

## Just the facts...



Remember the T.V. show *Dragnet*? OK, if you do, you may be dating yourself. There was a character named Detective Joe Friday and his famous line was “Just the **facts**, ma’am.” You see, Detective Friday knew that if he got side-tracked with the witness’ non-factual opinions or theories he would lose valuable time or leads associated with his case. The same is true with your facility’s storm water program when it comes to inspections, observations, sampling and reporting of your data. **Facts** should be what we are collecting and reporting. For example, when performing your upcoming Annual Comprehensive Site Compliance Evaluation (ACSCE) next month, you will be looking for **facts** on how compliant your facility is. If you are like many facilities, not all of your **facts** will be positive findings. It is easy to dismiss these findings as anomalies or reason them away. Your ACSCE should be telling you “just the **facts**” about your facility and point to clues as to why your findings may not be good. During the ACSCE you will be reviewing your facility’s **facts** (storm water data, site pollutant sources, and BMPs). Just like Detective Friday, you will use those **facts** to determine if you need some clean up or additional BMPs. What you do with the **facts** observed during your inspection could be the difference in whether your facility’s storm water case is solved or goes cold. In this edition of *The Rain Events*, we are going to look at storm water data reporting requirements. Are you required to report every sample that you collect? What if “the **facts**” don’t seem so black and white when it comes to your analytical data? We will also give you an update on the draft Industrial Permit.

FORM 5-ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION  
POTENTIAL POLLUTANT SOURCE/INDUSTRIAL ACTIVITY BMP STATUS

VALUATION DATE: / / INSPECTOR NAME: TITLE: SIGNATURE:

POTENTIAL POLLUTANT SOURCE/INDUSTRIAL ACTIVITY AREA (as identified in your SWPPP) <b>Shops Area</b>	HAVE ANY BMPs NOT BEEN FULLY IMPLEMENTED? <input type="checkbox"/> YES <input type="checkbox"/> NO  ARE ADDITIONAL/REVISED BMPs NECESSARY? <input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, to either question, complete the next two columns of this form	Describe deficiencies in BMPs or BMP implementation	Describe additional/ revised BMPs or corrective actions and their date(s) of implementation
POTENTIAL POLLUTANT SOURCE/INDUSTRIAL ACTIVITY AREA (as identified in your SWPPP) <b>Parking Lots</b>	HAVE ANY BMPs NOT BEEN FULLY IMPLEMENTED? <input type="checkbox"/> YES <input type="checkbox"/> NO  ARE ADDITIONAL/REVISED BMPs NECESSARY? <input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, to either question, complete the next two columns of this form	Describe deficiencies in BMPs or BMP implementation	Describe additional/ revised BMPs or corrective actions and their date(s) of implementation
POTENTIAL POLLUTANT SOURCE/INDUSTRIAL ACTIVITY AREA (as identified in your SWPPP) <b>Process Area</b>	HAVE ANY BMPs NOT BEEN FULLY IMPLEMENTED? <input type="checkbox"/> YES <input type="checkbox"/> NO  ARE ADDITIONAL/REVISED BMPs NECESSARY? <input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, to either question, complete the next two columns of this form	Describe deficiencies in BMPs or BMP implementation	Describe additional/ revised BMPs or corrective actions and their date(s) of implementation
POTENTIAL POLLUTANT SOURCE/INDUSTRIAL ACTIVITY AREA (as identified in your SWPPP) <b>Hazardous Waste Accumulation Area</b>	HAVE ANY BMPs NOT BEEN FULLY IMPLEMENTED? <input type="checkbox"/> YES <input type="checkbox"/> NO  ARE ADDITIONAL/REVISED BMPs NECESSARY? <input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, to either question, complete the next two columns of this form	Describe deficiencies in BMPs or BMP implementation	Describe additional/ revised BMPs or corrective actions and their date(s) of implementation



## Sampling NPDES Outfalls

Over the years of helping people with their Industrial General Storm Water Permit Order No. 97-03-DWQ (General Permit) compliance, I have been occasionally asked by my clients the question: Must I report all the sample analytical results I collected at an NPDES outfall? That question usually comes as a result of them collecting more than the two required storm water samples from their outfall or outfalls with one of their analytical results being above the federal storm water pollutant benchmark levels.



I have been told by regulators that the answer to that question is a definite "yes", however, I have looked and that requirement is not in the current General Permit. I have also heard claims that it is in the "Clean Water Act" legislation, where the NPDES Program comes from. It very well may be, but again, I have not been able to find it. So then why are regulators insistent that permittees must submit all analytical data from samples collected at their outfalls?

Recently WGR posed this question to Robert Ditto, with the Regional Water Quality Control Board Central Valley Region and he in turn posed the question to Leo Cosentini who is with the State Water Resources Control Board and is heading the team that is drafting the new Industrial General Storm Water Permit.

Electronic Code of Federal Regulations  
*e-CFR*™

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**e-CFR Data is current as of April 16, 2013**

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He also agreed that all analytical samples collected from a NPDES outfall must be submitted, but for the first time since I have been asking this question, he referenced a regulation (40 CFR 122.41(l)(4)(ii)), which states:

*"If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director."*

Getting past all the regulatory language and getting down to the bare **facts**, if you collect an analytical sample from one or more of your outfalls you must report/submit the results. I researched the regulation and found that it does in **fact** apply to all NPDES permits. Mr. Cosentini also responded in his email that there may be some added language in the Standard Provisions section of the new draft General Permit concerning submitting all analytical data from NPDES outfalls.

In the meantime what do you do if you have an analytical sample that came back with one or more benchmark exceedances? Does this put you in non-compliance with the General Permit? The answer is no, but as they say in infomercials, but wait, there's more!

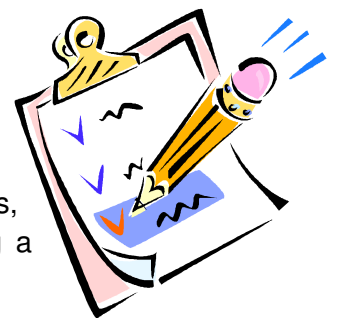
There are a couple of things to note:

1. If you have benchmark exceedances and do nothing to respond to them, you will be in non-compliance with the General Permit; and/or
2. If you continue to have benchmark exceedances and nothing brings them within or below benchmarks, then you may be considered to be in non-compliance with the General Permit, because you can be accused of not applying BAT/BCT (best available technologies) to improve your storm water discharge (see the [January/February 2013 Rain Events](#)).

So, if you have one or more benchmark exceedances, what should you do?

Respond to the exceedance(s) by:

1. First trying to track down and eliminate the pollutant source, if possible.
2. Applying various BMPs to try to improve your water quality.
3. If nothing else brings your storm water discharge below benchmarks, consider treatment or if you have room at your facility, consider creating a retention pond and keeping your storm water from discharging.
4. Document, document, document your BMP response; consider taking pictures, and sending letters to the Regional Board outlining your responses.
5. Making sure whatever BMPs or responses you promise to do are completed, if at all possible.
6. Updating your SWPPP as necessary.



The **fact** is, having benchmark exceedances are not the end of the world, if you take the steps needed to improve the quality of your storm water discharge.

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## Draft Industrial Permit Update...

The new Draft Industrial General Storm Water Permit (Draft IGP) was originally going to be released for review and comment this month in April, however, addressing all the comments and concerns from the last round of Draft IGP public comment is turning out to be a bigger undertaking than some anticipated. As a result, the last word we have is that the State Water Resources Board Member's staff is diligently working on the Draft IGP, so it may still come out for review by late April. If not, then hopefully in May.



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

**Geoff Blake** submitted the winning answers!

*The question was...*

What are the benchmarks for pH, oil & grease, and total suspended solids?

*The bonus question was...*

What are the benchmarks for aluminum, copper, iron, and zinc?

*The answers are...*

- *pH 6.0 – 9.0*
- *Oil & Grease 15 mg/L*
- *Total Suspended Solids 100 mg/L*
  
- *Aluminum 750 ug/L*
- *Copper 63.6 ug/L*
- *Iron 1000 ug/L*
- *Zinc 117 ug/L*



Geoff submitted correct answers for our question and bonus question. For answering the bonus question Geoff wins a 4<sup>th</sup> box of Girl Scout Cookies. Great job!

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## “To Do List” for April:



- Look for illicit discharges and do the 4<sup>th</sup> Quarter Non-Storm Water Observations (Forms 2 & 3 by June 30).
- Have you obtained two samples yet? Don't let any more qualifying rain events go by, there might not be too many more!
- Perform the monthly storm water observations (Form 4).
- Schedule the Annual Comprehensive Site Compliance Evaluation for a date in May (Form 5).

# April Storm Water Contest

**Try it out! You can win!**

By **April 30, 2013**, submit a response for the following question by email to [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com).



**Question:** In the January – February edition of the Rain Events we discussed “Types of Treatment”. Can you name the three types of treatment that were discussed?

All persons submitting the correct answer will be placed in a drawing. The winner will receive a \$25 gift card to Bass Pro Shop.

## The Rain Events April Coupon

### Consulting Discount Coupon

For new clients that book an ACSCE appointment in April with WGR, we will perform the ACSCE at your facility for a total price of \$375.

Appointments must be booked with [aortiz@wgr-sw.com](mailto:aortiz@wgr-sw.com) and facilities must be located within 30 miles of our Lodi or Los Alamitos offices. Discounts are available for facilities farther than 30 miles, please contact Aaron Ortiz for more details. Offer does not apply to prepaid compliance programs.

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

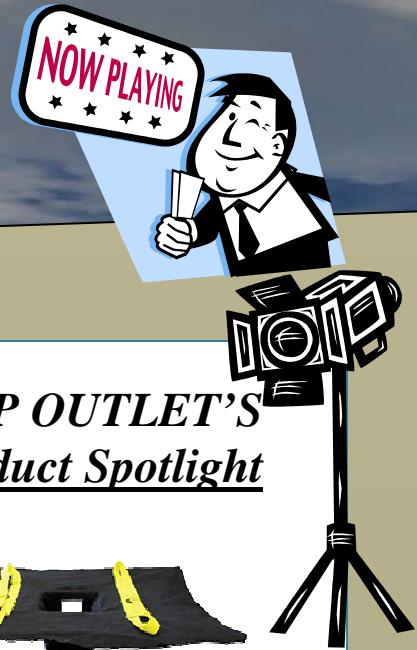


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**April Special**

**Rice Straw Wattle Roll**

**\$0.65/per foot** (FOB Lodi)



**Specifications:**

- Each wattle roll is 9” x 25’
- 12 rolls per pallet (300 ft.)
- Local delivery available (Call for Details)

**BMP OUTLET’S Product Spotlight**



**Caltrans Gravel Bag**

**\$3.30 (Bag Only) \$7.00 (Filled\*)**



All purpose sediment control device, which can be filled with rock up to 40 lbs. per bag.

Outer Material - 8 ounce Non-Woven Geotextile

Dimensions - 16” x 24”

Durability - 500 lb. burst strength

Flow Rate - 90 gpm/ft

\* FOB Lodi – Local Delivery is Available

The **Hornet’s Nest Drain Inlet Filter** is a unique, under-grate storm drain filter. The oversized base allows the filter to be used with a variety of size and shape drain inlets. Simply insert the filter into an open drain. Place the grate over the installed filter and trim the excess material for a custom fit and clean appearance. The yellow webbing secures the filter to the grate and doubles as lifting straps to quickly and easily remove the filter and grate for simple cleaning. The sediment collection cone has 4 overflow portals for high flow bypass during heavy storm events. \* The total water flow rate through the insert when new is in excess of 500 gpm. The bypass rate is approximately 700 gpm.

\* An available option is a replaceable, tethered oil absorbent pouch.

