

# CASQA Draft Industrial General Permit Hearing Testimony

October 17, 2012

# Introduction

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California Stormwater Quality Association

# CASQA Industrial Subcommittee

- Large (over 100) Multi-Disciplinary Group Of Experts
  - Industry (mining, landfills, auto dismantlers, recycling, aerospace, chemical mfg, petroleum)
  - Attorneys, Consultants, BMP Vendors
  - Municipalities (cities, counties)
  - Academic Community

# Industrial Subcommittee Workgroups

- NALs/Exceedance Response Action Process
- Monitoring and Inspections
- Compliance Groups
- SWPPP/BMPs
- PRDs/Reporting/No Exposure Certification/SMARTS
- TMDLs
- Training Program/QISP

# Industrial Subcommittee

- Appreciate the Effort and Significant Revision by the SWRCB since the 2011 Draft
  - Many positive changes
  - Significant outreach through workshops and openness to discussion
- Understand the SWRCB is looking for constructive comments, including suggested permit revisions language where appropriate
  - Redline/Strikeout recommendations to be provided in the written comment package

# Key Issues

- Numeric Action Limits – triggers and off-ramps
- Appropriate use of BAT/BCT/BPT standards
- Design Storm
- Incorporation of TMDLs
- Receiving Water Limits
- SWPPP Filings and Implementation Timeline
- QISP Requirements



# Numeric Action Levels and Responses

NAL/ERA Process Working Group  
CASQA

Katharine E. Wagner  
CASQA Industrial Subcommittee Co-Chair  
Downey Brand, LLP

# A Clear Process Satisfies CWA

- Diverse facilities and the nature of stormwater call for a permit establishing processes for compliance
- Use of a process to select and evaluate BMPs is appropriate to satisfy both technology based and water based effluent limit requirements
- Complying with detailed measures should clearly comply with the General Permit – this is the BMP regime satisfying BAT/BCT/BPT and WQBEL mandates



# What are Action Levels?

- Not defined in Clean Water Act or regulation
- If exceeding an action level mandates facility changes until the level is met, the level is a “virtual effluent limit” – do or die – i.e. else a violation
- CASQA supports NALs when appropriately selected, as tools for BMP evaluation. Blue Ribbon Panel approach was followed for the proposed instantaneous TSS NAL.



# NALs and Response Actions

- If EPA benchmarks are used, should be consistent with Multi-Sector General Permit, as evaluation tools
- Concern regarding complexity of Exceedance Response Actions, and overlapping timelines
- The process should facilitate LID, not drive toward treatment
- Certainty is needed to support capital investments

# Receiving Water Provisions

- Receiving Water Limits should include presumption and process defining compliance
- Water Quality Based Corrective Actions XX.B should be integrated into receiving water limits, and clarified
- The phrase “or contribute” in “cause or contribute to exceedance” is not defined in regulation and USEPA struck it from the 2008 MSGP

# Signatories and “LRPs”

- Use “Discharger” instead of “Legally Responsible Person”
  - Glossary shows no legal difference
  - LRP wording causes confusion
  - Signatories inconsistent with regulation/Form 200
- Duly Authorized Signatory can match normal NPDES practice and regulation
- Centralize in XXI.K (Standard Conditions)



# TMDLs, Design Storm, Action Level Concepts and Concerns

Timothy Simpson, P.E.  
Principal Engineer  
AMEC

# Incorporation of Total Maximum Daily Loads

- CASQA concurs with the approach for incorporating TMDLs described in:
  - Findings 36-41
  - TMDL Requirements Section VII.A
- However, Effluent Limitation V.C is in conflict, with language referring to blanket incorporation and compliance without reopening IGP
- Also, CASQA recommends modifying Finding 39 to recognize use of BMPs to comply with TMDL Waste Load Allocations

# Design Storm

- CASQA supports use of the 85<sup>th</sup> percentile, 24-hour storm as the Design Storm
- Methodology in the draft IGP is consistent with CASQA published guidance
- CASQA recommends specifying same storm event in the IGP's ERA section
- CASQA has included suggested language changes to clarify Design Storm calculations and NAL assessments


# ERA Reports

- Under this new IGP, many facility operators will have to commit to structural and/or treatment controls as a result of the ERA process
- CASQA recommends including an option for the discharger to obtain RWQCB concurrence prior to implementation of structural and/or treatment BMPs
- CASQA also requests consideration of Low Impact Development approaches in the ERA process



# Sector Specific Requirements and Compliance Groups

- CASQA supports development of NALs as “upset” conditions consistent with the Blue Ribbon Panel findings
- Industry “Compliance Groups” can be a useful path for developing industry-specific NALs based on industry-specific baseline BMPs
- Compliance Group Leaders should be given the flexibility to submit Alternative Compliance Plans with a goal of establishing industry-specific NALs



# Permit Implementation/Logistics (SWPPP, QISP, Monitoring, Reporting, SMARTS)

Matt Lentz, CPSWQ, CPESC, REM, QSD/QSP  
CASQA Industrial Subcommittee Co-Chair  
Senior Associate - AMEC

# Permit Implementation

- Challenges associated with the IGP effective date and availability of properly trained QISPs
  - Insufficient time to develop and implement training program
  - Confusion/non-compliance if submittal of SWPPPs and monitoring plans required before guidance/training
- Delay the effective date until the QISP training program is functioning and sufficient number of QISPs trained to serve industrial community

# Permit Registration Documents

- Concerns with disclosure of confidential and proprietary information.
  - Electronic submittal of SWPPP through SMARTS
  - Posting would deny trade secret protection
- Suggest stay consistent with EPA MSGP and current IGP - onsite and available for review
- More appropriate to include general information filing/NOI or hard copy submittal

# QISP Program

- Re-examine appropriateness of Licensee exemption
- If exemption remains
  - Add other licensed engineers (chemical, industrial, etc.),
  - Add more appropriate certification, such as CPSWQ
  - Delay QISP effective date (July 1, 2014) until QISP training is developed and implemented (2 years)
- Concerns with QISP Roles
  - QISP not needed for weather forecasting
  - Initial submittal of NECs better suited for discharger

# Monitoring Program

- Annual Report due date should be extended from July 15 to September 15
  - Accommodate late season storms
  - Multi-site businesses
  - Compliance Groups
- Replace pre-storm inspections with regular monthly inspections
  - Reduce effort involved in tracking and documenting the weather to demonstration compliance

# Closing

- CASQA understands the technical complexities/challenges of developing a general industrial storm water permit and hope our comments are a useful mechanism in the refinement of the permit.
- Avoid overly complex compliance requirements that expend significant resources without providing compliance certainty.
- Thank you and we hope and look forward to working closely with the SWRCB to come up with a workable effective permit.