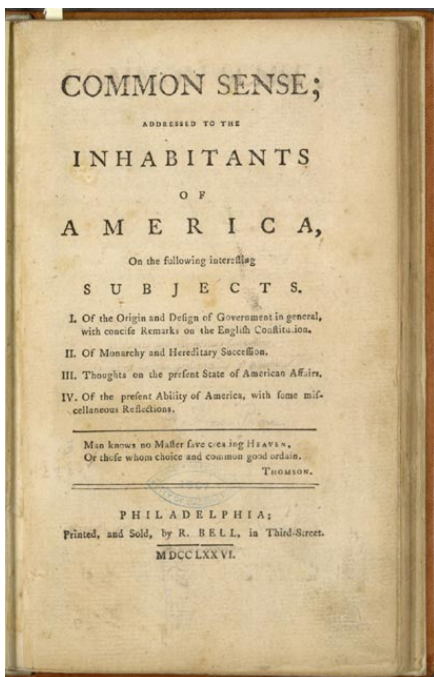


Hot off the press ...

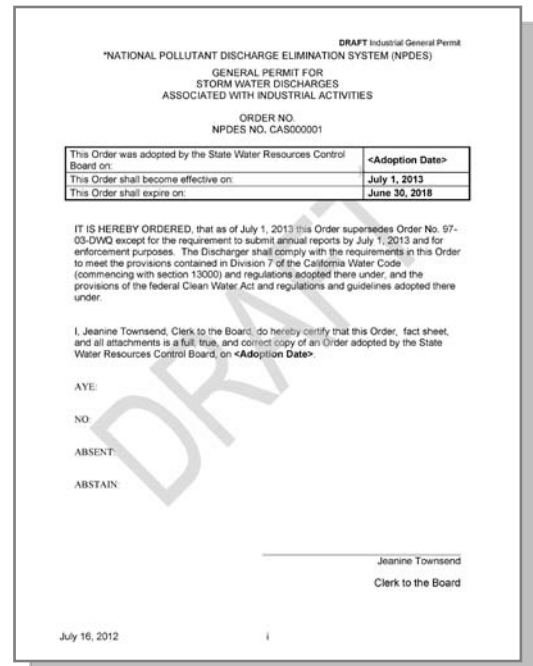
## New Draft of IGP Released



First published anonymously on January 10, 1776 and signed, "Written by an Englishman", the book Common Sense was later discovered to be written by Thomas Paine. In this short pamphlet-book, he presented American Colonists with the case for freedom in such a clear and easy-to-understand way that it ignited a revolutionary passion among the common man.

The State Water Board has just recently come out with its third draft of the Industrial General Permit. Although it may not cause a revolution, it is, nonetheless, quite revolutionary in its own right. Why? Because ... *and I thought I would never say this of a California NPDES permit* ... this permit has incorporated a good amount of common sense. Hold on, before you go out and cancel your subscriptions to this newsletter, hear

me out. I am as shocked as you are! But, I believe the State Water Board has actually listened to comments provided by industry and has come up with a permit that is pretty fair. In this edition of *The Rain Events*, we will provide you with 10 reasons why we like this permit. We will also identify a few things we don't like about it. And, we will give you an overview of permit changes that will go into effect on July 1, 2013 (237 years after the first American Revolution). But, as proud Americans, we applaud the State Water Board for borrowing from the title page of Mr. Paine's pamphlet instead of his other book, "The Crisis".





*Thomas Paine*

Now this is common sense!


## We Have a **JUNE** Contest Winner!

**Vickie Caulfield** submitted the winning answer!

The question was ...

What is the best thing to do during the summer months with your storm water compliance program? (multiple choice)

- a. Do nothing. Go on vacation.
- b. Check your outfalls everyday for storm water discharges.
- c. Seal the storm drain inlets with plastic sheeting, review / revise the SWPPP, and train employees.

“C” is the most appropriate answer of the three choices, but Vickie added that her organization also cleans their culverts and drain inlets sometimes with a vactor. They also review the SWPPP SOP and the permit with all operators and ensure proper sample collection with operators. Vickie wins \$25 to treat herself and her operators to ice cream on a hot August day at .

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## You Still Have Time to Comment on this Permit!

The State Water Board staff will hold two informal staff workshops in August 2012. The purpose of the staff workshops is for State Water Board staff to answer questions and receive informal feedback on the 2012 Draft NPDES Industrial General Permit. Although a quorum of the State Water Board may be present at the staff workshops, the State Water Board will not take any action during the staff workshop. The location and time of the staff workshops are as follows:

### **Southern California Staff Workshop**

Wednesday, August 8, 2012  
12:00 p.m. - 3:00 p.m.  
South Coast AQMD Auditorium  
21865 Copley Drive  
Diamond Bar, CA 91765  
[Venue Information](#)  
Capacity: 300 people

### **Northern California Staff Workshop**

Friday, August 10, 2012  
12:00 p.m. - 3:00 p.m.  
Joe Serna Jr.-Cal/EPA Building  
1001 I Street, Second Floor  
Sacramento, CA 95814  
[Venue Information](#)  
Capacity: 250 people  
[Broadcast](#)

Written comments and materials must be received by **12:00 noon on September 21, 2012**. After the written comment deadline, State Water Board staff will not accept additional written comments or materials on the draft documents.

Commenters are encouraged to submit written comments and any written materials electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please include in the subject line: **“Comment Letter – Industrial General Permit”**.

There will be a public hearing to consider adoption of the draft permit renewal. It will be held on:

**Wednesday, 9:00 a.m. October 17, 2012**

Joe Serna, Jr.-Cal/EPA Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814



## Finally, a permit made with common sense . . .

Now I know this may come as a shock to many of you, and some of you will refuse to believe it, but I think the State Water Resources Control Board has finally come out with a permit that was made with a good amount of common sense. It just might be that the Water Board has finally listened to the comments given to them by those having to live under these permits. Please wait and hear me out before you cancel your subscription to this monthly newsletter, but I would like to give you **10 reasons why I feel this is a good and reasonable permit**. If you still have your copy of the March 2011 Rain Events Newsletter, please pull it out and compare the following ten points with those identified in the earlier newsletter. You will note that the same points on which we were criticizing the State Water Board are now listed as positive aspects of this permit.

1. **Minimum BMPs** – The previous draft renewal of this permit introduced the concept of minimum BMPs; but the approach taken in that draft was way too prescriptive. For example, it stated that outdoor waste handling equipment or containers must be inspected and cleaned daily! That might be a good idea at some facilities, but not all facilities need daily attention. This draft renewal addresses minimum BMPs in a much more reasonable manner, stating that inspection and maintenance frequency should be determined by the discharger. It also states that dischargers may eliminate or revise any minimum BMP determined to be inapplicable, infeasible, inappropriate, or that require operational or physical revisions of the facility that exceed BAT/BCT. Now, that is doable!
2. **Certifications Required** – The previous draft renewal introduced the certification of Qualified SWPPP Developer, who is the only individual approved to prepare or revise a SWPPP document. In that draft, only a California civil PE, California registered geologist, a California registered landscape architect, or a professional hydrologist could be a QSD. This would eliminate the majority of those who currently prepare these plans. In this draft, the State introduces a new approved SWPPP writer / implementer called a Qualified Industrial Storm Water Practitioner (QISP), in which several levels of certifications will be offered. It seems the State recognized the comments made on the previous draft permit stating that there are many qualified SWPPP writers from various backgrounds. Now anyone can be a QISP as long as they attend a State-approved training course. Although, this may be viewed as more restrictive than the current permit, at least the certification process is open to all and, as proposed, will be done in a reasonable manner. To defend the State on the need for training, after having this permit out for more than 20 years, it is amazing to see how inadequate SWPPPs are at many facilities; and how little those responsible for the SWPPP implementation know about storm water

pollution prevention. It won't hurt SWPPP writers and implementers to go to a one time class. However, we would like to encourage the State to utilize online training, in lieu of live training, in order to minimize the disruption to business.

- Numeric Action Levels and Numeric Effluent Limits** – In this area too, the State Water Board has made great strides since the last renewal. Of course it helped getting their hand smacked by the California Superior Court, which struck down numeric effluent limits in the Construction General Permit. But, more importantly, it seems the Water Board is purposely not trying to out-do the USEPA in permit limits and benchmarks, but is following their lead. Benchmarks, now called numeric action levels (NALs), are in line with the Federal version of this permit, which is called the Multi-Sector General Permit. For pH, TSS, and Oil & Grease, the Water Board has set an annual average NAL and a higher instantaneous maximum NAL.

Parameter	Units	Annual NAL	Instantaneous Maximum NAL
pH	pH Units	6.0 – 9.0	6.0 – 9.0
<b>Total Suspended Solids (TSS)</b>	mg/L	100	400
<b>Oil &amp; Grease</b>	mg/L	15	25

The annual NAL is an average of all sampling analytical results for the entire facility for the reporting year. This is fantastic news! Most of the benchmark or NAL exceedances that I have seen are for TSS and are usually in the 150 – 300 range. This provides permittees with a little more room to work with in meeting the NALs for TSS and Oil & Grease.

Another piece of big news ... testing for specific conductance has been dropped! And along with it the ridiculous benchmark of 200 umhos/cm! Wow, I didn't think this would ever happen. For years we have submitted comments in annual reports stating that elevated conductivity was coming from deposits of marine air. The Water Board actually references the marine air salt deposits as a reason for eliminating the testing on page 40 of the Fact Sheet. I think I might swoon!

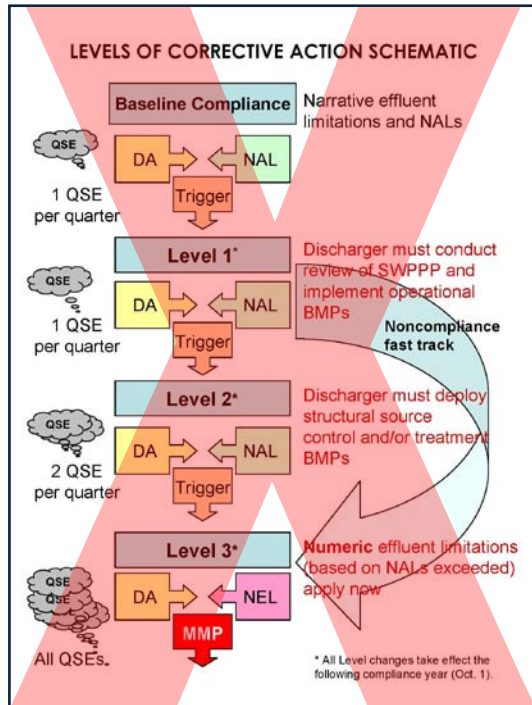
Download the Draft Industrial General Permit for yourself. Go to ...

[http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/2012npdes\\_genprmt.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/2012npdes_genprmt.shtml)

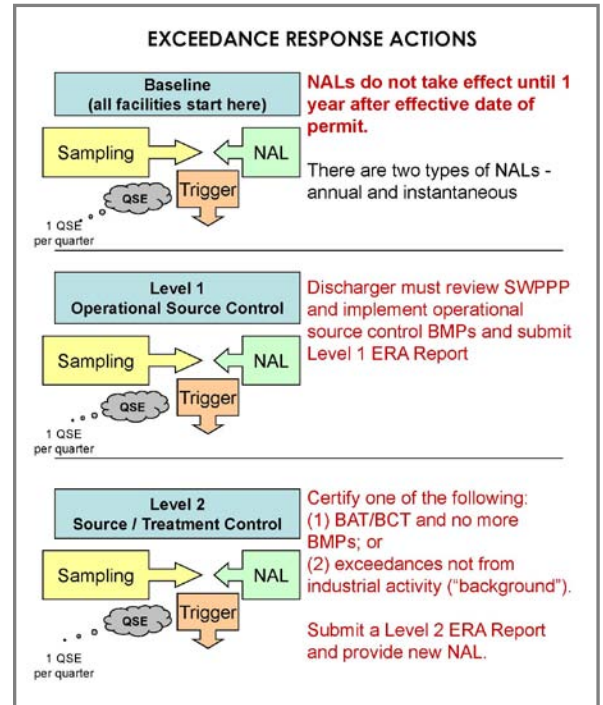
2012 Third Draft NPDES Industrial General Permit Documents for Public Comment

- [Analysis of the Compliance Costs for the IGP](#)
- [Exceedance Response Actions Schematic](#)
- [Fact Sheet](#)
- [Order](#)
- [Attachment A – Facilities Covered](#)
- [Attachment B – Storm Water Sample Collection and Handling Instructions](#)
- [Attachment C – Permit Registration Documents](#)
- [Attachment D – TMDL Implementation](#)
- [Attachment E – Effluent Limitations Guidelines \(ELGs\)](#)
  - [411 Cement Manufacturing Point Source Category](#)
  - [418 Fertilizer Manufacturing Point Source Category](#)
  - [419 Petroleum Refining Point Source Category](#)
  - [422 Phosphate Manufacturing Point Source Category](#)
  - [423 Steam Electric Power Generating Point Source Category](#)
  - [429 Wetting of Logs at Wet Deck Storage Areas](#)
  - [434 Coal Mining Point Source Category](#)
  - [436 Mineral Mining and Processing Point Source Category](#)
  - [440 Ore Mining And Dressing Point Source Category](#)
  - [443 Paving and Roofing Materials \(Tars And Asphalt\) Point Source Category](#)
  - [445 Landfills Point Source Category](#)
  - [449 Airport Deicing](#)
- [Attachment F – ASBS Exception Requirements](#)
- [Attachment G – Acronyms](#)
- [Attachment H – Glossary](#)
- [Appendix 1 – Conditional Exclusion - No Exposure Certification](#)
- [Appendix 2 – Storm Water Pollution Prevention Plan Checklist](#)

4. **Exceedance Response Actions** – This was probably the scariest part of the previous draft renewal permit. Once again the Water Board has taken a surprising, but refreshing, about-face into the direction of common sense and is proposing what seems to be a very logical and achievable approach. The previous version had three levels of corrective action responses which would ultimately end with the discharger in non-compliance with their permit and sampling every qualifying storm event. This draft renewal has only two levels, with some features I think will keep dischargers from wasting precious time and resources chasing an unattainable goal.



**Previous Version**



**Current Draft**

The proposed Exceedance Response Actions (ERAs) include having to prepare the following reports:

- Level 1 ERA Evaluation Report
- Level 2 Technical Report
- Level 2 BAT/BCT Compliance Demonstration Technical Report
- Level 2 Non-Industrial Source Pollutant Demonstration Technical Report
- Level 2 Natural Background Demonstration Technical Report

Although some would see these reports as burdensome and an example of additional regulatory pressure; I view these reports as a huge step in the right direction in providing much needed regulatory relief for industrial permittees. For years, we have seen the frustration of industrial general permittees wondering whether or not they have met the BAT/BCT standard and whether the State considers them as meeting it. I know of several facilities that in my opinion have

taken very proactive steps to prevent and reduce heavy metals in their storm water runoff, but yet, still consistently exceed benchmarks. If these facilities submit a BAT/BCT Compliance Demonstration Technical Report and it is accepted by the Regional Board; it would be the first time that I am aware of in our State that an agency went on record stating the facility is complying with the BAT/BCT standard. Not only will the facility return to the baseline monitoring status; and although I am not an attorney, I believe it will go a long way in protecting that business from third party lawsuits. The same is true for the Non-Industrial and Natural Background Demonstration Reports.

5. **Sampling Frequency and Rules** – It is amazing how just a few minor changes in wording greatly clarifies something; such is the case when it comes to the storm water sampling requirements. Although the intended sampling protocol may not have changed in the State’s mind, the clarified wording makes the sampling much more reasonable from the permittee’s perspective. In short, the current permit requires up to one sample per calendar quarter at each point of discharge (a maximum of four samples per discharge point). If a quarter has a qualifying storm event (QSE), the first QSE is required to be sampled. If for some reason the first QSE is missed, the next QSE in that quarter must be sampled. If there is not another QSE, then you must sample two QSEs in the next quarter. However, the improved language in this permit clarifies that if a calendar quarter does not have a QSE or if there is a QSE but no discharge (i.e. the water is impounded), then no sample is required for that quarter and the total number of samples required for the year is reduced by one.
6. **Sampling Parameters** – As in the previous renewal draft, Total Organic Carbon (TOC) has been removed as an option. Dischargers must now analyze samples for Oil & Grease. This actually simplifies and standardizes testing on a State-wide basis and should not be an issue for most permittees. As mentioned above, conductivity testing was eliminated. The Water Board dropped the requirement to field test pH which was in the previous renewal draft. They will allow laboratory testing as long as it complies with 40 CFR 136; including meeting the hold time of 15 minutes. This, obviously, is not very doable for most facilities (even if you have your own laboratory), so it will be necessary to purchase and use a field pH instrument. They are not expensive (<\$120) and, in our experience, we have found we will usually get more favorable readings when pH is measured immediately in the field.

This draft renewal permit opens wider the definition of a qualifying storm event (QSE). Samples are required to be collected within **4 hours** of **a)** the start of discharge; or **b)** the start of facility operations if the QSE occurs within the previous 12 hour period. This will greatly facilitate obtaining the required samples. It also extends the “legal flush” time from 2 hours to a minimum of 4 and possibly up to 12 hours before needing to collect discharge samples.

7. **New Inspections** – Although the newly proposed pre-storm inspections are still in this draft version, four other new inspections identified in the last draft have been eliminated from this one. They include the proposed quarterly pollutant source inspection (not to be confused with quarterly non-storm water discharge observations), and three mandatory BMP inspections including daily outdoor material and waste handling inspections, weekly outdoor industrial activity inspections, and weekly equipment inspections. This is a huge reduction in the inspection burden proposed in the last draft renewal. The State Water Board is leaving it up to the permittees to define much of the BMP inspection program and set the frequency.
8. **Electronic Filing & Reporting Requirements** – The State Water Board has been switching all of their NPDES permits over to the SMARTS system, so it is not surprising to see that it will be mandatory to file all Permit Registration Documents, Notice of Intents, analytical data, and reports on SMARTS. The deadline for the annual report has been pushed back 14 days to July 15, giving permittees 2 extra weeks to prepare the report. However, note that all analytical results must be uploaded onto SMARTS within 30 days of obtaining the results.
9. **Group Monitoring** – It is back! Group monitoring programs were removed from the previous draft renewal, but they have been brought back into this draft as Compliance Groups. Although, I have never been a big fan of Group Monitoring Programs, there are some entities that like having the option. This draft permit has two categories of Compliance Groups to coincide with the ERA classifications. There is a Compliance Group Level 1 (CGL1) and a Compliance Group Level 2 (CGL2) which has different responsibilities depending on their ERA status.
10. **Sampling Frequency Reduction Option** – Good behavior is rewarded in this permit. If a permittee is in full compliance with the IGP and sampling results did not exceed the Numeric Action Levels (NALs) for eight consecutive quarters having a QSE, then the permittee can submit a Sampling Frequency Reduction (SFR) report on SMARTS and, upon approval by the Regional Board, reduce the sampling to just collecting samples from the first QSE of the year (after October 1). The number of required consecutive quarters in this draft was reduced from the 10 quarters required in the previous draft.



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### **“To Do List” for July & August:**

- Make sure the 4<sup>th</sup> Quarter Non-Storm Water Observation is performed (Forms 2 & 3) by September 30.
- Seal off drain inlets to keep windblown dust and debris from entering them.
- Clean out drain pipes, manholes, and catch basins.

## *A few things that could use a little more common sense ...*

Even though this is a pretty good permit, there are a few items in it that could use a little more common sense. These would be good items for industrial facilities to include in a comment letter to the State Water Resource Control Board.

1. Because of the number of frivolous and irresponsible lawsuits against permittees by third party environmental groups using ambiguous language in the permit, the State should carefully define under “Receiving Water Limitations” the following phrases: *“adversely affect human health or the environment”* and *“do not contain pollutants in quantities that threaten to cause pollution or a public nuisance”*. Unfortunately, these terms and others like them in the permit are so vague that they are exploited by third parties in frivolous lawsuits. We strongly urge the State to tighten up some of their prohibition language to still be able to adequately protect water quality but keep greedy third parties from abusing the Clean Water Act right to file civil suits.
2. Although we do applaud the State for taking a much more pragmatic and common sense approach to the Training Qualifications, we recommend that the State take one more step in the right direction to make the training as least obtrusive and burdensome to business as possible. The current training program for the Construction General Permit requires employers to send their employees to 2 or 3 day training classes and, many times, go spend another 2 days obtaining the underlying certification. Technology exists to provide all of this training online with the use of videos and computer based learning modules. If training is provided online employees can take the training over a longer period of time or after hours so as not to disrupt their operations and business. California’s economy cannot afford to lose several days of productivity for the thousands of employees who will need the QISP certification.
3. Unlike the existing permit, we do not see an opportunity for permittee to eliminate any additional analytical parameters including those identified through the pollutant source assessment process, specified on Table 4, or on the 303(d) list. Why keep testing if consecutive results show that the parameter is acceptable or is not present in significant concentrations? We would like to see the State add this back into the permit.
4. Attachment D listing the TMDLs by regions is a great idea. We would like to see the State Water Board do the same for the 303(d) list. This will make it far more convenient and clear for permittees who are not as acquainted with the impairment identification process and where to find the 303(d) list. This is especially important since the current 303(d) online mapping tool only works with Internet Explorer 8, Mozilla Firefox, or Safari.



## July - August Storm Water Contest




Try it out! You can win!

By August 31, 2012, submit a response for the following question by email to [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com).

According to the proposed draft permit, which of the following non-storm water discharges are allowed?  
(multiple choice, identify all that are allowed)

- a. Fire hydrant and fire system flushing
- b. Testing of potable water systems
- c. Air compressor condensate
- d. Landscape irrigation water
- e. Groundwater
- f. Single pass heat exchanger water
- g. Boiler blowdown

All persons submitting the correct answer will be placed in a drawing. The winner will receive a gift card for \$25 to  to treat their pollution prevention team to ice cream.

### Need your crew trained to take storm water samples, measure pH in the field, and do monthly observations?

WGR will come to your site and provide a two-hour training session for **\$375**.

Appointments must be booked with [aortiz@wgr-sw.com](mailto:aortiz@wgr-sw.com) and facilities must be located within 50 miles of our Lodi or Los Alamitos offices. Discount pricing is also available for facilities farther than 50 miles, please contact Aaron Ortiz for more details. Offer does not apply to prepaid compliance programs.



*Please contact us if you have any questions ...*

#### Rain Events Newsletter Editor:

John Teravskis [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com)  
(209) 334-5363 ext. 202

#### Technical Questions about Storm Water Compliance?

Call ...

Aaron Ortiz, [aortiz@wgr-sw.com](mailto:aortiz@wgr-sw.com), (209) 810-5151  
John Teravskis, [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com), (209) 649-0877  
John Ripley, [jripley@wgr-sw.com](mailto:jripley@wgr-sw.com), (310) 629-5259

# STORM WATER AWARENESS WEEK 2012

September 24 – 28, 2012

Coming to  
Northern California

Join other storm water professionals for a week of educational workshops, field BMP demonstrations, and learning opportunities scheduled at locations throughout Northern California. Various one-hour workshops will be presented by industry experts and will include topics relevant to construction, municipal, and industrial storm water permittees. The majority of the workshops will be in the field where you can “kick the BMPs” and talk to the guys who installed them. Look on our website for workshops happening near your location. Whether you attend all of the workshops or just one, the event is free and open to anyone interested in furthering their knowledge about storm water management and pollution prevention.

Workshops currently include the following, with more to be scheduled soon:

- ✓ Track out control
- ✓ Stock pile management
- ✓ Hydroseeding
- ✓ Stabilization with native plants
- ✓ Drain inlet protection
- ✓ Use and calibration of pH and turbidity field instruments
- ✓ Field inspector training
- ✓ Retention basin design
- ✓ Management options for concrete, paint and other liquid wastes

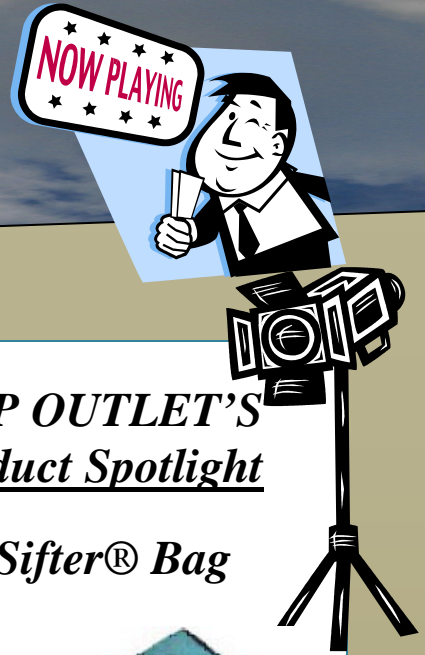
Registration for the workshops will begin on **August 1, 2012** at

[www.stormwaterawareness.org](http://www.stormwaterawareness.org)

*If you or your company would be interested in hosting a one-hour workshop in the field or at a location of your choice, please contact John Teravskis at (209) 334-5363 ext. 110. There is no charge to host or attend a workshop; we want this event to be 100% about education and affordable to everyone. We will post information about your workshop on the website listed below.*



[www.stormwaterawareness.org](http://www.stormwaterawareness.org)



*August Special*

**\$105.00** Oakton® Waterproof  
pHTestr™ 30 Pocket pH Tester



- Versatile, compact design works in a field or laboratory setting**
- ±0.01 pH accuracy along with dual pH and selectable °C or °F temperature display
  - A complete meter with key features at an economical price
  - Replaceable, double-junction electrode sensors save time and money
  - IP67-rated housing sits flat on the table and floats in water

**Meter includes:** protective plastic storage case, lanyard, and batteries.

**pH Solution Packets**  
(4.0,7.0,& 10.0 X 5)

**\$31.00**



**Single use pH solution packets. This box set includes 5 of each buffers (4.0, 7.0, & 10.0). The set also includes bonus rinse packets.**

**Model: WD-35653-04**

**BMP OUTLET'S**  
**Product Spotlight**

***Silt Sifter® Bag***



Silt Sifter® is the ultimate solution! The patented dual-component, bag-within-a-bag design, Silt Sifter® Bag is the original cushioned sediment control device incorporating materials specifically chosen for both 'filtration' and 'high-flow' performance. Squared on one end to better hug the curb, the Silt Sifter® Bag comes either pre-filled with 30 pounds of 1" natural rock or empty. The sewn-in Heavy Duty 2" Velcro enclosure makes it a snap to fill and provides a solid barrier to prevent any rock from escaping making for a cleaner and tidier job site.

**Product Specifications:**

- Outer Material High density polyethylene
- Poly thread (4) lock stitching
- Filtering Media Pine Wood Excelsior\*
- Rock Bag High density polyethylene - Poly thread (4) lock stitching
- Stabilization 1" rock (filled)
- UV Rating 85% with 364° flammability point
- Dimensions 30"L x 16"W x 6"H
- Weight (Dry) Approximately 30 lbs. (filled)
- Durability 500 lb. burst strength
- Maintenance Clean with power wash or strong hose

\*Pine wood excelsior acts as a filter for capturing silt, sediment and soils. Also a cushioning agent to substantially reduce product damage under normal conditions.

\*\*\*\*\*This product ships empty (No rock)\*\*\*\*\* Available filled for local pick up only.



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