# Industrial Dischargers: Which Copper and Zinc Obligations Can the State Water Board's Sept. 1 Draft Reach?

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Facilities holding coverage under California's Industrial General Permit, as well as individual National Pollutant Discharge Elimination System permittees discharging to waters with an adopted copper or zinc total maximum daily load (TMDL), should watch a draft policy the State Water Resources Control Board anticipates releasing for public comment on September 1, 2026.

The policy would establish protocols for site-specific and permit-specific water quality objectives for copper and zinc in freshwater. The State Water Board first expected the draft in spring 2026, lists the adoption date as undetermined, and the September 1 release may move as well. Before you fund receiving-water chemistry, answer a narrower question: which of your obligations a revised objective can reach.

## The Source Determines the Argument

The Industrial General Permit, State Water Board Order No. 2014-0057-DWQ, as amended, expired on June 30, 2020, and remains in effect through administrative continuance. It sets annual numeric action levels for copper and zinc, and those levels operate as assessment and response triggers. A first exceedance moves a discharger from Baseline to Level 1. A later exceedance for the same parameter in a subsequent reporting year may move the discharger to Level 2 and require an action plan and a technical report. The State Water Board's April 2026 Level 2 guidance states that an exceedance alone does not violate the permit, although a failure to complete the required response actions can.

Those action levels do not establish the applicable water quality objective, so a site-specific objective will not displace them. A site-specific objective can reach a requirement derived from a TMDL, a wasteload allocation, or another applicable water quality standard,


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including an Attachment E effluent limitation. The Attachment E limitation is where the capital cost sits, and it is the obligation worth spending money to change. One qualification belongs with that conclusion, which describes the permit now in force. The State Water Board is developing a reissued Industrial General Permit that could recalibrate the action levels.

## Permit-Specific Objectives Deserve a Comment

The State Water Board's project page describes site-specific objectives, while the current tracking entry adds permit-specific objectives. The board has not published the mechanics, and commenters should ask for them on the record. Until the California Environmental Protection Agency approves a revised standard, the existing objective governs, and no facility may substitute its own calculated value.

## Three Steps Come Before the Draft

First, sort each costly obligation by legal source, and stop where the answer is a statewide action level or an effluent limitation guideline. Second, where the obligation traces to an objective, begin receiving-water chemistry under a written sampling and quality-assurance plan with upstream stations. Capture temperature, pH, dissolved organic carbon, alkalinity, hardness, and major ions, which serve each of the published candidate methods. The Industrial General Permit reporting year runs July 1 through June 30, and a missed sampling period cannot be recreated. Third, calendar the comment period and decide what your record must say about permit-specific objectives.

## The Posture Has Not Changed

No draft exists, and the State Water Board has set no adoption date. A slip in the September 1 release would move the comment deadline and nothing else, because permits renew and total maximum daily loads develop on their own schedules. Enter the comment period knowing which of your obligations a revised objective could reach.


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For help sorting obligations by legal source or preparing comments, contact the author or any member of the firm's Environmental Practice Group.

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