NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

DRAFT TMDL-SPECIFIC PERMIT REQUIREMENTS FOR THE STATE WATER RESOURCES CONTROL BOARD'S INDUSTRIAL GENERAL STORM WATER PERMIT (Ventura Coastal Watershed Management Area)

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 are for the following TMDLs in the Ventura Coastal Watershed Management Area:

- Harbor Beaches of Ventura County Bacteria TMDL

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.[1] 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.

[1] The Industrial General Permit is available electronically at: 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

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, April 7, 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 4th Street Suite 200
Los Angeles, CA 90013

By Email:
losangeles@waterboards.ca.gov

Please indicate in the subject line of all written comments "**Comments on Draft TMDL-Specific IGP Requirements** – **Ventura Coastal Watershed Management Area**." 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 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

Harbor Beaches of Ventura County Bacteria Total Maximum Daily Load (TMDL)

Resolution No.	R2007-017
Effective Date	December 18, 2008
Impaired Water Body(ies)	Kiddie and Hobie Beaches (Harbor Beaches) in the Channel Islands Harbor
Pollutant(s)	Total coliform, Fecal coliform, Enterococcus
Responsible Dischargers	Industrial Storm Water General Permittees that discharge non-storm water and/or storm water associated with industrial activities[1] to impaired waterbodies either directly or via a municipal separate storm sewer system (MS4) or an upstream reach or tributary.
Required Actions	Comply with the conditions and requirements of the Industrial Storm Water General Permit (Order No. 2014-0057-DWQ). If indicator bacteria are not already addressed in the facility's current Storm Water Pollution Prevention Plan (SWPPP), including its Assessment of Potential Pollutant Sources per Section X.G.2.a.ix, then Responsible Dischargers, as defined above, shall assess all areas of industrial activity at the facility relative to their potential as a source of total coliform, fecal coliform, and/or enterococcus in authorized Non-Storm Water Discharges (NSWDs) and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results. The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order. Responsible Dischargers that have identified industrial areas of their facility as a potential source of total coliform, fecal coliform, and/or enterococcus in authorized NSWDs and storm water discharges shall comply with the TMDL Action Levels (TALs)[2], expressed as instantaneous maximum values, in the table(s) below. If sampling results indicate a TAL exceedance as set forth in Section XII.A, the Discharger shall commence the Exceedance Response Actions (ERAs) process set forth in

[1] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

[2] 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).

Section XII.

Kiddie and Hobie Beaches (Marine Waters, REC-1)

Parameter	Applicability	Reporting Units	TAL
Total Coliform	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	10,000
Total Coliform if the ratio of fecal-to-total coliform exceeds 0.1	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	1,000
Fecal Coliform	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	400
Enterococcus	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	104

The TALs apply for all three time periods: Summer dry-weather (April 1 to October 31); winter dry-weather (November 1 to March 31), and wet-weather days (defined as days of 0.1 inch of rain or more plus three days following the rain event).

The State and/or Regional Water Board may require industrial storm water dischargers to implement additional actions to reduce bacteria 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

Where the facility's Assessment of Potential Pollutant Sources (described above) identifies industrial areas as a potential source of total coliform, fecal coliform, or enterococcus in authorized NSWDs and/or storm water discharges, Responsible Dischargers shall update the facility Monitoring Implementation Plan (Section X.I) per Section XI.B.6.e-f to include:

- Sampling and analysis for total coliform, fecal coliform, and enterococcus during Qualifying Storm Events if not already monitored per Section XI.B;

	• Sampling and analysis of the facility's authorized NSWDs for total coliform, fecal coliform, and enterococcus twice within a reporting year; and • U.S. EPA approved analytical methods, with appropriate method detection and reporting limits relative to the TALs in the table(s) above. The updated Monitoring Implementation Plan shall be included in the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.
TMDL documents are available at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml	

Fact Sheet for Harbor Beaches of Ventura County Bacteria TMDL

On November 1, 2007, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) established the Harbor Beaches of Ventura County Bacteria TMDL. The TMDL became effective on December 18, 2008.

Swimming in marine waters with elevated bacteria indicator densities has been associated with adverse health effects. Specifically, local and national epidemiological studies demonstrate that there is a causal relationship between adverse health effects and recreational water quality, as measured by bacteria indicator densities.

The Harbor Beaches of Ventura County Bacteria TMDL addresses the impairment of the water contact recreation (REC-1) beneficial use for Kiddie Beach and Hobie Beach , also referred to as the Harbor Beaches of Ventura County.

Numeric Targets

The numeric targets for Kiddie Beach and Hobie Beach (Harbor Beaches of Ventura County) are based on the water quality objectives for protection of water contact recreation (REC-1) in marine waters set forth in Chapter 3 of the Water Quality Control Plan for the Los Angeles Region (Los Angeles Basin Plan) for the three bacterial indicators listed below. These numeric targets include geometric mean limits and single sample limits and apply during both dry and wet weather year-round, since there is water contact recreation throughout the year.

	Marine Waters (REC-1)
Single Sample Limits	
Total coliform	10,000/100 ml
Fecal coliform	400/100 ml
Enterococcus	104/100 ml
Total coliform density if the ratio of fecal-to-total coliform exceeds 0.1	1,000/100 ml
Geometric Mean Limits	
Total coliform	1,000/100 ml
Fecal coliform	200/100 ml
Enterococcus	35/100 ml

Wasteload Allocations

The Harbor Beaches of Ventura County Bacteria TMDL identifies storm water dischargers, including dischargers subject to the Industrial Storm Water General Permit, as responsible dischargers. Industrial storm water dischargers are generally not expected to be a significant source of bacteria. Therefore, the TMDL assigns industrial storm water dischargers a wasteload allocation (WLA) of zero (0) allowable exceedance

days of the single sample indicator bacteria targets for both dry and wet weather and no exceedances of the 30-day geometric mean indicator bacteria targets for all three time periods.[3] The WLAs are thus equal to the applicable water quality objectives for protection of water contact recreation (REC-1) in marine waters in set forth in Chapter 3 of the Los Angeles Basin Plan.

Required Actions

The required actions apply to Industrial Storm Water General Permittees that discharge non-storm water and/or storm water associated with industrial activities[4] to the Kiddie Beach and Hobie Beach (Harbor Beaches of Ventura County) either directly or via a municipal separate storm sewer system (MS4) or an upstream reach or tributary.

Currently, the Industrial Storm Water General Permit only regulates discharges of non-storm water and storm water that are directly related to manufacturing, processing or raw materials storage areas from industrial activities in ten major categories of industries (Attachment A to Order No. 2014-0057-DWQ). These discharges are currently not expected to be a significant source of bacteria.

As described below, compliance with the conditions and requirements of the Industrial Storm Water General Permit is generally expected to achieve the WLAs assigned to industrial storm water dischargers in the Harbor Beaches of Ventura County Bacteria TMDL. Where necessary, this will be verified through sampling and analysis of authorized NSWDs and storm water discharges and comparison of results to TMDL Action Levels (TALs), as described below.

<u>Compliance with Wasteload Allocations</u>

1. *Compliance with Summer and Winter Dry-Weather WLAs*

Compliance with existing conditions and requirements in the Industrial Storm Water General Permit is generally expected to ensure compliance with the summer and winter dry-weather WLAs applicable to industrial storm water dischargers. The Industrial Storm Water General Permit defines dry-weather discharges (Sections III and IV.A.) as either unauthorized NSWDs or authorized NSWDs. Unauthorized NSWDs are prohibited under Section III.B. Authorized NSWDs cannot be in violation of any Basin Plan, including TMDL WLAs contained in a Basin Plan, or statewide water quality control plan or policy (Sections IV.B and VI.A). The required Storm Water Pollution Prevention Plan (SWPPP) must include implementation of appropriate BMPs to ensure

[3] The WLAs apply during three distinct time periods: summer dry weather (April 1-October 31), winter dry weather (November 1-March 31), and wet weather (days with 0.1 inch of precipitation or more and the 3 days following, year-round).

[4] Including storm water not associated with industrial activities that is commingled with storm water associated with industrial activities.

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).

2. Compliance with Wet Weather WLAs

Compliance with the conditions and requirements in Section VI.A (Receiving Water Limitations) and Section X (Storm Water Pollution Prevention Plan), including subsection X.H (Best Management Practices) is generally expected to achieve the WLAs assigned to industrial storm water discharges during wet weather.

3. Conclusion

Considering the existing conditions and requirements in the Industrial Storm Water General Permit regarding unauthorized and authorized NSWDs and storm water discharges, if a Discharger complies with the Industrial Storm Water General Permit, the Discharger is not likely to discharge indicator bacteria above the WLAs from its industrial process and materials handling and storage areas, and is unlikely to contribute to an exceedance of a WLA. Therefore, no additional requirements beyond complying with the Industrial Storm Water General Permit are necessary to comply with the WLAs assigned to industrial storm water discharges at this time. However, if it is determined, based on, but not limited to, monitoring data and comparison to applicable 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 may require Dischargers to 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.

The State and Regional Water Board recognize there may be instances in the future when discharges from an industrial category regulated by the Industrial Storm Water General Permit may be identified as a source of indicator bacteria. These instances may arise as the U.S. Environmental Protection Agency continues to expand the regulatory universe of facilities and facility areas regulated by storm water regulations or where monitoring data and comparison to applicable TALs, visual observations, discharger reports, or site-specific inspections and/or investigations, or other pertinent data or information reveal that a facility's discharge (storm water discharges or NSWDs) exceeds the WLAs and, therefore, is a significant source of indicator bacteria. In these instances, the State and/or Regional Water Board may impose additional conditions and requirements on industrial storm water dischargers, including but not limited to, BMP implementation and monitoring requirements that will address indicator bacteria in industrial storm water and NSWDs in order to comply with the WLAs in this TMDL.

Monitoring and Reporting Requirements

Dischargers covered under the Industrial Storm Water General Permit are required to execute visual observations of their site and sampling and analysis of qualifying storm events (IGP, Sections XI.A and XI.B). During the observation events, the Discharger is required to observe and report on the following: (1) the presence or indications of prior, current, or potential unauthorized NSWDs and their sources, (2) authorized NSWDs, sources, and associated BMPs to ensure compliance with the requirements as described in the above paragraph, and (3) outdoor industrial equipment and storage areas, outdoor industrial activities areas, BMPs, and all other potential sources of industrial pollutants (IGP, Section XI.A.1).

Industrial storm water dischargers enrolled in the Industrial Storm Water General Permit are required to complete an Assessment of Potential Pollutant Sources as an element of a facility's SWPPP to identify pollutants that are likely to be present in the facility's industrial storm water discharges and authorized NSWDs. Dischargers with an active Notice of Intent who have identified[5] industrial sources of indicator bacteria with the potential to be present in the facility's industrial storm water discharges or authorized NSWDs are required to take effluent samples for indicator bacteria during each Qualifying Storm Event.

1. TMDL Action Levels (TALs)

Responsible Dischargers shall analyze effluent samples for indicator bacteria and compare sampling results to the TALs below. A 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). Therefore, Responsible Dischargers shall additionally comply with the TAL exceedance requirements established for this TMDL. A TAL exceedance will require the Responsible Discharger to follow the Exceedance Response Actions (ERAs) in Section XII.

Kiddie and Hobie Beaches (Marine Waters, REC-1)

Parameter	**Applicability**	**Reporting Units**	**TAL**
Total Coliform	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	10,000
Total Coliform if the ratio of fecal-to-total coliform exceeds 0.1	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	1,000
Fecal Coliform	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	400

[5] Either in the facility's existing SWPPP, or through the update to the facility SWPPP and the Assessment of Potential Pollutant Sources, as described below.

Enterococcus	Storm Water Discharges/ Authorized NSWDs	MPN or CFU/100 mL	104

The TALs apply for all three time periods: Summer dry-weather (April 1 to October 31); winter dry-weather (November 1 to March 31), and wet-weather days (defined as days of 0.1 inch of rain or more plus three days following the rain event).

An evaluation of compliance with the 30-day geometric mean WLAs for total coliform, fecal coliform, and/or enterococcus established in the TMDL is currently beyond the scope of the Industrial Storm Water General Permit's sampling requirements. Given that industrial storm water dischargers are not expected to be a significant source of bacteria, TALs are only established for the single sample bacteria objectives.

2. Updating the Facility SWPPP: Assessment of Potential Pollutant Sources

If indicator bacteria are not already addressed in the facility's current SWPPP, upon incorporation of these TMDL-specific requirements into the General Permit, Responsible Dischargers will be required to assess all areas of industrial activity at the facility relative to their potential as a source of total coliform, fecal coliform, and/or enterococcus in authorized NSWDs and storm water discharges. The facility's SWPPP, including but not limited to the Assessment of Potential Pollutant Sources (Section X.G.2) and, where necessary, Best Management Practices (Section X.H) and Monitoring Implementation Plan (Section X.I), shall be updated based on the results.

The revised SWPPP shall be certified and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

3. Updating the Facility Monitoring Implementation Plan

Authorized NSWDs Identified as a Potential Source: Responsible Dischargers that identify industrial areas of their facility as a potential source of total coliform, fecal coliform, and/or enterococcus in authorized NSWDs will be required to update the facility Monitoring Implementation Plan to include sampling and analysis of authorized NSWDs for total coliform, fecal coliform, and/or enterococcus 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. Sampling results will be used to ensure that authorized NSWDs comply with the Industrial Storm Water General Permit and, in particular, Sections IV.B and VI.A, consistent with the WLAs.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

Storm Water Discharges Identified as a Potential Source: Responsible Dischargers that identify industrial areas of their facility as a potential source of total coliform, fecal coliform, and/or enterococcus in storm water discharges shall verify BMP effectiveness by comparing sampling results with TALs in order to ensure that storm water discharges comply with the Industrial Storm Water General Permit and, in particular, Section VI.A. Industrial Storm Water General Permittees will be required to update the facility Monitoring Implementation Plan by to include sampling and analysis for total coliform, fecal coliform, and/or enterococcus during Qualifying Storm Events, if these parameters are not already monitored per Section XI.B.

The updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

Analytical Methods: 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 updated Monitoring Implementation Plan must be included with the revised SWPPP and submitted via SMARTS no later than 6 months after incorporation of these TMDL-specific requirements in this Order.

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 indicator bacteria to determine compliance with the WLAs during each time period specified in the TMDL.