

COUNTING THE COST OF STORM WATER POLLUTION – Part 2

Storm Water Regulations and Municipal Storm Water Management

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TIMELINE

1956 Fresno Metropolitan Flood Control District (FMFCD) created by Special District Act
1987 National Pollution Discharge Elimination Systems (NPDES) i.e. Storm Water Regulations created through the amendment of the Clean Water Act of 1972
1990 California State Water Resources Control Board (SWRCB) implementation of NPDES Program
1994 Regional Water Quality Control Board (RWQCB) and FMFCD begin implementation of state storm water program
1996 Municipal Separate Storm Sewer System (MS4) Permit populations of 100,000 or more
2010 NEW Construction General Permit (CGP) all development > one acre must secure CGP
2013 Phase II MS4 Permit all municipal jurisdictions of 50,000 or more must secure MS4 permit
2014 NEW Industrial General Permit (IGP) adapted by the SWRCB

The Fresno Metropolitan Flood Control District provides flood control and urban storm water services in a 400-square mile watershed located between the Kings and San Joaquin Rivers. The District is home to approximately 650,000 people and includes both urban and agricultural land uses. The Fresno/Clovis urban area is served by a system of approximately 640 miles of pipeline and 154 stormwater retention/recharge basins. The basin system recharges 70-85% of the annual stormwater runoff into the local aquifer, our community's primary water supply. Typically, 50-80% of common stormwater pollutants settle out of runoff before it is discharged to canals and the San Joaquin River. Water quality monitoring of the San Joaquin River is performed regularly to determine if stormwater runoff causes or contributes to exceedances of water quality standards. Due to the pollutant removal efficiency of regional storm water basin systems, water quality standards are met.

The MS4 Permit is a requirement of the federal Clean Water Act, administered by the State requiring local government to control water pollution discharged within their jurisdiction. The District is the lead agency responsible for implementation of the MS4 Permit requirements in the area, along with Co-Permittee agencies the City of Clovis, City of Fresno, County of Fresno, and California State University, Fresno.

On April 1, 2014 the SWRCB adapted a NEW IGP which goes into effect this year on July 1, 2015. The IGP replaces the current permit issued in 1997. So what does this mean for municipal agencies in California like the Fresno Metropolitan Flood Control District and for regulated industries? There are currently approximately 200 active IGP industrial facilities under the old IGP. Under the IGP industrial facilities are expected to increase by an additional 2,000 facilities. Facilities with industrial activities that are not exposed to industrial activity will now be required to obtain an annual No Exposure Certification (NEC) and pay an annual certification fee (\$200) to the state. NECs are submitted to the SWRCB that industrial activities at the site are not exposed to rain water and that site-related contaminants will not be picked up by stormwater runoff and discharge off site.

In other words, the new permit is relatively significant to industrial users as it effectively brings ALL industries, including previously excluded “light industry,” such as wineries and printers, into the regulatory process, not just those with activities that are exposed to stormwater.

SIGNIFICANT CHANGES TO THE MS4 PERMIT

NEW Standard Industrial Classifications (SIC) Codes
Old permit 100 facilities – New permit 2,307 facilities

NEW Industrial & Commercial Facility Inspection Classifications
HIGH PRIORITY Retail Gasoline Outlets (RGO's) - (8),
Restaurants - (100) & Automotive Service Facilities - (7)

NEW Drainage Area Prioritization- High – Medium - Low

The NEW IGP now reflects current science and for some industrial categories this includes Numeric Effluent Limitations (NELs). The IGP requires dischargers to sample their stormwater effluent, send the storm water samples to a lab for analysis and compare the results to statewide benchmarks Numeric Action Levels (NALs). If a discharger exceeds a NAL, the discharger has to implement Exceedance Response Actions (ERAs) to address the NAL exceedance, site evaluation and report by a Qualified Industrial Stormwater Practitioner.

Of special interest in the IGP:

- No Exposure Certification (NEC) is required for ALL industries that do not have storm water exposure to the manufacturing process. Dischargers not covered by the IGP with mandatory enrollment on or before July 1, 2015.
- If the industrial discharge discharges to a 303(d) Impaired Water Body: A new Appendix 3 has been added, clarifying how and when monitoring for the pollutants listed in the 303(d) water-specific impairment list took place.
- Establishes required Best Management Practices for facilities handling preproduction plastics (implementation of AB 258).
- Stormwater monitoring data to be reported using the state’s electronic reporting program Storm Water Multiple Application and Report Tracking System (SMARTS). *SMARTS was developed to provide an online tool to assist dischargers in submitting their Notice of Intent, No Exposure Certification, Notice of Termination, and Annual Reports, as well as, viewing/printing Receipt Letters, monitoring the status of submitted documents, and viewing their application/renewal fee statements. The system will also allow the Regional Board and State Board staff to process and track the discharger submitted documents.*

The MS4 permit requires the District to prioritize inspections based on their threat to water quality and to inspect all facilities regulated under the IGP. Drainage areas have been categorized into High, Medium and Low threats to water quality. High Priority - inspected annually or on complaint basis, Medium Priority – inspected every three years, Low Priority – inspected in response to complaint or other regulatory violation. This includes regulated industry and non-regulated industry (restaurants, retail gasoline outlets, automotive service,



warehouse & storage) due to the nature of the business and the possibility of the release of pollutants from the facility.

This is the task set for municipalities throughout California. The Fresno Metropolitan Flood Control District is just one authority tasked to insure industrial facilities are implementing pollution prevention measures, training employees and complying with state requirements to protect our states water bodies and water supplies. The District and co-permittee agencies perform regular inspections and outreach to commercial & industrial facilities to reduce the amount of pollutants that enter the community's watershed via the storm drain system. The District provides compliance assistance to businesses and industries that are subject to stormwater regulations. Preventing pollution from happening in the first place is main goal. This is accomplished is the approach the NPDES permit encourages. *State Water Board Chair Felicia Marcus, "This newly reissued permit will better protect water quality so that chemicals, oil, and other contaminants do not get into local streams and water bodies where they can harm public health, and fish and wildlife."*