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## State Water Resources Control Board

### **Summary of Significant Changes for the General Permit for Storm Water Associated with Industrial Activity Order 2014-0057-DWQ**

#### Electronic Reporting Requirements

This General Permit requires Dischargers to submit and certify all reports electronically via the SMART system. Under the previous permit, electronic reporting was optional.

#### Minimum Best Management Practices (BMPs)

This General Permit requires Dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial storm water discharges, serve as the basis for compliance with this General Permit's technology-based effluent limitations and water quality based receiving water limitations.

#### Conditional Exclusion - No Exposure Certification (NEC)

This General Permit applies U.S. EPA Phase II regulations regarding a conditional exclusion for facilities that have no exposure of industrial activities and materials to storm water. (40 CFR § 122.26(g)). The previous permit required light industries to obtain coverage only if their activities were exposed to storm water. This General Permit implements current U.S. EPA rules allowing any type of industry to claim a conditional exclusion. The NEC requires enrollment for coverage prior to conditionally excluding a Discharger from a majority of this General Permit's requirements. The NEC must be submitted electronically through the SMART system on or before October 1, 2015.

#### Notice of Non-Applicability (NONA)

This General Permit allows industrial facilities to submit a Technical Report in the SMART system claiming either they have designed their facility to contain storm water so that there is no discharge of storm water to waters of the United States or their facility is not hydrologically connected to waters of the United States. Dischargers who submit a NONA do not need general permit coverage. The NONA will be available after July 1, 2015 and must be submitted electronically through the SMART system.

#### Training Expectations and Roles

This General Permit requires that Dischargers have appropriately trained personnel implementing this General Permit's requirements at each facility. If a Discharger's facility enters Level 1 status, the Level 1 ERA Report must be prepared by a Qualified Industrial Storm Water Practitioner (QISP). All Action Plans and Technical Reports required in Level 2 status must also be prepared by a QISP.

Numeric Action Levels (NALs) and NAL Exceedances

This General Permit contains two types of NAL exceedances: (1) an annual NAL and (2) an instantaneous maximum NAL. An annual NAL exceedance occurs when the average of all sampling results within a reporting year for a single parameter (except pH) exceeds the applicable annual NAL. An instantaneous maximum NAL exceedance occurs when two or more analytical results from samples taken for any parameter within a reporting year exceed the applicable instantaneous maximum NAL value. Instantaneous maximum NALs are only for Total Suspended Solids (TSS) and Oil and Grease (O&G).

Exceedance Response Actions (ERA)

This General Permit requires Dischargers to develop and implement ERAs, when an annual NAL or instantaneous maximum NAL exceedance occurs during a reporting year. The first time an annual NAL or instantaneous maximum NAL exceedance occurs for any one parameter, a Discharger's status is changed from Baseline to Level 1 status, and the Discharger is required to evaluate and revise, as necessary, its BMPs (with the assistance of a QISP) and submit a report prepared by a QISP. The second time an annual NAL or instantaneous maximum NAL exceedance occurs for the same parameter in a subsequent reporting year, the Discharger's status is changed from Level 1 to Level 2 status, and Dischargers are required to submit a Level 2 ERA Action Plan and a Level 2 ERA Technical Report. Unless the demonstration is not accepted by the State Water Board or a Regional Water Board, the Discharger is not required to perform additional ERA requirements for the parameter(s) involved if the Discharger demonstrates that:

1. Additional BMPs required to eliminate NAL exceedances are not technologically available or economically practicable and achievable; or,
2. NAL exceedances are solely attributable to non-industrial pollutant sources;
- or,
3. NAL exceedances are solely attributable to pollutants from natural background sources.

Information supporting the above demonstrations must be included in QISP-prepared Level 2 ERA Technical Reports.

CWA section 303(d) Impairment and Total Maximum Daily Loads (TMDLs)

This General Permit requires a Discharger to monitor additional parameters if the discharge(s) from its facility contributes pollutants to receiving waters that are listed as impaired for those pollutants (CWA section 303(d) listings). This General Permit lists the receiving waters that are 303(d) listed as impaired for pollutants that are likely to be associated with industrial storm water in Appendix 3. For example, if a Discharger discharges to a water body that is listed as impaired for copper, and the discharge(s) from its facility has the potential sources of copper, the Discharger must add copper to the list of parameters to monitor in its storm water discharge. New dischargers that will be discharging to a water body with a 303(d) listed impairment are ineligible for coverage unless the Discharger submits information, prepared by a QISP, that they:

1. Have eliminated all exposure to storm water of the pollutant(s) for which the water body is impaired;
2. The pollutant for which the water body is impaired is not present at the Discharger's facility; or,

3. The discharge of any listed pollutant will not cause or contribute to an exceedance of a water quality standard.

#### Design Storm Standards for Treatment Control BMPs

This General Permit includes design storm standards for Dischargers implementing treatment control BMPs. The design storm standards include both volume- and flow-based criteria. Dischargers are not required to retrofit existing treatment control BMPs unless required to meet the technology-based effluent limitations and receiving water limitations in this General Permit.

#### Qualifying Storm Event (QSE)

This General Permit defines a QSE as a precipitation event that:

1. Produces a discharge for at least one drainage area; and,
2. Is preceded by 48 hours with no discharge from any drainage area.

#### Sampling Protocols

This General Permit requires Dischargers to collect samples during scheduled facility operating hours from each drainage location within four hours of:

1. The start of the discharge; or
2. The start of scheduled facility operating hours if the QSE occurred in the previous twelve hours.

This General Permit increases the sampling frequency by requiring the Discharger to collect and analyze storm water samples from each discharge location for two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30).

#### Compliance Groups

This General Permit allows the formation of Compliance Groups and Compliance Group Leaders. Compliance Group Leaders must complete a State Water Board sponsored and approved training program. The approved training program will be offered by the California Stormwater Quality Association (CASQA) and called the Trainer of Record. Trainer of Record Request for Qualifications will be accepted starting the spring of 2015. Dischargers participating in a Compliance Group are required to sample twice a year at each facility. The Compliance Group option is described in more detail in General Permit section XIV.

#### Discharges to Ocean Waters

Dischargers with ocean-discharging outfalls subject to model monitoring provisions of the California Ocean Plan shall develop and implement a monitoring plan in compliance with the monitoring requirements established pursuant to Water Code section 13383. Dischargers who have not developed and implemented a monitoring program in compliance with the California Ocean Plan model monitoring provisions by July 1, 2015 or seven (7) days prior to commencing operations, whichever is later, are ineligible for coverage.