

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
DECEMBER 5, 2011**

ITEM 6

SUBJECT

SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD PROPOSED SECTOR SPECIFIC INDUSTRIAL STORM WATER PERMIT

DISCUSSION

The State Water Resources Control Board is in the process of revising its statewide general industrial storm water permit. At the same time, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) is considering the adoption of an industrial storm water permit that is specific to the metal recycling sector. As proposed, this permit would apply to about 52 facilities having a Standard Industrial Classification (SIC) Code of 5093 in the Santa Ana Region.

The proposed permit was drafted as a collaborative effort between the staff of the Santa Ana Water Board and the Metal Recyclers Water Quality Standards Committee (Committee). The Committee consists of members of the metal recycling community, the environmental community, regulators, and consultants.

This proposed sector specific permit provides two distinct pathways to compliance. One is a phased implementation approach where the permittee implements over time a specified suite of best management practices, both structural and non-structural. Sampling is required and the proposed sector specific permit would establish numeric action levels (NALs) and numeric effluent limits (NELs) under the phased compliance approach. The second approach requires the discharger to meet (NELs) derived from the California Toxics Rule beginning upon submittal of the required permit registration documents. This approach does not specify management practices to be implemented.

POLICY ISSUES

The Water Code requires the State and Regional Water Boards to “at all times, coordinate their respective activities so as to achieve a unified and effective water quality control program.” There are advantages to adopting a single statewide general permit, including a level playing field for all industrial facilities and a more efficient regulatory process. Multiple general storm water permits in the state will increase the state’s regulatory costs for permit development and management. Regional general storm water permits will also result in different regulatory requirements for similarly situated dischargers in different parts of the state. Nonetheless, the State Water Board’s historical practice has been not to intervene in Regional Water Boards’ permitting decisions except through the petition process. Individual industrial storm water permits were adopted by the Regional Water Boards in the past to address acute water quality issues, and the State Water Board supported this approach through the petition process.

The sector specific nature of the proposed permit raises policy issues as well. For some time, there has been recognition that sector-specific permits may be a preferable permitting approach for storm water regulation. Sector specific permitting may result in more precise designation of management measures and better control of storm water discharges.

The following questions arise from the discussion above.

1. Is the proposed sector specific industrial permit a superior approach to regulating metal recyclers in comparison to the statewide general industrial storm water permit? If so, should the State Water Board adopt the proposed permit on a statewide basis?
2. When the State Water Board adopts a statewide permit should it limit the ability of a Regional Water Board to adopt an overlapping permit? For example, should the Regional Water Board be required to advise the State Water Board of the need for the overlapping permit prior to commencing work on the permit?

FISCAL IMPACT

None at this time, though adoption of permits/policies that do not achieve a coordinated, unified, and effective water quality control program may lead to inefficiencies that create additional fiscal burdens on the Water Boards and the regulated community.

REGIONAL BOARD IMPACT

None at this time.

STAFF RECOMMENDATION

This item is being brought before the State Water Board for information only.

This information item assists the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012, to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.