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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

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ORDER NO. R8-2012-0012
NPDES PERMIT NO. CAG 618001

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND WASTE DISCHARGE REQUIREMENTS

SECTOR-SPECIFIC GENERAL PERMIT FOR STORM WATER RUNOFF ASSOCIATED WITH INDUSTRIAL ACTIVITIES FROM SCRAP METAL RECYCLING FACILITIES WITHIN THE SANTA ANA REGION

The following Permittees are subject to waste discharge requirements as set forth in this Order (or Permit):

PERMITTEES: All those facilities engaged in scrap metal recycling (collectively hereinafter referred to as scrap metal facilities) within the Santa Ana Region of the California Regional Water Quality Control Board (Regional Board) and have filed Permit Registration Documents*[1] (PRDs) with the State Water Resources Control Board (State Board) for coverage under this Permit. This Permit is not applicable to recycling facilities commonly referred to as material recovery facilities that only receive recyclable materials, primarily from non-industrial and residential sources, where no processes are performed on metal scrap other than sorting, compaction, storage and transport.

ADMINISTRATIVE INFORMATION:

This Order was adopted by the Santa Ana Regional Water Quality Control Board on:	**February 10, 2012**
This Order shall become effective on:	**February 10, 2012**
This Order shall expire on:	**February 09, 2017**
The U.S. Environmental Protection Agency (US EPA) and the Regional Water Board have classified this discharge as a minor discharge.	

IT IS HEREBY ORDERED that the Permittees subject to this Permit, in order to meet the provisions contained in division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, shall comply with the requirements in this Permit.

[1] An asterisk (*) indicates that the term is defined in the Glossary of Terms

I, Kurt V. Berchtold, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on February 10, 2012.

_____
Kurt V. Berchtold, Executive Officer

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I. FACILITY INFORMATION (FACILITIES REGULATED UNDER THIS ORDER)

This Permit regulates the discharge of storm water associated with industrial activities* and authorized non-storm water discharges* from facilities that are engaged in metals recycling. These are facilities that are listed under Standard Industrial Classification (SIC) Code 5093 and engaged in the following types of activities: (1) automotive wrecking for scrap-wholesale [this category does not include facilities engaged in automobile dismantling for the primary purpose of selling second hard parts]; (2) iron and steel scrap- wholesale; (3) junk and scrap metal –wholesale; (4) metal waste and scrap- wholesale; and (5) non-ferrous metals scrap-wholesale. Other types of facilities listed under SIC Code 5093 and engaged in wastes recycling are not required to get coverage under this Permit. A "No Exposure Certification" is required for facilities that do not have any exposure of industrial activities to storm water. If there is no discharge of storm water or authorized non-storm water to surface waters, permit coverage is not required and the facility must provide proof of no discharge (e.g., a certification from a professional engineer that the facility has a retention basin designed to retain all runoff from a 100-year, 24-hour storm event). Procedures for these certifications are described under Part III.J of this Permit. This Permit does not regulate storm water runoff from construction activities and other types of industrial activities.

II. FINDINGS

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

A. BACKGROUND

1. A Metal Recyclers Water Quality Standards Committee (the Committee) was established by stakeholders consisting of industry, environmental, regulatory, and other interested parties and/or persons, to address pollutants in storm water runoff from scrap metal facilities within the Santa Ana Regional Board's jurisdiction. The Committee recommended[2] that the Regional Board issue a sector-specific storm water general permit for all scrap metal facilities within the Region.

2. Most scrap metal facilities within the region are currently regulated under the State Board's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ (General Industrial Permit). Within 90 days of adoption of this Order, all scrap metal facilities within this Region will be required to get coverage under this Permit. Permit coverage under the State's General Permit will cease once coverage is obtained under this Order.

B. GOVERNING FEDERAL AND STATE LAWS AND REGULATIONS

3. The Fact Sheet attached to this Order includes the regulatory basis for each of the requirements specified in this Order. The Fact Sheet is incorporated into the terms of this Permit.

[2] Preamble, Metal Recyclers WQ Standards Committee
http://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/scrap_metal_committee.shtml

4. Section 402(p) of the federal Clean Water Act (CWA) requires that pollutant discharges in storm water runoff from industrial facilities be regulated under a National Pollutant Discharge Elimination System (NPDES)* permit.

5. In California, the nine regional boards and the State Board* implement the requirements of the CWA, including issuance of NPDES* permits. Chapter 5.5 of the California Water Code (CWC) incorporates the CWA. (Title 23, Division 7, Chapter 5.5). The CWC and the CWA require the regional boards to develop regional water quality control plans or Basin Plans (CWC, Chapter 4, Article 3) including water quality objectives* and beneficial uses* (collectively referred to as the water quality standards* in the CWA). The most recent Basin Plan* for the Santa Ana River Basin was adopted in 1995, although the Basin Plan has been amended since that date. The Basin Plan identifies beneficial uses* of waters of the region and contains water quality objectives to protect those beneficial uses. The Basin Plan also incorporates statewide water quality control plans and policies.

6. The Basin Plan, CWC, CWA and related federal and state regulations are the basis for the requirements contained in this NPDES permit. These statutes and regulations require that: (1) storm water discharges associated with industrial activities* be regulated under an NPDES permit; (2) these facilities implement Best Available Technology Economically Achievable (BAT)* and Best Conventional Pollutant Control Technology (BCT)* to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges*. CWA section 402(p)(3)(A) also requires that permits for discharges associated with industrial activity include requirements necessary to meet water quality standards* (40 CFR § 122.44).

7. Consistent with the federal statutes and regulations, this Permit includes numeric effluent limits*, numeric action levels*, and technology and water quality-based effluent limitations. (CWA §§ 301(b)(1)(A) and 402(p)(3)(A), 40 CFR §§ 122.26, 122.28 and 125.3).

8. Storm water regulations provide conditional exemption from NPDES permit requirements for facilities where there is no exposure of industrial activities to storm water. In addition, an NPDES permit is not required if there is no discharge to waters of the U.S.*

9. This Permit regulates storm water and authorized non-storm water discharges* from scrap metal facilities that are located within the Regional Board's jurisdiction.

10. The monitoring requirements specified in this Order are consistent with the federal regulations (40 CFR §§ 122.44(i)(3) and (4)).

11. The requirements specified in this Permit are consistent with the federal statutes and regulations and with those provisions of the CWC that incorporate the federal laws and regulations.

C. WATER QUALITY CONTROL PLAN (BASIN PLAN*)

12. The Regional Board adopted a revised Water Quality Control Plan for the Santa Ana River Basin (hereinafter Basin Plan*) that became effective on January 24, 1995. The Basin Plan has been amended a number of times since 1995. The Basin Plan designates beneficial uses*, establishes water quality objectives*, and contains implementation programs and policies to achieve those water quality objectives for all waters in the Santa Ana Region.

13. Beneficial uses* recognized in the Basin Plan* for surface waters in the Permit Area* are as follows:

    a. Municipal and Domestic Supply,
    b. Agricultural Supply,
    c. Industrial Service Supply,
    d. Industrial Process Supply,
    e. Groundwater Recharge,
    f. Hydropower Generation,
    g. Water Contact Recreation,
    h. Non-contact Water Recreation,
    i. Warm Freshwater Habitat,
    j. Limited Warm Freshwater Habitat,
    k. Cold Freshwater Habitat,
    l. Preservation of Biological Habitats of Special Significance,
    m. Wildlife Habitat,
    n. Rare, Threatened or Endangered Species, and
    o. Spawning, Reproduction, and Development

14. The existing and potential beneficial uses of groundwater that could be impacted by the discharge of storm water associated with industrial activities include one or more of the following:

    a. Municipal and Domestic Supply,
    b. Agricultural Supply,
    c. Industrial Service Supply, and
    d. Industrial Process Supply

15. The Basin Plan* also incorporates by reference all State Board* water quality control plans and policies including the 2009 Water Quality Control Plan for Ocean Waters of California (Ocean Plan)[3] and the 1974 Water Quality Control Policy for Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Policy)[4]. Water quality objectives* specified in the Basin Plan* include numeric and narrative objectives that may be more stringent than the national or statewide water quality criteria*.

[3] http://www.waterboards.ca.gov/water_issues/programs/ocean/docs/2009_cop_adoptedeffective_usepa.pdf
[4] http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1995/rs1995_0084.pdf

D. NATIONAL TOXICS RULE (NTR, 57 FR 60848) AND CALIFORNIA TOXICS RULE (CTR, 40 CFR PART 131)[5]

16. NTR and CTR are blanket water quality criteria that apply to all surface water discharges. The Regional Board believes that compliance with Water Quality Standards through a combination of effluent limits based on numeric effluent limits, numeric action levels and implementation of BMPs is appropriate for regulating storm water runoff from industrial facilities. The USEPA articulated its position on the use of BMPs in storm water permits in the policy memorandum entitled, ‘‘Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits’’ (61 FR 43761, August 9, 1996).[6]

E. DISCHARGE CHARACTERISTICS

17. In 1983, the USEPA published the results of its Nationwide Urban Runoff Program (NURP) study[7]. This study indicated that urban runoff and industrial storm water runoff are major sources of pollutants in receiving waters. The results of this study were used for the 1987 CWA amendments that laid the foundation for regulating storm water discharges through NPDES permits. This Order regulates storm water runoff from scrap metal facilities under the jurisdiction of this Regional Board. Storm water runoff associated with industrial activities include storm water runoff, snowmelt runoff and surface runoff and drainage that has come in contact with industrial activities as defined in the Glossary.

18. Pollutants in storm water runoff from scrap metal facilities include: oil and grease from waste materials being recycled at the facility and from leaks and spills of equipment and machinery used at the facility; gasoline, diesel and other petroleum products used at the facility; metals from scrap metals being recycled; BOD/COD* from wastes being recycled or from the recycling operations; suspended solids from the recycled wastes or from the operations at the facility; and acidity or alkalinity (pH) from waste materials. These pollutants can threaten and adversely affect human health and the environment and can bioaccumulate* in receiving waters in the tissues of invertebrates and fish and eventually consumed by humans and other animals.

19. These pollutants are carried to rivers, streams, lakes and the Pacific Ocean (collectively the “Receiving Waters*”) through storm water and non-storm water runoff from these facilities.

20. The Permittees discharge storm water associated with industrial activities* into municipal separate storm sewer systems (MS4s)*, creeks and channels, lakes, rivers, streams, the ocean and tributaries thereto within the Region. Some of the receiving waters* have been designated as impaired waterbodies* by the Regional Board and the USEPA pursuant to CWA section 303(d). The Regional Board has developed and the State Board, Office of Administrative Law and the USEPA have approved, total maximum daily loads (TMDLs)* for some of these impaired

[5] http://www.epa.gov/region9/water/ctr/
[6] See discussions on Wet Weather Flows in the Federal Register/Vol. 65, No. 97/Thursday, May 18, 2000/Rules and Regulations
[7] http://www4.ncsu.edu/~rcborden/CE383/Stormwater_Refs/NURP_Results_Vol_1.pdf

waterbodies*. Special provisions are included for discharges to impaired waterbodies*, including those with approved TMDLs*.

F. DISCHARGE PROHIBITIONS

21. Pursuant to Water Code section 13377, the Regional Board is authorized to adopt waste discharge requirements as required or authorized by the Federal Clean Water Act that prohibit discharges from containing pollutants that cause or threaten to cause pollution, contamination, or nuisance together with any more stringent effluent standards or limitations necessary to implement the Basin Plan*. This Permit also incorporates the discharge prohibitions contained in the Basin Plan.

22. This Permit prohibits the discharge of unauthorized non-storm water discharges*. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. Non-storm water discharges* may contribute significant pollutant loads to receiving waters*. Measures to control spills, leakage, and dumping, must be addressed through structural as well as non-structural Best Management Practices (BMPs)*. The Regional Board recognizes, however, that certain non-storm water discharges* may not be significant sources of pollutants when managed appropriately. This Permit allows certain non-storm water discharges (authorized non-storm water discharges)* provided that those discharges are not significant sources of pollutants to receiving waters*.

G. TECHNOLOGY-BASED EFFLUENT LIMITATIONS

23. Section 402((p)(3)(A) of the CWA requires that discharges of storm water runoff from industrial facilities comply with technology-based effluent limitations per Section 301 and any more stringent limitations necessary to meet water quality standards.

24. All NPDES permits are generally required to have technology-based effluent limitations (TBELS) and water quality-based effluent limitations* (WQBELs). Technology-based effluent limitations are established by USEPA in regulations known as effluent limitations guidelines for specific industry categories or subcategories after conducting an in-depth analysis of treatment technologies available for that industry. The USEPA has not established effluent limitation guidelines for the scrap metal industry. Therefore, Regional Board staff has used best professional judgment*(BPJ) in establishing numeric action levels in this Permit. In using best professional judgment approach, staff used its knowledge of the scrap metal industry, the treatment technologies that are currently available, and the effluent quality expected from the use of those treatment technologies and/or good housekeeping practices. Staff also reviewed the analytical results of storm water runoff in the annual reports for scrap metal facilities within the region.

25. In 2005 the State Board convened an expert panel (Blue Ribbon Panel or Panel) that submitted a report entitled, “The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and

Construction Activities," dated June 19, 2006[8]. The Panel concluded that numeric limits are feasible for some industrial categories. They recommended that numeric limits should be based on sound and established practices for storm water pollution prevention and treatment. For the construction category, the Panel stated, "Board should consider the phased implementation of Numeric Limits and Action Levels, commensurate with the capacity of the Permittees and support industry to respond." The Panel observed that in certain cases where the activities and pollutants are comparable, a similar approach could be considered for industrial activities. The Panel also expressed its concerns about the reliability of analytical data produced as required under the State's General Permit.

26. The Regional Board has considered the recommendations of the Blue Ribbon Panel and other available data in prescribing numeric action levels and numeric effluent limits in this Permit. This Order offers two options to permitted facilities. The first option (Option 1) takes a phased approach* to implement numeric action levels (NALs) with the intent of using the data produced during this permit term to develop technology-based effluent limitations. For the second option (Option 2), the Permittees are required to meet the limits established by the California Toxics Rule and are not required to implement the mandatory minimum BMPs* discussed in this Permit under Option 1. However Permittees that select the Option 2 will be required to meet the water quality-based numeric effluent limits (NELs) specified in Table 1b, upon submittal of their permit registration documents (PRDs). The Permittees must elect either Option 1 or Option 2 when completing the online Notice of Intent through the State Board's Storm Water Multiple Application and Report Tracking System (SMARTS).

27. During Phase I, the Permittees that opt for the Option 1 are required to implement mandatory minimum BMPs*, conduct monitoring and evaluate the data. This Permit uses a modified version of the USEPA benchmarks listed in its industrial Multi-Sector General Permit (EPA's MSGP)[9] for storm water and best professional judgment for the NALs in Option 1.

28. The three-phased compliance strategy of Option 1 imposes stringent time lines for the implementation of improved BMPs where numeric action levels are not met. The Committee is currently conducting an independent evaluation of a number of treatment technologies for the scrap metal industry, including a number of treatment controls installed at various scrap metal facilities located within Southern California. These efforts are likely to lead to a number of acceptable treatment technologies for the scrap metal industry group, some of which may be appropriate for developing technology-based effluent limitations. The Regional Board will evaluate the results of these studies and determine the need to reopen this Permit to incorporate any additional technology-based effluent limitations developed through this process.

29. The NELs and NALs in this Permit are appropriate numeric thresholds. A Permittee shall take corrective actions when any of the criteria for exceedance is triggered.

[8] http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/numeric/swpanel_final_report.pdf
[9] http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf

30. The Regional Board finds that the NELs and NALs serve as an appropriate set of effluent limitations that demonstrate compliance with BAT/BCT. Pollutants in storm water discharges caused by atmospheric deposition or from offsite sources and/or run-on from forest fires, or any other natural disaster do not apply towards any NAL corrective action trigger determinations. While NALs are not effluent limitations and an exceedance of an NAL trigger is not considered a violation of this Permit, this Permit requires the Permittees to implement specified control measures upon a determination that one of the triggers has been exceeded. An exceedance of an NEL is considered a violation of the Permit.

31. Consistent with federal regulations, this Order also includes BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges in addition to the NELs and NALs. (40 CFR § 122.44(k)(2)).

H. WATER QUALITY-BASED EFFLUENT LIMITATIONS (WQBELs)

32. 40 CFR § 122.44(d) requires that NPDES permits include WQBELs to attain and maintain applicable numeric and narrative water quality standards of the receiving waters.

33. Where numeric water quality criteria have not been established, 40 CFR § 122.44(d) provides that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

34. The use of BMPs to control or abate the discharge of pollutants is allowed by 40 CFR § 122.44(k)(3) when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards [40 CFR § 122.44(k)(4)] or to carry out the purposes and intent of the CWA [40 CFR § 122.44(k)(4)]. It is the Regional Board's intent to require the Permittees either to implement BMPs, including treatment controls where necessary (Option 1), or to have treatment controls (Option 2), in order to support attainment of water quality standards*.

35. This Order includes receiving water limitations based on water quality objectives* and it prohibits the creation of nuisance or pollution. The Order establishes a phased approach through Option 1, to determine the most appropriate method to control pollutants from scrap metal facilities and to achieve water quality standards* in the receiving waters*.

36. Federal regulations (40 CFR § 122.44(d)(1)(vii)(B)) require inclusion of effluent limits that are "consistent with the assumptions and requirements of any available Waste Load Allocation (WLA)* for the discharge prepared by the State and approved by USEPA." The Permittees are required to develop and implement a comprehensive storm water pollution prevention plan (SWPPP) designed to meet water quality standards and the applicable WLAs by the applicable compliance dates specified in the TMDL implementation plans that have WLAs specified for the Permittees. If the Regional Board does not approve the comprehensive

SWPPP plan prior to the compliance date, the WLAs will become the final WQBEL(s) on the applicable compliance date and will remain in effect until a comprehensive SWPPP plan is approved by the Regional Board. The comprehensive plan will be updated, as necessary, to reflect evaluations of the effectiveness of the BMPs, including evaluations presented in the annual reports.

37. These WQBELs are consistent with the assumptions and requirements identified in the TMDL Implementation Plans adopted with the TMDLs* because the WQBELs are expected to be sufficient to meet the WLAs by the compliance dates.

I. RECEIVING WATER LIMITATIONS

38. Discharges from permitted facilities that cause or contribute to a violation of water quality standards* are prohibited. The Permittees are required to meet water quality standards* in the receiving waters through implementation of BMPs in Option 1 or through treatment controls in Option 2. For discharges introduced upstream of an impaired waterbody*, additional control measures, including a comprehensive SWPPP designed to meet any applicable WLAs in the TMDL implementation plans, are required.

J. MONITORING AND REPORTING

39. 40 CFR § 122.48 requires that all NPDES permits specify requirements for monitoring and reporting. Sections 13267 and 13383 of the CWC authorize the Regional Board to require technical and monitoring reports. The Monitoring and Reporting Program attached to this Order establishes monitoring and reporting requirements to implement federal and State requirements.

40. Federal regulations at 40 CFR §§ 122.44(i)(3) and (4) establish minimum monitoring requirements that must be included in storm water permits. These regulations require storm water permits to include at least one annual inspection and other applicable monitoring requirements. The minimum requirements in the regulations are that the Permittees must: (1) conduct an annual comprehensive facility compliance evaluation to identify areas of the facility contributing pollutants to storm water discharges; (2) evaluate whether measures to reduce industrial pollutant loads identified in the Permittee's SWPPP are adequate and properly implemented in accordance with the terms of this Permit; and (3) determine whether additional control measures are needed.

41. The Regional Board finds that discharge monitoring is the best option to determine compliance with the NELs, NALs and other requirements specified in this Order. Therefore, this Order includes monitoring of four storm events per year and a monthly visual inspection schedule to determine whether pollutants are being discharged, the control measures are working properly and to ascertain the need for any additional controls. However, these monitoring and inspection frequencies can be reduced upon attaining consistent compliance with all Permit requirements, including compliance with NELs and NALs.

42. The Permit encourages all Permittees under this Order to participate in a group monitoring program approved by the Regional Board. This is critical for appropriate quality control and quality assurance and to produce quality monitoring data. Individual monitoring is also an option; however, those opting to develop an individual monitoring program are required to undergo appropriate training programs and follow strict quality control protocols as specified in Provision VI.B.3. of the Monitoring and Reporting Requirements.

K. TRAINING REQUIREMENTS

43. In order to improve compliance with and to maintain consistent enforcement of this Permit, 18 months after adoption of this Permit all Permittees are required to have the SWPPP developed and implemented by a properly trained "Qualified SWPPP Developer" (QSD) and a "Qualified SWPPP Practitioner" (QSP), respectively. If the State Board has not established a curriculum and a training program to certify persons with the appropriate level of education and training as QSDs and QSPs for industrial activities within this timeframe, the Regional Board will develop such a program. Only those with proper certification as QSDs and QSPs should develop and implement the SWPPP. Training is also required for sample collection, preservation and handling as specified in Monitoring and Reporting Program, Provision VI.B.3.

L. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

44. This Permit requires a QSD to develop and a QSP to implement a site-specific SWPPP for each facility. The minimum requirements for the SWPPP are specified in this Order. The training and certification requirements for the QSD and QSP will become effective 18 months after adoption of this Permit.

M. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

45. Under Water Code Section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code Sections 21100 -21177 (*County of Los Angeles v. California State Water Resources Control Board* (2006) 142 Cal App.4th. 985, mod. [Nov. 6, 2006, B184034] 50 Cal.Rptr.3rd 619, 632-636).

N. ANTI-DEGRADATION POLICY

46. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR § 131.12 and State Board Resolution No. 68-16, for the discharges permitted under this Order. The Regional Board finds that the storm water and authorized non-storm water runoff regulated under this Order are consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary. This Order requires the continued implementation of programs and policies to reduce the discharge of pollutants in storm water runoff associated

with industrial activities and include additional requirements to control the discharge of pollutants from the regulated facilities.

O. ANTI-BACKSLIDING

47. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR§ 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued NPDES permit to be as stringent as those in the previous permit, with some exceptions where effluent limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the State General Industrial Permit.

P. THREATENED OR ENDANGERED SPECIES ACT (ESA)

48. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). This Order requires compliance with effluent limits*, receiving water limits*, and other requirements to protect the beneficial uses* of Waters of the U.S.* The Permittees are responsible for meeting all requirements of the applicable Endangered Species Act.

Q. STANDARD AND SPECIAL PROVISIONS

49. This Order incorporates all the applicable provisions from the federal NPDES permit regulations.

R. NOTIFICATION OF INTERESTED PARTIES

50. The Regional Board has notified the Pemittees and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet for this Order.

S. CONSIDERATION OF PUBLIC COMMENTS

51. The Regional Board notified the Permittees, all known interested parties, and the public of its intent to issue waste discharge requirements for the covered discharges and has provided them with an opportunity to submit their written views and recommendations.

52. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and the requirements of this Order. Details of the Public Hearing are provided in the Fact Sheet for this Order.

T. ALASKA RULE

53. On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal Water Quality Standards become effective for CWA purposes (40 CFR § 131.21, 65 FR 24641, April 27, 2000). Under the revised regulation (also known as the Alaska rule), USEPA must approve new and revised Water Quality Standards submitted to USEPA after May 30, 2000 before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

U. COMPLIANCE WITH CZARA

54. The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), Section 6217(g), requires coastal states with approved coastal zone management programs to address Non-Point Source Pollution impacting or threatening coastal water quality. The CZARA addresses five sources of non-point pollution: agriculture, silviculture, urban, marinas, and hydromodification. This Order addresses the management measures required for the urban category. Compliance with requirements specified in this Order relieves the Permittees from developing a Non-Point Source Plan, for the urban category, under CZARA.

III. PERMIT REQUIREMENTS:

(The Permit provides two options for the Permittees to comply with this Order: (1) Option 1- Phased Approach; and (2) Option 2- Non-Phased Approach. The Permittees must choose one of these options from the Notice of Intent* at the time of submitting Permit Registration Documents*.)

A. AUTHORIZED NON-STORM WATER DISCHARGES

1. The following types of non-storm water discharges are authorized provided the Permittees identify each source and its discharge location, characterize the discharge including potential pollutants and the flow volume, and identify appropriate pollutant control measures for each discharge including source control BMPs and other control measures to eliminate or reduce such discharges. This information shall be documented in the SWPPP*.

    a. Uncontaminated condensate from refrigeration, air conditioning and compressor units;
    b. Discharges covered by a NPDES* permit, waste discharge requirements*, or waivers issued by the Regional Board or State Board.
    c. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters. These shall be minimized through water conservation efforts and by developing draught tolerant landscapes.

d. Passive foundation drains[10];
e. Passive footing drains[11];
f. Water from crawl space pumps[12];
g. Rising groundwater[13] and natural springs;
h. Uncontaminated groundwater infiltration as defined in 40 CFR § 35.2005 (20) and uncontaminated pumped groundwater (as defined in the glossary),
i. Emergency firefighting flows (i.e., flows necessary for the protection of life and property) do not require BMPs and need not be prohibited. However, appropriate BMPs to reduce the discharge of pollutants to the extent practicable must be implemented when they do not interfere with health and safety issues; and
j. Waters not otherwise containing wastes as defined in CWC § 13050 (d), fully characterized and identified in the SWPPP.

2. When types of discharges listed above are identified as a significant source of pollutants to waters of the U.S., Permittees must either eliminate the discharge category from entering the MS4s and/or surface waters or ensure that source control BMPs and/or treatment control BMPs are implemented to reduce or eliminate pollutants resulting from the discharge.

B. DE MINIMUS TYPES OF DISCHARGES

1. The Regional Board regulates certain de minimus types of discharges including water from potable water sources related to operation, maintenance, or testing of potable water systems; dewatering wastes; well development and testing wastes; etc., through its De Minimus Permit, Order No. R8-2009-0003. Permittees shall obtain coverage under the De Minimus Permit for any de minimus types of discharges.

2. Discharges from fire protection system flushing, testing, and maintenance either should be discharged to a sanitary sewer (with permission of the local sewering agency) or must be regulated under the De Minimus Permit.

C. DISCHARGE PROHIBITIONS

1. There shall be no trash, debris*, floating materials, foam, plastics or any deleterious materials* in storm water runoff from the permitted facilities.

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[10] Allowed discharges only if the source water drained from the foundation is storm water or uncontaminated groundwater. Discharges of contaminated groundwater will require coverage under the De Minimus Permit (Order No. R8-2009-0003, NPDES No. CAG998001) or General Groundwater Cleanup Permit –(Order No. R8-2007-0008, NPDES Permit No CAG918001) or its latest version.

[11] See footnote 10, above.

[12] Allowed discharges only if the discharge is uncontaminated, otherwise permit coverage under the De Minimus Permit or Order No. 2006-0008-DWQ (NPDES No. CAG990002), General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Surface Waters (General Permit-Utility Vaults).

[13] Discharge of rising groundwater and natural springs into surface water is only allowed if groundwater is uncontaminated. Otherwise, coverage under the General Groundwater Cleanup Permit, Order No. R8-2007-0008 may be required.

2. All non-storm discharges, except those authorized under Section A, above, shall be eliminated unless authorized by an individual NPDES permit or waste discharge requirements issued by the Regional Board or the State Board. This includes all process wastewater, storm water comingled with process wastewater and any illicit discharges* (authorized non-storm water discharges are not considered illicit discharges).

3. Discharges of storm water or authorized non-storm water* from the Permittee's facilities shall not cause or contribute to a condition of pollution, contamination, or nuisance (as defined in CWC § 13050).

4. Discharges from facilities regulated under this Order shall not contain any hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

5. There shall be no discharge of wastes in violation of prohibitions contained in Chapter 5 of the Basin Plan.

6. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

D. GENERAL REQUIREMENTS

1. Design Storm for Treatment Control Measures:

All treatment systems shall be sized and designed to treat the design volume that shall be greater than or equal to 95th percentile* storm event based on historical daily rainfall information available for the location where the regulated facility is located. An analytical result from flows exceeding a design storm shall not be used in determining any exceedances of NALs, NELs or other permit violations and shall not be used in calculations leading to revised NALs or NELs.

2. Training and Qualification Requirements (QSD/QSP/Certified Persons)

Within 18 months of Permit adoption, all Corrective Action Plans and Storm Water Pollution Prevention Plans (SWPPPs)* shall be developed and certified by those who have completed a State Board or Regional Board sponsored or approved Qualified SWPPP Developer (QSD) program and a Qualified SWPPP Practitioner (QSP) shall implement the SWPPP. If the State Board does not develop an industrial QSD/QSP certification program as part of the General Industrial Permit within 18 months of adoption of this Permit, the Regional Board proposes to organize the development of a scrap metal-specific QSD/QSP certification program. In the absence of such a program, other equivalent programs or professional experience and other certifications may be considered by the Executive Officer. Sample collection, preservation and handling shall be conducted by a Certified Person who has undergone appropriate training as specified in the Monitoring and Reporting Program, Provision VI.B.3.

3. Storm Water Pollution Prevention Plans (SWPPP)*

Each Permittee shall select, design and install facility-specific control measures designed to meet either the BAT/BCT effluent limitations for Option 1 or the water quality-based NELs in Table 1.b for Option 2. These control measures shall include good housekeeping practices including best management practices* and these practices shall be documented in the SWPPP* for the facility. A site-specific SWPPP shall be developed and implemented prior to start of operations at each facility regulated under this Order. Permittees who had prepared a SWPPP as required under the General Industrial Permit shall update the Plan (if necessary), prior to uploading PRDs* for coverage under this Order. The SWPPP is a dynamic document and must be updated, as needed. The SWPPP shall be kept on site and made available to Regional Board staff upon request. At a minimum, the SWPPP shall include the following elements.

a. **Facility Information:** The SWPPP shall include relevant facility information as per the details provided in Phase I, below.

b. **Preventative Measures:** The SWPPP shall document the Preventative Measures as per the details provided in Phase I, below.

c. **Mitigative Measures:** The SWPPP shall document the Mitigative Measures as per the details provided in Phases I, II and III, below.

d. **Visual Inspections and Monitoring and Reporting Requirements:** The SWPPP shall include a monitoring and reporting program in accordance with Monitoring and Reporting Program No. R8-2012-0012, attached to this Order.

E. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

Storm water runoff associated with industrial activities* from the regulated facilities shall be in compliance with either Option 1 or Option 2 below.

1. <u>Option 1 - Three-Phased Approach</u>

a. **Numeric Action Levels for Option 1*:** The Permittees shall design the SWPPPs to document compliance with the numeric action levels specified in Table 1a, below (or the numeric effluent limits in Table 1.b, under Option 2). Any exceedance of a numeric action level is not considered a violation of the Permit; however the Permittees are required to take additional steps to meet the numeric action levels as outlined under Phases I, II and III, below.

Table 1a Numeric Action Levels for Option 1
[Also see Attachment B for Alternate Action Levels for Copper, Lead and Zinc.]

Item No.	Constituent[14]	Units	Action Level (Annual average)[15]
1	pH	pH units	6.5 to 8.5[16]
2	Turbidity	NTU	250[17]
3	Specific Conductance	µmhos/cm or µsiemen/cm	2000[18]
4	Oil and Grease	milligrams/liter	15[19]
5.	Chemical Oxygen Demand (COD)	milligrams/liter	120[19]
6.	Aluminum (total recoverable)	milligrams/liter	0.75[19]
7.	Copper (total recoverable)	milligrams/liter	0.0189[20]
8.	Iron (total recoverable)	milligrams/liter	1.0[19]
9.	Lead (total recoverable)	milligrams/liter	0.122[19]
10.	Zinc (total recoverable)	milligrams/liter	0.16[19]

[14] pH, turbidity and specific conductance shall be measured in the field as soon as a sample is collected.
[15] Annual average: Geometric mean of all analytical results obtained during the reporting period (July 1 to June 30); see Footnote 16 for pH.
[16] Based on Basin Plan objectives. For pH, the annual average shall be an arithmetic mean (geometric mean is not appropriate for log transformed data such as pH).
[17] Based on Best Professional Judgment
[18] Based on Basin Plan prohibition on discharges to ground
[19] Based on USEPA's Benchmark Values
[20] Total recoverable copper, lead and zinc are based on an average hardness range of 125-150 mg/liter for the region's receiving waters during storm event discharge.

b. **Triggers for Exceedances of NALs for Option 1:** In most cases a single exceedance of a NAL is not a good indicator of sustained water quality impacts in the receiving waters. To account for the high variability in the storm water runoff quality, this Permit establishes a mechanism for determining exceedances of the NALs for consideration of additional control measures.

i. If a facility has multiple discharge points for storm water that has come in contact with industrial areas, processes, materials, products or wastes, area-weighted averages of the geometric means of all sampling results for the reporting period shall be calculated using the relative tributary area for each discharge point for all constituents except pH. For pH, an arithmetic mean shall be calculated.

ii. If a single sampling event (either a grab sample from a storm event or a composited sample from a single storm event) exceeds the NAL by two times the specified Permit limit (except for pH), it is considered an exceedance that would require additional steps as outlined under Phases I, II and III, below. For pH, any values less than 5.5 or more than 9.5 pH units are considered as an exceedance requiring additional steps outlined under Phases I, II and III.

iii. If the annual average (geometric mean of all the analytical results during the reporting period except for pH; for pH, the arithmetic mean) of any of the constituents exceeds the NAL, then it is considered as an exceedance that would trigger additional steps as outlined under Phases I, II, and III, below.

iv. If a facility has implemented volume reduction BMPs (e.g., percolation basins) or preventative measures (e.g., having industrial operations under a roof), a credit may be applied to the above calculations. For example, if a Permittee installs a non-polluting roof over 25% of its operational area, the geometric mean for that facility will be reduced by 25% to arrive at an adjusted geometric mean (pH cannot be adjusted). The credit will be applied based on areas addressed without regard to whether the BMP was implemented before the adoption of this Permit.

c. Phased Implementation of Control Measures:

The phased implementation of control measures specified below is considered as a practicable progression towards meeting the technology-based standards in a timely manner. If the Permittees have opted for Option 1* and fully implement each phase as per the time schedules specified below, they will not be found in violation of Section III.E of this Permit consistent with the BAT/BCT effluent limitations required under the federal regulations.

i. ***Phase I Requirements***: Each Permittee under Option 1* shall implement and maintain the following minimum control measures by October 01, 2012 or within 30 days for new facilities filing their NOI after September 01, 2012.

1) Facility Information: (1) The following information shall be included on a site map in the SWPPP: Location of the facility; locations of storm water conveyance systems, discharge points and monitoring locations; locations of any non-storm water discharges; locations of fueling areas, chemicals and other materials storage areas, industrial process locations, loading and unloading areas, spill cleanup kits, run-on locations and treatment control locations; (2) The following facility information shall be included in the SWPPP: name and title of the person preparing and implementing the SWPPP (see QSD/QSP requirements under Subsection D.2, above); name and title of the facility contact if different from the QSD/QSP; and a description of the industrial activities at the site.

2) Preventative Measures: Each facility shall implement the following preventative measures:

(a). Maintain a current inventory of materials and chemicals used at the facility and identify proper storage locations and handling procedures. This list must be maintained monthly with signature, date and name of preparer.

(b). Identify potential pollutant sources throughout the facility and the control measures used for each source/area, including good housekeeping practices. Control measure documentation shall include procedures, specific equipment used, maintenance schedules and a record of all maintenance performed with dates and signatures.

(c). Pave industrial areas* prone to erosion; properly dispose of waste materials, garbage and debris; and cover all trash containers. Minimize dust generation and erosion from the site by paving industrial areas. Maintain effective perimeter controls and stabilize all site entrances and exits to sufficiently control discharges of erodible materials from discharging or being tracked off the site;

(d). Develop and implement a Rain Event Action Plan (REAP). The plan shall be implemented in the event of a predicted storm with a 40% or greater probability. The probability of a storm shall be determined no more than three days in advance and need only be documented once a day. The facility shall refer to the National Weather Service (weather.gov) to determine the storm probability. The REAP shall consider the following additional measures: (a) temporarily covering exposed materials; (b) ensuring that all control measures are fully functional; (c) sweeping the site and clearing debris and trash; (d) making sure that the trash bins are covered; and (e) other measures to isolate industrial areas from contact with rainfall and runoff. A record of all activities related to the REAP shall be documented in the SWPPP and shall be dated and signed for each rain event.

(e). To the extent practicable, minimize the runoff from the site through low impact development (LID) type of BMPs, such as: onsite infiltration

including percolation and retention basins, pervious pavement, evapotranspiration and onsite storage (e.g., rain barrels or cisterns to store storm water) and use, green roofs, etc.; control flow volume and velocity through vegetated swales, bioretention facilities, etc. Develop and implement a program, to the maximum extent practicable, to percolate, evaportranspirate, or use onsite, the design volume of runoff from non-industrial areas and uncontaminated runoff from industrial areas. These onsite systems shall be designed such that they do not cause or contribute to an exceedance of groundwater quality objectives, including an appropriate level of pre-treatment controls. The bottom of the infiltration system shall be at least 10 feet above the historic high groundwater level; discharges to the infiltration system shall receive an appropriate level of pre-treatment; the infiltration system shall not be located in areas with soil or groundwater contamination and shall be at least 100 feet away from any water supply wells.

(f). Divert run-ons and flows from non-industrial areas away from industrial areas using berms, curbs, sub-surface piping, grading, or other structural controls, where practicable.

(g). Eliminate all unauthorized non-storm water discharges and identify proper management techniques for authorized non-storm water discharges.

(h). Where practicable, minimize exposure of industrial activities to storm water by roofing or other types of covers. Roofing materials and other types of covers installed after adoption of this Order shall be non-polluting.

(i). Inspect all industrial areas on a monthly basis and properly remove and dispose of all debris, wastes, trash and spilled or leaked materials. Keep a record of all inspections required in this Permit.

(j). Drain fluids from vehicles and equipment prior to storage, disposal, or shredding.

(k). Use drip pans and absorbent materials under or around leaky industrial vehicles and equipment. Keep records of drip pan use & maintenance with inspection records identified in ix, above.

(l). Build secondary containment and roofs over chemicals and hazardous materials storage areas.

(m). Conduct equipment cleaning and vehicle washing in designated areas and divert flows into sanitary sewer (with approval from the sanitation district) or recycle the wash water.

(n). Sweep industrial areas on a regular basis, preferably using a vacuum sweeper. Keep records of sweeping activities with inspection records identified in ix, above.

(o). Clean catch basins and other storm water conveyance systems on as needed basis, and at least as part of the inspection routine identified in ix, above.

(p). Inspect all vehicles and equipment on a regular schedule (e.g., on a weekly basis) for leaks spills or other malfunctions.

(q). Label all containers.

(r). Develop and implement an employee training program for the implementation of the site SWPPP, including documentation of training materials and attendance. All new employees shall receive training within 30 days of employment and all employees shall have refresher training at least on an annual basis.

(s). Identify spill prevention and response procedures, including management of any non-storm water runoff.

(t). Consolidate all industrial area discharges to as few discharge points as practicable, preferably to one discharge point and where practicable, divert all non-industrial area runoff away from industrial areas. Manage run-on to the facility by diversion or other means.

(u). Minimize storm water contact with contaminating building materials by removal, painting, or other measures.

(v). Determine the possibility of diverting first flush or any contaminated storm water to the sanitary sewer system. This option should only be considered if the sanitary sewage collection agency reclaims and distributes and/or uses reclaimed water.

(w). Develop and implement a monitoring program or join the group monitoring program (see Section VII of the MRP). If the Permittee has not joined the group monitoring program, the person responsible for sample collection, preservation and handling shall be identified in the monitoring program and must have received the requisite training (see Section VI.B.3 of the MRP).

3) Mitigative Measures: The following Mitigative measures shall be implemented by October 01, 2012 or within 30 days for new facilities filing their NOI after September 01, 2012:

(a). Develop and implement a spill response procedure; identify all spill response equipment, location and proper maintenance of the equipment; identify spill response personnel and any training needed for the spill response personnel and establish a procedure to notify proper personnel within the facility and regulatory agencies (see reporting provisions in Section VIII of the MRP).

(b). Cleanup spills and leaks promptly using dry methods (e.g., absorbents).

(c). Identify pollutants that cannot be eliminated without treatment controls include the treatment control methods, persons responsible for their maintenance, and maintenance frequency.

(d). Develop and implement control measures for oily wastes from the site, such as canopies, covers, roofs, oil-water separator, etc., and implement a plan for proper operation and maintenance of those systems; identify its location on the site map, person responsible for its maintenance and maintenance frequency.

(e). Evaluate the need for advanced media filtration (or equivalent systems) during the planning stages by evaluating the monitoring reports for the last three years. An advanced media filtration system may not be needed if the monitoring results were below the triggers specified above.

(f). Identify all treatment controls installed at the facility, the person responsible for regular operation and/or maintenance of the system, the schedule for any required maintenance, and a record of the maintenance activities including the name of the person performing the maintenance, the date and a signature.

ii. ***<u>Phase II Requirements</u>***

1) By June 30, 2013 (or within 16 months of NOI filing for new facilities filing their NOI after September 01, 2012) and annually thereafter, each Permittee that is in Phase I of Option 1 shall assess effectiveness of Phase I BMPs by evaluating the monitoring results and by determining if any of the triggers have been exceeded. If none of the triggers has been exceeded, Phase II and III may not be necessary. If any of the triggers has been exceeded, implement Phase II, steps 2) through 4), below.

2) Upon a determination that any one of the triggers has been exceeded, the Permittee shall immediately reassess the Phase I BMPs to identify the sources of exceedances. Once the source is identified, determine if additional BMPs or treatment controls are needed to address the pollutant source.

3) By July 31, 2013 or within one month of Phase I exceedance determinations occurring after June 30, 2013, develop and submit for Regional Board staff approval, a Phase II Corrective Action Plan. This Plan should identify the sources of pollutant(s) causing the exceedance, proposed control measures, and the expected discharge quality once the Plan is implemented. It is expected that the Phase II Corrective Action Plan will focus on Preventative Measures identified above. If necessary, the facility shall select and design an advanced media filtration system or an equivalent treatment system to treat the design volume from exposed industrial areas.

All proposals for advanced media filtration systems or other equivalent treatment systems shall be submitted to the Regional Board staff for approval by August 15, 2013 (for new facilities, within two months of Phase I exceedance determination) and shall be implemented within 90 days of approval by Board staff. The treatment systems shall be designed to treat runoff from at least the 95th percentile storm event.*

4) Within 90 days of approval of the Phase II Corrective Action Plan, the Permittee shall implement the Plan.

iii. ***Phase III Requirements*:** Phase III includes development and implementation of a Phase III Corrective Action Plan and is not needed if none of the triggers has been exceeded after implementation of Phase II, above.

1) By June 30, 2014 (or within 28 months of NOI filing for new facilities filing their NOI after September 01, 2012) and annually thereafter, each Permittee that is in Phase II of Option 1 shall assess the water quality monitoring data. If no triggers have been exceeded, Phase III actions described below are not necessary.

2) If the assessment in Paragraph 1), above, indicates that any trigger has been exceeded, the Permittee shall develop and submit for Regional Board staff approval, a Phase III Corrective Action Plan by July 31, 2014 or within one month for Phase II exceedance determinations occurring after June 30, 2014. This Plan shall include an evaluation of the existing treatment controls and operation and maintenance procedures to improve system performance. The Plan shall also include additional reasonable source control measures that can be implemented to improve quality of storm water runoff from the site and a time schedule for implementing the proposed corrective actions. The approved Phase III Corrective Action Plan, when fully implemented, will meet the BAT/BCT effluent limitations and constitutes a water-quality based effluent limitation as per 40 CFR §122.44(k). The Permittee will be deemed to be in compliance with the BAT/BCT effluent limitations once the approved Phase III Corrective Action Plan is fully implemented.

iv. Development of Sector-Specific Technology-Based NELs: Based on data generated from the group monitoring program and treatment technology evaluations conducted under the auspices of the Metal Recyclers Water Quality Standards Committee, the Regional Board may consider establishing technology-based NELs. This Permit may be reopened to incorporate technology-based NELs developed through this process or by the USEPA. .

2. Option 2: Non-Phased Approach

All discharges under Option 2* shall be incompliance with the water quality-based numeric effluent limitations in Table 1b, below.

Table 1b: Water Quality-Based Numeric Effluent Limits (Option 2 – Non-Phased Approach)[21]

(The effluent limits for cadmium, copper, lead, nickel, silver and zinc are hardness dependent. Hardness of the receiving water should be determined for each site.)

Item No.	Constituent[22]	Units	Effluent Limit (Annual average)[23]
1	pH	pH units	6.5 to 8.5[24]
2	Specific Conductance	µmhos/cm or µsiemen/cm	2000[25]
3	Arsenic (total recoverable)	milligrams/liter	0.340[26]
4	Cadmium (total recoverable)	milligrams/liter	0.0043[27]
5	Copper (total recoverable)	milligrams/liter	0.013[28]
6	Lead (total recoverable)	milligrams/liter	0.065[29]
7	Nickel (total recoverable)	milligrams/liter	0.470[30]
8	Silver (total recoverable)	milligrams/liter	0.0034[31]
9	Zinc (total recoverable)	milligrams/liter	0.120[32]

F. SPECIAL PROVISIONS FOR DISCHARGES TO IMPAIRED WATERS (EXISTING FACILITIES)

1. **Discharges from Facilities with an Assigned Wasteload Allocation:** The SWPPP for all discharges from a facility regulated under this Order shall be designed to comply with the wasteload allocations as per the approved TMDLs provided that the TMDL includes a wasteload allocation for the regulated facility. The SWPPP shall document specific control measures for the listed pollutant, implementation schedules for the control measures and design and other technical

[21] These NELs become effective on May 10, 2012 for those facilities opting for Option 2.
[22] pH, turbidity and specific conductance shall be measured in the field as soon as a sample is collected. Oil and grease, arsenic, cadmium, copper, lead, nickel, silver and zinc are to be analyzed by a State-certified laboratory.
[23] Annual average: Geometric mean of all analytical results obtained during the reporting period (July 1 to June 30); see Footnote 24 for pH.
[24] Based on Basin Plan Objectives. For pH, the annual average shall be an arithmetic mean (geometric mean is not appropriate for log transformed data such as pH).
[25] Based on Basin Plan Prohibition
[26] Based on the California Toxics Rule.
[27] Based on the California Toxics Rule.
[28] Based on the California Toxics Rule.
[29] Based on the California Toxics Rule.
[30] Based on the California Toxics Rule.
[31] Based on the California Toxics Rule.
[32] Based on the California Toxics Rule.

details to show how the proposed measures are designed to meet the wasteload allocations. The monitoring program in the SWPPP shall document specific monitoring requirements for the listed pollutant to verify that the control measures are effective in meeting the wasteload allocations by the dates specified in the approved TMDLs.

2. **Discharges to 303(d) listed Waterbodies without an Approved TMDL:** The SWPPPs for facilities that discharge into 303(d) listed waterbodies shall be designed to eliminate or control the discharge of the listed pollutant* and the SWPPP shall document the control measures. Any discharge from the regulated facility shall not contain the listed pollutant in quantities that would cause or contribute to an exceedance of water quality standards* for the listed pollutant. The monitoring program shall include the listed pollutant*.

G. SPECIAL PROVISIONS FOR DISCHARGES TO IMPAIRED WATERS (NEW PERMITTEES)

New Permittees proposing to discharge to a 303(d) listed waterbody are not eligible for coverage under this Order unless the following conditions are met:

1. The facility provides verifiable documentation indicating that the listed pollutant will not be present in the discharges from the facility. This information shall be documented in the SWPPP.

2. The facility has implemented proper control measures to eliminate all exposure of the listed pollutant and documented the control measures in the SWPPP.

3. The facility provides verifiable information to indicate that the discharges from the facility will meet the in-stream water quality standard at the point of discharge to the waterbody or provides technical information to show that there is excess wasteload allocation available in the waterbody to allow such discharges without violating the approved TMDLs/ wasteload allocations.

H. SPECIAL PROTECTIONS FOR ENDANGERED AND THREATENED SPECIES:

Storm water discharges or authorized non-storm discharges from facilities regulated under this Order shall not adversely affect any species that are federally-listed as endangered or threatened either under the California Endangered Species Act (Fish and Game Code §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544).

I. RECEIVING WATER LIMITATIONS

1. Storm water discharges or authorized non-storm discharges shall not cause or contribute to a violation of water quality standards* (water quality objectives* and beneficial uses*) contained in the Basin Plan*, Statewide Water Quality Control Plans, the National Toxics Rule, and/or the California Toxics Rule.

2. Storm water discharges or authorized non-storm discharges to waters of the U.S. or to waters of the State, including groundwater, shall not adversely impact human health or threaten to cause pollution or nuisance.

J. OBTAINING PERMIT COVERAGE

1. All industrial facilities within this Regional Board's jurisdiction and engaged in scrap metal recycling operations with an SIC Code of 5093 (corresponding NAICS Codes include: 423930, 562111, and 562920) shall obtain coverage under this Order, except:

   a. Permit coverage is not required for facilities that do not discharge storm water associated with industrial activities to surface waters. If the discharge is to a retention facility, it shall have the capacity to hold at least the volume of runoff from a 100-year, 24-hour storm event. The design details of the retention facility shall be certified by a professional engineer and shall be submitted to the Regional Board. The Regional Board may issue individual waste discharge requirements for such facilities.

   b. If all industrial activities are carried out under a roof without exposure and if materials, processes, wastes, finished products, byproducts, and intermediate products are not exposed to storm water, coverage under this Permit is not needed. However, the Permittees shall complete a "No-Exposure Certification" on SMARTS [see procedures in J.2.]. Initial submission of "No Exposure Certifications" shall include analytical results of runoff from each discharge point of the facility for two storm events. If initial samples could not be collected at the time of filing a "No Exposure Certification", the application may be kept pending for up to a year until analytical data is received. At a minimum, the analysis shall include pH, turbidity, specific conductance, oil and grease and the parameters listed in Table 1a, Numeric Action Levels. The "No-Exposure Certification" must be renewed by June 30 of each year. The renewal application submitted for every 5th year shall also include an analysis of storm water runoff from each discharge point of the facility for one storm for the constituents listed in Table 1a.

2. All scrap metal facilities currently regulated under the State's General Industrial Permit (Attachment A) shall re-certify under this Order within 90-days of adoption of this Order. The re-certification shall be done electronically using SMARTS. The Permit Registration Documents (PRDs)* shall include the Notice of Intent, a facility-specific SWPPP, a site map, and any applicable filing fee (see Item c, below) and shall be uploaded into SMARTS as described below:

   a. Identify a Legally Responsible Person* who would sign up for access to SMARTS* in the login box at: https://smarts.waterboards.ca.gov An LRP* is either the owner of the business or a responsible corporate officer. A responsible corporate officer means: (a) a 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 (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. Login to the SMARTS system at: https://smarts.waterboards.ca.gov and click on the "Apply for New Notice of Intent (NOI)" link.

c. Complete the Permit Registration for each tab including the uploading of your SWPPP and Site Map under the "Attachments" tab, certify the submission under the "Certification" tab, and mail the applicable filing fee to the State Water Resources Control Board with the fee statement that can be obtained by clicking the fee statement button once the completion check is done. If the fees have been paid recently, a fee may not be required for re-certification.

d. Fully implement the SWPPP to control/eliminate the discharge of pollutants from the site.

e. All new facilities shall upload the PRDs into SMARTS, as described above, at least 30 days prior to start of operations at the facility. If the new facility elects to comply with Option 2, compliance with the water quality-based NELs specified in Table 1.b is required upon start of facility operations. If the facility elects to comply with Option 1, compliance with Phase I requirements (except Rain Event Action Plan, REAP) is required within 30 days of start of facility operations; REAP on an as needed basis; compliance with Phase II within 16 months of start of facility operations; and Phase III within 28 months of start of facility operations.

K. TERMINATING PERMIT COVERAGE

A Notice of Termination shall be completed on SMARTS upon: (1) cessation of all industrial activities at the facility and the site is no longer a threat to water quality; (2) cessation of discharges to the MS4 and surface waters; (3) change in ownership of the facility and new owner/operator has taken responsibility for the facility (new owner has uploaded PRDs; (4) change in location of the facility; or (5) obtaining coverage under an individual permit.

IV. MONITORING AND REPORTING REQUIREMENTS

Each Permittee shall comply with the monitoring and reporting requirements specified under Monitoring and Reporting Program No. R8-2012-0012, or participate in a Group Monitoring Program as specified therein.

V. SPECIAL PROVISIONS

All documents submitted as per requirements specified in this Order, including the PRDs, shall be posted on the website at least for a thirty day comment period. If significant comments are received which cannot be resolved by Regional Board staff, a public hearing on that item shall be scheduled at a Regional Board meeting.

VI. PERMIT MODIFICATION

A. Following appropriate public notice, and in accordance with 40 CFR § 122.41(f), **t**his Order may be modified, revoked or reissued prior to its expiration date for the following reasons:

1. To address significant changes in conditions identified in the reports required by the Regional Board which were unknown at the time of the issuance of this Order;

2. To incorporate applicable requirements of statewide water quality control plans adopted by the State Board or any amendments to the Basin Plan approved by the Regional Board, the State Board and, if necessary, by the Office of Administrative Law and the USEPA;

3. To comply with any applicable requirements, guidelines, or regulations issued or approved under the Clean Water Act, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this Order; or,

4. To incorporate any requirements imposed upon the Permittees through the TMDL process or to amend NELs and NALs as a result of the treatment technology evaluation required under this Order.

B. The filing of a request by the Permittees for modification, revocation and re-issuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any conditions of this Order.

VII. PERMIT EXPIRATION AND RENEWAL

A. This Order shall serve as an NPDES Permit pursuant to section 402(p) of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator of the USEPA has no objections. If the Regional Administrator objects to its issuance, the Permit shall not become effective until such objection is withdrawn.

B. This Order expires on February 09, 2017. If this Permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR § 122.6 and remain in force and effect.

VIII. STANDARD PROVISIONS

A. Duty to Comply

1. The Permittee shall comply with all of the conditions of this Permit. Any Permit noncompliance constitutes a violation of the CWA and the CWC and is grounds for enforcement action and/or removal from Permit coverage.

2. Any non-compliance with any of the requirements of this Order constitutes a violation of the CWA and the CWC. Any failure to take appropriate corrective actions as specified in this Order is also a violation of this Order.

3. The Permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement.

B. General Permit Actions

1. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any General Permit condition.

2. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the Permittees so notified.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

D. Duty to Mitigate

The Permittee shall take all responsible steps to minimize or prevent any discharge, which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain any facilities and systems of treatment and control (and related equipment and apparatuses) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a Permittee when necessary to achieve compliance with the conditions of this Permit.

F. Property Rights

This Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of

personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

G. Duty to Provide Information

The Permittee shall provide to the Regional Board, State Board, or USEPA, within a reasonable time, any requested information to determine compliance with this Permit. The Permittee shall also furnish, upon request, copies of records that are required to be kept by this Permit.

H. Inspection and Entry

The Permittee shall allow Regional Board staff, State Board staff or USEPA staff, and/or, in the case of facilities which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises at reasonable times where a regulated industrial activity is being conducted or where records must be kept under the conditions of this Permit;

2. Access and copy at reasonable times any records that must be kept under the conditions of this Permit;

3. Inspect at reasonable times the facility; and

4. Take pictures, collect samples, collect other evidence, or monitor at reasonable times for the purpose of ensuring Permit compliance.

I. Monitoring and Record Keeping

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Records of monitoring information shall include:

   a) The date, exact place, and time of sampling or measurements;

   b) The date(s) analyses were performed;

   c) The individual(s) who performed the analyses;

   d) The analytical techniques or methods used; and

   e) The results of such analyses.

3. The Permittee shall maintain a paper or electronic copy of all storm water monitoring information, copies of all reports (including Annual Reports), SWPPPs, and all other required records, including a copy of this Permit, for a period of at

least five years from the date generated or date submitted, whichever is later. These records shall be available at the industrial facility.

4. Upon written request by USEPA or the municipal agency within whose jurisdiction the facility lies, Permittees shall provide written or electronic copies of their Annual Reports to the USEPA or the municipal agency within 10 working days from receipt of the request.

J. Electronic Signature and Certification Requirements

1. All Permit Registration Documents (PRDs) and Notices of Termination (NOTs) shall be electronically signed, certified, and submitted via SMARTS to the State Board. Either the Legally Responsible Person (LRP), as defined in the Glossary, or a person legally authorized to sign and certify PRDs and NOTs on behalf of the LRP (the LRP's Approved Signatory, as defined in the Glossary) must submit all information electronically via SMARTS.

2. If an Approved Signatory's authorization is no longer accurate, a new authorization satisfying the requirements of paragraph (1) of this section must be submitted via SMARTS prior to or together with any reports, information or applications to be signed by an Approved Signatory.

3. All Annual Reports, or other information required by this Permit (other than PRDs and NOTs) or requested by the Regional Board, State Board, USEPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's Approved Signatory.

K. Certification

Any person signing documents under Section VIII.J, above, shall make the following 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 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, to the best of my knowledge and belief, the information submitted is, 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."

L. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Board and local storm water management agency of any planned changes in the industrial activity, which may result in noncompliance with Permit requirements.

M. Penalties for Falsification of Reports

Section 309(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two years or by both.

N. Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under section 311 of the CWA.

O. Severability

The provisions of this Permit are severable; and, if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

P. Penalties for Violations of Permit Conditions

1. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under section 402. Any person who violates any permit condition of this Permit is subject to a civil penalty not to exceed $37,500 per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.

2. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties, which in some cases are greater than those under the CWA.

Q. Transfers

When a transfer of operator occurs, or a facility is relocated, new PRDs must be electronically submitted and approved prior to the operator transfer, or prior to the first operation day for a relocated facility.

R. Continuation of Expired Permit

This Permit continues in full force and effect until a new Permit is issued or the Regional Board rescinds this Permit. Only those Permittees authorized to discharge under the expiring Permit are covered by the continued Permit.

S. OTHER FEDERAL REQUIREMENTS

All other requirements of 40 CFR §§ 122.41 and 122.42 are incorporated into this Permit by reference.

ACRONYMS:

BAT Best Available Technology Economically Achievable
BCT Best Conventional Pollutant Control Technology
BMPs Best Management Practices
BOD Biochemical Oxygen Demand
BPJ Best Professional Judgment
CAFO Confined Animal Feeding Operation
CalTrans California Department of Transportation
CCR California Code of Regulations (State Water Board regulations are in Title 23)
CEQA California Environmental Quality Act
CFR Code of Federal Regulations
CTR California Toxics Rule
CWA Clean Water Act
CWC California Water Code
ESA Endangered Species Act
LID Low Impact Development
LRP Legally Responsible Person
MRP Monitoring and Reporting Program, R8-2012-0012
MS4 Municipal Separate Storm Sewer System
NAL Numeric Action Level
NEC No Exposure Certification
NEL Numeric Effluent Limit
NOI Notice of Intent
NOT Notice of Termination
NPDES National Pollutant Discharge Elimination System
NPS Nonpoint Source
NTR National Toxics Rule
NURP Nationwide Urban Runoff Program
O & G Oil and Grease
POTW Publicly Owned Treatment Works
PRDs Permit Registration Documents
QAPP Quality Assurance Program Plan
QA/QC Quality Assurance/Quality Control
QSD Qualified SWPPP Developer
QSE Qualifying Storm Event
QSP Qualified SWPPP Practitioner
RCRA Federal Resource Conservation and Recovery Act
REAP Rain Event Action Plan
RWQCB Regional Water Quality Control Board
SC Specific Conductance
SIC Standard Industrial Classification
SMARTS Stormwater Multi Application Reporting and Tracking System
SWAMP Surface Water Ambient Monitoring Program
SWPPP Storm Water Pollution Prevention Plan
SWRCB State Water Resources Control Board
TDS Total Dissolved Solids

TMDL Total Maximum Daily Load
TSS Total Suspended Solids
USEPA United States Environmental Protection Agency
WDID Waste Discharge Identification Number
WDR Waste Discharge Requirements
WLA Waste Load Allocation
WQBEL Water Quality Based Effluent Limitation
WQO Water Quality Objective
WQS Water Quality Standard

GLOSSARY

All terms defined in the Clean Water Act, USEPA regulations and the California Water Code are incorporated into this Permit by reference.

95th Percentile Storm Event.- The 95th percentile storm event represents a precipitation amount which 95 percent of all storm events for the period of record do not exceed. In more technical terms, the 95th percentile storm event is defined as the measured precipitation depth accumulated over a 24-hour period for the period of record that ranks as the 95th percentile rainfall depth based on the range of all daily event occurrences during this period. (Also see Design Storm.)

Approved Signatory - A person who has been authorized by the Legally Responsible Person (see definition below) to sign, certify, and electronically submit Permit Registration Documents, Notices of Termination, and any other documents, reports, or information required by the General Permit, the State or Regional Water Board, or U.S. EPA. The Approved Signatory must be one of the following:

a. For a corporation or limited liability company: a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a 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 limited liability company; or (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public agency: a principal executive officer, ranking elected official, city manager, council president, or other public employee with managerial responsibility over the industrial facility (including, but not limited to, project manager, project superintendent, or resident engineer);

d. For the military: any military officer or Department of Defense civilian, acting in an equivalent capacity, who has been designated;

e. For a public university: an authorized university official;

f. For an individual: the individual, because the individual acts as both the Legally Responsible Person and the Approved Signatory.

g. For any type of entity not listed above: an authorized person with managerial authority over the industrial facility.

Authorized non-Storm Water Discharges - Authorized non-storm water includes: uncontaminated condensate from air conditioners, coolers, and compressors and from the outside storage of refrigerated gases or liquids; uncontaminated groundwater or spring water;

landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling; discharges from emergency fire fighting activities (BMPs must be implemented to the extent practicable); irrigation drainage.

Basin Plan – Water Quality Control Plan developed by the Regional Board for the Santa Ana River Watershed.

Beneficial Uses – The uses of water necessary for the survival or well being of man, plants, and wildlife. These uses of water serve to promote the tangible and intangible economic, social, and environmental goals. "Beneficial Uses" that may be protected against include, but are not limited to: domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. Existing beneficial uses are uses that were attained in the surface or groundwater on or after November 28, 1975; and potential beneficial uses are uses that would probably develop in future years through the implementation of various control measures. "Beneficial Uses" are equivalent to "Designated Uses" under federal law. [California Water Code § 13050(f)]. Beneficial Uses for the Receiving Waters are identified in the Basin Plan.

Best Available Technology (BAT) – BAT is the acronym for best available technology economically achievable. BAT for toxic (generally materials contaminating the environment that cause death, disease, or birth defects in organisms that ingest or absorb them) and non-conventional pollutants; BAT is a term applied with regulations on limiting pollutant discharges with regard to the abatement strategy. BAT is the technology-based standard established by congress in CWA § 402(p)(3)(A) for industrial Permittees of storm water. Technology-based standards establish the level of pollutant reductions that Permittees must achieve, typically by treatment or by a combination of treatment and best management practices, or BMPs. For example, secondary treatment (or the removal of 85% suspended solids and BOD) is the BAT for suspended solids and BOD removal from a sewage treatment plant. BAT generally emphasizes treatment methods first and pollution prevention and source control BMPs secondarily. The best economically achievable technology that will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants is determined in accordance with regulations issued by the Environmental Protection Agency Administrator. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the permitting authority deems appropriate.

Best Conventional Technology (BCT) – BCT is an acronym for Best Conventional Technology for conventional pollutants (generally conventional pollutants include: BOD, pH, suspended solids, coliform bacteria, and oil and grease); BCT is the treatment techniques, processes and procedures, innovations, and operating methods that eliminate or reduce chemical, physical, and biological pollutant constituents.

Best Management Practices – Best Management Practices (BMPs) are defined in 40 CFR § 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs

also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the case of municipal storm water permits, BMPs are typically used in place of numeric effluent limits.

Best Professional Judgment - The method used by permit writers to develop technology-based NPDES permit conditions on a case-by-case basis using all reasonably available and relevant data.

Bioaccumulate – The progressive accumulation of contaminants in the tissues of organisms through any route including respiration, ingestion, or direct contact with contaminated water, sediment, pore water, or dredged material to a higher concentration than in the surrounding environment. Bioaccumulation occurs with exposure and is independent of the tropic level.

Bioassessment - The use of biological community information to evaluate the biological integrity of a water body and its watershed. With respect to aquatic ecosystems, bioassessment is the collection and analysis of samples of the benthic macroinvertebrate community together with physical/habitat quality measurements associated with the sampling site and the watershed to evaluate the biological condition (i.e. biological integrity) of a water body.

Biological Integrity – Defined in Karr J.R. and D.R. Dudley. 1981. Ecological perspective on water quality goals. Environmental Management 5:55-68 as: "A balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of natural habitat of the region." Also referred to as ecosystem health.

CalTrans - California Department of Transportation.

CEQA – California Environmental Quality Act (Section 21000 et seq. of the California Public Resources Code).

Chain of Custody - Form used to track sample handling as samples progress from sample collection to the analytical laboratory. The COC is then used to track the resulting analytical data from the laboratory to the client. COC forms can be obtained from an analytical laboratory upon request.

Clean Water Act Section (CWA) 402(p) – [33 USC 1342(p)] is the federal statute requiring municipal and industrial Permittees to obtain NPDES permits for their discharges of storm water.

Clean Water Act Section 303(d) Listed Water Body – is an impaired water body in which water quality does not meet applicable water quality standards and/or is not expected to meet water quality standards, even after the application of technology-based pollution controls required by the CWA. The discharge of storm water to these water bodies by the scrap metal facilities can cause or contribute to violations of applicable water quality standards.

Construction Site – Any project, including projects requiring coverage under the General Construction Permit, that involves soil disturbing activities including, but not limited to, clearing, grading, disturbances to ground such as stockpiling, and excavation.

Contamination – As defined in the Porter-Cologne Water Quality Control Act, contamination is "an impairment of the quality of waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease." 'Contamination' includes any equivalent effect resulting from the disposal of waste whether or not Waters of the U.S. are affected.

Criteria - The numeric values and the narrative standards that represent contaminant concentrations that are not to be exceeded in the receiving environmental media (surface water, groundwater, sediment) to protect beneficial uses.

CWA – Federal Clean Water Act.

CWC – California Water Code.

Daily Sampling Average - Daily average value for any one constituent or parameter is the average of all individual field measurements (for pH and specific conductance it is the average of the values, not the logarithmic average), or, for samples sent to an analytical lab, the average of the analytical results.

Debris – Debris is defined as the remains of anything destroyed or broken, or accumulated loose fragments of rock.

Deleterious Materials- Substances that could produce a harmful or injurious effect.

Design Storm – This is the rainfall depth or intensity to which the treatment systems shall be designed. The Permit defines it as the 95th percentile storm event* for the area.

Discharger - The Legally Responsible Person (see definition) or entity subject to this General Permit.

Effluent - Any discharge of water either to the receiving water or beyond the property boundary controlled by the discharger.

Effluent Limitations – Means any restriction on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into Waters of the United States, waters of the "contiguous zone," or the ocean. (40 CFR §122.2)

Environmentally Sensitive Areas (ESAs) - Areas that include but are not limited to all Clean Water Act Section 303(d) impaired water bodies; areas designated as Areas of Special Biological Significance by the State Water Resources Control Board; water bodies designated with the RARE beneficial use in the Basin Plan (Water Quality Control Plan for the Santa Ana River Basin [1995] and amendments); areas designated as preserves or their equivalent under the Natural Communities Conservation Program (Multiple Species Habitat Conservation Plan, MSHCP) within the Cities and Counties of Orange, Riverside and San Bernardino; and any other equivalent environmentally sensitive areas which have been identified by a governmental organization.

Erosion – The process whereby material (such as sediment) is detached and entrained in water or air and can be transported to a different location. Chemical erosion involves materials that are dissolved and removed and transported.

Facility - A collection of industrial processes discharging storm water associated with industrial activity to locations outside the property boundary.

Field Measurements - Testing procedures performed in the field with portable field-testing kits or meters.

GIS - Geographical Information Systems.

Good Housekeeping BMPs - BMPs designed to reduce or eliminate the addition of pollutants to industrial site runoff through control of pollutant sources with the implementation of proper handling/disposal practices, employee education, training and other actions.

Grading – The cutting and/or filling of the land surface to a desired slope or elevation.

Hazardous Material – Any substance that poses a threat to human health or the environment due to its toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by the U.S. EPA to be reported if a designated quantity of the material is spilled into the waters of the United States or emitted into the environment.

Illicit Discharge – Any discharge to a municipal separate storm sewer that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Section III, Authorized Non-Storm Water Discharger, of this Order, and discharges authorized by the Regional Board.

Impaired Waterbody – Section 303(b) of the CWA requires each of California's Regional Water Quality Control Boards to routinely monitor and assess the quality of waters of their respective regions. If this assessment indicates that Beneficial Uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an Impaired Waterbody.

Industrial Area – An area where industrial processes associated with the scrap metal industry are conducted on a regular or infrequent basis (these processes include, but are not limited to, material handling, disassembly, shearing, shredding, grinding, cleaning, melting, sorting, torching, cutting, baling and storage of equipment, refuse, and unprocessed and processed scrap metal).

Isopluvial - A line on a map drawn through geographical points having the same pluvial (rain, precipitation) index.

Land Disturbance – The clearing, grading, excavation, stockpiling, or other construction activity that results in the possible mobilization of soils or other pollutants into the MS4. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic

capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety.

Legally Responsible Person - A person, company, agency, or other entity that is the operator of the industrial facility covered by this General Permit.

Listed Pollutant – A pollutant that is causing impairment of beneficial uses in waterbodies that are listed under section 303(d) of the CWA.

Load Allocations (LA) – Distribution or assignment of TMDL pollutant loads to entities or sources for existing and future nonpoint sources, including background loads.

Low Impact Development (LID) – A storm water management and land development strategy that combines a hydrologically functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID techniques mimic the site predevelopment site hydrology by using site design techniques that store, infiltrate, evapotranspire, bio-filter or detain runoff close to its source.

Municipal Storm Water Conveyance System – (See Municipal Separate Storm Sewer System or MS4).

Municipal Separate Storm Sewer System (MS4) – MS4 is an acronym for Municipal Separate Storm Sewer System. A Municipal Separate Storm Sewer System is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, natural drainage features or channels, modified natural channels, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes; (ii) Designated or used for collecting of conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.

National Pollutant Discharge Elimination System (NPDES) Permit – A national program under section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges of pollutants are illegal unless authorized by an NPDES permit.

NOI [Notice of Intent] – A NOI is an application for coverage under the State or Regional Board issued Permits.

Non-Phased Approach – The Metal Recyclers Water Quality Standards Committee recommended strict compliance with numeric effluent limits for those dischargers not opting for a phased compliance* strategy based upon an incremental increase in BMP implementation process designed to meet water quality standards.

Non-Point Source Pollution (NPS) – Non point source refers to diffuse, widespread sources of pollution. These sources may be large or small, but are generally numerous throughout a watershed. Non Point Sources include, but are not limited to sheet or surface flow from urban,

agricultural, or industrial areas, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining and livestock grazing areas. NPS pollution can occur year round any time rainfall, snowmelt, irrigation, or any other source of water runs over land or through the ground, picks up pollutants from these numerous, diffuse sources and deposits them into rivers, lakes, and coastal waters or introduces them into groundwater.

Non-Storm Water – Non-storm water consists of all discharges to and from a storm water conveyance system that do not originate from precipitation events (i.e., all discharges from a conveyance system other than storm water). Non-storm water includes illicit discharges, prohibited discharges, and NPDES permitted discharges.

NOT - Notice of Termination – Formal notice to the Regional Board or State Board of intent to terminate coverage under a Permit.

Nuisance – As defined in the Porter-Cologne Water Quality Control Act a nuisance is "anything which meets all of the following requirements: 1) Is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. 2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. 3) Occurs during, or as a result of, the treatment or disposal of wastes."

Numeric Action Level – A concentration limit for certain constituents used as a warning to evaluate if best management practices are effective. These levels are not considered as effluent limits.

Numeric Effluent Limitations – A quantitative limitation on pollutant concentrations or levels to protect beneficial uses and water quality objectives of a water body.

Order or Permit– Order No. R8-2012-0012 (NPDES No. CAG618001)

PAH (Polycyclic aromatic hydrocarbon) – are hydrocarbons that consist of fused aromatic rings. PAHs occur in oil, coal, and tar deposits, and are produced as byproducts of fuel burning (whether fossil fuel or biomass). PAHs are persistent, bioaccumulative, and toxic (PBT) pollutants. Though exposure usually occurs by breathing contaminated air, other sources include industrial processes, transportation, energy production and use, and disposal activities.

PCBs - Polychlorinated biphenyls. Due to PCB's toxicity and classification as persistent organic pollutants, PCB production was banned by the United States Congress in 1976 and by the Stockholm Convention on Persistent Organic Pollutants in 2001.

Party – Defined as an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof. [40 CFR § 122.2]

Permit Area – Areas that are under the jurisdiction of the Santa Ana Regional Water Quality Control Board. These include north and northwestern portions of Orange County, north and

western portions of Riverside County and western portions of San Bernardino County. See the Basin Plan for a detailed description of the Regional Board boundaries[92].

Permit Registration Documents or PRDs – Include the Notice of Intent, Storm Water Pollution Prevention Plan, Site Map and the appropriate filing fee. You will be notified of the appropriate filing fee, by email, upon completion of your permit registration at the State Board's website (see Section III.I.2 of the Permit for details).

Permittees – Entities regulated under Order No. R8-2012-0012.

Person – A person is defined as an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. [40 CFR § 122.2].

pH - An indicator of the acidity or alkalinity of water.

Phased Approach – The Metal Recyclers Water Quality Standards Committee recommended phased compliance strategy based upon an incremental increase in BMP implementation process designed to meet water quality standards.

Point Source – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, runoff from concentrated animal feeding operations, landfill leachate collection systems, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant – Any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated. It includes any type of industrial, municipal, and agricultural waste discharged into water. The term "pollutant" is defined in section 502(6) of the Clean Water Act as follows: "The term 'pollutant' means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water." It has also been interpreted to include water characteristics such as toxicity or acidity.

Pollution – As defined in the Porter-Cologne Water Quality Control Act, pollution is "the alteration of the quality of the Waters of the U.S. by waste, to a degree that unreasonably affects either of the following: 1) The waters for beneficial uses; or 2) Facilities that serve these beneficial uses." Pollution may include contamination.

Pollution Prevention – Pollution prevention is defined as practices and processes that reduce or eliminate the generation of pollutants, in contrast to source control, treatment, or disposal.

POTW [Publicly Owned Treatment Works] – Wastewater treatment facilities owned by a public agency.

[92] http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml

Qualified SWPPP Developer - Individual who is authorized to develop and revise SWPPPs. Note QSD and QSP terminology may change with the adoption of the Statewide General Industrial Storm Water Permit (General Permit No. CAS000001).

Qualified SWPPP Practitioner - Individual assigned responsibility for non-storm water and storm water visual observations, sampling and analysis, and responsibility to ensure full compliance with the permit and implementation of all elements of the SWPPP, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges. Note QSD and QSP terminology may change with the adoption of the Statewide General Industrial Storm Water Permit (General Permit No. CAS000001).

Qualifying Storm Event - An event that meets the following criteria:

1. Occurs during facility operating hours;

2. Is a storm event that has produced runoff (0.1 inches or more of rainfall); and

3. Is a storm event that was preceded by two consecutive days of dry weather. Dry weather shall be defined as two consecutive days of combined rainfall of less than 0.1 inches as measured by an on-site rainfall measurement device.

Receiving Waters – Waters of the United States within the Permit area.

Receiving Water Limitations – Waste discharge requirements issued by the Regional Board typically include both: (1) “Effluent Limitations” (or “Discharge Limitations”) that specify the technology-based or water-quality-based effluent limitations; and (2) “Receiving Water Limitations” that specify the water quality objectives in the Basin Plan as well as any other limitations necessary to attain those objectives. In summary, the “Receiving Water Limitations” provision is the provision used to implement the requirement of CWA section 301(b)(1)(C) that NPDES permits must include any more stringent limitations necessary to meet water quality standards.

Reporting Period – From July 1 through June 30; annual report covering this period is due on August 1 of each year.

Runoff Control BMPs - Measures used to divert run-on from offsite and minimize runoff from the site.

Run-on - Discharges that originate offsite and flow onto the property.

Sediment – Soil, sand, and minerals washed from land into water. Sediment resulting from anthropogenic sources (i.e. human induced land disturbance activities) is considered a pollutant. This Order regulates only the discharges of sediment from anthropogenic sources and does not regulate naturally occurring sources of sediment. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.

SIC [Standard Industrial Classification] – Four digit industry code, as defined by the US Department of Labor, Occupational Safety and Health Administration. The SIC Code is used to identify if a facility requires coverage under the Industrial Activities Storm Water Permits.

Significant Materials - Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERLCA); any chemical the facility is required to report pursuant to section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Source Control BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed to limit the contact between pollutant sources and storm water or authorized non-storm water. Examples include: activity schedules, prohibitions of practices, industrial area sweeping, facility maintenance, detection and elimination of illegal and unauthorized discharges, and other non-structural measures. Facility design (structural) examples include providing attached lids to trash containers, canopies for fueling islands, secondary containment, or roof or awning over material and trash storage areas to prevent direct contact between storm water and pollutants.

Southern California Stormwater Monitoring Coalition (SMC) – A coalition of Southern California storm water agencies and POTWs formed to investigate the impact of discharges to the ocean and other surface waters.

State Board – California State Water Resources Control Board

Storm Water – Per 40 CFR § 122.26(b)(13), means storm water runoff, snowmelt runoff and surface runoff and drainage.

Storm Water Associated with Industrial Activities: Storm water that has come in contact with or has the potential to carry pollutants from manufacturing areas; processing or raw material storage areas; industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites, refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw materials, and intermediate and finished products and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

Storm Water General Permits – General Permit-Industrial (State Board Order No. 97-03 DWQ, NPDES No. CAS000001), and General Permit-Construction (State Board Order No. 2009-0009-DWQ, NPDES No. CAS000002).

Structural BMPs – Physical facilities or controls that may include secondary containment, treatment measures, (e.g. first flush diversion, detention/retention basins, and oil/grease separators), run-off controls (e.g., grass swales, infiltration trenches/basins, etc.), and engineering and design modification of existing structures.

SWAMP (Surface Water Ambient Monitoring Program)

SWPPP [Storm Water Pollution Prevention Plan] – A plan developed to minimize and control the discharge of pollutants from the industrial site to storm water conveyance systems. The plan shall identify pollutant sources, control measures for each pollutant source, good housekeeping practices and employee training programs. .

TDS – Total dissolved solids, a measure of the total dissolved minerals in the water.

Total Maximum Daily Load (TMDL) – The TMDL is the maximum amount of a pollutant that can be discharged into a water body from all sources (point and non-point) and still maintain water quality standards. Under Clean Water Act § 303(d), TMDLs must be developed for all water bodies that do not meet water quality standards after application of technology-based controls.

TMDL Implementation Plan -- Component of a TMDL that describes actions, including monitoring, needed to reduce pollutant loadings and a timeline for implementation. TMDL implementation plans can include a monitoring or modeling plan and milestones for measuring progress, plans for revising the TMDL if progress toward cleaning up the waters is not made, and the date by which water quality standards will be met (USEPA Final TMDL Rule: Fulfilling the Goals of the CWA, EPA 841-F-00-008, July 2000).

Total Suspended Solids - The measure of the suspended solids in a water sample includes inorganic substances, such as soil particles and organic substances, such as algae, aquatic plant/animal waste, particles related to industrial/sewage waste, etc. The TSS test measures the concentration of suspended solids in water by measuring the dry weight of a solid material contained in a known volume of a sub-sample of a collected water sample. Results are reported in mg/L.

Toxicity – Adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies.

Treatment Control BMPs – Any engineered system designed and constructed to remove pollutants from urban runoff. Pollutant removal is achieved by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

TSS – Total suspended solids (see definition above).

Turbidity - The cloudiness of water quantified by the degree to which light traveling through a water column is scattered by the suspended organic and inorganic particles it contains. The turbidity test is reported in Nephelometric Turbidity Units (NTU) or Jackson Turbidity Units (JTU).

Uncontaminated Groundwater: Groundwater that is not impaired by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

Urban Runoff – Urban runoff is defined as all flows in a storm water conveyance system and consists of the following components: (1) storm water (wet weather flows) and (2) authorized non-storm water discharges (See Section V of the Order) (dry weather flows).

USEPA – United States Environmental Protection Agency.

Waste – As defined in California Water Code § 13050(d), "waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal." Article 2 of CCR Title 23, Chapter 15 (Chapter 15) contains a waste classification system which applies to solid and semi-solid waste which cannot be discharged directly or indirectly to water of the state and which therefore must be discharged to land for treatment, storage, or disposal in accordance with Chapter 15. There are four classifications of waste (listed in order of highest to lowest threat to water quality): hazardous waste, designated waste, nonhazardous solid waste, and inert waste.

Waste Discharge Requirements (WDR) – As defined in section 13374 of the California Water Code, the term "Waste Discharge Requirements" is the equivalent of the term "permits" as used in the Federal Water Pollution Control Act, as amended. The Regional Board usually reserves reference to the term "permit" to Waste Discharge Requirements for discharges to surface Waters of the U.S.

Waste Load Allocations (WLA) – WLA is the distribution or assignment of TMDL pollutant loads to entities or sources for existing and future point sources. Maximum quantity pollutants a Permittee of waste is allowed to release into a particular waterway, as set by a regulatory authority. Discharge limits usually are required for each specific water quality criterion being, or expected to be, violated.

Water Quality Assessment – Assessment conducted to evaluate the condition of water bodies which receive process wastewater, storm water and non-storm water discharges.

Water Quality-Based Effluent Limits (WQBEL) - A value determined by selecting the most stringent of the effluent limits calculated using all applicable water quality criteria (e.g., aquatic life, human health, and wildlife) for a specific point source to a specific receiving water for a given pollutant.

Water Quality Criteria - comprised of numeric and narrative criteria. Numeric criteria are scientifically derived ambient concentrations developed by EPA or states for various pollutants of concern to protect human health and aquatic life. Narrative criteria are statements that describe the desired water quality goal.

Water Quality Objective – The limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area. [California Water Code § 13050(h)]

Water Quality Standards – Consist of beneficial uses, water quality objectives to protect those uses, an antidegradation policy, and policies for implementation. Water quality standards are found in Regional Water Quality Control Plans and statewide water quality control plans. The USEPA has also adopted water quality criteria (the same as objectives) for California in the National Toxics Rule and California Toxics Rule.

Waters of the United States[93] – Waters of the United States can be broadly defined as navigable surface waters and all tributary surface waters to navigable surface waters. Groundwater is not considered to be a Waters of the United States. As defined in 40 CFR § 122.2, the Waters of the U.S. are defined as: (a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide**;** (b) All interstate waters, including interstate "wetlands;" (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition**:** (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

Watershed – That geographical area which drains to a specified point on a water course, usually a confluence of streams or rivers (also known as drainage area, catchment, or river basin).

WDID [Waste Discharge Identification] – Identification number provided by the State when a Notice of Intent is filed.

Wet Season – October 1 through May 31st of each year, except where specifically defined otherwise in an approved TMDL Implementation Plan.

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93 The application of the definition of "waters of the United States" may be difficult to determine; there are currently several judicial decisions that create some confusion. If a facility operator is unsure whether the discharge must be covered by this General Permit, the operator may wish to seek legal advice or contact the Regional Board office.

MONITORING AND REPORTING PROGRAM NO. R8-2012-0012
NPDES NO. CAS618001
FOR
SCRAP METAL FACILITIES WITHIN THE SANTA ANA REGION

I. GENERAL

A. Each facility regulated under this Order shall develop and implement a Monitoring and Reporting Program (MRP) as specified in this section unless it is a part of an approved group monitoring program discussed below. All facilities currently regulated under the State's General Industrial Permit shall update its MRP in accordance with the requirements specified in this section within 90 days of adoption of this Order. The Permittee or the group leader for a group monitoring program shall develop a MRP in accordance with the requirements of this MRP prior to uploading PRDs into SMARTS.

B. The MRP shall be implemented within 30-days of uploading the PRDs.

C. The MRP shall be incorporated into the SWPPP.

D. The MRP shall identify the sampling locations, person(s) responsible for sample collection, preservation and handling; identify any additional constituents for analyses (in addition to Table 2 included in this MRP), any special sampling and preservation requirements, and sample delivery to the laboratory.

E. Revisions of the MRP are appropriate to ensure that the Permittees are in compliance with requirements and provisions contained in this Order. Revisions may be made under the direction of the Executive Officer at any time during the term of this Order, and may include redistribution of monitoring resources to address TMDL needs, a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, or the number and size of samples collected.

F. All sample collection, handling, storage, and analysis shall be in accordance with 40 CFR Part 136 (latest edition) "*Guidelines Establishing Test Procedures for the Analysis of Pollutants*," promulgated by the USEPA, the guidance being developed by the State Board pursuant to Water Code section 13383.5, or other methods which are more sensitive than those specified in 40 CFR § 136 and approved by the Executive Officer, or methods documented in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP).

G. The Executive Officer is authorized to allow the Permittees to participate in statewide, national, or other monitoring programs in lieu of or in addition to this monitoring program. In addition, the Permittees are encouraged to participate in group monitoring programs proposed by the Permittees and approved by the Executive Officer.

H. There are two types of monitoring programs that will be referenced and described in this MRP:

1. Individual Monitoring Programs; and

2. Group Monitoring Programs. Each group monitoring program shall designate a group leader, who shall be responsible for all monitoring activities at each of the facilities in the group.

I. All monitoring efforts shall conform to the same quality assurance, data management, validation, and verification standards. Individual as well as Group Monitoring Programs shall develop and implement a Quality Assurance Program Plan (QAPP) consistent with the USEPA and State Board guidelines.

J. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both [40 CFR § 122.41(j)(5)]

K. All chemical, bacteriological, and toxicity analyses shall be conducted at a laboratory certified for such analyses by an appropriate governmental regulatory agency. In addition, field measurement is required for pH, turbidity and specific conductance.

L. For priority toxic pollutants that are identified in the California Toxics Rule (CTR) (65 Fed. Reg. 31682), the Minimum Levels (MLs) published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) shall be used for all analyses, unless otherwise specified.

M. This MRP specifies the minimum parameters to be monitored. The Permittees are encouraged to include additional parameters based on site-specific conditions.

N. The detection limits for the metals analyses shall be low enough to allow for a direct comparison to the metal's criteria in the California Toxics Rule.

O. All monitoring data and monitoring locations shall be entered into the SMARTS system.

P. The monitoring and reporting period is from July 1 to June 30.

II. OBJECTIVES

A. The overall goal of this monitoring program is to develop reliable data to support the development of an effective storm water pollution control program that focuses

resources on the priority list of pollutants of concern for scrap metal facilities. The following are the major objectives:

1. To provide data to support the development of an effective control mechanism for scrap metal facilities.
2. To determine water quality status, trends, and pollutants of concern associated with storm water runoff from scrap metal facilities and their impact on the beneficial uses of the receiving waters. This includes determining current conditions in the receiving waters including the extent and magnitude of any impairments, and relative contribution from scrap metal facilities to this impairment.
3. To assist in identifying potential pollutants from scrap metal facilities and external sources (e.g., any atmospheric deposition, contaminated sediments, etc.)
4. To characterize pollutants in storm water runoff from scrap metal facilities and to assess the influence of these pollutants on receiving water quality.
5. To evaluate the effectiveness of existing control measures, including an estimate of pollutant reductions achieved by the treatment and source control BMPs implemented by the Permittees.
6. To determine a cost-effective treatment control technology for treating storm water runoff from scrap metal facilities.

B. The Regional Board recognizes that program modifications may be necessary to attain these objectives. The Executive Officer is hereby authorized to evaluate and to determine adequate progress toward meeting each objective and to make any modifications to the monitoring and reporting program.

III. MONITORING REQUIREMENTS

A. Visual Inspections

1. Each month a group leader, a QSP* or a person under the direction of the QSP* or the group leader shall conduct visual inspections of the industrial areas of the permitted facility and record the findings in a permanent log (prior to 6 months after the QSP certification program has been developed and implemented, inspections and sampling can be performed by an individual who is not a QSP or QSD). The recorded information shall include the name of the person conducting the inspection, date and time, weather conditions, and findings regarding any discharges from the facility including authorized or unauthorized non-storm water discharges, oil stains, tracking from the site, spills or leaks, debris or trash, illegal discharges, and with respect to any discharge from the site (including storm water) oil sheen, discoloration, turbidity, foam, trash, debris or any other floating or suspended materials in any runoff from the site and any other activity that could be a source of pollutants in runoff from the site.

2. The monthly visual inspections shall be conducted at least 15 days apart.

3. If no significant violations are noted during four consecutive inspections (e.g., no unauthorized storm water discharges, has implemented good housekeeping practices, no oil sheens on storm water runoff, etc.), the inspection frequency may be reduced, with approval from the Executive Officer, to quarterly based on a certification from the QSP/group leader that the minimum BMPs are fully implemented at the site and the site conditions do not warrant monthly inspections (at least one of these inspections shall be conducted during a storm event that produces a runoff).

4. Prior to any predicted storm event and as part of REAP*, inspect all BMPs, housekeeping practices and treatment controls to ensure that they are properly maintained and in good working condition.

B. Runoff Sampling and Analysis

1. Each permitted facility shall collect at least four samples of runoff per year from qualifying storm events*[94] from each discharge point. If storm water associated with industrial activities is discharged into an onsite system (percolation basins, infiltration gallery, etc.) samples must also be collected from each of those discharge points. The samples shall be collected monthly, until a minimum of four samples of runoff are collected.

2. The first sample for the season shall be collected during the first qualifying storm event* after July 1st.

3. Samples shall be collected as close as possible to the onset of discharge from a qualified storm event*.

4. Permittees need not sample outside of regular business hours or during unsafe conditions.

5. All samples collected shall be representative of storm water associated with industrial activities*. Samples shall be collected at the end of the storm water conveyance system (conveyance for storm water associated with industrial activities*) before it comingles with any other flows. For direct discharges to waters of the U.S., samples may be collected within 10 feet of the discharge point directly downstream from the discharge.

6. The samples shall be analyzed for the constituents in Table 2, at a State certified laboratory (with the exception of pH, turbidity and specific conductance).

7. Unless otherwise approved by the Executive Officer, the test methods in Table 3 must be used and the minimum levels specified below (Table 3) shall be achieved for the laboratory analysis for each of the constituents.

[94] A qualifying storm event is defined as a storm event preceded by at least two consecutive days of dry weather (dry weather is defined as two days of combined rainfall of less than 0.1 inches of rain) that produces runoff from the site (storm events with intensities equal to or grater than 0.1 inches of rain).

Table 2: Parameters, Sample Type and Frequency

Parameter	Units	Type of Sample	Frequency
Flow	mgd	Estimate	4 times/year
pH	pH units	grab[95]	4 times/year
Turbidity[96]	ntu	grab	4 times/year
Oil and Grease	mg/l	grab	4 times/year
Specific Conductance	µmhos/cm	grab	4 times/year
Total Petroleum Hydrocarbons	µg/l	grab	4 times/year
Zinc (total recoverable)	µg/l	grab	4 times/year
Lead (total recoverable)	µg/l	grab	4 times/year
Nickel (total recoverable)	µg/l	grab	4 times/year
Silver (total recoverable)	µg/l	grab	4 times/year
Aluminum (total recoverable)	µg/l	grab	4 times/year
Copper (total recoverable)	µg/l	grab	4 times/year
Iron (total recoverable)	µg/l	grab	4 times/year
Cadmium (total recoverable)	µg/l	grab	4 times/year
Arsenic (total recoverable)	µg/l	grab	4 times/year
Chemical Oxygen Demand (COD)	mg/l	grab	4 times/year
PCBs	µg/l	grab	1st year after permit adoption (first storm sample)
Toxicity (Acute test)		grab or composite	4th year after permit adoption (first storm sample)

Note - pH, turbidity and specific conductance shall be measured in the field using a calibrated portable instrument as soon as a sample is collected.

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[95] Flow-weighted composite samples may be used in lieu of grab samples.
[96] Turbidity analysis is not required for discharges to onsite retention or percolation systems.

Table 3: Test Methods and Minimum Levels

(If the minimum levels specified in the table below are higher than the effluent limits, the permittee will be deemed to be in compliance with the effluent limits if that constituent is not detected (ND) above the minimum level. If the data set includes a number of "NDs" and numerical values above ND, then the median value for the data set shall be considered. If the data set includes an even number of values and the median includes a "ND" and a numeric value, then the median shall be considered as ND.)

Constituent	Units	Test Method	Minimum Level
pH	pH Units	EPA 9040 or field test with a calibrated portable instrument	±0.1
Turbidity	ntu	EPA 180.1 or Field test with a calibrated portable instrument	0.5
Oil and Grease	mg/L	EPA 413.2 or EPA 1664	1.0
Specific Conductance	µmhos/cm	EPA 120.1/ SM 2510-B or Field Test with portable Instrument	1.0
Total Petroleum Hydrocarbons	µg/l	EPA 418.1	0.1
Zinc (total recoverable)	µg/l	EPA 200.8	0.5
Nickel (total recoverable)	µg/l	EPA 200.8	0.5
Silver (total recoverable)	µg/l	EPA 200.8	0.2
Lead (total recoverable)	µg/l	EPA 200.8	0.5
Aluminum (total recoverable)	µg/l	EPA 200.8	0.5
Copper (total recoverable)	µg/l	EPA 200.8	0.5
Iron (total recoverable)	µg/l	EPA 200.8	5.0
Cadmium (total recoverable)	µg/l	EPA 200.8	0.2
Arsenic (total recoverable)	µg/l	EPA 200.8	0.5
Chemical Oxygen Demand (COD)	mg/l	SM 5220C[97]	1.0
PCBs	µg/l	EPA Method 608	0.5

C. Sampling and Analysis Reduction: If a Permittee is in full compliance with the sampling and analysis requirements specified above (collected the required number of samples within the specified time period and has analyzed for all the listed parameters), the visual inspections have not identified any violations, and the analytical results have not exceeded any of the triggers specified in this Permit for NELs and NALs for at least two consecutive years, the Permittee may request for a reduction in the sampling and analysis frequencies. Once the reduction request is approved by the Executive Officer, it can be implemented by the discharger. Approved reductions can be revoked by the

[97] SM= Standard Methods for the Examination of Water and Wastewater, 18th Edition

Executive Officer based on future NEL or NAL exceedances, permit violations or inadequate BMP implementation as identified by Regional Board staff.

IV. QUALITY ASSURANCE PROGRAM PLAN (QAPP)

Individual and group monitoring programs shall meet the following QAPP requirements.

A. Except for TMDL monitoring where TMDL specific quality assurance plans may be required, the Permittees shall submit to the Executive Officer of the Regional Board for review and approval a quality assurance/quality control plan that has been developed by qualified professionals with experience in USEPA's and California's Surface Water Ambient Monitoring Program (SWAMP) QAPP guidelines.

B. The QAPP shall address all elements of the SWAMP QAPP guidelines. Data collection, field and laboratory protocol, measurements, and analysis shall be compatible with SWAMP Quality Assurance Management Plan (QAMP[98]) and with Procedures for Conducting Routine Field Measurement.

C. Where procedures are not otherwise specified in this MRP, sampling, analysis and quality assurance/quality control must be conducted in accordance with the QAMP for SWAMP.

D. For priority toxic pollutants, if the Permittees can demonstrate that a particular Minimum Level (ML) is not attainable, in accordance with procedures set forth in 40 CFR § 136, the lowest quantifiable concentration of the lowest calibration standard analyzed by a specific analytical procedure (assuming that all the method specified sample weights, volumes, and processing steps have been followed) may be used instead of the ML listed in Appendix 4 of the State Implementation Plan or SIP. The Permittee (or the group leader in case of a group monitoring program) must submit documentation from the laboratory to the Regional Board Executive Officer for approval prior to utilizing a ML that is not consistent with the MLs in the SIP or as specified in Table 3, above.

E. The surrogate parameters or indicators of water quality selected for monitoring shall be representative of the discharges being analyzed.

V. ANALYTICAL METHODS AND MINIMUM QUANTITATION LEVELS

(This is applicable to individual and group monitoring programs.)

The analytical methods and minimum quantitation levels shall be as specified in Table 3, above.

[98] See State Board's SWAMP at http://www.swrcb.ca.gov/water_issues/programs/swamp/qamp.shtml

VI. INDIVIDUAL MONITORING PROGRAM[99]

A. GENERAL

Within 90 days of adoption of this Order, each Permittee (currently regulated under the State's General Industrial Permit) shall review and revise its existing monitoring and reporting program, and submit for approval a site-specific monitoring and reporting program which shall, at a minimum, include the elements listed in Section B., below. The program shall be implemented within 30 days of uploading PRDs into SMARTS. In the interim, the Permittees shall continue to implement their existing monitoring and reporting program. All new Permittees shall develop and implement a monitoring program as specified in this MRP prior to start of industrial activities at the site.

B. COMPONENTS OF AN INDIVIDUAL MONITORING AND REPORTING PROGRAM

1. Each Permittee shall develop its own QAPP and submit it to the Executive Officer for approval.

2. Each Permittee shall identify a sufficient number of persons who are properly trained and certified in sample collection, preservation and handling protocol (Certified Persons). A Certified Person must have received at least one hour of classroom training provided by a certified laboratory in sample collection, sample preservation, sample handling, quality assurance and quality control protocols. Each laboratory providing such training shall provide a certificate of completion only after testing the participants understanding of the protocols for sample collection, sample preservation, sample handling, quality assurance and quality control. Proof of such training, such as a certificate of completion from the certified laboratory, shall be included in the SWPPP. A QSD or a QSP or other persons with appropriate training and approved by the Executive Officer could also be considered as a Certified Person.

3. Sample, collection, preservation and handling shall be the responsibility of the Certified Persons.

4. The MRP shall identify each discharge location, sampling frequency, sample collection equipment and special requirements, sample preservation methods, chain-of-custody forms and procedures, all handling protocols and methods for delivery of samples to the certified laboratory.

5. The MRP shall identify the certified laboratory that will conduct the analysis. The list of parameters to be analyzed shall include the parameters listed in Table 2 and any other potential pollutants present at the site.

[99] Each Permittee has the option of participating in any of the approved Group Monitoring Programs in lieu of the site-specific monitoring and reporting program.

VII. GROUP MONITORING PROGRAM (GMP)

A. All Permittees are encouraged to participate in the GMP for the following reasons:

1. To reduce administrative and technical costs;

2. To develop reliable data;

3. To ease the regulatory burden.

B. Each GMP shall be submitted to the Executive Officer for approval and at a minimum it shall contain the following:

1. The name of the group leader, the group leaders experience and qualification, and contact information;

2. A list of facilities proposing to participate in the GMP (WDID and other related information);

3. Identification of all discharge points for each group participant;

4. Level of training provided to the individual(s) for each group participant proposing to collect their own samples and visual inspections at their facility;

5. Arrangements for sample collection, preservation and handling (including delivery to a certified laboratory), for each GMP participant;

6. A list of any additional constituents (in addition to Table 2) to be analyzed for each facility in the group;

7. An explanation of how the monitoring data and other facility information will be compared and contrasted and how the treatment controls will be evaluated; and,

8. A proposal for a comprehensive annual report.

C. Participants in Group Monitoring Programs may receive reductions in monitoring frequency and/or constituents based on the overall commitment in the group monitoring plan and approval by the Executive Officer.

D. If there is no QSP located on site to oversee the monitoring and reporting program, the Group Monitoring Leader is responsible for guidance/oversight of this program.

VIII. RECORD KEEPING REQUIREMENTS

A. All monitoring activities shall meet the following requirements :

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR § 122.41(j)(1)]. Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality. Representative sampling also includes development of a testable hypothesis, appropriate site selection, applicable and accepted sampling methodologies, laboratory methods, and frequency of sampling.

2. The Permittees shall retain records of all monitoring information, including all calibration and maintenance of monitoring instruments, copies of all reports prepared as per this MRP and annual reports for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or USEPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge [40 CFR § 122.41(j)(2), CWC § 13383(a)].

3. Records of monitoring information shall include [40 CFR § 122.41(j)(3)]:

   a. The date, exact place, and time of sampling or measurements;

   b. The individual(s) who performed the sampling or measurements;

   c. The date(s) analyses were performed;

   d. The individual(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

4. Calculations for all effluent limitations which require averaging of measurements shall utilize geometric mean unless otherwise specified in this MRP [40 CFR § 122.41(l)(4)(iii)].

5. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR § 122.41(k)(2)].

IX. BMP/TREATMENT SYSTEM EVALUATION

A. All monitoring data shall be evaluated to determine compliance with the water quality standards in the receiving waters as per the procedure specified under Phases I, II, and III of the Permit. If water quality standards are not met, the source control BMPs, the housekeeping practices and the treatment controls at the facility shall be evaluated to determine the need for additional controls as specified in Section III.D of the Permit.

B. The Permittees shall be responsible for the timely submittal of all reports including non-compliance reporting. All such submittals shall be signed by a duly authorized representative of the Permittee under penalty of perjury.

C. Under the auspices of the Metal Recyclers Water Quality Standards Committee, a program has been initiated to test the efficacy of a number of treatment systems currently being used at scrap metal facilities in the Southern California area. This program will determine influent and effluent runoff quality from at least two different treatment control systems. These data will be analyzed to determine if any additional treatment controls are needed and to evaluate the technical and economic feasibility of various treatment systems that are currently available. These analyses may also lead to the development of technology-based NELs for this industry sector based on the performance of treatment systems evaluated.

X. REPORTING REQUIREMENTS

A. Non-compliance Reporting

Within 24 hours of discovery, the Permittees shall provide oral or email notification to Regional Board staff (and to California Emergency Management Agency at 1-800-852-7550) of noncompliant discharges that are determined to pose an immediate threat to human health or the environment (e.g., an oil spill that could impact wild life, a hazardous substance spill where residents are evacuated, reportable quantities of hazardous substance spills defined in 40 CFR §§ 117 & 302, etc.). Following oral notification, a written report must be submitted to the Executive Officer within 10 days, detailing the nature of the non-compliance, any corrective action taken by the Permittee, other relevant information (e.g., past history of non-compliance, environmental damage resulting from the non-compliance). Further, incidences of noncompliance shall be recorded along with the information noted in the written report in the annual report.

B. Sampling Results

All sampling results, including any samples collected more frequently than the frequency specified in the Permit, shall be uploaded into SMARTS within 30 days of receipt of laboratory results.

C. Annual Reports

Each Permittee shall submit an annual report; the annual report for the GMP participants shall be submitted by the group leader. The Permittees shall be responsible for the timely submittal of the annual report. All such submittals shall be signed by a duly authorized representative of the Permittee under penalty of perjury. The annual report shall be uploaded into SMARTS within 30 days from the end of the reporting period (by August 1 of each year, starting with August 1, 2013). At a minimum, the annual report shall include the following:

1. A summary and evaluation of all sampling and analysis results including any visual observations;

2. All additional BMPs or other corrective action methods implemented at the facility;

3. A summary of all compliance activities, including any new or proposed treatment controls;

4. Any major changes to any of the previously submitted SWPPP or MRP or other plans or programs.

Attachment A

Region 8 Facilities with General Permit Coverage and an SIC Code of 5093 (as of February 8, 2011)

WDID	Facility Name	Facility Address	Facility City
Orange County			
8 30I009363	All Met Recycling	1401 N Miller St	Anaheim
8 30I015238	All Variety Metals Inc	1016 Santiago St	Santa Ana
8 30I016931	Allan Co	2540 S Main St	Santa Ana
8 30I007365	Bruce Metal & Sal Inc	920 E 6th St	Santa Ana
8 30I013171	California Auto Recycling	518 Poinsettia St	Santa Ana
8 30I019149	DBW Metals Recycling	3250 E Frontera St	Anaheim
8 30I016545	Eagle Scrap Metal	741 Monroe Way	Placentia
8 30I001663	Freedman Industrial Salvage	8192 Monroe Ave	Stanton
8 30I009616	Garcia Recycling	13862 Seaboard Cir	Garden Grove
8 30I019080	Global Metal Recycling	1011 E Pine St	Santa Ana
8 30I020502	John C Dalton	555 S Rose St	Anaheim
8 30I009273	Kinsbursky Brothers Inc	1314 N Anaheim Blvd	Anaheim
8 30I013727	Michael Metals Inc	1110 E 17th St	Santa Ana
8 30I000220	Republic Services - CVT	1131 N. Blue Gum Street	Anaheim
8 30I021709	SA Recycling	2006 W 5th St	Santa Ana
8 30I021106	SA Recycling Anaheim	3200 E Frontera St	Anaheim
8 30I017651	So Cal Metals Recycling Inc	2117 S Lyon St	Santa Ana
8 30I012455	Sun West Metals Inc	1150 N Anaheim Blvd	Anaheim
8 30I002158	Unicorn Metals & Recycling Co	240 E 4th Ave	La Habra
8 30I009403	Vi Cal Metals	1645 N Case St	Orange
8 30I020212	Vi Cal Metals Inc	1400 North Baxter St	Anaheim
Riverside County			
8 33I022299	Bas Recycling Inc	14050 Day St	Moreno Valley
8 33I011422	Corona Truck Salvage	1601 Sherborn St	Corona
8 33I010663	Riverside Scrap Iron & Metal	2993 6th St	Riverside
8 33I020161	Six Pac Recycling Corp.	1430 E 6th St	Corona
San Bernardino County			
8 36I016927	Advanced Steel Recovery Inc	14451 Whittram Ave	Fontana
8 36I022637	Alamo Recycling Inc	14930 Valley Blvd	Fontana
8 36I016153	All State Paper & Metal Recycling	8889 Etiwanda Avenue	Rancho Cucamonga
8 36I021481	All State Paper & Metal Recycling	13195 Whittram Ave	Rancho Cucamonga
8 36I018511	America National Recycling	2202 S Milliken Ave	Ontario
8 36I018727	American Metal Recycling	11150 Redwood Ave	Fontana
8 36I014876	Augustine Metals, Inc.	2021 W. Placentia Ln.	Colton
8 36I022071	BSNF Railway Material Storage Yard	320 S Cactus Ave	Rialto
8 36I021251	Canco Recycling	1224 N Mt Vernon Ave	Colton
8 36I019930	Central Metal San Bernardino	144 S G St	San Bernardino

8 36I021485	City Recycling Center	836 Preston St	San Bernardino

WDID	Facility Name	Facility Address	Facility City
San Bernardino County (cont.)			
8 36I021229	Continental Recycling	5082 Mission Blvd	Ontario
8 36I009147	D & M Metals	840 E State St	Ontario
8 36I017024	Facility and Transfer Station	2059 N Steel Rd	Colton
8 36I019395	Foam Zone Inc	945 E California St	Ontario
8 36I018452	Jacks Disposal Service Inc	5455 Industrial Pkwy	San Bernardino
8 36I016742	Main Street Fibers	653 E Main St	Ontario
8 36I000936	Main Street Recycling	608 E Main St	Ontario
8 36I015745	Marquez Metals	15115 Whittram Ave	Fontana
8 36I012903	Pac Rail Industries	785 E M St	Colton
8 36I017072	Premises Metals	4791 Arrow Hwy	Montclair
8 36I009186	Ruby Metals Inc	2805 Industrial Dr	Bloomington
8 36I021114	SA Recycling	790 E M St	Colton
8 36I019845	Simon Golden Mountains Group	8335 Beech Ave	Fontana
8 36I013226	State Iron & Metal	14187 Slover Ave.	Fontana
8 36I021783	Titan Industrial Metal Corp	10312 Almond Ave	Fontana
8 36I013750	West Valley Mrf LLC	13373 Napa St	Fontana

Attachment B

NUMERIC ACTION LEVELS

Constituent	Action Level (Annual average)[41]	Units
Chemical Oxygen Demand (COD)	120	milligrams/liter
Aluminum (Total Recoverable)	0.75	milligrams/liter
Copper (Total Recoverable)	0.0189 [42]	milligrams/liter
Iron (Total Recoverable)	1.0	milligrams/liter
Lead (Total Recoverable)	0.122 [61]	milligrams/liter
Zinc (Total Recoverable)	0.16 [61]	milligrams/liter

ALTERNATE NUMERIC ACTION LEVELS FOR COPPER, LEAD AND ZINC

The U.S. EPA Multi-Sector Industrial Permit sets benchmark values for certain metals based on the water hardness of the receiving water. Three of those metals are included in this permit (copper, lead and zinc). This permit has used a hardness range of 125-150 milligrams/liter as a representative average of the hardness value for the Region's receiving waters during storm events. This hardness range may not be appropriate for certain receiving water segments. This permit therefore provides the opportunity for dischargers to provide specific receiving water hardness data that can be used to justify alternate numeric action levels for these three metals. There are three methods to determine hardness, including the use of third-party data, grab sampling by a group of dischargers that discharge to the same segment[43] of a receiving water, or grab sampling of a receiving water by an individual discharger. Regardless of the method used, the discharger is responsible for documenting the procedures used for determining hardness values. Once a proposed hardness value is established by a discharger, that value and the supporting data must be submitted in the next annual report for approval by regional board staff.

Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data shall be less than 10 years old and have been collected for the appropriate stream reach if the Region's Basin Plan denotes different reach segments for a stream or river.

41 Annual average: Arithmetic average of all analytical results obtained during the reporting period (July 1 to June 30).

42 Total recoverable copper, lead and zinc numeric action levels are based on an average hardness range of 125-150 mg/liter for the region's receiving waters during storm event discharge.

43 Receiving water reach delineations are defined in a Region's Basin Plan.

Group Monitoring for Receiving Water Hardness
You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on the same stream reach as the discharge points of each of the group members and within a reasonable distance of those discharge points.

Permitee Samples for Receiving Water Hardness
This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample the receiving water(s) for your specific discharge and submit samples for analysis, hardness must be determined from the closest perennial stream downstream of your point of discharge. The sample must be collected during a storm event. Note that collection of in-stream samples during wet weather events may be impracticable or present safety issues. Appropriate caution shall be used and permission shall be obtained from any landowners or appropriate municipalities or agencies, prior to entry. Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

NUMERIC ACTION LEVELS FOR COPPER, LEAD AND ZINC BASED ON RECEIVING WATER SPECIFIC HARDNESS DATA

Receiving Water Hardness	Total Recoverable Action Level (Annual Average) in milligram/liter[44]		
	Copper	Lead	Zinc
0-25 mg/liter	0.0038	0.014	0.04
25-50 mg/liter	0.0056	0.023	0.05
50-75 mg/liter	0.0090	0.045	0.08
75-100 mg/liter	0.0123	0.069	0.11
100-125 mg/liter	0.0156	0.095	0.13
125-150 mg/liter[45]	0.0189	0.122	0.16
150-175 mg/liter	0.0221	0.151	0.18
175-200 mg/liter	0.0253	0.182	0.20
200-225 mg/liter	0.0285	0.213	0.23
225-250 mg/liter	0.0316	0.246	0.25
250 + mg/liter	0.0332	0.262	0.26

[44] Annual average: Arithmetic average of all analytical results obtained during the reporting period (July 1 to June 30).
[45] Default receiving water hardness range.

SANTA ANA REGIONAL BOARD SCRAP METAL NPDES PERMIT FACT SHEET
ORDER NO. R8-2012-0012, NPDES NO. CAG 618001

I. BACKGROUND:

In early 2010, a Metal Recyclers Water Quality Committee (the Committee) was established to address pollutants in storm water runoff from metal recycling facilities (hereinafter collectively referred to as scrap metal facilities) located within the Santa Ana Regional Water Quality Control Board's (Regional Board) jurisdiction. The Committee consisted of a number of representatives from the industry, environmental groups, regulatory agency representatives and other interested parties and/or persons. The Committee met a number of times during 2010 and made a series of recommendations[46] that included: (1) Develop a sector-specific national pollutant discharge elimination system (NPDES) permit for storm water discharges from the scrap metal facilities; (2) Monitor efficacy and effectiveness of a number of proven treatment controls; (3) Develop effluent limitations based on a treatment systems study; and (4) Develop a credit system to encourage low impact type of treatment controls. The Committee requested that Regional Board staff develop a region-wide general permit to regulate storm water discharges associated with the scrap metal facilities. The Committee intends to request the State Water Resources Control Board (State Board) to use the Regional Board's sector-specific permit to develop a statewide permit for this industry sector[47]. This NPDES Permit implements most of the recommendations from the Committee consistent with the federal Clean Water Act (CWA) and its implementing regulations, the California Water Code (CWC), and the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan*).

II. REGULATORY BASIS

This fact sheet is a companion document to the sector-specific NPDES Permit (the Permit or the Order) and provides the regulatory basis for the requirements specified in the Permit.

The discharge of pollutants to waters of the United States* (also referred to as waters of the Nation, generally surface waters) must be regulated under an NPDES* permit. (Section 301(a) of the CWA). Section 402(p)(3)(A) of the CWA requires that storm water runoff from specified types of industrial facilities (categorized by standard industrial classification [SIC] codes) be regulated under the NPDES permit program. In 1997, the North American Industrial Classification System (NAICS) replaced the SIC system. The United States Environmental Protection Agency (USEPA) has indicated that it intends to incorporate the NAICS codes into the storm water regulations. The Notice of Intent (NOI)* form for this Order (NOI is part of the application package for obtaining coverage under this Permit) includes information on SIC and NAICS codes. The SIC code for this industrial sector is 5093 (see Section V for related NAICS codes), establishments primarily engaged in assembling, breaking up, sorting, and wholesale

[46] Metal Recyclers Water Quality Committee, Preamble; http://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/docs/scrap_metal/committee/preamble.pdf

[47] At the December 5, 2011 State Board meeting the proposed draft of the Sector-Specific Scrap Metal Permit was discussed. Subsequently on December 16, 2012, the State Board indicated that if the Regional Board adopted the Permit, the State Board would track its implementation and might consider the issue of adopting it on a statewide basis at a later date.

distribution of scrap metals. This industry category includes auto wreckers engaged in dismantling automobiles for scrap but does not include auto dismantling solely for the purpose of selling secondhand parts (SIC 5015).

Section 402(p)(3)(A) of the CWA requires that NPDES permits for discharges associated with industrial activity must implement CWA § 301, which requires that dischargers comply with technology-based effluent limitations, as well as any more stringent limitations necessary to meet water quality standards (CWA § 402(p)(3)(A)). Technology-based effluent limitations applicable to industrial activities are best practicable control technology currently achievable (BCT) for conventional pollutants, and best available technology economically achievable (BAT) for toxic and non-conventional pollutants (CWA § 301(b)(1)(A) and (2)(A)). To ensure strict compliance with water quality standards, NPDES permits can require a discharger to implement best management practices (BMPs), narrative effluent limitations, and/or numeric effluent limitations* (CWA §§ 301(b), 402; Title 40 Code of Federal Regulations, 40 CFR §§ 122.26, 122.28, 125.3).

The CWC incorporates the CWA (Title 23, Division 7, Chapter 5.5). In California, the State Board and the nine regional boards implement the requirements of the CWA, including the federal NPDES permit program under authorization from the USEPA. The CWC and the CWA require the regional boards to develop regional water quality control plans (CWC, Chapter 4, Article 3) including water quality objectives* and beneficial uses* (collectively referred to as the water quality standards* in the CWA). The most recent Basin Plan* for the Santa Ana River Basin was adopted in 1995. Since then, the Basin Plan has been amended a number of times and the latest version of the Basin Plan is available at:
http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml
The Basin Plan identifies beneficial uses* of waters of the region and contains water quality objectives* to protect those beneficial uses. The Basin Plan also incorporates the statewide water quality control plans and policies.

On November 16, 1990, the USEPA promulgated Phase I storm water regulations that established application requirements for storm water permits (40 CFR Parts 122, 123 and 124). These regulations require that storm water runoff associated with industrial activities*[48] discharging either directly to surface waters or indirectly through municipal separate storm sewer systems (MS4)* must be regulated under the NPDES permit program. In 1992, the USEPA revised the monitoring requirements for industrial storm water discharges [40 CFR § 122.44(i)(2), (4), and (5)]. In 1999, USEPA promulgated Phase II storm water regulations (64 Fed Reg 68722-52). The Phase II regulations, among other things, provide “no exposure” exclusions from NPDES permit requirements for industrial activities and materials that are not exposed to storm water.

In accordance with the CWA and the CWC, on November 19, 1991, the State Board* issued the first Statewide General Permit for Storm Water Discharges Associated with Industrial Activity. That Permit was renewed on April 17, 1997 by Order No. 97-03-DWQ. All industrial facilities within the State are currently regulated under the General

[48] An * indicates that the term is defined in the Glossary.

Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 97-03-DWQ (General Industrial Permit), issued by the State Board. On January 28, 2011, the State Board released a draft order for renewal of the General Industrial Permit.

The Basin Plan, CWC, CWA and related federal and state regulations are the basis for the requirements contained in this NPDES permit. Section V, below, describes in detail the basis for the requirements specified in this Order.

III. POLLUTANTS AND THEIR SOURCES IN STORM WATER RUNOFF

In 1983, the USEPA conducted a comprehensive study of urban storm water pollution across the U.S. The project was titled, "The Nationwide Urban Runoff Program or NURP" and the NURP report was published in 1987[49]. The NURP study indicated that urban and industrial storm water runoff is major sources of pollutants to waters of the U.S. Storm water runoff from industrial facilities may become contaminated by contact with materials, intermediaries, product and wastes that are stored outside, spills and leaks from equipment used or stored onsite, contact with materials during loading, unloading or transfer from one location to another, and from airborne contaminants.

As part of the Statewide General Industrial Permit, regulated facilities submit annual reports which include discharge sample analyses. A review of the data submitted by scrap metal facilities within Region 8 over the past five years (2005-2010), indicates that pH, suspended solids, specific conductance, oil and grease, petroleum products and metals are present in storm water runoff from these facilities. In addition, at scrap metal facilities, dirt and debris could be carried into storm water runoff. For scrap metal facilities, the potential sources of pollutants include: (1) outdoor storage of engines, transmissions, radiators, batteries, brakes, power steering units, and differential gears which may contain fluids; (2) dismantling, processing, and storage operations; (3) loading/unloading operations; and (4) galvanized metals used on buildings, fences, etc. Galvanized metal is a source of zinc in the runoff.

IV. SECTOR-SPECIFIC PERMIT

The State Board issued the General Industrial Storm Water Permit for California and the USEPA issued a Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity[50] (MSGP) for Indian Tribal lands and for states where the USEPA is the NPDES permitting authority. The latest version of the MSGP includes a list of potential pollutants and "benchmark" values for those pollutants. The "benchmarks" are the pollutant concentrations above which USEPA determined that the pollutant represents a level of concern. The level of concern is a concentration above which a storm water discharge could potentially impair, or contribute to impairing, water quality or affect human health from ingestion of water or fish. The "benchmarks" are also viewed by the USEPA as a level below which the discharge is an insignificant threat to water quality. A review of the monitoring reports for the last five years (2005-2010) for the scrap metal facilities within the Region indicates that approximately 50% of the facilities exceeded the USEPA's benchmark* levels for one or more metals. Additional

[49] http://www4.ncsu.edu/~rcborden/CE383/Stormwater_Refs/NURP_Results_Vol_1.pdf

[50] http://cfpub.epa.gov/npdes/stormwater/msgp.cfm

control measures, including treatment systems, may be needed to reduce pollutant concentrations in storm water runoff from these facilities such that water quality standards are met in the receiving waters.

Each year, Regional Board staff conducts inspections of a number of industrial facilities. These inspections have indicated that: (1) approximately 10% of the facilities do not implement the minimum control measures (BMPs) specified in the State's General Industrial Permit; (2) approximately 85% of the Storm Water Pollution Prevention Plans (SWPPPs) are not site-specific; (3) the employees are not properly trained in storm water pollution prevention methods; and (5) only about 20% of the facilities had any kind of storm water treatment systems installed. The Scrap Metal Committee was established with the goal of addressing these short comings in the current industrial storm water program and the Committee recommended a sector-specific permit to address these issues. The Committee also recommended that the Permit include quantifiable and enforceable permit terms and conditions.

USEPA envisioned a four-tier permitting strategy for regulating storm water from various sources: (1) Tier 1: General Permits; (2) Tier 2: Watershed Permitting; (3) Tier 3: Sector-Specific Permitting; and (4) Individual or facility-specific permitting. Consistent with the Tier 1 approach, the State Board issued general permits for regulating storm water runoff from industrial facilities (General Industrial Permit, Order No. 97-03-DWQ), construction sites (General Construction Permit, Order No. 2009-0009-DWQ) and from state highways and freeways (Caltrans Permit). The Regional Board has issued storm water permits that were consistent with Tier 2 (e.g., San Jacinto Watershed-Wide Construction Activities Storm Water Permit, Order No. R8-2001-0034), Tier 3 (e.g., General CAFO Permit, Order No. R8-2007-0001), and Tier 4 (e.g., Storm Water Permit for March Air Reserve Base, R8-2010-0005) approaches. This Permit is consistent with the Tier 3 approach.

V. TYPES OF DISCHARGES REGULATED BY THIS ORDER

This Order regulates storm water runoff associated industrial activities* and authorized non-storm water discharges* from industrial facilities "primarily engaged in assembling, breaking up, sorting and wholesale distribution of scrap metals" (SIC code 5093). The NAICS codes that correspond to this SIC code include: (1) 423930-Recyclable Material (e.g., glass, metal, paper) Merchant Wholesalers; (2) 562111-Solid Waste Collection (recyclable material collection services); and (3) 562920-Materials Recovery Facilities (removal of recyclable materials from a waste stream). The waste materials may include: iron and steel scrap and ferrous and non-ferrous metals scrap. This category also includes battery recycling facilities and auto wreckers engaged in dismantling automobiles for scrap, but does not include those engaged in dismantling automobiles for the purpose of secondhand parts (SIC code 5015; NAICS code 423140).

Coverage under this Order is required for the following types of industrial activities: (1) automotive wrecking for scrap-wholesale [this category does not include facilities engaged in automobile dismantling for the purpose of selling second hard parts]; (2) iron and steel scrap- wholesale; (3) junk and scrap metal –wholesale; (4) metal waste and

scrap- wholesale; and (5) non-ferrous metals scrap-wholesale. Other types of facilities listed under SIC Code 5093 and engaged in wastes recycling are not required to get coverage under this Permit.

Storm water runoff associated with industrial activities is currently regulated under the State's General Industrial Storm Water Permit. A list of the facilities that were currently regulated under the State's General Industrial Permit at the time the first draft of this permit was released, which will be regulated under this Order upon its adoption is included in Attachment A of the Order.

All industrial facilities engaged in scrap metal recycling operations that are within this Regional Board's jurisdiction must obtain coverage under this Order. Coverage under this Permit is not needed for facilities that discharge all storm water associated with industrial activities to a municipal sanitary sewer or to retention basins, evaporation or percolation ponds that have a design capacity to hold the volume of runoff produced from a 100-year, 24-hour storm event. Discharge of industrial wastes to retention basins and evaporation and percolation ponds may have to be regulated under waste discharge requirements* issued by the Regional Board. If the industrial activities are not exposed to storm water, the facility shall obtain a "no exposure certification" (see Section III.J.1.b of the Order).

VI. BASIS FOR DISCHARGE REQUIREMENTS SPECIFIED IN THIS ORDER

The CWA requires that NPDES permits specify both technology and water-quality based effluent limitations. This Permit includes both technology-based and water quality-based effluent limitations, including water quality-based numeric effluent limits (NEL), numeric action levels (NAL) and narrative effluent limitations. NALs are the same as those used by the USEPA in its MSGP[57]. The Permit encourages the Permittees to implement preventative measures that include elimination of exposure (e.g., conducting industrial operations under a roof) and runoff volume reduction measures (e.g., 'non-industrial area' runoff isolation, percolation basins, onsite reuse, etc.) and provides an incentive for implementing such measures. The Permit also establishes a mechanism for evaluation of treatment systems that may lead to technology-based NELs for this industry category.

The goal of the control measures specified in this Order is to comply with water quality standards* in the affected receiving waters*. Each facility regulated under this Order is required to develop and implement a storm water pollution prevention plan (SWPPP)* designed to control the discharge of pollutants in storm water runoff from these facilities so as to meet applicable water quality standards in the receiving waters. Special provisions are included for discharges to impaired waterbodies* (listed under CWA Section 303(d)) with or without approved TMDLs. If the SWPPPs are designed to address TMDL implementation plans and meet the WLAs, the Permittees would not be required to take additional steps to meet the WLAs specified in the TMDLs.

This is an NPDES permit and there is no legal requirement to address the factors set forth in Water Code sections 13241 and 13263, unless the Permit is more stringent than

what federal law requires. (See *City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 618, 627.) None of the requirements in this Permit are more stringent than the federal requirements, which include technology-based requirements for achieving BAT/BCT effluent limitations and strict compliance with water quality standards*. As indicated above, numeric effluent limitations* and narrative effluent limitations based on best management practices are simply two different methods of achieving the same federal requirement of compliance with state water quality standards*. The use of NELs to achieve compliance with water quality standards is not a more stringent requirement than the use of BMPs. (State Water Board Order No. WQ 2006-0012 (*Boeing*).) Therefore, the Regional Board does not need to take into account the factors in Water Code Sections 13241 and 13263.

The Permit includes prohibitions, effluent limitations*, receiving water limitations, SWPPP requirements, special provisions for discharges to impaired waters and monitoring and reporting requirements. The basis for each of these requirements is discussed below.

A. PROHIBITIONS

This Order prohibits the discharge of any substance other than storm water associated with industrial activities* and authorized non-storm water discharges*, consistent with the definition of storm water associated with industrial activities* contained in 40 CFR § 122.26(b)(14). It also prohibits the discharge of storm water containing hazardous substances in excess of reportable quantities established at 40 CFR §§ 117.3 and 302.4. Most non-storm water discharges such as wash water from the cleaning of vehicles, equipment, buildings and pavement, are prohibited. However, some non-storm water discharges are not directly related to industrial activities (e.g., air conditioning condensate) and do not normally contain significant quantities of pollutants. These types of discharges are not prohibited provided they have been found not to contain pollutants in significant quantities. Pursuant to Water Code § 13377, the Regional Board is authorized to adopt waste discharge requirements as required or authorized by the Federal Clean Water Act that prohibit discharges from containing pollutants that cause or threaten to cause pollution, contamination, or nuisance together with any more stringent effluent standards or limitations necessary to implement the Basin Plan.

B. EFFLUENT LIMITATIONS

This is an NPDES permit issued under authorization from the USEPA. Section 402(p)(3)(A) of the CWA states that NPDES permits for storm water discharges must meet all applicable provisions of sections 301 and 402 of the CWA. These provisions of the CWA require that the discharge of pollutants be controlled using best available technology economically achievable (BAT)* for toxic and non-conventional pollutants and best conventional pollutant control technology (BCT)* for conventional pollutants. (CWA sections 301 and 402.) These provisions of the CWA require technology-based controls of pollutant discharges and any more stringent controls necessary to meet water quality standards. The CWA and the federal

regulations provide states with the discretion to formulate permit terms, including specifying best management practices (BMPs), to achieve strict compliance with federal technology-based and water quality-based standards. (*Natural Resources Defense Council v. USEPA* (9th Cir. 1992) 966 F.2d 1292, 1308.) The CWA requires that discharges from existing facilities, at a minimum, meet technology-based effluent limitations reflecting, among other things, the technological capability of Permittees to control pollutants in their discharges which are economically achievable.

The requirements specified in storm water permits have slowly transitioned from BMP-based permit requirements for permits issued in the early 1990s[51] to numeric effluent limits for permits issued recently[52]. On May 18, 2000, the USEPA promulgated water quality standards for priority toxic pollutants for the State of California, generally referred to as the California Toxics Rule (CTR)[53]. The 2009 statewide general construction storm water permit[54] has incorporated limited numeric effluent limits for higher risk construction sites, where the risk is based on the sensitivity of the receiving water(s) and site's erosion potential. On December 5, 2011, the Sacramento Superior Court invalidated the numeric effluent limits for pH and turbidity in the Construction General Permit on procedural grounds (Case No. 34-2009-80000338). In 2009, there were two U.S. District Court, Central District of California, cases involving facilities in the Los Angeles region[55] that indicated that CTR may be applicable to storm water discharges. This Permit provides two options for the Permittees to meet water quality objectives: (1) Option 1: This is a 3-phased approach where compliance is achieved through implementation of best management practices; and (2) Option 2: This option requires compliance with the water quality-based NELs that are based on CTR.

In 2005 and 2006, the State Board convened an expert panel (Blue Ribbon Panel or Panel) to address the feasibility of numeric effluent limitations (NELs) in California's storm water permits. The Blue Ribbon Panel reviewed technical feasibility of establishing numeric effluent limitations, or some other quantifiable limit, for inclusion in storm water permits for industrial, construction and municipal storm water permits. The Panel reviewed technology-based limitations and water quality-based limitations, the feasibility of establishing any objective criteria, compliance determination methodology and the technical and financial ability of dischargers to comply with any criteria that is established. The Panel's final report can be downloaded from:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/numeric/swpanel_final_report.pdf

For industrial storm water permits, the Blue Ribbon Panel indicated that numeric effluent limits are feasible for some industrial categories. The Panel recognized that

[51] For example, see State Board Order No. 97-03-DWQ
[52] For example, see State Board Order No. 2009-009-DWQ. Some of the NELs in this Order have been invalidated by a recent Superior Court decision (Sacramento Superior Court Case No. 34-2009-80000338)
[53] [53] http://www.epa.gov/region9/water/ctr/
[54] State Board Order No. 2009-0009-DWQ
[55] Santa Monica Baykeeper v. Kramer Metals, 619 F. Supp 2d 914 (C.D. Cal. 2009) and Santa Monica Baykeeper v. Int'l Metals Ecko, 619 F. Supp 2d 936 (C.D. Cal 2009).

numeric effluent limits based on the current monitoring database might not be advisable due to inconsistencies in monitoring. For the construction category, the Panel stated, "Board should consider the phased implementation of Numeric Limits and Action Levels, commensurate with the capacity of the dischargers and support industry to respond." The Panel also noted that in cases where the industrial activity is similar to construction or municipal activity, a similar approach could be considered.

The Regional Board carefully considered the findings of the Blue Ribbon Panel and related public comments and the recent Superior Court ruling regarding technology-based NELs in the Construction General Permit. In developing effluent limitations for this Permit, the Regional Board also reviewed the Preamble prepared by the Committee, a 2011 draft for the renewal of the State's General Industrial Permit and permits recently issued/drafted for industrial storm water runoff by other states[56] and the USEPA[57].

After consideration of the Panel's and the Committee's recommendations, this Permit includes numeric action levels* (NALs) and an option for phased implementation of technology-based numeric effluent limitations. A number of pollutant control measures as well as NALs and water quality-based numeric effluent limitations* (NELs) are included in this Permit, consistent with the federal standards.

In Option 1, the benchmark values derived from the USEPA's MSGP are used as NALs to assess compliance with some of the provisions in this Permit. Discharges that do not exceed a NAL are typically not likely to cause a violation of water quality standards*. Discharges that exceed one or more NALs represent a higher risk of violating water quality standards*. An actual water quality standards violation can only be confirmed after site-specific conditions of the discharge and receiving water body are evaluated. In addition, the Permit requires the development and implementation of a storm water pollution prevention plan (SWPPP)*. This Order specifies the minimum BMPs* that must be incorporated into the site-specific SWPPP*. The SWPPP requires the dischargers to implement specific BMPs* during different phases (explained below). As dischargers are required to implement specific BMPs to meet NALs, this Permit ensures that the dischargers do not "write their own permits", and does not require each discharger's SWPPPs to be reviewed and approved by Regional Water Board staff.

The USEPA establishes technology-based effluent limitation guidelines for various industrial categories. It has not established effluent limitation guidelines for scrap metal facilities. In instances where there are no effluent limitation guidelines, permit writer uses best professional judgment to establish requirements that the discharger must meet using BAT/BCT* technology. The CWA and the US EPA's regulations provide states with the discretion to formulate permit terms, including specifying best management practices (BMPs) to achieve strict compliance with water quality

[56] Draft/adopted permits posted on the websites of New Jersey and Washington states.
[57] USEPA, NPDES Permit, Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity

standards. (*Natural Resources Defense Council v. USEPA* (9th Cir. 1992) 966 F.2d 1292, 1308.) This Permit contains numeric action levels or NALs for facilities that opt for Option 1 (3-Phased Approach) and water quality-based numeric effluent limits or NELs for Option 2 (Non-Phased Approach). The NALs are from USEPA's MGSP and the water quality-based NELs are derived from the California Toxics Rule. These are consistent with CWA provisions which states, "Such conditions as the Administrator determines are necessary to carry out the provisions of this Chapter" (CWA § 402(a)(1), 33 U.S.C. § 1342(a)(1).)

There are proven and cost-effective technologies to control pH, turbidity, oil and grease and specific conductance. With the implementation of Phase I (see below) programs, all facilities should be able to meet the NALs. The Permittees are expected to meet the NALs upon full implementation of early-action BMPs (see Phase I below). If early action BMPs do not result in compliance with the NALs, the Permittees are required to implement additional BMPs as specified under Phases II and III. Option 1 also includes a requirement for evaluation of treatment control technologies for the scrap metal sector. Once this evaluation is complete, the Committee is likely to develop and propose technology-based effluent limitations for this industry sector that may lead to NELs instead of NALs for constituents listed in Table 1a of the Order.

The NALs are for pH, tubidity, specific conductance, oil and grease, chemical oxygen demand and specific metals. The pH indicates the alkaline or acidic nature of the runoff and is a measure of the hydrogen-ion concentration. The acceptable range is usually considered to be within 6.5 to 8.5. At values less than 7.0, the water is considered acidic; above 7.0 it is considered alkaline or basic. Pure rainfall tends to have a pH of slightly less than 7. Many industrial facilities handle materials that can affect pH. Storm water discharges with significantly higher or lower pH values are a good indicator of contamination. A pH meter can be used for on-site measurement of pH. The action level specified in this Permit for pH, 6.5 to 8.5 pH units, is consistent with the Basin Plan objectives and the USEPA's benchmark values in its MSGP.

Turbidity is an indicator of the un-dissolved solids, both suspended (total suspended solids or TSS) and colloidal, present in the discharge. Sources of turbidity include sediment from erosion and dirt from impervious (i.e., paved) areas. Because many pollutants can adhere to sediment particles, reducing sediment can reduce the amount of these pollutants in storm water discharge. Turbidity is sometimes used as a surrogate for TSS. Suspended solids can settle and impact bottom dwelling benthic organisms. Fish gills could be clogged by suspended solids and colloidal particles. Turbidity is an indirect measure of TSS and can be measured on-site using turbidity meters. Turbidity sampling provides a direct basis for determining compliance with some of the narrative requirements of the Permit, such as sweeping requirements. An action level of 250 NTU is used for turbidity in this Permit, based on USEPA's benchmark values in its MSGP.

Specific Conductance (SC) is a measure of the ability of the water to carry an electric current and therefore a measure of the water's ionic content. It provides an indication of the total dissolved solids present in the discharge. Rainwater has a SC of close to zero. Seawater has a very high SC. High SC could affect the freshwater habitat beneficial use of a receiving water and the usability of waters for drinking, irrigation, and other commercial or industrial purposes. This Permit has set the action level for specific conductance at 2,000 micro mhos (also referred to as micro siemen) per centimeter (µmhos/cm) at 25^0C based on a prohibition in the Basin Plan for discharges to ground. This level is much higher than the specific conductance for rainwater to provide credit for chemical treatment that reduces toxic pollutants but increases the ionic content of water.

Oil and Grease (O&G) is a measure of the amount of oil and grease present in storm water discharge. At very low concentrations, O&G can cause sheen on the surface of water and can adversely affect aquatic life. Sources of O&G include vehicle and equipment use, as well as dismantled auto parts. An O&G NAL of 15 mg/l is specified in this Permit based on USEPA's benchmark value.

Table 1a also includes NALs for chemical oxygen demand (COD) and for aluminum, copper, iron, lead, and zinc. These are also based on the USEPA's benchmark values.

The Metal Recyclers Water Quality Committee has started an evaluation study of a number of treatment technologies for this industry category with the goal of establishing technology-based treatment standards. The Permit establishes a methodology for testing a number of treatment control technologies to develop appropriate technology-based effluent limitations. These studies are expected to generate data that could be used for development of technology-based NELs for this industry sector. This Permit may be reopened to include technology-based NELs developed through this process. Generally the USEPA establishes the effluent limitation guidelines for specific industry categories or subcategories after conducting an in-depth analysis of that industry and the available treatment technologies. If the USEPA develops effluent limitation guidelines for this industry category, those effluent limitation guidelines would take precedence over the NELs developed through the above process.

This Permit provides two options to control the discharge of pollutants from scrap metal facilities: (1) Option 1: A Three-Phased Approach*; and (2) Option 2: A Non-Phased Approach*. The Permittees must choose either Option 1 or Option 2 at the time of applying for coverage under this Permit.

In the 3-phased approach, the facilities are required to implement certain BMPs, including identification, training and certification of key facility staff, development of a Rain Event Action Plan (REAP), and good housekeeping practices. This approach provides the flexibility needed to select site-specific, technically and economically feasible BMPs, for each facility. In Phase I, all facilities shall implement a set of

minimum control measures, including good housekeeping practices, and conduct monitoring to determine compliance with the NALs, specified in Table 1a. All regulated facilities in the Region should have completed Phase I as was required under the State's General Industrial Permit. However, inspections conducted by Regional Board staff indicate varying levels of compliance with these requirements. Therefore, this Order requires all facilities regulated under this Permit to implement the minimum control measures specified in the Permit. During each phase, the runoff will be monitored to determine the need for additional control measures including treatment controls. The following triggers will be used to determine if Phases II and III actions are needed:

Triggers for Further Action Applicable to Facilities Opting for Option 1*:

In most cases a single exceedance of an NAL specified in Table 1a may not be a good indicator of sustained water quality impacts in the receiving waters. To account for the high variability in the storm water runoff quality from scrap metal facilities, this Permit establishes a trigger mechanism for exceedances of the NALs. For purposes of establishing a trigger for further actions and for the various steps in Phases I, II and III of this Permit, the following procedures are to be followed:

1) If a facility has multiple discharge points for storm water that has come in contact with industrial areas, processes, materials, products or wastes, area-weighted averages shall be calculated using the relative tributary area for each discharge point.

2) If a single event (either a grab sample from a storm event or a composited sample from a single storm event) exceeds the NAL by a factor of two or more (except for pH), it is considered an exceedance that would require additional steps as outlined under Phases II and III. For pH, any values less than 5.5 or more than 9.5 pH units shall be considered as an exceedance requiring additional steps outlined under Phases II and III.

3) If the annual average (geometric mean of all the analytical results during the reporting period for all constituents except for pH; for pH, an arithmetic mean shall be used) of any of the constituents exceeds the NAL, then it is considered as an exceedance that would require additional steps as outlined under Phases II, and III. For pH, any values less than 5.5 or more than 9.5 shall be considered as an exceedance requiring additional steps as outlined under Phases II and III.

4) If a facility has implemented volume reduction BMPs (e.g., percolation basins) or preventative measures (e.g., having industrial operations under a roof), a credit may be applied to the above calculations. For example, if a Permittee installs no-polluting roof over 25% of its operational area, the geometric mean for that facility will be reduced by 25% to arrive at an adjusted geometric mean. This credit cannot be applied to pH. The credit will be applied based on areas addressed without regard to whether the BMP was implemented before the adoption of this Permit.

Option 1 - Three-Phased Approach

1. **Phase I Requirements (to be developed and implemented by October 01, 2012 or within 30 days of NOI filing for new facilities filing their NOI after September 01, 2012)**

   Phase I requirements are generally operational source control BMPs, such as schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping and other practices to control pollutant sources. The Phase I requirements also include a few structural source control and treatment control measures, such as paving the industrial areas, constructing percolation basins and oil-water separators, etc. Volume control BMPs, such as percolation basins, evapotranspiration systems, and reuse should be a major component of pollution control techniques to protect aquatic habitats.

Permit Provision III.E.1 specifies the minimum requirements for Phases I, II and III. These minimum control measures are based on recommendation of the Committee and are considered to be technically and economically feasible. These requirements are consistent with CWA provisions which states, “Such conditions as the Administrator determines are necessary to carry out the provisions of this Chapter” (CWA § 402(a)(1), 33 U.S.C. § 1342(a)(1).)

The Phase I BMPS include the following:

a) Identify persons (name and title) responsible for developing and implementing the SWPPP (see QSD/QSP requirements under Section III.D.2 of the Permit).

b) Maintain a current inventory of materials and chemicals used at the facility and identify proper storage locations and handling procedures.

c) Maintain a current facility map identifying potential pollutant sources throughout the facility and the control measures used for each source/area, including good housekeeping practices. Control measure documentation shall include procedures, specific equipment used, maintenance schedules and a record of all maintenance performed with dates and signatures.

d) Identify spill prevention and response procedures, including management of any non-storm water runoff. All unauthorized non-storm water discharges must be eliminated.

e) Develop and implement an employee training program, including documentation of training materials and attendance. All new employees shall receive training within 30 days of employment and all employees shall have refresher training at least on an annual basis.

f) Develop a Rain Event Action Plan (REAP). This plan shall be implemented in the event of a predicted storm with a 40% or greater probability. The probability of a storm shall be determined no more than three days in advance and need only be documented once a day. The facility shall refer to the National Weather Service (weather.gov) to determine the storm probability. This plan shall address the following additional measures in the event of a predicted storm: (a) temporarily covering exposed materials where feasible; (b) ensuring that all control measures are fully functional; (c) sweeping the site and clearing debris and trash; (d) making sure that the trash bins are covered; and (e) other measures to isolate industrial areas from contact with rainfall and runoff. A record of all activities related to REAP shall be part of the SWPPP and shall be dated and signed.

g) Develop and implement a program, to the maximum extent practicable, to percolate, evaportranspirate, or use on site, the design volume* of runoff from non-industrial areas and uncontaminated runoff from industrial areas. These onsite systems shall be designed such that they do not cause groundwater contamination.

h) To the extent practicable, minimize dust generation and erosion from the site by paving or lining industrial areas.

i) Consolidate all industrial area discharges to as few discharge points as possible, preferably to one discharge point, and where practicable divert all non-industrial area runoff away from industrial areas. Manage run-on to the facility by diversion or other means.

j) Minimize storm water contact with contaminating building materials by removal, painting or other measures.

k) Explore the possibility of diverting first flush or any contaminated storm water to the sanitary sewer system. This option shall only be considered if the sanitary sewage collection agency reclaims and distributes and/or uses reclaimed water.

l) Develop and implement control measures for any oil contaminated wastes from the site, such as canopies, covers, roofs, oil-water separator, etc.

m) Develop and implement a monitoring program or join the group monitoring program (see MRP No. R8-2012-0012 attached to this Permit). If the Permittee has not joined the group monitoring program, the person responsible for sample collection, preservation and handling shall be identified in the monitoring program and must have received the requisite training (see MRP Section VI.B.3).

n) Develop and implement a plan to properly operate all installed control measures. This plan shall identify the control measure, the person

responsible for regular operation and/or maintenance of the system, the schedule for any required maintenance, and a record of the maintenance activities including the name of the person performing the maintenance, the date and a signature.

o) Develop and implement an advanced media filtration or other treatment control measures, if warranted. If prior year monitoring indicates any NAL exceedances or site conditions warrant, the Permittee shall consider advanced media filtration or other treatment control measures early in the planning process. This step is not required for facilities without any identified water quality standards violations.

2. **Phase II Requirements**

Phase II may include treatment controls and is required only if Phase I BMPs are not capable of meeting water quality standards. During Phase II, the facilities are to evaluate their monitoring data generated after implementation of Phase I and determine the need for additional BMPs, including any further treatment control measures. The Phase II control measures may include treatment controls, designed to treat at least 95th percentile storm event* (design volume)* from exposed industrial areas and any comingled runoff volume from non-industrial areas. Phase II requirements are listed below:

a. By June 30, 2013 or within 16 months of NOI filing for new facilities filing their NOI after September 01, 2012, assess monitoring results and the effectiveness of Phase I BMPs and determine if any of the specified triggers have been exceeded (see criterion for triggering further action, above). If there are no exceedances of the triggers, Phase II and III may not be necessary. If any of the triggers have been exceeded, implement steps b and c, below.

b. By July 31, 2013, or within one month of Phase I exceedance determination occurring after June 30, 2013, reassess Phase I BMPs and determine the need for any additional BMPs to minimize pollutant discharges. If the additional BMPs are designed to meet technology-based standards, the following steps and Phase III may not be necessary. However, the system design details, including the expected discharge quality, shall be submitted for Regional Board staff approval (in the Phase II Corrective Action Plan) prior to implementation.

c. If Phase I monitoring results indicate exceedances of the triggers, and if it is determined that additional BMPs as discussed in Item b, above, cannot be implemented, advanced media filtration or other equivalent treatment systems shall be developed and implemented. All proposals for advanced media filtration systems or other equivalent treatment systems shall be submitted to the Regional Board staff for approval by August 15, 2013 (or within 45 days of exceedance determination) and shall be implemented within 90 days of approval by Board staff.

3. **Phase III Requirements**

Phase III includes development and implementation of a Phase III Corrective Action Plan and is not needed if there were no exceedances of the triggers through implementation of either Phase I or II, above.

By June 30, 2014 or within 28 months of NOI filing for new facilities filing their NOI after September 01, 2012, all Permittees must assess their water quality monitoring data. If no standards are violated (based on triggers specified above), Phase III actions described below are not necessary.

After implementation of Phases I and II, if the triggers are being exceeded, the Permittee shall develop a Phase III Corrective Action Plan by July 31, 2014 or within one month for Phase II exceedance determinations occurring after June 30, 2014. This Plan shall identify the potential causes of the exceedance, proposed solutions, and a time schedule for implementing the proposed corrective actions. The Corrective Action Plan, when fully implemented, shall meet the BAT/BCT effluent limitations and constitutes a water-quality based effluent limitation as per 40 CFR § 122.44(k). The Permittee will be considered to be in compliance with the effluent limitations once the Corrective Action Plan is fully implemented.

Development of Sector-Specific Technology-Based NELs:

Those facilities with established treatment controls have volunteered to participate in a study to evaluate currently available treatment control technologies. These studies may lead to the development of technology-based effluent limitations for this industry category. This Permit may be reopened to incorporate technology-based NELs developed through this process or by the USEPA.

Triggers for Further Action Applicable to Facilities Opting for Option 2*:

The Metal Recyclers Water Quality Standards Committee recommended strict compliance with numeric effluent limits for those dischargers not opting for a phased compliance strategy (Option 1). In Option 2, the Permittees are required to meet the water-quality based effluent limitations specified in Table 1.b, which are derived from CTR and/or the Basin Plan.

Design Storm for Treatment Control Measures Applicable to Options 1 & 2:

This Permit includes a criterion for designing treatment controls based on a specified design storm* event. All treatment systems shall be sized and designed to treat 95th percentile storm* event for the area where the facility is located.

C. RECEIVING WATER LIMITATION

This Permit includes receiving water limitations to protect the beneficial uses* of the receiving waters. Water quality standards* must be met in the receiving water at the

point of discharge. (CWA section 301 and CWC section 13377.) In the case of Defenders of Wildlife v. Browner ((9th Cir. 1999) 191 F.3d 1159.), the court determined that federal law requires that discharges of storm water associated with industrial activity must achieve strict compliance with water quality standards*. The SWPPP must be designed to meet water quality standards in the receiving waters. The three-phased approach included in this Permit for compliance with water quality standards provides an opportunity for the dischargers to meet the standards using a BMP approach that may or may not require treatment controls. This approach provides sufficient flexibility to the Permittee to select appropriate BMPs and/or treatment control measures, while including strict time schedules for the various phases to be implemented. The discharge shall not cause or contribute to an exceedance of water quality standards.

D. STORM WATER POLLUTION PREVENTION PLANS (SWPPPs)*

In accordance with 40 CFR § 122.44(k) and 40 CFR § 122.44 (s), all facilities regulated under this Order are required to develop and implement a facility-specific SWPPP. The SWPPPs are public documents and shall be maintained on site and shall be available for Regional Board staff review upon request. The SWPPP must be a “living” document that the Permittee continuously reviews and revises as necessary to assure that storm water discharges do not degrade water quality. The Permit specifies the minimum requirements for a SWPPP and it is the Permittees’ responsibility to develop and implement the SWPPP. The most current facility SWPPP must be uploaded to SMARTS.

The SWPPP must document: (a) Persons (by name and title) responsible for developing and implementing the SWPPP; (b) the boundaries of industrial operations in a facility map or site plan; (c) storm water flow patterns across the facility, all discharge points from the facility and the closest receiving water (as listed in the Basin Plan*); (d) potential pollutant sources and pollutants; (e) materials and chemicals used at the site; (f) employee training program and record keeping for the training program; (g) BMPs and/or treatment systems (description, location and maintenance & operating procedures); and (h) monitoring locations, sampling procedures, responsible persons; location of sampling equipment, sample preservation, and sample delivery to the laboratory.

All existing SWPPPs prepared under the State’s General Industrial Permit must be reviewed and updated, as necessary, to be in conformance with the requirements specified in this Permit.

E. CERTIFICATION AND QUALIFICATIONS FOR THOSE PREPARING AND IMPLEMENTING SWPPP

Since the previous general permits did not include any training or educational requirements for those preparing and implementing SWPPPs, the SWPPPs did not consistently include the minimum requirements and were not properly implemented. In the same manner, storm water sample collection, preservation and handling also did not meet the quality assurance and quality control needed to produce

consistently reliable data. This Permit requires that the SWPPPs be developed and implemented by qualified professionals and encourages the Permittees to participate in a group monitoring program. The Regional Board intends to develop a program to train and certify persons as Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP). Any person who is certified by the State Board under a similar program as a QSD or a QSP is also considered to be a qualified person. If the QSD/QSP is not a responsible person from the facility, a responsible facility person must countersign the SWPPP. Similarly, a Regional Board approved Group Monitoring Program is considered as an acceptable alternative to having a QSP located on site to oversee the monitoring and reporting program.

Special Provisions for Impaired Waterbodies:

There are a number of waterbodies within the region that are listed[58] for metals and other pollutants under section 303(d) of the CWA. Under the federal requirements for developing total maximum daily loads (TMDLs)* for these impaired waters, the Regional Board has developed TMDLs, including wasteload allocations (WLAs), for some of these waterbodies. No new industrial scrap metal sources shall be permitted to discharge storm water to a 303(d) listed waterbody if the discharge could cause or contribute to an exceedance of water quality standards. Furthermore, the SWPPPs and the treatment technologies shall be designed such that the discharges meet the WLAs and all other applicable requirements of this Permit.

F. MONITORING AND REPORTING REQUIREMENTS

This Permit includes visual observations, storm water discharge sampling and analysis, treatment system influent and effluent monitoring and reporting requirements. To minimize sampling, analysis and reporting costs to the individual Permittees, participation in an approved Group Monitoring program is encouraged.

The monitoring program is designed to minimize sampling and analyses costs to the Permittee by selecting core indicator parameters, group monitoring programs, and frequency reduction upon establishing compliance.

Visual Observations:

Visual observations are necessary to identify and control pollutant sources and to ensure that all treatment control systems are operational. Visual observations are also critical to eliminate and/or to control pollutant sources prior to a predicted storm event.

All facilities are required to inspect all discharge points from the facility during each month to determine the presence of any (or indications of any prior) authorized or unauthorized non-storm water discharges. All control measures, including any treatment systems, shall be inspected on a monthly basis. During storm events that produce a discharge from the site (a storm intensity of 0.1 inches or greater), all discharge points must be visually inspected for the presence of oil sheens, turbidity,

[58] The 2010 Integrated 303(d)/305(b) report is available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

sediment, debris, trash, foam, and/or other floatables. A permanent log of these inspection reports (date, time, location, name of inspector, findings, weather conditions, corrective actions implemented, revisions to SWPPP, if any, etc.) must be maintained and made available to Regional Board staff upon request.

All inspections must be performed by a qualified SWPPP practitioner (see QSD/QSP, above) or under the guidance of a QSD/QSP.

Effluent and/or Receiving Water Monitoring

Federal regulations, 40 CFR § 122.44, require that all NPDES permits must specify effluent monitoring and reporting at least on an annual basis. Effluent and/or receiving water monitoring is critical to determine: (1) the effectiveness of control measures to reduce the discharge of pollutants from the facility consistent with the BAT/BCT effluent limitations; and (2) the discharge is not causing or contributing to an exceedance of water quality standards.

This Permit requires all permittees to sample and analyze runoff from their facilities at least during four qualifying storm events per year. A qualifying storm event is defined as any storm event that produces a runoff from the site (a storm with an intensity of 0.1 inches or greater) preceded by two consecutive dry days[59]. For discharges to an MS4, samples shall be collected before the discharge mixes with any other flow (flows from other sources) and for direct discharges into waters of the U.S., samples must be collected either from the storm water conveyance from the facility or within 10 feet of the discharge point from the downstream side of the discharge.

To develop quality data from the sampling and analysis program, strict quality control and quality assurance requirements are included in the Permit. To produce consistently high quality and reliable data, this Permit encourages all permittees to enroll in the group monitoring program.

The analytical parameters are taken from the USEPA's Multi-Sector Permit and the State's draft General Industrial Permit. The selected parameters are good indicators of the presence of pollutants in runoff from scrap metal facilities.

The pH is an indicator of any acidic (pH<7.0) or alkaline (pH>7.0) wastes in the runoff; turbidity is a measure of the undissolved solids in the runoff; specific conductance is an indicator of dissolved minerals; and oil and grease provides a measure of the oil and grease; and various metals are generally present in runoff from scrap metal facilities. Toxicity tests are a good indicator of the toxicity of the runoff to aquatic organisms and overall quality of the runoff. The Permittees are required to add additional site-specific parameters based on potential pollutants present at the site or based on TMDL/303(d) requirements.

[59] Dry days are defined as those without any measurable storm event or with storm events with an intensity less than 0.1 inches.

Individual Monitoring Program

If a facility does not elect to participate in the group monitoring program, it shall implement the following quality control, quality assurance programs to ensure that the monitoring data it generates is reliable and indicative of the quality of runoff from the site.

1. Qualifications for Sample Collection, Preservation and Handling: Each facility shall designate a qualified person or persons for sample collection, preservation and handling. This person must have received at least one hour of classroom training provided by a certified laboratory in sample collection, sample preservation, sample handling, quality assurance and quality control protocols. Each laboratory providing such training shall provide a certificate of completion only after testing the participants understanding of the protocols for sample collection, sample preservation, sample handling, quality assurance and quality control. Proof of such training, such as a certificate of completion from the certified laboratory, shall be included in the SWPPP.

2. Qualifications for Preparation of Quality Assurance Program Plan (QAPP): The USEPA and the State Board's Surface Water Ambient Monitoring Program (SWAMP)* require development and implementation of a QAPP in preparation for any sample collection and analysis. A qualified professional with experience in USEPA and the State Board's SWAMP program shall prepare the QAPP and it shall be included in the SWPPP for the site.

Group Monitoring Program

The Permit encourages permittees to participate in group monitoring programs: (1) to reduce the overall burden on the individual Permittees; (2) to develop and implement a monitoring program that is consistent with the quality assurance and quality control programs developed for the State Board's SWAMP program; (3) to develop monitoring data that is reliable and defensible; (4) to develop industry-specific treatment controls and compliance strategies; and (5) to promote industry-wide cooperation, compliance and consistency. All group monitoring program proposals shall be submitted to the Regional Board for approval. The group leader (the entity or person proposing the group monitoring program) shall be a professional with experience in the SWAMP program, industrial storm water runoff characterizations, and must have received a certificate of completion (see Subsection 1., above) from a certified laboratory. The group leader shall also take full responsibility to train any facility personnel involved in the sample collection, handling and sample preservation protocols.

Requirements for a Group Monitoring Program: All group monitoring programs shall identify the Permittees participating in the program and a detailed description of the program. It shall include a mechanism for enrolling additional members. The program description shall include: (1) quality assurance and quality control protocols including a QAPP; (2) sampling and analysis frequency; a list of constituents,

analytical methods and method detection limits (only if they are different from what is prescribed in the monitoring and reporting program); and (4) identify the group leader's resources and experience to oversee the group monitoring program.

Those who participate in the group monitoring program may receive reductions in the monitoring frequency and reductions in the constituents to be monitored based on the overall commitment in the group monitoring plan.

Special Monitoring Provisions for Discharges to Impaired Waters

If a facility discharges directly (a discharge within 500 feet of a receiving water is considered as a direct discharge) to an impaired water (a waterbody that is listed on the 303(d) list or for which a TMDL has been developed), the Permittee must include the listed constituents in its list of parameters to be analyzed.

Record Keeping

Either electronic or paper copies of all records are to be retained for at least five years from the date generated or the date submitted to the Regional Board. 40 CFR §§ 122.21(p) and 122.41(j). All records are public documents. If requested by the Regional Board, the records may have to be retained beyond the five year period.

Reporting Requirements

All dischargers must electronically submit an annual report by August 1 of each year for the previous reporting period (from July 1 to June 30). The annual report is to be submitted electronically using SMARTS. At a minimum, the report shall include all monitoring data; any new BMPs implemented, including any treatment controls; and any corrective actions implemented to address any exceedances of water quality standards.

Reduction in Monitoring Requirements

If a facility has consistently met the numeric action levels (or NALs) for two consecutive years, the facility may request a reduction in the frequency of sampling and analysis requirements. A certification by a group leader or a QSP regarding the reliability of treatment systems installed at a facility, supported by at least 8 sets of monitoring data (from 8 qualifying storm events over a period of at least two years), could be also used as supporting documentation for any request for reduction in the sampling and analysis frequency. The Permittees may also request for a removal of certain constituents not detected or detected below any significant levels after two years of monitoring.

G. COMPLIANCE DETERMINATION

For purposes of compliance determination with the Option 1 requirements of the permit (see also triggers for the three-phased approach, above), all monitoring results collected during the reporting period shall be considered.

Compliance Determination with Water Quality-Based NELs

The Permittees will be considered to be in violation of the NELs if the annual geometric mean (arithmetic mean for pH) of all the monitoring data collected during the reporting period exceeds the NELs (effluent limits specified in Table 1.b) specified in the Permit.

Compliance Determination with NALs

Exceedances of NALs are not violations of the Permit and in most cases a single exceedance of an NAL is not a good indicator of sustained water quality impacts in the receiving waters. However, the following shall trigger further action to evaluate currently implemented BMPs and to determine the need for additional BMPs and/or other treatment controls so that water quality standards are not exceeded:

1. For facilities with multiple discharge points, if the area-weighted averages of the geometric means of all sampling results during a reporting period exceeds the NAL (use arithmetic mean for pH),

2. If a single grab or composited sample from a single storm event exceeds the NAL by two times (or falls outside of the range of 5.5 to 9.5 pH units), or

3. For facilities with a single discharge point, if the geometric mean of all sampling results during a reporting period exceeds the NAL (use arithmetic mean for pH)

Compliance Determination with other Requirements

Compliance with WLAs will be based on monitoring results of the discharge if the facility has a WLA. If there is no assigned WLA for the specific site, compliance will be based on receiving water monitoring that shows compliance with the water quality standards*.

VII. HOW TO OBTAIN/TERMINATE COVERAGE UNDER THIS PERMIT

No-exposure and No Discharge Exemptions

Consistent with the USEPA's Phase II storm water regulations, permit coverage is not required for industrial facilities that do not discharge storm water associated with industrial activities. If all industrial activities are carried out under a roof without exposure and if materials, processes, wastes, finished products, byproducts, and intermediate products are not exposed to storm water, coverage under this Permit is not needed. However, the dischargers must complete a "No-Exposure Certification" on SMARTS. Federal regulations require renewal of No-Exposure Certification every five years. Based on our experience with expansion, relocation, and turnover of staff at industrial facilities, Regional Board staff believes that recertification should be done

every year. This Permit requires that "No-Exposure Certification" must be renewed by June 30 of each year. The first No-Exposure Certification and the renewal applications submitted every fifth year after that shall include analytical results of storm water runoff from the facility.

If a facility discharges to a retention pond or percolation pond with a design capacity of the volume of runoff from a 100-year, 24-hour storm event and a sufficiently short drawdown period, any discharge beyond the design storm is not expected to have any significant amount of pollutants in it. As such, such facilities are not required to get coverage under this Permit. For a no discharge exemption, the facility shall submit the engineering details, certified by a professional engineer, for the storm water retention or percolation systems to the Regional Board's Executive Officer.

Facilities Currently Regulated Under the State's General Permit

Within 90 days of adoption of this Order, permit coverage under the State's General Permit shall cease for those facilities that are identified in Attachment A. These are scrap metal facilities that are currently regulated under the State's General Permit. Those facilities must re-certify under this Order within 90 days of adoption of this Permit. The re-certification must be done electronically using SMARTS. SMARTS is a user account and password protected system where a valid user account and password are needed to access the system. The Permit Registration Documents (PRDs)* shall include the Notice of Intent, a facility-specific SWPPP, the site REAP, a site map, and any applicable filing fee (see Item 3, below). The following procedure must be used for re-certification and/or for new facility registration:

1. Identify a Legally Responsible Person* who would sign up for access to SMARTS in the login box at: https://smarts.waterboards.ca.gov An LRP is either the owner of the business or a responsible corporate officer. A responsible corporate officer means: (a) a 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 (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. Login to the SMARTS system at: https://smarts.waterboards.ca.gov and click on the "Apply for New Notice of Intent (NOI)" link.

3. Complete the Permit Registration for each tab including the uploading of your SWPPP and Site Map under the "Attachments" tab, certify the submission under the "Certification" tab, and mail the applicable filing fee to the State Water Resources Control Board with the fee statement that can be obtained by clicking the fee statement button once the completion check is done. If the fees have been paid recently, a fee may not be required for re-certification.

4. Fully implement the SWPPP to control/eliminate the discharge of pollutants from the site.

New Facilities

For all new facilities, an LRP must electronically file the PRDs, which include a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and other documents required by this General Permit, and mail the appropriate permit fee to the State Water Board. The procedures for filing the PRDs are the same as in Section III.J of the Permit.

How to Terminate Coverage Under This Permit

The Permittees must file a Notice of Termination by signing into SMARTS when the operations at the site are discontinued and/or the facility becomes eligible to terminate permit coverage.

VIII. PUBLIC NOTIFICATION/PUBLIC HEARING

The draft Permit and the Fact Sheet were released for public comments on February 25, 2011 for a 45-day comment period. A public workshop to discuss the Permit conditions was conducted at a publicly noticed Regional Board meeting on March 4, 2011. A second and a third draft of the Permit and the Fact Sheet were released for public comments on April 29, 2011 and August 1, 2011, respectively. The Regional Board conducted a public hearing on this item at a publicly noticed Board meeting on September 16, 2011. Regional Board staff also participated in two workshops sponsored by the Metal Recyclers Water Quality Standards Committee.

In a letter dated October 21, 2011, the Executive Director of the State Water Resources Control Board indicated that the State Board may want to adopt a statewide sector-specific permit for scrap metal facilities. At the public hearing on October 28, 2011, the Regional Board postponed consideration of the Permit with a directive to the Executive Officer to report on the progress of any statewide action on this Permit. The State Board at its December 5, 2011 Board meeting discussed Santa Ana Region's proposed Scrap Metal Permit. Regional Board staff, a number of Committee members and other interested persons participated in the discussion on this item. A DVD of the December 5, 2011 State Board discussions related to this item is available at:

http://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/index.shtm

Subsequently, in his December 16, 2011 letter, the State Board's Executive Director indicated that the Regional Board may want to proceed with the proposed Permit as the State Board is not likely to consider it at this time. He also indicated that the State Board will track its implementation and may reconsider the issue at a future date.

Regional Board staff provided written responses to all comments received within the comment period and oral responses to comments received at the public hearing and/or after the close of the public comment period. A summary of the comments received and written responses are posted on the Regional Board's website at:

http://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/index.shtml

A sixth draft of the Permit was released on January 6, 2012 and the Regional Board will hold a public hearing on February 10, 2012 to discuss and to consider the latest draft.

IX. REFERENCE MATERIALS:

The following reference materials have been either referenced in this Permit or were relied upon in preparing this Permit.

Water Quality Control Plan for the Santa Ana River Basin – Region 8 (Basin Plan) http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml
Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (2005) STATE WATER RESOURCES CONTROL BOARD http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/final.pdf
Storm Water Panel Recommendations to the California State Water Resources Control Board, "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities (June 19, 2006) http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/numeric/swpanel_final_report.pdf
USEPA, NPDES, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf
Metal Recyclers WQ Standards Committee, Technical Subcommittee, Compliance and Monitoring System, Preamble (December 2010)
Federal Clean Water Act § 301 (33 U.S.C. § 1311)
Federal Clean Water Act § 402(a) (33 U.S.C. § 1342(a)(1))
Federal Clean Water Act § 402(p) (33 U.S.C. § 1342(p))
Title 40 Code of Federal Regulations Part 122.2, or 40 CFR § 122.2
40 CFR § 122.26
40 CFR § 122.44
40 CFR § 122.48
40 CFR § 131.36 (National Toxics Rule)
40 CFR § 131.38 (California Toxics Rule)
USEPA – Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Final Rule (65 Fed. Reg. 31682 et seq., May 18, 2000; 40 CFR § 131.38)
USEPA's Final National Pollutant Discharge Elimination System (NPDES) Permit Application Regulations (55 Fed. Reg. 47990 et seq., Nov. 16, 1990; 40 C.F.R. §§ 122, 123, 124)
USEPA - NPDES Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity (57 Fed. Reg. 11394 et seq., Apr. 2, 1992; 40 C.F.R. § 122)
USEPA NPDES – Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule, Report to Congress on the Phase II Storm Water Regulations; Notice (64 Fed. Reg. 68722 et seq., Dec. 8, 1999; 40 C.F.R. §§ 9, 122, 123, and 124)
USEPA - National Pollutant Discharge Elimination System, General Permit for Discharges from Large and Small Construction Activities (68 Fed. Reg.39087 et seq., July 1, 2003)
USEPA, Final Reissuance of National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities (65 Fed. Reg. 64746 et seq., Oct. 30, 2000)
To: USEPA Water Division Directors From: Robert Wayland, USEPA, Office of Oceans, Wetlands and Watersheds and James A. Hanlon, USEPA, Director, Office of Water Management Re: Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs (Date: 11/22/02)
USEPA, Office of Water, Document No. EPA 833-B-96-003 entitled, "U.S. EPA NPDES Permit Writers' Manual" (December 1996)

USEPA - Questions and Answers Regarding Implementation of an Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits (61 Fed. Reg. 57425, Nov. 6, 1996)
USEPA - Final Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits – (69 Fed. Reg. 43761, Aug. 26, 1996)
USEPA - NPDES Storm Water Program Question and Answer Document Volume II – September 1993
USEPA, Office of Water, Document No. EPA 832-R-92-006 entitled "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" - September 1992
USEPA - NPDES Storm Water Sampling Guidance Document – July 1992
USEPA - NPDES Storm Water Program Question and Answer Document Volume 1 – March 1992
Santa Ana RWQCB Basin Plan, Chapter 4, Water Quality Objectives (1995)
SWRCB Water Quality Control Plan, Ocean Waters of California, California Ocean Plan (2001)
State Water Resources Control Board, Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (2000)
National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges Associated With Construction Activity (General Permit) Water Quality Order 99-08-DWQ
SWRCB 2002 Clean Water Act Section 303(d) List of Water Quality Limited Segments
In the Matter of the Petitions of Building Industry Association of San Diego County and Western States Petroleum Association, SWRCB Order No. WQ 2001-15
Own Motion Review of the Petition of Environmental Health Coalition, SWRCB Order No. WQ 99-05
In the Matter of the Petitions of National Steel and Shipbuilding Company and Continental Maritime of San Diego, Inc., SWRCB Order No. WQ 98-07
In the Matter of the Petition of Natural Resources Defense Council, Inc., SWRCB Order No. WQ 91-04
In the Matter of the Petition of Citizens for a Better Environment, Save San Francisco Bay Association, and Santa Clara Valley Audubon Society, SWRCB Order No. WQ 91-03
Communities for a Better Environment, et al. v. SWRCB, et al. (2003) 109 Cal.App.4th 1089
Defenders of Wildlife v. Browner (9th Cir. 1999) 191 F.3d 1159
Committee to Save Mokelumne River v. East Bay Municipal Utility District (9th Cir. 1993) 13 F.3d 305
Natural Resources Defense Council, Inc. v. Costle et al., (D.C. Cir. 1977) 568 F.2d 1369
Environmental Protection Agency, et al. v. California ex rel. State Water Resources Control Board, 426 U.S. 200 (1976)
Engrossed Substitute Senate Bill 6415; Chapter 225, Laws of 2004, State of Washington, Storm Water Permits
State of Washington, Department of Ecology, *A National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Industrial Activities* (August 21, 2002).
State of New Jersey, Bureau of Nonpoint Pollution Control, Scrap Metal Draft Permit, http://www.state.nj.us/dep/dwq/pdf/draft_scrap_recyclers_gp.pdf
California Building Industry Association et. al Vs. State Water Resources Control Board, Sacramento Superior Court Case No. 34-2009-80000338