

Industrial General Permit Amendment to incorporate Total Maximum Daily Load Implementation Language December 15, 2016

Talking Point 1

- Example 1
 - a. Part of Permit requires concentration and load base in order to comply with TMDL. Everyone needs to participate
 - b. The Waste Load Allocation (WLA) should apply to all NDPES permits who discharge into the watershed
 - c. Take into consideration that a facility can have both industrial and non-industrial activities, for example a kitchen can be located on a facility
 - County can establish regulations around this
 - d. Regional Board is in the process of fixing this issue in the TMDL
 - e. Need to have a process so it can be updated within the 3 year cycle
 - f. What happens if a water body is ever delisted on the TMDL?
 - Many have water bodies that have been de-listed but have not been removed from the TMDL
- Example 2
 - a. Are the Numeric Action Levels (NALs) as set in the permit going to be used or new values (TALs) based on the TMDLs or equations where the values would be at a lower level
 - b. How could information in the SMARTS system be used to allow for mass based allocations for reporting by the dischargers?
 - c. Not sure if TALs will be enforceable and if they will be then the enforcement timeline needs to be added in the amendment
- Example 3
 - a. A 10th of an inch of precipitation can still mobilize pollutants
 - b. Bacteria concentration will vary with the strength of the rainfall
 - c. Monitoring of hardness should be done upstream of discharge point
 - d. San Diego is also monitoring at jurisdictional political boundaries. This information is being added to CEDEN
 - e. Having one waste load allocation would work but still should allow discharger ability to monitor own numbers for discharge
 - f. Create reasonable generalities but allow for flexibility
 - g. EPA prefers numeric effluent limits but if not in alignment with TMDL then alternative measures case by case determination

Talking Point 2

- There is an extreme challenge to keep track of all compliance deadline
 - Ex: Industry in 4 different regions to comply with 4 different TMDLs

- MS4s have had since 2008 to comply. Industry will have to comply immediately
- Consider additional time for dischargers already at Level 2
- Industry favors setting one specific date for compliance for all TMDLs
 - This would allow industry time to plan out procedures
- One company can have facilities that each discharge into different watersheds. Maintain consistency in each watershed to make it easier on industry.
- EPA: NEL shouldn't be treated as a NAL in Level 1, a permit exceedance in NEL is a violation.
- Back calculations for monitoring events are not accurate, how to back calculated mass-based WLA?
- IGP does not require flow data

Talking Point 3

- Database should be updated frequently

Talking Point 4

- Print from SMARTS
 - Identify TMDL requirements
 - Monitoring and reporting requirements
 - Additional functionality should be added to SMARTS so the discharger can print out the parameters they are supposed to sample and the associated NALs/TAls.
- Include watershed on 303(d) list and the pollutant assessment for all parameters
- All TMDLs should take into consideration and collaborate with other sister agencies. ARB has Zinc and Copper requirements
- It is ok for SMARTS to not perform calculations, just provide the equations so that all dischargers are using the correct equations for calculations.
- Automatic letter will be generated by SMARTS to announce discharger is in Level 1 and what additional actions they need to take.

Talking Point 5

- Amendment should establish a compliance date that would not put dischargers automatically out of compliance
- Two instances:
 - Those that have a date that already passed then have to comply by certain date.
 - Those that don't have a date that has passed need to comply by a secondary date
- Industry's biggest concern is the timeline schedules, must be dates they can legally comply with
- For NPDES permits, EPA's interpretation of the milestones are: if a TMDL had a compliance date outside of the 5 year permit date, this would then become a goal.
 - All requirements set in TMDL are still in place for the next timeframe
 - Having the "goals" allows future permit writers to see the original intentions of permit

- If a permit does not get re-issued then the current permit gets administratively extended, but the implementation of the TMDL effluent limits may not get extended.

Talking Point 6

- Establish actions that dischargers need to take if the permit allows for the discharge of a pollutant but it is not allowed by county ordinances (note the permit does not allow any violations of a local ordinance).
- Consider conflicts with local requirements

Talking Point 7

- BMPs need to be watershed or Regional specific
- The option is enticing for industry only if a credit system is also put in place
- Language for collaboration and compliance needs to be added to amendment
- Allow for other compliance options even if they are not specifically called out in amendments
- Interesting that NGO's are agreeing to Regional infiltration option. Industry is finding that NGOs are holding them to "no pollution added" standards
- Consider restrictions for infiltration basins already established in a MS4
- We need assurance that the Dischargers are dedicated to making this alternate compliance option work