
State Water Resources Control Board

February 14, 2025

TO: INDUSTRIAL STORMWATER DISCHARGERS IN AREAS IDENTIFIED IN AN EMERGENCY PROCLAMATION THAT ARE IMPACTED BY WILDFIRES

The State Water Resources Control Board (State Water Board) recognizes the public health and environmental impacts within counties identified in Governor-declared state of emergency proclamations¹ due to wildfires. This letter provides guidance for regulatory compliance with the Statewide Industrial Stormwater General Permit² (Permit) for industrial facilities damaged and/or negatively impacted by wildfires within counties identified in a state of emergency proclamation. Negative wildfire impacts on industrial facilities may include higher levels of pollutant in the facility's stormwater discharges that are unrelated to the facility's industrial activities.

1. Sampling and Analysis Requirements

A. Samples Not Representative of Facility Activities

Per Permit Section XI.B, industrial facility owners (Dischargers) are required to collect, analyze, and report industrial stormwater runoff sampling results even if those results are potentially not representative of their facility's industrial activities and operations. Dischargers may claim their industrial stormwater runoff sampling is not representative of their facility operations by:

- Identifying and reporting the stormwater samples impacted by wildfire conditions (including post-wildfire conditions),
- Collecting and reporting photographic documentation, and
- Reporting the basis for why the industrial activity area runoff samples are not representative of the facility activities and operations.

The following are example factors that may be applicable to a Discharger's basis for runoff samples not representing the facility activities and operations:

- Discharge location(s) conditions,

¹ [Current Office of Governor State of Emergency Proclamation](https://www.gov.ca.gov/category/proclamations)

<https://www.gov.ca.gov/category/proclamations>

² [General Permit for Stormwater Discharges Associated with Industrial Activities;](https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.html)

https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.html

- Photographs of facility, discharge locations, and surrounding lands impacted by wildfires,
- Facility operation status and condition,
- Areas of high erosion and areas with high collection of ash deposits
- Information on any facility observations prior to a rain event,
- Best management practices currently implemented to manage runoff of industrial pollutants and to manage wildfire-related impacts at the facility,
- Best management practices planned for implementation to manage runoff of industrial pollutants and to restore wildfire-related impacts at the facility, and
- Comparisons of historical facility sampling results from drainage areas to the sampling results collected post-wildfires.

Reported documentation must comply with the required sample event visual observations in Permit Section XI.A.2. Additionally, per Permit Section XI.B.11.a., Dischargers must submit the analyzed sampling results in the Stormwater Multiple Application and Report Tracking System (SMARTS) as an Ad Hoc monitoring report within 30 days of obtaining results from the analytical laboratory. Dischargers must include information in the Ad Hoc monitoring report for all reported sampling results that are not representative of industry activities and operations due to wildfire damage and impacts, as provided by the above guidance.

The Water Boards will continue to assess compliance with Numeric Effluent Limitations (NEL), however Water Code section 13385, subdivision (B)(j) provides relief if an unanticipated, grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight. If you believe the sampling results were impacted by wildfires, include a statement in the Ad Hoc Monitoring report that site conditions satisfy Water Code section 13385, subdivision (B)(j).

B. Sampling Not Completed Due to Unsafe Conditions

Dischargers are required to conduct sample collection and visual observations during scheduled facility operating hours, when weather or other conditions do not pose a safety hazard for site access and sampling (Section XI.C.6). The State Water Board emphasizes safety as high priority; therefore, Dischargers are not required to conduct permit-required monitoring in wildfire-impacted areas:

- With unsafe conditions,
- Closed by a government agency, or
- With high potential for mudslides during or after a precipitation event.

Dischargers are required to include an explanation in the facility's Stormwater Pollution Prevention Plan and Annual Report for all not completed sample

collection and visual observations, including wildfire-specific information related to missed sampling events and visual observations.

C. Non-qualifying Storm Events

Dischargers that perform an analysis of collected sample results and determine the discharge is not representative of the industrial activities and materials at the facility may submit the results and analysis in SMARTS as a non-qualifying storm event. Non-qualifying storm event results will not be included in the Numeric Action Level exceedance calculation.

D. Number of Qualifying Storm Events

The State Water Board recognizes that it may not be feasible for all Dischargers to obtain four qualifying storm events in a reporting year due to qualifying storm events not occurring with that year. Therefore, a Discharger that attempts but is unable to obtain and analyze stormwater samples from two qualifying storm events in each half of a reporting year per discharge location due to a lack of qualifying storm events is not in violation of Permit Section XI.B.2.

The corresponding Regional Water Quality Control Board Executive Officer has the authority to require the Discharger to revise and resubmit Ad Hoc monitoring reports determined to be inaccurate (Permit Section XIX.).

2. Temporary Suspension of Industrial Activities

Per Permit Section X.H.3, Dischargers planning to temporarily suspend industrial activities for ten (10) or more consecutive calendar days may request to temporarily suspend visual observations, sampling, and analysis if:

- Conducting visual observations, sampling and analysis is infeasible while industrial activities are suspended (e.g. unstaffed, remote, or inaccessible), and/or,
- Best management practices are currently implemented to properly manage stormwater runoff for industrial activity areas.
- The Discharger shall upload a Change of Information in SMARTS at least seven (7) days prior to the planned temporary suspension of industrial activities to:
- Revise the Stormwater Pollution Prevention Plan addressing the facility stabilization best management practices,
- Justify why monitoring is infeasible at the facility during the period of temporary suspension of industrial activities,
- Provide the date the facility is fully stabilized for temporary suspension of industrial activities, and
- Provide the projected date that industrial activities will resume at the facility.

Regional Water Quality Control Board staff may review the submitted information pertaining to the temporary suspension of industrial activities and may request revisions or deny the Discharger's Request to temporarily suspend monitoring.

3. Anticipated Non-Compliance

Per Permit Section XXI.M, Dischargers shall give advance notice to the Regional Water Board and local MS4 of any planned changes in the industrial activity that may result in noncompliance with this General Permit.

For further information regarding Permit requirements, please visit our [State Water Board Industrial Stormwater webpage](https://www.waterboards.ca.gov/industrialstormwater) at <https://www.waterboards.ca.gov/industrialstormwater>.

If you have general questions regarding this letter, please contact the State Water Board, Stormwater Help Desk at stormwater@waterboards.ca.gov. If you have industrial facility-specific questions, please contact your local Regional Water Quality Control Board staff. A list of the Regional Water Board contacts are available at https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Crader". The signature is stylized and cursive.

Phillip Crader, Deputy Director
Division of Water Quality

cc: (see next page)

cc: (via email)

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