASF is concerned about several issues that will impose unnecessary burdens on surface finishing operations that are implementing available best management practices (BMPs) pursuant to the MSGP to control stormwater discharges from their facilities.

NASF members will be impacted by the draft MSGP because it will subject surface finishing operations to stormwater permit requirements that are neither appropriate nor necessary for these operations. Specifically, the benchmark values used by EPA and authorized states are unrealistically low and are not indications of effective implementation of BMPs at these facilities.

Consequently, many surface finishing facilities will incur significant compliance costs and have to undertake unnecessary procedural steps to address exceedances of the benchmark values as part of the MSGP process. These efforts can be expensive to implement and can lead to other potential compliance and permitting impacts for their facilities. Provided below is a summary of the comments and concerns that NASF has regarding the draft MSGP and the potential adverse impacts it may have on the surface finishing industry.

## **I. SUMMARY OF THE SURFACE FINISHING INDUSTRY**

The NASF has over 1,000 members that include metal finishing companies, metal finishing suppliers, and individual and professional members. The NASF represents the business, management, technical and educational programs as well as the regulatory and legislative advocacy interests of the surface finishing industry to promote the advancement of the North American surface finishing industry globally.

The surface finishing industry plays a vital role in the lives of consumers and in the nation's economic future. The industry's role in corrosion protection alone provides an estimated \$200 billion annual economic benefit to the nation, including significant corrosion protection for military equipment that provides national defense. Surface finishing ensures that the products people use every day last longer, work better, and look better.

Metal finishing operations are performed in two ways: 1) as a "captive" operation or department of a manufacturing company; and 2) on a job-shop basis where the work is performed under contract for the owner of the product or material that is to be finished. Although many manufacturers continue to operate metal finishing departments, the increasing trend is to subcontract this work to independent firms. This trend is a result of the high operating costs and a realization that metal finishing is both a regulatory and process specialty.

Over 80 percent of the job-shops in business employ fewer than 75 people, while nearly 40 percent employ fewer than 20 people. Most job-shop surface finishing firms are family-owned businesses, located in urban areas, with a large percentage of minority employees.

## II. COMPLYING WITH THE DRAFT MSGP

Pursuant to the terms of the draft MSGP, surface finishing operations must develop a stormwater pollution prevention plan (SWPPP) and implement available BMPs to control stormwater discharges at their facilities. Many surface finishing operations have already made significant investments to implement BMPs for controlling stormwater discharges. These BMPs include, but are not limited to, some of the following: detention and retention ponds, filter socks, bioswales, buffer zones, flow reduction, energy dissipation, structures for exposure minimization, soil stabilization, ground cover, treatment units, regular sweeping, general housekeeping and inspections. Facilities are also required to sample stormwater discharges to determine if the benchmark values have been exceeded. Despite the implementation of these BMPs (as well as other BMPs) to control stormwater discharges, many surface finishing facilities continue to exceed the benchmark values.

The benchmark values that EPA uses are unrealistically low and do not represent levels that can be achieved in practice with the implementation of available BMPs. Even stormwater discharges from residential and commercial facilities routinely exceed these benchmark values because stormwater discharges with no traceable impact from any source of a pollutant may exceed the benchmark value. This provides further evidence that the benchmark values are not realistic for stormwater discharges from industrial facilities such as metalcasting operations. If available BMPs are implemented properly at surface finishing facilities, they are effective in reducing pollutants to appropriate and realistic levels in stormwater discharges.

EPA continues to insist that exceedances of the benchmark values are not MSGP violations, although some states may use the benchmark values as numeric limits for permits. Nonetheless, the exceedances do trigger certain procedural steps for facilities subject to the MSGP. Specifically, facilities that exceed benchmark values must evaluate their BMPs and identify/implement additional BMPs for controlling stormwater discharges. If the benchmark values are still exceeded after this iterative process, then facilities must prepare a feasibility

report to show that all technically feasible BMPs have been implemented and further improvements are not feasible.

Unlike many other environmental regulatory programs where exceeding a specified limit is a violation, the MSGP for stormwater discharges from industrial facilities focuses primarily on implementing a process. For example, the MSGP requires facilities to implement BMPs to control stormwater discharges. This process often entails a trial period to determine which BMPs are most effective at an individual facility. Benchmark values are then used to determine if the BMPs are effective. As discussed above, when benchmark values are exceeded, facilities must examine the BMPs in place and evaluate whether additional BMPs are needed.

In undertaking this evaluation process, facilities can incur substantial compliance costs to determine if the BMPs are effective, significantly more than EPA's estimated annual compliance cost of approximately \$2,000 to implement the requirements of the 2013 draft MSGP. If benchmark values are set unrealistically low, then they do not accurately reflect whether existing BMPs are effective in controlling stormwater discharges. With benchmark values that are not representative of effective BMPs, surface finishing facilities with effective BMPs in place could be unnecessarily subjected to compliance costs to evaluate whether existing BMPs are effective, and if additional BMPs can be implemented cost effectively to achieve the benchmark values. Accordingly, EPA must take great care in setting appropriate benchmark values to ensure that the MSGP program works as it was intended.

### **III. ESTIMATED COSTS AND IMPACTS FOR FACILITIES SUBJECT TO DRAFT MSGP**

The costs that surface finishing operations may have to incur to take the procedural steps to demonstrate that the BMPs in place are effective are substantial. The costs associated with sampling stormwater discharges alone would exceed EPA's annual compliance cost estimate for the draft MSGP. The costs of implementing BMPs, evaluating existing BMPs, and determining if additional BMPs or treatment systems are needed require a significant financial commitment from surface finishing facilities to ensure compliance with the MSGP. It does not appear that

EPA has even considered the need for these activities and costs associated with them. Such unnecessary costs are clearly not an intended consequence of the MSGP process, particularly where surface finishing operations have made significant investments to implement available BMPs to control stormwater discharges.

#### **IV. CONCLUSION**

On behalf of the National Association for Surface Finishing (NASF), we appreciate the opportunity to submit these comments on the draft Multi-Sector General Permit for Stormwater Discharges from Industrial Sources. In particular, NASF is concerned that the benchmark values that EPA is using for stormwater discharges are unrealistically low and cannot be achieved in practice. Benchmark values are meant to be predictive of effective BMPs, and should therefore be set accordingly. NASF does not believe that EPA has done so in an appropriate manner with the 2013 draft MSGP. Accordingly, NASF urges EPA reconsider the substantial costs and significant potential adverse impacts of the draft MSGP, because as discussed above EPA's analysis does not appear to be consistent with the general purpose and intent of the MSGP program.

If you have any questions, would like additional information, or would like to discuss these comments, please contact Christian Richter ([crichter@thepolicygroup.com](mailto:crichter@thepolicygroup.com)) or Jeff Hannapel ([jhannapel@thepolicygroup.com](mailto:jhannapel@thepolicygroup.com)) of The Policy Group on behalf of the NASF.