

# Many Businesses Unclear on Stormwater Rules Compliance

## REGULATION: Most Small Industrial Cos. Are Unaware of Updated Permit

■ By KATIE CALLAHAN

San Diego's small industrial businesses are struggling to meet the demands of the state's updated Industrial General Permit (IGP) and new stormwater regulations.

As of July 1, 2015, the **State Water Resources Control Board** put into effect a new version of the permit, which requires industrial businesses to identify, monitor and reduce stormwater pollution and industrial runoff. Businesses also are required to input that information into the Stormwater Multiple Application and Report Tracking (SMARTS) System database online.

The new permit mandates industrial businesses such as wineries, breweries, manufacturing plants, recycling plants and landfills write stormwater plans, implement best management practices and monitor their sites with monthly inspections and sampling to assess and reduce stormwater pollution generated at their facility.

**Chiara Clemente**, enforcement coordinator for the **San Diego Regional Water Quality Control Board**, said at a recent workshop that 733 businesses were enrolled in the Industrial General Permit (and submitted a notice of intent to comply with the permit) in the database in the San Diego region, 305 businesses have no-exposure certifications (meaning their company does not have exposure of industrial activities to

stormwater on their site), 44 businesses failed to recertify (so they enrolled in the past but did not re-enroll) and received notices of noncompliance.

### Room for Improvement

"As for the state of compliance with the IGP in the San Diego area, my only observations are that one, compliance tends to be highly variable from one business to another, and that two, for the lower end of the curve, there is plenty of room for improvement," said Clemente.

According to a study by **California State University, San Marcos** students sponsored by **SCS Engineers**, 70 percent of industrial businesses have poor or no knowledge of the updated permit and the new stormwater regulations.

Over 56 percent of those industrial businesses are unsure of where they stand in regard to compliance with this permit. While 43 percent of industrial businesses are aware of the new permit, nearly all small industrial businesses have no knowledge of the permit. Of the 1,891 industrial businesses reached by email, 39 responded, while 575 opened the survey but didn't complete it.

"There's a lot of burden associated with complying and there's also the other threat of potential lawsuits," said **Cory Jones**, the stormwater program manager at SCS Engineers.

### Permit Is \$1,282

The annual fee for the permit is \$1,282. For those who indicate they have no stormwater associated with industrial activity at their facility, the cost is \$200.

Failing to re-certify under the new permit carries a \$5,000 penalty. Potential violations for failing to comply with the permit conditions or discharging without permit can be as high as \$37,500 a day. Additionally, criminal penalties can be as high as \$10,000 and/or 2 years in prison for criminal negligence issues such as falsifying reports.

**David Renfrew**, the director of water resources at **Alta Environmental**, an environmental consulting firm, serves private and municipal clients and helps them with stormwater permit compliance.

Alta Environmental assists clients with writing stormwater plans, performing monthly inspections, sampling, training individuals for these tasks, annual reporting and database uploads to the SMARTS database.

Renfrew said the businesses he works with need to become educated about the science behind stormwater pollution. Larger companies can afford to hire consultants or experts in the field of stormwater compliance, while smaller business owners may themselves add this new task to their plate. Because it's not their primary

job, this can become an issue come inspection from a regulatory agency or local municipality.

"They need to inspect the facility from the perspective of evaluating whether pollution has the potential to run off their property," he said. "We hear 'Oh, I didn't realize that would be a concern or that the dumpster had to be closed or that sediment runoff has to be controlled.' Oftentimes, you try to do your best, but the inspector on the site with the inspection will often find things requiring corrective actions because that's their primary job."

Because the system is reliant on self-reporting, the changes this year were to give people more opportunity to sample water at the areas where stormwater runs off the site, switching from two to four samples a year.

However, with personnel changes at companies, glitches in the SMARTS database, cost (for smaller companies who may not be able to afford the permit) and difficulty in understanding what specifically must be reported, these permits usually require an outside review or a very thorough reading and understanding of the permit, Renfrew said.

Compliance groups, organized by trainers who have the qualified industrial stormwater practitioner certification, can group together similar industrial facilities to generate a stormwater pollution prevention plan together and implement the same best management practices. This allows these groups to have less monitoring cost-burdens because they are only required to submit two samples per year instead of four.



Cory Jones



David Renfrew