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Los Angeles Regional Water Quality Control Board

## NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

### DRAFT TMDL-SPECIFIC PERMIT REQUIREMENTS FOR THE STATE WATER RESOURCES CONTROL BOARD'S INDUSTRIAL GENERAL STORM WATER PERMIT (Los Cerritos Channel Watershed)

**NOTICE IS HEREBY GIVEN** that the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) invites public comments on draft Total Maximum Daily Load (TMDL)-specific permit requirements for the statewide *General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001* (Industrial General Permit). The draft TMDL-specific permit requirements is for the following TMDL in the Los Cerritos Channel Watershed:

- Los Cerritos Channel TMDL for Metals

As explained below, after receiving public comment, the Los Angeles Water Board will submit proposed TMDL-specific permit requirements to the State Water Resources Control Board (State Water Board) for the State Water Board to consider adoption and incorporation into the Industrial General Permit. The Los Angeles Water Board will take no formal action regarding the proposed TMDL-specific permit language.

#### BACKGROUND

On April 1, 2014, the State Water Board reissued the Industrial General Permit.<sup>1</sup> As required by findings 38 through 42 of the Industrial General Permit, the State Water Board and Los Angeles Water Board are jointly developing proposed TMDL-specific permit requirements for the TMDLs established by the Los Angeles Water Board or U.S. EPA Region IX in which wasteload allocations are assigned to industrial storm water dischargers, as listed in Attachment E of the Industrial General Permit. The Los Angeles Water Board is providing notice and a 30-day public comment period on the draft proposed TMDL-specific permit requirements before submitting the proposed TMDL-specific permit requirements to the State Water Board. The Los Angeles Water Board will take no formal action regarding the proposed TMDL-specific permit requirements. The Los Angeles Water Board will forward all timely received written comments along with the proposed TMDL-specific permit requirements to the State Water Board for consideration during the State Water Board's proceedings to consider amendment of the Industrial General Permit. The State Water Board will provide a separate public comment period later this year regarding the reopening of the Industrial General Permit to amend Attachment E, the fact sheet, and other permit provisions as necessary for incorporation of the TMDL-specific permit requirements into the Industrial General Permit.

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<sup>1</sup> The Industrial General Permit is available electronically at:  
[http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml).

Interested persons are strongly encouraged to submit written comments to the Los Angeles Water Board during the comment period described below before the proposed TMDL-specific permit requirement language is submitted to the State Water Board. Until the State Water Board adopts an amendment to the Industrial General Permit incorporating the TMDL-specific permit requirements, dischargers enrolled in the Industrial General Permit are not required to take any additional actions beyond those already required in the Industrial General Permit.

### **DOCUMENT AVAILABILITY**

The proposed TMDL-specific permit requirements and associated Fact Sheet language for each TMDL noted above is attached to this notice and is also available for review on the Los Angeles Water Board's website at:

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/sw\\_index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/sw_index.shtml)

### **SUBMISSION OF WRITTEN COMMENTS**

All written comments pertaining to the Los Angeles Water Board's draft TMDL-specific Industrial General Permit requirements and associated Fact Sheet language must be *received* by the Los Angeles Water Board by **5:00 p.m. on Thursday, March 31, 2016**. Written comments must be sent to the Los Angeles Water Board by mail or by email at the following addresses:

**By Mail:**

Los Angeles Regional Water Quality Control Board  
Attention: Pavlova Vitale  
320 West 4<sup>th</sup> Street Suite 200  
Los Angeles, CA 90013

**By Email:**

[losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov)

Please indicate in the subject line of all written comments "**Comments on Draft TMDL-Specific IGP Requirements – Los Cerritos Channel Watershed.**" In the comments, please also specify which TMDL(s) the comments pertain to.

### **CONTACT FOR FURTHER INFORMATION**

Please contact Pavlova Vitale, Sr. Environmental Scientist, at (213) 576-6751 or [Pavlova.Vitale@waterboards.ca.gov](mailto:Pavlova.Vitale@waterboards.ca.gov) with any questions regarding this notice or any of the proposed TMDL-specific permit requirements.

**Proposed Addition to ATTACHMENT E, LIST OF TOTAL MAXIMUM DAILY LOADS (TMDLs) APPLICABLE TO INDUSTRIAL STORM WATER DISCHARGERS**

**Los Cerritos Channel Total Maximum Daily Load (TMDL) for Metals**

Resolution No.	TMDL established by U.S. Environmental Protection Agency Region IX; State-adopted TMDL program of implementation (R13-004)
Effective Date	March 17, 2010 (TMDL); October 13, 2014 (R13-004, TMDL program of implementation)
Impaired Water Body	Los Cerritos Channel (freshwater portion, above Anaheim Road)
Pollutant(s)	Copper, lead (wet weather only), and zinc (wet weather only)
Responsible Discharger(s)	Industrial Storm Water General Permittees whose non-storm water discharges and/or storm water discharges associated with industrial activities <sup>1</sup> have the potential to contain copper, lead, or zinc and that discharge to the impaired waterbody either directly or via a municipal separate storm sewer system (MS4) or an upstream tributary.
Required Actions	<p><i>Compliance with Wasteload Allocations</i></p> <p>Comply with the conditions and requirements of this Industrial Storm Water General Permit (Order No. 2014-0057-DWQ).</p> <p>Four months after incorporation of these TMDL-specific requirements in this Order, Responsible Dischargers, as defined above, are assigned Level 1 Status for the TMDL pollutants unless one of the following conditions is met for each TMDL pollutant:</p> <ul style="list-style-type: none"> <li>• The Discharger is already in Level 1 or Level 2 Status pursuant to Section XII.C or Section XII.D for the TMDL pollutant(s); or</li> <li>• The Discharger re-evaluates, with the assistance of a QISP, its Assessment of Potential Pollutant Sources (Section X.G.2.a.ix) in its current Storm Water Pollution Prevention Plan (SWPPP), relative to TMDL pollutants and finds that its non-storm water discharges and its storm water discharges associated with industrial activities do not have the potential to contain the TMDL pollutant(s)<sup>2</sup>; or</li> <li>• The Discharger provides the following: <ul style="list-style-type: none"> <li>○ For storm water discharges, a demonstration that sampling results from the last 4 Qualifying Storm</li> </ul> </li> </ul>

<sup>1</sup> Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities

<sup>2</sup> At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

	<p>Events (QSEs) did not exceed the TMDL Action Levels (TALs)<sup>3</sup>, set forth in the table below, and</p> <ul style="list-style-type: none"> <li>○ For NSWDs, a demonstration, based on the last 6 monthly visual observations that there are no unauthorized NSWDs and that best management practices (BMPs) for any authorized NSWDs are included in the SWPPP and are being fully implemented as required by Section IV.B.3.<sup>4</sup></li> <li>● The Discharger indicates it has installed Advanced BMP(s) that retain all NSWDs and the storm water volume associated with the 85<sup>th</sup> percentile, 24-hour event (Section X.H.2).<sup>5,6</sup></li> </ul> <p>The Discharger shall submit these demonstrations to the Los Angeles Water Board within 4 months of the State Water Board's incorporation of these TMDL-specific requirements in this Order.</p> <p>A Discharger that is newly assigned Level 1 Status, pursuant to Sections V.C, VII.A, X.B, and XII.C.1-2, shall conduct an "Initial Level 1 ERA Evaluation" for copper, lead, and zinc and shall certify and submit via SMARTS an "Initial Level 1 ERA Report" no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger shall also revise their facility's SWPPP on the basis of the Initial Level 1 ERA Evaluation to include best management practices (BMPs) to prevent exceedances of TALs, as set forth in the table below, in authorized NSWDs and storm water discharges associated with the facility's industrial activities. The updated SWPPP shall be certified and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger shall implement any additional BMPs identified in the Initial Level 1 ERA Evaluation and included in the revised SWPPP.</p> <p>Responsible Dischargers shall comply with the TALs, expressed as instantaneous maximum values, in the table below. If sampling results indicate a TAL exceedance, the Discharger shall commence the Level 2 Status ERAs process set forth in Section XII.D.</p>
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<sup>3</sup> A TMDL Action Level (TAL) is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII).

<sup>4</sup> At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

<sup>5</sup> The Discharger is not required to resubmit its SWPPP if the Advanced BMP(s) are already documented in the facility's SWPPP (e.g., BMP Summary Table).

<sup>6</sup> At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

**TALs for Authorized NSWDs and Storm Water Discharges (µg/L total recoverable metals)**

	<b>Copper</b>	<b>Lead</b>	<b>Zinc</b>
NSWDs	19.1	N/A	N/A
Storm Water Discharges	9.8	55.8	95.6

The following sampling test methods shall be used for both NSWd and storm water discharge TALs.

<b>Parameter</b>	<b>Test Method</b>
Copper	EPA 200.8
Lead	EPA 200.8
Zinc	EPA 200.8

The State and/or Regional Water Board may require industrial stormwater dischargers to implement additional actions to reduce discharges of copper, lead, and zinc in authorized NSWDs and/or storm water discharges based on, but not limited to, monitoring data and comparison to applicable TALs, visual observations, discharger reports, or site-specific inspections and/or investigations.

*Monitoring and Reporting Requirements*

No later than 6 months after incorporation of these TMDL-specific requirements in this Order, per Section XI.B.6.e-f, update the facility Monitoring Implementation Plan (Section X.I) to include:

- Sampling and analysis of the facility’s storm water discharges for copper, lead, and zinc during QSEs, if these parameters are not already monitored per Section XI.B;
- Sampling and analysis of the facility’s authorized NSWDs for copper twice during each reporting year, unless the Discharger provides documentation in its SWPPP per Section X.G.1.e, and through its monthly visual observations and records per Section XI.A.1-3, that there are no authorized NSWDs or these authorized NSWDs are fully contained on site; and
- U.S. EPA approved analytical methods, with appropriate method detection and reporting limits relative to the TALs.

Dischargers shall implement their updated monitoring program and report the analytical results along with the rest of the non-TMDL parameters required by the Industrial Storm Water General Permit in the Storm Water Multiple Application and Report

	Tracking System (SMARTS).
TMDL documents are available at: <a href="http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>	

### **Fact Sheet for Los Cerritos Channel Metals TMDL**

Metals in excessive quantities are toxic and adversely impact the beneficial uses of waterbodies. The Los Cerritos Channel is impaired due to elevated concentrations of copper, lead, and zinc. The U.S. Environmental Protection Agency (U.S. EPA) established a TMDL to address these impairments in 2010. Because TMDLs established by the U.S. EPA do not include a program of implementation, including an implementation schedule, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted a program of implementation, including an implementation schedule, for the TMDL in 2013. The allocations set forth in the TMDL apply both to discharges to the impaired waterbodies as well as to upstream tributaries to them.

When the TMDL was developed, the U.S. EPA determined that industrial facilities were a significant source of metals to the impaired waterbodies. A Southern California stormwater study conducted between 2001-2005 found that industrial land use sites contributed substantially higher fluxes<sup>7</sup> and event mean concentrations (EMCs)<sup>8</sup> of certain metals, such as copper and zinc, relative to other land use site categories (e.g., residential, commercial, etc.) (Tiefenthaler et al., 2007). Industrial sites typically have greater than 70% impervious cover as well as on-site sources of metals, which may explain the higher pollutant loadings observed in the study. In addition, industrial land use sites were found to contribute substantially higher fluxes of Total Suspended Solids (TSS) relative to many other land uses.

As of the writing of the TMDL, there were 33 dischargers enrolled under the General Industrial Storm Water Permit within the Los Cerritos Channel Freshwater Watershed. Potential pollutants from an industrial site will depend on the type of facility and operations that take place at that facility. Industrial sites in the Los Cerritos Channel Freshwater Watershed include trucking and warehousing, transportation equipment, fabricated metal products, petroleum and coal products, rubber and miscellaneous plastics products, oil and gas extraction, and other miscellaneous industries. There is a potential for metals loadings from these types of facilities, especially transportation and manufacturing facilities. During wet weather, storm water discharges from industrial sites have the potential to contribute metals loadings to the channel. During dry weather, the potential contribution of metals loadings from industrial storm water dischargers is lower because non-storm water discharges are either prohibited or authorized only under the following circumstances: when they do not contain significant quantities of pollutants; where Best Management Practices (BMPs) are in place to

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<sup>7</sup> Flux = the total mass loading of a storm divided by the total catchment size.

<sup>8</sup> EMC = the total mass load of a contaminant divided by the total runoff water volume discharged during a storm.

minimize contact with significant materials and reduce runoff; and when they are in compliance with the Regional Water Board’s water quality control plan (Basin Plan).

**Numeric Targets**

The numeric targets for the TMDL are based on the federally promulgated water quality objectives established by the California Toxics Rule for the protection of aquatic life (40 C.F.R. § 131.38). The water quality objectives for copper, lead, and zinc are concentration-based and are hardness dependent. Site-specific conversion factors are used to convert between dissolved and total recoverable metals. The Los Cerritos Channel Metals TMDL assigns dry- and wet-weather numeric targets. The dry-weather numeric target for copper is based on the 4-day average objective, while the wet-weather numeric targets are based on the one-hour average objectives.

**Wasteload Allocations**

The TMDL identifies permitted storm water dischargers, including dischargers subject to the Industrial Storm Water Permit, as responsible dischargers. The TMDL assigns to industrial storm water dischargers separate WLAs for non-storm water discharges and storm water discharges because hardness and flow conditions in Los Cerritos Channel differ significantly between these conditions. The TMDL assigns dry-weather WLAs for copper and wet-weather WLAs for copper, lead, and zinc in the Los Cerritos Channel Freshwater Watershed.

*Dry Weather Wasteload Allocations (WLAs)*

Unauthorized non-storm water discharges (NSWDs) are assigned WLAs of zero for each parameter, since these discharges are prohibited under Section III.B.

Authorized NSWDs are assigned a concentration-based dry weather WLA for copper, which is equal to the dry-weather numeric target of 19.1 µg/L. The dry-weather WLA applies to discharges when the maximum daily flow in Los Cerritos Channel is less than 23 cubic feet per second.

*Wet Weather WLAs*

The TMDL includes mass-based wet-weather WLAs for storm water discharges. The storm water WLAs are apportioned between storm water permittees using an areal weighting approach. Industrial storm water discharges are assigned the following WLAs per acre.

**Mass-based WLAs for Storm Water Discharges**

	<b>Concentration (grams/day/acre total recoverable metals)*</b>
Copper	$0.497 \times 10^{-3} \times \text{daily volume (L)}$
Lead	$2.835 \times 10^{-3} \times \text{daily volume (L)}$

Zinc	$4.860 \times 10^{-3} \times \text{daily volume (L)}$
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Multiplied by the acreage of the industrial facility

The mass-based wet-weather WLAs are derived from concentration-based numeric targets. In the case of Industrial Storm Water General Permittees, demonstrating compliance with concentration-based values rather than mass-based values is more practical given the nature of monitoring requirements in this permit. Therefore, for the purposes of implementation of this TMDL in this permit, concentration-based WLA equivalents are provided below, which are based on the concentration-based numeric targets. These concentration-based WLA equivalents are consistent with the assumptions and requirements of the mass-based WLAs assigned to storm water discharges.

### Concentration-based WLA Equivalents for Storm Water Discharges

	Concentration ( $\mu\text{g/L}$ total recoverable metals)
Copper	9.8
Lead	55.8
Zinc	95.6

### Required Actions

The required actions apply to Industrial Storm Water General Permittees whose non-storm water discharges and/or storm water discharges associated with industrial activities<sup>9</sup> have the potential to contain copper, lead, or zinc and that discharge to the freshwater portion of Los Cerritos Channel either directly or via a municipal separate storm sewer system (MS4) or an upstream tributary.

#### Compliance with Wasteload Allocations

Section VII.A requires that Dischargers comply with TMDL-specific requirements. Because industrial storm water dischargers have been found to be a significant source of metals loading to Los Cerritos Channel, Responsible Dischargers (as defined above) will be assigned Level 1 Status for the TMDL pollutants as of four months after incorporation of these TMDL-specific requirements in this Order unless one of the following conditions is met for each TMDL pollutant:

- The Discharger is already in Level 1 or Level 2 Status pursuant to Section XII.C or Section XII.D for the TMDL pollutant(s); or
- The Discharger re-evaluates, with the assistance of a QISP, its Assessment of Potential Pollutant Sources (Section X.G.2.a.ix) in its current Storm Water

<sup>9</sup> Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities



Pollution Prevention Plan (SWPPP), relative to TMDL pollutants and finds that its non-storm water discharges and its storm water discharges associated with industrial activities do not have the potential to contain the TMDL pollutant(s)<sup>10</sup>; or

- The Discharger provides the following:
  - For storm water discharges, a demonstration that sampling results from the last 4 Qualifying Storm Events (QSEs) did not exceed the TMDL Action Levels (TALs)<sup>11</sup>, set forth in the table below, and
  - For NSWDs, a demonstration, based on the last 6 monthly visual observations that there are no unauthorized NSWDs and that best management practices (BMPs) for any authorized NSWDs are included in the SWPPP and are being fully implemented as required by Section IV.B.3.<sup>12</sup>
- The Discharger indicates it has installed Advanced BMP(s) that retain all NSWDs and the storm water volume associated with the 85<sup>th</sup> percentile, 24-hour event (Section X.H.2).<sup>13,14</sup>

The Discharger must submit these demonstrations to the Los Angeles Water Board within 4 months of the State Water Board's incorporation of these TMDL-specific requirements in this Order.

A Discharger that is newly assigned Level 1 Status, pursuant to Sections V.C, VII.A, X.B, and XII.C.1-2, must conduct an "Initial Level 1 ERA Evaluation" for the TMDL pollutants, and must certify and submit via SMARTS an "Initial Level 1 ERA Report" no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger must also revise their facility's SWPPP on the basis of the Initial Level 1 ERA Evaluation to include best management practices (BMPs) to prevent exceedances of TALs, as set forth in the table below, in authorized NSWDs and storm water discharges associated with the facility's industrial activities. The updated SWPPP must be certified and submitted via SMARTS no later than 6 months after the incorporation of these TMDL-specific requirements in this Order. The Discharger must implement any additional BMPs identified in the Initial Level 1 ERA Evaluation and included in the revised SWPPP. This is generally consistent with the TMDL, which states that if permittees provide a demonstration that control measures and BMPs will achieve wasteload allocations, then compliance may be demonstrated by implementation of those control measures and BMPs.

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<sup>10</sup> At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

<sup>11</sup> A TMDL Action Level (TAL) is treated in the same manner as a Numeric Action Level (NAL) for the purposes of permit requirements, including the Monitoring Implementation Plan (Section X.I), Monitoring (Section XI), and Exceedance Response Actions (Section XII).

<sup>12</sup> At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

<sup>13</sup> The Discharger is not required to resubmit its SWPPP if the Advanced BMP(s) are already documented in the facility's SWPPP (e.g., BMP Summary Table).

<sup>14</sup> At which point, the Discharger remains in baseline status for the TMDL pollutant(s).

Dischargers will be required to demonstrate, through implementation of BMPs, that their facility's storm water discharges and NSWDs associated with industrial activities comply with the TALs applicable to NSWDs and storm water discharges.

If sampling results indicate a TAL exceedance, the Discharger shall commence the Level 2 Status Exceedance Response Actions (ERAs) process set forth in Section XII.D.

### *1. Compliance with Dry-Weather WLAs*

Industrial storm water dischargers subject to the dry-weather WLA will be required to demonstrate through sampling and analysis that the facility's authorized NSWDs associated with industrial activities do not exceed the applicable copper TAL of 19.1 µg/L, expressed as an instantaneous maximum value. This TAL is based on the concentration-based dry weather WLA. The copper TAL is more stringent than the NAL in Table 2. Compliance with this TAL is necessary to achieve the dry-weather WLA. If there is an exceedance of the copper TAL in an authorized NSWD, the Discharger will be required to follow the ERAs process described in Section XII.

Compliance with existing conditions and requirements in the Industrial Storm Water General Permit is generally expected to ensure compliance with the copper dry-weather WLA assigned to industrial storm water dischargers in this TMDL. The Industrial Storm Water General Permit defines dry-weather discharges (Sections III and IV.A.) as either unauthorized Non-Storm Water Discharges or authorized Non-Storm Water Discharges (NSWDs). Unauthorized NSWDs are prohibited under Section III.B. Authorized NSWDs cannot be in violation of any Basin Plan, including TMDL wasteload allocations contained in a Basin Plan, or statewide water quality control plan or policy (Section IV.B). The required Storm Water Pollution Prevention Plan (SWPPP) must include implementation of appropriate BMPs to ensure that authorized NSWDs do not contain quantities of pollutants that cause or contribute to an exceedance of a water quality standard (Section IV.B.3.c). Further, Section VI.A states that Dischargers shall ensure that industrial storm water and authorized NSWDs do not cause or contribute to an exceedance of any applicable water quality standards in any affected receiving water.

The State Water Board finds that the Industrial Storm Water General Permit contains the requirements necessary, with the modifications described above related Level 1 Status, for Dischargers to achieve the copper dry-weather WLA assigned to industrial storm water dischargers in the Los Cerritos Channel Metals TMDL. As such, complying with the Industrial Storm Water General Permit, including submitting an Initial Level 1 ERA Report and updated SWPPP pursuant to Sections X.B.1-2 and XII.C.1-2, no later than 6 months after incorporation of these TMDL-specific requirements in this Order, is generally expected to ensure compliance with the dry-weather WLA assigned to industrial storm water dischargers.

### *2. Compliance with Wet Weather WLAs*

Industrial storm water dischargers subject to the wet-weather WLAs will be required to demonstrate through sampling and analysis that the facility's storm water discharges

associated with industrial activities do not exceed the applicable TALs, expressed as instantaneous maximum values, in the table below. These TALs are based on the concentration-based WLA equivalents for wet weather, discussed above. The State Water Board has determined that demonstrating compliance with concentration-based values rather than mass-based values is more practical given the nature of monitoring requirements in this Order, which do not require a measurement of flow. These TALs are more stringent than the NALs in Table 2. Compliance with these TALs, which are more stringent than the NALs, is necessary to achieve the TMDL WLAs. If there is an exceedance of a TAL, the Discharger will be required to follow the ERAs process described in Section XII.

**TALs for Storm Water Discharges ( $\mu\text{g/L}$  total recoverable metals)**

<b>Copper</b>	<b>Lead</b>	<b>Zinc</b>
9.8	55.8	95.6

Reducing the discharge of metals can be achieved by utilizing Best Management Practices (BMPs) that eliminate exposure of storm water discharges and NSWDLs to pollutant sources, retain storm water onsite, and/or treat storm water prior to discharge from the industrial facility. Compliance with the existing conditions and requirements in the Industrial Storm Water General Permit, including but not limited to, conducting an Initial Level 1 ERA Evaluation for TMDL pollutants; implementing BMPs as set forth in Section X.H, including Advanced BMPs (Sections X.H.2 and X.H.6); along with BMP effectiveness monitoring (Section XI) and the Exceedance Response Actions process (Section XII), is generally expected to ensure compliance with the wet-weather WLAs assigned to industrial storm water discharges in this TMDL.

*3. Conclusion*

Considering the existing conditions and requirements in the Industrial Storm Water General Permit regarding unauthorized and authorized NSWDLs and storm water discharges, if a Discharger complies with the Industrial Storm Water General Permit, including the ERAs process, and implementation of Advanced BMPs where necessary, the Discharger is not likely to discharge copper, lead, or zinc above the applicable dry-weather and wet-weather WLAs from its industrial areas. Therefore, no additional requirements beyond complying with the Industrial Storm Water General Permit, including conducting an Initial Level 1 ERA Evaluation and updating the SWPPP accordingly, as required; implementing BMPs in the updated SWPPP; and undertaking ERAs for TALs in the same way as would be done for NALs, are necessary to comply with the WLAs assigned to industrial storm water dischargers at this time.

However, if it is determined, based on, but not limited to, monitoring data and comparison of results to TALs, visual observations of the site, discharger reports, and/or site-specific inspections and/or investigations, that a Discharger may be causing or contributing to an exceedance of a WLA, the State and/or Regional Water Board retains the authority to require Dischargers to further revise SWPPPs, BMPs, and/or monitoring

programs, or direct a Discharger to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit, if deemed necessary.

Monitoring and Reporting Requirements

To ensure that storm water discharges comply with the Industrial Storm Water General Permit and, in particular, Section VI.A and the TALs, as necessary to achieve the wet-weather WLAs, the State Water Board finds that sampling and analysis of a facility’s storm water discharges for copper, lead, and zinc is necessary. Industrial Storm Water General Permittees will be required, per Section XI.B.6.e-f, to update the facility Monitoring Implementation Plan (Section X.I) no later than 6 months after the incorporation of these TMDL-specific requirements in this Order to include sampling and analysis for these pollutants during QSEs, if these parameters are not already monitored per Section XI.B.

To ensure that authorized NSWDs comply with the Industrial Storm Water General Permit and, in particular, Sections IV.B and VI.A and the copper TAL, as necessary to achieve the dry-weather WLA, the State Water Board finds that sampling and analysis of a facility’s authorized NSWDs for copper is also necessary. Industrial Storm Water General Permittees will be required, per Section XI.B.6.e-f, to update the facility Monitoring Implementation Plan (Section X.I) no later than 6 months after incorporation of these TMDL-specific requirements in this Order to include sampling and analysis of the facility’s authorized NSWDs for copper twice during each reporting year, during dry weather conditions (days without measurable precipitation and at least three days after a precipitation event), unless the Discharger provides documentation in its SWPPP per Section X.G.1.e, and through its monthly visual observations and records per Section XI.A.1-3, that there are no authorized NSWDs or these authorized NSWDs are fully contained on site.

To support the additional sampling and analysis required, Industrial Storm Water General Permittees will also be required to update the facility’s Monitoring Implementation Plan to include U.S. EPA approved analytical methods, with appropriate method detection and reporting limits per Section XI.B.6.e, to determine the effectiveness of the BMPs for authorized NSWDs and storm water discharges at achieving the applicable TALs. The following sampling test methods shall be used for both NSWD and storm water TALs:

<b>Parameter</b>	<b>Test Method</b>
Copper	EPA 200.8
Lead	EPA 200.8
Zinc	EPA 200.8

Responsible Dischargers shall compare sampling results with the TALs. As described above, an exceedance of a TAL will require the Discharger to follow the NAL Exceedance Response Actions (ERAs) requirements established in Section XII.

### **Regulatory Mechanisms**

The regulatory mechanisms available to the State and/or Regional Water Board to require Industrial Storm Water General Permittees to implement additional actions and additional monitoring include: the Industrial Storm Water General Permit and the authority contained in sections 13263, 13267, and 13383 of the California Water Code. Under these regulatory mechanisms, the State and/or Regional Water Board may require an Industrial Storm Water General Permittee to collect samples of its storm water and NSWDS and analyze the discharges for cadmium, copper, lead, zinc, and selenium to determine compliance with the applicable WLAs specified in the TMDL.