

Waste & Water Update

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MAJOR CHANGES TO INDUSTRIAL STORM WATER PERMIT

New Action Levels and Numerical Effluent Limits for Some Watersheds

California's "Industrial General Permit" (IGP), which regulates pollutants in storm water discharges from many industrial facilities statewide, is going through the final stages of a major revision. The revisions are being made in large part to bring into regulatory force actions by the Regional Water Quality Control Boards (Regional Boards) to address "impaired" water bodies.

The IGP already applies Numeric Action Levels (NALs) to a group of pollutants that may be found in a facility's storm water discharge. When a facility's storm water sampling results exceed an NAL, the facility must take actions to better control that pollutant.

Currently, the same 23 NALs are applied across the State. However, Regional Boards have been working for several years to develop additional action levels, to be known as TNALs. The TNALs are watershed-specific; they will only apply to facilities discharging to that water body, or to a tributary, either directly or through the local storm water system. Furthermore, only facilities at which the specific pollutant of concern is present will be subject to the new TNALs.

TNALs are based on Total Maximum Daily Loads (TMDLs), a water quality planning concept required under the Clean Water Act for any water body that is designated as "impaired" for a particular pollutant. Many water bodies located within highly urbanized/industrialized watersheds are impaired

for one or more pollutants. Regional Boards are required to develop TMDLs as a means to help prevent the impairments from worsening and, hopefully, improve conditions.

TNALs will be used similarly to the current NALs, i.e., to prompt action when they are exceeded. However, the new TNAL values will frequently be lower than current NAL values. TNALs are also being set for pollutants that do not currently have an NAL at all.

In addition to TNALs, the Regional Boards may also specify, for certain watersheds, Numeric Effluent Limits (NELs). Unlike NALs and TNALs, a facility whose pollutant concentrations in storm water exceed an NEL is in violation of the IGP. Facilities will face penalties for such violations and will be required to take actions as necessary to prevent future exceedances. Because the IGP is a federally enforceable permit, this presents a real risk to facilities operating in watersheds where NELs will be established. (Note that TNALs/NELs are not specified for every impaired water body.)

Other permit changes will address solutions to TNAL and NEL exceedances, particularly focusing on various storm water capture methods. Detention/retention basins, biofiltration devices, and other engineered storm water controls are expected to increasingly be used to control industrial storm water, with added benefits of reducing impact on flood control infrastructure and helping to recharge groundwater. Such structures can be placed on the industrial site or may be off-site as part of an agreement with a local private or public entity. However, all must meet specified design criteria to ensure they can infiltrate the volume of water produced

in most storm events. Captured water must also not contain pollutants in excess of drinking water standards. Thus, industrial best management practices will remain an important part of storm water management under the IGP, regardless of capture device use.

After formal adoption by the State Board, the revised IGP looks likely to become effective in mid-2019. Is your facility affected? The Final Draft IGP is available on the State Board's website at the link below. Appendix E contains a table showing the affected water bodies, TNALs, and NELs:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html

Waste & Water Tip

2018 is an SB 14 year! California's SB 14 requirements apply to hazardous waste generators producing over 12,000 kilograms of hazardous waste during a reporting year. Generators exceeding this threshold for 2018 are required to develop a Performance Report, Source Reduction Plan, and Summary Progress Report by September 1, 2019.

Upcoming Training Offered by Yorke Engineering

- California Multi-Media Environmental Regulations: Permitting, Compliance, and Reporting Seminar:
 - Anaheim: March 27 – March 28, 2019
 - Emeryville: April 23 – April 24, 2019<http://www.yorkeengr.com/AirQualityClasses.htm>

Upcoming Due Dates for 2019*

- DTSC Annual Reports for E-Waste Handling and Recycling Activity 2/1
- CDTFA Haz. Waste Generator Fee 2/28
- USEPA Haz. Waste Report for RCRA TSDF 3/1
- USEPA TRI Report 7/1
- SWRCB IGP Annual Report 7/15

**All due dates listed are the statutory dates; sometimes dates are extended when they fall on a weekend/holiday.*

REVISED CALIFORNIA UNDERGROUND STORAGE TANK REGULATIONS

Aligning with the Federal UST Regulations

Effective October 1, 2018, Title 23, Division 3, Chapter 16 of the California Code of Regulations (CCR) was updated to reconcile with the federal underground storage tank (UST) regulations codified in Title 40, Chapter I, Parts 280-282 of the Code of Federal Regulations (CFR). As part of the realignment, several new requirements were rolled out and new inspection and testing forms were introduced.

The following is a list of several, but not all, of the regulatory changes effective October 1st:

- Added requirement for demonstration of compatibility prior to storing or changing the hazardous substance in a UST system;
- Prohibited using manual inventory reconciliation and manual tank gauging to meet monitoring requirements;
- Prohibited the installation of flow restrictors on vent piping to meet overfill prevention equipment requirements;
- Added requirements for emergency generator tank systems;
- Added requirement for secondary containment testing to be performed within 30 days of discontinuing vacuum, pressure, or hydrostatic monitoring;
- Revised the inspection and testing frequency and required new testing and inspection forms, Certified Unified Program Agency (CUPA) submittals and notifications, and recordkeeping;
- Required an inspection of overfill equipment by October 13, 2018, and every 36 months thereafter;

- Required the submission of a UST Statement of UST Understanding and Compliance Form;
- Added more stringent training requirements; and
- Changed the Designated UST Operator Visual Inspection Report to be more detailed and require a corrective action plan for compliance issues.

For more details on the UST regulatory changes, visit this webpage to see the side-by-side comparison of the State and federal standards and a more detailed summary of changes:

https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/fed_rec_regs_crosswalk_final.pdf

CALIFORNIA HAZARDOUS WASTE CHANGES COMING

Keeping Pace with the USEPA

The Generator Improvements Rule from the United States Environmental Protection Agency (USEPA) took effect on May 30, 2017. This multi-year effort by the USEPA reorganized the hazardous waste (HW) generator requirements and made a number of revisions. These changes include provisions that are identified as being more stringent, less stringent, and neither more or less stringent than prior regulations. States like California that manage the USEPA-equivalent HW programs must adopt those changes that are more stringent.

California must make at least the following changes by July 1, 2019:

- Require notices every 4 years from Small Quantity Generators (SQGs)

and every 2 years from Large Quantity Generators (LQGs) confirming their status as SQGs/LQGs;

- Implement a closure process for LQGs with notification prior to and after completing closure;
- Keep incompatible materials separated at satellite container areas;
- Requirements for emergency preparedness, prevention, and response for SQGs and LQGs for documenting coordination with local authorities and to require LQGs to make a quick reference guide to the contingency plan;
- Require LQGs to keep ignitable or reactive wastes away from fire, heat, or other sources of ignition; and
- Adding the definition of non-acute HW and clarifying definitions of LQG and SQG based on non-acute HW or acute HW generated in a month.

There are also a number of other changes that the Department of Toxic Substances Control (DTSC) can choose to make, but the DTSC has either not decided whether they will make those or have not disclosed their decisions.

Making the above revisions to the HW program will require changes to the regulations and possibly the Health and Safety Code. Since the USEPA changed the regulations to place all requirements in separate sections for SQGs, LQGs, and satellite accumulation areas, for example, the DTSC intends to make similar changes to maintain the parallel structure of the State program with the federal regulations.

Yorke Engineering, LLC has assisted over 850 industrial and government facilities with air, waste, and water regulatory compliance and permitting throughout California. Our staff are very experienced and specialized in assisting customers with their specific EH&S needs related to the local air districts, CARB, DTSC, Water Boards, CUPAs, USEPA, and other regulatory agencies.