



Regulatory Briefing

# Proposed California Industrial General Permit (IGP) Summary

July 2012

## Overview

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In July 16, 2012, the California State Water Resources Control Board (State Water Board) published its third draft of its proposed “General Permit For Storm Water Discharges Associated With Industrial Activities, NPDES No. CAS000001” or “IGP”. This permit covers stormwater discharges from certain types of industrial and “industrial-like” operations that are required to have a stormwater discharge NPDES permit.

NPDES permits, including general permits, are typically reissued on a 5-year cycle. However, the current IGP has been in effect since 1997.

The proposed permit includes numerous significant changes to the compliance requirements in California. These changes are in response to new Federal requirements for industrial stormwater discharges (most notably the 2008 EPA Multisector General Permit, or MSGP), changes recommended by State Water Board staff, recommendations from a “blue ribbon panel of experts” convened in 2005-2006, and several court actions.

## Numeric Action Levels (NAL)

The draft IGP has established numeric action levels or NALs, which are similar to “benchmark concentrations” used in the EPA 2008 MSGP and in other States. The IGP contains two types of NALs. **Annual NALs** function similarly to, and are based upon, the values provided in the EPA 2008 MSGP. **Instantaneous maximum NALs** target hot spots or episodic discharges of pollutants and were calculated based on past California industrial storm water discharge monitoring data. An exceedance of the Instantaneous maximum NAL is two or more values exceeding trigger values for pH, TSS or O&G within one year.

If a discharger exceeds an NAL they are required to perform Exceedance Response Actions (ERA). The ERAs are divided into two levels of responses and can generally be differentiated by the number of years a facility’s discharge exceeds an NAL trigger.

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*Industrial facilities have been required to have a stormwater discharge permit since the 1987 Amendments to the Clean Water Act*

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## Changes To No Exposure Certification Requirements

Phase II of the Federal stormwater rules changed the requirement for “no exposure certification” or NEC which existed in 1997, then the current California general permit was finalized. EPA extended the option to certify no exposure to any industrial sector. The draft IGP applies US EPA’s Phase II rules regarding a conditional exclusion for facilities where there is no exposure of industrial activities and materials to storm water. The previous California permit mandated that light industries obtain coverage only if their activities were exposed to storm water. This General Permit meets US EPA rules allowing any type of industry to claim the conditional exclusion.

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**IMPORTANT:**  
*Facilities will need to recertify they meet all the No Exposure Requirements annually*

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In the draft IGP, the NEC requires enrollment for coverage but conditionally excludes dischargers from a majority of the permit requirements. Some minor modifications were added to clarify the types of “storm resistant shelters” and the periods when “temporary shelters” may be used to meet the NEC requirements. Under the draft IGP, dischargers meeting all the NEC would need to recertify each year.

## Qualified Industrial Storm Water Practitioner

The draft IGP adds the requirement to have certain tasks performed by a Qualified Industrial Storm Water Practitioner (or QISP). A QISP can represent either one facility or multiple facilities. A facility must designate its QISPs. The permit established three QISP levels:

### Qualified Industrial Storm Water Practitioner I (QISP I):

A QISP I can perform basic permit functions, such as developing and implementing a SWPPP, performing monitoring and is the person at the facility in charge of complying with the IGP. A QISP I is expected to have little or no environmental background or experience, other than passing a State Water Board approved training course.

### Qualified Industrial Storm Water Practitioner II (QISP II):

A QISP II performs more advanced permit functions and duties, such as preparing the No Exposure Certification, the Sampling Frequency Reduction Report, and Sampling Location Reduction Report. A QISP II has some environmental background and experience and may be an on-site employee or off-site personnel such as a consultant or a regional manager. Dischargers that have chosen to designate a QISP II will not, in most cases, have had the QISP I training and, therefore, are more dependent on the QISP II for compliance assistance.

### Qualified Industrial Storm Water Practitioner III (QISP III):

A QISP III can perform some of the most advanced permit functions and duties, including preparing technical documentation. The QISP III training is the most advanced training required by the IGP and is designed for environmental professionals. A QISP III may be an on-site employee or off-site personnel such as a consultant or a regional manager.

## What Will Be Required?

This section highlights some of the key changes reflected in State Water Board's proposed permit compared to the 1997 permit; not all changes are discussed here.

**Implement Minimum BMPs.** The previous permit did not require a minimum set of BMPs but rather allowed dischargers to "consider" which BMPs to select and implement. The minimum BMPs in the draft IGP are consistent with the 2008 EPA MSGP, but incorporate guidance from the California Stormwater Quality Association, and recommendations by Regional Water Board inspectors.

Dischargers are required to evaluate appropriate intervals to implement the BMPs, and may revise any minimum BMP that is determined to be infeasible. The six minimum BMPs are: a. **Good Housekeeping**, b. **Preventative Maintenance**, c. **Spill Response**, d. **Material Handling and Waste Management**, e. **Employee Training Program**, f. **Erosion and Sediment Controls**, g. **Record Keeping and Quality Assurance**, and h. **SWPPP BMP Implementation**

**Develop & Implement SWPPP To Achieve BAT/BCT & Compliance With WQS:** Each facility is required to implement BMPs that meet the BAT/BCT standard for their facility. The draft IGP establishes a new requirement that dischargers implement specific minimum BMPs, unless they are inappropriate or infeasible. In addition, the IGP requires facilities to establish and implement facility-specific BMPs that reflect BAT/BCT beyond the minimum BMPs. The minimum BMPs, together with the more comprehensive facility-specific BMPs, will constitute compliance with BAT/BCT.

In addition to BAT/BCT compliance, each facility must comply with applicable water quality standards (WSQ). Compliance with WQS may require additional BMPs beyond those implemented under BAT/BCT.

**Eliminate Unauthorized Non-storm Water Discharges (NSWDs):** Although not a new requirement, all facilities will need to eliminate unauthorized or unpermitted discharges to the storm water discharge system at their site. Common unauthorized NSWDs include cooling water, fire protection testing water, and infrequent discharges such as outside cleaning operations and equipment or vehicle washing.

**Conduct Visual Observations:** Under the draft IGP, dischargers are required to:

- a. Monthly - visually observe stormwater discharges during qualifying storm event.
- b. Quarterly - visually observe authorized and unauthorized non-stormwater discharges.
- c. Prior to anticipated storm events - visually observe the facility before every anticipated storm event to locate and manage obvious pollutant sources.

**Conduct Analytical Storm Water Monitoring:** Dischargers are required to conduct quarterly stormwater sampling. The minimum "indicator parameters" are 1) pH, 2) total suspended solids, and 3) oil & grease. Dischargers are also required to identify pollutants that may cause or contribute to an existing violation of any applicable WQS for the receiving water, and any additional analytical parameters that are representative of materials handled at the facility that may be related to pollutants that are causing an exceedance of a WQS.

**Perform Appropriate Exceedance Response Actions (ERAs):** Under the proposed permit, facilities that have exceeded their NAL must perform Exceedance Response Action(s). There are two levels of ERA:

**Level 1 Status:** Dischargers subject to Level 1 ERAs are required to review their SWPPPs for compliance with BAT/BCT and implement appropriate additional BMPs, and insure that all potential pollutant sources have been identified; employees are appropriately trained, etc.

**Level 2 Status:** Applies to facilities that exceed NAL during a subsequent year and requires consideration and implementation of structural source controls and/or treatment BMPs.

## Discharges To Areas of Special Biological Significance

The State Water Board adopted the California Ocean Plan in 1972, which prohibits the discharge of waste to designated Areas of Special Biological Significance (ASBS). The Ocean Plan allows the State Water Board to grant an exception to the Plan where the State Water Board determines that the exception will not compromise protection of ocean waters and the public interest will be served.

In March 2012, the State Water Board adopted a resolution granting an exception from the Ocean Plan prohibition on discharges to ASBS to industrial storm water dischargers (ASBS Exception), provided they comply with special protections detailed in Attachment F of the draft IGP

Some of the special protections required for dischargers to ASBS include:

### Preparation of an ASBA Compliance Plan.

Dischargers must prepare a Plan to comply with ASBS requirements. A draft Plan would be submitted to the State Water Board before Sept. 20, 2012.

**Pollutant Reduction Targets.** The draft IGP requires dischargers implement BMPs to achieve a 90% reduction in pollutant loading by 2018, compared to a 2012 baseline

**Receiving Water Monitoring.** By 2018, dischargers must demonstrate using pre- and post-discharge monitoring that receiving water meets targets for pollutant increases after industrial storm water discharge.

## What If My Facility Is Already Covered By A Permit?

Many facilities that are subject to NPDES requirements have already been covered under the existing general permit. The State Water Board has developed the SMARTS online database system to handle enrollment and reporting under the IGP. All documents related to general storm water enrollment and compliance must be certified and submitted via SMARTS by the discharger's **Legally Responsible Person (LRP)**.

The requirements for No Exposure Certification (NEC) have changed. Facilities that self-certified no exposure under the previous permit (category 11) are required to designate an LRP to certify and submit via SMARTS for NOI or NEC coverage under this General Permit. NEC will need to be recertified through SMARTS on an annual basis.

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## Industrial Stormwater Services

Caltha provides expert consulting services to industries in California and nationwide that are subject to stormwater permitting requirements, including:

- **Preparing new SWPPP or revising existing SWPPP**
- **Review of BMPs**
- **Development of employee training programs**
- **Conducting stormwater monitoring**
- **SPCC Plans and Emergency Preparedness Plans**

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