PROPOSED 2018 INDUSTRIAL GENERAL PERMIT AMENDMENT

Winter 2017 Workshops
Sacramento: 12/18/2017
Los Angeles: 12/21/2017
San Diego: 12/22/2017
STAFF WORKSHOP INFORMATION

1. Introductions
2. Emergency Evacuation Information
3. Scheduling:
   • Purpose of the Workshop
4. Document Availability
5. Questions

During 12/18 Live Workshop, E-mail questions to:
auditorium@calepa.ca.gov
MAJOR COMPONENTS OF THE INDUSTRIAL GENERAL PERMIT (GENERAL PERMIT) AMENDMENT

1. Sufficiently Sensitive Test Methods
2. Total Maximum Daily Load Implementation
3. Compliance Options
1. SUFFICIENTLY SENSITIVE TEST METHODS
1. SUFFICIENTLY SENSITIVE TEST METHODS

- Defined in 40 Code of Federal Regulations 122.21(e)(3) and 122.44(i)(1)(iv)

  - Implement in National Pollutant Discharge Elimination System (NPDES) Permits

- A U.S. Environmental Protection Agency (EPA)-approved method is sufficiently sensitive if:

  - The minimum level of the method is at or below the water quality criterion or permit limitation for the measured pollutant or parameter.

  - Applicable General Permit limitations: Numeric Action Levels, TMDL-Numeric Action Levels, and Numeric Effluent Limitations
2. TOTAL MAXIMUM DAILY LOADS
A Total Maximum Daily Load (TMDL) is:
The maximum amount of a pollutant that the water body can receive and still attain water quality standards.

- Addresses 303(d) listed impaired water bodies

- Adopted into the appropriate Regional Water Board's Water Quality Control Plan (Basin Plan).
BACKGROUND

- Dischargers with an NPDES permit must comply with permit requirements that are “consistent with the assumptions and requirements of any Waste Load Allocations (WLA) for the discharge adopted by a Water Board and approved by U.S. EPA pursuant to 40 Code of Federal Regulations section 130.7”.

- Water Code section 13263, subdivision (a), requires that Waste Discharge Requirements (WDR) implement any relevant water quality control plans.
  - A TMDL is incorporated into a Basin Plan as an amendment
  - A TMDL is not self-implementing
2014 ADOPTED INDUSTRIAL GENERAL PERMIT

1. Permit Attachment E: TMDLs approved by U.S. EPA and the Regional Water Boards that are applicable to industrial storm water dischargers

- 36 total TMDLs within the following Regional Water Boards:
  - San Francisco Bay (Region 2)
  - Los Angeles (Region 4)
  - Santa Ana (Region 8)
  - San Diego (Region 9)
2. **Finding #40:** Regional Water Board staff are required to develop proposed TMDL-specific permit requirements for each TMDL listed in Attachment E.

- Regional Water Boards released proposed TMDL-specific permit requirements in March 2016 for a 30-day comment period

- State Board staff conducted focused stakeholder outreach during Winter 2016-Spring 2017
  
  - Focused stakeholders included commenter on Regional Water Boards’ proposed requirements
  
  - Newly proposed compliance options were also discussed
PROPOSED GENERAL ORDER AMENDMENT

• On November 21, 2017, the State Water Board issued a Public Notice regarding the complete proposed permit amendment package
  o 45-day public comment period start date: December 15, 2017
  o Staff-level Public Workshops: December 18, December 21, and December 22, 2017
  o State Water Board Public Hearing: January 9, 2018
  o Public comment period deadline: January 31, 2018 at noon

• Proposed permit amendment package includes the following documents:
  o The main portion of the existing General Order,
  o Attachment E of the Order,
  o The Fact Sheet, and
PROPOSED GENERAL ORDER AMENDMENT

- Information used for State Water Board staff development of proposed amendment:
  - Adopted Regional Water Board and U.S EPA TMDLs
  - Affiliated Regional Board adopted Resolutions, staff reports and technical documentation
  - Regional Water Boards’ proposed TMDL-specific permit requirements previously issued for public comments, and subsequent comments received

- Proposed permit requirements meet the assumptions of the TMDL.

- Existing General Order requirements were assessed to determine if existing Order requirements address TMDL requirements
Is industrial storm water a source?

Is industrial storm water a significant source?

Is a TMDL Waste load allocation identified for industrial storm water discharges?

What are the TMDL-specific requirements and compliance schedules?

Does compliance with General Order = TMDL compliance?
PROPOSED GENERAL ORDER AMENDMENT

• Proposed translation of existing TMDL waste load allocation considered:
  
  o Compliance with existing General Order Numeric Action Levels (referred to as NALs) and existing Exceedance Response Action requirements
  
  o Addition of TMDL-specific numeric action levels (referred to as TNALs)
  
  o TMDL-specific numeric effluent limitations (referred to as NELs)

• Dischargers must comply with the General Order numeric action levels

• Some dischargers must also comply with TMDL-specific numeric action levels and numeric effluent limitations

• Current General Order regulatory structure maintained for pollutant identification, monitoring and reporting requirements
EXAMPLE TRANSLATIONS

**Compliance with General Order equates to compliance with TMDL requirements**
- Applies for TMDLs that do not assign an industrial storm water-specific waste load allocation

**Compliance with General Order and TMDL-related numeric action levels:**
- Applies for TMDLs with:
  - Compliance deadlines that are beyond the General Order permitting term
  - Concentration-based waste load allocations or numeric target for the receiving water body (not at point of discharge from industrial facility)
  - Mass-based waste load allocations

**Compliance with General Order and TMDL-related numeric effluent limitations:**
- Applies for TMDLs that contain concentration-based waste load allocations specifically assigned to industrial storm water discharges at the point of discharge
<table>
<thead>
<tr>
<th>Industrial Pollutant Categories</th>
<th>Number of TMDLs (some overlap)</th>
<th>Proposed Compliance</th>
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</table>
| Indicator Bacteria             | 8                              | • Comply with General Order  
                              |                                 | • TMDL-related numeric action level |
| Metals                         | 12                             | • TMDL-related numeric action level  
                              |                                 | • TMDL-related numeric effluent limitation |
| Nutrients                      | 5                              | • Comply with General Order  
                              |                                 | • TMDL-related numeric effluent limitation |
| Toxics/Pesticides              | 6                              | • Comply with General Order  
                              |                                 | • TMDL-related numeric action level  
                              |                                 | • TMDL-related numeric effluent limitation |
| Trash/Debris                   | 2                              | • Comply with General Order and trash control requirements |
| Salts                          | 3                              | • Comply with General Order  
                              |                                 | • Site-specific TMDL-related numeric effluent limitation |
| Sediment                       | 3                              | • Comply with General Order  
                              |                                 | • Discharge flow estimation for one TMDL |
IMPLEMENTATION OF PROPOSED PERMIT AMENDMENT IN “SMARTS”**

**Storm Water Multiple Application and Reporting System

- Reporting requirements will continue to be electronically through SMARTS
- Dischargers complying with TMDL-specific requirements will need to self-identify and report compliance
  - SMARTS will not calculate exceedances of TMDL-related numeric action levels or effluent limitations
- Map resources will be provided for TMDL watersheds
3. PROPOSED COMPLIANCE OPTIONS
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• Attachment I of the General Permit

• Proposed General Permit Compliance Options:

1. On-site compliance: capture and use of industrial storm water and authorized non-storm water up to and including the daily volume of the 85th percentile 24-hour storm event; or

2. Off-site compliance: Participation in agreements with municipalities resulting in off-site retention best management practice (BMPs).

• Compliance options are proposed to be available statewide

• Dischargers complying with one of these options are deemed in compliance with the General Permit’s discharge prohibitions, effluent limitations, and receiving water limitations once BMPs are implemented and operational.
ON-SITE COMPLIANCE OPTION
PRPOSED ON-SITE COMPLIANCE OPTIONS

• Best management practice (BMP) design and installation requires a California licensed professional engineer

• Only storm water and authorized non-storm water discharges allowed to enter the BMP(s)

• Operation and maintenance plans required

• Reporting of all BMP bypass and overflows required
PROPOSED ON-SITE COMPLIANCE OPTIONS

• Influent to the infiltration BMP for industrial pollutants shall meet Maximum Contaminant Levels (MCLs); or

• Install groundwater monitoring equipment (e.g. lysimeters)

• All primary MCLs, and secondary MCLs for total dissolved solids, chloride, specific conductance, sulfates, apply to infiltrated water

• Influent to dry wells must meet primary and secondary MCLs, and are not eligible for groundwater monitoring option
PROPOSED OFF-SITE COMPLIANCE OPTIONS: OVERVIEW OF PROPOSED REQUIREMENTS
PROPOSED OFF-SITE COMPLIANCE OPTIONS

- Applies to industrial facilities eligible to participate in watershed-based compliance.

- Agreement with the local jurisdiction is through a Regional Water Board approved “watershed management program or storm water program.”

- Watershed-based BMP(s) are required to be in the same watershed as the facility and TMDL (if applicable).
NEXT STEPS

• Workshops:
  o Sacramento – 12/18/2017
  o Los Angeles - 12/21/2017
  o San Diego – 12/22/2017

• Public Board Hearing:
  o Summary of Proposed Amendment and Public Comments – January 9, 2018

• Public Comments:
  o Due: January 31, 2018