

## **Industry Reminder: 2018 Amendment to Industrial Storm Water General Permit Effective July 1, 2020**

*March 24, 2020*

On November 6, 2018, the State Water Resources Control Board (“Water Board”) amended the National Pollutant Discharge Elimination System (“NPDES”) Statewide Industrial Storm Water General Permit (“General Permit”). The new requirements of the General Permit will become effective July 1, 2020.

The new requirements implement the Total Maximum Daily Loads (“TMDLs”) listed in the General Permit. TMDLs are regulatory tools that provide the maximum amount of a pollutant from potential sources in the watershed that a water body can receive while attaining water quality standards. These new TMDLs requirements apply to “Responsible Dischargers,” defined as “[d]ischargers with Notice of Intent coverage [...] who discharge storm water [...] either directly or through a municipal separate storm sewer system directly to impaired water bodies [as listed under Section 303(d) of the Clean Water Act]”. (General Permit, Fact Sheet, II (F)(3), page 40).

The new TMDLs requirements require Responsible Dischargers to either:

- 1) Comply with applicable TMDL-specific permit requirements shown in the TMDL Compliance Table E-2, in Attachment E of the amended General Permit; or
- 2) Comply with one of the Compliance Options set forth in Attachment I of the amended General Permit. The new compliance options comprise of on-site and off-site storm water capture. These Compliance options are not mandatory and facility operators are not required to implement one of them.

Facility operators utilizing the on-site compliance option are required to implement best management practices (“BMPs”) that capture, infiltrate, divert, or evapotranspire the volume of runoff produced up to, and during, the 85th percentile 24-hour precipitation event, based on local historical precipitation data and records.

Facility operators implementing the off-site compliance option may enter into a local agreement with local jurisdictions to participate in the development, implementation and operation of the regional storm water capture BMPs receiving the industrial storm water discharges.

Facility operators must still report via SMARTS the type of BMPs implemented, a map with the BMP’s location, and bypass mechanisms. In addition, storm water pollution prevention plans must be updated with proper documentation and photographs.

Facility operators choosing to implement one of the new compliance options may be deemed in compliance with the General Permit, including applicable TMDL requirements, and would no longer need to comply with Baseline, Level 1, or Level 2 status.

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