NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

DRAFT TMDL-SPECIFIC PERMIT REQUIREMENTS FOR THE STATE WATER RESOURCES CONTROL BOARD'S INDUSTRIAL GENERAL STORM WATER PERMIT (Los Angeles County Coastal Streams Watershed)

NOTICE IS HEREBY GIVEN that the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) invites public comments on draft Total Maximum Daily Load (TMDL)-specific permit requirements for the statewide *General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001* (Industrial General Permit). The draft TMDL-specific permit requirements is for the following TMDL in the Los Angeles County Coastal Streams Watershed:

- Colorado Lagoon Organochlorine Pesticides (OC Pesticides), Polychlorinated Biphenyls (PCBs), Polycyclic Aromatic Hydrocarbons (PAHs), Metals, and Sediment Toxicity TMDL

As explained below, after receiving public comment, the Los Angeles Water Board will submit proposed TMDL-specific permit requirements to the State Water Resources Control Board (State Water Board) for the State Water Board to consider adoption and incorporation into the Industrial General Permit. The Los Angeles Water Board will take no formal action regarding the proposed TMDL-specific permit language.

BACKGROUND

On April 1, 2014, the State Water Board reissued the Industrial General Permit.[1] As required by findings 38 through 42 of the Industrial General Permit, the State Water Board and Los Angeles Water Board are jointly developing proposed TMDL-specific permit requirements for the TMDLs established by the Los Angeles Water Board or U.S. EPA Region IX in which wasteload allocations are assigned to industrial storm water dischargers, as listed in Attachment E of the Industrial General Permit. The Los Angeles Water Board is providing notice and a 30-day public comment period on the draft proposed TMDL-specific permit requirements before submitting the proposed TMDL-specific permit requirements to the State Water Board. The Los Angeles Water Board will take no formal action regarding the proposed TMDL-specific permit requirements. The Los Angeles Water Board will forward all timely received written comments along with the proposed TMDL-specific permit requirements to the State Water Board for consideration during the State Water Board's proceedings to consider amendment of the Industrial General Permit. The State Water Board will provide a separate public comment period later this year regarding the reopening of the Industrial General Permit to amend Attachment E, the fact sheet, and other permit provisions as necessary for incorporation of the TMDL-specific permit requirements into the Industrial General Permit.

[1] The Industrial General Permit is available electronically at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml.

Interested persons are strongly encouraged to submit written comments to the Los Angeles Water Board during the comment period described below before the proposed TMDL-specific permit requirement language is submitted to the State Water Board. Until the State Water Board adopts an amendment to the Industrial General Permit incorporating the TMDL-specific permit requirements, dischargers enrolled in the Industrial General Permit are not required to take any additional actions beyond those already required in the Industrial General Permit.

DOCUMENT AVAILABILITY

The proposed TMDL-specific permit requirements and associated Fact Sheet language for each TMDL noted above is attached to this notice and is also available for review on the Los Angeles Water Board's website at:

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

SUBMISSION OF WRITTEN COMMENTS

All written comments pertaining to the Los Angeles Water Board's draft TMDL-specific Industrial General Permit requirements and associated Fact Sheet language must be *received* by the Los Angeles Water Board by **5:00 p.m. on Thursday, April 14, 2016**. Written comments must be sent to the Los Angeles Water Board by mail or by email at the following addresses:

By Mail:
Los Angeles Regional Water Quality Control Board
Attention: Pavlova Vitale
320 West 4th Street Suite 200
Los Angeles, CA 90013

By Email:
losangeles@waterboards.ca.gov

Please indicate in the subject line of all written comments "**Comments on Draft TMDL-Specific IGP Requirements** – **Los Angeles County Coastal Streams Watershed**." In the comments, please also specify which TMDL(s) the comments pertain to.

CONTACT FOR FURTHER INFORMATION

Please contact Pavlova Vitale, Sr. Environmental Scientist, at (213) 576-6751 or Pavlova.Vitale@waterboards.ca.gov with any questions regarding this notice or any of the proposed TMDL-specific permit requirements.

Proposed Addition to ATTACHMENT E, LIST OF TOTAL MAXIMUM DAILY LOADS (TMDLs) APPLICABLE TO INDUSTRIAL STORM WATER DISCHARGERS

Colorado Lagoon Organochlorine Pesticides (OC Pesticides), Polychlorinated Biphenyls (PCBs), Polycyclic Aromatic Hydrocarbons (PAHs), Metals, and Sediment Toxicity TMDL

Resolution No.	R9-005
Effective Date	June 14, 2011
Impaired Water Body(ies)	Colorado Lagoon
Pollutant(s)	Organochlorine Pesticides (OC Pesticides), including chlordane, DDT, and dieldrin; polychlorinated biphenyls (PCBs); polycyclic aromatic hydrocarbons (PAHs); lead; zinc; and Sediment Toxicity
Responsible Dischargers	Industrial Storm Water Permittees that discharge storm water associated with industrial activities[1] and/or non-storm water to the impaired waterbody either directly or via a municipal separate storm sewer system (MS4).
Required Actions	Comply with the conditions and requirements of the Industrial Storm Water General Permit (Order No. 2014-0057-DWQ). If chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs are not already addressed in the facility's current Storm Water Pollution Prevention Plan (SWPPP), including its Assessment of Potential Pollutant Sources per Section X.G.2.a.ix, then Responsible Dischargers, as defined above, shall assess all areas of industrial activity at the facility relative to their potential as a source of chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs in storm water discharges associated with industrial activities and in authorized Non-Storm Water Discharges (NSWDs). The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results. The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order. Responsible Dischargers that have identified[2] their facility as a potential source of chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs in storm water discharges associated with industrial activities and/or in authorized NSWDs shall comply with a TMDL

[1] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

[2] Either in the facility's existing SWPPP, or through the update to the facility SWPPP and the Assessment of Potential Pollutant Sources, as described below.

Action Level (TAL) for Suspended Sediment Concentration (SSC) of 1 mg/L. The following analytical test method shall be used.

Parameter	Test Method
SSC	ASTM D3877-97

If sampling results indicate a TAL exceedance as set forth in Section XII.A, the Discharger shall commence the Exceedance Response Actions (ERAs) process set forth in Section XII.

The State and/or Regional Water Board may require Industrial Storm Water General Permittees to implement additional actions to reduce chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs in storm water discharges associated with industrial activities and in authorized NSWDs based on, but not limited to, monitoring data and comparison to the SSC TAL, visual observations, discharger reports, or site-specific inspections and/or investigations.

Monitoring and Reporting Requirements

Where the facility's Assessment of Potential Pollutant Sources (described above) identifies the facility as a potential source of chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs in storm water discharges associated with industrial activities and/or in authorized NSWDs, Responsible Dischargers shall update the facility Monitoring Implementation Plan (Section X.I) per Section XI.B.6.e-f to include:

- Sampling and analysis for SSC during Qualifying Storm Events (QSEs);
- Sampling and analysis of the facility's authorized NSWDs for SSC twice within a reporting year; and
- U.S. EPA approved analytical methods, with appropriate method detection and reporting limits relative to the SCC TAL.

The updated Monitoring Implementation Plan shall be included in the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

TMDL documents are available at:
http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/

Fact Sheet for Colorado Lagoon OC Pesticides, PCBs, PAHs, Metals, and Sediment Toxicity TMDL

The Colorado Lagoon watershed is approximately 1,172 acres and divided into five sub-basins that discharge stormwater and urban dry weather runoff to the Colorado Lagoon. Colorado Lagoon is on the Clean Water Act Section 303(d) List as impaired due to chlordane, DDT, dieldrin, PCBs, PAHs, lead, zinc, and sediment toxicity. To address these impairments, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) established a TMDL in 2009. The TMDL addresses the protection of beneficial uses of Colorado Lagoon associated with water contact recreation (REC-1) and non-contact water recreation (REC-2), commercial and sport fishing (COMM), warm freshwater habitat (WARM), wildlife habitat (WILD), and shellfish harvesting (SHELL).

While chlordane, DDT, dieldrin, and PCBs have been banned in the United States for many years, the physiochemical properties of these pollutants cause them to persist in the environment, bioaccumulate through the food web, and pose risks to aquatic life, wildlife, and human health. The organic chemicals (chlordane, DDT, dieldrin, PCBs, PAHs) and metals causing impairment of the lagoon bind to soil particles making them easy to transport via suspended sediment in non-storm water and storm water discharges. Contaminated sediments then accumulate in the lagoon and in aquatic organisms that are exposed to these toxic pollutants.

Numeric Targets

Colorado Lagoon is identified on the 303(d) list for sediment toxicity, PAHs, lead, and zinc in sediment; DDT, dieldrin, and PCBs in fish tissue; and chlordane in fish tissue and sediment. In order to address these impairments, the TMDL includes water column, fish tissue and sediment targets.

Wasteload Allocations

The wasteload allocations (WLAs) for Industrial Storm Water General Permittees are concentration based and include sediment-associated allocations for chlordane, DDT, dieldrin, PCBs, lead, zinc, and PAHs.

WLAs for Industrial Storm Water General Permittees

	Concentration-based WLAs in sediment (µg/dry kg)
Chlordane	0.5
Dieldrin	0.02
Lead	46,700
Zinc	15,000
PAHs	4,022
PCBs	22.7
DDT	1.58

Required Actions

The required actions apply to Industrial Storm Water General Permittees whose storm water discharges associated with industrial activities and authorized NSWDs have the potential to contribute chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs to Colorado Lagoon either directly or via a MS4.

If chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs are not already addressed in the facility's current Storm Water Pollution Prevention Plan (SWPPP), including its Assessment of Potential Pollutant Sources per Section X.G.2.a.ix, then Responsible Dischargers, as defined above, will be required to assess all areas of industrial activity at the facility relative to their potential as a source of these parameters in authorized Non-Storm Water Discharges (NSWDs) and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), must be updated based on the results, pursuant to Section X.B.1-2. The revised SWPPP must be certified and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements into this Order.

<u>Compliance with Wasteload Allocations</u>

Responsible Dischargers subject to the Colorado Lagoon TMDL will be required to implement BMPs identified in their updated SWPPP and conduct sampling and analysis of authorized NSWDs and storm water discharges for TMDL pollutants to assess BMP effectiveness in order to ensure their authorized NSWDs and storm water discharges comply with the WLAs listed above.

Regarding NSWDs, the Industrial Storm Water General Permit identifies these as either unauthorized NSWDs or authorized NSWDs (Sections III and IV.A.). Unauthorized NSWDs are prohibited under Section III.B. Authorized NSWDs cannot be in violation of any Basin Plan, including TMDL WLAs contained in a Basin Plan, or statewide water quality control plan or policy (Section IV.B). The required Storm Water Pollution Prevention Plan (SWPPP) must include implementation of appropriate BMPs to ensure that authorized NSWDs do not contain quantities of pollutants that cause or contribute to an exceedance of a water quality standard (Section IV.B.3.c). Further, Section VI.A stipulates that Dischargers shall ensure that industrial storm water and authorized NSWDs do not cause or contribute to an exceedance of any applicable water quality standards in any affected receiving water.

Regarding storm water discharges, reducing the discharge of chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs can be achieved by utilizing Best Management Practices (BMPs). The pollutants addressed by the TMDL preferentially bind to sediment; therefore, BMP that prevent erosion and sedimentation can be particularly effective. Additionally, BMPs that eliminate exposure of storm water discharges and NSWDs to pollutant sources, retain storm water onsite, and/or treat storm water prior to discharge from the industrial facility can be used.

Therefore, compliance with the existing conditions and requirements in the Industrial Storm Water General Permit, including but not limited to, updating the SWPPP to address TMDL pollutants and suspended sediment in the facility's discharges; implementing BMPs as set forth in Section X.H, including, in particular, Erosion and Sediment Controls (Section X.H.1.e) and Advanced BMPs (Sections X.H.2 and X.H.6); along with BMP effectiveness monitoring (Section XI) and the Exceedance Response Actions process (Section XII), is generally expected to ensure compliance with the WLAs assigned to industrial storm water dischargers in the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL.

Responsible Dischargers that have identified[3] their facility as a potential source of chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs in storm water discharges associated with industrial activities and/or in authorized NSWDs shall comply with a TMDL Action Level (TAL)[4] for Suspended Sediment Concentration (SSC) of 1 mg/L, expressed as an instantaneous maximum value. Responsible Dischargers will be required to demonstrate through sampling and analysis that the facility's authorized NSWDs and its storm water discharges associated with industrial activities do not exceed the SSC TAL. If sampling results indicate a TAL exceedance as set forth in Section XII.A, the Discharger shall commence the Exceedance Response Actions (ERAs) process set forth in Section XII.

In conclusion, considering the existing conditions and requirements in the Industrial Storm Water General Permit regarding unauthorized and authorized NSWDs and storm water discharges, if a Discharger complies with the Industrial Storm Water General Permit, including updating the SWPPP and implementing Erosion and Sediment Control BMPs and other Advanced BMPs where necessary, the Discharger is not likely to discharge chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs above the applicable WLAs from its industrial areas. Therefore, no additional requirements beyond complying with the Industrial Storm Water General Permit, including updating and implementing the SWPPP, and implementing ERAs for exceedances of the SSC TAL are necessary to comply with the WLAs assigned to industrial storm water dischargers at this time.

However, if it is determined, based on, but not limited to, monitoring data and comparison of results to the SSC TAL, observations of the site, discharger reports, and/or site-specific inspections and/or investigations, that a Discharger may be causing or contributing to an exceedance of a WLA, the State and/or Regional Water Board retains the authority to require Dischargers to further revise SWPPPs, BMPs, and/or monitoring programs, or direct a Discharger to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit, if deemed necessary.

[3] Either in the facility's existing SWPPP, or through the update to the facility SWPPP and the Assessment of Potential Pollutant Sources, as described below.

[4] A TMDL Action Level (TAL) is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII).

Monitoring and Reporting Requirements

To ensure that storm water discharges comply with the Industrial Storm Water General Permit and, in particular, Section VI.A and the SSC TAL, as necessary to achieve the WLAs, the State Water Board finds that sampling and analysis of a facility's storm water discharges for SSC is necessary. Industrial Storm Water General Permittees identified as Responsible Dischargers, above, will be required, per Section XI.B.6.e-f, to update the facility Monitoring Implementation Plan (Section X.I) no later than 6 months after the incorporation of these TMDL-specific requirements into this Order to include sampling and analysis for SSC during Qualifying Storm Events.

To ensure that authorized NSWDs comply with the Industrial Storm Water General Permit and, in particular, Sections IV.B and VI.A and the SSC TAL, as necessary to achieve the WLAs, the State Water Board finds that sampling and analysis of a facility's authorized NSWDs for SSC is also necessary. Industrial Storm Water General Permittees will be required, per Section XI.B.6.e-f, to update the facility Monitoring Implementation Plan (Section X.I) no later than 6 months after the incorporation of these TMDL-specific requirements into this Order to include sampling and analysis of the facility's authorized NSWDs for SSC twice during each reporting year, unless the Discharger provides documentation in its SWPPP per Section X.G.1.e, and through its monthly visual observations and records per Section XI.A.1-3, that there are no authorized NSWDs or these authorized NSWDs are fully contained on site.

To support the additional sampling and analysis required, Industrial Storm Water General Permittees will also be required to update the facility's Monitoring Implementation Plan to include U.S. EPA approved analytical methods, with appropriate method detection and reporting limits per Section XI.B.6.e, to determine the effectiveness of the BMPs for authorized NSWDs and storm water discharges at achieving the applicable TAL for SSC.

The following analytical test method is appropriate.

Parameter	**Test Method**
SSC	ASTM D3877-97

Regulatory Mechanisms

The regulatory mechanisms available to the State and/or Regional Water Boards to require Industrial Storm Water General Permittees to implement additional actions and additional monitoring include: the Industrial Storm Water General Permit and the authority contained in sections 13263, 13267, and 13383 of the California Water Code. Under these regulatory mechanisms, the State and/or Regional Water Boards may require an Industrial Storm Water General Permittee to collect samples of its storm water and NSWDs and analyze them for SSC and chlordane, DDT, dieldrin, lead, zinc, PAHs, and PCBs in suspended sediment to determine compliance with the applicable WLAs in the TMDL.