

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 92-011

NPDES GENERAL PERMIT NO. CAG612001

WASTE DISCHARGE REQUIREMENTS FOR:

DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES IN SANTA CLARA COUNTY TO SOUTH SAN FRANCISCO BAY OR ITS TRIBUTARIES EITHER DIRECTLY OR THROUGH MUNICIPAL STORM WATER SYSTEMS

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Regional Board), finds that:

1. Federal Regulations for stormwater discharges were promulgated by the US Environmental Protection Agency on November 19, 1990. The regulations [40 Code of Federal Regulations (CFR) Parts 122, 123, and 124] require specific categories of industrial activities which discharge storm water associated with industrial activity (industrial storm water) to obtain a NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to control pollutants in industrial storm water discharges.
2. This General Permit shall regulate industrial storm water discharges from industrial facilities in Santa Clara County to South San Francisco Bay or its tributaries either directly or through municipal storm water systems except existing discharges which have been issued NPDES permits including provisions regulating discharges of storm water, discharges of storm water from construction activities, or storm water discharges from industrial facilities determined ineligible by the Regional Board.
3. All dischargers participating in group applications must either obtain coverage under this General Permit or apply for an individual permit by October 1, 1992. The Regional Board has elected not to accept EPA's group application approach or to issue general permits for industrial groups at this time.
4. To obtain authorization for continued and future industrial storm water discharges pursuant to this General Permit, owners or operators of industrial facilities (dischargers) must submit a Notice of Intent (NOI) and appropriate annual fee in accordance with Attachment 1. Unless notified by the Regional Board, dischargers who submit the NOI are authorized to discharge storm water from industrial activities under the terms and conditions of this permit.
5. If an individual NPDES permit is issued to a discharger otherwise subject to this General Permit, or another general permit that regulates storm water discharges is subsequently issued which covers dischargers regulated by this General Permit, the applicability of this General Permit to such dischargers is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent general permit.
6. This General Permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of storm water or other materials to storm drain systems or other watercourses within their jurisdiction.
7. The Santa Clara Valley Nonpoint Source Pollution Control Program (hereinafter called the Program) was issued NPDES Permit No. CA0029718 on June 20, 1990. The Program, on November 25, 1991,

adopted a "Strategy For Program Coordination Of Industrial Storm Water General Permitting Requirements" to assist industries in Santa Clara County in responding to this General Permit and which will include a manual describing Best Management Practices (BMPs) to be implemented by industrial storm water dischargers. It is intended that dischargers covered by this General Permit will implement the BMPs developed by the Program or equivalent practices or control measures.

8. The State Water Resources Control Board (State Board) adopted the California Inland Surface Waters Plan and Enclosed Bays and Estuaries Plan on April 11, 1991. In addition, the Regional Board amended its Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986, and the State Board approved it on May 21, 1987. The Regional Board also amended its Basin Plan on December 11, 1991. These plans establish water quality objectives which apply to South San Francisco Bay and its tributaries.
9. Effluent limitations, and toxic and effluent standards established in Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the Federal Clean Water Act (CWA), as amended, are applicable to storm water discharges regulated by this General Permit.
10. The action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 13389 of the California Water Code.
11. The Regional Board has notified dischargers and interested agencies and persons of its intent to prescribe waste discharge requirements for these discharges, has provided them with an opportunity for a public hearing and an opportunity to submit written comments and recommendations, and in a public meeting, heard and considered all comments pertaining to this General Permit.
12. This Order is a NPDES permit in compliance with Section 402 of the Clean Water Act, as amended, and shall take effect upon adoption.

IT IS HEREBY ORDERED that all industrial storm water dischargers that file a NOI indicating their intent to be regulated under the terms and conditions of this General Permit shall comply with the following:

A. DISCHARGE PROHIBITIONS:

1. Discharges of water, materials, or wastes other than storm water, which are not otherwise authorized by a NPDES permit, to a storm drain system or waters of the state are prohibited, with the exception of discharges stated to be permissible in the attached Table 1.
2. All discharges of storm water from any facility covered by this General Permit which cause or contribute to a violation of NPDES Permit No. CA0029718 issued to the Program are prohibited, unless specifically authorized by the Program.
3. Industrial storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.
4. Industrial storm water discharges shall not contain reportable quantities of a hazardous substance listed in 40 CFR 117 and/or 40 CFR 302.

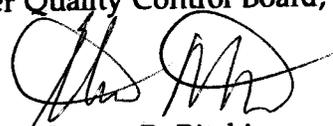
**B. RECEIVING WATER LIMITATIONS:**

1. Industrial storm water discharges shall not adversely impact human health or the environment.
2. Industrial storm water discharges shall not cause or contribute to a violation of any applicable water quality objective for receiving waters contained in the California Inland Surface Waters Plan or Enclosed Bays and Estuaries Plan or the Water Quality Control Plan for the San Francisco Bay Region.

**C. PROVISIONS:**

1. All dischargers must submit a Notice of Intent (NOI) and appropriate annual fee for each facility covered by this General Permit in accordance with Attachment 1: Notice of Intent-General Instructions.
2. All dischargers shall prepare a Storm Water Pollution Prevention Plan in accordance with Section A: Storm Water Pollution Prevention Plan Requirements for each facility covered by this General Permit. Full compliance with the provisions of the plan shall be an enforceable requirement of this permit.
3. All dischargers shall develop and implement a Monitoring and Reporting Program Plan in accordance with Section B: Monitoring and Reporting Program Plan Requirements for each facility covered by this General Permit.
4. All non-storm water discharges to storm water systems shall be eliminated by July 1, 1992, unless otherwise authorized, in accordance with Provision 7., Section A: Storm Water Pollution Prevention Plan Requirements. For the purposes of this General Permit, non-storm water discharges are defined to not include discharges stated to be permissible in the attached Table 1.
5. All dischargers shall comply with the lawful requirements of municipalities, drainage districts, and other local agencies regarding discharges to storm water systems or other water courses under such local agencies' jurisdiction. These include all applicable requirements developed by the Program under NPDES Permit No. CA0029718 for the Program, including implementing such Best Management Practices as are identified by the Program as appropriate for the facility in question, or equivalent practices or control measures. Best Management Practices will be identified in a manual currently under preparation by the Program. Such management practices, and a schedule for implementation of the practices, shall be addressed in the Storm Water Pollution Prevention Plan.
6. All discharges shall comply with the provisions contained in Section C: Standard Provisions for each facility covered by this General Permit.
7. This General Permit will expire on January 15, 1997. Upon reissuance by the Regional Board, dischargers subject to the reissued permit must file a revised Notice of Intent in accordance with the reissued general permit.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on January 15, 1992.

  
Steven R. Ritchie  
Executive Officer

## Section A: STORM WATER POLLUTION PREVENTION PLAN

1. A Storm Water Pollution Prevention Plan (SWPP Plan) shall be developed for each facility covered by this General Permit. The SWPP Plan shall be designed in accordance with good engineering practices to comply with BAT/BCT and shall address the following objectives:
  - a. to identify pollutant sources that may affect the quality of industrial storm water discharges; and
  - b. to identify, assign, and implement control measures and management practices to reduce pollutants in industrial storm water discharges.
2. Schedule. For existing facilities (and new facilities beginning operations before October 1, 1992), a SWPP Plan shall be developed and implemented no later than October 1, 1992. For facilities beginning operations after October 1, 1992, a SWPP Plan shall be developed prior to submitting a NOI and implemented when the facility begins operations.
3. Approval. The SWPP Plan shall be retained on site, certified and signed in accordance with Provisions 9. and 10. of Section C: Standard Provisions of this General Permit, and made available upon request of a representative of the Regional Board, the Program, and/or local agencies having jurisdiction over storm water systems or water courses which receive the industrial storm water discharge. The Regional Board, the Program, and/or local agency may notify the discharger if the SWPP Plan does not meet one or more of the minimum requirements of this Section. Upon notice, the discharger shall submit a time schedule to make the requested changes to the Regional Board, the Program, and/or local agency. After making the required changes, the discharger shall provide written certification that the changes have been made.
4. Changes. The discharger shall amend the SWPP Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters, groundwaters, or a local agency's storm water system. The SWPP Plan should also be amended if it is in violation of any conditions of this General Permit, or in achieving the general objectives of controlling pollutants in industrial storm water discharges.
5. Source Identification. The SWPP Plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from the facility. The SWPP Plan shall include, at a minimum, the following items:
  - a. A topographic map (or other acceptable map if a topographic map is unavailable), extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies (including springs and wells), and the discharge point where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included in the site map required under the following paragraph if appropriate.
  - b. A site map showing:
    - i. Storm water conveyance, drainage, and discharge structures;
    - ii. An outline of the storm water drainage areas for each storm water discharge point;
    - iii. Paved areas and buildings;

- iv. Areas of pollutant contact with storm water or release to storm water, actual or potential, including but not limited to outdoor storage, manufacturing, and process areas, material loading, unloading, storage, and access areas, and waste treatment, storage, and disposal areas;
  - v. Location of existing storm water structural control measures (i.e., berms, coverings, etc.);
  - vi. Surface water locations, including springs and wetlands;
  - vii. Areas of existing and potential soil erosion;
  - viii. Vehicle service areas;
  - ix. Location of each well where fluids from the facility are injected underground.
- c. A narrative description of the following:
- i. Significant materials that have been treated, stored, disposed, spilled, or leaked in significant quantities in storm water discharge after November 19, 1988;
  - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharge;
  - iii. Material loading, unloading, and access areas;
  - iv. Existing structural and non-structural control measures (if any) to reduce pollutants in storm water discharge;
  - v. Industrial storm water discharge treatment facilities (if any);
  - vi. Methods of onsite storage and disposal of significant materials;
  - vii. Outdoor storage, manufacturing, and processing activities including activities that generate significant quantities of dust or particulates.
- d. A list of pollutants that have a reasonable potential to be present in storm water discharge in significant quantities, and an estimate of the annual quantities of these pollutants in industrial storm water discharge.
- e. An estimate of the size of the facility (in acres or square feet), and the percent of the facility that has impervious areas (i.e., pavement, buildings, etc.).
- f. A list of significant spills or leaks of toxic or hazardous pollutants to storm water that have occurred after November 19, 1988. This shall include:
- i. Toxic chemicals (listed in 40 CFR 372) that have been discharged to storm water as reported on EPA Form R;
  - ii. Oil or hazardous substances in excess of reportable quantities (see 40 CFR 110, 117 or 302).
- g. A summary of existing sampling data (if any) describing pollutants in industrial storm water discharges.

6. Storm Water Management Controls. The SWPP Plan shall describe the storm water management controls appropriate for the facility and a time schedule for fully implementing such controls. The schedule shall provide for implementation of maintenance practices and other low-cost practices by October 1, 1992 and full compliance with all other terms of the SWPP Plan (such as implementing practices that require structural changes) by July 1, 1993. Best Management Practices identified in a manual to be provided by the Program as appropriate for facilities of the kind in question, or equivalent practices, must be included in the description. The appropriateness and priorities of controls in the SWPP plan shall reflect identified potential sources of pollutants. The description of storm water management controls shall include, as appropriate:
- a. Storm Water Pollution Prevention Personnel. Identify specific individuals (and job titles) who are responsible for developing, implementing, and revising the Plan.
  - b. Preventive Maintenance. Preventive maintenance involves inspection and maintenance of storm water conveyance system devices (i.e., oil/water separators, catch basins, etc.) and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water. Maintenance schedules including inspection and testing for failure shall be established;
  - c. Good Housekeeping. Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
  - d. Spill Prevention and Response. Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, clean up equipment and procedures should be identified, as appropriate. The necessary equipment to implement a clean-up shall be available and personnel trained in proper response, containment and cleanup of spills. Internal reporting procedures for spills of significant materials shall be established.
  - e. Source Control. Source controls, such as elimination or reduction of the use of toxic pollutants, covering of pollutant areas, sweeping of paved areas, containment of potential pollutants, labelling all storm drain inlets with "No Dumping" signs, isolation/separation of industrial from non-industrial pollutant sources so that runoff from these areas does not mix, etc.;
  - f. Storm Water Management Practices. Storm water management practices are practices other than those which control the source of pollutants. They include treatment/conveyance structures such as drop inlets, channels, retention/detention basins, treatment vaults, infiltration galleries, filters, oil/water separators etc. Based on assessment of the potential of various sources to contribute pollutants to storm water discharges in significant quantities, additional storm water management practices to remove pollutants from storm water discharge shall be implemented and design criteria shall be described.
  - g. Sediment and Erosion Prevention. Measures to limit erosion around the storm water drainage and discharge points such as riprap, revegetation, slope stabilization, etc. shall be described and implemented;
  - h. Employee Training. Employee training programs shall inform all personnel responsible for implementing the SWPP Plan. Training should address spill response, good housekeeping, and material management practices. Periodic dates for training shall be identified.

- i. **Inspections**. All inspections shall be done by trained personnel. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering storm water discharges. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded. Inspection records shall be retained for five years.
  - j. **Records** A tracking and followup procedure shall be described to ensure that adequate response and corrective actions have been taken in response to inspections. Records of inspections shall be maintained. Establishment of internal record keeping and internal reporting procedures of inspections and spill incidents.
7. **Non-Storm Water Discharges**. All non-storm water discharges, except those identified in Table 1, to storm water conveyance systems shall be eliminated prior to implementation of this SWPP Plan. The SWPP Plan shall include a certification that non-storm water discharges have been eliminated and a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Such certification may not always be feasible if the discharger a) must make significant structural changes to eliminate the discharge of non-storm water discharges to the industrial storm water conveyance system, or b) has applied for, but not yet received, an NPDES permit for the non-storm water discharges. In such cases, the discharger must notify the Regional Board, the Program, and local agencies having jurisdiction over storm water systems or water courses which receive the non-storm water discharge prior to implementation of the SWPP Plan that non-storm water discharges cannot be eliminated. The notification shall include justification for a time extension and a schedule, subject to modification by the Regional Board, indicating when non-storm water discharges will be eliminated. In no case shall the elimination of non-storm water discharges exceed July 1, 1993.
  8. An annual facility inspection shall be conducted to verify that all elements of the SWPP Plan (i.e., site map, potential pollutant sources, structural and non-structural controls to reduce pollutants in industrial storm water discharge, etc.) are accurate. A report of the annual inspection and observations that require a response (and the appropriate response to the observation) shall be retained as part of the SWPP Plan.
  9. This SWPP Plan may incorporate, by reference, the appropriate elements of other program requirements (i.e., Spill Prevention Control and Countermeasures (SPCC) plans under Section 311 of the CWA, Best Management Programs under 40 CFR 125.100, etc.).
  10. The SWPP Plan is considered a report that shall be available to the public under Section 308(b) of the CWA.
  11. The SWPP Plan shall include the signature and title of the person responsible for preparation of the SWPP Plan and include the date of initial preparation and each amendment, thereto.

## Section B: MONITORING PROGRAM AND REPORTING REQUIREMENTS

1. A monitoring program shall be developed and implemented for each facility covered by this Permit. It shall be certified in accordance with the signatory requirements contained in Standard Provision C.9. For existing facilities (and new facilities beginning operations before October 1, 1992), a monitoring program must be developed and implemented no later than October 1, 1992. For facilities beginning operations after October 1, 1992, a monitoring program shall be developed prior to submittal of the NOI, and implemented when the facility begins operations. A description of the monitoring program shall be retained onsite and made available upon request of a representative of the Regional Board, the Program, and/or local agency which receives the storm water discharge.

The monitoring program shall be developed and amended, when necessary, to meet the following objectives:

- a. To monitor the quality of storm water discharges relative to Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations.
  - b. To aid in the implementation of the Storm Water Pollution Prevention Plan.
  - c. To measure the effectiveness of best management practices (BMPs) in removing pollutants in storm water discharge.
2. The Regional Board, the Program, and/or local agency may notify the discharger when the monitoring program does not meet one or more of the minimum requirements of this Section. Within 30 days of notice, the discharger shall submit a time schedule to the Regional Board, the Program, and/or local agency for amending the monitoring program to meet the minimum requirements. After making the required changes, the discharger shall provide written certification to the Regional Board, the Program, and/or local agency that the changes have been made.
3. The monitoring program shall contain:
    - a. Rationale for selection of monitoring methods.
    - b. Analytical methods to detect pollutants in storm water discharges.
    - c. Sampling methods, sampling locations, and frequency of monitoring.
    - d. A quality assurance/quality control program to assure that
      - i. All elements of the monitoring program are conducted; and
      - ii. All monitoring is conducted by trained personnel.
    - e. Procedures and schedules by which the effectiveness of the monitoring program in achieving the objectives above can be evaluated.
  4. The monitoring program shall document the elimination or reduction of specific pollutants, resulting from the implementation of BMPs. During the wet season (October 1 to April 30), all dischargers shall:
    - a. Conduct visual observations of the storm water discharge locations on at least one storm event

per month that produces significant storm water discharge<sup>1</sup> to observe the presence of floating and suspended materials, oil and grease, discolorations, turbidity, and odor, etc. Feedlot dischargers that are in compliance with Section 2560 to Section 2565, Title 23, California Code of Regulations shall conduct monthly inspections of their containment facilities to detect leaks and ensure maintenance of adequate freeboard.

- b. Measure (or estimate) the total volume of storm water discharge from at least two storm events that produce significant storm water discharge, including the first such storm event of the wet season.
  - c. Collect and analyze samples of storm water discharge from at least two storm events that produce significant storm water discharge, including the first such storm event of the wet season for:
    - i. Any pollutant described in 40 CFR Subchapter N for which the discharger is required to monitor;
    - ii. For those facilities subject to SARA, Title III, Section 313 water priority toxic chemicals that have been released into storm water as reported on U.S. EPA Form R (40 CFR 372) after November 19, 1988;
    - iii. Monitoring parameters in accordance with Section B(7) below.
5. Testing for the presence of non-storm water discharges shall be conducted no less than twice during the dry season (May to September) at all storm water discharge locations. Tests may include visual observations of flows, stains, sludges, odors, and other abnormal conditions; dye tests; TV line surveys; and/or analysis and validation of accurate piping schematics. Records shall be maintained of the description of the method used, date of testing, locations observed, and test results.
6. Samples shall be collected from all locations where storm water is discharged. Samples must represent the quality and quantity of storm water discharged from the facility. If a facility discharges storm water at multiple locations, the discharger may sample a reduced number of locations if it is established and documented in the monitoring program that storm water discharges from different locations are substantially identical.
7. The monitoring program shall include analysis of parameters according to the following two alternatives:
- a. Individual Monitoring  
Dischargers not participating in group monitoring must collect and analyze samples for:
    - i. pH, total suspended solids (TSS), specific conductance, and total organic carbon (TOC);
    - ii. Toxic chemicals and other pollutants that have a reasonable potential to be present in storm water discharge in significant quantities.

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<sup>1</sup> "Significant storm water discharge" is a continuous discharge of storm water for a minimum of one hour, or intermittent discharge of storm water for a minimum of three hours in a 12-hour period.

b. Group Monitoring

Under the group monitoring alternative (see B(14)), only selected dischargers are chosen to represent the group. The parameters at these facilities shall be:

- i. Oil and grease, pH, specific conductance, TOC, five-day biochemical oxygen demand (BOD<sub>5</sub>), chemical oxygen demand (COD), TSS, total phosphorus, total kjeldahl nitrogen, and nitrate plus nitrite nitrogen.
  - ii. Toxic chemicals and other pollutants that have a reasonable potential to be present in storm water discharge in significant quantities.
8. Samples shall be analyzed for toxic chemicals and other pollutants as identified in 4(c)(ii) and 7(a)(ii) or 7(b)(ii) for at least two consecutive sampling events. As an alternative to analyzing for these toxic chemicals and other pollutants, analysis for acute toxicity may be conducted. Acute toxicity 96-hour static renewal tests shall be conducted with fathead minnows in 100 percent storm water (no dilution). If toxic chemicals or other pollutants are not detected in significant quantities in the grab and composite sample after two consecutive sampling events, or two consecutive sampling events with no acute toxicity<sup>2</sup>, the facility may eliminate that toxic chemical or pollutant from future sampling events.
9. Sampling shall be a combination of a grab sample (to measure first-flush water quality) and a composite sample (to provide an estimate of the average runoff water quality) from a storm event that produces significant storm water discharge that is preceded by at least 72 hours of dry weather and in accordance with the following guidelines:
- a. The grab sample(s) shall be taken during the first thirty minutes of the discharge. If the collection of the grab sample(s) during the first 30 minutes is impracticable, grab sample(s) can be taken during the first hour of the discharge, and the discharger shall explain in the annual monitoring report why the grab sample(s) could not be taken in the first 30 minutes.
  - b. The composite sample shall be either flow-weighted<sup>3</sup> or time-weighted<sup>4</sup>. Composite samples may be taken with a continuous sampler or a combination of a minimum of three grab samples taken in each hour of discharge or for the first three hours of the discharge, with each grab sample being separated by a minimum period of 15 minutes.
  - c. Only grab samples may be used for the determination of pH and oil and grease.
  - d. Composite sampling is not required for discharges from holding ponds or other impoundments with a retention period greater than 24 hours.

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<sup>2</sup>"no acute toxicity" means no significant difference between the control mortality and sample mortality at 95 percent confidence interval using the "t-test" statistical method described in Appendix H of Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA-600/4-89/001 March 1989 and subsequent editions).

<sup>3</sup>"Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

<sup>4</sup>"Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time.

10. When a discharger is unable to collect any of the required samples due to adverse climatic conditions (drought, extended freeze, dangerous weather conditions, etc.), a description of why the samples could not be collected, including documentation of the event, must be submitted along with the annual monitoring report.

11. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment shall be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. All analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this permit or by the Regional Board. All metals shall be reported as total metals. Toxicity tests shall be conducted in accordance with the latest revisions of Methods for Measuring the Acute Toxicity of Effluent to Freshwater and Marine Organisms, EPA-600/4-85-013 (March 1985). All analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. Dischargers may conduct their own laboratory analysis only if the discharger has sufficient capability (qualified employees, laboratory equipment, etc.) to adequately perform the test procedures.

12. Records of all storm water monitoring information and copies of all reports required by this Permit shall be retained for a period of at least five years from the date of the sample, observation, measurement, or report.

These records shall include:

- a. The date, exact place, and time of sampling, observations, and/or measurements;
  - b. The individual(s) who performed the sampling, observations, and/or measurements;
  - c. Flow measurements or estimates and all standard observations;
  - d. The date(s) analyses were performed and the time(s) analyses were initiated;
  - e. The individual(s) who performed the analyses;
  - f. The analytical techniques or methods used and the results of such analyses;
  - g. Quality assurance/quality control results;
  - h. Non-storm water discharge records (see Section B-5);
  - i. All calibration and maintenance records of instruments used; and
  - j. All original strip chart recordings for continuous monitoring instrumentation.
13. All storm water monitoring results shall be reported by July 1 of each year to the Executive Officer and to the Program. The report shall include copies or summaries of the Monitoring Record of 12.a. through h. listed above. The report shall be signed and certified in accordance with Standard Provisions 9 and 10 of Section C of this Permit. The first report will be due July 1, 1993.

14. Group Monitoring: Group monitoring may be done in accordance with the following requirements:
- a. A group monitoring plan may be designed and implemented by an entity representing a similar group of dischargers regulated by this General Permit or by the Program. All participants in a group monitoring plan must discharge storm water within the boundaries of the Regional Board.
  - b. A minimum of twenty percent of the dischargers participating in a group (minimum of four dischargers for groups of 20 dischargers or less) must be monitored. The entity or the local agency shall select the facilities that best represent the quality of the group's storm water discharge.
  - c. The entity or the Program must have the authority to levy fees against the participating dischargers in the group or be able to otherwise pay for the implementation of the group monitoring plan.
  - d. The entity or the Program is responsible for:
    - i. Development and implementation of the group monitoring plan;
    - ii. Evaluation and reporting of group monitoring data;
    - iii. Recommending appropriate BMPs to reduce pollutants in storm water discharges;
    - iv. Submitting a group monitoring plan to the appropriate Regional Board and local agency no later than 60 days prior to the beginning of the wet season, and revising the group monitoring plan as instructed by the Regional Board or local agency.
  - e. The group monitoring plan shall:
    - i. Identify the participants of the group by name and location;
    - ii. Include a narrative description summarizing the industrial activities of participants of the group and explain why the participants, as a whole, are sufficiently similar to be covered by a group monitoring plan;
    - iii. Include a list of significant materials stored or exposed to storm water and material management practices currently employed to diminish contact by these materials with storm water discharge;
    - iv. Identify a minimum of twenty percent of the dischargers (minimum of four dischargers for groups of 20 dischargers or less) participating in the group, and describe why the facilities selected to perform sampling and analysis are representative of the group as a whole in terms of processes used or materials managed;
    - v. Contain all items specified in Section B(3) above.
  - f. All group monitoring must comply with the applicable requirements of Section B(6), B(7)(b), and B(8-13) above.
  - h. Unless otherwise instructed by the Regional Board, the group monitoring plan shall be implemented at the beginning of the wet season.

## Section C: STANDARD PROVISIONS

### 1. Duty to Comply

The discharger must comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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

### 2. General Permit Actions

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

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 Clean Water Act 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 General Permit, this General Permit shall be modified, or revoked and reissued to conform to the toxic effluent standard or prohibition, and the discharger so notified.

### 3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a discharger 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 General Permit.

### 4. Duty to Mitigate

The discharger shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit which has a reasonable likelihood of adversely affecting human health or the environment.

### 5. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this General Permit and with the requirements of storm water pollution prevention plans. 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 discharger when necessary to achieve compliance with the conditions of this General Permit.

## 6. Property Rights

This General 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 any infringement of Federal, State, or local laws or regulations.

## 7. Duty to Provide Information

The discharger shall furnish the Regional Board, State Board, EPA, Program, or local storm water management agency within a reasonable time specified by the agencies, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records required to be kept by this General Permit.

## 8. Inspection and Entry

The discharger shall allow the Regional Board, State Board, EPA, Program, and local storm water management agency upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this General Permit;
- b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this General Permit; and
- c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge.
- d. Sample or monitor at reasonable times for the purpose of ensuring permit compliance.

## 9. Signatory Requirements

- a. All Notices of Intent submitted to the State Board shall be signed as follows:
  - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) 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 (2) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. The principal executive officer of a Federal agency includes the chief executive officer of the agency, or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

b. All reports, certification, or other information required by the General Permit or requested by the Regional Board, State Board, EPA, Program, or local storm water management agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described above and retained as part of the Storm Water Pollution Prevention Plan.
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- (3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be attached to the Storm Water Pollution Prevention Plan prior to submittal of any reports, certifications, or information signed by the authorized representative.

#### 10. Certification

Any person signing documents under Provision 9 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 ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### 11. Reporting Requirements

- a. **Planned changes:** The discharger shall give written notice to the Regional Board, the Program, and local storm water management agency as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged.
- b. **Anticipated noncompliance:** The discharger will give advance notice to the Regional Board, the Program, and local storm water management agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. **Compliance schedules:** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this General Permit shall be submitted no later than 14 days following each schedule date.
- d. **Noncompliance reporting:** The discharger shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the

noncompliance has not been correct, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

#### 12. Oil and Hazardous Substance Liability

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

#### 13. Severability

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

#### 14. Reopener Clause

If there is evidence indicating potential or actual impacts on water quality due to any storm water discharge associated with industrial activity covered by this General Permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit, or this General Permit may be modified to include different limitations and/or requirements.

#### 15. Penalties for Violations of General Permit Conditions.

- a. 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 \$25,000 per day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
- b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties, in some cases greater than those under the CWA.

#### 16. Availability

A copy of this General Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

#### 17. Transfers

This General Permit is not transferable to any person. A new owner or operator of an existing facility must submit a NOI in accordance with the requirements of this General Permit to be authorized to discharge under this General Permit.

#### 18. Continuation of Expired General Permit

This General Permit continues in force and effect until a new general permit is issued or the State Board rescinds the General Permit. Only those dischargers authorized to discharge under the expiring General Permit are covered by the continued General Permit.

ATTACHMENT 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

NOTICE OF INTENT (NOI) - GENERAL INSTRUCTIONS

FOR COVERAGE UNDER NPDES GENERAL PERMIT NO. CAG612001 (ORDER NO. 91-011)

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Who Must Apply

Facilities which have been defined by the U.S. Environmental Protection Agency as having "storm water discharges associated with industrial activity" must obtain coverage under an NPDES permit for their storm water discharges. Facilities requiring coverage are defined in 40 CFR Section 122.26 (b)(14). All facilities in Santa Clara County which discharge to South San Francisco Bay or its tributaries either directly or through municipal storm water systems may seek coverage under this General Permit, except existing discharges which have been issued NPDES permits including provisions regulating discharges of storm water, discharges of storm water from construction activities, or storm water discharges from industrial facilities determined ineligible by the Regional Board.

Where to Apply

The NOI should be mailed to the State Water Resources Control Board at the following address:

State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130  
Attn: Storm Water Permitting Section

A copy of the NOI shall be mailed to the Santa Clara Valley Nonpoint Source Pollution Control Program at the following address:

Santa Clara Valley Nonpoint Source Pollution Control Program  
5750 Almaden Expressway  
San Jose, CA 95118

When to Apply

Owners/operators of existing facilities must file a NOI, along with the appropriate annual fee, no later than April 30, 1992. Owners/operators of new facilities (those beginning operations after April 30, 1992) must file a NOI at least 30 days prior to the beginning of operations.

Fees

The annual fee is \$250.00 for each facility. Checks should be made payable to the State Water Resources Control Board.

Completing the NOI

Completion and submittal of the attached NOI (Form NOI-1) is required to gain coverage under the General Permit. It must be completely and accurately filled out. A facility will be considered to be covered by the General Permit upon filing a complete and accurate NOI and submitting the appropriate annual fee. A copy of the General Permit with a distinct identification number (this number will appear at the top of the permit as the WDID No.) will be sent to the owner/operator upon receipt of the NOI and fee.

## NOI-LINE BY LINE INSTRUCTIONS

The NOI consists of two parts—an NOI Form (Form NOI-1) and a site map. Please type or print when completing the NOI Form and site map.

Mark one of the three boxes at the top portion of the NOI. Check box 1 if the NOI is being completed for an existing facility, box 2 if the facility is new (has not started business), and box 3 if the NOI is being submitted to report changes to a facility already covered by the General Permit. An example of a change that warrants a resubmittal of the NOI would be a change of owner/operator of a facility. Complete only those portions of the NOI that apply to the changes (the NOI must always be signed). If box 3 is checked, the WDID No. must be included. The WDID No. is found at the top of the General Permit issued to the facility.

### **SECTION I—OWNER/OPERATOR**

Give the name, as it is legally referred to, of the person, company, firm, public organization, or any other entity which owns the facility (or operates the facility when the owner does not operate the facility) and check the box corresponding to the appropriate ownership status of the facility. The owner/operator information may or may not be the same as the facility information requested in Section II.

### **SECTION II—FACILITY/SITE INFORMATION**

Enter the facility's official or legal name and provide the address, county, and contact person information for the facility. Facilities that do not have a street address must provide parcel number(s) information. The contact person should be the plant or site manager completely familiar with the facility and charged with compliance and oversight of the General Permit.

### **SECTION III—BILLING ADDRESS**

Use this section to indicate where annual fee invoices and other correspondences should be sent.

### **SECTION IV—RECEIVING WATER INFORMATION**

In Part A of this section, the owner/operator is required to indicate whether the facilities' storm water runoff discharges to a separate storm drain system, directly to a water of the United States, or indirectly to waters of the U.S.

Discharges to separate storm drain systems are those that discharge to a collection system operated by municipalities, flood control districts, utilities, or similar entities. Storm water discharges directly to waters of the U.S. will typically have an outfall structure directly from the facility to a river, creek, lake, ocean, etc. Indirect discharges are those that may flow over adjacent properties or right-of-ways prior to discharging to waters of the U.S.

Regardless of point of discharge, the applicant must determine the closest receiving water for its storm water discharge. If discharge is to a separate storm drain system, the purveyor of that system should know the receiving water. The name of the receiving water of a direct discharge should be easily available while the receiving water of an indirect discharge may require some effort to identify.

### **SECTION V—INDUSTRIAL INFORMATION**

Part A of this section requests the owner/operator to provide the standard industrial classification (SIC) code(s) which best describes the industrial activity taking place at your facility. Briefly describe the nature of business in Part B. In Part C, check the general industrial activities that take place at the facility.

## **SECTION VI—MATERIAL HANDLING**

Part A of this section requires identification of the type(s) of materials stored and handled outdoors. If other types of materials other than those listed are maintained on-site, please check other and describe the type of material.

Part B of this section requests information on any existing management practices employed at the facility. Check the appropriate categories or list other control measures you use at your facility. If none are used, leave this part blank.

## **SECTION VII—FACILITY INFORMATION**

List the size, in acres or square feet, of the facility and the percentage of the site that is impervious.

## **SECTION VIII—REGULATORY STATUS**

Check the appropriate box(es) and indicate the identification number of any permits currently in affect at the facility.

## **SECTION IX—COMMENTS**

This section is provided to allow for additional parcel numbers and billing information, if needed.

## **SECTION X—CERTIFICATION**

This section should be read by the owner/operator. The certification provides for assurances that the NOI and site map were completed in an accurate and complete fashion and with the knowledge that penalties exist for providing false information. It also requires the owner/operator to certify that the provisions in the General Permit will be complied with.

The NOI must be signed by:

For a Corporation: a responsible corporate officer.

For a Partnership or Sole Proprietorship: a general partner or the proprietor, respectively.

For a Municipality, State, or other Non-Federal Public Agency: either a principal executive officer or ranking elected official.

For a Federal Agency: either the chief or senior executive officer of the agency.

## **SITE MAP**

Provide a "to scale" drawing of the site and its immediate surroundings. Include as much detail about the site as possible. At a minimum show buildings, material handling areas, roadways, storm water collection and discharge points, a north arrow, and the names of adjacent streets. The attached site map may be used, if convenient. The township, section, and range of each facility must be provided on the site map.



# NOTICE OF INTENT

FOR GENERAL PERMIT TO DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL  
ACTIVITY IN SANTA CLARA COUNTY TO SOUTH SAN FRANCISCO BAY OR ITS TRIBUTARIES  
*San Francisco Bay Regional Water Quality Control Board Order No. 92-011*

<b>MARK ONLY ONE ITEM</b>	1. <input type="checkbox"/> Existing Facility 2. <input type="checkbox"/> New Facility	3. <input type="checkbox"/> Change of Information WDD # _____
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## I. OWNER/OPERATOR

Name: _____  Mailing Address: _____  City: _____	<b>A. Owner/Operator Type: (Check one)</b> 1. <input type="checkbox"/> City    2. <input type="checkbox"/> County    3. <input type="checkbox"/> State    4. <input type="checkbox"/> Federal 5. <input type="checkbox"/> Special District    6. <input type="checkbox"/> Government Combo    7. <input type="checkbox"/> Private
Contact Person: _____	<b>B.</b> 1. <input type="checkbox"/> Owner    2. <input type="checkbox"/> Operator    3. <input type="checkbox"/> Owner/Operator
State: <input type="text"/> <input type="text"/> Zip: <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Phone: ( <input type="text"/> ) _____	

## II. FACILITY/SITE INFORMATION

Facility Name: _____	County: _____
Street Address: _____	Contact Person: _____
City: _____	State: <input type="text"/> <input type="text"/> Zip: <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Phone: ( <input type="text"/> ) _____
Parcel Number(s) (If more than 4 apply to facility, enter additional numbers in SECTION IX. A):	
A. _____    B. _____    C. _____    D. _____	

## III. BILLING ADDRESS

Send Billing Statements To:	A. <input type="checkbox"/> Owner/Operator	B. <input type="checkbox"/> Facility	C. <input type="checkbox"/> Other (Specify in SECTION IX. B)
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## IV. RECEIVING WATER INFORMATION

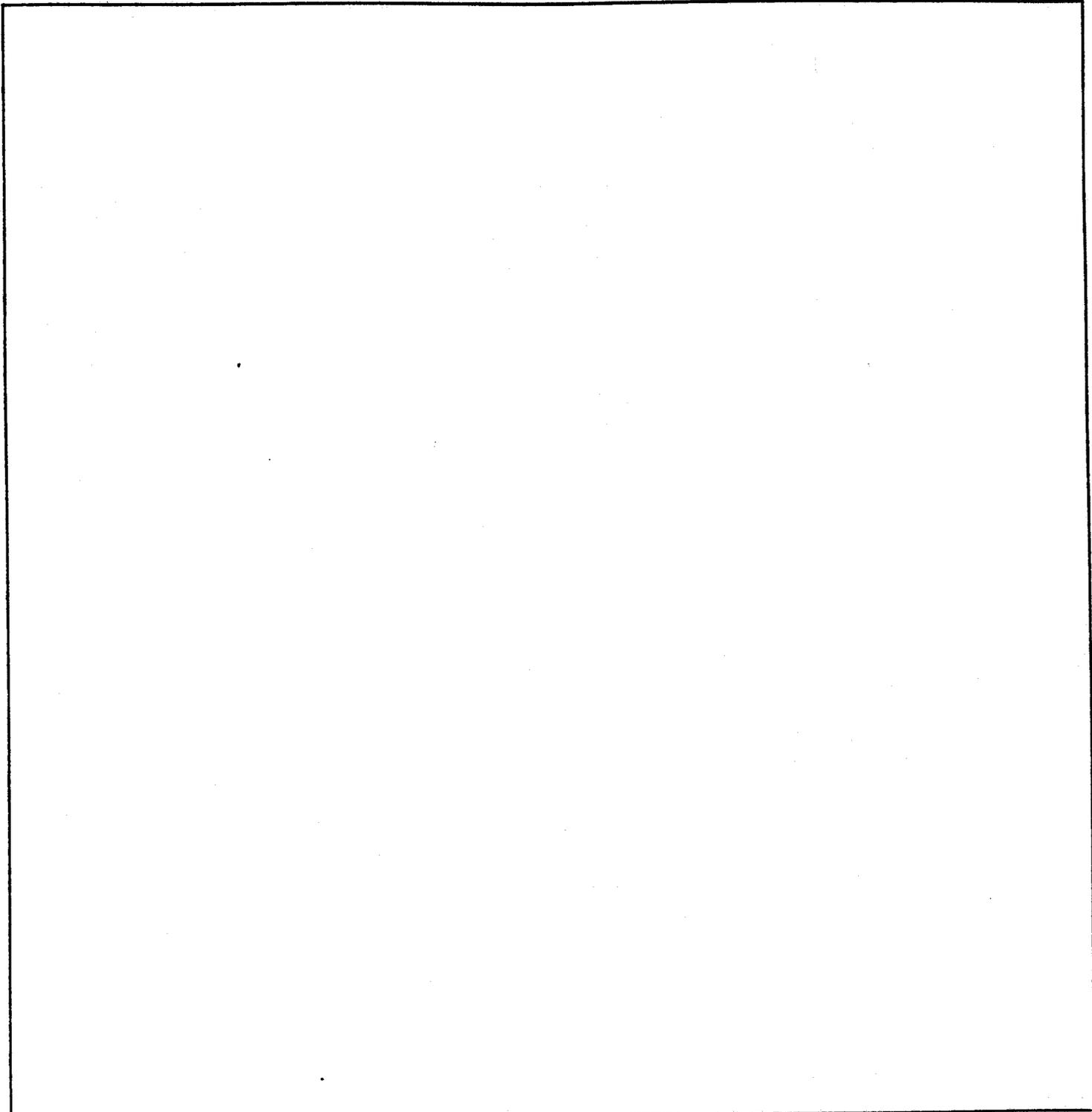
<b>A. Does your facility's storm water discharge directly to: (Check one)</b> 1. <input type="checkbox"/> Storm drain system  Owner of storm drain system: (Name) _____ 2. <input type="checkbox"/> Directly to waters of U.S. (e.g., river, lake, creek, ocean) 3. <input type="checkbox"/> Indirectly to waters of U.S.
<b>B. Name of closest receiving water:</b>  _____

## V. INDUSTRIAL INFORMATION

<b>A. SIC Code(s):</b> 1. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 2. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 3. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 4. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>B. Type of Business:</b> _____
<b>C. Industrial activities at facility: (Check all that apply)</b> 1. <input type="checkbox"/> Manufacturing    2. <input type="checkbox"/> Vehicle Maintenance    3. <input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Facility (RCRA Subtitle C) 4. <input type="checkbox"/> Material Storage    5. <input type="checkbox"/> Vehicle Storage    6. <input type="checkbox"/> Material Handling    7. <input type="checkbox"/> Wastewater Treatment 8. <input type="checkbox"/> Power Generation    9. <input type="checkbox"/> Recycling    10. <input type="checkbox"/> Landfill    99. <input type="checkbox"/> Other: _____	



# NOTICE OF INTENT SITE MAP



MAP INFORMATION

TYPE \_\_\_\_\_

NUMBER \_\_\_\_\_

SCALE \_\_\_\_\_

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

FACILITY

COUNTY

DATE

DRAWN

CHECKED

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**FACT SHEET  
FOR  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT FOR  
DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY  
IN SANTA CLARA COUNTY TO SOUTH SAN FRANCISCO BAY OR ITS TRIBUTARIES**

**BACKGROUND**

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act (CWA)) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited, unless the discharge is in compliance with a NPDES permit. The 1987 amendments to the CWA added Section 402(p) which establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program. On November 16, 1990, EPA published final regulations that establish application requirements for storm water permits. The regulations require owners or operators of specific categories of industrial facilities (dischargers), which discharge storm water associated with industrial activity (industrial storm water), to obtain an NPDES permit. Discharge of industrial storm water either directly to surface waters or indirectly, through municipal separate storm sewers, must be covered by a permit. This includes the discharge of "sheet flow" through a drainage system or other conveyance.

The regulations allow authorized states to issue general permits or individual permits to regulate industrial storm water discharges. The State Water Resources Control Board (State Board) has elected to issue a statewide general permit that will apply to all discharges requiring a permit except all construction activity discharges and industrial storm water discharges in Santa Clara County to South San Francisco Bay or its tributaries. Separate general permit(s) will be issued for construction activity discharges. The Regional Board has elected to issue a separate general permit (General Permit) that will apply to the industrial storm water discharges in Santa Clara County to South San Francisco Bay or its tributaries. The purpose of the separate Santa Clara County general permit is in part to facilitate communication between industrial storm water dischargers and the Santa Clara Valley Nonpoint Source Pollution Control Program (Program). The Program was issued NPDES Permit No. CA0029718 in June 1990 for implementation of an area-wide storm water management program, which includes an industrial storm water control element.

The General Permit accompanying this fact sheet is intended to regulate industrial storm water discharges. The consolidation of many discharges under one permit will greatly reduce the otherwise overwhelming administrative burden associated with start up of a new program to regulate industrial storm water discharges. It is also the least costly way for a discharger to obtain a permit and comply with the Federal regulations. It is expected that as the storm water program develops, the Regional Board will issue individual and general permits which regulate discharges specific to industrial categories. As new permits are adopted, discharges subject to those permits will no longer be regulated by this general permit. As permits are reissued for discharges of treated wastewater that are currently regulated by a NPDES permit, the Regional Board may include storm water provisions in the revised permit.

This General Permit generally requires dischargers to:

1. Eliminate non-storm water discharges (including illicit connections) to storm water systems;
2. Develop and implement a storm water pollution prevention plan, and;
3. Perform monitoring of discharges to storm water systems.

## TYPES OF STORM WATER DISCHARGES COVERED BY THIS PERMIT

This General Permit is intended to cover all new or existing discharges of industrial storm water from facilities required by Federal regulation to obtain a permit. This includes all facilities which are described in the categories below, whether the activity is primarily or auxiliary to the owner or operator of the facility. For example, even though a school district's primary function is education, a facility which it operates for vehicle maintenance of school buses is a transportation facility which is covered by this General Permit. Discharges from facilities and commercial enterprises which are not required by Federal regulation to obtain a permit may be covered by this General Permit if designated by the Regional Board.

Discharges requiring a permit are listed by category in 40 Code of Federal Regulations (CFR) Section 122.26(b)(14). A general description of these categories are:

1. Facilities subject to storm water effluent guidelines (40 CFR Subchapter N);
2. Manufacturing facilities;
3. Mining and Oil and Gas facilities;
4. Hazardous waste treatment, storage, or disposal facilities;
5. Landfills, land application sites, and open dumps that receive industrial waste;
6. Recycling facilities such as battery reclaimers, metal scrap, salvage, or automobile yards;
7. Steam electric generating facilities;
8. Transportation facilities;
9. Sewage treatment plants; and
10. Certain facilities if materials are exposed to storm water.

These facilities are identified more precisely in the Federal regulations by Standard Industrial Classification

The following are facilities subject to storm water effluent limitation guidelines (Category 1 above). These dischargers must comply with the provisions of this General Permit and with the promulgated Federal effluent guidelines for storm water discharges.

Cement Manufacturing (40 CFR 411)  
Feedlots (40 CFR 412)  
Fertilizer Manufacturing (40 CFR 418)  
Petroleum Refining (40 CFR 419)  
Phosphate Manufacturing (40 CFR 422)  
Steam Electric (40 CFR 423)  
Coal Mining (40 CFR 434)  
Mineral Mining and Processing (40 CFR 436)  
Ore Mining and Dressing (40 CFR 440)  
Asphalt Emulsion (40 CFR 443)

The Superfund Amendments and Reauthorization Act (SARA) of 1986 resulted in the enactment of Title III of SARA, the Emergency Planning and Community Right to Know Act. Section 313 of Title III requires facilities that manufacture, import, process or otherwise use listed chemicals to report annually their release of those chemicals to any environmental media. The toxic chemicals that must be reported if released are listed in Federal Regulations at 40 CFR Part 372. This General Permit contains additional monitoring requirements for those SARA Title III facilities which are required to have a storm water permit and which have reported a release of a listed chemical to storm water on EPA Form R, Toxic Chemical Release Inventory Reporting Form.

The State Board and Regional Board have elected not to accept EPA's group application approach or to adopt general permits for industrial groups at this time. All dischargers participating in group applications must either obtain coverage under this General Permit or apply for an individual permit by October 1, 1992. The State Board and Regional Board base this decision on the following factors:

1. EPA does not allow the states to review and approve the group applications.
2. Review of hundreds of EPA model permits and preparation of hundreds of group specific general permits is administratively burdensome and is inconsistent with the State Board's long-term permitting strategy.
3. Allowing the group application action in California would result in an inequitable and ineffective storm water permitting program. While group applicants would not be required to implement control measures to reduce pollutants in storm water discharge until they ultimately receive a permit (probably several years), dischargers under the Regional Board's general permit will be required to implement control measures beginning October 1, 1992.
4. The Regional Board is providing a group monitoring alternative, somewhat similar to the group application monitoring requirements, that should provide reduced monitoring costs to the dischargers.

When EPA issues model permits for any groups, the Regional Board may consider, as appropriate, adopting group permits based upon the EPA model permits.

#### TYPES OF DISCHARGES NOT COVERED BY THIS GENERAL PERMIT

- o **CONSTRUCTION ACTIVITIES:** Discharges from construction activities of five acres or more will be covered by a separate general permit.
- o **FACILITIES WHICH HAVE NPDES PERMITS CONTAINING STORM WATER PROVISIONS:** The NPDES permits for some industrial waste water discharges already contain requirements regulating industrial storm water. These discharges do not need coverage by this General Permit at this time as long as all industrial storm water is covered by the existing permit. When the existing permit for such discharges expires, the reissued permits will be made consistent with the new Federal and State storm water requirements, if necessary, or the Regional Board may authorize coverage under this General Permit, if appropriate.
- o **FACILITIES DETERMINED INELIGIBLE BY THE REGIONAL BOARD:** The Regional Board may determine that discharges from a facility or groups of facilities, otherwise eligible for coverage under this General Permit, have potential water quality impacts that may not be addressed by this General Permit. In such cases, the Regional Board may require such dischargers to apply for and obtain an individual permit or a different general permit. Interested persons may petition the Regional Board to issue individual permits. The applicability of this General Permit to such facilities will be terminated upon adoption of a permit with more specific requirements.
- o **FACILITIES WHICH DO NOT DISCHARGE INDUSTRIAL STORM WATER TO SURFACE WATERS OR STORM SEWERS:** Dischargers that capture all industrial storm water runoff from their facility and treat and/or dispose of it with their process waste water, and dischargers that retain their industrial storm water on site are not required to obtain a NPDES storm water permit. To avoid liability, the discharger should be certain that a discharge of industrial storm water to surface waters or storm sewer will not occur under any circumstances.

## NOTIFICATION REQUIREMENTS

Dischargers must submit a Notice of Intent (NOI) to obtain coverage under this General Permit. A NOI must be submitted for each individual facility to obtain coverage. Submittal of the NOI signifies that the discharger intends to comply with the conditions of the General Permit.

EPA's regulations at 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit individual or group permit applications. The NOI requirements of the General Permit are intended to establish a mechanism which can be used to establish a clear accounting of the number of dischargers covered by the General Permit, their identities, the nature of operations at the facilities, and location.

## DESCRIPTION OF GENERAL PERMIT CONDITIONS

### Discharge Prohibitions

This General Permit authorizes the discharge of industrial storm water. It prohibits non-storm water discharges unless authorized by a NPDES permit, except for certain permissible discharges; discharges that cause or contribute to a violation of the Program's NPDES permit; and discharges that contain a hazardous substance in excess of reporting quantities established at 40 CFR 117.3 or 40 CFR 302.4.

### Receiving Water Limitations

Dischargers are required to comply with applicable water quality objectives as receiving water limitations. Compliance must be demonstrated through implementation of control measures and best management practices required by the Provisions of the General Permit. To the extent that a discharger causes violations of receiving water limitations after implementing the minimum requirements of the General Permit, the Regional Board may impose more stringent requirements on or consider issuing an individual permit to the discharger.

### Provisions

Permits for industrial storm water discharges must meet all applicable provisions of Sections 301 and 402 of the Clean Water Act. These provisions require control of pollutant discharges that utilize best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants, and any more stringent controls necessary to meet water quality standards. It is not feasible at this time to establish numeric effluent limitations that apply to all discharges that may be covered by this General Permit. Therefore, the effluent limitations contained in this General Permit are narrative and include best management practices. These effluent limitations constitute compliance with the requirements of the Clean Water Act.

The narrative effluent limitations contained in this General Permit include prohibition against discharges of non-storm water. They require dischargers to control and eliminate the sources of pollutants in storm water through development and implementation of storm water pollution prevention plans. The plans must include control measures and best management practices, which may include treatment of the discharges along with source reduction, which will constitute BAT and BCT and will achieve compliance with water quality objectives.

Dischargers are also required to comply with all applicable requirements of the Program. The Program intends to assist dischargers in identifying appropriate control measures and BMPs.

## Storm Water Pollution Prevention (SWPP) Plans

The General Permit requires development and implementation of SWPP Plans emphasizing storm water best management practices (BMPs). This approach provides the flexibility necessary to establish controls which can appropriately address different sources of pollutants at different facilities.

All dischargers must prepare, retain on-site, and implement a SWPP Plan. The SWPP Plan has two major objectives: (1) to help identify the sources of pollution that affect the quality of industrial storm water discharges; and (2) to describe and ensure the implementation of practices to reduce pollutants in industrial storm water discharges. The SWPP Plans are considered reports available to the public under Section 308(b) of the CWA.

Required elements of the SWPP Plans are: (1) identification and assessment of potential pollution sources and materials inventory, (2) preventive maintenance and good housekeeping, (3) spill prevention and response procedures, (4) source controls, (5) general storm water management practices, (6) employee training, (7) inspections and record keeping, and (8) elimination and prevention of non-storm water discharges.

### Monitoring Program

The General Permit requires the development and implementation of a monitoring program. Existing dischargers are given until October 1, 1992 to implement the monitoring program. New dischargers are required to implement a monitoring program when the facility begins operation. The objectives of the monitoring program are to (1) demonstrate compliance with permit conditions; (2) to aid in the development of SWPP Plans; and (3) to measure the effectiveness of BMPs in removing pollutants in industrial storm water discharges.

All dischargers are required to:

1. Perform visual observations during the dry and wet seasons. Dry weather observations are required to verify that non-storm water discharges have been eliminated. Wet season observations are required to identify sources and aid dischargers in evaluating effectiveness of the SWPP Plan.
2. Measure (or estimate) the volume of industrial storm water discharge from two significant storm events during the wet season.
3. Monitor for any parameter required in 40 CFR Subchapter N for the discharge or any hazardous chemical released to storm water as reported on U.S. EPA Form R.
4. Perform sampling and analyses on its industrial storm water discharge or participate in a group monitoring program.
5. Submit an annual report to the Regional Board.

Individual monitoring must include sampling and analyses for pH, total suspended solids, total organic carbon, specific conductance, and toxic substances which are expected to be present in storm water discharges in significant quantities. A group monitoring plan may be designed and implemented by an entity representing a group of similar dischargers regulated by this General Permit or by the Program. All participants in a group monitoring plan must discharge storm water within the boundaries of the Regional Board. A minimum of twenty percent of the dischargers participating in a group (minimum of four dischargers for groups of 20 dischargers or less) which best represent the quality of all the group

participant's industrial storm water discharges must be monitored. Group monitoring programs must include sampling and analyses for more parameters than are required for individual monitoring programs to provide more detailed information.

All group monitoring plans are subject to Regional Board review. As appropriate, the Regional Board may terminate or require substantial amendment to the group monitoring plans, dependent, in part, on the group's overall success in meeting the General Permit monitoring program objectives.

Group monitoring is intended to alleviate the administrative burden of reviewing quantitative monitoring data from all dischargers while providing for more accurate and meaningful data representative of group participants.

#### Retention of Records

Dischargers are required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOI, for a period of at least three years from the date of the measurement, report, or application. This period may be extended by request of the Regional Boards.