

Stormwater Permitting: July 1, 2015 Registration Deadline Approaches for Industrial Facilities

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On July 1, 2015, new and existing industrial facilities throughout California with stormwater discharges will need a register for coverage under the new California Industrial General Permit (IGP). After 18 years, the California IGP is getting a makeover, bringing significant changes for the industry. Understanding how these changes affect your business and preparing now for compliance is vital.

Below are the highlights of the new framework for the California IGP which generally cover the immediate and most important aspects likely to impact business within the next 6 months.

Submitting on SMARTS—What does this mean for industry?

By July 1, 2015, industries are required to submit all permit-related documents electronically via the Stormwater Multi-Application Reporting & Tracking System (SMARTS) (<http://smarts.waterboards.ca.gov>). New and existing dischargers need to register for coverage under this California IGP by certifying and submitting Permit Registration Documents (PRDs) electronically via SMARTS. PRDs include an updated Stormwater Pollution Prevention Plans (SWPPP) and a certification statement signed by the Legally Responsible Person (LRP).

Before PRDs can be submitted electronically, however, all dischargers, both existing and new, must complete a Notice of Intent (NOI) and certification statement signed by the LRP. The challenges of complying with the permit will continue once permit coverage has been granted.

Common mistakes to avoid include:

- Incomplete permit coverage submittal (e.g., not certified by an LRP)
- Incomplete SWPPP (e.g., lacking prescriptive BMPs and site monitoring plan)
- Incomplete SWPPP Map (e.g., lacking clearly defined drainage areas)

Electronically submitting documents via SMARTS will give the public easy and immediate access to permit documents, which could allow the public more readily to seek enforcement actions or file litigation due to a discharger not meeting the new requirements.

Numeric Action Levels (NALs) and Exceedance Response Actions (ERA)—What does Compliance Look Like?

Another significant change is the addition of Numeric Action Levels (NALs) and Exceedance Response Actions (ERA). If past monitoring data results exceed the NALs, now is the time to assess new BMPs or monitoring strategies to reduce those levels. While exceedance of an NAL is not a permit violation, it could draw more scrutiny and negative attention to a site. An exceedance also bumps a site to a Level One or Level Two ERA, both of which are more-costly levels of compliance.

No Exposure Certification (NEC)—Formalized and More Rigorous
Light industry facilities (Category 10) that self-certified no exposure in the past must now obtain formal coverage under the IGP by submitting NEC permit registration documents electronically via SMARTS. NEC filers will receive a Waste Discharge Identification (WDID) number and will be required to annually recertify that the conditions of NEC are being maintained.

In addition the highlights above, there are more changes and impacts on the horizon. Buchalter Nemer will send out periodic updates as the additional changes are made public.



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