

## NAUGHTY OR NICE?

*He's making a list, he's checking it twice, he's gonna find out who's naughty or nice ...*

You have probably noticed this is the time of year all the kiddos are particularly being on their best behavior. They know someone is watching and HE will know if they have been behaving or not. Even the older kids know if they want any hope of getting that special request on their gift list, they better not be irritating Mom and Dad. So if it is mid-December and you find those dishes mysteriously washed and the dirty clothes are not in their normal spot (on the floor), you know someone is hoping for something special under the tree. When it comes to the Water Board, did you know there is a “**Naughty or Nice**” list? There, in fact, is such a list, although it goes under other names such as the benchmark exceedance list or BAT/BCT compliant facilities list. In this edition of *The Rain Events*, we will look at how to get off of the State's *Naughty List* and how to stay on to the Regional Board's Nice List. Although you may not get a present or a lump a coal, being on the right list will certainly allow you to better enjoy your holidays knowing your storm water compliance program is behaving nicely.



### The Regional Board's Naughty & Nice List Criteria

#### Naughty

- Exceeded benchmarks
- Annual report was late
- BMPs do not meet the BAT / BCT standard
- SWPPP is not current
- Storm water comes into contact with pollutants
- Have not filed a NOI

#### Nice

- Collected two samples per year
- Values are below the benchmarks
- Pollution prevention team meets regularly to evaluate BMPs
- Employees trained on sampling and BMPs
- Liquid hazardous materials are in secondary containment

## The State's Naughty List

Everyone knows that Santa has a “naughty and nice” list, but did you know that the State Water Resources Control Board also keeps a “naughty list”. In fact, it is on line where anyone can see who is getting a lump of coal this Christmas. You can access it through the SMARTS system at:

<https://smarts.waterboards.ca.gov/>

The violations report for the period of July 1 through Dec. 19 shows there were 653 violations State-wide; of those, 512 were due to late or deficient annual reports, 89 were given for deficient BMPs, and 29 were issued to dischargers for not submitting a NOI for permit coverage.

## We Have a November Contest Winner!

**Larry Eshelman** submitted the winning answer!



The question was ...

**According to the Industrial General Permit, what is the definition of “significant quantities”?**

The answer is ... *“Significant Materials” includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under CERLCA; any chemical the facility is required to report pursuant to Section 313 of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.*

Larry will receive a \$25 gift card to  to buy a post-Christmas feast.

## “To Do List” for December:

- Look for illicit discharges and do the 2<sup>nd</sup> Quarter Non-Storm Water Observations (Forms 2 & 3 by December 31<sup>st</sup>).
- Collect the first sample event of the season, or if you already got your first, try for the second one.
- Perform the monthly storm water observations (Form 4).
- Review the storm water analytical data and compare them to the benchmarks.



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## Draft Industrial Permit Update...Still Waiting!

There is nothing new to report on the proposed draft industrial permit. It seems that the Municipal Storm Water (MS4) Permit is a higher priority with the State Board at the present time. However... please continue to monitor the following website...

[http://www.waterboards.ca.gov/water\\_issues/programs/storm\\_water/indstpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/storm_water/indstpermits.shtml)

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*Merry Christmas &  
Happy New Year!*

*From your friends at ...*







## What are the Benchmarks and what do they mean to my site?

Did you know that the word “benchmark” doesn’t appear in the current California Industrial General Permit? I know ... it’s hard to believe; but check it out for yourself! So how did benchmarks become so integral to the Industrial Permit? Where do they come from and are they relevant to storm water runoff from my facility? The following information on benchmarks may help to answer the preceding questions.

- ✓ With a couple of exceptions, the benchmarks primarily come from the U.S. EPA’s Multisector General Storm Water NPDES Permit for industrial facilities. The table listed at the right is from the proposed California IGP; but, it is consistent with the Federal permit.
- ✓ Some of the metal benchmark concentrations are now hardness derived; which means you will need to know the “hardness” of the receiving water to calculate the benchmark that applies to your discharge.

PARAMETER	USEPA NAL VALUE	REPORTING UNITS
pH	6.0-9.0	6.0-9.0
Total Suspended Solids (TSS)	100	mg/L
Specific Conductance	200	umhos/cm
Oil & Grease	15	mg/L
Total Organic Carbon(TOC)	110	mg/L
Zinc, Total	0.26*	mg/L
Copper, Total	0.0332*	mg/L
Lead, Total	0.262*	mg/L
Chemical Oxygen Demand	120	mg/L
Aluminum, Total	0.75	mg/L
Iron, Total	1	mg/L
Nitrate + Nitrite Nitrogen	0.68	mg/L as N
Total Phosphorus	2	mg/L as P
Ammonia	19	mg/L
Magnesium, Total	0.0636	mg/L
Arsenic, Total	0.16854	mg/L
Cadmium, Total	0.0053*	mg/L
Nickel, Total	1.02*	mg/l
Mercury, Total	0.0024	mg/L
Selenium, Total	0.2385	mg/L
Silver, Total	0.0183*	mg/L
Biochemical Oxygen Demand	30	mg/L

\* Hardness dependent benchmark level, need the hardness concentration of the receiving water to calculate the benchmark. The maximum level is shown in the table. The actual benchmark level may be lower.

- ✓ Benchmarks are not effluent limits but are, what is now being referred to as, “Numeric Action Levels”.
- ✓ Benchmark exceedances **may indicate** the facility’s BMPs are not adequate in meeting the BAT/BCT standard. The IGP requires the iterative approach, which compels the discharger to take corrective action until the facility has BMPs in place that meet the BAT/BCT standard.
- ✓ However, benchmark exceedances do not absolutely indicate that the facility does not have BAT/BCT in place. If the facility can substantiate it has in place BMPs that meet the BAT/BCT standard, then the discharger is compliant even if there is a benchmark exceedance. We have seen several facilities incorporating a wide variety of BMPs to control metals or nitrates including source control, covering materials, procedural controls, and even treatment control BMPs. But even after spending a significant amount of effort and costs, although the concentrations have dropped significantly, they still remain above benchmarks. We confirmed with the State Water Board that in cases like this, the benchmark exceedance would not necessarily indicate the discharge has failed to achieve the BAT/BCT standard.
- ✓ Benchmarks only apply to areas of “industrial activity”. If you have a roof that does not have vents or a dust collection system on it that may act as a pollutant source or if you have a parking lot or paved area not having industrial activity on it, you can change the drainage from these areas or structures so that they do not commingle with runoff from areas of industrial activity. The permit does not require a discharger to collect samples from non-industrial areas.



## ***December Storm Water Contest***

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

**By January 3, 2012, submit a response for the following question by email to [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com) .**

**According to the Industrial General Permit, what is the definition of “*Storm Water Associated with Industrial Activity*”?**

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



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

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**Technical Questions about Storm Water Compliance?  
Call ...**

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