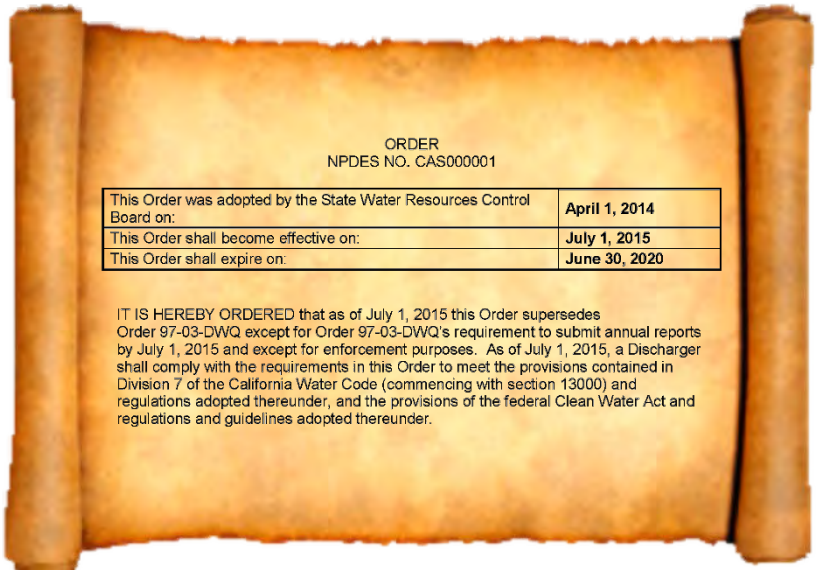
The Rain Events

April/May 2014
California Edition

On April 1, 2014, the California State Water Resources Control Board (Water Board) adopted the draft Industrial General Storm Water Permit (General Permit). The new General Permit will become effective next year on July 1, 2015 replacing the current version, which has been in effect since its adoption in 1997. There are many significant changes that the new General Permit will bring.

In this month's edition of the **Rain Events** *we will look at some of the things you can do to prepare for the new General Permit.*



ORDER
NPDES NO. CAS000001

This Order was adopted by the State Water Resources Control Board on:	**April 1, 2014**
This Order shall become effective on:	**July 1, 2015**
This Order shall expire on:	**June 30, 2020**

IT IS HEREBY ORDERED that as of July 1, 2015 this Order supersedes Order 97-03-DWQ except for Order 97-03-DWQ's requirement to submit annual reports by July 1, 2015 and except for enforcement purposes. As of July 1, 2015, a Discharger shall comply with the requirements in this Order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder.

First Important Step: Register on SMARTS

If you have not yet done so, you will need to create a Storm Water Multiple Application and Report Tracking System (SMARTS) account for your facility.

General Permit section II.A.1 states in part:

> *"…All other documents shall be certified and submitted via SMARTS by the Discharger's Legally Responsible Person (LRP) or by their Duly Authorized Representative in accordance with the Electronic Signature and Certification Requirements in Section XXI.K…"*

You can register for a SMARTS account by going online to https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp. Toward the bottom left of the webpage you find a link to download the Legally Responsible Person (LRP) registration form and submittal instructions. The Water Board began developing SMARTS years ago to comply with a requirement to develop an electronic reporting system to reduce the State's reliance on paper, to improve efficiency, and to make General Permit documents readily accessible to both the Water Board staff, as well as to the general public.

Important Dates for the New Permit

- **July 1, 2015 – Effective date of the new permit.**
- **July 1, 2015 – NOIs, applicable General Permit fees, revised SWPPP and site map due submitted via SAMRTS**
- **October 1, 2015 – NEC for current Permittees due**

For more information, go to http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Do Your Homework

There is a big change in the new General Permit in what potential pollutants (parameters) facilities will be required to sample. Section XI.B.6 outlines the basic sampling parameters which include total suspended solids (TSS), oil and grease (O&G), and pH. However, that was the easy part … it is what follows in the permit that will require doing your homework so that you will know what to sample for and what additional monitoring will be required.

- You will need to perform a pollutant source assessment described in section X.G.2 and from that assessment; any additional identified parameters associated with your facility will need to be sampled.
- Based on your Standard Industrial Classification code (SIC), you may need to add additional monitoring parameters if they are listed on Table 1.
- You will need to sample for TMDL listed items in Attachment E (see note below).
- You will need to sample for 303(d) listed items in Appendix 3 (see note below).
- If your facility discharges directly to the ocean (not including enclosed bays, estuaries, and coastal lagoons) then you will have monitoring requirements found in the California Ocean Plan.
- Facilities subject to Subchapter N requirements will need to sample for additional parameters.

There are a couple things to note:

⇒ *Subchapter N requirements are already in the current General Permit and the new sampling requirements will be similar.*

⇒ *Regional Water Quality Control Board (RWQCB) may require a facility to sample for additional parameters based on their determination of the potential pollutants.*

⇒ *According to the General Permit's "Fact Sheet" (pages 24-25) and confirmed by the Water Board, TMDL limits and specific permit requirements will not be effective until after July 2016 when the General Permit is reopened. It is also possible that at that time any newly adopted TMDLs or amended TMDL-specific permit requirements may be added. Therefore, while you will need to sample for the listed TMDLs, as of yet, there are no established limits or TMDL-specific permit requirements.*

⇒ *According to section VII.B and confirmed by the Water Board; the requirement for a Qualified Industrial SWPPP Practitioner (QISP) to prepare and submit a NOI for facilities that discharge to 303(d) listed impaired water bodies applies only to new dischargers (see Compliance Corner).*

Add Additional Advance BMPs Now

In section X.H.2, the new General Permit refers to BMPs such as retention or detention ponds, bio-retention cell, etc. as being "advanced BMPs." If you are considering or planning on installing some kind of advanced BMP, we recommend that you do so as soon as possible. Once the new General Permit becomes effective on July 1, 2015, any treatment control or sediment basin BMP you install will need to comply with the design standards outlined in section X.H.6. Also, any advanced BMPs will have to be certified by a California licensed engineer.

Revise Your SWPPP

Another big change in the new General Permit is the new Storm Water Pollution Prevention Plan (SWPPP) requirements outlined in in section X. Some of the SWPPP requirements are similar but not identical to the current 1997 General Permit SWPPP requirements. There are notable exceptions to the similarities including the QISP certification and responsibilities, 303(d) list, TMDLs, California Ocean Plan requirements, and minimum and advanced BMPs. However, in the Monitoring Implementation Plan (MIP), starting in section XI, the differences between the current and impending General Permits are pronounced.

The new General Permit MIP changes radically from the current monitoring requirements. The following are a few examples:

- Visual "dry weather" observations changed to **monthly** instead of quarterly and instead of focusing on non-storm water discharges, observers are also looking for potential pollutant sources and the maintenance status of BMPs.
- Storm water observations are to be performed **only during storm water sampling events** from all discharge points.
- Qualifying Storm Events (QSEs) only need **48 hours** between storm water discharges instead of the current 3 days.
- Permittees must collect **4 storm water samples** if possible; two before January 1st and two after January 1st and before July 1st.
- Group monitoring is called "Compliance Groups." Instead of collecting a sample every couple of years, every compliance group participant will have to collect **two samples a year**; one sample before January 1st and one after January 1st and before July 1st.
- Sample collection timing has changed from collecting a qualifying storm water sample within an hour of the start of a qualifying discharge to collecting a storm water sample **within four hours** of the start of a qualifying discharge or **within twelve hours** if a qualifying discharge for facilities that have scheduled facility operating hour only during the day.
- The term Numeric Action Levels (NALs) replaces the term "benchmark". NALs are comprised of **instantaneous and annual figures**. While benchmark levels are not directly referenced in the current 1997 General Permit, NALs are written into the new General Permit. Instantaneous NALs only apply to pH, total suspended solids, and oil and grease while the remaining NALs are based on annual averages (See General Permit "Findings" item 62 and Table 2).
- Samples can be collected and combined from up to four outfalls; however, the samples must be of equal quantity in volume and composited at and by laboratory personnel.
- Once it has had an NAL exceedance, starting in the next compliance year, the facility will move from the baseline compliance status to Level 1 Exceedance Response Action (ERA). If NALs persist, the facility will proceed in the following year to a Level 2 ERA. ERAs require the facility to utilize a QISP to respond to the Level 1 and Level 2 ERAs.

Other changes in the Permit include a change of the Annual Report due date to **July 15th** each year, as well as new No Exposure Certification (NEC) requirements and new Notice of Non-Applicability (NONA)

requirements. Also storm water analytical results will be to be submitted onto SMARTS **within thirty days** of a facility receiving the laboratory report.

Facilities that are required to receive General Permit coverage and discharge storm water will need to submit, via SMARTS the Permit Registration Documents (PRDs) by **July 1, 2015**. These PRDs include a Notice of Intent (NOI), a revised SWPPP, a separate copy of the SWPPP site map consistent with requirements in section X.E, and the annual permit fee.

Facilities that are required to receive General Permit coverage but do not discharge storm water, and fulfill the no exposure certification (NEC) requirements in section XVII will need to submit, via SMARTS the PRDs which include a completed NEC form, a completed NEC checklist, a current site map consistent with requirements in section X.E, and submit the NEC fee to the Water Board on or before **October 1, 2015**.

The bottom line is facility operators need to start preparing now or as early in the 2014-2015 storm water monitoring year as possible, so you will not be caught off-guard at the **July 1, 2015 deadline**.

"To Do List" for May:

- Look for illicit discharges and do the 4th Quarter non-storm water inspection (Forms 2 & 3 by June 30).
- If we get another opportunity, perform storm water observations and obtain a second storm water sample (Forms 1 & 4).
- Perform the Annual Comprehensive Site Compliance Evaluation (Form 5).
- Round up the analytical, inspection, BMP maintenance, and training records which are needed for the Annual Report preparation. The Annual Report is due July 1.

The Compliance Corner . . .

The 303(d) Impaired Water Body Listing and New Dischargers

Many have asked, "What in the world is the 303(d) impaired waters list (303(d) list) and what does the General Permit mean by a "new discharger?"

To answer that question we need to start with a little history. In the late 1960's, as a result of growing environmental pollution issues, in particular the 1969 Santa Barbara oil spill[1], and the Cuyahoga River Fires;[2] a series of new and amended environmental laws were passed. One such amended law was the Federal Water Pollution Control Act which was significantly amended in 1972 and now is known as the Clean Water Act (CWA).[3] In section 303(d) of the CWA, it requires "states, territories, and authorized tribes"[4] to identify water bodies that do not comply or are not expected to comply with water quality standards as outlined in the CWA. These water bodies are referred to as impaired water bodies[5]. The states, territories, and authorized tribes are then required to "establish priority rankings for (*impaired*) waters" on a list referred to as the *303(d) list,* and develop Total Maximum

Daily Loads (TMDLs), for those waters[6]." A TMDL, is an EPA-approved and adopted calculation derived from documented scientific examination to determine the maximum amount of a particular pollutant that a water body can receive and still comply with water quality standards.

In section VII.B of the new General Permit it states: "*New Dischargers applying for NOI coverage under this General Permit that will be discharging to a water body with a 303(d) listed impairment are ineligible for coverage unless the Discharger submits data and/or information, prepared by a QISP…*" The General Permit then goes on to list what the QISP will have to demonstrate in order to have the new discharger issued General Permit coverage.

The definition of a new discharge can be found in the General Permit Attachment C, page 4; however, the definition left the **Rain Events** staff with more questions than it answers so we researched the referenced Federal regulations and contacted the Regional Water Quality Control Board and the Water Board staff for clarification. A Water Board staff member said that facilities with existing General Permit coverage are "grandfathered in" so the QISP PRD preparation requirement for 303(d) listed impaired waters do not need a QISP to file their Notice of Intent (NOI) for the new General Permit. The "new dischargers'" designation would apply to newly constructed facilities without existing General Permit coverage but are applying for coverage for the first time. The staff member went on to say that the term "new discharger" was also not meant to apply to businesses which have current General Permit coverage but are sold to a new owner unless the new owner significantly alters the facility or industrial activities that the facility performs.

The 303(d) list requirement raises the question, "Will the QISP training, which is currently being developed by the Industrial General Permit Training Team (IGPTT), be ready in time for new dischargers wanting to apply for General Permit coverage on or before July 1, 2015?" The **Rain Events** asked a member of the IGPTT what is the expected timing for the completion of the QISP training development. The IGPTT member said that the State and the team are hoping for the training to be ready by Spring 2015; but also admitted that it is an ambitious schedule.

[1] see: http://www2.bren.ucsb.edu/~dhardy/1969_Santa_Barbara_Oil_Spill/Home.html or http://en.wikipedia.org/wiki/1969_Santa_Barbara_oil_spill
[2] see: http://www.ohiohistorycentral.org/w/Cuyahoga_River_Fire?rec=1642
[3] see: http://www2.epa.gov/laws-regulations/summary-clean-water-act
[4] see: http://yosemite.epa.gov/R10/WATER.NSF/TMDLs/CWA+303d+List
[5] see: http://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/impaired_waters_list/index.shtml
[6] see: http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/intro.cfm

We Have a March Contest Winner!

Mark Lubin submitted the winning answer!

Mark wins a $25 Panera Bread Gift Card…

Great job!

The question was…

In the February Rain Events we outlined four criteria for determining if a storm event is a "qualifying storm". What was one of the four criteria that we mentioned?

The correct answer was one of the following…

1. *The storm must occur during the wet season as defined in §B.4.a which is from October 1st to May 30th.*
2. *The storm must be preceded by at least 3 days with no discharge.*
3. *A storm must produce enough precipitation to cause runoff/discharge (usually a minimum of 1/10th of an inch; however, every facility may vary as to how much rain is required to generate a discharge).*
4. *The storm must occur within the start of or during scheduled facility operating hours.*

May Storm Water Contest

Try it out! You can win!

By **May 30, 2014**, submit a response for the following question by email to steravskis@wgr-sw.com.

Question: For facilities renewing their General Permit, when are PRDs due?

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

Please contact us if you have any questions …

Rain Events Newsletter Editor:

John Teravskis jteravskis@wgr-sw.com
(209) 334-5363 ext. 110

Technical Questions about Storm Water Compliance? Call …

Aaron Ortiz, aortiz@wgr-sw.com
Office (209) 334-5363 ext. 114 Cell (209) 810-5151
Steve Teravskis, steravskis@wgr-sw.com
Office (209) 334-5363 ext. 115 Cell (209) 642-5020
Chelsea Dreyer, cdreyer@wgr-sw.com
Office (562) 799-8510 ext. 205 Cell (310) 629-5259

PDU WEEK 2014

About PDU Week 2014...

PDU Week 2014 is the second annual occurrence of this groundbreaking event. This year, we are seeking to utilize technology to provide high-quality training to as many people as possible, without requiring them to travel to a class location. We will be live streaming four different 1-hour-long presentations during the week of May 19-23, and will be offering these interactive workshops free of charge on the PDUweek.org website.

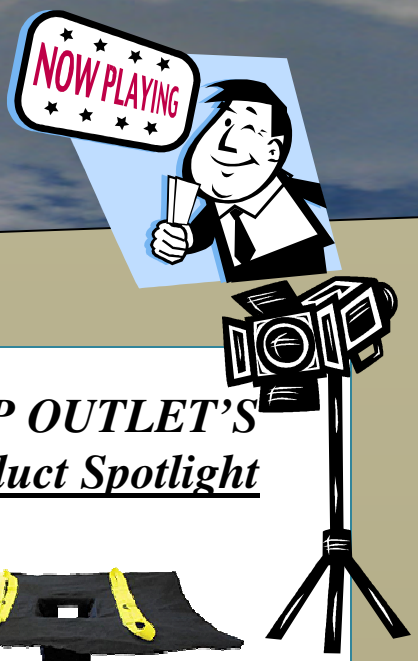
PDU Week was designed to help storm water professionals fulfill their continuing education requirements. PDU Week does not issue continuing education or professional development units, but provides educational opportunities for the professional to meet their ongoing continuing education requirements. Each participant must use his or her best judgment in determining the applicability of these workshops in meeting their PDU requirements. We are doing our best to make sure that these classes are as qualifying as possible - to help with the documentation process, we will provide each participant with a personal certificate of completion for each one-hour workshop.

This year's theme is stabilization. We have invited industry experts and the regulatory community to provide insight on why stabilization is important and how it can be done in even very challenging situations. Whether you need PDUs or not, we hope you can join us for one or more of these educational events.

List of presentations...

Presentation	Presenters	Presentation Description
Monday, May 19 at 1:30 PM Inspections of Construction Projects – Enforcing Stabilization	Part 1 – Jacque Kelley and Rich Muhl of the State of California, Regional Water Quality Control Board – Central Valley Part 2 – A panel of municipal storm water inspectors	Part 1 will be a discussion with State Water Board staff on the Construction General Permit's stabilization requirements, what they look for when inspecting a site, and common areas of misconception and noncompliance for final site stabilization. Part 2 will be a discussion with a panel of municipal storm water inspectors and what they look for when inspecting active construction sites.
Tuesday, May 20 at 1:30 PM Environmentally Friendly Stabilization Methods Using Recycled Materials	Jerame Renteriz of Zanker Recycling and Alex Sharpe of ZBest organic compost	How to stabilize disturbed soil areas using recycled compost, wood mulch, aggregate, and even recycled asphalt roofing material. The presentation will cover the environmental benefits of using recycled compost and the cost benefits for the project.
Wednesday, May 21 at 1:30 PM Living Walls and Stabilizing Impossible Situations	Craig Kolodge of Filtrexx	How to stabilize seemingly "impossible situations" using compost socks and mulch. The presentation will provide information on selecting the right types of controls/products, layering of BMPs, timing of the installation, logistics such as irrigation, plant selection, compost choices and options, maintenance, and long term up-keep, and relative cost.
Thursday, May 22 at 1:30 PM Ideas for Stabilizing Large Areas	Matt Lawson and Jason Arambula of Odyssey Companies Inc.	How to stabilize large areas of soil disturbances including large steep slopes and large relatively flat areas. Practical information to the viewers on what they need to consider for stabilizing a site using hydroseeding; such as guidance on preparing the site surfaces for hydroseed, selection of the proper hydroseed mix, fertilizers, tackifiers, and other logistics such as timing, irrigation, and maintenance.

It is free ... register now at www.PDUweek.org



$53.50
Universal or Oil Only Spill Bucket

- **Absorbs up to 5 gallons;**
- **UN Container 1H2/Y25/S;**
- **Snap top lid;**
- **Contents identified on easy to read label;**

Contents include:
Approximately 2.5 gallons of granular absorbent, 6 Universal Spill Pads, 1 Universal Soc, Safety Glasses, Nitrile Gloves (Powder-free) and 2 Disposal Bags

Caltrans Gravel Bag
$3.30 ea.

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
Rock not included

BMP OUTLET'S Product Spotlight

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.**

Starting At $49.50

Visit us at www.bmpoutlet.com