



the **Rain**
events
~~Making amends~~
amendments

December 2018

A Monthly Newsletter on the California Industrial General Permit
By WQR Southwest, Inc.

For the past several years the State Water Resources Control Board has been studying and preparing amendments to the Industrial General Permit that were adopted on November 6, 2018. But what are these amendments really all about, you may ask? Essentially, it all boils down to four key updates to the IGP. The new amendments address new TMDLs; new numeric action levels and effluent limits; new compliance options and incentives for pursuing these options, and, lastly, a redefinition of the EPA's sufficiently sensitive analytical method requirements.

TMDLs: What's new in that department?

As described in the frequently asked questions pamphlet provided by the SWRCB, "TMDLs are existing sets of regulatory requirements in Regional Water Quality Control Board Basin Plans that address restoration of impaired water bodies. The proposed Amendment includes new permitting requirements to implement TMDLs listed in Attachment E of the General Permit."¹ The State Water Board adopted the current version of the IGP on April 1, 2014, and it became effective on July 1, 2015. It contained Attachment E, which listed TMDLs adopted by the Regional Water Boards and U.S. EPA that identified industrial storm water as a source. The State Water Board did not adopt any TMDL implementation requirements into the 2014 IGP. But, Attachment E of the 2018 amended IGP now lists 36 Total Maximum Daily Load (TMDL) criteria for impaired water bodies within the **San Francisco Bay, Los Angeles, Santa Ana, and San Diego Regional Water Boards** to be addressed in the IGP.² These new TMDLs are simply updates and not new changes. They have been in the process of being adopted since 2014 and are currently on the brink of final adoption. Looking at the list of Regional Boards with TMDLs, you may note that only four of the nine Regional Boards have TMDLs that are being included in the IGP. Why are five Regional Boards missing from the list? There are actually various reasons why they are not included; but, bottom line, these Regional Boards did not provide the State Water Board with TMDLs for water bodies within their jurisdictions. For some, it may be that they have not yet developed any; for others they may have TMDLs but none that are linked to industrial activities; and for others they just did not communicate them within the time frame requested by the State Water Board staff.

TNALS and TNELs: What's that all about?

"In addition to continuing to comply with applicable General Permit requirements, including Numeric Action Levels, the proposed Amendment requires Responsible Dischargers to comply with TMDL-specific Numeric Action Levels (TNALs) an/or TMDL-Numeric Effluent Limitations (TNELs). The proposed TNALs and TNELs are pollutant and water body-specific and are based on the water body criteria applicable to the TMDL."¹ In the case of exceedances, according to the proposed amendment, when there is an exceedance of a TNAL, the implementation of an Exceedance Response Action is required. However, an exceedance of a TNEL is an immediate violation of the IGP, and becomes subject to Water Quality Based Corrective Actions, and in some cases a penalty as detailed in the State Water Code.

Compliance Options: Are the Incentives Worth It?

In the new proposed amendment, two compliance options are given to dischargers. These two options are just as the name implies – optional, and dischargers are not required to implement either of these compliance options. The first option is an on-site compliance option which is to capture and use, infiltrate, and/or evapo-transpire storm water within the facility. However, a licensed civil engineer must certify all hydrologic analyses, hydraulic calculations and BMPs operations. The BMPs implemented by the discharger must, "maintain the effective capacity to capture, infiltrate and/or evapo-transpire the volume of runoff produced up to and during the 85th percentile 24-hour precipitation event based on local, historical precipitation data and records." This compliance option may be costly, or physically unfeasible for some, but for others, the incentive for employing the use of this compliance option may be well worth the cost.

According to Attachment I of the IGP, the Discharger with BMPs implemented and operating in compliance with the On-Site Compliance Option will be deemed in compliance with the IGP's discharge prohibitions, effluent limits, and receiving water limitations.

The second compliance option is the off-site option. In this option, the discharger may enter into an agreement with a local jurisdiction to discharge storm water to a basin or other device that captures and/or infiltrates the water. However, if this option can be implemented, the incentives are extremely tempting. A Discharger participating in an approved local agreement and discharging into an off-site BMP and in compliance with the other Off-Site Compliance Option requirements, are exempt from the following provisions and requirements of the IGP:

1. Section VIII.A Discharges to Ocean Water;
2. Section IX Training Qualifications, requirements to obtain a QISP;
3. Section X.A.7, X.H.2 Implementation of Advanced BMPs;
4. Section X.H.6 Design Storm Standards for Treatment Control BMPs;
5. Section X.I.3-5 Monitoring Implementation Plan;
6. Section XI.A.2 Sampling Event Visual Observations
7. Section XI.B Sampling and Analysis; and,
8. Section XII Exceedance Response Actions.”²

Each discharger must decide whether either of these two optional compliance options are worth it as far as incentives. Dischargers meeting all requirements for implementation of one of the proposed compliance options will be in compliance with or deemed in compliance with a variety of the IGP's technology and water quality-based requirements, including those related to TMDL implementation, and excused from others. See Sections I, II, and III. F of the proposed Amendment's Attachment I for further details.¹ If neither of the compliance options are feasible, the discharger must still comply with the IGP's requirements.

Sufficiently Sensitive Analytical Method Requirements: Huh?

The United States Environmental Protection Agency (USEPA) issued updates to the Clean Water Act via the Federal Register on August 19, 2014, to require the use of analytical methods capable of measuring or detecting pollutants at levels specified in NPDES permits. The proposed IGP Amendments incorporate federally-required regulations and requires dischargers to use federally required analytical methods that are sufficiently sensitive to detect and measure pollutants at or below the applicable water quality criteria, action level, or effluent limitation (whichever is lower), as specified in this General Permit.¹

So, bottom line, what does these new amendments mean for you? If your facility is located in the San Francisco Bay, Los Angeles, Santa Ana, or San Diego Regional Water Boards, you may have new permit numeric action levels and effluent limits. You will definitely want to find if the water body that receives flow from your site is one of those listed in Attachment E of the IGP. If so, you will want to make sure that you have BMPs in place to keep your site from exceeding a TNAL or TNEL. If you site is within one of the other Regional Boards not listed, you will want to closely monitor the TMDL development process within your region because TNALs and TNELs may apply to your facility in a future IGP amendment.

Sources:

1. https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/tmdl_igp/amend/amend_igp_faq.pdf
2. https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/tmdl_igp/amend/amend_igp_factsheet.pdf

Have questions about the Industrial General Permit?
Give us a call at (209) 334-5363, ext. 114

“To Do List” for December

- ☁ Perform the December monthly inspection
- ☁ Get those Level 1 ERA and Level 2 ERA Action Plans and Technical Reports finished!
- ☁ December is the last month to get samples for the first half of the 2018-19

IGP Amendments

Since this article is on the new IGP Amendments, here's the podcasts from several months ago, in case you didn't get a chance to listen them the first time!

These amendments are game changers – there are significant changes to the TMDL requirements, as well as Attachment I, compliance options, and incentives. The proposed amendments can be downloaded from the Water Board's website, at this address:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/tmdl_igp.html

There is also a download link on this page for the comments submitted during the public comment period, and you can read the Water Board's responses to those comments.

Here are a couple podcasts to get you up to speed on the proposed amendments:

<http://swpppradio.org/listen.php?ID=23>



<http://swpppradio.org/listen.php?ID=24>



Please contact us if you have any questions ...

The Rain Events

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Technical Questions about Environmental Compliance?

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this Christmas,
remember what really matters.

Merry Christmas
from The Rain Events

*I have come that they may have
life, and have it to the full.*

John 10:10

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Outside Material: Heavy-duty vinyl sleeve

Spill Containment Media: Absorbent pads

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(30"x20")

\$58.00
(50"x20")



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Newsletter Topics Poll

Last month, we asked you which topics you would like to see covered in The Rain Events - and we heard you loud and clear! Some of the suggestions included:

- **Guidelines for collecting samples**
- **Final IGP adopted amendments**
- **Excerpts from the International BMP Database**
- **Unique housekeeping practices that may not be the first to come to mind**
- **Dealing with rooftop runoff infiltration, and the possibility of dry wells**

Congrats, **Dawn Hottenroth**, you had the winning entry! Hope you enjoyed your HoneyBaked turkey breast!

We got a lot of requests for Construction General Permit topics, some of which we are planning to cover in our newsletter **The Monthly Dirt**. We also received requests for municipal topics, to the point that we are **re-launching** our MS4 newsletter **The Urban Runoff**. Sign up for these newsletters at wgr-sw.com/subscribe.

This Month's Contest Question:

Which four Regional Water Boards will now have TNALs and TNELs?

Submit your answers by **Friday, January 4th**. Email your answer to jteravskis@wgr-sw.com. One winner will be selected by a random drawing to receive a **\$25 gift card to Domino's Pizza**.



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