

Industrial General Permit Storm Water Compliance – Who’s Paying Attention?

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CONDOR EARTH



CONDOR



You probably are

THE LORD OF THE RINGS
THE TWO TOWERS



NEW LINE CINEMA
An AOL Time Warner Company



lordoftherings-soundtrack.com
AOL Keyword: Lord Of The Rings



STORM WATER DISCHARGE PERMITS

Storm water and non-storm water discharges (NSWDs) to waters of the U.S. are regulated through National Pollutant Discharge Elimination System (NPDES) Permits.

The NPDES permit program was created in 1972 by the Clean Water Act (CWA).

The NPDES permit program has been delegated to the State of California and is administered through the State Water Board and the nine (9) Regional Water Boards.

STATE REGULATORY AGENCIES

- (1) *North Coast,*
- (2) *San Francisco,*
- (3) *Central Coast,*
- (4) *Los Angeles,*
- (5) *Central Valley,***
- (6) *Lahontan,*
- (7) *Colorado River,*
- (8) *Santa Ana, and*
- (9) *San Diego*



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WHO'S PAYING ATTENTION TO STORM WATER COMPLIANCE?

- ▶ Regulatory Agencies
 - Federal
 - State (State and Regional Water Boards)
 - Local Municipalities
- ▶ Private Parties (Citizen Groups)
- ▶ The Regulated Community
- ▶ Consultants

WAYS YOUR SITE IS EVALUATED

▶ SMARTS

- California State Water Board's Storm Water Multiple Application and Report Tracking System

▶ Inspections

- Onsite or Perimeter

▶ Eyes in the Sky

- Google Images
- Drones





PUBLICALLY AVAILABLE DATA

- ▶ All regulatory required documents are required to be uploaded to SMARTS, including:
 - Storm Water Pollution Prevention Plans (SWPPPs)
 - Annual Reports
 - Analytical Results
 - Exceedance Response Action (ERA) Plans
 - Regulatory Inspection Reports
 - Notices of Non-Compliance and Violations

QUESTION

- ▶ What are some examples of General Permit compliance documents that are NOT required to be uploaded to SMARTS?
 - Monthly Dry Weather Visual Inspections
 - QSE Visual Observations
 - Training Records
 - Best Management Practices (BMP) Effectiveness Sampling Results

If those samples are NOT collected at discharge outfalls.

INSPECTION AND ENTRY

- ▶ Per General Permit Section XXI.I regulatory agencies and their authorized representatives may (at reasonable times):
 - Enter a regulated facility.
 - Access and copy any records required by the General Permit.
 - Inspect the regulated facility.
 - Sample or monitor for the purpose of ensuring General Permit compliance.

QUESTION – “WHY ME?”

- ▶ Why might a regulator conduct an onsite or drive-by inspection of your facility?
 - The facility is a new discharger.
 - The facility seeks to terminate storm water coverage.
 - QSE laboratory analytical results are not being submitted to SMARTS.
 - The facility has received notifications of missed reporting deadlines.
 - Somebody complains.



EXAMPLES OF REGULATORY QUESTIONS / OBSERVATIONS

- ▶ Is a current (updated) SWPPP available onsite?
- ▶ Condition of facility's storm water program?
 - Is the SWPPP being implemented?
 - Are Minimum / Advanced BMPs being implemented?
- ▶ Is there evidence of storm water or non-storm water discharges (NSWDs)?
- ▶ Do site conditions match the site map?
- ▶ Is appropriate records retention being practiced?
- ▶ Is sampling being conducted?

QUESTION

- ▶ If a regulatory inspector were to drop by unannounced, is there a member of your Pollution Prevention Team (PPT) available?
 - “No. They are on vacation. Can you come back at another time?” is NOT a good answer.
 - A knowledgeable member of a facility’s PPT should be available onsite during scheduled operating hours.

(General Permit Section X.D.1).

QUESTION

- ▶ Does everyone on your PPT know where the facility's SWPPP and storm water documents are located?
 - If in hard copy, where are the binders located?
 - If retained electronically, can the documents be readily accessed by onsite personnel?
- ▶ What are some of the potential pitfalls of only retaining regulatory documents in hard or electronic copy?



QUESTION

- ▶ How long must a facility retain General Permit required documents?

A facility must maintain a minimum 5-Year Records Retention History (either paper or electronic copies).

Copies shall be available for review upon request by a regulatory agency during scheduled facility operating hours.

(General Permit Sections X.H.1.g.iii and XXI.J.4)

QUESTION

- ▶ Upon written request by a regulatory agency, how long does a facility have to produce the requested documents?

A facility must provide paper or electronic copies of requested records to the regulatory agency within the (10) days from receipt of the request (General Permit Section XXI.J.5).



DRIVE-BY VISUAL EVALUATIONS

- ▶ A regulatory agency may conduct a drive-by or perimeter inspection from the public right-of-way to evaluate NEC or NONA eligibility.
 - NEC = No Exposure Certification (SWPPP program is not required)
 - NONA = Notice of Non-Applicability (exemption from General Permit coverage)
- ▶ Final inspection reports, including photos along with a determination of compliance status and/or further actions, are uploaded to SMARTS.



DUMPING IS FORBIDDEN
VIOLATORS WILL BE PROSECUTED UNDER
CODE SECTION 9.28.05
NO TRESPASSING
SMC 9.28.05
NO PARKING
SMC 9.28.05
* PLEASE REPORT ANY OF THESE ILLEGAL ACTS TO THE
ADDRESS IMMEDIATELY: (916) 438-7000











GOOGLE IMAGES



The Agua Mansa Pioneer Cemetery

Reclaimed Aggregates

CHEP North America Operations Center

Walmart Distribution Center

Mattress Firm Colton Warehouse

Agua Mansa Rd

W Hepkias Rd

Miguel Bustamante Pkwy

Miguel Bustamante Pkwy

2023



Google Earth



2024



Google Earth

Image © 2024 Airbus




DRONE IMAGES



DRONE IMAGES

An aerial drone photograph of a large-scale construction site. The terrain is a mix of brown earth and grey gravel. In the upper center, a long red conveyor belt system is visible. Several yellow excavators and dump trucks are scattered across the site. A white truck is parked in the lower right. The background shows a partially completed concrete structure, possibly a road or bridge. The overall scene is one of active earthmoving and infrastructure development.

Drones are used in the construction industry to provide visual data for tracking the progress of a project and to identify potential problems.

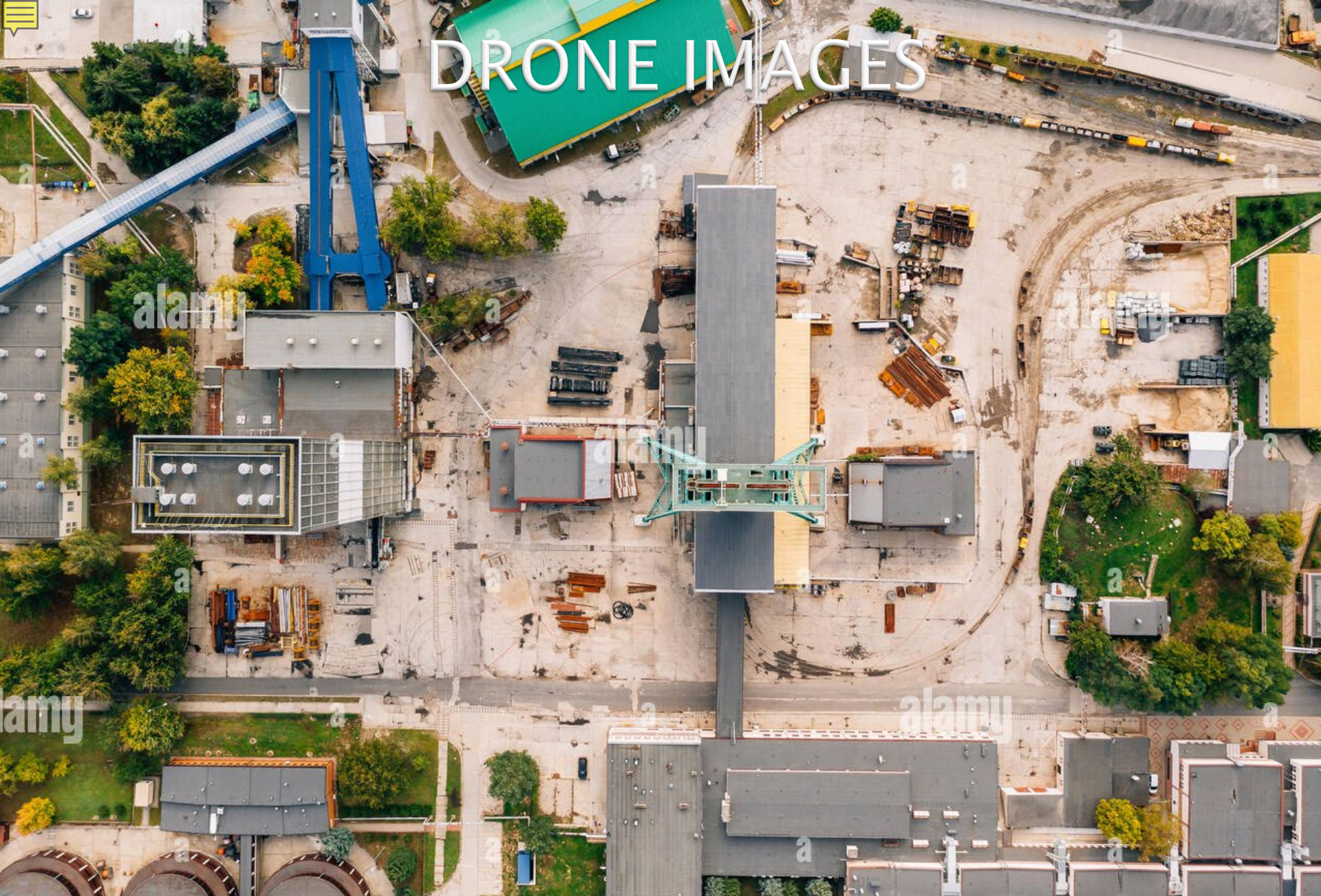
- 
- A photograph of a worker in a white hard hat and a high-visibility yellow safety vest operating a drone. The worker is holding a remote control with a tablet attached. In the background, there is an industrial facility with several tall, cylindrical towers and complex piping. The scene is set in a field with tall grass, and the sky is clear and bright.
- ▶ Drones are being utilized by citizen groups to collect facility site data.
 - ▶ Basically, it's a way to gather information without physically accessing/trespassing onto private property.

DRONE IMAGES



www.HamiltonDrone.ca

DRONE IMAGES





WHAT LEADS TO SUCCESSFUL INSPECTIONS?

IMPLEMENT EFFECTIVE BMPS

- Conduct and Document Staff Training
- Prepared Accurate Site Maps
- Implement (and Maintain) Minimum and Advanced BMPs
- Conducted Appropriate Recordkeeping
- Uploaded Documents and Data to SMARTS within Regulatory Deadlines
- Updated SWPPP/Site Map (as necessary)

Know Your Site

**NOI FACILITIES,
Implement Your
SWPPP!**

INTERNAL ASSESSMENT TOOLS

- ▶ Visual observations are a valuable tool to observe potential sources of storm water pollution and evaluate the effectiveness of your program.



VISUAL OBSERVATIONS PROVIDE

- ▶ An ongoing assessment of a facility's:
 - Storm water program including implementation of BMPs (especially pollution prevention training, housekeeping, waste management, and spill prevention and control).



The opportunity to make corrective actions to BMPs ahead of sampling events.

COMMON EXCUSES FOR NOT CONDUCTING INSPECTIONS

#1 – Not My Job

#2 – Time Consuming
("I don't have time for this.")

#3 – Lack of Training
("I don't know what I'm looking for.")

#4 – No Changes to the Facility
("I'm sure everything is fine ...")

#5 – It's Not *That* Important
(Famous last words...)



QUESTION

Who is responsible for conducting a facility's SWPPP inspections?

Inspections should be conducted by those individuals with detailed knowledge of the site and the facility's SWPPP requirements.

- ▶ Pollution Prevention Team (PPT) or
- ▶ Designated Trained Personnel



DRY WEATHER VISUAL OBSERVATIONS

- ▶ Are there requirements for conducting them?
 - Once per calendar month,
 - Daylight hours,
 - Scheduled facility operating hours,
 - Dry days (no precipitation or storm water discharges).
- ▶ Annual Report explanations are required only for those months where a monthly observation was missed.



INTERIM SUMMARY

Why do we conduct and document monthly visual observations?

Short Answer = I have to, they're required.

Consider monthly visual observations as your routine checkup on how your SWPPP program is performing.

... *and* as an effective tool for keeping your program in compliance rather than a nuisance you need to get done as quickly as possible.

QUESTIONS TO ASK YOURSELF

Are good pollution prevention practices being properly implemented?

Six (6) Minimum Best Management Practices (BMPs)

- ▶ Good Housekeeping
- ▶ Preventative Maintenance
- ▶ Spill and Leak Prevention and Response
- ▶ Erosion & Sediment Controls
- ▶ Employee Training
- ▶ Quality Assurance & Record Keeping

Are Advanced BMPs being implemented and maintained properly?

“GOOD” HOUSEKEEPING



WASTE MANAGEMENT



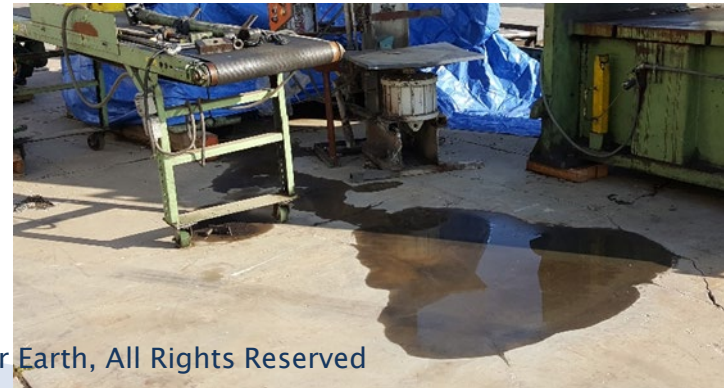
OUTDOOR STORAGE AREAS



HAZARDOUS WASTE STORAGE AREAS



PREVENTATIVE MAINTENANCE



FLUID MANAGEMENT AND SPILL CONTROL



AUTHORIZED OR UNAUTHORIZED NSWD?







FLUID MANAGEMENT AND SPILL CONTROL





SPILL CONTROL





SPILL CONTROL



SPILL KITS



LET'S TALK PORT-A-POTTIES



EROSION and SEDIMENT CONTROLS



EROSION and SEDIMENT CONTROLS



EROSION and SEDIMENT CONTROL



DUST CONTROL



AN IMPROPERLY IMPLEMENTED OR MAINTAINED BMP IS AN INEFFECTIVE BMP!





DO YOU LOOK INSIDE YOUR CATCH BASINS DURING MONTHLY INSPECTIONS?







REASONS FOR CONCERN

- ▶ Increased Costs Due to Corrective Actions
- ▶ **Citizen/NGO Lawsuits**
- ▶ Loss Time and Incurred Expenses (including attorney fees)

- ▶ Civil Penalties (additive)
- ▶ Clean Water Act (CWA) or Porter–Cologne Water Quality Control Act violations
- ▶ Criminal penalties (including possible jail time)



COMPLIANCE IS A LOT OF WORK!

- ▶ You don't want your sampling results to be the first indication that your storm water program is deficient.
- ▶ Internal inspections should be about keeping your site in compliance and not about getting someone in trouble.
- ▶ Be honest ... it can't be fixed if no one knows about it.
- ▶ Don't Kill the Messenger ... It's better to be proactive and report a potential problem to your supervisors BEFORE it actually becomes a problem.

BE PROACTIVE VS. REACTIVE

- ▶ Implement your SWPPP!
- ▶ Use monthly visual and sampling observations to identify and correct potential problem areas.
- ▶ Evaluate storm water analytical results immediately before uploading to SMARTS.
- ▶ Remain vigilant with regards to implementing minimum and advanced BMPs.
- ▶ Reach out.

ANY QUESTIONS?

