

1 LAWYERS FOR CLEAN WATER, INC.

2 Caroline Koch (SBN 266068)

3 Layne Friedrich (SBN 195431)

4 1004-A O'Reilly Avenue

5 San Francisco, California 94129

6 Telephone: (415) 440-6520

7 Attorneys for CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

8 STATE OF CALIFORNIA
9 STATE WATER RESOURCES CONTROL BOARD

10 In the Matter of the Petition of California) PETITION FOR REVIEW OF CENTRAL
11 Sportfishing Protection Alliance for Review of) VALLEY REGIONAL WATER QUALITY
12 Action by the California Regional Water) CONTROL BOARD ACTION OF
13 Quality Control Board, Central Valley Region,) APPROVING A CHANGE OF
14 Regarding Approval of Change of Information) INFORMATION ALLOWING PARTIAL
15 Terminating Certain Activities and Areas From) TERMINATION OF PERMIT COVERAGE
16 Coverage Under NPDES Permit)
17 No. CAS000001)

1 In accordance with Section 13320 of the California Water Code and Section 2050 of
2 Title 23 of the California Code of Regulations, California Sportfishing Protection Alliance
3 (“CSPA” or “Petitioner”) hereby petitions the State Water Resources Control Board (“State
4 Board”) to review the decision of the California Regional Water Quality Control Board for the
5 Central Valley Region (“Regional Board”) to approve a change of information allowing partial
6 termination of coverage under California’s National Pollutant Discharge Elimination System
7 (NPDES) General Permit for Discharges of Storm Water Discharges Associated with Industrial
8 Activities, Order NPDES No. CAS000001 (“Storm Water Permit” or “Permit”)¹ for storm water
9 discharges associated with regulated industrial activities and areas of an industrial facility
10 owned and operated by Security Contractor Services, Inc. (“SCS” or “Permittee”).

11 According to the Permittee’s Storm Water Pollution Prevention Plan (“SWPPP”), the
12 Permittee “is primarily engaged in the manufacture, storage, and distribution of galvanized
13 fencing and fencing supplies” at its facility located at 5311 Jackson St, North Highlands,
14 California 95660 (“Facility”). *See* Ex. A at p. 2 (September 2017 SWPPP Excerpts (Section
15 1.4). As explained below, SCS first filed a Notice of Intent (“NOI”) to obtain Permit coverage
16 for its galvanized fence manufacturing, storage, sales, and rental activities in 2004. *See* Ex. B
17 (2004 NOI). However, on October 2, 2017, the Regional Board approved the Permittee’s
18 Change of Information (“COI Approval”) and terminated Permit coverage for the portion of the
19 Facility where shipping, receiving, storage, and sales or rentals occur. *See* Exhibit C (COI
20 Approval).

21 The public was not made aware that the Regional Board was considering exempting a
22 portion of the Facility that has been covered under the Permit since 2004, as the Regional Board
23 failed to make the Permittee’s COI request and supporting documentation provided by the
24 Permittee available to the public via the Storm Water Multiple Application and Reporting
25 Tracking System (“SMARTS”) database prior to issuing the COI Approval.

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28 ¹ The Storm Water Permit is also referred to as “IGP” in Regional Board documents discussed below.

1 **1. NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS (IF**
2 **AVAILABLE) OF THE PETITIONER**

3 Petitioner is California Sportfishing Protection Alliance, located at 3536 Rainer Avenue,
4 Stockton, California 95204. CSPA’s telephone number is 209-464-5067. CSPA’s executive
5 officer is Bill Jennings, whose email address is: deltakeep@me.com.

6 **2. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD**
7 **WHICH THE STATE BOARD IS REQUESTED TO REVIEW AND A**
8 **COPY OF ANY ORDER OR RESOLUTION OF THE REGIONAL BOARD**

9 CSPA requests the State Board review and rescind the COI Approval, which is attached
10 as Exhibit C.

11 **3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED**
12 **TO ACT OR ON WHICH THE REGIONAL BOARD WAS REQUESTED**
13 **TO ACT**

14 The COI Approval was issued on October 2, 2017. *See Ex. C.*

15 **4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE**
16 **ACTION OR FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER**

17 In issuing the COI Approval, the Regional Board failed to act in accordance with
18 relevant governing law and acted arbitrarily and capriciously. Specifically, but without
19 limitation, the Regional Board:

- 20 A. Improperly terminated Permit coverage for storm water discharges associated
21 with regulated industrial activity and areas of industrial activity at the
22 Permittee’s Facility.
- 23 B. Improperly terminated Permit coverage for portions of the Facility though NOI
24 and No Exposure Certification (“NEC”) coverage under the Permit are mutually
25 exclusive and apply on a facility-wide basis.
- 26 C. Failed to require that storm water discharges associated with regulated industrial
27 activities and areas of industrial activity be covered under the Permit though the
28 Permittee is currently in Level 2 for zinc—the pollutant that is directly associated
 with the exempted activity.
- D. Failed to provide any legal authority or basis for its issuance of the COI

1 Approval.

2 E. Failed to provide adequate factual basis, if any, for its issuance of the COI
3 Approval.

4 F. Failed to make the COI request, the information received in support of the COI
5 request and COI Approval, or the COI Approval, publicly available via the
6 SMARTS database prior to issuing the COI Approval.

7 **5. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED**

8 Petitioner is a 501(c)(3) non-profit public benefit organization that was established in
9 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, wildlife,
10 fishery resources, aquatic ecosystems, and associated riparian habitats. CSPA's members use
11 and enjoy the waters into which the Permittee's Facility discharges as well as other waters
12 within the Regional Board's jurisdiction. CSPA and its member directly benefit from the ability
13 to use and enjoy these waters.

14 CSPA's members will be impacted by any action the Regional Board takes regarding the
15 scope and applicability of the Permit to facilities within the Regional Board's jurisdiction.
16 CSPA also has a direct interest in seeing that the Regional Board properly and effectively
17 implements the provisions of the Water Code, and the Clean Water Act, including by requiring
18 the regulation of storm water associated with industrial activity. CSPA and the general public
19 are aggrieved by the Regional Board's refusal to proceed as required by law.

20 Petitioner is aggrieved by the Regional Board's unsupported legal and factual
21 conclusions and improper approval of termination of Permit coverage for polluting portions of
22 the Facility, resulting in unregulated discharges of storm water containing elevated levels of
23 zinc and other pollutants. Petitioner is aggrieved by the Regional Board's action that is contrary
24 to law and the types of coverage set out in the Permit. Finally, Petitioner is aggrieved by the
25 Regional Board's actions that were made without any public notice or public participation.

26 **6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD**
27 **WHICH PETITIONER REQUESTS**

28 Petitioner requests that the State Board rescind the COI Approval that terminates Permit

1 coverage for storm water discharges associated with certain regulated activities and
2 approximately one (1) acre of the Permittee's Facility where industrial activities occur and
3 where industrial materials are shipped, received, stored, and rented or sold.

4 **7. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF**
5 **LEGAL ISSUES RAISED IN THE PETITION, INCLUDING CITATIONS**
6 **TO DOCUMENTS OR THE TRANSCRIPT OF THE REGIONAL BOARD**
7 **HEARING IF IT IS AVAILABLE**

8 **A. Factual and Procedural Background.**

9 **i. CSPA's Clean Water Act Enforcement Action.**

10 In April 2015, pursuant to section 1365 of the Clean Water Act, CSPA initiated a citizen
11 enforcement action against the Permittee based on its ongoing and continuous violations of the
12 Permit. In March 2016, CSPA successfully resolved its enforcement action via a Consent
13 Decree, which has been entered as an order of the Court in the Eastern District of California.

14 In relevant part, the Consent Decree requires that the Permittee: (1) implement advanced
15 BMPs for drainage areas at the Facility that discharge storm water containing pollutants above
16 agreed-upon numeric levels, (2) collect storm water samples from all locations where storm
17 water associated with industrial activities discharges from the Facility, and (3) provide CSPA
18 with all correspondences to and from the Regional Board.

19 Pursuant to the Consent Decree, CSPA is currently engaged with SCS in the Consent
20 Decree compliance process. Any disputes between CSPA and SCS related to SCS's compliance
21 with the Consent Decree will be resolved via the agreed-upon dispute resolution process.
22 However, because this petition pertains to the Regional Board's partial termination of Permit
23 coverage for the Facility and not discharges or any other matter addressed by the Consent
24 Decree, per the terms of the Consent Decree CSPA has preserved its rights to address or take
25 any position that it deems necessary or appropriate in any formal or informal proceeding before
26 administrative bodies relating to storm water discharges from the Facility occurring or arising
27 after the Effective Date of the Consent Decree.

28 **ii. The Regional Board's Action Leading up to the COI Approval.**

The Permittee sent the Regional Board a letter dated July 14, 2017, expressing its intent

1 to terminate Permit coverage for certain industrial activities at the Facility. *See* Ex. D (July 14,
2 2017 Letter). On September 18, 2017, staff from the Regional Board inspected the Facility and
3 issued an inspection report. *See* Ex. E (Inspection Report). In the Inspection Report, the
4 Regional Board acknowledges that the product manufactured at the Facility—chain link
5 fencing—is the material used to “separate” the manufacturing portion of the Facility from the
6 fence storage and rental area of the Facility, that the Facility is in Level 2 for zinc, and that the
7 northern portion of the Facility where the fence storage and rental area is located drains to
8 discharge point SP-1. *See* Ex. E at p. 1 (Inspection Report). The Inspection Report also includes
9 six (6) photographs of the Facility. *See* Ex. E at pp. 3-5 (Inspection Report). As documented in
10 the Inspection Report, the Regional Board claims it made the following “observations” at the
11 Facility during the inspection: (1) the Facility has two distinct drainage areas; (2) the rental area
12 is located in the northern portion of the Facility and discharges to SP-1; (3) the southern portion
13 of the Facility is where fencing is stored; and (4) forklifts cannot move between the two areas.
14 *See* Ex. E at pp. 1-2 (Inspection Report). Apparently based on these “observations” the Regional
15 Board then concludes, without more, that “the northern area no longer needs to be managed or
16 sampled under the IGP.” *See* Ex. E at p. 2 (Inspection Report); *see also* Ex. M (September 2017
17 Email Exchange Between Michael Fischer and Rebecca Greenwood).

18 On September 19, 2017, the Permittee revised its SWPPP. The revised SWPPP states
19 that the Permittee “has discontinued all industrial operations in the northern portions of the
20 [Facility] that is tributary to outfall SP-1,” and that “[t]he remaining activities and materials
21 stored in this area are solely related to SCS’s rental operations which are non-industrial (SIC
22 code 7359) and are not regulated under the IGP.” *See* Ex. A at pp. 47-48 (September 2017
23 SWPPP Excerpts).

24 On September 26, 2017, the Regional Board issued an Inspection Transmittal. *See* Ex. F
25 (Inspection Transmittal). The Inspection Transmittal states, “[i]t appears that runoff from the
26 manufacturing portion of the facility does not comingle with runoff from the rental portion of
27 the facility. *See* Ex. F (Inspection Transmittal). The Regional Board Inspection Transmittal then
28 informs the Permittee that “the rental portion of the facility no longer falls under Standard

1 Industrial Classification 3496.” Ex. F (Inspection Transmittal).

2 On September 27, 2017, and September 28, 2017, the Permittee submitted a COI
3 Request via the SMARTS database. *See* Ex. N (COI Request). In the COI Request, the
4 Permittee stated two reasons for the COI, “1) Map discrepancy regarding site size. More
5 detailed and accurate information regarding the site has resulted in a reduction of the site size,”
6 and “2) SCS has discontinued all industrial operations in the northern portions of the SCS
7 facility that are tributary to outfall SP-1. The remaining activities and materials stored in this
8 area will be solely related to SCS's rental operations which are non-industrial and are not
9 regulated under the 2015 IGP. These operations are classified under SIC code 7359 - Equipment
10 Rental and Leasing, Not Elsewhere Classified.” *See* Ex. N (COI Request). The COI Request
11 references two attachments, “Revision to SWPPP” and “Cover Letter.” *See* Ex. N (COI
12 Request). CSPA presume the referenced SWPPP is the September 2017 SWPPP, and the
13 “Cover Letter” is the letter dated September 28, 2017, from the Permittee to the Regional Board
14 (included as part of Exhibit N).

15 Also, on September 28, there was a series of emails exchanged between the Regional
16 Board, the State Board, and the Permittee. First, at 12:08pm the Permittee’s consultant
17 contacted Mr. Patrick Otsuji and the “Stormwater Helpdesk,” stating, “Our client (WDID:
18 5S34I018621) submitted a COI (COI ID: 42129) yesterday. We would like to update some
19 information.” Ex. O at p. 2 (September 28 Emails). Next, 12:55pm the Storm Water Section
20 responded that “Since the COI is submitted it cannot be deleted. You will need to wait until the
21 local Regional Water Board staff reviews it before another COI can be started.” Ex. O at p. 1
22 (September 28 Emails). Then, at 1:10pm the Permittee’s consultant indicated that there was a
23 phone conversation between the Helpdesk and him and stated, “Please assist to return the COI
24 (COI ID: 42129).” Ex. O at p. 1 (September 28 Emails). Subsequently, at 1:22pm the Permittee
25 received an email from “do_not_reply@waterboards.ca.gov”, which cc’d
26 “r5_stormwater@waterboards.ca.gov” stating, “Your Change of Information request for NOI is
27 Returned ... to allow the discharger to upload additional documents.” Ex. O at p. 3 (September
28 28 Emails). Finally, at 3:41pm CSPA received an email from the Permittee stating, “COI

1 updated with supporting documents.” Ex. O at p. 4 (September 28 COI Email). No documents
2 were attached to any of the September 28 emails.

3 **iii. Discharges from the Exempted Portion of the Permittee’s Facility.**

4 In its revised SWPPP, the Permittee asserts that the Facility is “approximately 5.33 acres
5 (4.34 acres comprise industrial activity areas).” Ex. A at p. 2 (September 2017 SWPPP
6 Excerpts).² Samples collected by the Permittee of storm water discharging from the 0.99 acres
7 of the Facility that the Permittee claims do not include industrial activities document elevated
8 levels of pollutants associated with its industrial activities. Specifically, during the 2016-2017
9 reporting year, concentrations of pollutants in storm water discharges sampled at SP-1 were as
10 follows:

Date sample collection	Sample Location	Parameter	Result	Units
10/14/16	SP-1	Total Aluminum	8.9	mg/L
10/14/16	SP-1	Total Aluminum	6.7	mg/L
12/15/16	SP-1	Total Aluminum	1.5	mg/L
10/14/16	SP-1	Total Iron	1.3	mg/L
12/15/16	SP-1	Total Iron	1.8	mg/L
1/18/17	SP-1	Total Iron	1.2	mg/L
10/14/16	SP-1	N+N	2.4	mg/L
10/14/16	SP-1	N+N	2.4	mg/L
12/8/16	SP-1	N+N	0.73	mg/L
10/14/16	SP-1	Dissolved Zinc	2.2	mg/L
12/8/16	SP-1	Dissolved Zinc	0.15	mg/L
12/15/16	SP-1	Dissolved Zinc	0.15	mg/L
1/18/17	SP-1	Dissolved Zinc	0.2	mg/L
3/21/17	SP-1	Dissolved Zinc	0.31	mg/L

27 ² The 2017 NOI lists the “site size” as 4.34 acres, and identifies 3.51 acres as the “Industrial Area Exposed to
28 Storm Water.” See Ex. I (2017 NOI). Because the September 2017 SWPPP post-dates the 2017 NOI and the
Inspection Report, Petitioner relies on the information in the September 2017 SWPPP and not the 2017 NOI.

Date sample collection	Sample Location	Parameter	Result	Units
10/14/16	SP-1	Total Zinc	2.7	mg/L
10/14/16	SP-1	Total Zinc	2.6	mg/L
12/8/16	SP-1	Total Zinc	0.2	mg/L
12/15/16	SP-1	Total Zinc	0.56	mg/L
1/18/17	SP-1	Total Zinc	0.56	mg/L
3/21/17	SP-1	Total Zinc	0.33	mg/L

As is show in the above table, it is indisputable that pollutants associated with SCS’s industrial activities are present in the drainage area of the Facility that the Regional Board has exempted from Permit coverage.

B. The Regional Board’s COI Approval Violates the Express Terms of the Permit and Has No Legal or Factual Bases.

The Regional Board’s conclusions are contrary to the express terms of the Permit and the Clean Water Act, are not based on any analysis, and have no legal or factual support.

i. The Industrial Activities and Area of the Facility for Which the Regional Board Terminated Permit Coverage Are Regulated by the Permit.

The express terms of the Permit, which incorporate the Clean Water Act federal regulations for what storm water discharges are regulated, require coverage for the northern portion of the Facility, which the Regional Board exempted in its COI Approval.

The Permit regulates “industrial materials” including requiring the identification of all industrial materials and the location where industrial materials are stored, received, shipped, and handled. *See* Permit, Section X.A; *see also* Permit, Section X.F. The Permit defines “industrial materials” to include: “raw materials, recyclable materials, intermediate products, *final products*, by product, waste products, fuels, materials such as solvents, detergents, and plastic pellets; *finished materials such as metallic products*... .” Storm Water Permit, Glossary, p. 3 (emphasis added). Further, the Permit defines “storm water associated with industrial activities” to include: “[t]he discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage

1 areas at an industrial plant as identified in Attachment A of this General Permit. ... The term
2 includes, but is not limited to, storm water discharges from ... *manufactured products*... used
3 or created by the facility; *material handling sites*... *shipping and receiving areas*;
4 manufacturing buildings; *storage areas* ... for ... *finished products*; and areas where industrial
5 activity has taken place in the past and significant materials remain and are exposed to storm
6 water.” Storm Water Permit, Glossary, p. 7 (emphasis added).

7 The finished chain link fence stored in the area of the Facility the Regional Board has
8 exempted from Permit coverage is a “final product” and/or a “finished...metallic product.”
9 Thus finished chain link fence is regulated by the Permit. And pursuant to the Storm Water
10 Permit definition of “storm water associated with industrial activities” storm water discharges
11 associated with the areas of the Facility where finished chain link fence is shipped, received,
12 stored, and rented are regulated by the Permit and the Clean Water Act. However, neither the
13 COI Approval, Inspection Report, or Inspection Transmittal contain any analysis of why the
14 finished chain link fence is not regulated “industrial material,” or why discharges from the
15 exempted are not “associated with industrial activities.”

16 Further, since obtaining Permit coverage in 2004, the Permittee has identified the
17 Standard Industrial Classification (“SIC”) code applicable to the Facility as SIC code 3496,
18 which includes manufacturing fabricated wire products. *See* Exhibit B (Permittee’s 2004 NOI).
19 Yet, in the Inspection Report the Regional Board baldly concludes that SIC code 3496 does not
20 apply to the northern portion of the Facility, adopting the Permittee’s position. *See* Ex. E at pp.
21 1-2 (Inspection Report); *see also* Ex. F (Inspection Transmittal). However, in the SIC Manual,
22 SIC code 7359 is entitled, *Equipment Rental and Leasing, Not Elsewhere Classified*, and
23 specifically states that SIC code 7359 applies to “[e]stablishments primarily engaged in renting
24 or leasing (except financial leasing) equipment not elsewhere classified.” *See* Ex. G at pp. 363-
25 364 (excerpts of Standard Industrial Classification Manual). Because the Permittee’s Facility is
26 already classified as SIC code 3496, SIC code 7359 cannot apply to the Facility where fence
27 storage and renting occurs. And the Facility is not “primarily engaged” in renting chain link
28 fence. Rather, the Facility’s primary function is to manufacture chain link fence, store it on-site,

1 and sell or rent it. *See* Ex. B (2004 NOI); *see also* Ex. H (2015 NOI); *see also* Ex. I (2017 NOI)
2 (each NOI identifies the primary SIC code as 3496); *see also* Ex. A at p. 2 (September 2017
3 SWPPP Excerpts) (“Security Contractor Services is primarily engaged in the manufacture,
4 storage, and distribution of galvanized fencing and fencing supplies.”).

5 Thus, in issuing the COI Approval, the Regional Board has exempted regulated
6 industrial material and terminated Permit coverage for storm water discharges associated with
7 industrial activities in direct contravention of the express Permit terms.

8 **ii. The Inspection Report and the Inspection Transmittal Do Not Support**
9 **the Regional Board’s COI Approval.**

10 The Regional Board’s Inspection Report and Inspection Transmittal fail to support the
11 Regional Board’s COI Approval for at least four reasons.

12 First, the Inspection Report is factually inaccurate. In the Inspection Report, the
13 Regional Board asserts that there are “the two distinct drainage areas at the Facility.” Ex. E at
14 p. 1 (Inspection Report). However, the Facility site map included in the SWPPP identifies seven
15 (7) drainage areas. *See* Ex. A at p. 8 (September 2017 SWPPP Excerpts); *see also* Ex. J at p. 8
16 (March 2016 SWPPP Excerpts); *see also* Ex. K at p. 6 (February 2015 SWPPP Excerpts).

17 Second, the Inspection Report is internally inconsistent. In particular, in the Inspection
18 Report the Regional Board concludes, “Industrial operations that fall under SIC Code 3496
19 were observed only on the southern portion of the Facility; therefore, northern rental area no
20 longer needs to be managed or sampled under the IGP... .” Ex. E at pp. 1-2. But the Inspection
21 Report also confirms that fencing is stored in both the southern *and* northern portions of the
22 Facility. *See* Ex. E at pp. 3-4 (Inspection Report Photo 2 (fence storage in northern portion of
23 Facility)) and (Inspection Report Photo 3 (fence storage in southern portion of Facility)). As
24 explained above, fence storage is covered under SIC code 3496.

25 Third, the Regional Board’s apparent “test” to determine that there are no regulated
26 activities across the northern and southern portions of the Facility is nonsensical. The Regional
27 Board states, “the northern and southern portions of the Facility are separated by a chain link
28 fence and no forklift traffic can occur between the two portions.” Ex. E at p. 1 (Inspection

1 Report); *see also* Ex. M (September 2017 Email Exchange Between Michael Fischer and
2 Rebecca Greenwood). Whether a forklift can move between two portions of a facility is not
3 determinative of whether activities in separate parts of a facility are regulated by the Permit. Not
4 only is the chain link fence separating the two portions temporary and could easily be removed,
5 but the Inspection Report documents a truck loaded with the final product—fencing—traveling
6 through the northern portion of the Facility. *See* Ex. E at p. 3 (Inspection Report Photo 1). The
7 same industrial material is located, and the same industrial activity occurs, in both the
8 “unregulated” northern area and the “regulated” southern portion of the Facility. Thus, the
9 photographs taken at the Facility that are attached to the Regional Board’s Inspection Report
10 confirm that the Permittee conducts regulated industrial activities in the northern portion of the
11 Facility that drains to SP-1.

12 Finally, the Regional Board cites the Permittee’s “plans to install a treatment system in
13 response to being in Level 2 for zinc... .” Ex. E at p. 2. However, the Regional Board does not
14 make it clear in the Inspection Report whether the Permittee’s planned treatment system will
15 treat storm water discharges from SP-1. *See* Ex. A at p. 2 (September 2017 SWPPP Excerpts)
16 (excluding the 0.99 acres of the Facility that discharge to SP-1 from treatment). It is CSPA’s
17 understanding based on discussions with the Permittee that the Permittee does not intend to
18 include storm water discharges in the 0.99 acres exempted from Permit coverage per the COI
19 Approval in the treatment system. Further, in the September 2017 email exchange between
20 Michael Fischer and Rebecca Greenwood, Mr. Fischer refers to “good BMPs” without
21 identifying what those BMPs are or how their effectiveness was evaluated. *See* Ex. M
22 (September 2017 Email Exchange Between Michael Fischer and Rebecca Greenwood).

23 Accordingly, the Regional Board’s issuance of the COI Approval terminating Permit
24 coverage for 0.99 acres of the Facility has no factual basis.

25 **C. The Permittee Cannot Satisfy the Non-Exposure Certification**
26 **Requirements and the Regional Board’s Exemption is Contrary to the**
27 **Procedure for Non-Exposure Certification Established in the Permit.**

28 The Permittee cannot meet the “No Exposure Certification” requirements set out in the
Storm Water Permit and the Regional Board acted contrary to law when it approved the

1 Permittee’s carving out a portion of its Facility from Permit coverage.

2 The Storm Water Permit only provides for two types of permit coverage: (1) NOI and
3 (2) NEC. *See, e.g.*, Storm Water Permit, Secs. XVII and XIX.A; *see also* Storm Water Permit
4 Fact Sheet, pp. 5, 12, 14, 68- 69; *see also* Storm Water Permit, Attachment D and Appendix 2.
5 As confirmed by the EPA’s *Guidance Manual for Conditional Exclusion from Storm Water*
6 *Permitting Based On “No Exposure” of Industrial Activities to Storm Water (“Guidance”)*,
7 which the State Board relied on in developing the NEC permit coverage (*see* Storm Water
8 Permit Fact Sheet, p. 69), the types of permit coverage ***are mutually exclusive and apply on a***
9 ***facility-wide basis***. *See* Ex. L at p. 3 (Guidance (“The exclusion from permitting is available on
10 a facility-wide basis only, not for individual outfalls.”)).

11 Per the express language of the Permit the Permittee may not carve out a portion of its
12 industrial Facility based on a “No Exposure Certification,” which is, in effect, what the
13 Regional Board has approved. Nor has the Permittee sought to change its Permit coverage for
14 the entire Facility to NEC coverage. Since the Permit became effective in 2015, the SMARTS
15 database lists 234 facilities in the Sacramento division of the Regional Board’s jurisdiction—the
16 division where the Facility is located—as having submitted NECs. The Facility is not one of
17 those 234 facilities. Instead, the Facility is currently listed as “active” and is included in the list
18 of 1,466 facilities with NOIs active for at least one day.

19 In any event, even if the Permittee can seek both NEC and NOI coverage—which it
20 cannot—the Permittee cannot meet, and has not met, the NEC requirements. *See* Permit,
21 Section XVII.A.1 (NEC requires demonstration that industrial materials and activities are not
22 exposed to storm water). Storm water sampling data for the Facility included in the above table
23 documents that there are pollutants associated with SCS’s industrial activities in the northern
24 portion of the Facility. While in its revised SWPPP, the Permittee purports to meet the NEC
25 “checklist” requirements, the Permittee has provided no evidence of an evaluation of the
26 northern portion of the Facility that discharges to outfall SP-1 that would support a conclusion
27 that industrial materials or activities in that area are not exposed to precipitation. *See* Ex. A at
28 pp. 47-48 (September 2017 Excerpts). As explained above, Regional Board’s own photographs

1 taken at the Facility, which are attached to the Inspection Report, verify that the Permittee *does*
2 conduct industrial activities in the areas that drain to SP-1 and that industrial materials *are*
3 exposed to storm water. *See* Ex. E at pp. 3-4 (Inspection Report) (Photo 1 showing truck loaded
4 with fencing driving to/through “unregulated” northern portion of Facility), (Photo 2 showing
5 fence storage in “unregulated” northern portion), and (Photo 3 showing fence storage labeled as
6 “regulated activity” on southern portion).

7 Accordingly, to the extent the COI Approval is based on the Permittee’s NEC
8 “checklist,” it is contrary to the express Permit terms and cannot excuse the Permittee from
9 meeting the requirements of the Storm Water Permit in the northern portions of the Facility.

10 **D. The Regional Board May Not Allow the Permittee to Avoid Complying**
11 **with the Level 2 Requirements by Issuing the COI Approval.**

12 By issuing the COI Approval, the Regional Board has improperly allowed the Permittee
13 to avoid taking further remedial actions at the Facility for areas that drain to SP-1 in response to
14 Numeric Action Level (“NAL”) exceedances. The Regional Board may not legally facilitate the
15 Permittee’s end-run around the applicable Exceedance Response Actions (“ERAs”).

16 As shown by the above-listed sampling data, pursuant to Storm Water Permit Section
17 XII.D.2, the Permittee is in Level 2 for zinc, among other pollutants. As required by Permit
18 Section XII.D.2.a., the Permittee is therefore required to follow the already-established ERAs.
19 To the extent the Permittee wishes to demonstrate that the exceedances of the Total Zinc
20 Annual NAL (0.26 mg/L) reported during the 2016-2017 reporting year are not caused by its
21 industrial activities in the northern portion of the Facility, SCS must comply with the “Non-
22 Industrial Pollutant Source Demonstration” set out at Storm Water Permit Section XII.D.2.b.

23 But, again, because the September 2017 SWPPP fails to include the exempted 0.99 acres
24 in the Permittee’s storm water management plans and instead refers to an “NEC checklist” as to
25 that area, the September 2017 SWPPP confirms that the Permittee will not comply with the
26 Level 2 requirements as to the northern portion of the Facility for which the Regional Board has
27 terminated Permit coverage. *See* Ex. A at pp. 2, 47 (September 2017 SWPPP Excerpts). Thus,
28 the Regional Board’s COI Approval improperly allows the Permittee to circumvent the existing

1 procedure established by the Storm Water Permit.

2 **E. Conclusion.**

3 The COI Approval terminates Permit coverage for certain portions of the Facility in
4 violation of the express terms of the Permit, without any legal or factual basis, and in a manner
5 that allows the Permittee to avoid existing, applicable Permit requirements. As such, the COI
6 Approval is properly rescinded.

7 **8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE**
8 **APPROPRIATE REGIONAL BOARD AND TO THE DISCHARGER, IF**
9 **NOT THE PETITIONER**

10 A true and correct copy of the Petition was delivered via electronic mail and First Class
11 mail to the State Board, the Regional Board, and the Permittee on November 1, 2017.

12 **9. A STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS**
13 **RAISED IN THE PETITION WERE RAISED BEFORE THE REGIONAL**
14 **BOARD, OR AN EXPLANATION OF WHY THE PETITIONER WAS NOT**
15 **REQUIRED OR WAS UNABLE TO RAISE THESE SUBSTANTIVE**
16 **ISSUES OR OBJECTIONS BEFORE THE REGIONAL BOARD**

17 Petitioner was unable to raise the issues outlined above before the Regional Board.
18 Specifically, counsel for Petitioner received the COI Approval via an email forward from the
19 Permittee. *See* Ex. C (October 2, 2017 Email from Permittee forwarding COI Approval).

20 Upon receipt, counsel for CSPA contacted the Regional Board to discuss the basis for
21 the conclusions as set forth in the Regional Board's Inspection Report, Inspection Transmittal,
22 and the basis for the COI Approval. Counsel for the Regional Board did not provide any
23 information or rationale for the conclusions or Permit exemption other than those contained in
24 the Inspection Report and Inspection Transmittal, and stated that the scope of Permit coverage
25 is based solely on the Permittee's characterization of the northern portion as a "rental"
26 operation.

27 In addition, the portions of the SMARTS database available to the public did not include
28 the COI request that was submitted by the Permittee, or any of the supporting documentation
that the Regional Board requested and apparently considered before processing the COI
Approval.

1 Further, the Regional Board's initial responses to counsel's PRA provided no documents
2 that would support the COI Approval. As of November 1, counsel is continuing to follow-up
3 with the Regional Board in an effort to obtain Change of Information that was submitted by the
4 Permittee, or any of the supporting documentation that the Regional Board requested and
5 considered before processing the COI Approval. If, and when, those documents are obtained,
6 Petitioner will submit them as supplemental exhibits to this Petition.

7
8 Respectfully submitted via electronic mail and U.S. Mail,

9 Dated: November 1, 2017

LAWYERS FOR CLEAN WATER, INC.



10 Caroline Koch
11 Layne Friedrich
12 Attorneys for Petitioner
13 California Sportfishing Protection Alliance
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28

Exhibit A

Security Contractor Services, Inc.

Security Contractor Services, Inc.
5339 Jackson Street
North Highlands, CA 95660
Phone 916 338 4200
Fax 916 338 1012

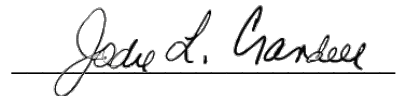
Storm Water Pollution Prevention Plan And Monitoring Implementation Plan

Security Contractor Services, Inc.
5339 Jackson Street
North Highlands, California

Prepared by Keramida Environmental, Inc.
Last Revised September 2017



Ron Hayes
Project Manager



Jodie Crandell
Project Engineer

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Security Contractor Services, Inc.
STORM WATER POLLUTION PREVENTION PLAN
CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that this facility is in compliance with the requirements of the General Permit.

Signature: 

Print: Joe McCaslin

Title: DIRECTOR

Certification Date: 9/19/2017

- NOI and signed Electronic Authorization Form
- Site Map
- Storm Water Pollution Prevention Plan

1.3. Plan Reviews and Revisions

The Team Leader will review the SWPPP annually and update the plan when a change in design, construction, operation, or maintenance impacts the potential for pollutants to be discharged or when existing BMPs need improvement or enhancement to prevent pollution of storm water discharges. The Facility will revise its SWPPP whenever necessary and certify and submit via SMARTS their SWPPP within 30 days whenever the SWPPP contains significant revisions or every three months if there are non-significant revisions.

1.4. Facility Description

Security Contractor Services is primarily engaged in the manufacture, storage, and distribution of galvanized fencing and fencing supplies. SCS operates Monday-Friday from 7:00 am to 4:30 pm. SCS is located at the following coordinates (latitude 38.664594, longitude -121.374413). The WDID number is 5S34I018621. SCS operates under SIC Code 3496 – Miscellaneous Fabricated Wire Product. The Regional Water Board for SCS is the Central Valley Regional Water Quality Control Board.

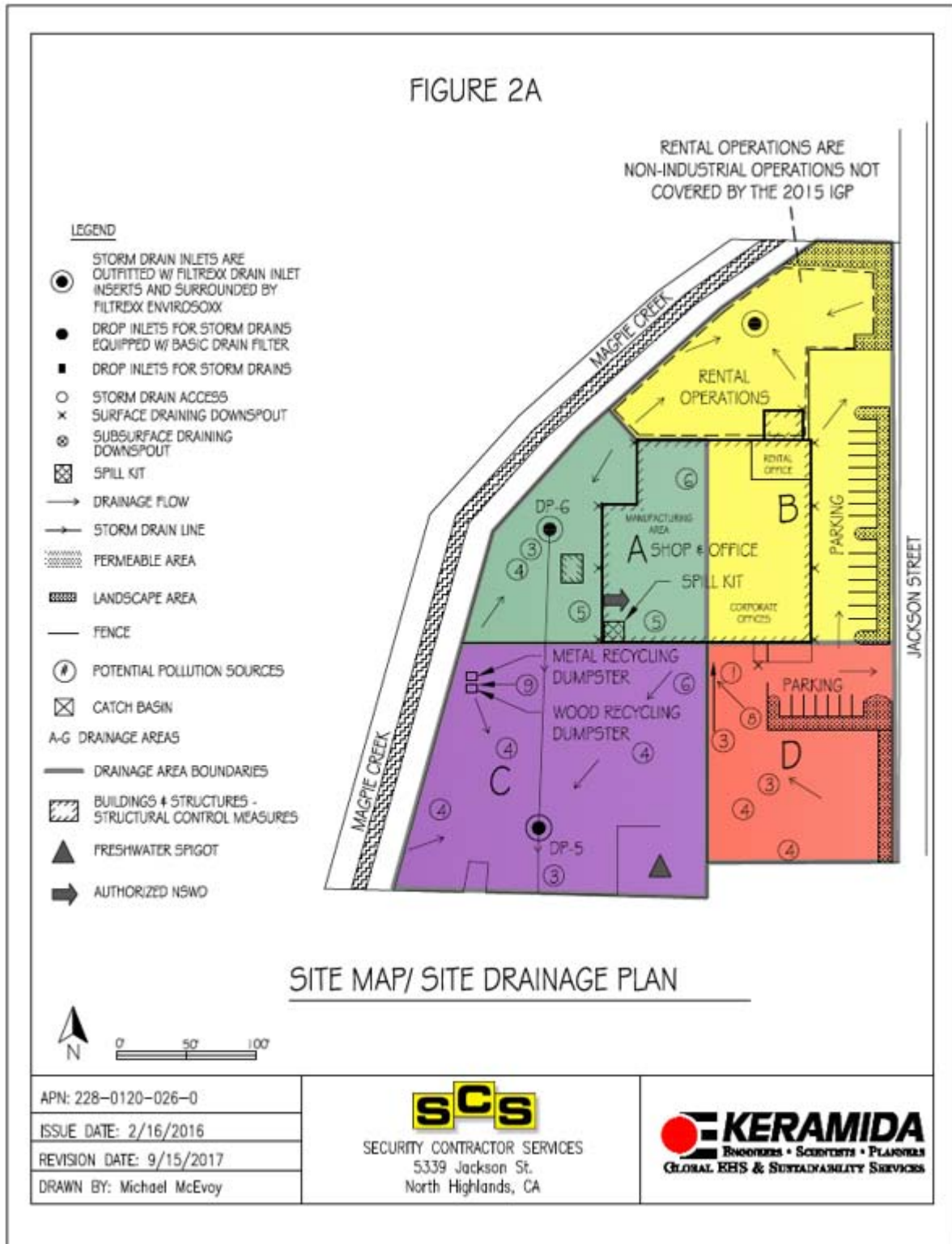
SCS leases the property on which the facility is located. SCS is the sole owner and operator of the industrial activity and operations at the site. SCS occupies approximately 5.33 acres (4.34 acres comprise industrial activity areas), bordered by Magpie Creek along the western and northern boundary, Jackson Street on the east and another commercial/industrial property adjacent to the south of the Facility. The receiving water is Magpie Creek. The HUC-10 303d listed impairments identified in SMARTS for the site are identified in Section 7.2. The owner of the storm drain system is the municipality, North Highlands.

Two main structures occupy the site. Each building has its own parking lot that runs parallel to Jackson Street. A metal manufacturing building on the northern portion houses administration offices and a fabrication shop. On the southern portion of the site, there is another metal manufacturing building that houses administrative offices, warehouse space and a maintenance area. There is a small, structurally covered saw-cutting operation in the middle of the site where galvanized pipe is cut to size.

The site is composed mostly of impervious surfaces including the buildings, asphalt and concrete paved surfaces. The exceptions are a small, unpaved surface between the south warehouse and the southern property line, several small areas of graveled or crushed stone pavement interspersed throughout the site and narrow strips of landscape at the front of the site on Jackson Street. The total area of industrial activities exposed to precipitation is 80.9% or 3.51 acres. The total percentage of site that is impervious is 95.2% or 4.13 acres of the site.

Equipment including forklifts and trucks are regularly maintained on-site by an outside contractor. Forklift maintenance occurs indoors. Typical maintenance work includes replacement of coolants, lubricants, greasing, charging/recharging of batteries, cleaning surfaces of equipment, etc. An outside contractor removes waste materials (e.g., hydraulic oil, antifreeze, etc.) from the site at the

Figures 2A and 2B - Site Maps



Malathion – not present at facility

Metals Screen: Copper – not present at facility

Metals Screen: Mercury – not present at facility

Polychlorinated biphenyls - not present at facility

Pyrethroids – not present at facility

SCS has discontinued all industrial operations in the northern portions of the SCS facility that is tributary to outfall SP-1. The remaining activities and materials stored in this area are solely related to SCS's rental operations which are non-industrial (SIC code 7359) and are not regulated under the IGP. These activities pertaining to storing rental fencing and support structures include: 1) Rental fences are brought into and taken away by trucks and other vehicles; and 2) Rental fences and support structures are stored in this area. A separate forklift is used in this area to remove the possibility of potential pollutant tracking from industrial areas. Additionally, trucks and other vehicles that transport rental fences do not drive through any other areas of the facility. As such, SP-1 will no longer be sampled. SCS has included in this SWPPP a No Exposure Certification (NEC) Checklist and a certification statement demonstrating that the areas tributary to outfall SP-1 have been evaluated and that industrial materials or activities (as defined in the 2014 Permit) are not and will not be in the foreseeable future exposed to precipitation. In addition, SCS's Monitoring Implementation Plan (MIP) has been updated to reflect that monitoring has been discontinued at this outfall.

NEC Checklist

	Yes	No
a. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from storing or cleaning industrial machinery or equipment remain and are exposed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Materials or residuals on the ground or in storm water inlets from spills/ leaks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Materials or products from past industrial activity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- f. Materials or products stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to storm water does not result in the discharge of pollutants)
- g. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers
- h. Materials or products handled/ stored on roads or railways owned or maintained by the Discharger
- i. Waste material (except waste in covered, non-leaking containers, e.g., dumpsters)
- j. Application or disposal of processed wastewater (unless already covered by an NPDES permit)
- k. Particulate matter or visible deposits of residuals from roof stacks/ vents evident in the storm water outflow

The storm water sampling and analysis program is summarized below:

Exhibit B

018621

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH INDUSTRIAL ACTIVITY (WQ ORDER No. 97-03-DWQ)
(Excluding Construction Activities)

SECTION I. NOI STATUS (please check only one box)

A. <input checked="" type="checkbox"/> New Permittee	B. <input type="checkbox"/> Change of Information	WDID #
--	---	--------

SECTION II. FACILITY OPERATOR INFORMATION (See instructions)

A. NAME: HIMI PARTICIPATIONS		Phone: 415-295-1313
Mailing Address: PO BOX 15471		
City: SAN JOSE	State: CA	Zip Code: 95131
Contact Person: FRANK MORALES		
B. OPERATOR TYPE: (check one) 1. <input checked="" type="checkbox"/> Private 2. <input type="checkbox"/> City 3. <input type="checkbox"/> County 4. <input type="checkbox"/> State 5. <input type="checkbox"/> Federal 6. <input type="checkbox"/> Special District 7. <input type="checkbox"/> Gov. Combo		

SECTION III. FACILITY SITE INFORMATION

A. FACILITY NAME SERRANO INDUSTRIAL DISTRICT		Phone: 916-381-4202
Facility Location: 51391 WACKERSMITH ST		County: SACRAMENTO
City: NORTH HIGHLANDS	State: CA	Zip Code: 95610
B. MAILING ADDRESS: PO BOX 41290		
City: SACRAMENTO	State: CA	Zip Code: 95841
Contact Person: MILKIN VIGNATIZIS		
C. FACILITY INFORMATION (check one) Total Size of Site: 4.42 Acres <input checked="" type="checkbox"/> Sq. Ft. <input type="checkbox"/>		Percent of Site Impervious (including rooftops) 12.1%
D. SIC CODE(S) OF REGULATED ACTIVITY: 1. 31414 2. 31494 3.		E. REGULATED ACTIVITY (describe each SIC code): GENERIC INDUSTRIAL WASTE WATER TREATMENT MADE FROM PURCHASED WIRE

FOR STATE USE ONLY:

FilingID: 45209
 WDID: 5S341018621
 Fee Paid: \$ 830
 Processing Date: 2/3/04

8981

018621

18310

SECTION IV. ADDRESS FOR CORRESPONDENCE

Facility Operator Mailing Address (Section II) Facility Mailing Address (Section III, B.) Both

SECTION V. BILLING ADDRESS INFORMATION

SEND BILL TO: Facility Operator Mailing Address (Section II) Facility Mailing Address (Section III, B.) Other (enter information below)

Name: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____

SECTION VI. RECEIVING WATER INFORMATION

Your facility's storm water discharges flow: (check one) Directly OR Indirectly to waters of the United States.

Name of receiving water: MALDEN RIVER _____
(river, lake, stream, ocean, etc.)

SECTION VII. IMPLEMENTATION OF PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)
 A SWPPP has been prepared for this facility and is available for review.
 A SWPPP will be prepared and ready for review by (enter date): ____/____/____.

B. MONITORING PROGRAM (check one)
 A Monitoring Program has been prepared for this facility and is available for review.
 A Monitoring Program will be prepared and ready for review by (enter date): ____/____/____.

C. PERMIT COMPLIANCE RESPONSIBILITY
Has a person been assigned responsibility for:

1. Inspecting the facility throughout the year to identify any potential pollution problems?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. Collecting storm water samples and having them analyzed?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
3. Preparing and submitting an annual report by July 1 of each year?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
4. Eliminating discharges other than storm water (such as equipment or vehicle wash-water) into the storm drain?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

For State Use only. _____

SECTION VIII. SITE MAP

I HAVE ENCLOSED A SITE MAP YES NO A new NOI submitted without a site map will be rejected.

SECTION IX. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan, will be complied with."

Printed Name: Pedro Gonit FRED HONORI - Mr H Property

Signature: _____ Date: Jan 12, 04

Title: Manager Partner in Mr H Property

Exhibit C

From: Joe McCaslin jmccaslin@scsfence.com

Subject: FW: Change of Information Request Reviewed

Date: October 2, 2017 at 9:30 AM

To: William W. Funderburk, Jr. wfunderburk@candffirm.com, Caroline Koch caroline@lawyersforcleanwater.com

Cc: Tim Miller tmiller@scsfence.com, PE GE Timothy Simpson (tssimpson@gsi-net.com) tssimpson@gsi-net.com, Jodie Crandell jcrandell@keramida.com, Derrick Whitehead dwhitehead@municipalcon.com

JM

-----Original Message-----

From: do_not_reply@waterboards.ca.gov [mailto:do_not_reply@waterboards.ca.gov]

Sent: Monday, October 02, 2017 8:45 AM

To: atariq@keramida.com; jcrandell@keramida.com; Joe McCaslin <jmccaslin@scsfence.com>

Cc: r5s_stormwater@waterboards.ca.gov

Subject: Change of Information Request Reviewed

Owner/Operator:

Security Contractor Services

5311 Jackson St

North Highlands CA 95660

Facility/Site:

Security Contractor Services

5339 Jackson St

North Highlands CA 95660

WDID: 5S34I018621

Application Id: 200923

COI ID: 42129

COI Type: NOI

Status: Approved

Status Date: 2017-10-02 08:44:52.389

Your Change of Information request for NOI is Approved.

If you have any questions, please contact the SMARTS Help Center 1-866-563-3107.

Thank you,

Storm Water Section

You are logged-in as: **Patrick Otsuji** - .
 If this account does not belong to you, please log out.

Navigate To:

Change of Information (COI) - NOI

COI ID: 42129 **Status of Document:** Approved **Submitter:** Joseph McCaslin **Owner/Operator:** Security Contractor Services
 5311 Jackson St North Highlands CA 95660
 COI NOI **COI Date:** 09/28/2017 **WDID:** 5S34I018621 **Site/Facility:** Security Contractor Services
 Type: 5339 Jackson St North Highlands CA 95660

COI Form [Attachments](#) [Certify/Review](#) [Invoices](#) [Status History](#) [Back To NOI Summary](#)

Please enter values that are to be updated in **Revised Value column fields** as needed.

Site/Facility Address Details:

Field Names	Current Values	Revised Values
Street Address:	<input type="text" value="5339 Jackson St"/>	<input type="text"/>
Address Line2:	<input type="text"/>	<input type="text"/>
Latitude:	<input type="text" value="38.664553"/>	<input type="text"/> View Map to select New Latitude & Longitude
Longitude:	<input type="text" value="-121.373646"/>	<input type="text"/> <input type="button" value="Update County/Region"/>
City:	<input type="text" value="North Highlands"/>	<input type="text" value="All"/>
County:	<input type="text" value="Sacramento"/>	Updated through changes to Latitude/Longitude. If changes are made to the Latitude/Longitude, press the 'Update County/Region' button to show the updated County/Region.
Region:	<input type="text" value="Region 5S - Sacramento"/>	Updated through changes to Latitude/Longitude. If changes are made to the Latitude/Longitude, press the 'Update County/Region' button to show the updated County/Region.

IGP Facility Details:

Field Names	Current Values	Revised Values
Total Site Size:	<input type="text" value="5.7"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft	<input type="text" value="4.34"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft
Total Area of Industrial Activities and Materials Exposed to Storm Water:	<input type="text" value="3.74"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft	<input type="text" value="3.51"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft

SIC Codes:

Field Names	Current Values	Revised Values
Primary SIC Code:	<input type="text" value="3496"/>	<input type="text" value="Select"/>
Secondary SIC Code:	<input type="text"/>	<input type="text" value="Select"/>
Tertiary SIC Code:	<input type="text"/>	<input type="text" value="Select"/>

Reason for change:

1) Map discrepancy regarding site size. More detailed and accurate information regarding the site has resulted in a reduction of the site size.

2) SCS has discontinued all industrial operations in the northern portions of the SCS facility that are tributary to outfall SP-1. The remaining activities and materials stored in this area will be solely related to SCS's rental operations which are non-industrial and are not regulated under the 2015 IGP. These operations are classified under SIC code 7359 - Equipment Rental and Leasing, Not

Exhibit D



Security Contractor Services, Inc.

July 14, 2017

Rich Muhl
Senior Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite #200
Rancho Cordova, CA 95670-6114
(916) 464-4749
richard.muhl@waterboards.ca.gov

Re: WDID 5S34I018621 Removal of Certain Operations as Non-Industrial Activities

Security Contractor Services, Inc. (SCS) intends to discontinue all industrial operations in the northern portions of the SCS facility that are tributary to outfall SP-1. The remaining activities and materials stored in this area will be solely related to SCS's rental operations which are non-industrial are not regulated under the IGP. All existing BMPs that are in place for the rental operations will continue to be implemented. Consistent with prior SCS actions, these changes will be documented in a future SWPPP revision. SCS will include in its SWPPP revision a No Exposure Certification (NEC) Checklist and a certification statement demonstration that the areas tributary to outfall SP-1 have been evaluated and that industrial materials or activities (as defined in the 2014 IGP) are not and will not be in the foreseeable future exposed to precipitation. In addition, SCS's Monitoring Implementation Plan will be updated to reflect that monitoring will be discontinued at this outfall.

Sincerely,

Security Contractor Services

Exhibit E

Storm Water Industrial General Permit Inspection Report Central Valley Regional Water Quality Control Board

Insp. Date & Time:	9/18/2017	Inspected By:	Michael Fischer Jenna Yang
WDID #	5S34I018621	Site County:	Sacramento
Operator Name:	Security Contractor Services		
Facility Name:	Security Contractor Services		
Facility Address:	5311 and 5339 Jackson Road, North Highlands		

Inspection Type: Site Visit			
SWPPP on site? Yes	SWPPP Implemented/Updated?	Yes	
Photos Taken? Yes	Appropriate Monitoring Program?	Yes	
Weather: Sunny and warm, no recent precipitation.	Evidence of SW or Non-SW Discharge?	No	

Inspection Summary / Comments:

On 18 September 2017, Central Valley Regional Water Quality Control Board staff (Staff) inspected the Security Contractor Services Inc. (SCS) facility (Facility) located at 5311 and 5339 Jackson Street in North Highlands. The Facility is enrolled under the State Water Quality Control Board's General Permit for Storm Water Discharges Associated with Industrial Activities Order 2014-0057-DWQ (IGP).

The Facility manufactures galvanized chain link fencing under the Standard Industrial Classification (SIC) Code 3496 – Miscellaneous Fabricated Wire Products. The Facility is currently in Level 1 status for pH and aluminum and Level 2 status for zinc, nitrate plus nitrite, and iron.

Upon arrival, Staff met with Joe McCaslin (SCS Director of Operations) who consented to the inspection and photographs being taken during the inspection. Representatives from SCS's storm water consultants GSI Environmental and Keramida also attended the inspection.

During the inspection, Staff made the following observations:

- The Facility was recently divided into two operations which coincide with the two distinct drainage areas at the Facility. The northern portion of Facility is a chain link fence rental yard and drains to discharge point SP-1 (Photos 1 and 2). The southern portion of the Facility is the industrial portion of the Facility where chain link fencing is manufactured and stored (Photos 3-5). The southern portion of the Facility discharges to discharge points DP-1, DP-2A, and DP-2B.
- The northern and southern portions of the Facility are separated by a chain link fence and no forklift traffic can occur between the two portions.
- Industrial operations that fall under SIC Code 3496 were observed only on the southern portion of the Facility; therefore, the northern rental area no longer needs to be managed or

sampled under the IGP since it does not have a valid SIC code requiring coverage under the IGP. Local municipal storm water requirements still apply to discharges from the northern area.

- The ground surface was clean and appeared to be regularly swept.
- Raw materials and rolls of finished chain link fencing were stored outside off the ground, with the majority of raw materials stored under cover.
- All chain link manufacturing occurs indoors.
- The Facility plans to install a treatment system in response to being in Level 2 for zinc, nitrate plus nitrite, and iron. The treatment system will include a polyethylene holding tank, bag filters, a granular activated carbon vessel, and a surfactant-modified zeolite vessel (Photo 6).
- The Facility is also considering installing one or more dry wells to discharge treated storm water to minimize surface water discharge from the Facility.

Signature

Date 9-26-2017

Date Entered: _____

Entered By: _____

Senior Review: _____



Photo 1. View of the northern rental portion of the Facility.



Photo 2. Another view of the northern rental portion of the Facility.



Photo 3. View of the southern portion of the Facility. Finished rolls of chain link fencing are stored outdoors on pallets.



Photo 4. Raw materials stored under cover in the southern portion of the Facility.



Photo 5. Another view of the southern portion of the Facility. The ground surface was clean and appeared to be swept regularly.



Photo 6. Treatment system components staged for future installation. According to Facility staff, the system installation will begin once building permits are received.

Exhibit F

Central Valley Regional Water Quality Control Board

26 September 2017

Joe McCaslin
Director of Operations
Security Contractor Services, Inc.
5339 Jackson Street
North Highlands, CA 95660

INSPECTION TRANSMITTAL, SECURITY CONTRACTOR SERVICES, INC., SACRAMENTO COUNTY, WDID # 5S34I018621

On 18 September 2017, Central Valley Water Board staff inspected the Security Contractor Services, Inc. facility (Facility) located at 5311 and 5339 Jackson Road in North Highlands to evaluate compliance with the State Water Quality Control Board's General Permit for Storm Water Discharges Associated with Industrial Activities Order 2014-0057-DWQ (IGP).

Please review the enclosed inspection report. The Facility appeared to be generally in compliance with IGP requirements at the time of the inspection and was working towards addressing high iron, zinc, aluminum, and nitrate plus nitrite concentrations by installing a storm water treatment system. In addition, the Facility recently divided its rental and manufacturing operations onto two separate portions of the Facility with a chain link fence. It appears that runoff from the manufacturing portion of the Facility does not comingle with runoff from the rental portion of the Facility. As stated during the inspection, the operation at the rental portion of the Facility no longer falls under the Standard Industrial Classification Code 3496 and this area no longer needs to be sampled under the IGP. Local municipal storm water requirements still apply to discharges from the rental portion of the Facility.

The Facility is also considering installing one or more dry wells to discharge treated storm water to minimize surface water discharge from the Facility. Water Board staff will address this proposal under separate cover.

If you have any questions, please contact Michael Fischer at (916) 464-4663 or michael.fischer@waterboards.ca.gov.



STEVE E. ROSENBAUM
Chief, Storm Water Compliance and Enforcement Unit

Enclosures: 9/18/2017 Inspection report with photographs
cc: Timothy S. Simpson, GSI Environmental, Newport Beach

Exhibit G

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET**

**STANDARD
INDUSTRIAL
CLASSIFICATION
MANUAL**

1987

Industry
Group
No. Industry
No.

734

SERVICES TO DWELLINGS AND OTHER BUILDINGS—Con.**7342 Disinfecting and Pest Control Services—Con.**

ings or other buildings. Establishments primarily engaged in pest control for lawns or agricultural production are classified in Division A, Agriculture.

Bird proofing
Deodorant servicing of rest rooms
Disinfecting service
Exterminating service
Fumigating service

Pest control in structures
Rest room cleaning service
Termite control
Washroom sanitation service

7349 Building Cleaning and Maintenance Services, Not Elsewhere Classified

Establishments primarily engaged in furnishing building cleaning and maintenance services, not elsewhere classified, such as window cleaning, janitorial service, floor waxing, and office cleaning. General contractors and special trade contractors primarily engaged in building repair work are classified in Division C, Construction.

Acoustical tile cleaning service
Building cleaning service, interior
Chimney cleaning service
Custodians of schools on a contract or fee basis
Floor waxing service
Housekeeping (cleaning service) on a contract or fee basis
Janitorial services on a contract or fee basis
Lighting maintenance service (bulb replacement and cleaning)

Maid service on a contract or fee basis
Maintenance, building: except repairs
Office cleaning service
Service station cleaning and degreasing service
Telephone booths, cleaning and maintenance of
Venetian blind cleaning, including work done on owners' premises
Window cleaning service

735

MISCELLANEOUS EQUIPMENT RENTAL AND LEASING**7352 Medical Equipment Rental and Leasing**

Establishments primarily engaged in renting or leasing (except finance leasing) medical equipment. Establishments of this industry may also sell medical supplies. Establishments primarily engaged in the sale of medical equipment and supplies are classified in Wholesale or Retail Trade, and those primarily engaged in finance leasing are classified in Finance, Industry 6159.

Invalid supplies rental and leasing

Medical equipment rental and leasing

7353 Heavy Construction Equipment Rental and Leasing

Establishments primarily engaged in renting or leasing (except finance leasing) heavy construction equipment, with or without operators. Establishments primarily engaged in finance leasing are classified in Finance, Industry 6159.

Bulldozer rental and leasing
Construction equipment, heavy: rental and leasing

Crane rental and leasing
Earth moving equipment rental and leasing

7359 Equipment Rental and Leasing, Not Elsewhere Classified

Establishments primarily engaged in renting or leasing (except finance leasing) equipment, not elsewhere classified. Establishments primarily engaged in finance leasing are classified in Finance, Industry 6159. Establishments renting and leasing automobiles and trucks without drivers are classified in Industry Group 751; those renting automobiles with drivers are classified in Transportation and Public Utilities, Industry 4119; those renting trucks with drivers are classified in Transportation and Public Utilities, Industry Group 421;

Industry
Group
No. Industry
No.
735

MISCELLANEOUS EQUIPMENT RENTAL AND LEASING—Con.

7359 Equipment Rental and Leasing, Not Elsewhere Classified—Con.

those renting personal items such as lockers (other than refrigerated), clothes, and pillows are classified in Industry 7299; those renting amusement and recreation items, such as bicycles, canoes, and beach chairs and accessories are classified in Industry 7999; and those renting commercial boats are classified in Transportation and Public Utilities, Industry 4499. Establishments producing machinery and equipment (including computers and other data processing equipment) which lease or sell their products are classified in Division D, Manufacturing. Manufacturers' sales branches or offices leasing or selling the machinery and equipment of their manufacturing plant are classified in Division F, Wholesale Trade. Establishments primarily engaged in leasing computer time, including time sharing services, are classified in Industry 7374; and those renting or leasing computers or data processing equipment are classified in Industry 7377.

Airplane rental and leasing
Appliance rental and leasing
Coin-operated machine rental and leasing
Electronic equipment rental and leasing, except medical and computer equipment
Furniture rental and leasing
Industrial truck rental and leasing
Office machine rental and leasing, except computers
Oil field equipment rental and leasing
Oil well drilling equipment rental and leasing

Party supplies rental and leasing
Piano rental and leasing
Plants, live: rental and leasing
Rental and leasing of dishes, silverware, and tables
Television rental and leasing
Toilets, portable: rental and leasing
Tool rental and leasing
Vending machines, rental only
Video recorder and player rental and leasing

736

PERSONNEL SUPPLY SERVICES

7361 Employment Agencies

Establishments primarily engaged in providing employment services, except theatrical employment agencies and motion picture casting bureaus. Establishments classified here may assist either employers or those seeking employment. Establishments primarily engaged in operating theatrical employment agencies are classified in Industry 7922; those operating motion picture casting bureaus are classified in Industry 7819; and farm labor contractors are classified in Agriculture, Industry 0761.

Chauffeur registries
Employment agencies, except theatrical and motion picture
Executive placing services
Labor contractors (employment agencies), except farm labor

Maid registries
Model registries
Nurses' registries
Ship crew registries
Teachers' registries

7363 Help Supply Services

Establishments primarily engaged in supplying temporary or continuing help on a contract or fee basis. The help supplied is always on the payroll of the supplying establishments, but is under the direct or general supervision of the business to whom the help is furnished. Establishments which provide both management and staff to operate a business are classified according to the type of activity of the business. Establishments primarily engaged in furnishing personnel to perform a range of services in support of the operation of

Exhibit H



State Water Resources Control Board
NOTICE OF INTENT

GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH INDUSTRIAL ACTIVITIES (WQ ORDER No. 2014-0057-DWQ)
(Excluding Construction Activities)



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

WDID: 5S34I018621

Status: Active

Operator Information

Type: Private Business

Name: Security Contractor Services

Contact Name: Ron Meyer

Address: 5311 Jackson St

Title: Branch Manager

Address 2:

Phone #: 916-338-4800

City/State/Zip: North Highlands CA 95660

Email: ronmeyer@scsfence.com

Federal Tax ID: 94-1552441

Facility Information

Level:

Site Name: Security Contractor Services

Contact Name: Tim Miller

Address: 5339 Jackson St

Title: VP

City/State/Zip: North Highlands CA 95660

Site Phone #: 916-338-4200

County: Sacramento

Email: tmiller@scsfence.com

Latitude: 38.664553

Longitude: -121.373646

Emergency: 916-338-4200

Total Site Size: 5.7 Acres

Percent of Site Impervious (including rooftops): %

Industrial Area exposed to Storm Water: 3.74 Acres

SIC Code(s)

Primary SIC: 3496

Miscellaneous Fabricated Wire Products

Secondary SIC: 3446

Architectural and Ornamental Metal Work

Tertiary SIC:

Additional Information

Receiving Water: Magpie Creek

Water Flow: Indirectly

Storm drain system: North Highlands California

Compliance Group:

RWQCB Jurisdiction: Region 5S - Sacramento

Phone: 916-464-3291

Email: r5s_stormwater@waterboards.ca.gov

Certification

Name: Tim Miller

Date: June 11, 2015

Title: VP

Attachments Meta Data Information:

Attachment ID	File Name	File Description	File Hash	File Size	Date Attached	Attachment Type
1359444	Public Request for SWPPP		685139782714412 27c2b77d21fbd6dc 676aeba22af79537 d677476b7109791	51758	2015-01-28 15:52:25.0	Other
1364511	Public request for file review		375e525ea3dd931f b9927f831ba935d9 8fbec1f87dce25d3f 15d31e2f17fb	1297353	2015-02-11 16:46:43.0	Other
1364517	Request for SWPPP		2d871c2cc3f85688 50e33e8d5ee7609 7852d27260e3f85a 73e7324e62a16d4 e	434240	2015-02-11 16:48:41.0	Other
1368035	SWPPP transmittal email		1a10761bfbfc37d7 af3a268b8f22c5bd 951a095b98ef0f8a 289e8a05bf8d57d	2102150	2015-02-23 17:40:20.0	E-mail Correspondence
1397347	14-15 AR & Recert Reminder Letter	14-15 AR & Recert Reminder Letter	eb76e98016d4f97a 645a5c9412b1a24 275eb6cf948a8948 dff748c398bdef5	199904	2015-05-08 14:28:39.0	Other
1368033	Storm Water Pollution Prevention Plan		f1a4a07578792df6 bd97bf33e543ff10c fb6c74ae24779973 8217f1d252f2	2066837	2015-02-23 17:39:42.0	SWPPP
1373448	Request for SWPPP		375e525ea3dd931f b9927f831ba935d9 8fbec1f87dce25d3f 15d31e2f17fb	1297353	2015-03-10 15:29:45.0	Other
1381866	C.3 response letter 4-1-15		8d624f734d3b675b 81e4ee66745786c a7f70a29295cdd05 f89c7a64fb8f310	593335	2015-04-03 13:18:18.0	Supporting Documentation

Exhibit I



State Water Resources Control Board
NOTICE OF INTENT

GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH INDUSTRIAL ACTIVITY (WQ ORDER No. 2014-0057-DWQ)
(Excluding Construction Activities)



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

WDID: 5S34I018621

Status: Active

Operator Information

Type: Private Business

Name: Security Contractor Services

Contact Name: Ron Meyer

Address: 5311 Jackson St

Title: Branch Manager

Address 2: _____

Phone Number: 916-338-4800

City/State/Zip: North Highlands CA 95660

Email Address: ronmeyer@scsfence.com

Federal Tax ID: _____

Facility Information

Level: _____

Contact Name: Joe McCaslin

Title: Project Manager

Site Name: Security Contractor Services

Address: 5339 Jackson St

City/State/Zip: North Highlands CA 95660

Site Phone #: 916-338-4200

County: Sacramento

Email Address: jmccaslin@scsfence.com

Latitude: 38.664553 Longitude: -121.373646

Site Size: 4.34 Acres

Industrial Area Exposed to Storm Water: 3.51 Acres

Percent of Site Impervious (Including Rooftops): 86 %

SIC Code Information

1. 3496 Miscellaneous Fabricated Wire Products

2. _____

3. _____

Additional Information

Receiving Water: Magpie Creek Flow: Directly

Storm Drain System: North Highlands California

Compliance Group: 34XX Storm Water Group

RWQCB Jurisdiction: Region 5S - Sacramento

Phone: 916-464-3291

Email: r5s_stormwater@waterboards.ca.gov

Certification

Name: Joseph McCaslin

Date: July 13, 2017

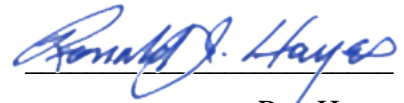
Title: VP

Exhibit J

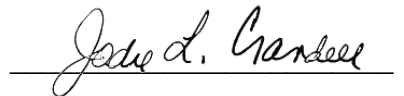
Storm Water Pollution Prevention Plan And Monitoring Implementation Plan

Security Contractor Services, Inc.
5339 Jackson Street
North Highlands, California

Prepared By Compliance Administrators and Project Services, Inc.
March 2016



Ron Hayes
Project Manager



Jodie Crandell
Project Engineer

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Security Contractor Services, Inc.
STORM WATER POLLUTION PREVENTION PLAN
CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that this facility is in compliance with the requirements of the General Permit.


Signature: 
Title: VICE PRESIDENT - OPERATIONS
Certification Date: 6/1/2015

Figure 2 - Site Map

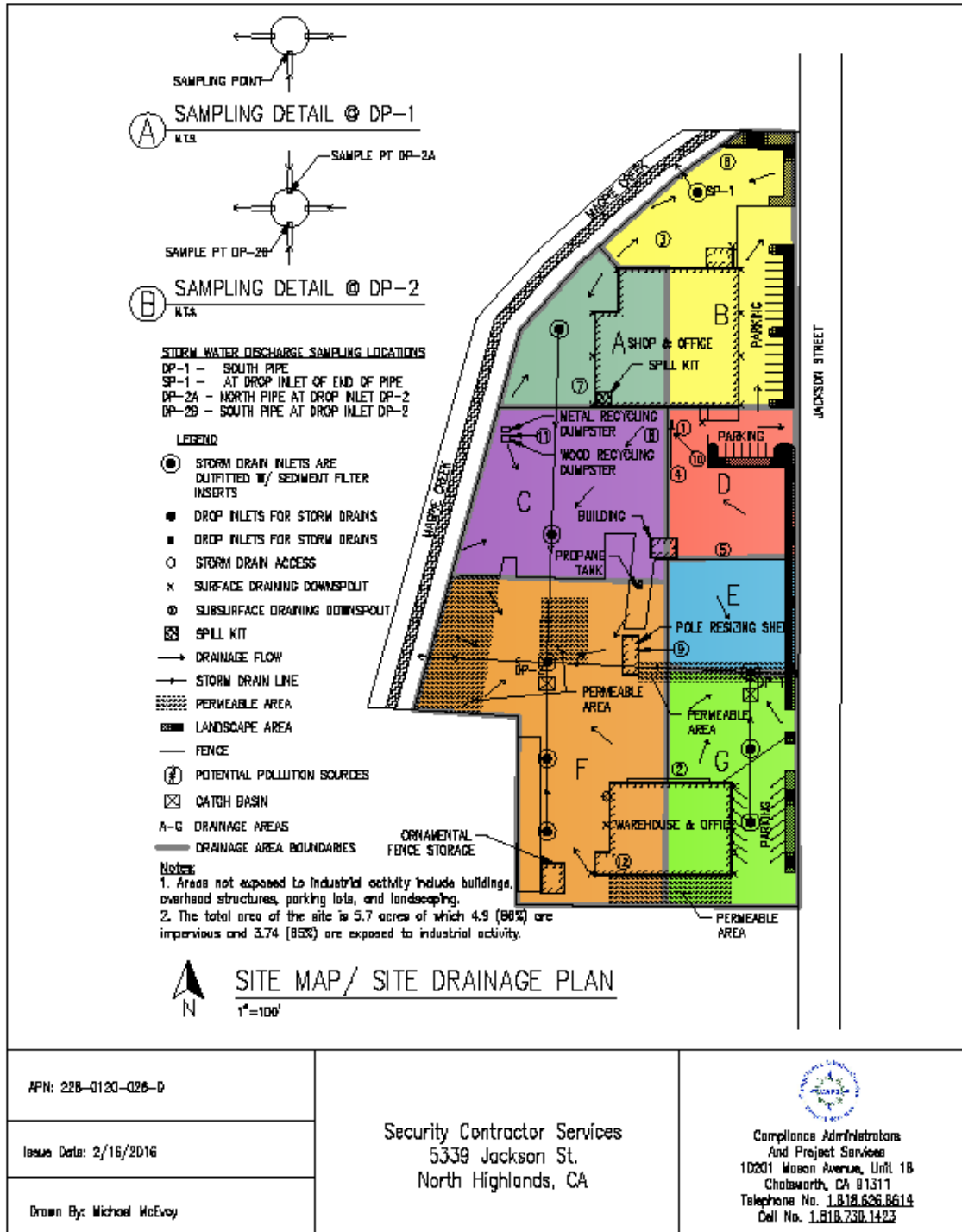


Exhibit K

**Security Contractor
Services, Inc.**

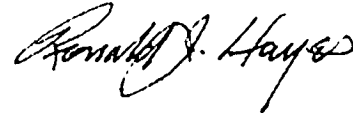
Security Contractor Services, Inc. Phone 916-338-4200
5339 Jackson Street
North Highlands, CA 95660 Fax 916-338-1012

Storm Water Pollution Prevention Plan and Monitoring Plan

Security Contractor Services, Inc.
5339 Jackson Street
North Highlands, CA 95660
WDID Number 5S34I018621

Prepared By Compliance Administrators and Project Services, Inc.

February 2015



Ronald J. Hayes
Senior Project Manager



Jodie L. Crandell
Project Engineer

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Security Contractor Services, Inc.

STORM WATER POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that this facility is in compliance with the requirements of the General Permit.



Tim Miller

Vice President of Operations

Date: 2/20/2015

• Figure 2 Site Map/Site Drainage Plan

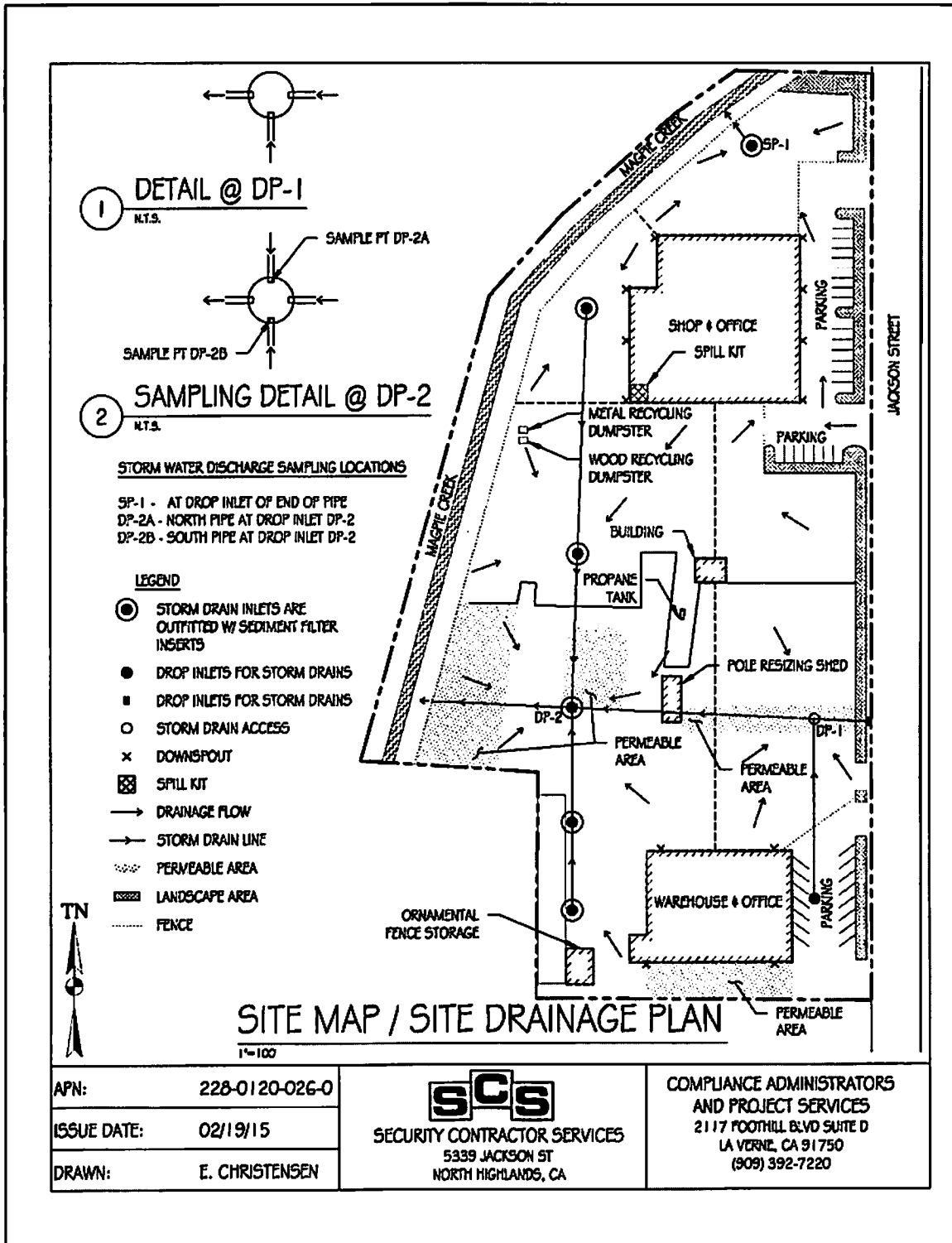


Exhibit L



Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On “No Exposure” of Industrial Activities to Storm Water



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DISCLAIMER

The statements in this document are intended solely as guidance. This document is not intended, nor can it be relied on, to create any rights enforceable by any party in litigation with the United States. EPA and state officials may decide to follow the guidance provided in this document, or to act in variance with the guidance, based upon an analysis of site-specific circumstances. This guidance may be revised without public notice to reflect subsequent changes in EPA's policy.

APPENDIX E - Regulatory Language for the “No Exposure Exclusion”

68840 Federal Register / Vol. 64, No. 235 / Wednesday, December 8, 1999 / Rules and Regulations

(g) Conditional exclusion for “no exposure” of industrial activities and materials to storm water. Discharges composed entirely of storm water are not storm water discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to rain, snow, snowmelt and/or runoff, and the discharger satisfies the conditions in paragraphs (g)(1) through (g)(4) of this section. “No exposure” means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

(1) Qualification. To qualify for this exclusion, the operator of the discharge must:

(i) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff;

(ii) Complete and sign (according to §122.22) a certification that there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility, except as provided in paragraph (g)(2) of this section;

(iii) Submit the signed certification to the NPDES permitting authority once every five years;

(iv) Allow the Director to inspect the facility to determine compliance with the “no exposure” conditions;

(v) Allow the Director to make any “no exposure” inspection reports available to the public upon request; and

(vi) For facilities that discharge through an MS4, upon request, submit a copy of the certification of “no exposure” to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

(2) Industrial materials and activities not requiring storm resistant shelter. To qualify for this exclusion, storm resistant shelter is not required for:

(i) Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak (“Sealed” means banded or otherwise secured and without operational taps or valves);

(ii) Adequately maintained

vehicles used in material handling; and

(iii) Final products, other than products that would be mobilized in storm water discharge (e.g., rock salt).

(3) Limitations. (i) Storm water discharges from construction activities identified in paragraphs (b)(14)(x) and (b)(15) are not eligible for this conditional exclusion.

(ii) This conditional exclusion from the requirement for an NPDES permit is available on a facility-wide basis only, not for individual outfalls. If a facility has some discharges of storm water that would otherwise be “no exposure” discharges, individual permit requirements should be adjusted accordingly.

(iii) If circumstances change and industrial materials or activities become exposed to rain, snow, snow melt, and /or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.

(iv) Notwithstanding the provisions of this paragraph, the NPDES permitting

were required to obtain permit coverage whether or not there was “exposure.” Secondly, the court concluded that the exemption relied on the unverified judgement of light industrial facility operators to determine non-applicability of permitting requirements. In other words, the court was critical that operators would determine for themselves that there was “no exposure” and then simply not apply for a permit without any further action. The result of the 1992 ruling was a revised no exposure exemption (now a “conditional exclusion,” which may be simply referred to as “exclusion” in this guidance) promulgated as part of the Phase II storm water regulations.¹

The intent of the no exposure exclusion is to provide all industrial facilities regulated under Phase I of the NPDES Storm Water Program (with the exception of construction activity; Category (x)), whose industrial activities and materials are completely sheltered, with a simplified method for complying with the Clean Water Act. Note that runoff from separate office buildings and their associated parking lots does not need to be considered when determining no exposure at an industrial facility.

As revised at 40 CFR 122.26(g), if a condition of no exposure exists at industrial facilities regulated under Phase I of the Storm Water Program, then permits are not required for storm water discharges from the facilities. Facilities wishing to take advantage of the permitting exclusion must submit a certification to the permitting authority attesting to the condition of no exposure. **The new certification requirement now applies to all industrial facilities claiming a condition of no exposure—including the Category (xi), light industrial facilities which previously were not required to submit anything to be excluded from permitting requirements.** Facilities must maintain their condition of no exposure or, if conditions change, obtain coverage under an applicable storm water permit.

The following sections of this guidance provide detailed information on:

- who is eligible for the revised no exposure exclusion;
- the definition of no exposure;
- how to complete the No Exposure Certification Form.

Also included are supplemental reference materials to assist you in finding out if the No Exposure Exclusion is applicable to your facility:

- Appendix A - Frequently Asked Questions
- Appendix B - Areas Where EPA is the Permitting Authority
- Appendix C - List of NPDES Permitting Authorities
- Appendix D - No Exposure Certification Form and Instructions
- Appendix E - Regulatory Language for the No Exposure Exclusion

¹ *National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule, 64 FR 68721 - 68851, December 8, 1999*

If you have any questions regarding this guidance or any part of the overall NPDES Storm Water Program, please contact either the appropriate Regional EPA or State Storm Water Coordinator.

2.0 Who is Eligible to Qualify for the Conditional No Exposure Exclusion?

The conditional no exposure exclusion represents a significant expansion, in terms of eligibility, of the original no exposure provision established in the 1990 NPDES Storm Water Permit Application Regulations (commonly referred to as Phase I). Now, all Phase I industrial categories, save for construction, are eligible to apply for the no exposure exclusion.

2.1 Limitations on Eligibility for the No Exposure Exclusion

In addition to construction projects not being eligible, the following situations limit the applicability of the no exposure exclusion:

- As of the printing date of this document, **facilities not located in States or areas where EPA is the NPDES permitting authority cannot apply for the no exposure exclusion.**
 - ▶ See Appendix B for a listing of areas where EPA is the authorized NPDES permitting authority.
 - ▶ If your facility is located in a State authorized to implement the NPDES Program, contact the state permitting authority to find out if the no exposure exclusion has been adopted in your state.
- The exclusion from permitting is available on a facility-wide basis only, not for individual outfalls. Generally, if any exposed industrial materials or activities are found on any portion of a facility, the no exposure exclusion is not available to that facility.
- If the permitting authority determines that a facility's storm water discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards, the permitting authority can deny the no exposure exclusion.
- If changes at a facility result in industrial activities or materials becoming exposed, the no exposure exclusion ceases to apply. You should apply for coverage under an applicable NPDES permit for storm water discharges at least two days before the changes happen that cause the condition of exposure.
- Past sources of storm water contamination that remain on site cause a condition of exposure

3.0 What is the Definition of No Exposure?

No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.

Industrial materials and activities include, but are not limited to, material handling equipment or activities; industrial machinery; raw materials, intermediate products, by-products, and final products; or waste products.

Material handling activities include storage, loading and unloading, transportation or conveyance, of any raw material, intermediate product, by-product, final product or waste product.

Many final products which are meant to be used outdoors (e.g., automobiles) pose little risk of storm water contamination, i.e., the products cannot be mobilized by precipitation or runoff, and are thus exempt from the requirement that these products be sheltered to qualify for no exposure. Similarly, the containers, racks and other transport platforms (e.g., wooden pallets) used for the storage or conveyance of these final products can also be stored outside, providing the containers, racks and platforms are pollutant-free.

Storm-resistant shelters include completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of storm water.

EPA acknowledges there are circumstances where permanent, uninterrupted sheltering of industrial activities or materials is not possible. Under such conditions:

- Materials and activities may be sheltered with temporary covers (e.g., tarpaulins) until permanent enclosure can be achieved.
- The no exposure provision does not specify every such situation, but NPDES permitting authorities can address this issue on a case-by-case basis, i.e., determine if the temporary covers will meet the requirements of this section.
- In general, EPA recommends that temporary sheltering of industrial materials and activities only be allowed during facility renovation or construction.

3.1 Industrial Materials / Activities That Do Not Require a Storm Resistant Shelter

While the intent of the no exposure exclusion is to promote a condition of permanent no exposure, a storm-resistant shelter is not required for the following industrial materials and activities:

3.1.1 Drums, Barrels, Tanks and Similar Containers. Drums, barrels, tanks and similar containers that are sealed (“sealed” means banded or otherwise secured and *without operational taps or valves*), are not exposed provided those containers are not deteriorated and do not leak. Unless the drums, barrels, etc., are opened while outdoors, or are deteriorated or leak, they will likely not constitute a risk of contaminating storm water runoff. Consider the following in making your no exposure determination:

- Containers can only be stored outdoors; any addition or withdrawal of material to / from containers while outdoors will not allow you to certify no exposure.
- Simply moving containers while outside does not create exposure.
- Inspect all outdoor containers to ensure they are not open, deteriorated or leaking.
 - ▶ EPA recommends that a designated individual regularly conduct these inspections.
 - ▶ Any time external containers are open, deteriorated or leaking, they must immediately be closed, replaced or sheltered.
 - ▶ Containers, racks and other transport platforms (e.g., wooden pallets) used with the drums, barrels, etc., can be stored outside providing they are contaminant-free.

3.1.2 Above Ground Storage Tanks (ASTs). In addition to generally being considered not exposed, ASTs may also be exempt from the prohibition against adding or withdrawing material to / from external containers. ASTs typically utilize transfer valves to dispense materials which support facility operations (e.g., heating oil, propane, butane, chemical feedstocks) or fuel for delivery vehicles (gasoline, diesel, compressed natural gas). For ASTs to be operational and qualify for no exposure:

- They must be physically separated from and not associated with vehicle maintenance operations.
- There must be no piping, pumps or other equipment leaking contaminants that could contact storm water.
- EPA recommends, wherever feasible, that ASTs be surrounded by some type of physical containment (e.g., an impervious dike, berm or concrete retaining structure) to prevent runoff in the event of a structural failure or leaking transfer valve. *Note: any resulting unpermitted discharge would violate the CWA.*

3.1.3 Lidded Dumpsters. Lidded dumpsters containing waste materials, providing the containers are completely covered and nothing can drain out holes in the bottom, or is lost in

loading onto a garbage truck. Industrial refuse and trash that is stored uncovered, however, is considered exposed.

3.1.4 Adequately maintained vehicles, such as trucks, automobiles, forklifts, trailers or other general purpose vehicles found onsite—but not industrial machinery—which are not leaking or are otherwise a potential source of contaminants.

- Vehicles passing between buildings will likely come into contact with precipitation at some time, but so long as they are adequately maintained they will not cause a condition of exposure. Similarly, non-leaking vehicles awaiting maintenance at vehicle maintenance facilities are not considered exposed.
 - ▶ The mere conveyance between buildings of materials / products that would otherwise not be allowed to be stored outdoors, does not create a condition of exposure, provided the materials / products are adequately protected from precipitation and could not be released as a result of a leak or spill.

3.1.5 Final products built and intended for use outdoors (e.g., new cars), provided the final products have not deteriorated or are otherwise a potential source of contaminants.

3.1.5.1 Types of final products not qualifying for a certification of no exposure:

- Products that would be mobilized in storm water discharges (e.g., rock salt).
- Products which may, when exposed, oxidize, deteriorate, leak or otherwise be a potential source of contaminants (e.g., junk cars; stockpiled train rails).
- “Final” products which are, in actuality, “intermediate” products. Intermediate products are those used in the composition of yet another product (e.g., sheet metal, tubing and paint used in making tractors).
 - ▶ Even if the intermediate product is “final” for a manufacturer and destined for incorporation in a “final product intended for use outdoors,” these products are not allowed to be exposed because they may be chemically treated or are insufficiently impervious to weathering.

3.2 Other Potential Sources of Contaminants

3.2.1 Particulate Emissions From Roof Stacks and/or Vents. As stated in the Phase II regulation, particulate emissions from roof stacks / vents do not cause a condition of exposure, provided they are in compliance with other applicable environmental protection programs (e.g., air quality control programs) and do not cause storm water contamination. Deposits of particles or residuals from roof stacks / vents not otherwise regulated and which could be

mobilized by storm water runoff, are considered exposed. Exposure also occurs when, as a result of particulate emissions, pollutants can be seen being “tracked out” or carried on the tires of vehicles.

3.2.2 Acid Rain Leachate. As affirmed by a recent Environmental Appeals Board decision against the General Motors Corporation, CPC-Pontiac Fiero Plant (CWA Appeal No. 96-5), industrial facilities are also responsible for storm water discharges which contain pollutants resulting from the leaching effect of acidic precipitation on metal building structures. Therefore, operators must be aware when they attempt to certify a condition of no exposure of the existence of structural elements that could be soluble as a result of contact with precipitation (e.g., uncoated copper roofs). If the dissolved metals or other contaminants could cause or contribute to a water quality violation, a condition of no exposure cannot be certified.

3.2.3 Pollutants Potentially Mobilized by Wind. Windblown raw materials cause a condition of exposure. This is to alert operators to situations where materials sheltered from precipitation can still be deemed exposed if the materials can be mobilized by wind.

4.0 Certifying a Condition of No Exposure

To obtain the conditional no exposure exclusion, you must submit a certification form attesting your facility meets the definition of “no exposure.” **You must do so even if you are a Category (xi) facility operator.** The No Exposure Certification Form, which is only for use in areas where EPA is the NPDES permitting authority, is found in the Storm Water Phase II Rule and is also included in this guidance in Appendix D.

EPA's certification form uses a series of yes/no questions on the nature of the industrial activities and conditions at your facility. You may only qualify for the no exposure exclusion if you answer "no" to all of the questions.

Important note: If the no exposure exclusion becomes available in States with NPDES permitting authority, each State will issue its own form. The forms may be similar to EPA's.

The purpose of the certification form is twofold: 1) to aid you in determining whether you have a condition of no exposure at your facility or site; and 2) to furnish the necessary written certification that allows you to be relieved of permit obligations, provided you answer all the questions in the negative.

- ❑ If you answer “yes” to any of the questions about possible exposure, you must make the appropriate changes at the facility before you apply for the conditional exclusion. These changes must remove the particular material, process or activity from exposure to storm water.

- ❑ If, you answered “no” to every question, you qualify for the no exposure exclusion. To complete the process, you must sign and submit the form to your NPDES permitting authority.

Certification Facts:

- **The Certification must be completed and submitted to your permitting authority once every 5 years**, and can only be done so if the condition of no exposure continues to exist at the facility.
- A Certification must be submitted for each separate facility or site qualifying for the no exposure exclusion.
- The form is non-transferable. If a new operator takes over your facility, the new operator must immediately complete and submit a new form to claim the no exposure exclusion.

5.0 Are There Any Concerns Related to Water Quality Standards?

Yes. Operators who certified that their facilities qualify for the conditional no exposure exclusion may, nonetheless, be required by the permitting authority to obtain permit coverage, based on a determination that storm water discharges are likely to have an adverse impact on water quality.

Many efforts to achieve no exposure can employ simple good housekeeping and contaminant cleanup activities such as moving materials and activities into existing buildings or structures. In some cases industrial operators may make major changes at a site to achieve no exposure, such as constructing new buildings / shelters or constructing structures to prevent run-on. However, significant changes undertaken to achieve no exposure can increase the impervious area of the site. This occurs when a building is placed in a formerly vegetated area, for example. An increase in impervious area often leads to an increase in the volume and velocity of runoff, which, in turn, can result in a higher concentration of pollutants in the discharge, since fewer pollutants are naturally filtered out.

The concern over increased imperviousness engendered the following question on the Certification Form: “Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion? If yes, please indicate approximately how much area was paved or roofed over.” This will aid the NPDES permitting authority in assessing the likelihood of such actions impacting water quality standards. Where this is a concern, the facility operator along with the permitting authority should take appropriate actions to ensure that water quality standards are achieved.

6.0 What Do I Need To Do To Obtain the No Exposure Exclusion?

This section will walk you through the process of obtaining the no exposure exclusion. This information will be useful to non-EPA applicants as well, provided their permitting authority has issued a no exposure certification form that is similar to EPA's (alert: a State's certification form may have different requirements and deadlines than what is noted here). Repeat the steps for each individual facility or site.

Step 1: Determine if your industrial activity meets the definition of a “storm water discharge associated with industrial activity,” as defined in Phase I of the NPDES Storm Water program (refer to Section 1.0). If so, proceed to Step 2. If not, stop here.

- If your facility is defined as an “industrial activity” under the Phase I Program (including a “light industry” defined at Category (xi)), you need to **either** apply for a storm water permit **or** submit a no exposure certification, in order to be in compliance with the NPDES storm water regulations.
- Construction activities are ineligible for the exclusion.

Step 2: Determine if your regulated industrial activity meets the definition of no exposure and qualifies for the exclusion from permitting. If it does, proceed to Step 3. If not, stop here and obtain industrial storm water permit coverage.

- Using personnel familiar with the site and its operations, inspect or scrutinize all appropriate areas of the site to ascertain the site’s exposure condition as per this guidance.
- **As of the printing date of this guidance, the conditional no exposure exclusion option is only available for facilities in areas where EPA is the NPDES permitting authority.** In all other areas, facility operators will not be able to apply until their permitting authority makes the option available. (See Appendix B for a listing of areas where EPA is the NPDES permitting authority.)

Step 3: Complete and submit the No Exposure Certification Form to your NPDES permitting authority.

- Be aware that even if you certify no exposure, your NPDES permitting authority can still require you to apply for an individual or general permit if it has determined that your discharge is contributing to the violation of, or interfering with the attainment or maintenance of, water quality standards, including designated uses.
- To maintain your exclusion from permitting, a certification must be completed and submitted to your permitting authority once every 5 years. This can only be done if the

condition of no exposure continues to exist at the facility.

Step 4: Upon request, submit a copy of the certification form to the municipality in which your facility is located.

- You must submit a copy of your completed certification form to the operator of your Municipal Separate Storm Sewer System² (MS4) *if they so request or require*. An MS4 operator could be the Department of Public Works, Sewer Commission, City Engineering Department, etc.
- If you need to contact your local MS4 operator (e.g., if you are unsure about certification submittal requirements) and they are unknown to you, it may be useful to check the telephone book, especially under the local government listings.

Step 5: When requested, allow your NPDES permitting authority or, if discharging into an MS4, the MS4 operator, to inspect your facility. The permitting authority may make any inspection reports publicly available upon request.

Step 6: Maintain a condition of no exposure.

- The no exposure exclusion is conditional and not a blanket exemption. Therefore, if onsite changes occur which cause exposure of industrial activities or materials to storm water, you must then immediately comply with all the requirements of the NPDES Storm Water Program, including obtaining a storm water discharge permit.
- Failure to maintain the condition of no exposure or obtain coverage under an NPDES permit can lead to the unauthorized discharge of pollutants to waters of the United States, resulting in penalties under the CWA.

² See 40 CFR 122.26(b)(8) for the definition of a municipal separate storm sewer.

APPENDIX A - Frequently Asked Questions

Q1. Who can submit the No Exposure Certification?

A. At present, only those facilities located in areas where EPA is the NPDES permitting authority can submit the No Exposure Certification. Facilities located where EPA is not the permitting authority will not be able to submit the certification until the permitting authority completes any necessary statutory or regulatory changes to adopt the no exposure provision. EPA recommends that facilities contact the appropriate permitting authority (see Appendix C) for guidance on when and how to apply for a no exposure exclusion in their area.

Q2. Where do I send my No Exposure Certification?

A. If your facility is located in a State or area where EPA is the NPDES permitting authority, the completed form and signed certification statement should be mailed to:

Storm Water No Exposure Certification
U.S. Environmental Protection Agency
Ariel Rios Building (4203)
1200 Pennsylvania Ave, NW
Washington, DC 20460

If your facility is located in a state that is authorized to implement the NPDES Program, you must contact the state permitting authority. (See Appendix C)

Q3. Can a facility that is currently permitted under an individual storm water permit claim no exposure?

A. Yes. As long as a facility can meet the definition of no exposure, there is nothing to preclude a facility covered by an individual permit from submitting a certification. However, the facility should consult with their permitting authority, especially if the individual permit contains numeric effluent limitations for their storm water (“antibacksliding” provisions may prevent these facilities from qualifying for the no exposure exclusion).

Q4. My facility was originally excluded from the Phase I regulations because it was classified as a “light industrial facility” under category (xi). The facility has never had any exposure to storm water runoff. With the publication of the final Phase II regulations do I now need to certify that the facility meets the No Exposure Exclusion from NPDES Storm Water Permitting?

A. Yes. See answer provided to question number 9, “What is the exclusion ‘conditional’ upon?”

Q5. Must a facility currently covered under the Multi-Sector General Permit (MSGP) file a Notice of Termination (NOT) prior to applying for no exposure?

A. No. If a facility believes it meets the definition of no exposure, then storm water discharges at that facility are no longer considered to be associated with industrial activity. Therefore, the requirement to have a permit no longer exists. Upon this determination, the facility need only submit a no exposure certification.

Q6. When and how often is a certification form required to be submitted?

A. Submission of the No Exposure Certification Form is required once every five years (assuming the facility maintaining its no exposure status). Industrial operators applying for the no exposure exclusion should note the date they first submitted the Form so they can resubmit a new one five years hence.

Operators of new facilities must submit the Form before beginning operations. If new operators fail to do so, the permitting authority will assume that the facility is required to be covered under a storm water discharge permit.

Existing facility operators have two options for submitting Certification Forms:

- 1) Facilities that want the storm water permitting exemption before being subject to the mandatory permit application filing deadline, may submit the Form at any time up to the final termination of the original MSGP. The earliest possible termination will occur on December 30, 2000. This is especially relevant for all Category (xi) "light industrial" facilities who have been operating under their original, no-certification-required permitting exemption.
- 2) Facilities who presently have and intend to maintain permit coverage for their discharges, but will attain a condition of no exposure later, may submit a Certification Form at any time during the permit's term following completion of the on-site changes that will result in the condition of no exposure. As suggested above, note when the Form is submitted so a new one can be submitted five years thereafter.

After the point of permit termination, any facility that has not submitted a No Exposure Certification Form or otherwise applied for permit coverage will be out of compliance and subject to enforcement.

Q7. What happens if a facility plans changes that may cause exposure?

A. If exposure could occur in the future due to some anticipated change at the facility, the discharger should apply for and obtain coverage under an NPDES permit prior to such discharge to avoid enforcement for violations of the Clean Water Act..

Q8. Is the Certification Form transferable to a new facility operator?

A. No. If a new operator takes over your facility, the new operator must complete, sign and submit a new form to claim the no exposure exclusion.

Q9. What is the exclusion “conditional” upon?

A. The submission of the No Exposure Certification Form is, in effect, an application. It allows any facility listed or described in the industrial categories covered by the Multi-Sector General Permit (including the “light industrial” or Category (xi) facilities), that have no exposure of materials or activities to storm water, to be excluded from permit coverage requirements. The application, and therefore the approval of the exclusion, is conditional upon the permitting authority’s acceptance of the certification. The permitting authority can review the information, and contact or inspect the facility if there are questions regarding the facility’s no exposure claim. In addition, if the facility discharges into an MS4, the operator of the MS4 can request a copy of the certification and inspect the facility. The public can also request a copy of the certification and any inspection reports.

Q10. Can secondary containment outside qualify for the no exposure exclusion?

A. In general, if the secondary containment is adequately engineered to prevent any failure, leakage or overflow such that there would simply be no discharge from that area of the facility, no exposure could be claimed. Note: there must be proper disposal of any water or liquids collected from the containment (e.g., discharged in compliance with another NPDES permit, treated or trucked offsite).

APPENDIX B - Areas Where EPA is the Permitting Authority

(Where the Conditional No Exposure Exclusion is Available)

See [Appendix C: Areas Covered](#) in EPA's 2008 Multi-Sector General Permit for a list of areas where EPA is the permitting authority.

APPENDIX C - List of NPDES Permitting Authorities

As of the printing date of this document, only those facilities that are under EPA's permitting authority (Regions 1 through 10 below) have the option to apply for the no exposure exclusion. Such facilities should send their completed, signed originals of the No Exposure Certification Form to: **Storm Water No Exposure Certification, U.S. Environmental Protection Agency, Ariel Rios Building (4203), 1200 Pennsylvania Ave, NW, Washington, DC 20460**. Facilities in all other parts of the country, who are under the auspices of a particular state run program (designated below by the name of the state) should contact the relevant state authority to obtain information on whether or not the state has, or will, adopt the no exposure exclusion. A list of state permitting authority contacts is available at: www.epa.gov/npdes/stormwatercontacts.

APPENDIX D - Applying for the No Exposure Exclusion:

**NO EXPOSURE CERTIFICATION for Exclusion from
NPDES Storm Water Permitting**

NPDES Form 3510-11

You may also obtain the form and instructions (ADOBE Acrobat Version) from:
http://www.epa.gov/npdes/pubs/msgp2008_appendixk.pdf

C. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future?
 (Please check either "Yes" or "No" in the appropriate box.) **If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the no exposure exclusion.**

	Yes	No
1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater	<input type="checkbox"/>	<input type="checkbox"/>
2. Materials or residuals on the ground or in stormwater inlets from spills/leaks	<input type="checkbox"/>	<input type="checkbox"/>
3. Materials or products from past industrial activity	<input type="checkbox"/>	<input type="checkbox"/>
4. Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input type="checkbox"/>
5. Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input type="checkbox"/>
6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)	<input type="checkbox"/>	<input type="checkbox"/>
7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/>	<input type="checkbox"/>
8. Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/>	<input type="checkbox"/>
9. Waste material (except waste in covered, non leaking containers [e.g., dumpsters])	<input type="checkbox"/>	<input type="checkbox"/>
10. Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/>	<input type="checkbox"/>
11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow	<input type="checkbox"/>	<input type="checkbox"/>

D. Certification Statement

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES stormwater permitting.

I certify under penalty of law that there are no discharges of stormwater contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of stormwater from the facility.

Additionally, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name:

Print Title:

Signature: _____

Date: / /
 Mo Day Year

Email:

Instructions for the NO EXPOSURE CERTIFICATION for Exclusion from NPDES Stormwater Permitting

Who May File a No Exposure Certification

Federal law at 40 CFR Part 122.26 prohibits point source discharges of stormwater associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES permit coverage is not required for discharges of stormwater associated with industrial activities identified at 40CFR 122.26(b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Stormwater discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

Obtaining and Maintaining the No Exposure Exclusion

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification is only applicable in jurisdictions where EPA is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must obtain coverage under an NPDES stormwater permit immediately.

Where to File the No Exposure Certification Form

No Exposure Forms sent regular mail: Forms sent overnight/express:

SW No Exposure Certification (4203M) USEPA 1200 Pennsylvania Avenue, NW Washington, D.C. 20460	SW No Exposure Certification US EPA East Building, Rm. 7420 1201 Constitution Avenue, NW Washington, D.C. 20004 (202) 564-9545
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Completing the Form

You must type or print, using uppercase letters, in appropriate areas only. Enter only one character per space (i.e., between the marks). Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Additional guidance on completing this form can be accessed at EPA's website: www.epa.gov/npdes/stormwater. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the above address.

Section A. Facility Operator Information

1. Provide the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager.
2. Provide the telephone number of the facility operator.
3. Provide the email address of the facility operator.
4. Provide the mailing address of the operator (P.O. Box numbers may be used). Include the city, state, and zip code. All correspondence will be sent to this address.

Section B. Facility/Site Location Information

1. Enter the official or legal name of the facility or site.
2. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city, county, state, and zip code. Do not use a P.O. Box number.
3. Indicate whether the facility is located on Indian Lands.
4. Indicate whether the industrial facility is operated by a department or agency of the Federal Government (see also Section 313 of the Clean Water Act).
5. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. Latitude and longitude can be obtained from United States Geological Survey (USGS) quadrangle or topographic maps, by calling 1-(888) ASK-USGS, or by accessing the Census Bureau at: www.census.gov/cgi-bin/gazetteer

Latitude and longitude for a facility in decimal form must be converted to degrees (°), minutes ('), and seconds (") for proper entry on the certification form. To convert decimal latitude or longitude to degrees/minutes/seconds, follow the steps in the following example.

Example: Convert decimal latitude 45.1234567 to degrees (°), minutes ('), and seconds (").

- a) The numbers to the left of the decimal point are the degrees: 45°.
 - b) To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006: $1234 \times 0.006 = 7.404$.
 - c) The numbers to the left of the decimal point in the result obtained in (b) are the minutes: 7'.
 - d) To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result obtained in (b) by 0.06: $404 \times 0.06 = 24.24$. Since the numbers to the right of the decimal point are not used, the result is 24".
 - e) The conversion for $45.1234567 = 45^\circ 7' 24"$.
6. Indicate whether the facility was previously covered under an NPDES stormwater permit. If so, include the permit number or permit tracking number.
 7. Enter the 4-digit SIC code which identifies the facility's primary activity and second 4-digit SIC code identifying the facility's secondary activity, if applicable. SIC codes can be obtained from the Standard Industrial Classification Manual, 1987.
 8. Enter the total size of the site associated with industrial activity in acres. Acreage may be determined by dividing square footage by 43,560, as demonstrated in the following example.
Example: Convert 54,450 ft² to acres
Divide 54,450 ft² by 43,560 square feet per acre:
 $54,450 \text{ ft}^2 \div 43,560 \text{ ft}^2/\text{acre} = 1.25 \text{ acres}$.
 9. Check "Yes" or "No" as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.

Instructions for the NO EXPOSURE CERTIFICATION for Exclusion from NPDES Stormwater Permitting

Section C. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure condition at your facility. If you answer "Yes" to **ANY** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an NPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

Section D. Certification Statement

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit

application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this certification is estimated to average 1.0 hour per certification, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose to provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, OPPE Regulatory Information Division (2137), USEPA, 401 M Street, SW, Washington, D.C. 20460. Include the OMB control number of this form on any correspondence. Do not send the completed No Exposure Certification form to this address.

APPENDIX E - Regulatory Language for the “No Exposure Exclusion”

68840 Federal Register / Vol. 64, No. 235 / Wednesday, December 8, 1999 / Rules and Regulations

(g) Conditional exclusion for “no exposure” of industrial activities and materials to storm water. Discharges composed entirely of storm water are not storm water discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to rain, snow, snowmelt and/or runoff, and the discharger satisfies the conditions in paragraphs (g)(1) through (g)(4) of this section. “No exposure” means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

(1) Qualification. To qualify for this exclusion, the operator of the discharge must:

(i) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff;

(ii) Complete and sign (according to §122.22) a certification that there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility, except as provided in paragraph (g)(2) of this section;

(iii) Submit the signed certification to the NPDES permitting authority once every five years;

(iv) Allow the Director to inspect the facility to determine compliance with the “no exposure” conditions;

(v) Allow the Director to make any “no exposure” inspection reports available to the public upon request; and

(vi) For facilities that discharge through an MS4, upon request, submit a copy of the certification of “no exposure” to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

(2) Industrial materials and activities not requiring storm resistant shelter. To qualify for this exclusion, storm resistant shelter is not required for:

(i) Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak (“Sealed” means banded or otherwise secured and without operational taps or valves);

(ii) Adequately maintained

vehicles used in material handling; and

(iii) Final products, other than products that would be mobilized in storm water discharge (e.g., rock salt).

(3) Limitations. (i) Storm water discharges from construction activities identified in paragraphs (b)(14)(x) and (b)(15) are not eligible for this conditional exclusion.

(ii) This conditional exclusion from the requirement for an NPDES permit is available on a facility-wide basis only, not for individual outfalls. If a facility has some discharges of storm water that would otherwise be “no exposure” discharges, individual permit requirements should be adjusted accordingly.

(iii) If circumstances change and industrial materials or activities become exposed to rain, snow, snow melt, and/or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.

(iv) Notwithstanding the provisions of this paragraph, the NPDES permitting

authority retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

(4) Certification. The no exposure certification must require the submission of the following information, at a minimum, to aid the NPDES permitting authority in determining if the facility qualifies for the no exposure exclusion:

(i) The legal name, address and phone number of the discharger (see § 122.21(b));

(ii) The facility name and address, the county name and the latitude and longitude where the facility is located;

(iii) The certification must indicate that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation:

(A) Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water;

(B) Materials or residuals on the ground or in storm water inlets from spills/leaks;

(C) Materials or products from past industrial activity;

(D) Material handling equipment (except adequately maintained vehicles);

(E) Materials or products during loading/unloading or transporting activities;

(F) Materials or products

stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to storm water does not result in the discharge of pollutants);

(G) Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;

(H) Materials or products handled/stored on roads or railways owned or maintained by the discharger;

(I) Waste material (except waste in covered, non-leaking containers, e.g., dumpsters);

(J) Application or disposal of process wastewater (unless otherwise permitted); and

(K) Particulate matter or visible deposits of residuals from roof stacks/vents not otherwise regulated, i.e., under an air quality control permit, and evident in the storm water outflow;

(iv) All “no exposure” certifications must include the following certification statement, and be signed in accordance with the signatory requirements of § 122.22: “I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of “no exposure” and obtaining an exclusion from NPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under paragraph (g)(2)) of this section. I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the

operator of the local MS4 into which this facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of storm water from the facility. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Exhibit M

From: [Greenwood, Rebecca@Waterboards](mailto:Greenwood.Rebecca@Waterboards)
To: [Fischer, Michael@Waterboards](mailto:Fischer.Michael@Waterboards)
Subject: RE: Non-industrial portions of a Facility question
Date: Wednesday, September 20, 2017 11:58:04 AM

Correct they would not need to sample from the rental portion if they are two distinct areas.

From: Fischer, Michael@Waterboards
Sent: Tuesday, September 19, 2017 9:38 AM
To: Greenwood, Rebecca@Waterboards <Rebecca.Greenwood@Waterboards.ca.gov>
Subject: Non-industrial portions of a Facility question

Rebecca,

I have a discharger that is partially a chain link fence manufacturing operation and partially a fence rental company (for construction sites, events, etc.).

They have separated their facility into two distinct sheds (with a chain link fence of course) and there is no forklift traffic/other access from the manufacturing portion to the rental portion. They do not need to sample the portion that is associated with the rental operation, correct?

They are under an MS4 and they do implement good BMPs on the rental portion, the question is just related to sampling.

Thanks,

Mike Fischer
Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
Phone: (916) 464-4663
E-mail: mfischer@waterboards.ca.gov

Exhibit N

Region 5S - Sacramento

COI ID: 42129 **WDID:** 5S341018621 **COI Type:** NOI
Owner: Security Contractor Services **Facility:** Security Contractor Services

Construction Details:

Field Name	Current Value	New Value
Total Disturbed Area:		Acres <input type="checkbox"/> Sqft <input type="checkbox"/>
Total Site Size:		Acres <input type="checkbox"/> Sqft <input type="checkbox"/>
Construction Start Date:		
Construction Completion Date:		
Type of Construction:	Construction <input type="checkbox"/> Linear Utility <input type="checkbox"/>	Construction <input type="checkbox"/> Linear Utility <input type="checkbox"/>

Risk Details:

Field Name	Current Value	New Value
R value Factor:		
K value Factor:		
LS value Factor:		
Is this a High Risk Watershed?		

Site/Facility Address Details:

Field Name	Current Value	New Value
Street Address:	5339 Jackson St	
Address Line 2:		
Latitude:	38.664553	
Longitude:	-121.373646	
City:	North Highlands	
County:	Sacramento	
Region:	Region 5S - Sacramento	

COI ID: 42129 **WDID:** 5S34I018621 **COI Type:** NOI
Owner: Security Contractor Services **Facility:** Security Contractor Services

Reason for Change:

1) Map discrepancy regarding site size. More detailed and accurate information regarding the site has resulted in a reduction of the site size.

2) SCS has discontinued all industrial operations in the northern portions of the SCS facility that are tributary to outfall SP-1. The remaining activities and materials stored in this area will be solely related to SCS's rental operations which are non-industrial and are not regulated under the 2015 IGP. These operations are classified under SIC code 7359 - Equipment Rental and Leasing, Not Elsewhere Classified.

Certification:

Name: Joseph McCaslin

Date: September 28, 2017

Title: Director Of Operations

Attachments Meta Data Information:

Attachment ID	File Name	File Description	File Hash	File Size	Date Attached	Attachment Type
2037028	SWPPP	Revision to SWPPP	5759d1f9a696e5f2 153aacb98feb7b3a 25ded989ed99b4c 023d99c8dc68c13	1599330	2017-09-28 15:34:53.0	SWPPP
2037029	Cover Letter	Cover Letter	fc9975129ccc5153 13b432e92da9bd8 17b45554eb7488d 171018fce0c669a7 85	48574	2017-09-28 15:34:53.0	Cover/Explanation Letter

You are logged-in as: **Patrick Otsuji** - .
 If this account does not belong to you, please log out.

Navigate To:

Change of Information (COI) - Status History

COI ID: 42129 **Status of Document:** Approved **Submitter:** Joseph McCaslin **Owner/Operator:** Security Contractor Services
 5311 Jackson St North Highlands CA 95660
COI NOI Type: **COI Date:** 09/28/2017 **WDID:** 5S34I018621 **Site/Facility:** Security Contractor Services
 5339 Jackson St North Highlands CA 95660

[COI Form](#) [Attachments](#) [Certify/Review](#) [Invoices](#) [Status History](#) [Back To NOI Summary](#)

Status of Document	Date	Status By
Approved	10/02/2017	Sara Saelee
Submitted to Water Board	09/28/2017	Joseph McCaslin
Returned	09/28/2017	Patrick Otsuji
Submitted to Water Board	09/27/2017	Joseph McCaslin

COR History

Attachment ID	Attachment For	File Type	File Title	File Description	Date Attached	Upload By
2036206	COI	COR zip	COR zip		09/27/2017	

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Navigate To:

Change of Information (COI) - NOI

COI ID: 42129 **Status of Document:** Approved **Submitter:** Joseph McCaslin **Owner/Operator:** Security Contractor Services
 5311 Jackson St North Highlands CA 95660
 COI NOI **COI Date:** 09/28/2017 **WDID:** 5S34I018621 **Site/Facility:** Security Contractor Services
 Type: 5339 Jackson St North Highlands CA 95660

COI Form [Attachments](#) [Certify/Review](#) [Invoices](#) [Status History](#) [Back To NOI Summary](#)

Please enter values that are to be updated in **Revised Value column fields** as needed.

Site/Facility Address Details:

Field Names	Current Values	Revised Values
Street Address:	<input type="text" value="5339 Jackson St"/>	<input type="text"/>
Address Line2:	<input type="text"/>	<input type="text"/>
Latitude:	<input type="text" value="38.664553"/>	<input type="text"/> View Map to select New Latitude & Longitude
Longitude:	<input type="text" value="-121.373646"/>	<input type="text"/> <input type="button" value="Update County/Region"/>
City:	<input type="text" value="North Highlands"/>	<input type="text" value="All"/>
County:	<input type="text" value="Sacramento"/>	Updated through changes to Latitude/Longitude. If changes are made to the Latitude/Longitude, press the 'Update County/Region' button to show the updated County/Region.
Region:	<input type="text" value="Region 5S - Sacramento"/>	Updated through changes to Latitude/Longitude. If changes are made to the Latitude/Longitude, press the 'Update County/Region' button to show the updated County/Region.

IGP Facility Details:

Field Names	Current Values	Revised Values
Total Site Size:	<input type="text" value="5.7"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft	<input type="text" value="4.34"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft
Total Area of Industrial Activities and Materials Exposed to Storm Water:	<input type="text" value="3.74"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft	<input type="text" value="3.51"/> <input checked="" type="radio"/> Acres <input type="radio"/> Sqft

SIC Codes:

Field Names	Current Values	Revised Values
Primary SIC Code:	<input type="text" value="3496"/>	<input type="text" value="Select"/>
Secondary SIC Code:	<input type="text"/>	<input type="text" value="Select"/>
Tertiary SIC Code:	<input type="text"/>	<input type="text" value="Select"/>

Reason for change:

1) Map discrepancy regarding site size. More detailed and accurate information regarding the site has resulted in a reduction of the site size.

2) SCS has discontinued all industrial operations in the northern portions of the SCS facility that are tributary to outfall SP-1. The remaining activities and materials stored in this area will be solely related to SCS's rental operations which are non-industrial and are not regulated under the 2015 IGP. These operations are classified under SIC code 7359 - Equipment Rental and Leasing, Not

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Navigate To:

Change of Information (COI) - Attachments

COI ID: 42129 **Status of Document:** Approved **Submitter:** Joseph McCaslin **Owner/Operator:** Security Contractor Services
 5311 Jackson St North Highlands CA 95660
COI Type: NOI **COI Date:** 09/28/2017 **WDID:** 5S34I018621 **Site/Facility:** Security Contractor Services
 5339 Jackson St North Highlands CA 95660

[COI Form](#) [Attachments](#) [Certify/Review](#) [Invoices](#) [Status History](#) [Back To NOI Summary](#)

Please click on **Upload Attachment** button to upload the corresponding files(Required for Site Size or Disturbed Area changes).

The following are the current documents related to the COI. Click on the link to view them.

Attachment ID	File Type	File Title	File Description	Part No	Delete
2037032	COR zip	COR zip		/	Delete
2037031	Submitted pdf	Submitted CIR pdf		/	Delete
2037028	SWPPP	SWPPP	Revision to SWPPP	1/1	Delete
2037029	Cover/Explanation Letter	Cover Letter	Cover Letter	1/1	Delete

You are logged-in as: **Patrick Otsuji** - .
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Navigate To:

Change of Information (COI) - Invoices

COI ID: 42129 **Status of Document:** Approved **Submitter:** Joseph McCaslin **Owner/Operator:** Security Contractor Services
 5311 Jackson St North Highlands CA 95660
COI NOI: **COI Date:** 09/28/2017 **WDID:** 5S341018621 **Site/Facility:** Security Contractor Services
 5339 Jackson St North Highlands CA 95660
Type:

[COI Form](#) [Attachments](#) [Certify/Review](#) [Invoices](#) [Status History](#) [Back To NOI Summary](#)

Invoices:

Invoice No	Invoice Date	Fiscal Year	Invoice Amount	Original Invoice Amount	Invoice Status	Status Date	Prepare Form- X
SW0127944	01/19/2017	2016	\$1,676.00	\$1,676.00	Done - Paid	02/14/2017	Prepare Form-X
SW0112424	02/25/2016	2015	\$1,282.00	\$1,282.00	Done - Paid	03/17/2016	Prepare Form-X
SW0097159	01/08/2015	2014	\$1,632.00	\$1,632.00	Done - Paid	01/29/2015	Prepare Form-X
SW0073523	01/10/2014	2013	\$1,791.00	\$1,791.00	Done - Paid	01/31/2014	Prepare Form-X
SW0057199	01/09/2013	2012	\$1,359.00	\$1,359.00	Done - Paid	01/28/2013	Prepare Form-X
SW0044792	01/04/2012	2011	\$1,359.00	\$1,359.00	Done - Paid	01/27/2012	Prepare Form-X
SW0030631	01/12/2011	2010	\$1,008.00	\$1,008.00	Done - Paid	02/01/2011	Prepare Form-X
SW0013707	01/13/2010	2009	\$1,008.00	\$1,008.00	Done - Paid	02/18/2010	Prepare Form-X
SV0823883	01/21/2009	2008	\$1,008.00	\$1,008.00	Done - Paid	02/12/2009	Prepare Form-X
SV0722935	01/23/2008	2007	\$830.00	\$830.00	Done - Paid	02/01/2008	Prepare Form-X
SV0620434	01/11/2007	2006	\$830.00	\$830.00	Done - Paid	01/23/2007	Prepare Form-X
SV0519188	01/10/2006	2005	\$718.00	\$718.00	Completed	01/10/2006	Prepare Form-X
SV0416989	01/07/2005	2004	\$830.00	\$830.00	Done - Paid	01/22/2005	Prepare Form-X

COI Payments:

Payment No	Payment Method	Payer Name	ROC No	Total Amount	Reference No	Allocated Amount	Unallocated Amount	Refunded Amount
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[Add New Payment](#)

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Navigate To:

Change of Information (COI) - Certification

COI ID: 42129 **Status of Document:** Approved **Submitter:** Joseph McCaslin **Owner/Operator:** Security Contractor Services
 5311 Jackson St North Highlands CA 95660
COI Type: NOI **COI Date:** 09/28/2017 **WDID:** 5S34I018621 **Site/Facility:** Security Contractor Services
 5339 Jackson St North Highlands CA 95660

[COI Form](#) [Attachments](#) [Certify/Review](#) [Invoices](#) [Status History](#) [Back To NOI Summary](#)

Your electronic "Change of Information" has been successfully received by the State Water Resources Control Board's database. Your confirmation information for this certification is as follows:

COI ID: 42129
Application ID: 200923
WDID: 5S34I018621
Submission/Certified Date: 09/28/2017
Certifier Name: Joseph McCaslin
Certifier Title: Director Of Operations

To make any changes/modifications to the COI, please click on - [Remand](#)

COI Review:

Notes to Discharger:			
Internal Notes:			
Review Decision:	<input type="button" value="Approve"/>	<input type="button" value="Return"/>	<input type="button" value="Deny"/>

September 28, 2017

Mr. Rich Muhl
Senior Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite #200
Rancho Cordova, CA 95670

Re: Notification to Accompany Revised Storm Water Pollution Prevention Plan (SWPPP) for Security Contractor Services

Dear Mr. Muhl:

On behalf of Security Contractor Services, Inc. (SCS), GSI Environmental is transmitting this revised SWPPP for the SCS facility located in North Highlands, CA. GSI is coordinating the SCS facility Level 2 IGP implementation. This SWPPP was prepared by KERAMIDA Environmental, Inc., the designated QISP for SCS. This SWPPP revision addresses the reduction in site size to 4.34 acres due to the following:

1. Map discrepancy regarding the site size. More detailed and accurate information regarding the site has resulted in a reduction of the site size.
2. SCS has discontinued all industrial operations in the northern portions of the SCS facility that are tributary to outfall SP-1. The remaining activities and materials stored in this area will be solely related to SCS's rental operations which are non-industrial and are not regulated under the 2015 IGP. These operations are classified under SIC code 7359 – Equipment Rental and Leasing, Not Elsewhere Classified.

Please let us know if you have questions regarding this notification.

Best regards,

A handwritten signature in blue ink, appearing to read "Tim S.", with a stylized flourish at the end.

Timothy Simpson, PE, GE
GSI Environmental

Cc: Joe McCaslin
Project Manager, Legally Responsible Person
Security Contractor Services

Jodie Crandell
KERAMIDA Environmental Inc.

Exhibit O

Otsuji, Patrick@Waterboards

From: Chris Hsu <chsu@gsi-net.com>
Sent: Thursday, September 28, 2017 1:10 PM
To: Stormwater@Waterboards; Otsuji, Patrick@Waterboards
Cc: jmccaslin@scsfence.com; Timothy Simpson
Subject: RE: Change of Information_GSI

Hi Patrick,

It's nice to talk to you on phone. Please assist to return the COI (COI ID: 42129). I have cc the Site's LRP (Joe McCaslin) in this email.

Thank you for help!

Best

Chris

Chris (Meng-Horng) Hsu, D.Env., PE
chsu@gsienv.com

GSI Environmental Inc.
4590 MacArthur Blvd., Suite 285
Newport Beach, CA 92660

Main: (949) 679-1070
Cell: (310) 994-5232
Fax: (949) 679-1161

www.gsi-net.com



From: Stormwater@Waterboards [mailto:Stormwater.Stormwater@waterboards.ca.gov]
Sent: Thursday, September 28, 2017 12:55 PM
To: Chris Hsu <chsu@gsi-net.com>; Otsuji, Patrick@Waterboards <Patrick.Otsuji@waterboards.ca.gov>
Subject: RE: Change of Information_GSI

Hello,

Since the COI is submitted it cannot be deleted. You will need to wait until the local Regional Water Board staff reviews it before another COI can be started.

To receive email updates about Storm Water permitting issues please sign up for our electronic mailing lists at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

Please let us know your experience with us both positive and negative by visiting <http://www.calepa.ca.gov/Customer/> and filling out a short Customer Service Survey Form.

If you have any further questions/concerns please contact us by email or at 1-866-563-3107.

Thank You,

Storm Water Section
Division of Water Quality
State Water Resources Control Board

From: Chris Hsu [<mailto:chsu@gsi-net.com>]
Sent: Thursday, September 28, 2017 12:08 PM
To: Otsuji, Patrick@Waterboards <Patrick.Otsuji@waterboards.ca.gov>; Stormwater@Waterboards <Stormwater.Stormwater@waterboards.ca.gov>
Subject: Change of Information_GSI

Hi Patrick/ Stormwater Helpdesk,

Our client (WDID: 5S34I018621) submitted a COI (COI ID: 42129) yesterday. We would like to update some information.

It looks like LRP cannot delete the existing COI.

Could you assist?

Thank you for help.

Chris

Chris (Meng-Horng) Hsu, D.Env., PE
chsu@gsienv.com

GSI Environmental Inc.
4590 MacArthur Blvd., Suite 285
Newport Beach, CA 92660

Main: (949) 679-1070
Cell: (310) 994-5232
Fax: (949) 679-1161

www.gsi-net.com





From: Joe McCaslin jmccaslin@scsfence.com
Subject: FW: Change of Information Request Reviewed
Date: September 28, 2017 at 3:07 PM
To: William W. Funderburk, Jr. wfunderburk@candffirm.com, PE GE Timothy Simpson (tssimpson@gsi-net.com)
tssimpson@gsi-net.com, Caroline Koch caroline@lawyersforcleanwater.com

-----Original Message-----

From: do_not_reply@waterboards.ca.gov [mailto:do_not_reply@waterboards.ca.gov]
Sent: Thursday, September 28, 2017 1:22 PM
To: atariq@keramida.com; jcrandell@keramida.com; Joe McCaslin <jmccaslin@scsfence.com>
Cc: r5s_stormwater@waterboards.ca.gov
Subject: Change of Information Request Reviewed

Owner/Operator:
Security Contractor Services
5311 Jackson St
North Highlands CA 95660

Facility/Site:
Security Contractor Services
5339 Jackson St
North Highlands CA 95660

WDID: 5S34I018621
Application Id: 200923
COI ID: 42129
COI Type: NOI
Status: Returned
Status Date: 2017-09-28 13:21:37.881

Your Change of Information request for NOI is Returned.

Notes : Returned to allow the discharger to upload additional documents

If you have any questions, please contact the SMARTS Help Center 1-866-563-3107.

Thank you,
Storm Water Section

From: Joe McCaslin jmccaslin@scsfence.com
Subject: FW: Change of Information Request Submitted to WaterBoard
Date: September 28, 2017 at 3:41 PM
To: William W. Funderburk, Jr. wfunderburk@candffirm.com, Caroline Koch caroline@lawyersforcleanwater.com



COI updated with supporting documents.

-----Original Message-----

From: do_not_reply@waterboards.ca.gov [mailto:do_not_reply@waterboards.ca.gov]
Sent: Thursday, September 28, 2017 3:36 PM
To: atariq@keramida.com; jcrandell@keramida.com; Joe McCaslin <jmccaslin@scsfence.com>
Cc: r5s_stormwater@waterboards.ca.gov
Subject: Change of Information Request Submitted to WaterBoard

Owner/Operator:
Security Contractor Services
5311 Jackson St
North Highlands CA 95660

Facility/Site:
Security Contractor Services
5339 Jackson St
North Highlands CA 95660

WDID: 5S34I018621
Application Id: 200923
COI ID: 42129
COI Type: NOI
Status: Submitted to Water Board
Submission Date: 2017-09-28 15:36:06.498

Your Change of Information request for NOI is Submitted to Water Board.

If applicable, please send the payment for the increase in acreage within 14 days to the Water Boards. The fee may be made by Electronic Fund Transfer (EFT) or by check sent to the Water Boards.

\$\$corhash\$\$

If you have any questions, please contact the SMARTS Help Center at stormwater@waterboards.ca.gov or 1-866-563-3107.

Thank you,
Storm Water Section