

# PREPARE FOR RAIN

Will El Niño bring an abundance of rain? Politicians say “no”, scientists say “yes”, but only God knows for sure. But, regardless of what happens, it is time to prepare your industrial facility for rain. After a long hot summer, BMPs often need to be refreshed or replaced, maintenance needs to be done, areas of potential soil erosion need to be covered with an effective erosion control “blanket”, and employees need reminding of their duties in preventing pollutants from flowing off with storm water runoff. October 1<sup>st</sup> is typically thought of as the start of the rainy season in California so it is time to raise storm water awareness and prepare for rain. **The Rain Events** staff went into the field and took some photos of construction projects that need some more preparation for rain.

**Refresh & Replace** – BMPs that were once effective may no longer be effective, such as the drain inlet gravel bags pictured here. Over time gravel bags can fill up with sediment and can actually become a source of pollutants. Textiles used for gravel bags tend to weaken and break down with age and exposure to sunlight and weather. Torn bags expose the gravel and previously trapped sediment to storm water runoff. Before the rains come this year, inspect any gravel bags, drain inlet filters, compost socks, or fiber rolls that were installed last storm season making sure that they still have structural integrity. Give them a kick to see how much sediment comes out of them. If they appear to be structurally sound but just dirty, you can try rinsing them with water. But, just be sure that you do it in a way so that dirty water is not flowing into the drain inlet or off site and that sediment is not being deposited in an area where it will be mobilized by the next storm event. Usually, because these BMPs are fairly economical, it is less expensive and more efficient to just replace them with new ones.



**Identify Problem Areas & Fix Them** – Uh oh, this is not a good photo! It looks like the bung at the bottom of this chemical tank is leaking and the dried liquid is leaving a residue on the pavement. Stuff like this happens at nearly every site. Having an active maintenance program and staying on top of little problems like this can prevent much bigger



problems caused by exceeded numeric action levels (NALs). A little tightening of this tank bung and cleanup of the surrounding pavement could save literally hours of your own time and thousands of dollars responding to exceeded NALs. Prepare for this year's coming rain by carefully inspecting your industrial facility and making a note of any items similar to this one that need repair or maintenance. Coordinate maintenance and cleanup efforts to occur before the first rain of the season.

**Cover it up** – The most important thing to do in preparing for rain is to cover up pollutant sources. Obviously situations like the one pictured in this photo need to be covered; ideally by placing these items within a contained and covered structure rather than leaving them exposed to the weather. The IGP requires that “all stored industrial materials that can be readily mobilized by contact with storm water be covered.” All waste containers and industrial material containers must also be covered not just when it is raining, but according to the IGP, when they are “not in use.” In addition to the above described “minimum BMPs,” under the new IGP, dischargers are required to apply advanced BMPs which include the use of “storm resistant shelters that prevent the contact of storm water with the identified industrial materials or areas of industrial activity.” One final “cover” requirement includes areas of potential soil erosion. The IGP requires stabilization of all erodible areas. This can be achieved by covering them with crushed rock, wood mulch, vegetation, paving, a structure, or some other method that places a non-erodible “cover” on top of the erodible surface. ☔



# the Compliance corner

## HR 3353: Common Sense Coming to Citizen Suits?

Good news may be on the horizon for relief from abusive and frivolous Clean Water Act lawsuits! House of Representatives Rep. Duncan Hunter has sponsored a bill to reform the Clean Water Act Citizen Suits. You have probably heard the horror stories and may have even been the recipient of one of these lawsuits by receiving the dreaded 60-day notice from a 3<sup>rd</sup> party non-governmental organization (NGO). These lawsuits rarely end up in court but almost always settle out of court for tens of thousands, if not hundreds of thousands of dollars. In some cases, the evidence for the allegation was sketchy at best, and in a few cases, blatantly false or in error. It is not hard to see through their disguise that the real motive is financial profit for attorneys and consultants who align with these NGOs. The Rain Events actually chronicled one such "shark attack" in its classic edition called "Dangerous Waters". You can view that October 2012 newsletter by clicking on the picture of the newsletter below.

**What does this legislation do?** H.R. 3353 is a reasonable and measured approach to CWA citizen suit reform designed to prevent continued misuse of an important environmental law. Specifically, the bill:

- Ensures attorneys' fees awards are appropriate to local markets and commensurate with the proportion of successful claims in each case;
- Clarifies the definition of "diligent prosecution" of alleged violations, thereby allowing state and federal authorities to exercise their primacy in enforcement and preventing unnecessary citizen suit intervention when issues are already being actively resolved;
- Provides for normally accepted criminal and standard defenses to the Clean Water Act, similar to those provided in other federal environmental statutes.

**How can your company support this bill?** The Rain Events is providing a model letter for you to send to your Congressional representative, supporting the measure and urging them become co-sponsors of H.R. 3353. Help stop abusive lawsuits before it "bites" you. Won't you please consider mailing a letter to your representative?

Click here to download a copy of H.R. 3353 and a model comment letter.

<http://download.wgr-sw.com/documents/55f20697b76f0-Citizen-Suit-Reform-Legislation.zip>

Need a SWPPP revision for the new permit?  
Give us a call at (209) 334-5363, ext. 114

## "To Do List" for September:

- ☛ Perform the September monthly inspection
- ☛ Schedule your fall storm water training for facility personnel.
- ☛ Inspect your facility for housekeeping and maintenance items that need to be addressed before the rain season begins.
- ☛ Be ready for the rains to begin by having your sample kit and inspection forms handy and training your crew on how to use them.

Attention IGP Permittees!

## Don't Miss Laurel

Have you been wanting to ask the Water Board questions about the permit? **Wednesday, September 23** is your chance. Register now for this free on-line live web broadcast or any of the other 69 free workshops being offered that week!

[www.stormwaterawareness.org](http://www.stormwaterawareness.org)



Please contact us if you have any questions ...

## The Rain Events

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Technical Questions about Environmental Compliance?

Call ...

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# CHANGE YOUR COURSE!

Under the new Industrial General Permit, you  
only have one chance at baseline status.

*Let us help navigate the storm.*

*A single NAL exceedance will change your  
facility from Baseline to Level 1.*

**What does this mean?  
More money.**

**Level 1 Dischargers must:**

- Appoint a QISP
- Perform a Level 1 Evaluation
- Evaluate the Need for Additional BMPs
- File a Level 1 ERA Report

**Level 2 Dischargers must:**

- Further Evaluate BMP Options
- Install additional BMPs, which may include structural or mechanical devices
- Prepare a Level 2 Action Plan

## Exceedance Avoidance Strategic Investigation

Take the EASI route to safe harbor!

*Schedule Your Free No-Obligation Consultation Today!*



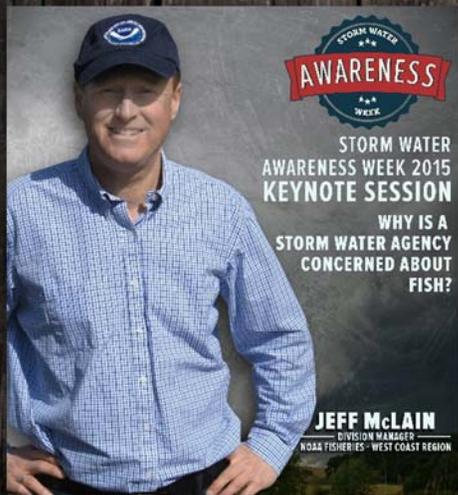
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**STORM WATER AWARENESS WEEK**  
**STORM WATER AWARENESS WEEK 2015 KEYNOTE SESSION**  
**WHY IS A STORM WATER AGENCY CONCERNED ABOUT FISH?**

**JEFF McLAIN**  
DIVISION MANAGER  
NOAA FISHERIES - WEST COAST REGION

**Keynote #1:**  
**Why is a Storm Water Agency Concerned About Fish?**

**Featuring**  
**Jeff McLain,**  
Division Manager,  
NOAA Fisheries,  
West Coast Region

**Monday,**  
**September 21, at**  
**12:00 PM**

**LIVE BROADCAST**

**MONDAY, SEPTEMBER 21**  
**12:00 PM**

WATCH FOR FREE AT  
[WWW.STORMWATERAWARENESS.ORG](http://WWW.STORMWATERAWARENESS.ORG)



**STORM WATER AWARENESS WEEK**  
**STORM WATER AWARENESS WEEK 2015 KEYNOTE SESSION**  
**FEATURING QUESTIONS AND ANSWERS ON THE NEW INDUSTRIAL GENERAL PERMIT**

**LAUREL WARDDRIP**  
INDUSTRIAL PROGRAM MANAGER  
STATE WATER RESOURCES CONTROL BOARD

**Keynote #2:**  
**Questions and Answers on the New Industrial General Permit**

**Featuring**  
**Laurel Warddrip,**  
Industrial  
Program Manager,  
State Water  
Resources Control  
Board

**Wednesday,**  
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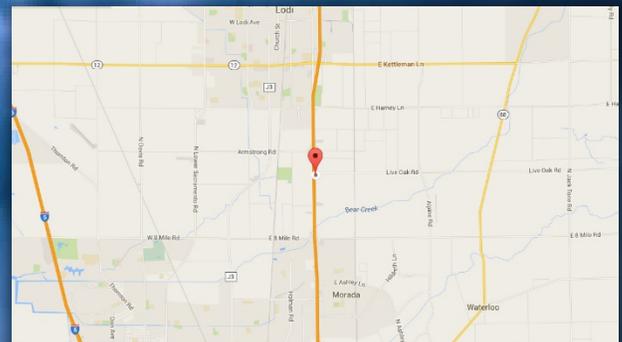
# Ready for El Niño?

We are.



- ✓ Stocked and ready for pick-up
- ✓ Fiber rolls, compost socks, rock bags, spill kits, field instruments, and much more
- ✓ Freeway convenient
- ✓ Knowledgeable erosion control staff
- ✓ Delivery and shipping options available

BMP Outlet / WGR Southwest, Inc.  
11780 N. Hwy. 99 (East Frontage Road)  
Lodi, CA 95240  
(916) 918-0408



## Storm Water Contest...

Each month, we invite our readers to participate in a contest to test their knowledge of the Industrial General Permit and their storm water compliance program. We enter all submittals to our monthly newsletter question into a drawing, and one person is selected at random to receive a \$25 gift card.

*Last month, the question was...*

**What weather conditions are best for performing Monthly Visual Observations?**

Congratulations, Gregg Krekeler - you are correct! Monthly Visual Observations should only be performed **on days without precipitation.**

Gregg wins a \$25 gift card to Outback Steakhouse for a thick New York strip steak!

## This Month's Contest Question:

List three (3) minimum BMPs according to the Industrial General Permit

By October 2, 2015, submit your response to the above question by sending an email to [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com). All persons submitting the correct answer will be placed in a drawing. The winner will receive a \$25 gift cart to Starbucks.



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