

[SWRCB Releases Draft of New Storm Water Industrial General Permit](#)

Posted by [Michael Einhorn, Esq.](#) in [Environmental Legislation and Regulation](#), [Stormwater](#)

The State Water Resources Control Board (the Board) has released its [draft NPDES Industrial General Permit](#) (draft Industrial General Permit). Under the federal Clean Water Act (CWA), discharges to waters of the United States are prohibited unless in compliance with a national pollutant discharge elimination system (NPDES) permit. CWA § 301(a). Under the California Water Code, the Board is charged with protecting beneficial uses of California's waters. U.S. EPA has authorized the Board to implement the NPDES program for discharges regulated under the federal CWA.

The draft Industrial General Permit applies to most industrial facilities, including manufacturing, oil and gas, mining, hazardous waste treatment/storage/disposal, landfills, recycling, steam electric power, transportation, and sewage/wastewater treatment. The Board asked a blue ribbon panel of experts to address whether it is technically feasible to establish numeric effluent limitations or some other quantifiable limit for inclusion in general storm water permits. The draft Industrial General Permit reflects the findings of the panel, and incorporates elements of the U.S. EPA's Multi-Sector General Permit (MSGP).

The Board has released a [document detailing major changes](#) and new requirements contained in the draft Industrial General Permit. Some of the new significant changes proposed are:

- Numeric Action Limits (NALs) and Numeric Effluent Limits (NELs). The draft Industrial General Permit incorporates U.S. EPA MSGP values as NALs which require corrective action when exceeded. If a discharger repeatedly exceeds NALs, they will be subject to NELs. The NELs are the same values as the NALs unless the Regional Boards impose more stringent values. Exceeding NELs trigger harsher corrective action by the Board, including mandatory minimum penalties, penalties as high as \$25,000 to \$37,500 per day, as well as any other appropriate sanction provided by CWA § 309.
- Minimum Best Management Practices (BMPs). The draft Industrial General Permit requires that dischargers to incorporate specific minimum BMPs into their storm water pollution prevention plans (SWPPPs), unless clearly inapplicable. The Minimum BMPs incorporate some of the BMPs contained in the U.S. EPA MSGP, which the Board has found applicable to California discharges. These include BMPs for spill response procedures, material handling/waste management, employee training, record keeping, and erosion/sediment control. In addition, the Minimum BMPs include periodic visual inspections, such as the weekly inspection of outdoor areas, discharge locations, drainage areas, and perimeter areas impacted by off-facility materials or storm water run-on. The EPA has developed some

online resources for erosion and sediment controls that can be found at the MSGP website: <http://cfpub.epa.gov/npdes/stormwater/msgp>. Another resource to research possible BMPs is the California Storm Water Quality Associations Industrial and Commercial BMP Handbook: <http://www.cabmphandbooks.com/Industrial.asp>.

- Electronic Filing Requirements. Permit Registration Documents are required to be filed electronically.
- QSD/QSP. The draft Industrial General Permit requires dischargers to meet minimum training qualifications and certification.

The Board has issued a [Notice of Public Hearing](#). There will be a public hearing to accept comments on the draft Industrial General Permit, on March 29, 2011 at 9:00 a.m. The location will be:

Joe Serna Jr./Cal-EPA Headquarters Building
Coastal Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

In addition, the Board made a request for written comments, documents, and other information, which must be submitted by Monday, April 18, 2011 at 12:00 p.m. Written comments may be submitted to the Board via email at commentletters@waterboards.ca.gov, but must be less than 15 MB in file size. In addition, comments may be faxed to (916) 341-5620. If sent by mail, written comments should be addressed to:

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814