

Industrial General Permit Amendment to incorporate Total Maximum Daily Load Implementation Language December 2, 2016

Talking Point 1

- Example 1
 - Industrial permit is open ended, if dischargers continue to exceed there is no point at which they have to comply. They have no sanctions. Permit still has no sanctions.
 - Need to come up with a waste load allocation (WLA) so that TMDL will be complied with.
 - Under the Industrial Permit Material Recovery Facilities (MRFs) don't have to sample for bacteria. At this time the permit does not require them to identify themselves as a source of bacteria therefore they will never comply with the TMDL.
 - Suggested that monitoring for all pollutants be required to demonstrate compliance.
 - The implementation for the MS4 permit will also implement the TMDL. Modeling in WMPs does not include industrial facilities.
 - WLA = 0, Jon indicated that this was required by the EPA or those sources would not be allowed to discharge.
- Example 2
 - Reconsider the effectiveness of the mass based allocation as a compliance solution to TMDLs:
 - Consider using volumetric measures instead
 - Can't use action levels, it is illegal. Must use effluent limit:
 - EPA agreed with this reasoning
 - Consider using already existing monitoring programs such as temperature monitoring.
- Example 3:
 - The way the Water Board presented the example makes sense as long as it is protective.

Talking point 2

- Will the NAL and NEL numbers be the same?
- Clarify how the California Toxic Rule pollutants will be incorporated into TMDLs that have dates that already require compliance.
- Create document that clearly establishes the NEL and NAL processes; include time frames by which compliance is mandatory.
- Unsure as to why discharges are allowed to have the NEL level for compliance if they can't even reach the NAL.
- When is the permit enforceable if discharges have a second level at which they still continue to pollute.
- When there is a past due date for TMDL, no reason for them to have longer time for compliance. No reason to have level one if they just move to level 2.
- Focus monitoring on specific SIC Codes.
 - Comply just like in the General Permit in level 1, more stringent standards will be placed in level 2

- Benchmarks for compliance for metals are very similar to CTRs.
- The ERA process for past due date TMDLs is not legal even if authorized by the permit:
 - Level process for compliance whether or not there's past data is difficult
 - No past data, when compliance date is past, it means they can go through 2-3 years of going through the ERA process and they have to comply. This is not ok and illegal to allow those additional years.
- Jon Bishop: immediate non-compliance cannot be feasible, it'll be hard to sell to the Board.
- If there is an endpoint in implementing the TMDL, it is ok.

Talking point 4

- Set up SMARTS to help Regional Staff with their enforcement actions.
- Consider creating a spreadsheet with compliance dates and target numbers, this would help staff when looking at SMARTS and trying to find if discharger is in compliance.

Talking point 5

- Agree with approach presented on slide.

Talking point 7

- Legally it is hard to add an industrial facility to a municipal permit:
 - Consider allowing cities to apply for the industrial general permit and it to cover all facilities in its boundaries.
- Concern over the point of compliance for facilities that join the Regional infiltration basin. As of now, it is at the edge of facility:
 - Incentive: point of compliance would be out further than the facilities boundary
- 85th percentile- make sure it equals compliance with effluent level(s).
- Create more stringent effluent levels in lieu of water quality standards.
- A BMP that demonstrates compliance with receiving water criteria is ok instead of complying with NEL/NAL criteria.
- Information is available for BMP infiltration at 85th percentile:
 - It would capture certain pollutants because of geology/ground water concerns
 - LA MS4 currently uses 85th percentile approach
- Regional boards agree with the regional infiltration basin, allow for regional discretion as to where and if appropriate. In certain areas infiltration could cause pollution of ground water.
- Meeting to come up with agreement to add regional infiltration basin to IGP. Both parties would have to agree to not change the entire permit:
 - Has great environmental benefits
- State Board needs to provide guidance for infiltration ponds:
 - Some regional boards do not have guidance and this allows facilities to use best judgement. This is not protective enough.
- For meeting include following:

- Gateway area, Los Angeles County ,City of LA, City of Long Beach, and 1 or 2 representatives from the LA River

General Comments:

- Send out the 7 step process for evaluating the TMDLs
- NGOs will receive general responses to the comments made to Regional Boards.