

Meeting Ground Rules

- **HONOR TIME**
 - In order to achieve meeting objectives, it will be important to follow the time guidelines provided by the facilitator.
- **USE COMMON CONVERSATIONAL COURTESY**
 - Don't interrupt; use appropriate language; no side-conversations at the table, etc.
- **ALL IDEAS AND POINTS OF VIEW HAVE VALUE**
 - You may hear something you do not agree with. You are not required to defend or promote your perspective, but you are asked to share it. All ideas have value in this setting. If you believe another approach is better, offer it as a constructive alternative.
- **SPELLING DOESN'T COUNT**
 - Research indicates that writing on a vertical surface (like blackboards or flipcharts) actually increases the number of spelling errors.
- **ELECTRONICS COURTESY**
 - Most of the participants have demanding responsibilities outside of the meeting room. We ask for your attention during the full meeting. Please turn cell phones, or any other communication item with an on/off switch to "silent." If you do not believe you will be able to participate fully, please discuss your situation with one of the facilitators.
- **AVOID EDITORIALS**
 - Please avoid ascribing motives to or judging the actions of others. Please speak about your experiences, concerns, and suggestions.

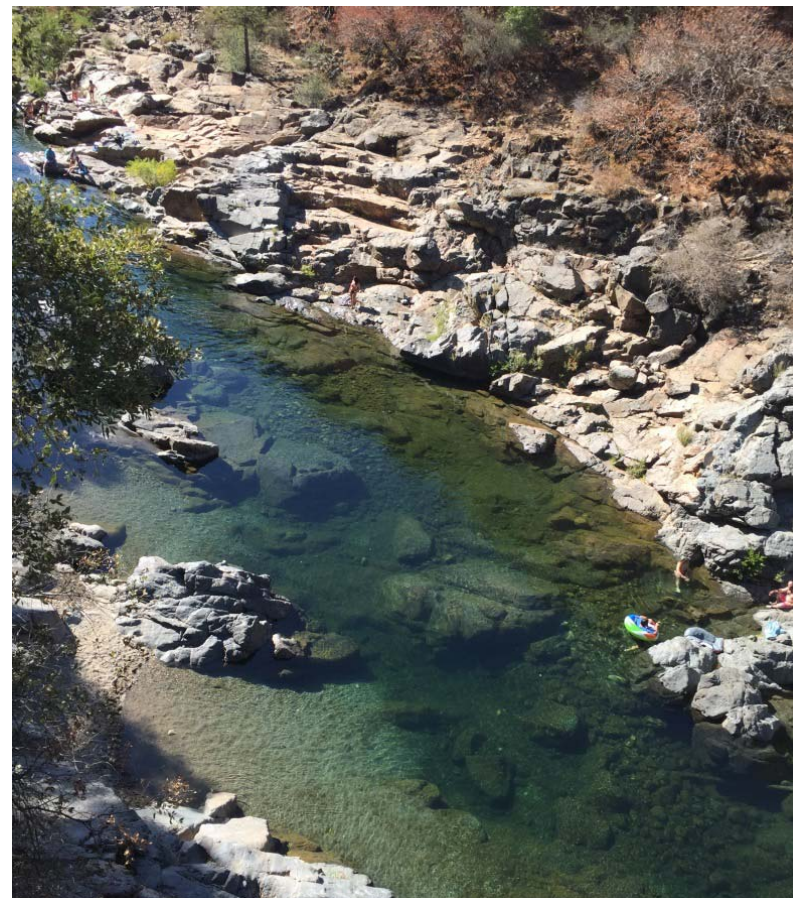
INDUSTRIAL GENERAL PERMIT AMENDMENT TO INCORPORATE TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION

STAKEHOLDER MEETING



WHAT IS A TOTAL MAXIMUM DAILY LOAD?

- A Total Maximum Daily Load (TMDL) relates to the maximum amount of a pollutant that a water body can receive and still attain water quality standards. (40 C.F.R. § 130.2(i).
 - Addresses the impaired waterbody
 - Adopted into a Basin Plan
 - Waste Load Allocation (WLA) or Load Allocation (LA) is assigned for each source of discharge
 - Mechanism for implementation: orders, permits, etc.



DO TMDLS APPLY TO INDUSTRIAL GENERAL PERMIT (IGP) PERMITTEES?

- Dischargers with a National Pollutant Discharge Elimination System (NPDES) permit must comply with effluent limitations that are “consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by U.S. EPA pursuant to 40 Code of Federal Regulations section 130.7”.
- Water Code section 13263, subdivision (a), requires that Waste Discharge Requirements (WDR) implement any relevant water quality control plans.
 - TMDL is incorporated into a Basin Plan as an amendment
 - Basin Plan is not self-implementing

CHECKLIST: IGP TMDL PROCESS

- ✓ Watersheds with U.S. EPA and Regional Water Board approved TMDLs have been included in [Attachment E](#).
- ✓ The State Water Board commenced collaboration with Regional Water Boards to develop TMDL-specific permit requirements/limits.

ATTACHMENT E

LIST OF TOTAL MAXIMUM DAILY LOADS (TMDLS) APPLICABLE TO INDUSTRIAL STORM WATER DISCHARGERS

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES
(GENERAL PERMIT)

The following table contains a list of Regional Water Board adopted and/or U.S. EPA established/approved TMDLs, as of the adoption date of this General Permit, that are applicable to industrial storm water Dischargers. TMDLs adopted/established after the effective date of the General Permit may, at the Water Boards discretion, be included in this General Permit. This General Permit may be reopened to amend TMDL-specific permit requirements in this Attachment E, or to incorporate new TMDLs adopted during the term of this General Permit that include requirements applicable to Dischargers covered by this General Permit.

Water Body	Pollutant
San Francisco Bay Regional Water Quality Control Board	
Napa River	Sediment
Sonoma Creek	Sediment
Los Angeles Regional Water Quality Control Board	
Santa Clara River Reach 3	Chloride
Santa Clara River	Nutrients
Los Angeles River	Metals
Los Angeles River	Nutrients
San Gabriel River	Metals and Selenium
Santa Monica Bay	Nearshore Debris
Machado Lake	Nutrient
Harbor Beaches of Ventura	Bacteria
Ballona Creek	Metals
Ballona Creek Estuary	Toxic Pollutants
Los Angeles Harbor	Bacteria
Marina del Rey Back Basins	Bacteria
Santa Clara River	Bacteria
Walker Creek,	Mercury
Oxnard Drain No. 3	Pesticides, PCBs ¹ and Sediment Toxicity
Long Beach City Beaches and Los Angeles River Estuary	Indicator Bacteria
Los Angeles and Long Beach Harbors	Toxic and Metals

¹ Polychlorinated biphenyls

CHECKLIST: IGP TMDL PROCESS

- ✓ The Regional Water Board staff developed proposed TMDL-specific permit requirements for each of the TMDLs listed in [Attachment E](#).
 - Finding #40 of the IGP

- ✓ TMDL-specific permit requirements were publicly released in March 2016.
 - After conducting a 30-day public comment period, the Regional Water Boards submitted the proposed TMDL-specific permit requirements to the State Water Board.

CHECKLIST: TO DO

- ❑ The State Water Board will issue a public notice and conduct a public comment period for the reopening of the IGP to amend Attachment E, the Fact Sheet, and other provisions as necessary for incorporation of TMDL-specific permit requirements.



IGP TMDL SCHEDULE

May 1, 2016: Regional Water Board draft TMDL-specific language submittal to the State Water Board



Fall 2016: External focused stakeholder outreach



Summer 2017: Finalize draft TMDL-specific language



Fall 2017: Public comment period, public workshop and board adoption

DEVELOPING TMDL LANGUAGE

- Resources:
 - Adopted TMDL
 - Staff Report/ Technical document
 - Resolution
 - Regional Water Board Draft TMDL-specific language
 - Comments received



PROCESS FOR REVIEWING TMDLS

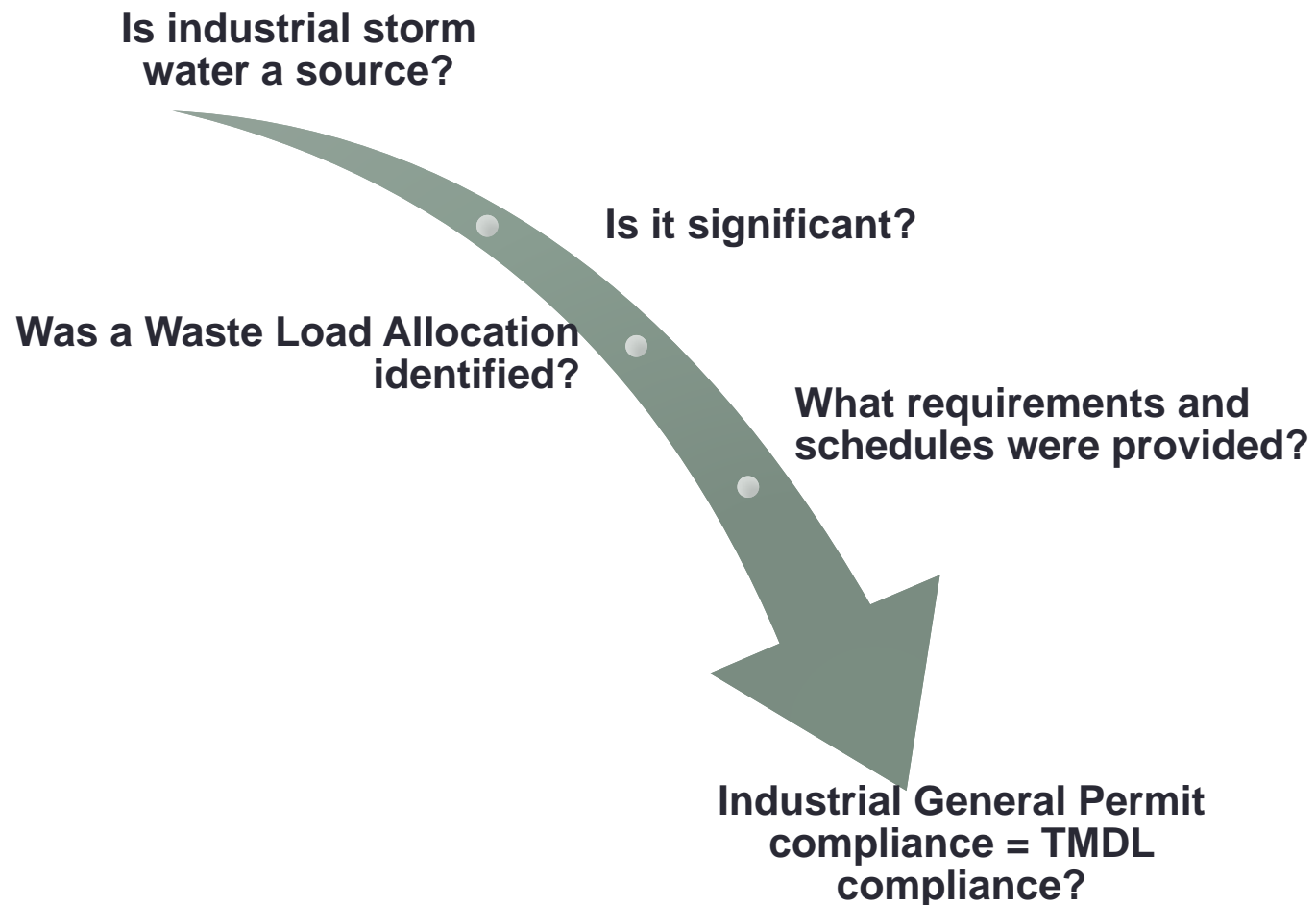
- Guidance from State Water Board Counsel and Executive Management.
- 7 steps: How to review a TMDL:
 - Requirements should meet the assumptions of the TMDL.
 - Assess whether the IGP already addresses the TMDL requirements.
- Initial direction was to implement TMDL WLAs as Numeric Action Levels.
 - TMDL WLAs are open to Narrative/Numeric Effluent Limits due to TMDL language.

PURPOSE OF THE STAKEHOLDER MEETINGS

- Hold a discussion with stakeholders on:
 - Comments received during the public comment period
 - TMDL compliance methods the State board staff is currently considering
 - Items the State Water Board staff should consider when writing TMDL implementation language.
- No conclusions to be made at any of the stakeholder meetings.

Talking Points

TALKING POINT 1: COMPLIANCE METHOD CONSIDERATIONS FROM THE IGP AND THE TMDLS



TALKING POINT 1: **COMPLIANCE METHOD CONSIDERATIONS FROM THE IGP AND THE TMDLS**

1. Are the following factors satisfactory to conclude: compliance with IGP is compliance with the TMDL?
 - Example TMDL: Twenty Beaches and Creek Bacteria
 - Factors:
 - Identifies industrial land use type as a source
 - No WLA assigned to IGP dischargers
 - Identified implementation via MS4 permits (Municipal and Caltrans)
 - No additional requirements identified for IGP dischargers
 - No compliance deadline assigned to IGP dischargers

TALKING POINT 1: **COMPLIANCE METHOD CONSIDERATIONS FROM THE IGP AND THE TMDLS**

2. Are the following factors satisfactory to conclude: comply with the Numeric Action Level requirements?
 - Example TMDL: San Diego Creek and Newport Bay Toxics
 - Factors:
 - Identified industrial storm water discharges into the watershed
 - WLA for “other NPDES permittees”, 8 NPDES permits total
 - Newport Bay (saltwater): Mass-based WLA for metals assigned to “other NPDES permittees”.

TALKING POINT 1:

COMPLIANCE METHOD CONSIDERATIONS FROM THE IGP AND THE TMDLS

3. Are the following factors satisfactory to conclude: comply with the Numeric Effluent Limit requirements?
 - Example TMDL: San Diego Creek and Newport Bay Toxics
 - Factors:
 - Identified industrial storm water discharges into the watershed
 - WLA for “other NPDES permittees”, 8 NPDES permits total
 - Newport Bay (saltwater): Concentration based WLA for apply to sources which discharge directly to the Bay.
 - San Diego Creek (freshwater): Concentration-based WLA for metals based on flow tiers. Depending on the receiving waterbody flow, there’s a specific hardness associated which determines the WLA in mg/L.
 - TMDL effluent limits will have to be condensed into one Numeric Effluent Limit and not be a fluctuating set of values based on hardness and flow.

TALKING POINT 2:

EXCEEDANCE RESPONSE ACTION PROCESS AND IMPLEMENTING TMDLS

- Current Permit Structure
 - Baseline, Level 1, Level 2 process requires response actions. Not completing response actions is a violation of the IGP.
- Exceedance Response Actions and TMDL with NALs:
 - NALs in Level 1 – current IGP process
 - NALs in Level 2 - current IGP process
 - All Level 2 Demonstrations are options for TMDL NALs
- Exceedance Response Actions and TMDL with NELs:
 - NALs in Level 1 – current IGP process
 - NELs in Level 2 - Violation effective on TMDL compliance date
 - Industrial Activity BMP Demonstration – not an option for TMDL NELs

TALKING POINT 3: **IDENTIFICATION OF RESPONSIBLE DISCHARGERS FOR EACH TMDL**

- Watershed analysis and Geographic Information System (GIS) boundary creation.
- Analysis of the individual water body segments and related TMDL pollutants/allocations.
 - Create associated database of TMDL requirements
- Defining end-of-pipe limits for some TMDLs:
 - Mass-based Waste Load Allocations (WLAs)
 - Hardness-dependent WLAs
 - Group WLAs

TALKING POINT 3: **IDENTIFICATION OF RESPONSIBLE DISCHARGERS FOR EACH TMDL**

- Some watershed boundaries are not consistent across TMDLs.
- Real-time information is limited for applying TMDL requirements related to instream flows or rainfall (e.g., wet/dry conditions).
 - Locations for instream flows or rainfall requirements are not always specified in the TMDL.
- Responsible Dischargers that are located within a TMDL watershed but discharge outside of that watershed or vice versa.

TALKING POINT 4:

REPORTING ON THE STORM WATER MULTIPLE APPLICATION AND REPORT TRACKING SYSTEM (SMARTS)

- The SMARTS enhancements for TMDL compliance will be used to:
 - Locate dischargers within a TMDL watershed
 - Notify dischargers when within a TMDL watershed
 - Identify TMDL monitoring requirements
 - Provide a reporting framework
 - Require QISP assistance when industrial dischargers are a significant source
- SMARTS will not have advanced enhancements for TMDL compliance calculations due to the watershed-specific approaches for over 36 TMDLs.
 - Permittees will be required to determine compliance with discharge limits and self-report TMDL compliance.

TALKING POINT 5:

TMDL AMENDMENT EFFECTIVE DATE

- IGP amendment's adoption date is the same as the effective date (implementation is upon adoption).
 - Dischargers required to comply with new IGP requirements for TMDLs upon IGP amendment adoption/effective date.
- If the TMDL did not provide a compliance date, the compliance date is the adoption/effective date of the IGP amendment.
- TMDLS with NALs where the final compliance date in the TMDL is in the future:
 - Dischargers have until the final compliance date to meet the TMDL NAL requirements of the IGP
 - If it cannot be met, the Discharger will need to demonstrate that they have performed all of the requirements of the IGP and/or demonstrated that they are not responsible for the discharge
- TMDLs with NELs where the final compliance date in the TMDL is in the future:
 - Dischargers have until the final compliance date to meet the NEL(s).
 - The Regional Water Boards would not peruse TMDL NEL violations until the final compliance date.
- If an industrial facility is unable to meet the NEL by the final compliance date, the facility can request a time schedule order from the Regional Water Board.

TALKING POINT 6: **NON-STORM WATER DISCHARGES AND THE TMDLS**

- Unauthorized Non-Storm Water Discharges prohibited in the Industrial General Permit.
- Authorized Non-Storm Water Discharges listed in the Industrial General Permit; with conditions (Best Management Practices, reduce flow, visual observations, and eliminate commingling with industrial pollutants etc.).

TALKING POINT 6: **NON-STORM WATER DISCHARGES AND THE TMDLS**

- Most of the TMDLs did not assign a Waste Load Allocation for authorized non-storm water discharges. Dischargers would comply with IGP.
- A few TMDLs assigned a specific Waste Load Allocation to authorized non-storm water discharges. Dischargers would have to sample for authorized non-storm water discharges and comply with applicable TMDL NALs or NELs.

TALKING POINT 7:

ALTERNATE MEANS OF COMPLIANCE

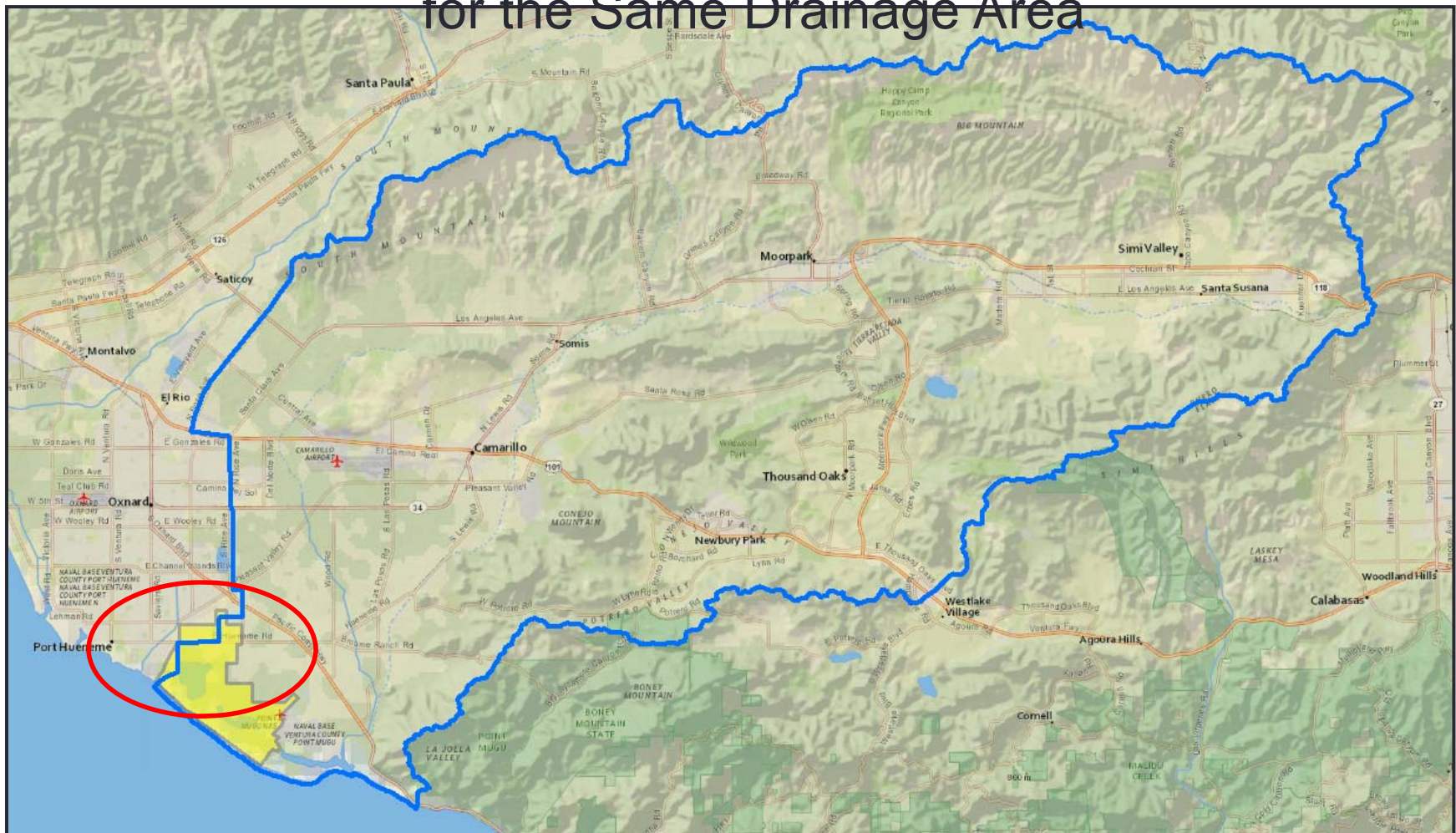
- Regional or watershed Best Management Practices (BMPs)?
 - The State Water Board is open to discuss industrial facilities becoming MS4 co-permittees instead of IGP coverage.
 - The IGP will not be incorporating language on this process.
- 85th Percentile, 24-hour storm event capture, infiltration and reuse BMPs:
 - Consideration of a compliance storm for TMDLs NALs/NELs and IGP NALs for a facility.
 - Subject to Regional Water Board approval and enforcement.
 - Dischargers are still responsible to sample discharges from the BMP.

Contact Information


- Esther Tracy – Facilitator, Office of Public Participation
Esther.Tracy@waterboards.ca.gov
- Shuka Rastegarpour – TMDL Project Lead,
Environmental Scientist
Shuka.Rastegarpour@waterboards.ca.gov

Example of Two TMDLs with Different Watershed Boundaries

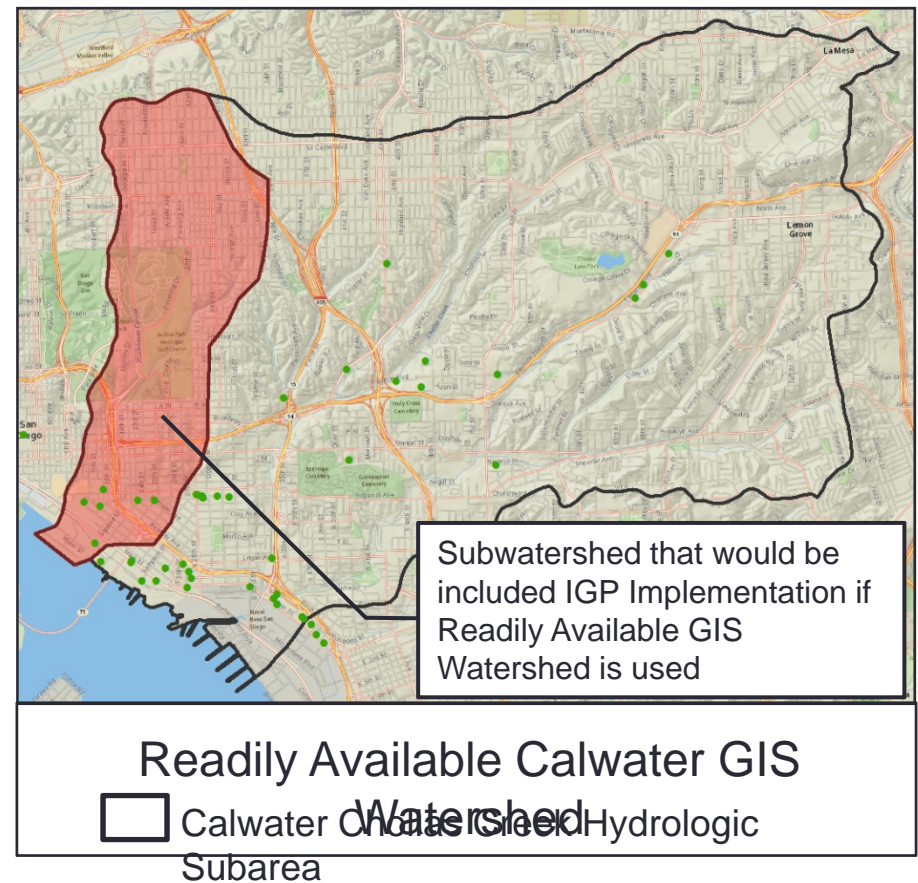
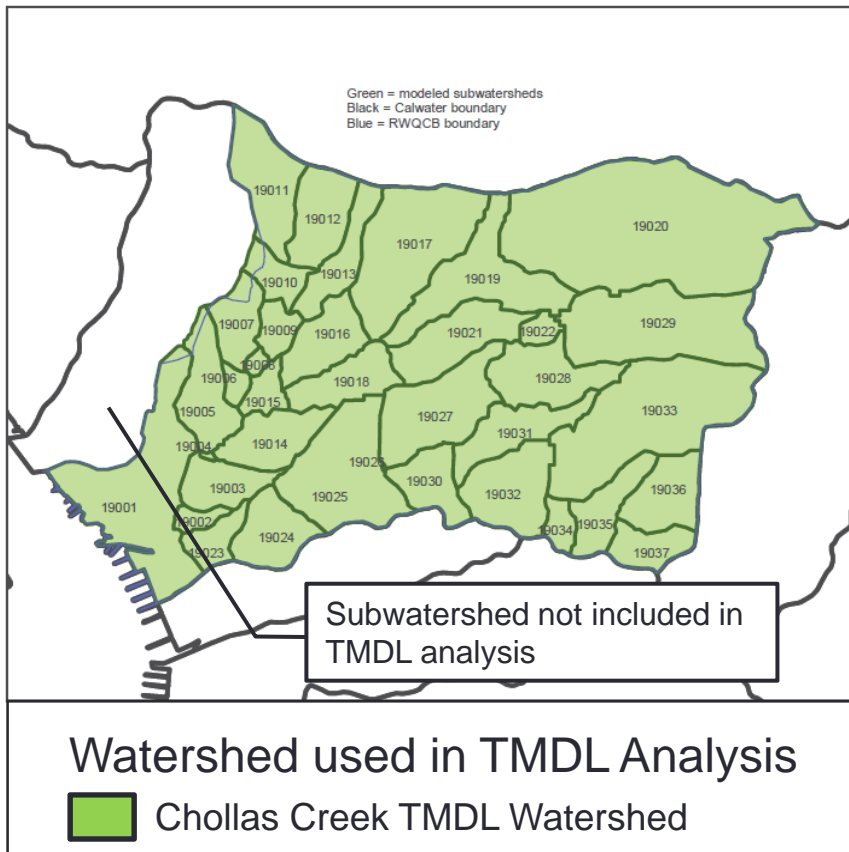
for the Same Drainage Area



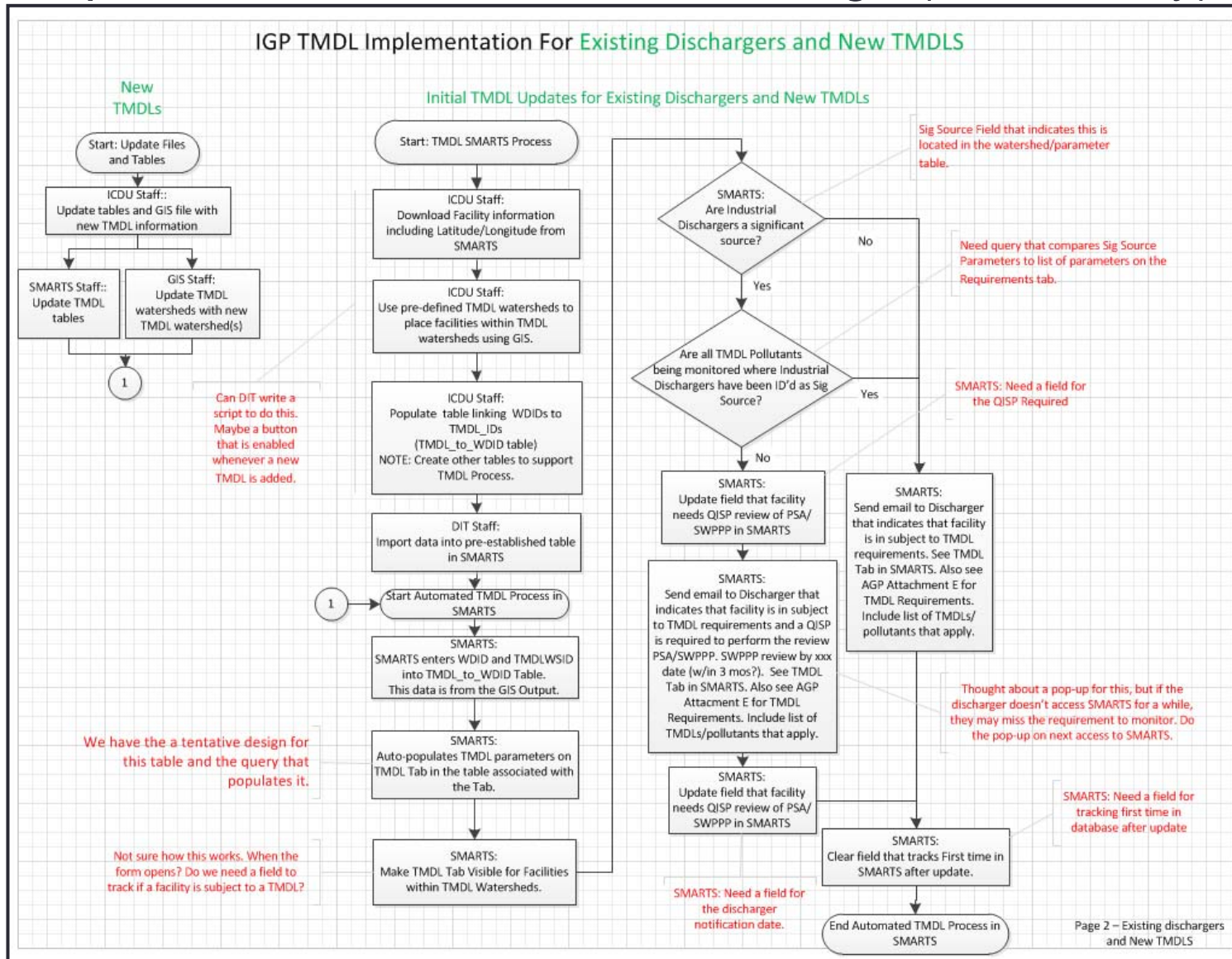
 Calleguas Creek Calwater Watershed

 Oxnard Drain 3 Watershed from Local Sources

Comparison of Readily Available GIS Watershed and Watershed defined in TMDL



Partial View of SMARTS TMDL Implementation Process Flow Design (Preliminary)



Partial View of SMARTS TMDL Implementation Database Design (Preliminary)

