NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

DRAFT TMDL-SPECIFIC PERMIT REQUIREMENTS FOR THE STATE WATER RESOURCES CONTROL BOARD'S INDUSTRIAL GENERAL STORM WATER PERMIT (San Gabriel River 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 San Gabriel River Watershed:

- San Gabriel River and Impaired Tributaries TMDL for Metals

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, March 31, 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 – San Gabriel River 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

San Gabriel River and Impaired Tributaries Total Maximum Daily Loads (TMDL) for Metals and Selenium

Resolution No.	TMDL established by U.S. Environmental Protection Agency Region IX; State-adopted TMDL program of implementation (R13-004)
Effective Date	March 26, 2007 (TMDL); October 13, 2014 (R13-004, TMDL program of implementation)
Impaired Water Body(ies)	San Gabriel River Reach 2, San Gabriel River Estuary, Coyote Creek, San Jose Creek Reach 1
Pollutant(s)	Copper, lead, zinc, and selenium
Responsible Dischargers	Industrial Storm Water General Permittees whose non-storm water discharges and/or storm water discharges associated with industrial activities[1] have the potential to contain copper, lead, or zinc and that discharge to the impaired waterbody either directly or via a municipal separate storm sewer system (MS4) or an upstream tributary.
Required Actions	*Compliance with Wasteload Allocations* Comply with the conditions and requirements of this Industrial Storm Water General Permit (Order No. 2014-0057-DWQ). Four months after incorporation of these TMDL-specific requirements in this Order, Responsible Dischargers, as defined above, are assigned Level 1 Status for the TMDL pollutants unless one of the following conditions is met for each TMDL pollutant: • The Discharger is already in Level 1 or Level 2 Status pursuant to Section XII.C or Section XII.D for the TMDL pollutant(s); or • The Discharger re-evaluates, with the assistance of a QISP, its Assessment of Potential Pollutant Sources (Section X.G.2.a.ix) in its current Storm Water Pollution Prevention Plan (SWPPP), relative to TMDL pollutants and finds that its non-storm water discharges and its storm water discharges associated with industrial activities do not have the potential to contain the TMDL pollutant(s)[2]; or • The Discharger provides the following: o For storm water discharges, a demonstration that sampling results from the last 4 Qualifying Storm

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

[2] At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

	Events (QSEs) did not exceed the TMDL Action Levels (TALs)[3], set forth in the table below, and ○ For NSWDs, a demonstration, based on the last 6 monthly visual observations that there are no unauthorized NSWDs and that best management practices (BMPs) for any authorized NSWDs are included in the SWPPP and are being fully implemented as required by Section IV.B.3.[4] • The Discharger indicates it has installed Advanced BMP(s) that retain all NSWDs and the storm water volume associated with the 85th percentile, 24-hour event (Section X.H.2).[5,6] The Discharger shall submit these demonstrations to the Los Angeles Water Board within 4 months of the State Water Board's incorporation of these TMDL-specific requirements in this Order. A Discharger that is newly assigned Level 1 Status, pursuant to Sections V.C, VII.A, X.B, and XII.C.1-2, shall conduct an "Initial Level 1 ERA Evaluation" for copper, lead, and zinc and shall certify and submit via SMARTS an "Initial Level 1 ERA Report" no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger shall also revise their facility's SWPPP on the basis of the Initial Level 1 ERA Evaluation to include best management practices (BMPs) to prevent exceedances of TALs, as set forth in the tables below, in authorized NSWDs and storm water discharges associated with the facility's industrial activities. The updated SWPPP shall be certified and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger shall implement any additional BMPs identified in the Initial Level 1 ERA Evaluation and included in the revised SWPPP. Responsible Dischargers shall comply with the TALs, expressed as instantaneous maximum values, in the tables below.[7] If sampling results indicate a TAL exceedance, the Discharger shall commence the Level 2 Status ERAs process set forth in Section

[3] 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).
[4] At which point, the Discharger remains in baseline status for the TMDL pollutant(s).
[5] The Discharger is not required to resubmit its SWPPP if the Advanced BMP(s) are already documented in the facility's SWPPP (e.g., BMP Summary Table).
[6] At which point, the Discharger remains in baseline status for the TMDL pollutant(s).
[7] A TAL is not established for selenium, since the permit already includes a NAL for selenium. The selenium NAL is equivalent to the concentration-based WLA in the TMDL.

XII.D.

Copper TALs for NSWDs (µg/L total recoverable metals)

Estuary	San Gabriel River Reach 1	Coyote Creek
3.7	18	20

TALs for Storm Water Discharges (µg/L total recoverable metals)

	San Gabriel River Reach 2	Coyote Creek
Copper	--	27
Lead	166	106
Zinc	--	158

The following sampling test methods shall be used for both NSWD and storm water discharge TALs.

Parameter	Test Method
Copper	EPA 200.8
Lead	EPA 200.8
Zinc	EPA 200.8

The State and/or Regional Water Board may require industrial stormwater dischargers to implement additional actions to reduce discharges of copper, lead, zinc, and selenium in authorized NSWDs and/or storm water discharges based on, but not limited to, monitoring data and comparison to applicable TALs, visual observations, discharger reports, or site-specific inspections and/or investigations.

Monitoring and Reporting Requirements

No later than 6 months after incorporation of these TMDL-specific requirements in this Order, per Section XI.B.6.e-f, update the facility Monitoring Implementation Plan (Section X.I) to include:

- Sampling and analysis of the facility's storm water discharges for copper, lead, and zinc during QSEs, if these parameters are not already monitored per Section XI.B;
- Sampling and analysis of the facility's authorized NSWDs for copper 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; and • U.S. EPA approved analytical methods, with appropriate method detection and reporting limits relative to the TALs. Dischargers shall implement their updated monitoring program and report the analytical results along with the rest of the non-TMDL parameters required by the Industrial Storm Water General Permit in the Storm Water Multiple Application and Report Tracking System (SMARTS).
TMDL documents are available at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml	

Fact Sheet for San Gabriel River and Impaired Tributaries Metals TMDL

Metals in excessive quantities are toxic to aquatic life and adversely impact the beneficial uses of waterbodies. The beneficial uses of the San Gabriel River and its estuary and tributaries are impaired due to elevated concentrations of copper, lead, zinc, and selenium.[8] The U.S. EPA established a TMDL to address these impairments in 2007. In 2013, the Los Angeles Regional Water Quality Control Board (Los Angeles Board) adopted a program of implementation for the U.S. EPA TMDL. The allocations set forth in the TMDL apply both to discharges to the impaired waterbodies as well as to upstream reaches and tributaries to them.

As of the writing of the TMDL, there were 804 industrial storm water dischargers enrolled under the General Industrial Storm Water Permit within the San Gabriel River Watershed (596 within the jurisdiction of the Los Angeles Board and 208 within the jurisdiction of the Santa Ana Board).[9] The U.S. EPA determined that industrial facilities were a source of metals to the impaired waterbodies. The potential for metals loading via storm water runoff from these sites is high, especially at metal plating, transit, and recycling facilities. A Southern California stormwater study conducted between 2001-2005 found that industrial land use sites contributed substantially higher fluxes[10] and event mean concentrations (EMCs)[11] of certain metals, such as copper and zinc, relative to other land use site categories (e.g., residential, commercial, etc.) (Tiefenthaler et al., 2007). Industrial sites typically have greater than 70% impervious cover as well as on-site sources of metals, which may explain the higher pollutant loadings observed in the study. In addition, industrial land use sites were found to

[8] The TMDL also states that Reach 6 and its tributaries are impaired during dry weather conditions due to elevated levels of selenium; however, because the sources of selenium appear to be related to natural levels of selenium in the soils, no additional actions to control selenium were required by the TMDL (Los Angeles River Metals TMDL, pgs. 4, 7-8).
[9] U.S. EPA (2007) Total Maximum Daily Loads for Metals and Selenium - San Gabriel River and Impaired Tributaries. Region 9, Water Division. March 26, 2007.
[10] Flux = the total mass loading of a storm divided by the total catchment size.
[11] EMC = the total mass load of a contaminant divided by the total runoff water volume discharged during a storm.

contribute substantially higher fluxes of Total Suspended Solids (TSS) relative to many other land uses. Stenstrom et al. (2005) found that although the data collected under the Industrial Storm Water General Permit monitoring and reporting program were highly variable, the mean values for copper, lead and zinc were 1,010, 2,960, and 4,960 µg/L, respectively, greatly exceeding applicable water quality objectives.

During dry weather, the potential contribution of metals loadings from industrial storm water dischargers is lower because non-storm water discharges are either prohibited or authorized only under the following circumstances: when they do not contain significant quantities of pollutants; where Best Management Practices (BMPs) are in place to minimize contact with significant materials and reduce runoff; and when they are in compliance with the Regional Water Board's water quality control plan (Basin Plan).

Numeric Targets

The numeric targets for the TMDL are based on the federally promulgated water quality objectives established by the California Toxics Rule for the protection of aquatic life (40 C.F.R. § 131.38). The water quality objectives for copper, lead, zinc, and selenium are concentration-based and are hardness dependent (with the exception of selenium). Conversion factors are used to convert between dissolved and total recoverable metals. The San Gabriel River Metals and Selenium TMDL assigns dry- and wet-weather numeric targets. The dry-weather numeric targets are based on the 4-day average objectives, while the wet-weather numeric targets are based on the one-hour average objectives.

Wasteload Allocations

The TMDL identifies permitted storm water dischargers, including dischargers subject to the Industrial Storm Water Permit, as responsible dischargers. The TMDL assigns to industrial storm water dischargers separate WLAs for non-storm water discharges and storm water discharges because hardness and flow conditions in the San Gabriel River and its tributaries differ significantly between these conditions. The TMDL assigns dry-weather WLAs for copper and selenium, and wet-weather WLAs for copper, lead, and zinc.

Dry Weather Wasteload Allocations (WLAs)

Unauthorized non-storm water discharges (NSWDs) are assigned WLAs of zero for each parameter, since these discharges are prohibited under Section III.B.

Authorized NSWDs that discharge to the San Gabriel River Estuary, San Gabriel River Reach 1, and Coyote Creek are assigned concentration-based dry weather WLAs for copper equal to the dry-weather numeric targets. Authorized NSWDs that discharge to the San Jose Creek Reach 1 or Reach 2 are assigned concentration-based dry weather WLAs for selenium equal to the dry-weather numeric targets.

WLAs for Authorized NSWDs (µg/L total recoverable metals)

	Estuary	San Gabriel River Reach 1	Coyote Creek	San Jose Creek
Copper	3.7	18	20	N/A
Selenium	N/A	N/A	N/A	5

Wet Weather WLAs

The wet-weather WLAs are assigned to all industrial storm water dischargers discharging to the San Gabriel River Reach 2 or Coyote Creek, or upstream reaches and tributaries of Reach 2 and Coyote Creek. The wet-weather WLAs apply to discharges when the maximum daily flow in the San Gabriel River is equal to or greater than 260 cubic feet per second (cfs), and in Coyote Creek, equal to or greater than 156 cfs.[12]

The wet-weather WLAs for storm water discharges are mass-based. The storm water WLAs are apportioned between storm water permittees using an areal weighting approach. Industrial storm water discharges are assigned the following WLAs.

Mass-based WLAs for Storm Water Discharges Concentration (kg/day total recoverable metals)

	San Gabriel River Reach 2	Coyote Creek
Copper	--	3.5% * 27 µg/l * Daily Storm Volume (L)
Lead	2.2% x 166 µg/L * Daily Storm Volume (L)	3.5% * 106 µg/l * Daily Storm Volume (L)
Zinc	--	3.5% * 158 µg/l * Daily Storm Volume (L)

The mass-based wet-weather WLAs are derived from concentration-based numeric targets. In the case of Industrial Storm Water General Permittees, demonstrating compliance with concentration-based values rather than mass-based values is more practical given the nature of monitoring requirements in this permit. Therefore, for the purposes of implementation of this TMDL in this permit, concentration-based WLA equivalents are provided below, which are based on the concentration-based numeric targets. These concentration-based WLA equivalents are consistent with the assumptions and requirements of the mass-based WLAs assigned to storm water discharges.

[12] U.S. EPA (2007), p. 37.

Concentration-based WLA Equivalents for Storm Water Discharges (µg/L total recoverable metals)

	San Gabriel River Reach 2	Coyote Creek
Copper	--	27
Lead	166	106
Zinc	--	158

Required Actions

The required actions apply to Industrial Storm Water General Permittees whose non-storm water discharges and/or storm water discharges associated with industrial activities[13] have the potential to contain copper, lead, zinc, or selenium and that discharge to the San Gabriel River Estuary, San Gabriel River Reach 2, Coyote Creek, or San Jose Creek Reach 1 or Reach 2 either directly or via a municipal separate storm sewer system (MS4) or an upstream tributary.

Compliance with Wasteload Allocations

Section VII.A requires that Dischargers comply with TMDL-specific requirements. Because industrial storm water dischargers have been found to be a source of metals loading to the San Gabriel River and its Estuary, Coyote Creek and San Jose Creek, Responsible Dischargers (as defined above) will be assigned Level 1 Status for the TMDL pollutants as of four months after incorporation of these TMDL-specific requirements in this Order unless one of the following conditions is met for each TMDL pollutant:

- The Discharger is already in Level 1 or Level 2 Status pursuant to Section XII.C or Section XII.D for the TMDL pollutant(s); or
- The Discharger re-evaluates, with the assistance of a QISP, its Assessment of Potential Pollutant Sources (Section X.G.2.a.ix) in its current Storm Water Pollution Prevention Plan (SWPPP), relative to TMDL pollutants and finds that its non-storm water discharges and its storm water discharges associated with industrial activities do not have the potential to contain the TMDL pollutant(s)[14]; or
- The Discharger provides the following:

[13] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities
[14] At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

- For storm water discharges, a demonstration that sampling results from the last 4 Qualifying Storm Events (QSEs) did not exceed the TMDL Action Levels (TALs)[15], set forth in the tables below, and

- For NSWDs, a demonstration, based on the last 6 monthly visual observations that there are no unauthorized NSWDs and that best management practices (BMPs) for any authorized NSWDs are included in the SWPPP and are being fully implemented as required by Section IV.B.3.[16]

- The Discharger indicates it has installed Advanced BMP(s) that retain all NSWDs and the storm water volume associated with the 85th percentile, 24-hour event (Section X.H.2).[17,18]

The Discharger must submit these demonstrations to the Los Angeles Water Board within 4 months of the State Water Board's incorporation of these TMDL-specific requirements in this Order.

A Discharger that is newly assigned Level 1 Status, pursuant to Sections V.C, VII.A, X.B, and XII.C.1-2, must conduct an "Initial Level 1 ERA Evaluation" for the TMDL pollutants, and must certify and submit via SMARTS an "Initial Level 1 ERA Report" no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger must also revise their facility's SWPPP on the basis of the Initial Level 1 ERA Evaluation to include best management practices (BMPs) to prevent exceedances of TALs, as set forth in the tables below, in authorized NSWDs and storm water discharges associated with the facility's industrial activities. The updated SWPPP must be certified and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger must implement any additional BMPs identified in the Initial Level 1 ERA Evaluation and included in the revised SWPPP. This is generally consistent with the TMDL, which states that if permittees provide a demonstration that control measures and BMPs will achieve wasteload allocations, then compliance may be demonstrated by implementation of those control measures and BMPs.

Dischargers will be required to demonstrate, through implementation of BMPs, that their facility's storm water discharges and NSWDs associated with industrial activities comply with the TALs applicable to NSWDs and storm water discharges.

If sampling results indicate a TAL exceedance, the Discharger shall commence the Level 2 Status Exceedance Response Actions (ERAs) process set forth in Section XII.D.

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[15] 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).
[16] At which point, the Discharger remains in baseline status for the TMDL pollutant(s).
[17] The Discharger is not required to resubmit its SWPPP if the Advanced BMP(s) are already documented in the facility's SWPPP (e.g., BMP Summary Table).
[18] At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

1. Compliance with Dry-Weather WLAs

Industrial storm water dischargers subject to the dry-weather WLAs for copper will be required to demonstrate through sampling and analysis that the facility's authorized NSWDs associated with industrial activities do not exceed the applicable copper TAL expressed as an instantaneous maximum value. The TALs are based on the concentration-based dry weather WLAs. [19]

Copper TALs for NSWDs (µg/L total recoverable metals)

Estuary	San Gabriel River Reach 1	Coyote Creek
3.7	18	20

The copper TALs are more stringent than the NAL in Table 2. Compliance with these TALs is necessary to achieve the dry-weather WLAs. If there is an exceedance of the applicable copper TAL in an authorized NSWD, the Discharger will be required to follow the ERAs process described in Section XII.

Compliance with existing conditions and requirements in the Industrial Storm Water General Permit is generally expected to ensure compliance with the copper dry-weather WLAs assigned to industrial storm water dischargers in this TMDL. The Industrial Storm Water General Permit defines dry-weather discharges (Sections III and IV.A.) as either unauthorized Non-Storm Water Discharges or authorized Non-Storm Water Discharges (NSWDs). Unauthorized NSWDs are prohibited under Section III.B. Authorized NSWDs cannot be in violation of any Basin Plan, including TMDL wasteload allocations 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 states 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.

The State Water Board finds that the Industrial Storm Water General Permit contains the requirements necessary, with the modifications described above related Level 1 Status, for Dischargers to achieve the copper dry-weather WLAs assigned to industrial storm water dischargers in the San Gabriel River Metals and Selenium TMDL. As such, complying with the Industrial Storm Water General Permit, including, where required, submitting an Initial Level 1 ERA Report and updated SWPPP pursuant to Sections X.B.1-2 and XII.C.1-2, no later than 6 months after incorporation of these TMDL-specific requirements in this Order, is generally expected to ensure compliance with the dry-weather WLAs for copper assigned to industrial storm water dischargers.

[19] A TAL is not established for selenium, since the permit already includes a NAL for selenium. The selenium NAL is equivalent to the concentration-based WLA in the TMDL.

2. Compliance with Wet Weather WLAs

Industrial storm water dischargers subject to the wet-weather WLAs will be required to demonstrate through sampling and analysis that the facility's storm water discharges associated with industrial activities do not exceed the applicable TALs, expressed as instantaneous maximum values, in the table below. These TALs are based on the concentration-based WLA equivalents for wet weather, discussed above. The State Water Board has determined that demonstrating compliance with concentration-based values rather than mass-based values is more practical given the nature of monitoring requirements in this permit, which do not require a measurement of flow. These TALs are more stringent than the NALs in Table 2. Compliance with these TALs, which are more stringent than the NALs, is necessary to achieve the TMDL WLAs. If there is an exceedance of a TAL, the Discharger will be required to follow the ERAs process described in Section XII.

NALs for Storm Water Discharges (µg/L total recoverable metals)

	San Gabriel River Reach 2	**Coyote Creek**
Copper	--	27
Lead	166	106
Zinc	--	158

Reducing the discharge of metals can be achieved by utilizing Best Management Practices (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. Compliance with the existing conditions and requirements in the Industrial Storm Water General Permit, including but not limited to, conducting an Initial Level 1 ERA Evaluation for TMDL pollutants; implementing BMPs as set forth in Section X.H, including 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 wet-weather WLAs assigned to industrial storm water discharges in this TMDL.

3. 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 the ERAs process, and implementation of Advanced BMPs where necessary, the Discharger is not likely to discharge copper, lead, or zinc above the applicable dry-weather and wet-weather WLAs from its industrial areas. Therefore, no additional requirements beyond complying with the Industrial Storm Water General Permit, including, where required, conducting an Initial Level 1 ERA Evaluation and updating the SWPPP accordingly; implementing BMPs in the updated SWPPP; and undertaking ERAs for TALs in the same way as would be done for NALs, 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 TALs, visual 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.

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 TALs, as necessary to achieve the wet-weather WLAs, the State Water Board finds that sampling and analysis of a facility's storm water discharges for copper, lead, and zinc is 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 in this Order to include sampling and analysis for these pollutants during QSEs, if these parameters are not already monitored per Section XI.B.

To ensure that authorized NSWDs comply with the Industrial Storm Water General Permit and, in particular, Sections IV.B and VI.A and the copper TALs, as necessary to achieve the dry-weather WLAs, the State Water Board finds that sampling and analysis of a facility's authorized NSWDs for copper 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 incorporation of these TMDL-specific requirements in this Order to include sampling and analysis of the facility's authorized NSWDs for copper twice during each reporting year, during dry weather conditions (days without measurable precipitation and at least three days after a precipitation event), 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 TALs. The following sampling test methods shall be used for both NSWD and storm water TALs:

Parameter	**Test Method**
Copper	EPA 200.8
Lead	EPA 200.8
Zinc	EPA 200.8

Responsible Dischargers shall compare sampling results with the TALs. As described above, an exceedance of a TAL will require the Discharger to follow the NAL Exceedance Response Actions (ERAs) requirements established in Section XII.

Regulatory Mechanisms

The regulatory mechanisms available to the State and/or Regional Water Board 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 Board may require an Industrial Storm Water General Permittee to collect samples of its storm water and NSWDs and analyze the discharges for copper, lead, zinc, and selenium to determine compliance with the applicable WLAs specified in the TMDL.