



California Regional Water Quality Control Board Santa Ana Region



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SPECIAL HEARING

2/3/05

cc: BD, DI, DWQ

e-cys: BD, CC, HMS, TH, CMW

TO: Debbie Irvin
Clerk to the Board

FROM: Michael Adackapara, Division Chief
Santa Ana Regional Water Quality Control Board

DATE: February 3, 2005

SUBJECT: DRAFT INDUSTRIAL STORMWATER GENERAL PERMIT COMMENTS

1 Fact Sheet – Effluent Limitations. Page VIII.

The third step is to implement the changes identified in the updated SWPPP. Dischargers shall revise the SWPPP and implement the appropriate BMPs in a timely manner but in no case more than 90 days after a determination that the SWPPP is in violation of any General Permit requirement.

Ninety days is too long for an implementation of adequate BMPs. Please consider changing this to: Dischargers shall implement the appropriate BMPs immediately and update the SWPPP within 30 days after a determination that the SWPPP is in violation of any General Permit requirement.

2. Fact Sheet – Minimum BMPs. Page IX.

The failure to implement any of these minimum BMPs, unless it can be clearly demonstrated that they are not applicable to the facility is a violation of the General Permit.

Add the bold/underline text: The failure to implement any of these minimum BMPs, unless it can be clearly demonstrated that they are not applicable to the facility **and justification is documented in the SWPPP**, is a violation of the General Permit.

Permittees should be required to have clearly thought through the logic for why minimum BMPs are not appropriate for their site and this logic should be documented in the SWPPP, not thought of during an inspection. Further, there should be a section of the Annual Report that requires the Permittee to indicate that they are not implementing at least the minimum BMPs.

Debbie Irvin
Clerk to the Board

- 2 -

February 3, 2005

3. Fact Sheet – Monitoring Program. Page XV.

If discharges cause or contribute to exceedances of water quality standards, however, this General Permit is violated and dischargers must improve BMPs..

There's an extra comma following "BMPs."

4. Fact Sheet – Conditional Exclusion Requirements. Page XIX.

Additionally, after the initial five year term of the General Permit, a facility will be required to conduct sampling of their discharge during one storm event and submit that information with their NEC. Sampling in support of their NEC application will be required once every five years.

The sampling requirement is not included in the NEC Instructions preceding the NEC form. It may be advantageous to also include it in the informational portion of the NEC instructions because people without exposure may not read the fact sheet of the permit.

5. Receiving Water Limitations. Page 4.

Storm water discharges and authorized non-storm water discharges shall not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable RWQCB's Water Quality Control Plan (Basin Plan).

Please refer to this when discussing the benchmarks. If a USEPA benchmark is not protective of water quality within the jurisdiction of a particular Regional Board, the permit should state that the Regional Boards might revise the benchmark for that parameter.

6. Provision 7. Page 6.

- a. *When analytical results exceed the USEPA benchmark values in Table VIII.2 dischargers shall implement corrective actions that include:*

USEPA benchmarks may exceed water quality objective in the Regional Basin Plans. Receiving Water Limitations on page 4 states storm water discharges and authorized non-storm water discharges shall not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives in the applicable RWQCB's Water Quality Control Plan (Basin Plan). It would be advantageous to state that corrective actions are required for benchmarks established by a RWQCB. For example, the pH range is 6.5 to 8.5 pH units in

Debbie Irvin
Clerk to the Board

- 3 -

February 3, 2005

the Santa Ana Regional Board's Basin Plan. The USEPA benchmark range is from 6.0 to 9.0 pH units, which exceeds many Regional Board's water quality objectives.

- b. Provision 7.c skips iv.

7. **Monitoring Program and Reporting Requirements**

- a. Section VIII.2 – Non-storm water Discharge Visual Observations. Page 18.

Subsections "a" and "b" are one sentence. Should this be Section VIII.3 instead of part of Section VIII.2? If so, the number is off in the rest of this section.

- b. Section VIII.3 – Storm Water Discharge Visual Observations. Page 18.

The strong language in the permit regarding improving BMPs is only relevant if there is a qualifying storm event – which there usually isn't.

At the MINIMUM, the permit should be very clear about requirements for dischargers to observe the functioning of BMPs during the storm event, what the minimum performance expectation is, and that required improvements or maintenance is expected within a certain time frame.

- c. **Section VIII.4 – Sampling and Analysis**

Dischargers shall collect storm water samples during the first hour of discharge from the first two qualifying storm events of the wet season.

In the Inland Empire, Qualifying Storm Events are virtually non-existent, because it begins raining in the early morning. As a result, there are facilities that haven't sampled in years because they strictly follow the narrow sampling guidelines.

For example, if a facility is in operation in the early morning when it starts raining, the operator will not sample because it is not during daylight hours. By the time it is during daylight hours, more than an hour has passed since the beginning of discharge; therefore, the operator will not sample.

Another example is, occasionally it will start raining during the day, but it is generally a light sprinkle – just enough to dirty a car windshield. If it rains hard enough for runoff on the following day, there hasn't been three days without rain, so the operator will not sample.

California Environmental Protection Agency

Debbie Irvin
Clerk to the Board

- 4 -

February 3, 2005

Recommendation: Keep the QSE language in the permit, but modify it to require sampling during the first hour of daylight operation if a sample was not collect during the qualifying storm event window. If the benchmarks were not exceeded, then the operator would follow the qualifying storm event guidelines for the second sample (this generally means the operator is done sampling for the year). If benchmarks are exceeded, then the operator is required to continue sampling during the qualifying storm event window, or as default, during the first hour of daylight operation until they reach benchmark.

Modify the Annual Report so that for each storm water sample, the facility operator would state the date and approximate time the rain event began.

In terms of benchmarks, modify the language of the permit to address adjusting requirements to meet the benchmarks if there is a high background level of a pollutant. For instance, rain may have a pH lower than the benchmark due to acid rain.

Some industries, by the nature of their business, have a high degree of exposure and pollutants are present in storm water discharges well past one hour of runoff. Require all facilities to adopt the preceding sampling requirements or specified, high-exposure industries.

d. Footnote 3 – Page 18

“Scheduled facility operating hours” are the time periods when the facility is staffed to conduct any function related to industrial activity, but excluding time periods where only routine maintenance, emergency response, security, and/or janitorial services are performed.

Add the bold/underline text: Scheduled facility operating hours” are the time periods when the facility is staffed to conduct any function related to industrial activity, but excluding time periods where **key staff are not present at the facility, and** only routine maintenance, emergency response, security and/or janitorial services are performed.

We have conducted inspections during rain events and even though storm water pollution prevention committee members are present on site and the facility appears to be open and fully staffed, they claim that they are performing maintenance and that they are not required to perform visual monitoring or collect storm water samples. Clearly the intent of this footnote is to identify times when key personnel are not needed to be present at the site, but some activity (maintenance, emergency, cleaning) is going on.

California Environmental Protection Agency

Debbie Irvin
Clerk to the Board

- 5 -

February 3, 2005

e Section VIII.13.d – Annual Report. Page 23

The Annual Report shall include a summary and evaluation of all sampling and analysis results, original laboratory reports, the Annual Compliance Facility Compliance Evaluation Report required in Section VII.9, a summary of all corrective actions taken during the compliance year, identification of any compliance activities or corrective actions that were not implemented, records specified in Subsection 12.i, and the analytical method, method reporting unit, and method detection limit of each analytical parameter.

The term "compliance year" is used. Is that term defined in the permit? Clarify whether "compliance year" is the same as "reporting year".

f. Section VIII.13.d – Annual Report. Page 23

Dischargers may submit their annual report information using an alternative annual report form, subject to RWQCB approval, in accordance with the following conditions:

Require the submittal of an Alternative Annual Report Form to the Regional Board for approval significantly prior to the start of the "compliance/reporting year" (like April or May) so the discharger will know whether it is approved for the reporting year.

8. Table VIII.1 – Additional Analytical Parameters. Page 24.

- a. There is a space between some parameters and the semicolons and in other areas there is no space. Resolve for consistency.
- b. The final SIC description and parameter are not in consistent font with the rest of the text.
- c. One of the parameters for the final SIC Description, Scrap and Waste Metal, is "uZn". Correct for accuracy.
- d. Under Parameter Descriptions, some dashes are long and some are short. Resolve for consistency.
- e. Under Parameter Descriptions, Mg is described as Mag. It would be advantageous for clarity if Magnesium were spelled out completely.

9. Table VIII.2 – Parameter Benchmark Values, Test Methods, Detection Limits, and Reporting Units. Page 25.

- a. The table would be much easier to read if the parameters below total organic carbon were alphabetized.

Debbie Irvin
Clerk to the Board

- 6 -

February 3, 2005

- b The limits and values should be written in a scientific format, so that the current .0005 reads 0.0005.

10 Section IX – Group Monitoring. Page 26.

With regard to GMPs, they are required to report new groups by August 1, and annually notify intent to continue also on Aug 1st.

If the reporting year is July 1 - June 30, they should be required to submit intent to begin a new group or continue an existing group prior to July 1 so that Board staff has time to review it. If staff rejects the intent, there is time for an amendment and/or time for the participants to effectively function as normal "non GMP" individual permittees? With Oct 1 of the following compliance year as the deadline to have a group of 10 participants, if they fail to have the 10 and the GMP authorization is rescinded, then the remaining permittees will be scrambling to manage their storm water program as individual permittees and may not be prepared to make the transition.

Set the deadline well before July 1 so that any adjustments could be accommodated prior to the beginning of the permit year.

11 Conditional Exclusion Requirements – Section X. Page 29.

- a Include information regarding the once-every-five-year sampling requirement listed on page XIX of the Fact Sheet in this section.
- b *Dischargers composed entirely of storm water are not storm water discharges associated with industrial activity and are conditionally excluded from permit coverage if the following conditions are met: there is "no exposure" of industrial materials and activities to rain, snow, snowmelt, and/or runoff; the discharger prepares and submits a NEC; and the discharger satisfies the qualifications, conditions and other requirements of this Section, and the signatory and other requirements in Section XI. Dischargers who do not satisfy all Conditional Exclusion requirements are required to file an NOI and comply with this General Permit.*

Modify this section to read: [Storm water that is not exposed to industrial activity and is subsequently discharged is not a "discharge of storm water associated with industrial activity" and is conditionally excluded from permit coverage. The conditional exclusion is based upon the absence of exposure of rain, snow, snowmelt, and/or runoff to industrial activities, and includes the satisfaction of the qualifications, conditions, and other requirements of this Section, as well as the signatory requirements in Section XI. Dischargers who do not satisfy all

Debbie Irvin
Clerk to the Board

- 7 -

February 3, 2005

Conditional Exclusion requirements are required to file an NOI and comply with this General Permit.]

It is not the "cleanliness" of the storm water discharge that determines whether or not it must be permitted, but rather whether or not the storm water comes in contact with an identified industrial activity, commonly referred to as "exposure". "Discharges composed entirely of storm water" could be produced in more than one way. There could be the case where there is no industrial activity with which the storm water comes in contact, (nor any pollutants from any other source) which effectively results in a discharge of entirely storm water. Alternately, there could be storm water, which comes in contact with industrial activity, and then is treated by BMPs, which effectively remove the pollutants, and the result is again a discharge composed of "only" storm water. In the second case, the discharge needs to be permitted, because there is exposure, and without the BMPs required by the permit, the discharge would not be "only" storm water. So, the way the paragraph currently reads, "Discharges composed entirely of storm water are not storm water discharges associated with industrial activity.." is not addressing the true crux of the issue. It is not the fact that they are discharges of "entirely" (only) storm water, but rather the fact that there was no industrial activity (as defined) with which the storm water came in contact, between landing upon the facility and subsequently leaving the facility.

EPA uses the expression "entirely" but the average permittee may not understand the intended meaning of "unpolluted" or "uncontaminated" from the expression "entirely storm water."

12. Signatory Requirements – Section XI.9

Please explain how the signatory requirement works with electronic submittals.

13. Notice of Intent Form – Attachment 4.

a E-mail address

The space provided for the e-mail address is insufficient. If the "Contact E-mail" box were to be placed below the contact person, it would allow the space needed. If this info were placed below the contact person in Sections II & III, there would still be plenty of room in the bottom margin for the WDID and tracking stickers.

b. SIC Codes – Section III.E

Please allow more space before Section III.E.1 and Section III.E.2 (SIC codes).

California Environmental Protection Agency



Debbie Irvin
Clerk to the Board

- 8 -

February 3, 2005

c. Receiving Water Info – Section V.

Receiving water info should be included for all facilities, not just those who discharge directly to a water of the U.S. This will help identify impacted waters in case of a spill.

14. No Exposure Certification Instructions – Attachment 5.

This attachment should have a heading that is consistent with Attachment 4.

15. FAQ – Q2 of the No Exposure Certification – Attachment 5.

The second line of Q2 is not indented

16. General Comment

There are a significant number of erroneous references to other sections within the permit and inconsistent formatting.

If you have any questions or comments regarding these comments, please contact Mary Bartholomew at (951) 321-4586, or via e-mail to mbartholomew@waterboards.ca.gov.