

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JULY 7, 2015**

ITEM 6

SUBJECT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM COST OF COMPLIANCE
INFORMAL PLAN

DISCUSSION

State Water Resources Control Board (State Water Board) [Resolution 2013-0029](#) directs actions to reduce the cost of compliance to dischargers subject to Water Board permitting while maintaining water quality protection. In accordance with Resolve Item 4 of the Resolution, Water Board staff worked with the National Pollutant Discharge Elimination System (NPDES) Roundtable forum and stakeholders to develop recommendations for NPDES permitting that address cost of compliance while maintaining water quality. At the November 18, 2014 Board meeting, staff presented these recommendations. After discussion of the recommendations, the State Water Board directed staff to prepare a plan. Staff formed a workgroup consisting of U.S. EPA, Water Board staff and representatives of dischargers and environmental groups. The workgroup is addressing the recommendations in two phases. Staff will present the Phase I plan.

POLICY ISSUE

None. This is an information item.

FISCAL IMPACT

None. This is an information item.

WATER BOARD IMPACT

None.

STAFF RECOMMENDATION

Follow up on the recommendations specified in the staff report.

<p>Implementation of the recommendations in the informal plan will assist 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. In particular, approval of this item will assist in fulfilling Objective 6.2 to target consistency improvements in program delivery identified through past input, and solicit input to identify consistency issues as they arise.</p>
--

NPDES Cost of Compliance Phase I Informal Plan

Recommendations		Responsible Party	Due Date	Short-Term Products
Create an overarching NPDES Cost of Compliance Checklist for permit writers to incorporate staff report recommendations.			4/30/2016	Final Cost of Compliance Checklist
A.1 Address Duplication of NPDES Permit Receiving Water Monitoring Requirements: Regional Monitoring Programs	Compile development documents, status reports, and operating agreements on existing regional monitoring program (RMP) requirements specifying the stakeholders involved, water body types, water quality issues, and stakeholder compositions and interests.	Regional Water Boards with RMPs	7/31/2015	Compilation of development documents, status reports, and operating agreements on existing RMPs
	Create checklist item that triggers permit writers to incorporate RMP requirements in lieu of existing requirements in permits if RMPs exist. Site-specific monitoring may still be required.	State Water Board Staff	9/30/2015	Checklist item that triggers permit writers to consider regional monitoring
	Provide receiving water body recommendations for receiving water bodies where development of RMPs is appropriate. The receiving water monitoring requirements of the RMP will replace most or all of the receiving water monitoring requirements of each discharger discharging into that water body.	Dischargers	11/15/2015	List of candidate water bodies or candidate constituents or both for collaborative monitoring efforts
	Regional Water Boards provide recommendations based on discharger recommendations.	NPDES Program Managers or Their Representatives	1/15/2016	

NPDES Cost of Compliance Phase I Informal Plan

	Recommendations	Responsible Party	Due Date	Short-Term Products
<p>A.2 Address Duplication of NPDES Permit Receiving Water Monitoring Requirements:</p> <p>Agency-Based Monitoring</p>	<p>Determine if state and local monitoring stations and constituents are surface water ambient monitoring comparable or fulfill regional monitoring needs.</p>	<p>State Water Board Staff</p>	<p>8/31/2015</p>	<p>Websites and databases with access to data and their locations</p>
	<p>Review list of agency websites and databases. Add additional agency-based monitoring stations as necessary.</p>	<p>Workgroup</p>	<p>9/30/2015</p>	
	<p>Provide links to agency websites and databases (such as USGS and the Department of Water Resources) on the State Water Board's internet site to allow access to data and their locations.</p>	<p>State Water Board Staff</p>	<p>10/30/2015</p>	
	<p>Develop example permit language that allows the use of either agency-based receiving water monitoring or discharger-performed receiving water monitoring.</p>	<p>State Water Board Staff</p>	<p>10/30/2015</p>	<p>Checklist item that triggers permit writers to consider the use of agency based monitoring</p>
	<p>Create checklist item for permit writers to develop appropriate receiving water monitoring requirements.</p>	<p>State Water Board Staff</p>	<p>1/29/2016</p>	

NPDES Cost of Compliance Phase I Informal Plan

	Recommendations	Responsible Party	Due Date	Short-Term Products
<p>B. Reduce Unnecessary Monitoring for Entities with a Positive Compliance Record for Specific Constituents/Parameters</p>	<p>Compile regulations and policies that establish minimum monitoring frequencies.</p>	<p>State Water Board Staff</p>	<p>7/15/2015</p>	
	<p>Identify and review permits that contain language to adjust monitoring requirements based on discharger compliance history.</p>	<p>Regional Water Board Staff</p>	<p>7/15/2015</p>	
	<p>Determine minimum monitoring frequencies and data needs established by NPDES regulations and policy.</p>	<p>Subgroup¹</p>	<p>7/31/2015</p>	
	<p>Review compilation of regulations that establish minimum monitoring frequencies provided by the subgroup.</p>	<p>Workgroup</p>	<p>8/31/2015</p>	
	<p>The action to develop permit language will address two concepts:</p> <ol style="list-style-type: none"> 1. Reducing monitoring frequency in the MRP at the time of permit reissuance based upon positive compliance in the last permit cycle. Monitoring frequency shall continue to provide adequate data for RPA and compliance determination. 2. Adjusting existing monitoring requirements during the permit cycle based on discharger compliance history while maintaining the need for subsequent RPA and compliance determination. 	<p>State Water Board Staff</p>	<p>9/30/2015</p>	<p>Proposed permit language to adjust monitoring based on compliance record</p>
	<p>Create checklist item for permit writers to consider reducing monitoring requirements as appropriate.</p>	<p>State Water Board Staff</p>	<p>10/30/2015</p>	<p>Checklist item that triggers permit writers to consider incorporating language that allows adjustment of monitoring frequencies based on compliance history.</p>

NPDES Cost of Compliance Phase I Informal Plan

Recommendations	Responsible Party	Due Date	Short-Term Products	
C. Encourage Use of Surrogate Monitoring where Appropriate	Identify list of surrogate constituents/parameters that properly represent and can be substituted for similar constituents/parameters and gather documentation supporting reliability of these surrogate constituents/parameters.	Dischargers (initial), Workgroup (ongoing) ²	7/15/2015	Documents supporting reliability of surrogate constituents/parameters
	Review information provided by the dischargers.	Workgroup	12/31/2015	
	Create checklist item for permit writers to consider surrogate constituent/parameter monitoring. Local conditions may require additional supporting information of surrogate reliability.	State Water Board Staff	1/29/2016	Checklist item that triggers permit writers to consider surrogate constituent/parameter procedures
D.1 Eliminate Irrelevant and Unnecessary Reports: Options for Data Submission	Provide examples where reports could be streamlined or submitted in alternate report types.	Dischargers	7/15/2015	List of options for data submission in lieu of full reports (when appropriate)
	Review information and explore options for data submission, information, and certification methods in lieu of full reports.	Workgroup	8/31/2015	Checklist item for permit writers to consider different reporting types
	Create checklist item for permit writers to consider different reporting types.	State Water Board Staff	9/30/2015	
D.2 Eliminate Irrelevant and Unnecessary Reports: Collaborative Study Effort	Compile examples of when collaborative study efforts are appropriate.	Dischargers, Regional Water Boards	7/15/2015	Compilation of example collaborative studies
	Review examples of collaborative study efforts.	Workgroup	8/31/2015	
	Provide compilation of example collaborative studies to NPDES Program Managers.	State Water Board Staff	12/31/2015	

NPDES Cost of Compliance Phase I Informal Plan

Recommendations		Responsible Party	Due Date	Short-Term Products
D.3 Eliminate Irrelevant and Unnecessary Reports: Adequate Report Justification	Provide examples where dischargers consider reports to be unnecessary.	Dischargers	7/15/2015	Compilation of examples of unnecessary studies
	Identify from the examples where additional justification for reporting would have clarified the need for the report and its use.	Workgroup	9/30/2015	Checklist item to ensure adequate justification of required reports
	Create checklist item for permit writers to ensure adequate justification of required reports.	State Water Board Staff	12/31/2015	
E.1 Facilitate Use of Regulatory Tools by Making Processes More Clear and Consistent: Stakeholder Training	Work with U.S. EPA to compile regulations, precedential State Water Board orders, guidance, tools, and example studies for translators, water effect ratios, and mixing zones.	State Water Board Staff	10/30/2015	Permit writer, discharger and stakeholder training on translators, water effect ratios, and mixing zones
	Coordinate with U.S. EPA to conduct permit writer, discharger, and stakeholder training to help gain insight on what the Water Boards will accept or reject.	State Water Board Staff	12/31/2015	
E.2 Facilitate Use of Regulatory Tools by Making Processes More Clear and Consistent: Statewide Matrix for Addressing Difficult Permitting Issues	RB 5 translates and transfers existing regional matrix that contains approaches in addressing difficult permitting issues to new Statewide Matrix.	Central Valley Water Board Staff	5/29/2015 (Completed)	Statewide Matrix
	Other Regional Water Board staff to input similar existing information to new Statewide Matrix.	Regional Water Board Staff	8/31/2015	
	Review and finalize Statewide Matrix.	State Water Board Staff	10/30/2015	

NPDES Cost of Compliance Phase I Informal Plan

Recommendations		Responsible Party	Due Date	Short-Term Products
F.1 Implement Phased Approach to TMDLs: Cross-Training	Provide cross-training for Planning and TMDL staff to familiarize Planning and TMDL staff with NPDES permitting procedures.	State Water Board Staff	3/19/2015 (Completed); 4/14/2015 (Completed)	Ongoing cross-training for Planning and TMDL staff
F.2 Implement Phased Approach to TMDLs: Best Practices	Coordinate with TMDL Roundtable on “best practices” for phased TMDL implementation in NPDES permits.	State Water Board Staff	TBD ³	Best practices for phased TMDL implementation
G. Increased Use of General Permits	Identify types of discharges that may be regulated under general permits.	Regional Water Board Staff	8/31/2015	List of potential general permits
	Create a list of potential general permits to regulate similar type discharges.	Workgroup	10/30/2015	
H. Staff Training and Reference Tools	Update Training Academy on current NPDES Program training needs.	State Water Board Staff	1/2/2009 (Completed); 3/6/2013 (Completed)	Ongoing NPDES Training
	Create an NPDES Administrative Procedures Manual (APM) webpage on existing intranet page.	State Water Board Staff	12/31/2015 (Completed)	Dynamic APM webpage

NPDES Cost of Compliance Phase I Informal Plan

Recommendations		Responsible Party	Due Date	Short-Term Products
I. Provide Compliance Inspection Evaluation Training	Conduct mandatory NPDES Compliance Inspection Training.	State Water Board Staff	2/2014 (Completed); 5/6/2015-5/7/2015 (Completed); 5/12/2015-5/13/2015 (Completed)	Ongoing NPDES Training

¹ The subgroup consists of members of the workgroup that will specifically work on Recommendation B.

² The Dischargers will provide the initial list of surrogates by the due date. The workgroup can continue to add to the list as needed.

³ TMDL Roundtable will present their Cost of Compliance item to the State Water Board. The date of this action will be determined after the TMDL Roundtable presents their Cost of Compliance item to the State Water Board.