

WARNING OR CITATION ?



Did you receive a letter like this last month from the Regional Water Quality Control Board? If so, it probably caught your attention right away.

**YOU ARE LEGALLY OBLIGATED TO RESPOND TO THIS ORDER
PLEASE READ THIS ORDER CAREFULLY**

On 5 July 2011, Central Valley Water Board staff received your 2010-2011 Annual Report for Storm Water Discharges Associated with Industrial Activities. Our review of analytical data provided in Form 1 of your Annual Report indicates that storm water runoff from your facility exceeded US EPA benchmark values as described below.

Approximately 80 letters like this were sent out in March and April from the Central Valley RWQCB. You may have received one if your facility had storm water analytical results exceeding the USEPA's benchmarks. The letter goes on to state ...

The Permit requires (a) that storm water discharges not cause or contribute to a violation of an applicable water quality standard, and (b) that facility operators reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges through the development and implementation of BMPs (best management practices) which constitutes compliance with BAT (best available technology economically achievable) and BCT (best conventional pollutant control technology). Benchmarks were developed to measure whether a facility was implementing BMPs in compliance with the Permit. Therefore, if benchmark exceedances are identified at your facility, the Permit requires you to submit a report identifying the pollutant source and describing the upgraded BMPs that will be implemented to reduce or eliminate the pollutant discharge.

The letter provides notice that you have approximately 30 days to do six action items.

Finally, it ends by saying *“while exceeding benchmark values is not a violation of the Permit, failure to respond to the exceedances by not reviewing BMP operation and continual improvement of BMPs is a violation of the General Permit.”* By the way, failure to submit the requested technical report may result in a fine of \$1,000 per day after the due date.

1. Review previously submitted Annual Reports and identify the number of consecutive years that your facility has exceeded benchmark levels.
2. Identify sources of pollutants at your facility which contribute to the benchmark exceedances.
3. Review existing BMPs and BMP maintenance records.
4. Modify existing BMPs or implement new BMPs to reduce or eliminate the discharge of each of the pollutants listed above.
5. Submit an updated Storm Water Pollution Prevention Plan (SWPPP), SWPPP map, and Monitoring Plan to reflect improved BMP practices. Please note that a complete SWPPP and Monitoring Plan are required to be on site and available to operating personnel and inspectors.
6. Submit a report containing a description of the corrective measures that have been or will be implemented to address your facility's exceedances of the US EPA benchmark values. For the corrective measures that cannot be implemented by the due date above, provide a schedule for implementing these corrective measures with your response. All corrective measures must be implemented within 90 days of the date of this letter pursuant to General Permit Section A, Item 9.

Is that your final answer?



We Have an April Contest Winner!

Julio Pineda submitted the winning answer!
The question was ...

After completing the Annual Comprehensive Site Compliance Evaluation (ACSCE), how long do you have to complete necessary SWPPP revisions?

Julio correctly answered, "90 days". Since Julio is from Stockton, he will receive four tickets to the Stockton Ports game on Saturday, May 26, 2012. Go Ports!

Technical Reports ... a new tool for the Regional Boards

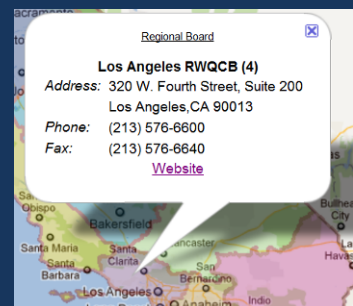
In its recently released BMP-exceedance letters, the Central Valley Regional Water Quality Control Board is reaching for a **new enforcement tool** ... at least one that is new to Industrial General Permittees. The letters reference Water Code Section 13267 which provides the authority to a Regional Board to request a technical report enabling the Board to investigate the quality of any waters of the State. The Board is obligated to provide the reasoning and evidence for requiring the discharger to submit a report. The report must be submitted by the due date to avoid monetary fines. Although we have seen these reports requested of individual NPDES permittees, clean up sites, and wastewater treatment plants; this is the first time we have seen this tool used for requesting information of Industrial General Permittees.

Water Code Section 13267

- (a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division, may investigate the quality of any waters of the state within its region.
- (b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

Attention Permittees in the Los Angeles Region

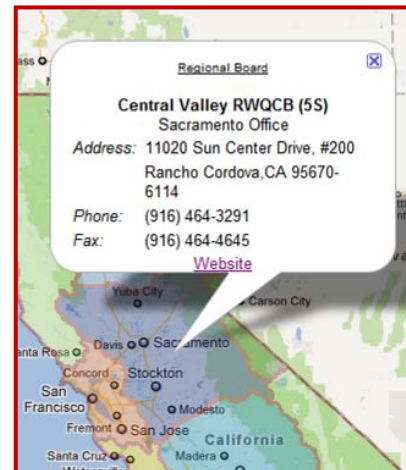
The Los Angeles RWQCB requires all reports and submittals to be filed electronically on the State's SMARTS system. If you have not done so yet, please sign up for an account on SMARTS during the month of May so that you will not have any delays submitting this year's Annual Report. To sign up, go to: <https://smarts.waterboards.ca.gov> and sign up as a new "Legal Responsible Person" user.





The Compliance Corner . . .

WGR contacted **Robert Ditto** of the Central Valley Regional Water Quality Control Board and asked him some questions concerning the Technical Report letters which were recently sent out. Robert is an Environmental Scientist with the CVRWQCB's *Storm Water Compliance and Enforcement Unit* and has the task of enforcing the Industrial General Permit in the area covered by the Sacramento Office. The Sacramento Office oversees NPDES permits from Yuba City to Modesto and from the California Delta to the foothills of the Sierras.



WGR: How many letters requesting a Technical Report were sent out from your office?

Ditto: Around 80.

WGR: What was the criterion for sending out the letters? Any benchmark exceedance? A certain number of benchmark exceedances? A history of benchmark exceedances? A certain percentage over the benchmark?

Ditto: For the most part, it was exceedances in the high ranges for one parameter, usually from 500 to 1000% over. If they exceeded one parameter, the rest of the exceedances were put into the letter no matter what percent over.

WGR: What kind of response have you gotten from the letters you sent out?

Ditto: The response has been good for the most part.

WGR: How important is it that they respond to these letters?

Ditto: It is very important since this year they were Water Code Section 13267 letters. I've had some problems in the past with getting responses. The Section 13267-required letter allows the Regional Board to go to enforcement quicker without having to write more letters. The penalty for a late letter is \$1,000 a day.

WGR: Do you have any suggestions for permittees needing to respond to the letter?

Ditto: Respond in a timely manner. Call me if they need an extension to the due date. Answer the questions the best that they can. Consider hiring a consultant.

WGR: In the future, if a permittee has benchmark exceedances should they be proactive in submitting a Technical Report, submit it with the Annual Report, or just wait for the RWQCB to send a letter requesting the report?

Ditto: The best way to avoid letters is to add a cover letter to the annual report. The cover letter should address any exceedances, their source, and what BMPs will be added. I highly recommend this since your files are available for review by 3rd parties. Enforcement actions may stand out in your file to these organizations. In terms of providing the technical reports per the permit requirements, only a few do this. We prefer the follow up in the annual report.

WGR: Is there anything else our newsletter readers should consider?

Ditto: I am having those who received the letter submit a copy of their SWPPP. This is mostly to verify the facility has a SWPPP (as I am finding many facilities do not) and it is always good to have it in their file here at my office. We are supposed to go to an electronic system in the near future with the Industrial General Permit renewal, which will require SWPPPs to be uploaded onto SMARTS. But at this time, there is no estimate on when that will happen. Also, specific conductance (SC) will likely be taken out of the new permit based on what the EPA is doing.

“To Do List” for May:

- Look for illicit discharges and do the 4th Quarter Non-Storm Water Observations (Forms 2 & 3 by June 30).
- Perform the monthly storm water observations (Form 4).
- Perform the Annual Comprehensive Site Compliance Evaluation (Form 5).
- Get the analytical, inspection, BMP maintenance, and training records ready for the Annual Report preparation. The Annual Report is due July 1.



May Storm Water Contest

Try it out! You can win!

By **May 31, 2012**, submit a response for the following question by email to jteravskis@wgr-sw.com.

What are the benchmark values for the following?

1) pH 2) Total Suspended Solids and 3) Oil & Grease



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



Consulting Discount Coupon

Sign up by May 18 to have WGR prepare your Annual Report and pay only **\$290**.

To redeem this coupon you must sign up with aortiz@wgr-sw.com. Reports can be either completed on SMARTS or using the State's MS Word file. Completed reports will be emailed to the designated contact person for the facility. It will be responsibility of the facility to certify and submit the report to the State. Offer does not apply to prepaid compliance programs.



Please contact us if you have any questions ...

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

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