

# **Industrial General Permit Amendment to incorporate Total Maximum Daily Load Implementation Language December 8, 2016**

## **Talking Point 1**

- Example 1:
  - Dischargers aren't really complying with the TMDL, they are complying with the permit. By following what the permit allows then they should be in compliance of TMDL.
  - Add criteria to the permit in cases where Industry is listed as a source but not given a waste load allocation (WLA).
  - Consider allowing for collaborations with MS4 permittees.
  - Compliance methods need to be identified in permit.
- Example 2:
  - In the case of multiple permittees in one watershed and with one target, would trying to reach the larger number be considered a BMP?
- Example 3:
  - Using concentrations is less reliable when translated back to allocations.
    - This could allow for the TMDL to be challenged.
  - Concern with the validity of the concentration values and waste load allocations. Consider using a median number instead, don't pick the most protective.
  - BMPs allow for the achievement of compliance of TMDLs, doesn't need to be a hard effluent limitation concentration value.
  - NALs are always easier to achieve.
  - Concentration based waste load allocations should be allowed to use BMPs.

## **Talking point 2**

- Need clarification of date of exceedance at level two and when they could be fined:
  - Is the date the due date for reports?
- Make sure it does not look like enforcement action language.
- Not all TMDLs and pollutants have BMPs, mercury does not. Make sure this is taken into consideration when given compliance timelines. Allow for path to compliance by having regional board staff and discharger find appropriate solutions.
- Allow for pilot studies within the permit.
  - Mercury BMPs are not showing much reduction at this time.
- Utilize EPA's list of SIC codes as a preliminary list of pollutants that each facility needs to monitor for:
  - If pollutant is not on the SIC codes list, allow for QISP.
  - Allow for off-ramps if the facility does not produce certain pollutants.
- Allow for adaptive management, recognize that storm water is not like wastewater.
- Utilize the QISP source assessment process, industrial facilities should not have to police neighbors:

- Run on discharge may comeingle, this should be considered under the source assessment portion.
- Should conclude: compliance with the permit is compliance with the TMDL and the Water Quality Standards.

### **Talking point 3**

- Model will be helpful for MS4 permits also.

### **Talking point 5**

- Set up SMARTS to help Regional Staff with their enforcement actions.
- Important to have time in action periods:
  - Changes to permit would cause a need to change the timeline for monitoring.
- Compliance date when adopted should be immediate, but allow action time for facilities to come into compliance:
  - Pick a sensible date.
- Incorporate a schedule or action time into the amendments:
  - Define what actions need to be taken and allow for flexibility in time.
- Highly desirable to not have a situation where industrial facilities are immediately in compliance.
- Time schedule orders (TSO) are not Clean Water Action documents:
  - Facilities can still be sued by citizens, this does not protect industrial discharges from citizen suits.
- Consider one date for compliance if not you will have 3000 permittees with different schedules.

### **Talking point 7**

- Change “alternate” or “option” and reuse to “use”.
- Allow MS4 permittees to use Regional BMPS also.
- County managers are not usually in favor of industrial discharge facilities joining their MS4 permit.
- Compliance BMP may conflict with Trash Policy Requirements.
- Bay area doesn’t have WIMPs or EWIMPS, they have green infrastructure plans:
  - Usually these are used for the construction permits
- Local water districts will have concern with injection of stormwater into aquifer.
- CASQA just created a workgroup to discuss benefits of infiltration and to get incentives.
- Include incentives for regional BMPS.
- Many discharges interested in mass based ideas .
- Washington is giving away waiver for certain requirements:
  - Based on total precipitation compared to what is being discharged off of the facility

### **General Comments:**

- Water Board needs to distribute the presentation to all people invited to meeting

- Information gathered from focused listening sessions should be distributed to TMDL writers. This would allow for easier compliance and to understand what “bucket” each discharger falls into.