

Industrial General Permit Amendment to incorporate Total Maximum Daily Load Implementation Language December 1, 2016

Talking Point 1

Example 1

- Most Industrial dischargers are not monitoring for Bacteria

Example 2 & Example 3

- For the watershed in this example, it is not possible to reduce the pollutant, is there anything else that can be done? Discharges are reducing the load by reducing their discharge because they are retaining storm water on site; however, they aren't getting any sort of credit by reducing load.
- In determining compliance, will sampling be on the site or downstream at the receiving water catch basin?
- Will sampling/monitoring be in line with the Industrial General Permit (IGP)?
- When allocations are translated to California Toxic Rule (CTR) how will these be compared?
- Will there be different levels of dischargers in the watersheds?
- If source assessment removes pollutant through BMPs, will they still be required to comply with action levels/effluent limitations?
- Will the Qualified Industrial Storm Water Practitioner (QISP) write the report?
- Consider a flow chart to help people understand and show consistency in implementation and compliance
- Regional time for comments was not long enough. Dischargers may have multiple waterbodies they need to comment on. Consider 90 day comment period for the IGP.
- Is there a possibility to reopen TMDLs?
- Has the State Board looked at the TMDLs language? Is this language antiquated, consider updating for clarification purposes.
- NAL when related to toxins, CTR sets conditions based on ambient conditions but wet conditions allow for "less-stringent" conditions. Can dischargers base it on ambient conditions?
- Receiving water needs to be in compliance with the CTR but dischargers will not be in compliance at the end of pipe, is there an off-ramp?
- Why can't it be an NAL approach instead of CTR?
- Cases like LA River TMDL mass based for the industrial permit, could someone be out of compliance with permit but still be in compliance with the TMDL?
- Need flexibility to look at mass based allocation. Allow for local implementation. Don't base it all on flow meters, Rain gages can also work as flow meters.

- Consider cities allowing the collection of discharges and taking care of storm water with the MS4 permit.
- Consider having Regional BMPs that discharges could fund but cities could manage. Also consider Regional infiltration basins.
- Small mom and pop shops who require IGP coverage will not be able to pay for this.
- Use Regional BMP's and see how they can work with MS4 permittees.
- Consider how they will contribute to Regional BMPs should not be just a one-time contribution.
- Consider using monitoring programs that already exist.

Talking point 3

- When will model be available?
- Specifically interested in seeing what watershed each discharger is in
 - This would help justify the time schedule to comply by
- 30 day period, NEL set and translated then out of compliance.
- State needs to provide compensation to Regions because this is an unfunded mandate.
- Facilities with an NEC not required sample, but they might have to sample authorized non-storm water discharges if there's a WLA for it.
- Many permits associated with storm water, but no consistency on how they should all be implemented. There needs to be better communications between Regional board and State Boards and between permit writers.
- Perspective of the regulated community on enforcement:
 - Reach out and enforce with dischargers you know of
 - Many dischargers are complying with permit but many are also not filing
- How much will permit fees increase?
- Who will enforce all these, will cities have to help since Regional Board is understaffed?
- For watershed specific segments, will delineation be added?

Talking point 4

- Do dischargers have to go through a list of pollutants they expect to find?
- What are the parameters dischargers have to follow?
- Non-industrial claim should be allowed in this process.
- In presentations the acronym nomenclature are confusing. Different than what was released consider using the term 'TALs'.
- When smaller shops are already at level 2 and in compliance because of TMDL adoption date:
 - Allow more time instead of having each discharger request a Time share order (TSO) sending more work to the Regional Boards
- Consider starting implementation date after the adoption date of amendments.

- Will stakeholders look at the watershed map in advance to ensure it is accurate and valid?
 - Yes, State board staff will need to ensure that it is in its most complete form for stakeholders to review the program and provide feedback.

Talking point 5

- Milestones to be accomplished at level 1 should be added, if no milestones are incorporated then there is nothing the Regional Board can oversee.
- Discharger should not be subject to NEL penalty until you are at the end of level 2.
- Provide language in permit advising when non-compliance fees will be assessed to the discharger.
- Above an NEL, when will HMP be required? Would it be at annual average or every time?
- Is there a way to subtract the background level from what is in the discharge?
- It is not feasible to comply with a NEL if compliance date is effective date (if TMDL deadline for compliance has passed).
- RB assumption for authorized non storm water discharge is: discharge has WLA because it has/is picking up industrial sources and washing off the sight (not looking at pollutants in the source water).

Talking point 6

- So if industry does not produce copper will they have to sample for it because of the fire hydrant flush?
- This is different than what they have to sample for in storm water.
- Plant is certified to not have XXX, then why would the unauthorized non-storm water discharge have to be sampled?
- How often will monitoring be required? Once a year or only when there is a discharge?
- What about the non-industrial sources, can they still use the ERA?

Taking point 7

- 85th percentile: positive support for compliance for the whole permit and not just TMDL requirements.
- Use Caltrans permit as precedent of “NEC” to say you’re working with a MS4:
 - For regional BMPs: see how MS4s/IGP dischargers can collaborate
 - May not be feasible to define facility’s to be co-permittees with the MS4
- Language should be added stating that if facility is doing infiltration they are in compliance of permit.
- Current permit does not give credit for reduction in loading, consider adding this to permit.
- Pretreatment should be done and is responsible practice.

- MS4 does not always give TMDL compliance and still requires additional actions.

General Comments:

- Create timeline or process for stakeholder engagement and opportunities for public comments.
- State Board to send out presentation and list of all participants:
 - Consider possibility of posting presentation on Regional Board website also