

From: [BACHMAN Jeff](#)
To: [ROOT Jenny](#)
Subject: FW: from zach for meeting at 1:00
Date: Tuesday, January 07, 2014 12:44:16 PM
Importance: High

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From: CARLOUGH Les
Sent: Thursday, April 11, 2013 12:24 PM
To: BROWN Courtney; BACHMAN Jeff
Subject: from zach for meeting at 1:00
Importance: High

From: LOBOY Zach
Sent: Thursday, April 11, 2013 11:20 AM
To: CARLOUGH Les
Subject: FW: As requested: outline for potential Div. 12 revisions

Hi Les,

As we discussed this morning Ranei and I have had lots of long discussions and she has some good ideas that might help our discussions on Div 12 in regards to moving "failure to implement a SWPCP" from a Class 2 to class 1. Here are some thoughts and maybe an alternative for potential Division 12 revisions.

This approach is more complicated than what has been discussed; however, it does seem like maybe the time has come to have the discussion and approach Div. 12 revisions for the stormwater program in a more comprehensive manner.

- Focus on BMPs themselves rather than stormwater pollution control plan to be consistent with position that our stormwater permits contain narrative technology-based effluent limits.
 - ✓ SWPCP is a management/operational plan. Failure to implement such a plan would remain a Class II violation.
 - ✓ Does not apply to Municipal Separate Storm Sewer System (MS4) permits, however, because CWA requires Maximum Extent Practicable and, as a result, BMPS are not effluent limits.
- Treat violations of narrative effluent limits in Div. 12 similar to the way we treat violations of numeric effluent limits. Not every violation of a numeric effluent limit is a Class I violation and assignment to penalty matrices is distributed according to treatment size of the facility.
 - ✓ Consider ranking BMPs. Class I BMPs would be ones that are: 1) most important, 2) less

flexible, and 3) less subjective. BMPs vary by industrial site but the permit language does use terms such as “minimize or prevent” versus “prevent” to assist with ranking.

- ✓ Consider different penalty matrices for different sites similar to how 1200-C and wastewater treatment facilities are managed in Div. 12. There are industrial sites that are riskier than others (e.g., scrap yards, larger quarry operations).
- ✓ Consider other permit implementation issues when developing guidance. For example, will the recent revision in our wq standards from total to dissolved metals or the ongoing changes (new listings and de-listings) in the 303(d) list have an impact on how we might approach enforcement actions in this permit cycle?