

## New 2013 Industrial Stormwater Discharge Permit Changes

<b>New 2013 Permit Requirement</b>	<b>What Does It Mean?</b>	<b>What ECM Services Will Do For You</b>
<p><b>Compliance Groups (CGs)</b></p>	<p>Compliance Groups (CGs) replace Monitoring Groups in the new Permit. Like monitoring groups, compliance groups are made up of industrial dischargers engaged in the same or similar industrial activity. Unlike monitoring groups, compliance groups can only be lead by stormwater compliance management professionals with specified experience and expertise. Compliance Group Leaders (CGLs), unlike monitoring group leaders, take on a greater level of responsibility and liability for each CG member's permit compliance obligations.</p> <p>What this means is that CGLs will have to remove poor performing group members or risk being disqualified by the Water Boards. So in order for a CG leader to maintain the group's membership, the leader will be motivated to work with each member, on an one-on-one basis to ensure each member's permit compliance on a continuous basis. Thus the name "<i>Compliance Group</i>".</p>	<p>ECMS will continue to administer Compliance Groups under the new Permit and will serve as the qualified Compliance Group Leader. Because ECMS has always set a high standard of performance for ourselves, as well as our monitoring group members, the transition from monitoring groups to compliance groups will not be disruptive for our members. We already have in place the more rigorous management systems that will be required to successfully lead compliance groups under the New Permit.</p> <p>As the CGL ECM Services will be required to inspect each member's facility annually to assess permit compliance.</p>
<p><b>Performance-Based Year-Round Program</b></p>	<p>The new Permit eliminates "<i>Dry Season</i>" and "<i>Wet Season</i>" designations. The same level of compliance is required year-round. The new Permit establishes clear "<i>points of compliance</i>" that have to be met in order to demonstrate permit compliance.</p> <p>What this means is in order to be in compliance with the permit, industrial dischargers must be able to document and demonstrate compliance with each permit requirement year-round. So regardless of the quality of a site's stormwater discharges, or even if there is no offsite discharge of stormwater, if the site cannot show that all required site inspections and employee training were done on schedule and in accordance with the new permit requirements, the discharger will be in violation of the permit.</p>	<p>ECM Services will continue to offer a variety of compliance support services and tools to accommodate our group members' individual needs and resources, with our online reporting systems and self-paced training modules for our tech-savvy members, to the more traditional methods of communication via phone, fax and regular mail. Our current compliance support services and tools will be redesigned to provide the more robust interactive management systems required for group members to meet the new Permit's more rigorous compliance requirements.</p>
<p><b>Four (4) Stormwater Samples Per Year Per Discharge Location</b></p>	<p>The new Permit requires stormwater discharge sampling four (4) times each reporting year (July 1 to June 30) <u>from each discharge location</u>. <b>Compliance Group members only have to collect and test two (2) stormwater sample sets each reporting year.</b> Two (2) stormwater samples must be collected and tested from each discharge location during each 6-month period (i.e., July -January &amp; January - July) of each reporting year. Compliance group members only need to collect and test one (1) stormwater sample set for each discharge location for each 6-month period.</p> <p>However, unlike the current permit, the <u>new Permit will not allow for mixing samples from more than one discharge point into a single sample set</u>. Moreover, each industrial stormwater discharger will be required to determine what receiving water the site's stormwater discharges to and to test the site's stormwater for any pollutant that is impairing that receiving water's quality.</p>	<p>ECM Services will continue to provide the same comprehensive stormwater sampling and testing support services for our compliance group members we have for our monitoring group members for the last 20 years. We will work w/each CG member to develop a site-specific SAP that meets the new permit requirements in the least costly and time consuming manner possible, including;</p> <ul style="list-style-type: none"> <li>• Coordinate lab services and pricing;</li> <li>• Provide sample kits and sample instructions;</li> <li>• Provide stormwater sampling training to designated site personnel;</li> <li>• Review all stormwater results received from the lab and/or member to determine compliance with permit conditions and identify corrective actions, if required; and</li> </ul>

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	<p>What this means is that <b><u>the cost, time and effort to collect and test a discharger's stormwater will significantly increase</u></b>, and that each site will have to develop a site-specific Sample and Analysis Plan (SAP), regardless if the site is in a compliance group or not. Moreover, <u>all stormwater test results must be submitted to the Water Board, online, within 30 days of receiving the lab reports.</u></p>	<ul style="list-style-type: none"> <li>Submit testing results to the Water Board within 30 days to ensure permit compliance.</li> </ul>
<b>SMARTs</b>	<p>The new Permit requires that all reports, documents and applications that must be submitted to the Water Boards be done so electronically, online through the Water Board's <i>Stormwater Multi-Application Reporting and Tracking System (SMARTs)</i>, including NOI renewals, NOTs, annual reports and stormwater sampling data. Each stormwater discharger is required to pre-register their facility with SMARTs before any reports can be submitted. This requires each discharger to complete and mail into the Water Board a SMARTs application form in order to be issued a unique password and identification just to access SMARTs in order to setup the discharger's SMARTs Account. This process can take 30 days to complete.</p>	<p>ECM Services will work with each compliance group member to ensure that the member's facility is properly registered in SMARTs, and that ECM Services has been delegated authority to enter data and submit reports into the member's SMARTs account for certification and submittal by the member. For compliance members who do not have email or internet access, we will work with that member and Water Board staff to identify options for submittal of permit documentation to ensure permit compliance.</p>
<b>Legally Responsible Person (LRP)</b>	<p>The new Permit requires each industrial discharger to identify by name, title/position and contact information the <i>Legally Responsible Person (LRP)</i> for that facility. The LRP is the only person that can certify all permit compliance documents, including stormwater testing results and annual reports. <b>The LRP can only be one of the following:</b></p> <ul style="list-style-type: none"> <li>For a corporation the LRP can only be a corporate officer <u>with authority to execute documents on behalf of the corporation</u> pursuant to corporate bylaws or board resolution; or</li> <li>For a partnership or sole proprietorship the LRP can only be <i>a general partner, or the proprietor, that is authorized to execute legally binding documents</i> on behalf of the partnership or sole proprietorship.</li> </ul>	<p>ECM Services will work with each compliance group member to ensure that the facility's LRP is properly identified and designated in SMARTs as required to ensure permit compliance. ECMS will develop training tools specifically for designated LRPs so that there is clear understanding of the LRP's role and responsibilities regarding permit compliance.</p>
<b>Duly Authorized Representative (DAR)</b>	<p>While the new Permit designates the LRP as the entity with ultimate responsibility for permit compliance, the Permit does allow the LRP to identify, and designate in SMARTs, a <i>Duly Authorized Representative (DAR)</i> who is authorized by the LRP to certify and submit annual reports, stormwater testing data and any required technical reports, on behalf of the LRP. <u>The DAR can only be a person who has responsibility for the overall operation of the regulated facility or activity</u>, such as a site manager, <u>or is an individual who has overall responsibility for environmental matters for the facility.</u></p>	<p>ECM Services will work with each compliance group member to ensure that the facility's DAR is properly identified and designated in SMARTs as required to ensure permit compliance. ECMS will develop training tools specifically for designated DARs so that there is clear understanding of the DAR's role and responsibilities regarding permit compliance.</p>
<b>Qualified Industrial Stormwater Practitioner (QISP)</b>	<p>The New Permit requires that Stormwater Pollution Prevention Plans (SWPPP) for Level I and Level 2 compliance status sites (see below) must be developed and implemented by a <i>Qualified Industrial Storm Water Practitioner (QISP)</i>. A QISP is a person that is designated by the LRP to perform compliance activities specified in the</p>	<p>ECM Services is a Qualified Industrial Storm Water Practitioner and will serve as the designated QISP for each compliance group member. As the designated QISP, we will work with the LRP/DAR to identify site personnel to serve as the facility's</p>

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	new General Permit and who meets the educational and experience requirements established by the Water Board.	designated Stormwater Management Team to assist with implementation of the site's stormwater permit compliance efforts.
<b>Permit Registration Documents (PRDs)</b>	<p>The new Permit requires the LRP to register for coverage under the new General Permit by certifying and submitting via SMARTs <i>Permit Registration Documents (PRDs)</i> that include all of the following:</p> <ul style="list-style-type: none"> <li>• Notice of Intent (NOI) Renewal; and</li> <li>• Updated Site Map; and</li> <li>• Updated SWPPP that complies with the new Permit requirements; and</li> <li>• Signed Certification Statement.</li> </ul>	ECM Services will assist each compliance group member with the preparation and submittal of the facility's PRDs including development and submittal of a revised compliance group SWPPP and monitoring plan.
<b>Qualifying Storm Event (QSE)</b>	<p>A <i>Qualifying Storm Event (QSE)</i> is a storm event that produces an offsite discharge of stormwater under specified conditions and which triggers the Permit's stormwater sampling and inspection requirements. Under the new Permit a QSE is defined as an offsite discharge that results from a storm event that produces 1/10 of an inch or more of precipitation in the preceding 24-hour period, following a period of at least 72-hours of dry weather conditions.</p> <p>Under the new Permit dischargers will have up to <i>four (4) hours from either the time the discharge starts, or from the start of business if the discharge started before business hours, to collect stormwater samples and conduct the required visual inspections.</i> Stormwater sampling and visual inspections still need to be conducted only during scheduled business daylight hours.</p> <p>What this means is that dischargers will now have a greater opportunity to collect and test their stormwater discharges under the new Permit's requirements. Consequently, <i>failure to collect the required number of samples, and/or conduct the required visual inspections during the monitoring period when a sufficient number of QSEs occurred will be a violation of the new Permit.</i></p>	ECM Services will continue to provide the same comprehensive stormwater discharge monitoring support services for our compliance group members that we have for our monitoring group members for the last 20 years. ECMS will redesign our multi-tiered monitoring programs to generate the required documentation necessary for our compliance group members to demonstrate compliance with the new Permit's more rigorous monitoring, inspection and reporting requirements.
<b>Numeric Action Levels (NALs)</b>	<p>The new General Permit establishes "<b>compliance status tiers</b>" (see below). <i>Numeric Action Levels (NALs)</i> are stormwater pollutant concentration levels that determine a discharger's compliance status with the new General Permit.</p> <p>NALs levels will be used in the new Permit to determine if an industrial discharger's Best Management Practices (BMPs) are effective and/or if additional measures are necessary to control stormwater pollutants. <i>The higher the compliance status tier, the less effective the discharger's BMPs are in controlling stormwater pollutants, the higher the risk of violating permit compliance requirements.</i></p>	Over the last 20 years, <b>ECM Services has identified and developed a set of BMPs that</b> , when fully implemented and maintained by our members, <b>will achieve Baseline compliance status for our compliance groups.</b> ECM Services will work with each compliance group member to ensure, that by the end of the first reporting year when NALs go into effect, that each member has a clear understanding of what type of BMPs need to be implemented at their facility, and the level of effort and resources required to obtain and maintain Baseline compliance

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	<p>In the new Permit the NALs will be EPA's Multi- Sector Permit Benchmark levels. If a discharger's stormwater test results exceed the NALs after the first year of the new Permit, the discharger will automatically be elevated to Level 1 and will be required to comply with additional and more stringent permit requirements.</p> <p>If a Level 1 discharger exceeds NALs in subsequent reporting years the discharger is automatically <b>elevated to Level 2 and must actively treat the site's stormwater discharges</b> to physically and/or chemically remove the pollutants. To actively treat stormwater typically costs hundreds of thousands of dollars.</p> <p>In order to return to Baseline compliance status, a Level 1 or Level 2 discharger cannot exceed any NAL for four (4) consecutive QSEs. NALs are not effluent limits. While exceeding NAL is not a violation of the new Permit, failure to comply with the more stringent Level 1 and Level 2 permit requirements is a violation.</p>	<p>status with the new General Permit.</p>
<p style="text-align: center;"><b>Baseline Compliance Status</b></p>	<p>Baseline compliance status means that the discharger's BMPs, SWPPP and Monitoring programs are effective in controlling pollutants in the site's stormwater discharges. Baseline dischargers are presumed to be in full compliance with the new General Permit's requirements.</p> <p>Upon adoption of the new General Industrial Permit later this year all permitted industrial dischargers will be designated to be at Baseline status. NALs then go into effective one (1) year after formal adoption of the new Permit. In order to remain at Baseline status after the 1<sup>st</sup> year of the New Permit, dischargers cannot exceed NALs in any subsequent reporting year of the Permit period.</p>	<p><i>ECM Services has identified and <u>developed a set of BMPs that achieve Baseline compliance status</u> when fully implemented and maintained.</i> ECM Services will work with each compliance group member to ensure, that by the end of the first reporting year when NALs go into effect, <u>that each member has a clear understanding of what type of BMPs need to be implemented</u> at their facility, and the level of effort and resources required to obtain and maintain Baseline compliance status with the new General Permit.</p>
<p style="text-align: center;"><b>Level 1 Compliance Status</b></p>	<p>If a discharger's stormwater test results exceed the NALs after the first year of the new Permit, the discharger will automatically be elevated to Level 1 and will be required to comply with additional and more stringent permit requirements, including:</p> <ul style="list-style-type: none"> <li>• Conduct a detailed operational review and site inspection to identify the source of the NAL exceedance (s); and</li> <li>• Identify additional operational and/or source control BMPs to eliminate the exceedance; and</li> <li>• Within 60 days of becoming a Level 1 discharger, prepare and submit to the Water Board via SMARTs an <b>Exceedance Response Action (ERA) Report</b> that describes the source of the NAL exceedance; what additional BMPs will be implemented to eliminate the NAL exceedance(s); and a schedule for implementation of the additional BMPs; and</li> <li>• By October of the following reporting year have implemented all of the identified Level 1 BMPs.</li> </ul>	<p>While it is our goal, as the CGL, to ensure that no compliance group member becomes a Level 1 discharger, in the event that a CG member becomes a Level 1 discharger, ECM will assist the member in meeting the more stringent Level 1 compliance requirements including;</p> <ul style="list-style-type: none"> <li>• Facilitate the onsite operational review and site inspection to identify the source(s) of the NAL exceedance; and</li> <li>• Identify and develop additional site-specific operational and/or source control BMPs designed to eliminate the NAL exceedance; and</li> <li>• Prepare the Level 1 ERA Report, including development of an BMP implementation schedule in accordance with the General Permit; and</li> <li>• Revise the Site's SWPPP and Monitoring Plan to reflect the additional BMPs and monitoring requirements; and</li> </ul>

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<b>Level 2 Compliance Status</b>	<p>A Level 1 discharger's compliance status immediately and automatically changes to Level 2 if stormwater test results exceed the NAL for the same parameter(s) in any subsequent reporting year. Within 120 days of obtaining Level 2 status, the discharger will be required to the following:</p> <ul style="list-style-type: none"> <li>Complete an evaluation of the facility's operational practices, structural controls and SWPPP, to identify and assess all pollutant sources that may have contributed to the NAL exceedance(s); and</li> <li>Identify and develop additional structural and/or treatment control BMPs necessary to eliminate the NAL exceedance. <i>Structural and treatment Control BMPs are the most costly BMPs to implement and maintain;</i> and</li> <li>Prepare and submit to the Water Board via SMARTS a Level 2 ERA Report that includes the following: <ul style="list-style-type: none"> <li>Results of the Level 2 ERA evaluation;</li> <li>A detailed description of additional structural and/or treatment control BMPs and SWPPP revisions for each parameter that exceeded an NAL; and</li> <li>An implementation schedule that shows the design and construction of the identified treatment and/or structural source control BMPs within one (1) year of obtaining Level 2.</li> </ul> </li> </ul>	<p>As long as our compliance group members fully implement and maintain, on a continuous basis, the BMPs and SWPPPs developed by ECM Services, we do not anticipate that any CGL member will obtain Level 2 compliance status while an active member of an ECM Services' compliance group. However, in the event that one of our CG member becomes a Level 2 discharger, ECM will assist the member in meeting the more stringent Level 2 compliance requirements including;</p> <ul style="list-style-type: none"> <li>Facilitate the onsite operational review and site inspection to identify the source(s) of the NAL exceedance; and</li> <li>Identify and develop additional site-specific source control and/or treatment control BMPs designed to eliminate the NAL exceedance; and</li> <li>Prepare the Level 2 ERA Report, including development of an BMP implementation schedule in accordance with the General Permit; and</li> <li>Revise the Site's SWPPP and Monitoring Plan to reflect the additional BMPs and monitoring requirements; and</li> <li>Revise the site's SAP to allow the Level 2 CG member to return back to Baseline status as soon as possible.</li> </ul>
<b>New SWPPP Requirements</b>	<p>The new Permit establishes more rigorous SWPPP development and implementation requirements, including:</p> <ul style="list-style-type: none"> <li><b>Minimum Mandatory BMPs</b> that must be in place regardless if it is raining or not. If the discharger performs the industrial activity onsite, then the minimum mandatory BMP must be in place and functional;</li> <li><b>Monitoring Implementation Plan (MIP)</b> that ensure that all stormwater compliance inspection and stormwater sampling and monitoring reporting are properly documented to effectively demonstrate permit compliance; and</li> <li><b>Monthly Facility Inspections</b> must be conducted to ensure: <ul style="list-style-type: none"> <li>all BMPs are in place and functional on a year-round basis;</li> <li>that adequate housekeeping and equipment maintenance is being maintained on a daily basis, regardless of weather conditions;</li> <li>that there is no unauthorized non-stormwater discharges occurring at any time;</li> </ul> </li> </ul>	<p>The new Permit's SWPPP requirements are not new to ECM Services. Our current monitoring group programs' SWPPP, Monitoring Plan and reporting systems already exceed the new Permit's additional SWPPP requirements. Our current compliance support services and tools will be expanded to provide the more robust interactive management systems required for group members to meet the new Permit's more rigorous compliance requirements.</p>

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	<ul style="list-style-type: none"> <li>♦ that all employee training is current and effective; and</li> <li>♦ That all required facility inspection and stormwater monitoring is being done in accordance with the SWPPP and MIP.</li> </ul>	
<b>No Exposure Certification (NEC)</b>	<p>In 2003 the USEPA established regulation that exempted industrial dischargers from permit compliance when it could be demonstrated that there was no stormwater exposure to the regulated industrial activity. The new 2013 General Industrial Permit incorporates the 2003 USEPA permit variance.</p> <p>What this means is for any regulated industrial discharger that can demonstrate and document, through an engineered site assessment, that no element of the regulated industrial activity is exposed to stormwater and/or surface drainage, the discharger can apply for a <i>No Exposure Certification (NEC)</i>. Dischargers who have been granted an approve NEC by the Water Board are not required to develop SWPPPs, implement BMPs, collect and test stormwater samples, conduct inspections or submit reports to the Water Board.</p> <p>In order to apply for a NEC, the discharger must submit the NEC online via SMARTs, and pay a NEC fee. Then each year, the NEC discharger must recertify that there is no stormwater exposure to the regulated industrial activity and pay an annual NEC fee.</p>	<p>It always has been, and continues to be, one of ECM Services' primary objectives to assist all of our clients in minimizing their permit compliance obligations to the maximum extent possible. This includes identifying opportunities for our compliance members to qualify for either the NEC, or permit termination under the current 1997 Industrial Permit. ECMS will work with any of our members interested in eliminating stormwater exposure to their regulated industrial activities and operations, and/or retaining onsite for infiltration, stormwater produced from the 100 year storm event.</p>
<b>Notice of Non-Applicability (NONA)</b>	<p>Only regulated industrial dischargers that have the potential to discharge offsite stormwater that has come in contact with the industrial activity, have been required to comply with the Industrial Stormwater. In the past, any regulated industrial discharger who could demonstrate that stormwater from up to a 100-year rain event could be retained onsite could terminate permit coverage.</p> <p>The new Permit presumes that all regulated industrial operators will discharge stormwater offsite, unless the discharger files a <i>Notice of Non-Applicability (NONA)</i>. A NONA application must be prepared by a civil engineer who must certify that the site has no hydrologic connection, including groundwater, to surface waters.</p> <p>However, any industrial discharger granted permit termination prior to the adoption of the new 2013 General Industrial Permit will not be required to comply with the new Permit's NONA requirements. What this means is for those industrial dischargers that typically do not discharge stormwater offsite, in order to avoid having to comply with the new Industrial General Permit, which is required regardless if there is an offsite discharge or not, the discharger will need to terminate permit coverage under the current 1997 General Permit before January 2014.</p>	

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<b>Sample Location Reduction (SLR)</b>	Under the current permit, dischargers can consolidate up to four separate discharge locations into a single sample set without any pre-approval from the Water Board . The new Permit now requires that every discharge location be sampled 4 times each reporting year, unless a <i>Sample Location Reduction (SLR)</i> request has prepared and submitted to, and approved by, the Water Board. The SLR must be able to demonstrate that multiple discharge locations are identical in drainage area size and condition; industrial activity taking place w/in the discharge location's drainage area; and the type and concentration of industrial pollutants exposed to stormwater within the drainage area.	It is ECM Services goal that, by the end of the 1 <sup>st</sup> year of the newly adopted General Stormwater Permit, all our compliance group members will have established Baseline compliance status. For any compliance group member that obtains and maintains Baseline status through the 2 <sup>nd</sup> year of the new Permit (when NALs go into effect), ECMS will assist our members with preparation and submittal to the Water Boards for approval, a SLR and/or SFR request. <b><i>Compliance group members that successfully qualify for a SLR and/or SFR request will realize nearly 90% reduction in stormwater sampling and testing costs</i></b> under the new Permit.
<b>Sample Frequency Reduction (SFR)</b>	While the new Permit increases stormwater sampling to 4 times a year for each discharge location, it also allows for reducing the frequency of sampling. Any Baseline discharger that can show no NAL exceedance from four (4) consecutive QSEs can apply for a <i>Sample Frequency Reduction (SLR)</i> request. Dischargers with an approved SLR are only required to sample one (1) QSE in any reporting year.	