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Commercial, Industrial, and Institutional Permit – On July 26, 2022, the Los Angeles Regional Water Board released the [draft Waste Discharge Requirements](#) for Stormwater Discharges Associated with Commercial, Industrial, and Institutional Facilities in the Dominguez Channel/Greater Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed (referred to as the Commercial, Industrial, and Institutional Permit or CII Permit). Concurrent with the release of the draft CII Permit, EPA released the [Preliminary Designation](#) of certain Commercial, Industrial, and Institutional stormwater discharges in these watersheds.

The EPA Preliminary Designation [memorandum](#) requests the Regional Administrator to exercise discretionary authority under [40 CFR Section 126.26\(a\)\(9\)\(i\)\(D\)](#), which authorizes EPA to designate additional stormwater discharges for permitting where it is determined that “the discharge, or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.” Absent this designation, dischargers of stormwater not explicitly identified in 40 CFR Section 126.26 are not required to obtain NPDES stormwater permits. EPA issued the Preliminary Designation following a petition and subsequent remand by the US District Court for further action, see [NewFlash 2021-22](#). The Preliminary Designation concludes that “... there is a high likelihood of exposure of pollutants of concern at CII sites to stormwater and sufficient data to demonstrate that discharges from such sites contribute to existing water quality impairments, i.e., water quality standards violations, in the watersheds.” EPA is taking a phased approach to the designation, initially designating the following types of facilities in the watersheds:

1. Unpermitted privately owned CII parcels with \geq five acres of impervious surface.
2. Unpermitted portions of privately owned CII facilities, for which the total facility acreage is \geq five acres, and the facility is either subject to the Industrial General Permit (IGP) or has an IGP No Exposure Certification (NEC).
3. The portions of privately owned CII facilities, under an IGP Notice of Non-Applicability (NONA), that are not covered by the NONA, if those portions exceed five acres.

EPA estimates 640 parcels would be subject to designation in the targeted watersheds, 190 of which are currently covered by the IGP, a NEC, or NONA. EPA intends to continue evaluating sites not currently proposed for designation.

The draft CII Permit proposes requirements for the CII facilities subject to the Preliminary Designation (see facility types above) that include the development of a site-specific Stormwater Pollution Prevention Plan and compliance with Water Quality Based Effluent Limitations (WQBELs). As proposed, Permittees would have three options for WQBEL compliance.:

1. *Agreement with a local Watershed Management Group (WMG) to fund a regional project.* Dischargers must enter into a legally binding agreement with the WMG and fund a downstream regional project proportional to their runoff contributions. Where a downstream project is not feasible, funding can be used for another regional project in the watershed. Discharges selecting option 1 would be deemed in compliance with the WQBELs.
2. *Facility specific design to reduce runoff.* Dischargers must design and implement on-site BMPs to capture, use, or infiltrate the 85th percentile 24-hour storm event. Discharges selecting option 2 would be deemed in compliance with the WQBELs.
3. *Direct demonstration of compliance with the WQBELs.* Dischargers must develop a site-specific monitoring and reporting program to demonstrate compliance with the WQBELs.

The Los Angeles Regional Water Board’s revised [notice](#) provides details for a staff level workshop on August 30, 2022, and the December 8, 2022 public hearing to consider adoption of the permit. Comments on the draft CII Permit and Preliminary Designation are due to the Los Angeles Regional Water Board and [EPA](#) by October 24, 2022.

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