

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
AUGUST 4, 2015**

ITEM 9

SUBJECT

CONSIDERATION OF A PROPOSED AMENDMENT TO THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (STATE WATER BOARD ORDER 2014-0057-DWQ)

DISCUSSION

Storm water associated with industrial activities is regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued by the State Water Board as authorized by the U.S. Environmental Protection Agency. The State Water Board adopted the General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit) on April 1, 2014. The General Permit became effective on July 1, 2015. The General Permit requires industrial storm water dischargers to submit permit registration documents and obtain Notice of Intent (NOI) coverage under the General Permit via the State Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS) by July 1, 2015.

Leading up to the July 1, 2015 due date, SMARTS experienced technical difficulties that rendered the web site inaccessible to many Dischargers attempting to file permit registration documents. State Water Board staff worked diligently to assist dischargers with electronic submittals and permit enrollment. State Water Board staff attempted to resolve the technical issues before the July 1, 2015 deadline, however technical problems due to heavy web site usage and system storage capacity resulted in the electronic system being inoperable on the days before the July 1, 2015 effective date.

Due to ongoing technical difficulties, a large number of industrial storm water Dischargers were unable to submit the required permit registration documents through SMARTS by July 1, 2015 despite repetitive attempts on their behalf with the assistance of State Water Board staff. Staff proposes extending the due date for NOI permit registration documents to August 14, 2015, allowing the necessary time to resolve technical issues with SMARTS. While technical issues are being resolved, the General Permit remains in effect. The proposed due date extension will not affect other permit requirements and due dates in the General Permit. Dischargers are required to maintain permit registration documents on-site until the SMARTS is operable and allows electronic submittal of permit registration documents. All other information required by the General Permit to be submitted electronically, such as monitoring data, is also required to be maintained on-site until dischargers are able to electronically submit the information into SMARTS.

POLICY ISSUE

Extending the July 1, 2015 due date for permit registration documents to August 14, 2015 will provide State Water Board staff time to assess and resolve the technical issues with SMARTS.

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopts the amendment to the General Permit to extend the July 1, 2015 due date for electronic submittal of permit registration documents to August 14, 2015.

State Water Board action on this item will assist the Water Boards in reaching Goal 5 (improving transparency and accountability by enhancing accessibility of information) of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling Objectives 5.1 and 5.2; to reduce processing time and costs, and improving transparency by having publicly accessible facility data.

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STATE WATER RESOURCES CONTROL BOARD

ORDER 2015-XXXX-EXEC

AMENDING

NPDES NO. CAS000001

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

ORDER 2014-0057-DWQ

GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITIES

The California State Water Resources Control Board (hereafter State Water Board) finds:

1. The general permit for storm water discharges associated with industrial activities¹ (General Permit) was issued by the State Water Board as a National Pollutant Discharge Elimination System (NPDES) permit under the authority delegated by the U.S. Environmental Protection Agency. The General Permit was adopted on April 1, 2014, and became effective on July 1, 2015.
2. The General Permit requires Dischargers to submit permit registration documents to obtain Notice of Intent (NOI) coverage under the General Permit using the State Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS) website by July 1, 2015. Leading up to the July 1, 2015 deadline, SMARTS experienced technical difficulties that rendered SMARTS inaccessible to Dischargers attempting to file permit registration documents as well as State Water Board staff who were assisting Dischargers with enrollment. State Water Board staff diligently worked to resolve the technical issues before the July 1, 2015 deadline, but technical problems persisted, particularly as there was a surge in online traffic on SMARTS in the days before the July 1, 2015 effective date.
3. Because of ongoing technical difficulties, a large number of Dischargers were unable to submit the required permit registration documents through SMARTS by July 1, 2015 despite repeated attempts to use SMARTS. The deadline for Existing Dischargers to electronically submit permit registration documents for NOI coverage is extended to August 14, 2015 in accordance with Attachment A to this Order so that State Water Board staff has additional time to resolve technical issues with SMARTS. The deadline for New Dischargers registering for NOI coverage to electronically submit permit registration documents is extended to

¹ State Water Board Order 2014-0057-DWQ

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August 14, 2015 or at least seven (7) days prior to commencement of industrial activities, whichever is later, in accordance with Attachment A to this Order.

4. While technical issues are being resolved, the General Permit is in effect. The deadline extension does not affect any of the other requirements or deadlines in the General Permit. Dischargers must maintain permit registration documents on site until they are able to submit the documents using SMARTS, and they must submit permit registration documents electronically by August 14, 2015. Any other information required by the General Permit to be submitted electronically, such as monitoring data, must also be kept on site until Dischargers are able to submit the information using SMARTS, and that information must be submitted electronically by August 14, 2015. Until August 14, 2015, the permit registration documents maintained onsite by the Discharger shall determine compliance with Section II (Receiving General Permit Coverage) of the General Permit.
5. [State Water Board Order 97-03-DWQ](#) was rescinded (except for Order 97-03-DWQ requirements that annual reports be submitted by July 1, 2015 and except for enforcement purposes) as of July 1, 2015. Because of technical difficulties in SMARTS the deadline to submit Annual Reports under Order 97-03-DWQ is extended to August 14, 2015.
6. Per Code of Federal Regulations, part 40, sections 122.62 and 124.10, the State Water Board issued a Public Notice on July 3, 2015 for a 30-day public review and comment period on the proposed amendment to [Order 2014-0057-DWQ](#), as specified in Attachment A to this Order. Formal comments were due by August 3, 2015.

IT IS HEREBY ORDERED THAT:

Order 2014-0057-DWQ is hereby amended as shown in Attachment A of this Order. The amended Order shall become effective on August 4, 2015.

Date

Jeanine Townsend
Clerk to the Board

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ATTACHMENT A
TO
ORDER WQ 2015-XXXX-EXEC
AMENDING
NPDES NO. CAS000001
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
ORDER WQ 2014-0057-DWQ
GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH
INDUSTRIAL ACTIVITIES

Permit Order

I.A.6, (p.2)

6. State Water Board Order 97-03-DWQ is rescinded as of the effective date of this General Permit (July 1, 2015) except for Order 97-03-DWQ's requirement that annual reports be submitted by August ~~July~~ 14, 2015 and except for enforcement purposes.

II.B, (p.14)

B. Coverages

This General Permit includes requirements for two (2) types of permit coverage, NOI coverage and NEC coverage. State Water Board Order 97-03-DWQ (previous permit) remains in effect until July 1, 2015. When PRDs are certified and submitted and the annual fee is received, the State Water Board will assign the Discharger a Waste Discharger Identification (WDID) number. The Discharger shall submit PRDs by August 14, 2015 via SMARTS.

II.B.1.b, (p.14)

- b. The Discharger shall register for coverage under this General Permit on August 14, 2015. The Discharger shall register for coverage by certifying and submitting PRDs via SMARTS (<http://smarts.waterboards.ca.gov>), which consist of:

Section II.B.4.a-b (p.16)

4. Schedule for Submitting PRDs - Existing Dischargers Under the Previous Permit.
 - a. Existing Dischargers with coverage under the previous permit shall register for NOI coverage by August ~~July~~ 14, 2015 or for NEC coverage by October 1, 2015. Existing Dischargers previously listed in Category

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10 (Light Industry) of the previous permit, and continue to have no exposure to industrial activities and materials, have until October 1, 2015 to register for NEC coverage.

- b. Existing Dischargers with coverage under the previous permit, that do not register for NOI coverage by August July 14, 2015, may have their permit coverage administratively terminated as soon as August July 14, 2015.

Section II.B.5.a (p.17)

5. Schedule for Submitting PRDs - New Dischargers Obtaining Coverage On or After July 1, 2015
 - a. New Dischargers registering for NOI coverage on or after July 1, 2015 shall certify and submit PRDs via SMARTS at least seven (7) days prior to commencement of industrial activities or on August July 14, 2015, whichever comes later.

Fact Sheet

Section II.A.3 (p.12)

This General Permit requires all Dischargers to electronically certify and submit PRDs via SMARTS to obtain: (1) regulatory coverage, or (2) to certify that there are no industrial activities exposed to storm water at the facility and obtain regulatory coverage under the NEC provision of this General Permit. Facilities that were eligible to self-certify no exposure under the previous permit (see category 10 in Attachment 1 of the previous permit) are required to certify and submit via SMARTS PRDs for NOI coverage under this General Permit by August July 14, 2015 or for NEC coverage by October 1, 2015. The Water Board is estimating that 10,000 – 30,000 Dischargers may be registering for NOI or NEC coverage under this General Permit. Separate registration deadlines, one for NOI coverage and one for NEC coverage, provides Dischargers better assistance from Storm Water Helpdesk and staff.

Section II.A.3 (p.12)

All Existing Dischargers ~~who certify and submit PRDs via SMARTS for NOI coverage on or after July 1, 2015 or for NEC coverage on or after October 1, 2015, who previously obtained regulatory coverage under the current permit,~~ shall ~~immediately~~ comply with the provisions in this General Permit by July 1, 2015. All Existing Dischargers who previously obtained regulatory coverage under the current permit are required to certify and submit PRDs via SMARTS for NOI coverage on or after August 14, 2015 or for NEC coverage on or after

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October 1, 2015. All Dischargers who certify and submit PRDs via SMARTS for NOI coverage on or after August 14, 2015 or for NEC coverage on or after October 1, 2015, shall immediately comply with the provisions in this General Permit. All Dischargers who obtained NOI coverage under this General Permit starting on the effective date (July 1, 2015), but who were unable to electronically submit PRDs via SMARTS until August 14, 2015 shall comply with the provisions in this General Permit on July 1, 2015.

Attachment C Glossary (p.2)

Effective Date

The date, set by the State Water Resources Control Board (State Water Board), when at least one or more of the General Permit requirements take effect and the previous permit expires. This General Permit requires most of the requirements (such as ~~SMARTS submittals~~, minimum BMPs, sampling and analysis requirements) to take effect on July 15, 2015. This General Permit requires SMARTS submittals for Existing Dischargers to certify and submit PRDs via SMARTS for NOI coverage on or after August 14, 2015 or for NEC coverage on or after October 1, 2015.

Attachment D PRDs

Section D. (p.1)

D. When and How to Apply

Dischargers proposing to conduct industrial activities subject to this General Permit must electronically certify and submit PRDs via the Storm Water Multiple Application Reporting and Tracking System (SMARTS)² no less than seven (7) days prior to the commencement of industrial activity. Existing Dischargers must submit PRDs for NOI coverage by August 14, 2015 or for NEC coverage by October 1, 2015.

² The State Water Board has developed the SMARTS online database system to handle registration and reporting under this General Permit. More information regarding SMARTS and access to the database is available online at <https://smarts.waterboards.ca.gov>. [as of June 26, 2013].