



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Charles R. Hoppin, Chairman
1001 I Street • Sacramento, California 95814 • (916) 341-5603
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

To Discharger:

ADDITIONAL REPORTING REQUIREMENT FOR INDUSTRIAL FACILITIES THAT DISCHARGE STORM WATER CONTAINING PREPRODUCTION PLASTIC DEBRIS

Please be advised that, pursuant to California Water Code section 13383, all facilities regulated under State Water Resources Control Board (State Water Board) Order No. 97-03-DWQ that manufacture, handle, or transport preproduction plastics, are required to complete a comprehensive site compliance evaluation by December 3, 2009. I am issuing this reporting requirement on behalf of the State Water Board. This requirement is set forth in Order No. WQ 2009-0011-EXEC, a copy of which is enclosed. A comprehensive site compliance evaluation is necessary and appropriate for the State Water Board to implement California Water Code section 13367, and to reduce the discharge of storm water containing preproduction plastic debris.

In its efforts to facilitate a green office environment, the State Water Board encourages the completion of the compliance evaluation online. If it presents a hardship to submit the compliance evaluation in electronic format, a paper copy of the compliance evaluation is available by request.

Please contact program staff at the State Water Board if you have questions about this request for information.

Program staff:

Chris Haynes, Water Resource Control Engineer
(916) 341-6899 or chaynes@waterboards.ca.gov.

Dylan Seidner, Environmental Scientist
(916) 341-5576 or dseidner@waterboards.ca.gov

Greg Gearheart, Senior Water Resource Control Engineer
(916) 341-5892 or ggearheart@waterboards.ca.gov

Sincerely,

Dorothy Rice
Executive Director

Enclosure

California Environmental Protection Agency

Recycled Paper

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER NO. WQ 2009-0011-EXEC

ADOPTING ADDITIONAL REPORTING REQUIREMENTS FOR
PLASTICS-RELATED INDUSTRIAL FACILITIES SUBJECT TO
STATEWIDE INDUSTRIAL GENERAL PERMIT ORDER NO. 97-03-DWQ
(CALIFORNIA WATER CODE SECTION 13383)

The State Water Resources Control Board (State Water Board) finds:

1. The State Water Board is authorized by the Federal Water Pollution Control Act to issue statewide general waste discharge requirements pursuant to Water Code section 13377.
2. On April 17, 1997, the State Water Board adopted statewide Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activity, Order No. 97-03-DWQ [NPDES Permit No. CAS00001] (IGP), pursuant to that authority.
3. Pursuant to Water Code section 13383, the State Water Board is authorized to establish monitoring and reporting requirements for any person who discharges, or proposes to discharge, pollutants into navigable waters of the United States.
4. Dischargers regulated under the IGP are therefore subject to requirements the State Water Board imposes pursuant to Water Code section 13383.
5. Marine debris originating from sources on land has become a problem along shorelines, and in coastal waters and estuaries. For example, marine species often ingest small pieces of preproduction plastic, which includes plastic resin pellets and powdered coloring for plastics, because they mistake the debris for food.
6. Approximately 60 billion pounds of plastic resin pellets are manufactured annually in the United States. These preproduction plastics are discharged into waterways via storm water runoff when proper housekeeping practices are not employed during transport, packaging, and processing activities. Because of their small size, pieces of preproduction plastic are not normally captured in traditional storm water debris catch basins.
7. Storm water discharges of preproduction plastic debris contribute a significant amount of pollutants to California's waterways.
8. On October 14, 2007, Governor Schwarzenegger signed into law Assembly Bill (AB) 258, which became effective January 1, 2008, and adds Chapter 5.2 to Division 7 of

the California Water Code, section 13367. Chapter 5.2 is entitled "Preproduction Plastic Debris Program," and applies to facilities in California that manufacture, handle, or transport preproduction plastics.

9. Water Code section 13367 authorizes the State Water Board and Regional Water Quality Control Boards to develop a program to control discharges of preproduction plastic debris by consulting with plastics manufacturing, handling, and transportation facilities.
10. Water Code section 13367 also authorizes the State Water Board to require, at a minimum, waste discharge, monitoring, and reporting requirements.
11. To effectively implement Water Code section 13367, the State Water Board needs additional information from plastics manufacturing, handling, and transportation facilities.
12. For the purposes of this order, plastics manufacturing, handling, and transportation facilities regulated under the IGP are defined as all those facilities enrolled on September 24, 2009, and that have any SIC codes related to plastics (i.e., 282X, 305X, 308X, 39XX, 25XX, 3261, 3357, 373X, and 2893) or have the term "plastic" in the facility or operator name, regardless of SIC code.
13. Additional information is necessary and appropriate in order for the State Water Board to learn more about the plastics industry and the life cycle of preproduction plastics, and to assess the baseline quantity of preproduction plastic debris currently on California beaches. This information will also allow the State Water Board to take action as soon as possible to protect marine species and the beneficial uses of California shorelines, coastal waters, and estuaries.
14. The burden on facilities that discharge preproduction plastics to provide such information to the State Water Board is *de minimis*, and will even aid facilities in initially assessing points of potential preproduction plastics discharge.
15. Except as explicitly limited, the State Water Board has delegated to its Executive Director the authority to conduct and supervise the day-to-day activities of the State Water Board (State Water Board Resolution No. 2002-0104). This order is issued pursuant to that delegation.

IT IS HEREBY ORDERED THAT:

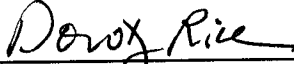
1. Pursuant to Water Code section 13383, and to effectively implement the requirements of the Preproduction Plastic Debris Program, Water Code section 13367, the State Water Board requires plastics manufacturing, handling, and transportation facilities regulated under the IGP to complete a comprehensive site compliance evaluation by December 3, 2009.

<http://tinyurl.com/ab258audit>

2. If completing the compliance evaluation online is a hardship, paper copies of the compliance evaluation are available upon request.
3. Upon completion of the compliance evaluation, the facility operator (as listed in the Notice of Intent for coverage under the IGP) must sign the attached certification statement and return it to the State Water Board. Failure to complete and properly certify the compliance evaluation as required by December 3, 2009 may result in the imposition of civil liability penalties by the State Water Board of up to \$10,000 per day (Water Code section 13385).

OCT 05 2009

Date: _____



Dorothy Rice
Executive Director
State Water Resources Control Board

CERTIFICATION STATEMENT

In addition to completion of the compliance evaluation, the facility operator (as listed in the Notice of Intent for coverage under IGP) at your facility must certify the section below and mail it to:

Storm Water Section / DWQ
Attn: Dylan Seidner
State Water Resources Control Board
P.O. Box 1977
Sacramento, CA 95812-1977

"I certify under penalty of law that our responses to the compliance evaluation document were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature

Title

Date

STORM WATER FACT SHEET: Preproduction Plastic Debris Program

Date: September 23, 2009

I. Background

The State Water Resources Control Board (State Water Board) has initiated a program to address potential storm water pollution associated with preproduction plastic debris. In California there are over 400 plastic-related facilities enrolled under the National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Storm Water Associated with Industrial Activities, also known as the Industrial General Permit (IGP). The State Water Board has issued an investigative order to these facilities requiring them to complete an online self-compliance evaluation and certification statement. The online self-compliance audit has been developed to provide the State Water Board with critical information needed to satisfy the legislative mandates in the Preproduction Plastic Debris Program, Water Code section 13367.

The Preproduction Plastic Debris Program formed with the passage of Assembly Bill 258 Krekorian (AB258), which became effective January 1, 2008. AB258 was signed into law due to increasing concern regarding preproduction plastics as potentially harmful debris to freshwater and marine ecosystems. AB258 legislation authorizes the State Water Board to investigate industrial operations involved with preproduction plastics and to develop a regulatory program that addresses the discharge of preproduction plastic debris to the environment.

II. Actions Taken So Far

In addition to this request to complete an online self-compliance audit and certification statement, the Water Boards' Preproduction Plastics Debris Program has taken the following actions:

Industrial Facility Inspections - State and Regional Water Board staff have conducted hundreds of storm water compliance inspections of various preproduction plastic manufacturing, handling, and transport facilities, some of which are enrolled under the IGP and some that are potential "non-filers." These inspections have provided plastic industry-specific information to help the State and Regional Water Board staff determine the most cost-effective regulatory approaches for addressing this pollution problem.

California Beach Study - The State Water Board is conducting a sampling program throughout California's coast to assess the baseline quantity of preproduction plastic debris currently on the state's beaches.

Stakeholder Outreach and Coordination Work Group – The State Water Board is leading stakeholder meetings related to this initiative, including meetings between the State Board, Regional Water Quality Boards, industry representatives, and environmental interest groups.

There will be more information on these efforts posted to the Preproduction Plastic Debris Program website later in the summer of 2009. The web site is available at the following address:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/plasticdebris.shtml

III. Next Steps

The State Water Board intends to utilize the information gathered from the online self-compliance audit, inspections, and beach study to gain a thorough understanding of the California plastics industry and the life cycle of preproduction plastics. The State Water Board will utilize this information to lead the collaborative stakeholder processes and advise the Preproduction Plastic Debris Program.

If you have any further questions regarding the Preproduction Plastics Program please visit the web site listed above or contact the appropriate staff, listed below.

Program staff contact information:

Name	Title	Phone	email
State Water Board Contacts			
Chris Haynes	Statewide Program Coordinator	916.341.6899	chaynes@waterboards.ca.gov
Dylan Seidner	Statewide Program Coordinator	916.341.5576	dseidner@waterboards.ca.gov
Greg Gearheart	Statewide Program Manager	916.341.5892	ggearheart@waterboards.ca.gov
Dominic Gregorio	CA Beach Study Manager	916.341.5488	dgregorio@waterboards.ca.gov
Regional Water Board Contacts			
Rick Azevedo	North Coast Region (RB1) Coordinator	770.576.2679	razevedo@waterboards.ca.gov
Christine Boschen	San Francisco Bay Region (RB2) Coordinator	510.622.2346	cboschen@waterboards.ca.gov
Dominic Roques	Central Coast Region (RB3) Coordinator	805.542.4780	Droques@waterboards.ca.gov
Wendy Liu	Los Angeles Region (RB4) Coordinator	213.620.2219	WLiu@waterboards.ca.gov
Nova Clemenza	Central Calley Region (RB5) Coordinator	916.464.4647	NClemenza@waterboards.ca.gov
Brandi Outwin	Santa Ana Region (RB8) Coordinator	951.321.4585	Boutwin@waterboards.ca.gov
Tony Felix	San Diego Region (RB9) Coordinator	858.636.3134	TFelix@waterboards.ca.gov