

Is Your Business Ready to Comply with the New Industrial General Stormwater Permit?

On 1 April 2014, the State Water Resources Control Board (“SWRCB”) adopted a new State-wide permit that regulates stormwater discharges from certain industrial facilities across California. The new, 2014 industrial general permit (“IGP”) replaces the previous permit issued in 1997 (“1997 IGP”). With the new IGP, significant changes have been made to the regulation of industrial stormwater discharges that will increase the burden of compliance, including:



- **Additional regulation of light industry,**
- **Additional training requirements for industrial stormwater practitioners,**
- **Additional stormwater monitoring requirements and number of sample events per year,**
- **Numerical effluent standards for stormwater discharges, and**
- **Mandatory best management practices.**

These additional requirements are discussed below.

Regulation of “Light Industry”: Under the 1997 IGP, light industrial facilities, as established by the Standard Industrial Classification Code (“SIC”), were not required to seek permit coverage as long as (1) there were no outdoor industrial activities or materials that could contact stormwater and (2) there were no non-stormwater discharges from the facility. Now, the IGP requires that all light industry seek permit coverage, either by filing a (1) Notice of Intent (“NOI”) for coverage under the IGP or (2) a No Exposure Certification (“NEC”) certifying that there is no exposure of industrial activities or materials to stormwater.



Numerical Action Levels (“NALs”) and Exceedance Response Actions (“ERAs”): Unlike the 1997 IGP, which did not have numerical criteria, the IGP now contains NALs that trigger additional evaluations and reporting requirements, termed “ERAs.” After the first NAL exceedance, a facility is classified automatically as a Level 1 facility that must implement Level 1 ERAs and retain a Qualified Industrial Stormwater Practitioner (“QISP”) to assist implementing IGP requirements. If the NAL is exceeded in the subsequent year for the same parameter in the same drainage area, the facility is then classified as a Level 2 discharger and must implement Level 2 ERAs.

Additional Training Requirements: The new IGP introduces the role of a QISP. A QISP is needed to (1) supervise the facility’s IGP after a facility enters Level 1 status and (2) prepare Level 1 and 2 ERA action

plans and technical reports. Additionally, once a facility enters Level 1 status, a QISP is required to conduct any training regarding the IGP implementation.

Additional Stormwater Discharge Monitoring: The new IGP now requires that four samples be collected per reporting year, two during the first six months and two during the second six months. The Qualifying Storm Event (“QSE”) has now been changed to “any storm event preceded by a minimum of 48 hours without rain that results in the discharge from any drainage area.” The newly defined QSE significantly increases the number of rain events eligible for sampling.



Mandatory Best Management Practices: Unlike the 1997 IGP, which left the determination of appropriate stormwater best management practices (“BMPs”) up to the best professional judgment of the person preparing the facility’s stormwater pollution prevention plan (“SWPPP”), the IGP now requires mandatory minimum BMPs. The minimum BMPs include detailed good housekeeping requirements, preventative maintenance, material handling and waste management, erosion and

sediment controls, and employee training programs. There are also now specific design criteria for advanced BMPs such as stormwater treatment devices.



Discharging into an Impaired Water Body: New dischargers applying for NOI coverage under this General Permit that will be discharging to an impaired water body are ineligible for coverage unless the discharger submits supporting information that demonstrates the parameter in question is

either not present at the site or will be below the applicable water quality standard at the point of discharge. Additionally, dischargers are required to monitor for constituents for which the receiving water is impaired, regardless of whether there is a source of that constituent is present at the facility.



SUMMARY: As outlined above, the new IGP contains a significant number of changes relative to the 1997 IGP. Given the prescriptive nature of the new IGP, the electronic reporting requirements, and the availability of permit compliance information to the general public via the SMARTS system,

industrial dischargers must be very diligent about implementing the new IGP to avoid potential liability.

Although the IGP will not take effect until 1 July 2015, your facility must already have taken necessary measures and be in compliance by that deadline. Contact EKI for a preliminary compliance evaluation with the new IGP or if you have other stormwater concerns regarding implementation of the 1997 IGP, which remains in effect until July 2015.



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