# NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

## DRAFT TMDL-SPECIFIC PERMIT REQUIREMENTS FOR THE STATE WATER RESOURCES CONTROL BOARD'S INDUSTRIAL GENERAL STORM WATER PERMIT (Santa Clara River Watershed)

**NOTICE IS HEREBY GIVEN** that the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) invites public comments on draft Total Maximum Daily Load (TMDL)-specific permit requirements for the statewide *General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001* (Industrial General Permit). The draft TMDL-specific permit requirements are for the following TMDLs in the Santa Clara River Watershed:

- Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL
- Santa Clara River TMDL for Nitrogen Compounds
- Santa Clara River Reach 3 Chloride TMDL

As explained below, after receiving public comment, the Los Angeles Water Board will submit proposed TMDL-specific permit requirements to the State Water Resources Control Board (State Water Board) for the State Water Board to consider adoption and incorporation into the Industrial General Permit. The Los Angeles Water Board will take no formal action regarding the proposed TMDL-specific permit language.

### BACKGROUND

On April 1, 2014, the State Water Board reissued the Industrial General Permit.[1] As required by findings 38 through 42 of the Industrial General Permit, the State Water Board and Los Angeles Water Board are jointly developing proposed TMDL-specific permit requirements for the TMDLs established by the Los Angeles Water Board or U.S. EPA Region IX in which wasteload allocations are assigned to industrial storm water dischargers, as listed in Attachment E of the Industrial General Permit. The Los Angeles Water Board is providing notice and a 30-day public comment period on the draft proposed TMDL-specific permit requirements before submitting the proposed TMDL-specific permit requirements to the State Water Board. The Los Angeles Water Board will take no formal action regarding the proposed TMDL-specific permit requirements. The Los Angeles Water Board will forward all timely received written comments along with the proposed TMDL-specific permit requirements to the State Water Board for consideration during the State Water Board's proceedings to consider amendment of the Industrial General Permit. The State Water Board will provide a separate public comment period later this year regarding the reopening of the Industrial General Permit to amend Attachment E, the fact sheet, and other permit provisions as necessary for incorporation of the TMDL-specific permit requirements into the Industrial General Permit.

[1] The Industrial General Permit is available electronically at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml.

Interested persons are strongly encouraged to submit written comments to the Los Angeles Water Board during the comment period described below before the proposed TMDL-specific permit requirement language is submitted to the State Water Board. Until the State Water Board adopts an amendment to the Industrial General Permit incorporating the TMDL-specific permit requirements, dischargers enrolled in the Industrial General Permit are not required to take any additional actions beyond those already required in the Industrial General Permit.

**DOCUMENT AVAILABILITY**

The proposed TMDL-specific permit requirements and associated Fact Sheet language for each TMDL noted above is attached to this notice and is also available for review on the Los Angeles Water Board's website at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/sw_index.shtml

**SUBMISSION OF WRITTEN COMMENTS**

All written comments pertaining to the Los Angeles Water Board's draft TMDL-specific Industrial General Permit requirements and associated Fact Sheet language must be *received* by the Los Angeles Water Board by **5:00 p.m. on Friday, April 1, 2016**. Written comments must be sent to the Los Angeles Water Board by mail or by email at the following addresses:

**By Mail:**
Los Angeles Regional Water Quality Control Board
Attention: Pavlova Vitale
320 West 4th Street Suite 200
Los Angeles, CA 90013

**By Email:**
losangeles@waterboards.ca.gov

Please indicate in the subject line of all written comments "**Comments on Draft TMDL-Specific IGP Requirements – Santa Clara River Watershed**." In the comments, please also specify which TMDL(s) the comments pertain to.

**CONTACT FOR FURTHER INFORMATION**

Please contact Pavlova Vitale, Sr. Environmental Scientist, at (213) 576-6751 or Pavlova.Vitale@waterboards.ca.gov with any questions regarding this notice or any of the proposed TMDL-specific permit requirements.

**Proposed Addition to ATTACHMENT E, LIST OF TOTAL MAXIMUM DAILY LOADS (TMDLs) APPLICABLE TO INDUSTRIAL STORM WATER DISCHARGERS**

**Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria Total Maximum Daily Load (TMDL)**

| | |
|---|---|
| Resolution No. | R10-006 |
| Effective Date | January 13, 2012 |
| Impaired Water Body(ies) | Santa Clara River Estuary and Reaches 3, 5, 6, and 7 of the Santa Clara River |
| Pollutant(s) | Total coliform, Fecal coliform, Enterococcus, E. coli |
| Responsible Dischargers | Industrial Storm Water General Permittees that discharge non-storm water and/or storm water associated with industrial activities[1] to the impaired waterbodies[2] either directly or via a municipal separate storm sewer system (MS4) or an upstream reach or tributary. |
| Required Actions | Comply with the conditions and requirements of the Industrial Storm Water General Permit (Order No. 2014-0057-DWQ).<br><br>If indicator bacteria are not already addressed in the facility's current Storm Water Pollution Prevention Plan (SWPPP), including its Assessment of Potential Pollutant Sources per Section X.G.2.a.ix, then Responsible Dischargers, as defined above, shall assess all areas of industrial activity at the facility relative to their potential as a source of total coliform, fecal coliform, enterococcus, or E. coli in authorized Non-Storm Water Discharges (NSWDs) and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results. The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.<br><br>Responsible Dischargers that have identified industrial areas of their facility as a potential source of total coliform, fecal coliform, |

[1] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

[2] Permittees that discharge to Reaches 1 and 2 of the Santa Clara River have wasteload allocations based on the numeric targets for the Estuary. Permittees that discharge to Reach 3 or above, including tributaries to those reaches, have wasteload allocations based on the numeric targets for Reaches 3, 5, 6, and 7.

enterococcus, or E. coli in authorized NSWDs and storm water discharges shall comply with the TMDL Action Levels (TALs)[3], expressed as instantaneous maximum values, in the table(s) below. If sampling results indicate a TAL exceedance as set forth in Section XII.A, the Discharger shall commence the Exceedance Response Actions (ERAs) process set forth in Section XII.

**Santa Clara River Estuary (Marine Waters, REC-1)**

| Parameter | Applicability | Reporting Units | TAL |
|---|---|---|---|
| Total Coliform | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 10,000 |
| Total Coliform if the ratio of fecal-to-total coliform exceeds 0.1 | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 1,000 |
| Fecal Coliform | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 400 |
| Enterococcus | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 104 |

**Santa Clara River Reaches 3, 5, 6, and 7 (Freshwater, REC-1)**

| Parameter | Applicability | Reporting Units | TAL |
|---|---|---|---|
| E. coli | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 235 |

The TALs apply for all three time periods: Summer dry-weather (April 1 to October 31); winter dry-weather (November 1 to March 31), and wet-weather days (defined as days of 0.1 inch of rain or more plus three days following the rain event).

The State and/or Regional Water Board may require industrial storm water dischargers to implement additional actions to reduce bacteria in authorized NSWDs and/or storm water discharges based on, but not limited to, monitoring data and comparison to

[3] A TMDL Action Level (TAL) is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII).

| | |
|---|---|
| | applicable TALs, visual observations, discharger reports, or site-specific inspections and/or investigations.<br><br>*Monitoring and Reporting Requirements*<br><br>Where the facility's Assessment of Potential Pollutant Sources (described above) identifies industrial areas as a potential source of total coliform, fecal coliform, enterococcus, or E. coli in authorized NSWDs and/or storm water discharges, Responsible Dischargers shall update the facility Monitoring Implementation Plan (Section X.I) per Section XI.B.6.e-f to include:<br>• Sampling and analysis for total coliform, fecal coliform, enterococcus, or for E. coli during Qualifying Storm Events if not already monitored per Section XI.B[4];<br>• Sampling and analysis of the facility's authorized NSWDs for total coliform, fecal coliform, and enterococcus, or for E. coli twice within a reporting year;[5] and<br>• U.S. EPA approved analytical methods, with appropriate method detection and reporting limits relative to the TALs in the table(s) above.<br><br>The updated Monitoring Implementation Plan shall be included in the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order. |
| TMDL documents are available at:<br>http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml | |

[4] Permittees discharging to the Estuary or Reaches 1 or 2 shall conduct sampling and analysis for total coliform, fecal coliform, and enterococcus, while Permittees discharging to Reaches 3, 4, 5, 6, or 7 shall conduct sampling and analysis for E. coli.
[5] Permittees discharging to the Estuary or Reaches 1 or 2 shall conduct sampling and analysis for total coliform, fecal coliform, and enterococcus, while Permittees discharging to Reaches 3, 4, 5, 6, or 7 shall conduct sampling and analysis for E. coli.

## Fact Sheet for the Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL

On July 8, 2010, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) established the Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL. The TMDL became effective on January 13, 2012.

Recreating in waters with elevated bacterial indicator densities has long been associated with adverse human health effects. Specifically, local and national epidemiological studies demonstrate that there is a causal relationship between adverse health effects and recreational water quality, as measured by bacterial indicator densities.

The Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL addresses the impairment of the water contact recreation (REC-1) beneficial use for the Santa Clara River Estuary and Reaches 3, 5, 6, and 7 of the Santa Clara River.

### Numeric Targets

The numeric targets for the Santa Clara River (SCR) and the Estuary are based on the water quality objectives for protection of water contact recreation (REC-1) in fresh and marine waters set forth in Chapter 3 of the Water Quality Control Plan for the Los Angeles Region (Los Angeles Basin Plan) for the four bacterial indicators listed below. These numeric targets include geometric mean limits and single sample limits and apply during both dry and wet weather year-round, since there is water contact recreation throughout the year.

| | **SCR Estuary (Marine Waters, REC-1)** | **SCR Reaches 3, 5, 6, and 7 (Freshwater, REC-1)** |
|---|---|---|
| **Single Sample Limits** | | |
| E. coli | N/A | 235/100 ml |
| Fecal coliform | 400/100 ml | N/A |
| Enterococcus | 104/100 ml | N/A |
| Total coliform | 10,000/100 ml | N/A |
| Total coliform density if the ratio of fecal-to-total coliform exceeds 0.1 | 1,000/100 ml | N/A |
| **Geometric Mean Limits** | | |
| E. coli | N/A | 126/100 ml |
| Fecal coliform | 200/100 ml | N/A |
| Enterococcus | 35/100 ml | N/A |
| Total coliform | 1,000/100 ml | N/A |

### Wasteload Allocations

The Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL identifies storm water dischargers, including dischargers subject to the Industrial Storm

Water General Permit, as responsible dischargers. Industrial storm water dischargers are generally not expected to be a significant source of bacteria. Therefore, the TMDL assigns industrial storm water dischargers a wasteload allocation (WLA) of zero (0) allowable exceedance days of the single sample indicator bacteria targets for both dry and wet weather and no exceedances of the 30-day geometric mean targets for all time periods.[6] The WLAs are thus equal to the applicable water quality objectives for protection of water contact recreation (REC-1) in marine and fresh waters set forth in Chapter 3 of the Los Angeles Basin Plan.

## Required Actions

The required actions apply to Industrial Storm Water General Permittees that discharge non-storm water and/or storm water associated with industrial activities[7] to the Santa Clara River Estuary or Reaches 3, 5, 6, and 7 of the Santa Clara River[8] either directly or via a municipal separate storm sewer system (MS4) or an upstream reach or tributary.

Currently, the Industrial Storm Water General Permit only regulates discharges of non-storm water and storm water that are directly related to manufacturing, processing or raw materials storage areas from industrial activities in ten major categories of industries (Attachment A to Order No. 2014-0057-DWQ). These discharges are currently not expected to be a significant source of bacteria.

As described below, compliance with the conditions and requirements of the Industrial Storm Water General Permit is generally expected to achieve the WLAs assigned to industrial storm water dischargers in the Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL. Where necessary, this will be verified through sampling and analysis of authorized NSWDs and storm water discharges and comparison of results to TMDL Action Levels (TALs), as described below.

<u>Compliance with Wasteload Allocations</u>

1. *Compliance with Summer and Winter Dry-Weather WLAs*

Compliance with existing conditions and requirements in the Industrial Storm Water General Permit is generally expected to ensure compliance with the summer and winter dry-weather WLAs applicable to industrial storm water dischargers. The Industrial Storm Water General Permit defines dry-weather discharges (Sections III and IV.A.) as either unauthorized NSWDs or authorized NSWDs. Unauthorized NSWDs are prohibited under Section III.B. Authorized NSWDs cannot be in violation of any Basin Plan, including TMDL WLAs contained in a Basin Plan, or statewide water quality

[6] The WLAs apply during three distinct time periods: summer dry weather (April 1-October 31), winter dry weather (November 1-March 31), and wet weather (days with 0.1 inch of precipitation or more and the 3 days following, year-round).

[7] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

[8] Permittees that discharge to Reaches 1 and 2 have WLAs based on the numeric targets for the Estuary. Permittees that discharge to Reach 3 or above, including tributaries to those reaches, have WLAs based on the numeric targets for Reaches 3, 5, 6, and 7.

control plan or policy (Sections IV.B and VI.A). The required Storm Water Pollution Prevention Plan (SWPPP) must include implementation of appropriate BMPs to ensure that authorized NSWDs do not contain quantities of pollutants that cause or contribute to an exceedance of a water quality standard (Section IV.B.3.c).

*2. Compliance with Wet Weather WLAs*

Compliance with the conditions and requirements in Section VI.A (Receiving Water Limitations) and Section X (Storm Water Pollution Prevention Plan), including subsection X.H (Best Management Practices) is generally expected to achieve the WLAs assigned to industrial storm water discharges during wet weather.

*3. Conclusion*

Considering the existing conditions and requirements in the Industrial Storm Water General Permit regarding unauthorized and authorized NSWDs and storm water discharges, if a Discharger complies with the Industrial Storm Water General Permit, the Discharger is not likely to discharge indicator bacteria above the WLAs from its industrial process and materials handling and storage areas, and is unlikely to contribute to an exceedance of a WLA. Therefore, no additional requirements beyond complying with the Industrial Storm Water General Permit are necessary to comply with the WLAs assigned to industrial storm water discharges at this time. However, if it is determined, based on, but not limited to, monitoring data and comparison to applicable TALs, visual observations of the site, discharger reports, and/or site-specific inspections and/or investigations, that a Discharger may be causing or contributing to an exceedance of a WLA, the State and/or Regional Water Board may require Dischargers to revise SWPPPs, BMPs, and/or monitoring programs, or direct a Discharger to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit if deemed necessary.

The State and Regional Water Board recognize there may be instances in the future when discharges from an industrial category regulated by the Industrial Storm Water General Permit may be identified as a source of indicator bacteria. These instances may arise as the U.S. Environmental Protection Agency continues to expand the regulatory universe of facilities and facility areas regulated by storm water regulations or where monitoring data and comparison to applicable TALs, visual observations, discharger reports, or site-specific inspections and/or investigations, or other pertinent data or information reveal that a facility's discharge (storm water discharges or NSWDs) exceeds the WLAs and, therefore, is a significant source of indicator bacteria. In these instances, the State and/or Regional Water Board may impose additional conditions and requirements on industrial storm water dischargers, including but not limited to, BMP implementation and monitoring requirements that will address indicator bacteria in industrial storm water and NSWDs in order to comply with the WLAs in this TMDL.

<u>Monitoring and Reporting Requirements</u>

Dischargers covered under the Industrial Storm Water General Permit are required to execute visual observations of their site and sampling and analysis of qualifying storm

events (IGP, Sections XI.A and XI.B). During the observation events, the Discharger is required to observe and report on the following: (1) the presence or indications of prior, current, or potential unauthorized NSWDs and their sources, (2) authorized NSWDs, sources, and associated BMPs to ensure compliance with the requirements as described in the above paragraph, and (3) outdoor industrial equipment and storage areas, outdoor industrial activities areas, BMPs, and all other potential sources of industrial pollutants (IGP, Section XI.A.1).

Industrial storm water dischargers enrolled in the Industrial Storm Water General Permit are required to complete an Assessment of Potential Pollutant Sources as an element of a facility's SWPPP to identify pollutants that are likely to be present in the facility's industrial storm water discharges and authorized NSWDs. Dischargers with an active Notice of Intent who have identified[9] industrial sources of indicator bacteria with the potential to be present in the facility's industrial storm water discharges or authorized NSWDs are required to take effluent samples for indicator bacteria during each Qualifying Storm Event.

*1. TMDL Action Levels (TALs)*

Responsible Dischargers shall analyze effluent samples for indicator bacteria and compare sampling results to the TALs below. A TAL is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII). Therefore, Responsible Dischargers shall additionally comply with the TAL exceedance requirements established for this TMDL. A TAL exceedance will require the Responsible Discharger to follow the Exceedance Response Actions (ERAs) in Section XII.

**Santa Clara River Estuary (Marine Waters, REC-1)**

| Parameter | Applicability | Reporting Units | TAL |
|---|---|---|---|
| Total Coliform | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 10,000 |
| Total Coliform if the ratio of fecal-to-total coliform exceeds 0.1 | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 1,000 |
| Fecal Coliform | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 400 |
| Enterococcus | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 104 |

[9] Either in the facility's existing SWPPP, or through the update to the facility SWPPP and the Assessment of Potential Pollutant Sources, as described below.

**Santa Clara River Reaches 3, 5, 6, and 7 (Freshwater, REC-1)**

| Parameter | Applicability | Reporting Units | TAL |
|---|---|---|---|
| E. coli | Storm Water Discharges/ Authorized NSWDs | MPN or CFU/100 mL | 235 |

The TALs apply for all three time periods: summer dry weather (April 1 to October 31); winter dry weather (November 1 to March 31), and wet-weather days (defined as days of 0.1 inch of rain or more plus three days following the rain event).

An evaluation of compliance with the 30-day geometric mean WLAs for total coliform, fecal coliform, enterococcus, and E. coli established in the TMDL is currently beyond the scope of the Industrial Storm Water General Permit's sampling requirements. Given that industrial storm water dischargers are not expected to be a significant source of bacteria, TALs are only established for the single sample bacteria objectives.

*2. Updating the Facility SWPPP: Assessment of Potential Pollutant Sources*

If indicator bacteria are not already addressed in the facility's current SWPPP, upon incorporation of these TMDL-specific requirements into the General Permit, Responsible Dischargers will be required to assess all areas of industrial activity at the facility relative to their potential as a source of total coliform, fecal coliform, enterococcus, or E. coli in authorized NSWDs and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results.

The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

*3. Updating the Facility Monitoring Implementation Plan*

Authorized NSWDs Identified as a Potential Source: Responsible Dischargers that identify industrial areas of their facility as a potential source of total coliform, fecal coliform, enterococcus, or E. coli in authorized NSWDs will be required to update the facility Monitoring Implementation Plan to include sampling and analysis of authorized NSWDs for total coliform, fecal coliform, enterococcus, and E. coli twice during each reporting year, unless the Discharger provides documentation in its SWPPP per Section X.G.1.e, and through its monthly visual observations and records per Section XI.A.1-3, that there are no authorized NSWDs or these authorized NSWDs are fully contained on site. Sampling results will be used to ensure that authorized NSWDs comply with the Industrial Storm Water General Permit and, in particular, Sections IV.B and VI.A, consistent with the WLAs.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

Storm Water Discharges Identified as a Potential Source: Responsible Dischargers that identify industrial areas of their facility as a potential source of total coliform, fecal coliform, enterococcus, or E. coli in storm water discharges shall verify BMP effectiveness by comparing sampling results with TALs in order to ensure that storm water discharges comply with the Industrial Storm Water General Permit and, in particular, Section VI.A. Industrial Storm Water General Permittees will be required to update the facility Monitoring Implementation Plan by to include sampling and analysis for total coliform, fecal coliform, enterococcus, and E. coli during Qualifying Storm Events, if these parameters are not already monitored per Section XI.B.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

Analytical Methods: To support the additional sampling and analysis required, Industrial Storm Water General Permittees will also be required to update the facility's Monitoring Implementation Plan to include U.S. EPA approved analytical methods, with appropriate method detection and reporting limits per Section XI.B.6.e, to determine the effectiveness of the BMPs for authorized NSWDs and storm water discharges at achieving the applicable TALs.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

**Regulatory Mechanisms**

The regulatory mechanisms available to the State and/or Regional Water Board to require Industrial Storm Water General Permittees to implement additional actions and additional monitoring include: the Industrial Storm Water General Permit and the authority contained in sections 13263, 13267, and 13383 of the California Water Code. Under these regulatory mechanisms, the State and/or Regional Water Board may require an Industrial Storm Water General Permittee to collect samples of its storm water and NSWDs and analyze the discharges for indicator bacteria to determine compliance with the WLAs during each time period specified in the TMDL.

**Proposed Addition to Attachment E, LIST OF TOTAL MAXIMUM DAILY LOADS (TMLs) APPLICABLE TO INDUSTRIAL STORM WATER DISCHARGERS**

**Santa Clara River Total Maximum Daily Load (TMDL) for Nitrogen Compounds**

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|---|---|
| Resolution No. | R03-011 |
| Effective Date | March 23, 2004 |
| Impaired Water Body(ies) | Santa Clara River Reach 3 (A Street to Freeman Diversion) and Reach 5 (West Pier Hwy 99 to Blue Cut gaging station)[1] |
| Pollutant(s) | Nitrogen Compounds (Total Ammonia as Nitrogen, Nitrate+Nitrite as Nitrogen) |
| Responsible Dischargers | Industrial Storm Water General Permittees whose facilities fall within Standard Industrial Classification (SIC) codes associated with the TMDL pollutants as set forth in Table 1 (102X, 144X, 207X, 281X, 284X, 287X, 34XX, 3479, 45XX and 4953) and that discharge non-storm water and/or storm water associated with industrial activities[2] to the impaired waterbodies either directly or via a municipal separate storm sewer system (MS4).<br><br>The State and/or Regional Water Board may identify other Responsible Dischargers based on site-specific inspections and/or investigations. |
| Required Actions | Comply with the conditions and requirements of the Industrial Storm Water General Permit (Order No. 2014-0057-DWQ).<br><br>If nitrogen compounds are not already addressed in the facility's current Storm Water Pollution Prevention Plan (SWPPP), including its Assessment of Potential Pollutant Sources per Section X.G.2.a.ix, then Responsible Dischargers, as defined above, shall assess all areas of industrial activity at the facility relative to their potential as a source of these parameters in authorized Non-Storm Water Discharges (NSWDs) and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results. The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.<br><br>Responsible Dischargers shall comply with the existing NAL for |

[1] Note that the reach numbering used herein is based on the Los Angeles Water Board's Water Quality Control Plan for the Los Angeles Region (Basin Plan), which differs from the reach numbering used by U.S. EPA in the case of Reach 5 (i.e., Reach 5 is identified by U.S. EPA as Reach 7).

[2] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

Nitrate+Nitrite Nitrogen in Table 2. Additionally, these Responsible Dischargers shall comply with the TMDL Action Levels (TALs)[3] for Nitrite+Nitrate-N, expressed as instantaneous maximum values, and Ammonia-N, expressed as both instantaneous maximum values and annual average values, in the table below. If sampling results indicate a NAL/TAL exceedance as set forth in Section XII.A, the Discharger shall commence the Exceedance Response Actions (ERAs) process set forth in Section XII.

**Nitrite+Nitrate-N TALs for Storm Water Discharges and NSWDs**

| Santa Clara River Reach | Instantaneous Maximum (mg/l) |
|---|---|
| Reach 5 | 6.8 |
| Reach 3 | 8.1 |

**Ammonia-N TALs for Storm Water Discharges and NSWDs**

| Santa Clara River Reach | Instantaneous Maximum (mg/l) | Annual Average (mg/l) |
|---|---|---|
| Reach 5 | 5.2 | 1.75 |
| Reach 3 | 4.2 | 2.0 |

The State and/or Regional Water Board may require industrial storm water dischargers to implement additional actions to address nitrogen compounds in authorized NSWDs and/or storm water discharges based on, but not limited to, monitoring data and comparison to applicable NALs/TALs, visual observations, discharger reports, or site-specific inspections and/or investigations.

*Monitoring and Reporting Requirements*

Where the facility's Assessment of Potential Pollutant Sources (described above) identifies industrial areas as a potential source of nitrogen compounds in authorized NSWDs and/or storm water discharges, Responsible Dischargers shall update the facility Monitoring Implementation Plan (Section X.I) per Section XI.B.6.e-f to include:

- Sampling and analysis for ammonia-N and nitrate+nitrite-N during Qualifying Storm Events (QSEs) if not already monitored per Section XI.B;
- Sampling and analysis of the facility's authorized NSWDs for ammonia-N and nitrate+nitrite-N twice within a reporting year; and

[3] A TMDL Action Level (TAL) is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII).

| | |
|---|---|
| | • U.S. EPA approved analytical methods, with appropriate method detection and reporting limits relative to the TALs in the table above.<br><br>The updated Monitoring Implementation Plan shall be included in the revised SWPPP and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements in this Order.<br><br>Dischargers shall implement their updated SWPPP and monitoring program and report the analytical results along with the rest of the non-TMDL parameters required by the Industrial Storm Water General Permit in the SMARTS. |
| TMDL documents are available at:<br>http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml | |

**Fact Sheet for Santa Clara River Nitrogen Compounds TMDL**

The Santa Clara River TMDL for Nitrogen Compounds addresses the nitrogen compounds nitrate, nitrite, and ammonia. Nitrogen compounds are biostimulatory substances. As such, while nitrogen helps support the growth of algae and aquatic plants, which provide food and habitat for fish and smaller organisms that live in water, excessive nitrogen in the water causes algae to grow faster than ecosystems can handle (known as eutrophication). Eutrophication can harm water quality, food resources and habitats, and decrease the dissolved oxygen levels in water necessary for fish and other aquatic life. Elevated concentrations of ammonia are toxic to aquatic life.

The beneficial uses of the Santa Clara River include municipal and domestic supply, ground water recharge, contact and non-contact water recreation, and habitat for warm and cold water aquatic life, wildlife, migratory species, threatened and endangered species, and wetland species, among others. The Water Quality Control Plan for the Los Angeles Region (Los Angeles Basin Plan) contains the water quality objectives necessary to protect these beneficial uses. The water quality objectives in some cases are numeric and in other cases are in narrative form. The Los Angeles Basin Plan contains narrative objectives for biostimulatory substances as well as specific numeric objectives for ammonia, nitrite and nitrate.

Reaches 3 and 5 of the Santa Clara River and several tributaries are on the Clean Water Act Section 303(d) List as impaired due to ammonia, nitrate, and nitrite. To address these impairments, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted a TMDL in 2003.

**Numeric Targets**

The numeric targets are the target conditions in the waterbody necessary to support beneficial uses. The numeric targets ammonia and nitrate+nitrite in the TMDL are based on the numeric objectives in the Los Angeles Basin Plan.

**Wasteload Allocations**

In the TMDL, storm water sources are generally considered a more minor source of ammonia, nitrite, and nitrate to the Santa Clara River relative to publicly owned wastewater treatment facilities. However, because these sources can potentially have localized effects on water quality, they are assigned concentration-based wasteload allocations (WLAs) equivalent to the water quality objectives. The WLAs are not separately established for wet conditions and dry conditions, rather they apply during both wet and dry conditions. For ammonia-N, WLAs are established to address both acute effects (one-hour average concentration) and chronic effects (30-day average concentration) on aquatic life. For nitrate+nitrite-N, WLAs are expressed as instantaneous maximums.

**WLA for Industrial Storm Water Dischargers (mg/L)**

| Santa Clara River Reach | Ammonia - N (one-hour average) | Ammonia - N (30-day average) | Nitrate + Nitrite - N (instantaneous maximum) |
|---|---|---|---|
| Reach 5 | 5.2 | 1.75 | 6.8 |
| Reach 3 | 4.2 | 2.0 | 8.1 |

Industrial storm water dischargers were required to meet the WLAs below as of March 23, 2004, or upon incorporation of the WLAs into applicable NPDES permits. Industrial storm water dischargers subject to the Industrial Storm Water General Permit are generally expected to be able to meet these WLAs through the implementation of best management practices (BMPs) and the related monitoring and reporting programs required by the Industrial Storm Water General Permit.

**Required Actions**

The required actions apply to Industrial Storm Water General Permittees whose facilities fall within Standard Industrial Classification (SIC) codes associated with the TMDL pollutants as set forth in Table 1 (102X, 144X, 207X, 281X, 284X, 287X, 34XX, 3479, 45XX and 4953) and that discharge non-storm water and/or storm water associated with industrial activities[4] to Reach 3 or Reach 5 of the Santa Clara River either directly or via a municipal separate storm sewer system (MS4). These are referred to as Responsible Dischargers. Industrial Storm Water General Permittees whose facilities fall within Standard Industrial Classification (SIC) codes associated with the TMDL pollutants as set forth in Table 1 (102X, 144X, 207X, 281X, 284X, 287X, 34XX, 3479, 45XX and 4953) and that discharge non-storm water and/or storm water associated with industrial activities[5] into reaches of the Santa Clara River other than Reaches 3 and 5 have not been assigned WLAs at this time. The State and/or Regional Water Board may identify other Responsible Dischargers based on site-specific inspections and/or investigations.

If nitrogen compounds are not already addressed in the facility's current Storm Water Pollution Prevention Plan (SWPPP), including its Assessment of Potential Pollutant Sources per Section X.G.2.a.ix, then Responsible Dischargers, as defined above, shall assess all areas of industrial activity at the facility relative to their potential as a source of these parameters in authorized Non-Storm Water Discharges (NSWDs) and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results, pursuant to Section X.B.1-2. The revised SWPPP shall

[4] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.
[5] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

be certified and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements in this Order.

Compliance with Wasteload Allocations

Responsible Dischargers subject to the Santa Clara River Nitrogen Compounds TMDL will be required to implement BMPs identified in their updated SWPPP and conduct sampling and analysis of NSWDs and storm water discharges for TMDL pollutants to assess BMP effectiveness in order to ensure their NSWDs and storm water discharges comply with the WLAs listed above.

Regarding NSWDs, the Industrial Storm Water General Permit identifies these as either unauthorized NSWDs or authorized NSWDs (Sections III and IV.A.). Unauthorized NSWDs are prohibited under Section III.B. Authorized NSWDs cannot be in violation of any Basin Plan, including TMDL WLAs contained in a Basin Plan, or statewide water quality control plan or policy (Section IV.B). The required Storm Water Pollution Prevention Plan (SWPPP) must include implementation of appropriate BMPs to ensure that authorized NSWDs do not contain quantities of pollutants that cause or contribute to an exceedance of a water quality standard (Section IV.B.3.c). Further, Section VI.A states that Dischargers shall ensure that industrial storm water and authorized NSWDs do not cause or contribute to an exceedance of any applicable water quality standards in any affected receiving water.

Regarding storm water discharges, reducing the discharge of nitrogen compounds can be achieved by utilizing Best Management Practices (BMPs) that eliminate exposure of storm water discharges and NSWDs to pollutant sources, retain storm water onsite, and/or treat storm water prior to discharge from the industrial facility.

Therefore, compliance with the existing conditions and requirements in the Industrial Storm Water General Permit, including but not limited to, updating the SWPPP to address TMDL pollutants; implementing BMPs as set forth in Section X.H, including Advanced BMPs (Sections X.H.2 and X.H.6); along with BMP effectiveness monitoring (Section XI) and the Exceedance Response Actions process (Section XII), is generally expected to ensure compliance with the WLAs assigned to industrial storm water discharges in the Santa Clara River Nitrogen Compounds TMDL.

The Industrial Storm Water General Permit already contains Numeric Action Levels (NALs) for certain TMDL pollutants, including nitrate-nitrite-N and ammonia-N (as annual averages) (Table 2 of the permit). However, these NALs do not address the acute toxicity caused by ammonia-N or short-term impacts of elevated nitrite+nitrate-N. Therefore, TMDL Action Levels (TALs) are included for ammonia-N and nitrite+nitrate-N as instantaneous maximums. Additionally, the Annual Average NAL in Table 2 is less stringent than the 30-day average WLAs for ammonia-N; therefore, Annual Average TALs for Ammonia-N are also included in the table below. Compliance with these TALs is necessary to achieve the WLAs. These TALs are shown in the table below.

**Nitrogen Compound TALs for Storm Water Discharges and NSWDs**

| Santa Clara River Reach | Ammonia - N (instantaneous maximum) | Ammonia - N (annual average) | Nitrate + Nitrite - N (instantaneous maximum) |
|---|---|---|---|
| Reach 5 | 5.2 | 1.75 | 6.8 |
| Reach 3 | 4.2 | 2.0 | 8.1 |

Responsible Dischargers will be required to demonstrate through sampling and analysis that the facility's NSWDs and storm water discharges associated with industrial activities do not exceed the applicable NALs/TALs for the Santa Clara River Nitrogen Compounds TMDL. If there is an exceedance of a NAL or TAL, the Responsible Discharger must undertake the Exceedance Response Actions (ERAs) process described in Section XII of the permit.

In conclusion, considering the existing conditions and requirements in the Industrial Storm Water General Permit regarding unauthorized and authorized NSWDs and storm water discharges, if a Discharger complies with the Industrial Storm Water General Permit, including updating the SWPPP and implementing Advanced BMPs where necessary, the Discharger is not likely to discharge nitrogen compounds above the applicable WLAs from its industrial areas. Therefore, no additional requirements beyond complying with the Industrial Storm Water General Permit, including updating and implementing the SWPPP, and implementing ERAs for exceedances of NALs/TALs are necessary to comply with the WLAs assigned to industrial storm water discharges at this time.

However, if it is determined, based on, but not limited to, monitoring data and comparison of results to NALs/TALs, observations of the site, discharger reports, and/or site-specific inspections and/or investigations, that a Discharger may be causing or contributing to an exceedance of a WLA, the State and/or Regional Water Board retains the authority to require Dischargers to further revise SWPPPs, BMPs, and/or monitoring programs, or direct a Discharger to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit, if deemed necessary.

<u>Monitoring and Reporting Requirements</u>

To ensure that storm water discharges comply with the Industrial Storm Water General Permit and, in particular, Section VI.A and the applicable NALs/TALs, as necessary to achieve the WLAs, the State Water Board finds that sampling and analysis of a facility's storm water discharges for nitrogen compounds is necessary. Industrial Storm Water General Permittees identified as Responsible Dischargers, above, will be required, per Section XI.B.6.e-f, to update the facility Monitoring Implementation Plan (Section X.I) to include sampling and analysis for ammonia-N and nitrate+nitrite-N during Qualifying Storm Events, if these parameters are not already monitored per Section XI.B.

To ensure that authorized NSWDs comply with the Industrial Storm Water General Permit and, in particular, Sections IV.B and VI.A and the TALs, as necessary to achieve the WLAs, the State Water Board finds that sampling and analysis of a facility's authorized NSWDs for ammonia-N and nitrate+nitrite-N is also necessary. Industrial Storm Water General Permittees will be required, per Section XI.B.6.e-f, to update the facility Monitoring Implementation Plan (Section X.I) to include sampling and analysis of the facility's authorized NSWDs for these pollutants twice during each reporting year, unless the Discharger provides documentation in its SWPPP per Section X.G.1.e, and through its monthly visual observations and records per Section XI.A.1-3, that there are no authorized NSWDs or these authorized NSWDs are fully contained on site.

To support the additional sampling and analysis required, Industrial Storm Water General Permittees will also be required to update the facility's Monitoring Implementation Plan to include U.S. EPA approved analytical methods, with appropriate method detection and reporting limits per Section XI.B.6.e, to determine the effectiveness of the BMPs for authorized NSWDs and storm water discharges at achieving the applicable NALs and TALs.

The updated Monitoring Implementation Plan shall be included in the revised SWPPP and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements in this Order.

**Regulatory Mechanisms**

The regulatory mechanisms available to the State and/or Regional Water Boards to require Industrial Storm Water General Permittees to implement additional actions and additional monitoring include: the Industrial Storm Water General Permit and the authority contained in sections 13263, 13267, and 13383 of the California Water Code. Under these regulatory mechanisms, the State and/or Regional Water Boards may require an Industrial Storm Water General Permittee to collect samples of its storm water and NSWDs and to analyze them for nitrogen compounds to determine compliance with the applicable WLAs in the TMDL.

**Proposed Addition to ATTACHMENT E, LIST OF TOTAL MAXIMUM DAILY LOADS (TMDLs) APPLICABLE TO INDUSTRIAL STORM WATER DISCHARGERS**

**Santa Clara River Reach 3 Chloride Total Maximum Daily Load (TMDL)**

| | |
|---|---|
| Resolution No. | N/A (Established by U.S. Environmental Protection Agency Region IX) |
| Effective Date | June 18, 2003 |
| Impaired Water Body(ies) | Santa Clara River, Reach 3 |
| Pollutant(s) | Chloride |
| Responsible Dischargers | Industrial Storm Water General Permittees that discharge non-storm water and/or storm water associated with industrial activities[1] to the impaired waterbodies either directly or via a municipal separate storm sewer system (MS4) or Reach 4, located immediately upstream of Reach 3. |
| Required Actions | Comply with the conditions and requirements of the Industrial Storm Water General Permit (Order No. 2014-0057-DWQ).<br><br>If chloride is not already addressed in the facility's current Storm Water Pollution Prevention Plan (SWPPP), including its Assessment of Potential Pollutant Sources per Section X.G.2.a.ix, then Responsible Dischargers, as defined above, shall assess all areas of industrial activity at the facility relative to their potential as a source of chloride in authorized Non-Storm Water Discharges (NSWDs) and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results. The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.<br><br>Responsible Dischargers that have identified industrial areas of their facility as a potential source of chloride in authorized NSWDs and storm water discharges shall comply with the TMDL Action Level (TAL)[2], expressed as an instantaneous maximum value, in the table below. If sampling results indicate a TAL exceedance as set forth in Section XII.A, the Discharger shall |

[1] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

[2] A TMDL Action Level (TAL) is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII).

commence the Exceedance Response Actions (ERAs) process set forth in Section XII.

**TAL for Industrial Storm Water General Permittees**

| Parameter | Applicability | TAL |
|---|---|---|
| Chloride | Authorized NSWDs/Storm Water Discharges | 80 mg/L (instantaneous maximum) |

The TAL applies year-round during both dry and wet weather.

The State and/or Regional Water Board may require Industrial Storm Water General Permittees to implement additional actions to reduce chloride in authorized NSWDs and/or storm water discharges based on, but not limited to, monitoring data and comparison to the applicable TAL, visual observations, discharger reports, or site-specific inspections and/or investigations.

*Monitoring and Reporting Requirements*

Where the facility's Assessment of Potential Pollutant Sources (described above) identifies industrial areas as a potential source of chloride in authorized NSWDs and/or storm water discharges, Responsible Dischargers shall update the facility Monitoring Implementation Plan (Section X.I) per Section XI.B.6.e-f to include:

- Sampling and analysis for chloride during Qualifying Storm Events if not already monitored per Section XI.B;
- Sampling and analysis of the facility's authorized NSWDs for chloride twice within a reporting year; and
- U.S. EPA approved analytical methods, with appropriate method detection and reporting limits relative to the TALs in the table(s) above.

The updated Monitoring Implementation Plan shall be included in the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

TMDL documents are available at:
http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/Established/Santa%20Clara%20River%20Reach%203%20Chloride%20TMDL/final%20SCR%20R3%20Cl%20TMDL.pdf

## Fact Sheet for Santa Clara River Reach 3 Chloride TMDL

Chloride levels in Reach 3 of the Santa Clara River exceed the water quality standards associated with agricultural supply and groundwater recharge. Reach 3 of the Santa Clara River is located between A Street, Filmore and Freeman Diversion "Dam", and downstream of the Camrosa Water Reclamation Plant near the City of Santa Paula, California. The beneficial uses most sensitive to chloride are agricultural use for irrigation of chloride-sensitive crops and groundwater recharge, which also supports agricultural uses.

U.S. EPA's analysis of available flow and loading data concluded that chloride concentrations in Reach 3 were higher during periods of lower flows, which supported the conclusion that exceedances of the chloride water quality objectives are most likely to occur during low flow conditions. The critical low-flow period identified in the TMDL is the summer of 1991, when drought conditions were present.

U.S. EPA identified water reclamation plants (WRPs), permitted storm water discharges (municipal, construction, industrial, and Caltrans), and dewatering operations as point sources of chloride. U.S. EPA estimated that the WRPs contributed approximately 80 percent of the chloride load under low-flow conditions. Industrial Storm Water General Permittees were not identified as major contributors of chloride in this TMDL. Minor discharge sources (which include Industrial Storm Water General Permittees) represented an estimated 6 percent of chloride loads under low-flow conditions and the estimated chloride concentrations for the minor discharge sources was less than 80 mg/L.

To address these impairments, on June 18, 2003, the United States Environmental Protection Agency (U.S. EPA) established the Santa Clara River Reach 3 Chloride Total Maximum Daily Load (TMDL). The TMDL became effective upon establishment.

### Numeric Target

The numeric target is the numeric water quality objective for chloride in Santa Clara River Reach 3 of 80 mg/L, applied as an instantaneous maximum, set forth in the Water Quality Control Plan for the Los Angeles Region (Los Angeles Basin Plan).[3]

[3] On November 6, 2003 (Resolution No. R03-015), the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) amended the Los Angeles Basin Plan to raise the Santa Clara River Reach 3 chloride water quality objective from 80 mg/L to 100 mg/L. This amendment went into effect on August 4, 2004. However, neither the U.S. EPA nor the Los Angeles Water Board later amended the Santa Clara River Reach 3 Chloride TMDL or WLAs to reflect the change in water quality objective. The estimated chloride concentration of industrial storm water discharges is less than 80 mg/L; therefore, it is expected that industrial storm water dischargers will comply with the existing WLA of 80 mg/L.

## Wasteload Allocation

The TMDL identifies Industrial Storm Water General Permittees as responsible dischargers. U.S. EPA set the TMDL and associated allocations at levels sufficient to implement the water quality objectives during low flow conditions, which is expected to result in attainment of the objective during higher flow conditions. Therefore, the TMDL assigns Industrial Storm Water General Permittees a WLA of 80 mg/L chloride, applied as an instantaneous maximum. The WLA applies year-round during both dry and wet weather.

## Required Actions

The required actions apply to Industrial Storm Water General Permittees that discharge non-storm water and/or storm water associated with industrial activities[4] to Reach 3 of the Santa Clara River either directly or via a municipal separate storm sewer system (MS4) or the upstream reach (Reach 4).

As described below, compliance with the conditions and requirements of the Industrial Storm Water General Permit is generally expected to achieve the WLAs assigned to industrial storm water dischargers in the Santa Clara River Reach 3 Chloride TMDL. Where necessary, this will be verified through sampling and analysis of authorized NSWDs and storm water discharges and comparison of results to the TMDL Action Level (TAL), as described below.



Compliance with Wasteload Allocations

Regarding NSWDs, the Industrial Storm Water General Permit identifies these as either unauthorized NSWDs or authorized NSWDs (Sections III and IV.A.). Unauthorized NSWDs are prohibited under Section III.B. Authorized NSWDs cannot be in violation of any Basin Plan, including TMDL WLAs contained in a Basin Plan, or statewide water quality control plan or policy (Sections IV.B and VI.A). The required Storm Water Pollution Prevention Plan (SWPPP) must include implementation of appropriate BMPs to ensure that authorized NSWDs do not contain quantities of pollutants that cause or contribute to an exceedance of a water quality standard (Section IV.B.3.c).

Regarding storm water discharges, compliance with the conditions and requirements in Section VI.A (Receiving Water Limitations) and Section X (Storm Water Pollution Prevention Plan), including subsection X.H (Best Management Practices) is generally expected to achieve the WLAs assigned to industrial storm water discharges.

In conclusion, considering the existing conditions and requirements in the Industrial Storm Water General Permit regarding unauthorized and authorized NSWDs and storm water discharges, if a Discharger complies with the Industrial Storm Water General Permit, the Discharger is not likely to discharge chloride above the WLA from its

[4] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

industrial process and materials handling and storage areas, and is unlikely to contribute to an exceedance of a WLA. Therefore, no additional requirements beyond complying with the Industrial Storm Water General Permit are necessary to comply with the WLA assigned to industrial storm water discharges at this time. However, if it is determined, based on, but not limited to, monitoring data and comparison to the applicable TAL, visual observations of the site, discharger reports, and/or site-specific inspections and/or investigations, that a Discharger may be causing or contributing to an exceedance of a WLA, the State and/or Regional Water Board may require Dischargers to revise SWPPPs, BMPs, and/or monitoring programs, or direct a Discharger to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit if deemed necessary.

Monitoring and Reporting Requirements

Dischargers covered under the Industrial Storm Water General Permit are required to execute visual observations of their site and sampling and analysis of qualifying storm events (IGP, Sections XI.A and XI.B). During the observation events, the Discharger is required to observe and report on the following: (1) the presence or indications of prior, current, or potential unauthorized NSWDs and their sources, (2) authorized NSWDs, sources, and associated BMPs to ensure compliance with the requirements as described in the above paragraph, and (3) outdoor industrial equipment and storage areas, outdoor industrial activities areas, BMPs, and all other potential sources of industrial pollutants (IGP, Section XI.A.1).

Industrial Storm Water General Permittees are also required to complete an Assessment of Potential Pollutant Sources as an element of a facility's SWPPP to identify pollutants that are likely to be present in the facility's industrial storm water discharges and authorized NSWDs. Dischargers with an active Notice of Intent who have identified[5] industrial sources of chloride with the potential to be present in the facility's industrial storm water discharges or authorized NSWDs are required to take effluent samples for chloride during each Qualifying Storm Event.

*1. TMDL Action Levels (TALs)*

Responsible Dischargers shall analyze effluent samples for chloride and compare sampling results to the TAL below. A TAL is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII). Therefore, Responsible Dischargers shall additionally comply with the TAL exceedance requirements established for this TMDL. A TAL exceedance will require the Responsible Discharger to follow the Exceedance Response Actions (ERAs) in Section XII.

[5] Either in the facility's existing SWPPP, or through the update to the facility SWPPP and the Assessment of Potential Pollutant Sources, as described below.

**TAL for Industrial Storm Water General Permittees**

| Parameter | Applicability | TAL |
|---|---|---|
| Chloride | Authorized NSWDs/Storm Water Discharges | 80 mg/L (instantaneous maximum) |

The TAL applies year-round during both dry and wet weather.

*2. Updating the Facility SWPPP: Assessment of Potential Pollutant Sources*

If chloride is not already addressed in the facility's current SWPPP, upon incorporation of these TMDL-specific requirements into the Industrial Storm Water General Permit, Responsible Dischargers will be required to assess all areas of industrial activity at the facility relative to their potential as a source of chloride in authorized NSWDs and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results.

The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

*3. Updating the Facility Monitoring Implementation Plan*

Authorized NSWDs Identified as a Potential Source: Responsible Dischargers that identify industrial areas of their facility as a potential source of chloride in authorized NSWDs will be required to update the facility Monitoring Implementation Plan to include sampling and analysis of authorized NSWDs for chloride twice during each reporting year, unless the Discharger provides documentation in its SWPPP per Section X.G.1.e, and through its monthly visual observations and records per Section XI.A.1-3, that there are no authorized NSWDs or these authorized NSWDs are fully contained on site. Sampling results will be used to ensure that authorized NSWDs comply with the Industrial Storm Water General Permit and, in particular, Sections IV.B and VI.A, consistent with the WLA.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

Storm Water Discharges Identified as a Potential Source: Responsible Dischargers that identify industrial areas of their facility as a potential source of chloride in storm water discharges shall verify BMP effectiveness by comparing sampling results with the TAL in order to ensure that storm water discharges comply with the Industrial Storm Water General Permit and, in particular, Section VI.A. Industrial Storm Water General Permittees will be required to update the facility Monitoring Implementation Plan by to

include sampling and analysis for chloride during Qualifying Storm Events, if these parameters are not already monitored per Section XI.B.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

Analytical Methods: To support the additional sampling and analysis required, Industrial Storm Water General Permittees will also be required to update the facility's Monitoring Implementation Plan to include U.S. EPA approved analytical methods, with appropriate method detection and reporting limits per Section XI.B.6.e, to determine the effectiveness of the BMPs for authorized NSWDs and storm water discharges at achieving the chloride TAL.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

**Regulatory Mechanisms**

The regulatory mechanisms available to the State and/or Regional Water Board to require Industrial Storm Water General Permittees to implement additional actions and additional monitoring include: the Industrial Storm Water General Permit and the authority contained in sections 13263, 13267, and 13383 of the California Water Code. Under these regulatory mechanisms, the State and/or Regional Water Board may require an Industrial Storm Water General Permittee to collect samples of its storm water and NSWDs and analyze the discharges for chloride to determine compliance with the WLA in the TMDL.