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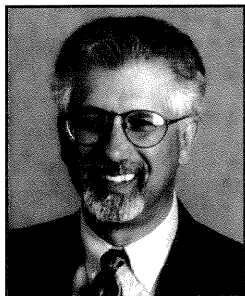
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Businesses Could Face Costly Compliance for Pending Industrial Stormwater Permit

By Ralph Vasquez

A new state stormwater permit targeting industrial activities has caused concern among California businesses -- and for good reason. If the permit is adopted, thousands of businesses statewide could be forking over an additional \$700 bucks a year in permit fees, not to mention thousands of dollars to implement more stringent stormwater pollution prevention plans (SWPPPs) and monitoring/reporting procedures.

The 2003 Draft Industrial General Permit is a proposed followup to the exist-



ing industrial permit covered under the National Pollutant Discharge Elimination System (NPDES) Phase I umbrella. However, in March 2003, Phase II regulations of the NPDES program went into effect for municipalities with populations of less than 100,000. This regulation also has impacts on the industrial sector (e.g., non-exposure certification, also referred to as "NEC").

The Draft Industrial General Permit, released in 2002, has had numerous comments submitted to the State Water Resources Control Board (SWRCB), and is currently under review by environmental agencies and the public. The pending permit covers new and existing discharges of storm water associated with certain types of industrial activity in the state of California.

Specifically, the Draft Industrial General Permit targets current Phase I NPDES permit holders and other entities not previously affected. In fact, the permit encompasses virtually ALL industrial facilities statewide, with more than 11,000 facilities in San Diego County alone. Targeted facilities range from steam and electricity power plants, to oil refineries, coal mining operations, paper mills, manufacturing plants, auto-salvage facilities, wastewater treatment plants, municipal public works garages, food-processing factories, landfills, and recycling facilities -- to name a few.

Some facilities covered under the Draft Industrial General Permit are

dependent upon their Standard Industrial Classification (SIC) code. The permit expands coverage to SIC codes 2000 through 3999, as well as SIC codes 4221 through 4225. A list of all covered facilities/activities can be found on the SWRCB's website at www.swrcb.ca.gov.

The Draft Industrial General Permit allows California's regional water boards to delegate stormwater compliance inspections to public agencies or private contractors. Clarification for facilities seeking not to be covered under the NPDES permit must submit NECs to the SWRCB ensuring that industrial activities at these facilities are contained indoors or under cover, thereby preventing storm water from coming into contact with industrial activities, and subsequent runoff from entering storm drains.

In addition, the Draft Industrial General Permit proposes a number of new SWPPP requirements, including: the preparation of a SWPPP checklist; identification of alternates for SWPPP team members; a detailed description of best management practices (BMPs); a thorough employee training program; and a detailed quarterly inspection program.

One question that still remains is how much compliance with the Industrial General Permit will cost California businesses. Development and implementation of compliant SWPPPs, as well as execution of more rigorous monitoring and reporting requirements, could cost businesses hundreds, thousands, or even tens of thousands of dollars a year - depending on the size and type of the facility, as well as the scope of SWPPPs being implemented.

Another issue is the apparent non-differentiation of NOI and NEC costs for small, medium and large businesses. NOI submissions, for instance, cost \$700 per year regardless of the size of the facility; while NEC submissions cost \$200 every five years. In theory, a small "mom and pop" business would have to pay the same NOI and NEC costs as a 200-employee manufacturing plant.

The California Storm Water Quality Association (CASQA), formerly the Storm Water Quality Task Force, is one of the prominent organizations reviewing the Draft Industrial General Permit. CASQA is comprised of agencies, municipalities,

special districts and individuals responsible for, and/or interested in, the implementation of municipal stormwater management programs. CASQA assists in the development and implementation of stormwater programs statewide. Although CASQA supports the use of SWPPPs and BMPs to regulate stormwater discharges from industrial facilities, the organization has identified several areas within the General Industrial Permit that could be improved before its issuance. CASQA submitted detailed comments and recommendations to the SWRCB with the intent of achieving the following goals: "1) identify achievable improvements in stormwater program elements; 2) simplify and streamline the permit format; 3) clarify compliance obligations; 4) provide sufficient flexibility to accommodate the diversity of the industrial activities covered by the permit; and 5) adequately address the EPA's Phase II requirements, as well as the concern and criticism of Regional Board staff and citizen groups about the current permit."

Some industry experts predict that the 2003 Draft Industrial General Permit will bring about significant litigation statewide due to its arguably contentious language. In any case, it's important that targeted businesses be apprised of the proposed requirements; be prepared to take a proactive approach to compliance; and, most importantly, continue to do their part to prevent polluted runoff from spilling into our storm drains. ○

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