California Environmental Protection Agency

State Water Resources Control Board

1001 I Street • Sacramento, California 95814 • (916) 341-5536
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Internet Address: http://www.waterboards.ca.gov

Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARINGS

REISSUANCE OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES (INDUSTRIAL GENERAL PERMIT)

Monday, January 31, 2005 – 10:00 a.m.
Rancho Cucamonga City Council Chambers
10500 Civic Center Drive
Rancho Cucamonga, CA

Thursday, February 3, 2005 – 10:00 a.m.
Coastal Hearing Room – Second Floor
Joe Serna Jr./Cal/EPA Building
1001 I Street, Sacramento, CA

SUBJECT OF PUBLIC HEARING

The State Water Resources Control Board (SWRCB) will hold public hearings to receive comments regarding reissuance of the Industrial General Permit. The existing permit (Water Quality Order 97-03-DWQ) was adopted on April 17, 1997.

BACKGROUND

The Federal Clean Water Act (CWA) requires that discharges of storm water associated with industrial activity be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. The SWRCB adopted Industrial General Permits in 1991 and 1997 to cover these facilities. The 1997 permit has expired, and is being administratively extended until a new permit is adopted.

In June 2003, the SWRCB held two public hearings to accept comments on a proposed draft of the Industrial General. The 2003 draft contained significant revisions to the 1997 permit, including the Storm Water Pollution Prevention Plan (SWPPP) section, the Monitoring Program, and the group monitoring requirements.

The 2003 draft also addressed the USEPA Phase II storm water regulations promulgated on December 8, 1999, which allow for a Conditional Exclusion from permitting for all dischargers that certify that their facilities have no exposure of industrial activities and materials to storm water. Upon reissuance of the Industrial General Permit, the Conditional Exclusion will be available to all dischargers who meet the criteria for the exclusion. This new regulation means that "light industry" dischargers who previously were exempt from permit coverage will be required to either obtain permit coverage or submit a certification for a Conditional Exclusion. All dischargers who previously were subject to permit coverage may also apply for a Conditional Exclusion.

After considering the comments received pursuant to the June 2003 public hearings, the SWRCB is issuing a new draft (2004 Draft Permit). The most significant revisions are: (1) Minimum Best Management Practices that all dischargers must include in the SWPPP, (2) additional sampling requirements for indicator parameters, (3) corrective actions required whenever exceedances occur of the USEPA storm water numeric benchmark values, and (4) a one-time comprehensive pollutant scan.

PUBLIC HEARING ISSUES

The SWRCB is interested in receiving comments regarding all aspects of the Industrial General Permit including SWPPP and monitoring requirements, group monitoring requirements, and the implementation of the Phase II Conditional Exclusion certification. The SWRCB is especially interested in receiving comments on the four significant new requirements highlighted above.

REQUESTS FOR DOCUMENTS, COMMENTS, AND OTHER INFORMATION

The draft Industrial General Permit is electronically available at: http://www.waterboards.ca.gov/stormwtr/industrial.html.

Written comments and testimony on the draft Industrial General Permit will be accepted if **received by 5:00 p.m. on February 3, 2005**. Comments should be mailed to:

Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, California 95812-0100
(tel) 916-341-5600
(fax) 916-341-5620

Oral comments and testimony at the hearings may be limited to five (5) minutes or less. Commentors expressing similar concerns are requested to comment through spokespersons. All testimony will be under oath and may be subject to cross-examination. Questions regarding these public hearings or future SWRCB meetings on this matter should be directed to the Storm Water Section at (916) 341-5536. The Board will adopt the permit at a later meeting.

LOCATION AND ACCESSIBILITY

Directions to the Joe Serna Jr./Cal EPA Building and the Rancho Cucamonga City Council Chambers are available at the web page indicated above. Following the public hearing, the SWRCB will provide public notice of future hearings or meetings pertaining to reissuance of the Industrial General Permit.

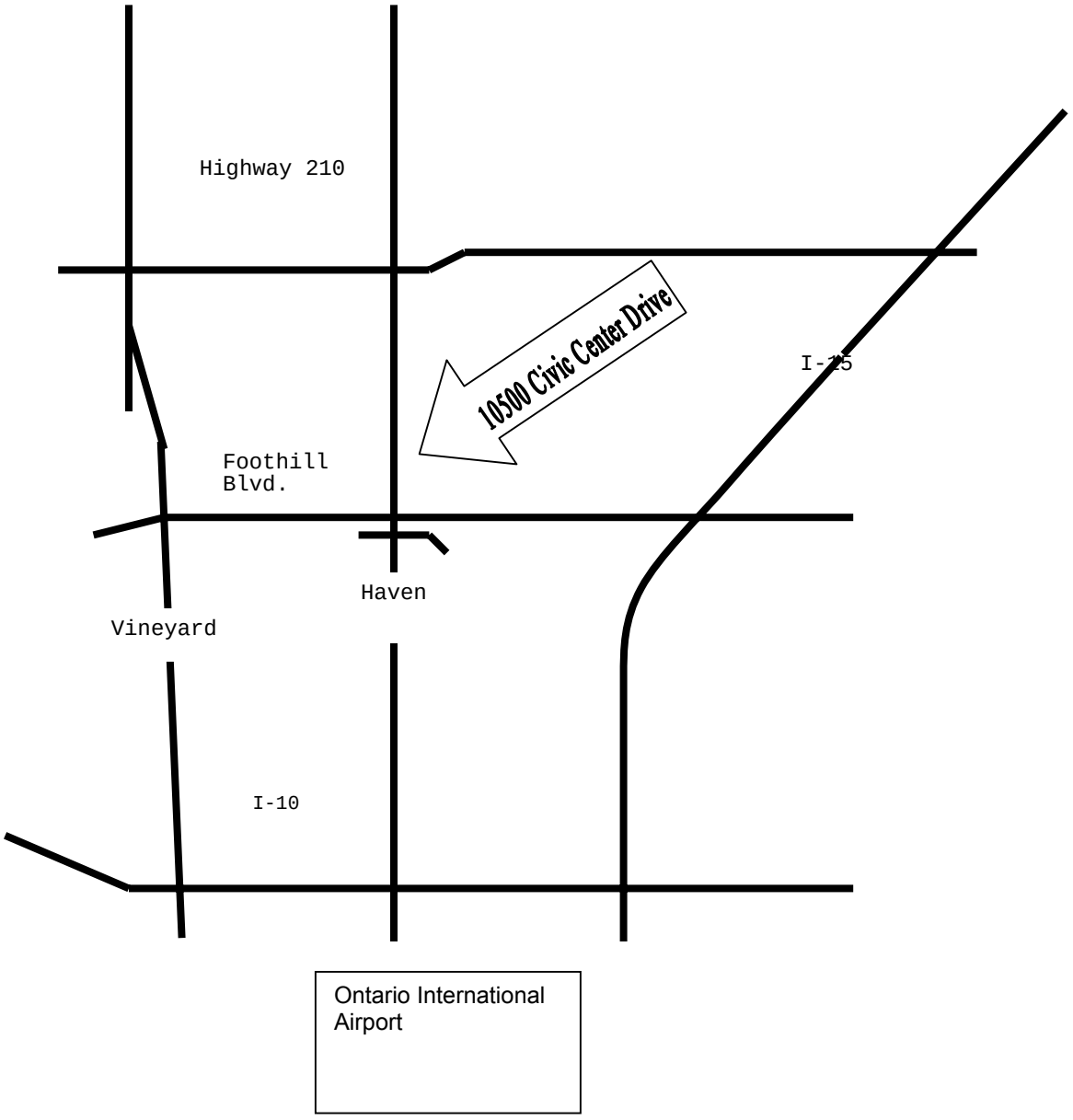
All visitors to the Joe Serna Jr. Cal/EPA Building are required to sign in and receive a badge prior to attending any meeting. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. The facility is accessible to people with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 at least five working days prior to the meeting date. TTY users may contact the California Relay service at 1-800-735-2929 or voice line at 1-800-735-2922.

Tam Howard for
Debbie Irvin
Clerk to the Board

Dated: DEC 15 2004

Directions for January 31, 2005 Hearing

From I-10, take the Haven Avenue exit and head north (away from the airport). Haven will intersect with Civic Center Drive. 10500 Civic Center Drive is located at the intersection.



Directions for February 3, 2005 Hearing

1. Getting to Sacramento:

   - From the Bay Area, take I-80 East, then I-80 Business (Capital City Freeway), then I-5 North.
   - From Central/Southern California, take I-5 North, or take US-99 to I-5 North.
   - From the east, take US-50 West to I-5 North, or I-80 West to I-5 South.
   - From the airport and other points North, take I-5 South.

2. Once on I-5 in Sacramento, take the J Street exit.

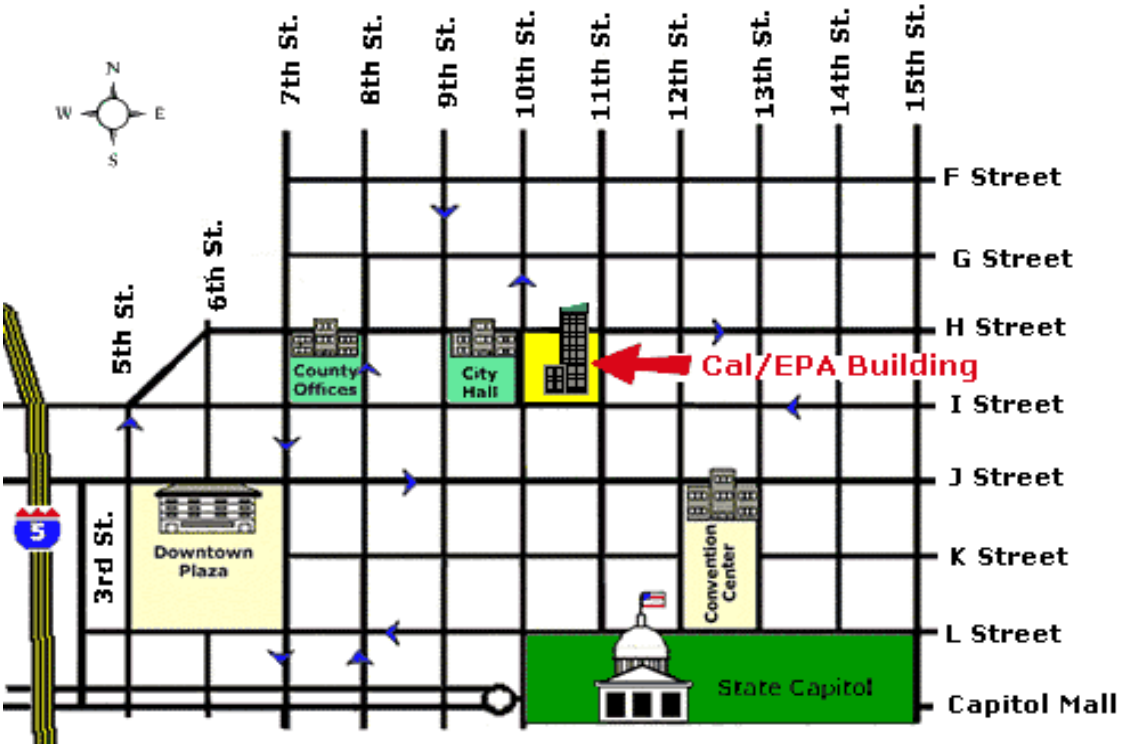
3. Take J St. east to 11th and turn left.

4. Go one block and turn left on I St.

5. The Cal/EPA headquarters building will now be on your right. It fills the block bordered by I St. on the south (1-way west), H St. on the north (1-way east), 10th St. on the west (1-way north) and 11th St. on the east (2-way).

6. There are 1- and 2-hour meters around the building, and a per-hour lot directly across from the building on I St.

7. Go to the information desk in the lobby if you need to meet with a staff person.



STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 05-XX-DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000001 (GENERAL PERMIT)

WASTE DISCHARGE REQUIREMENTS (WDRs) FOR
DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES
EXCLUDING CONSTRUCTION ACTIVITIES

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FACT SHEET

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 05-01-DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000001 (GENERAL PERMIT)

WASTE DISCHARGE REQUIREMENTS (WDRS) FOR
DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES
EXCLUDING CONSTRUCTION ACTIVITIES

BACKGROUND

The federal Clean Water Act1 provides that discharges from point sources to waters of the United States are prohibited, unless authorized by national pollutant discharge elimination system (NPDES) permits. (CWA section 301(a).) In 1987, the CWA was amended to specify the requirements for NPDES permits for storm water discharges. (CWA section 402(p).) In 1990, the U.S. Environmental Protection Agency (USEPA) promulgated regulations establishing application requirements for storm water permits, including for permits for discharges of storm water associated with industrial activity. In 1992, US EPA revised the monitoring requirements for industrial storm water discharges. (57 Federal Register (Fed. Reg.) 11394-01; 40 Code for Federal Regulations (CFR) 122.44(i)(2), (4) and (5).) In 1999, US EPA adopted additional storm water regulations, known as Phase 2. (64 Fed. Reg. 68722-52.) The Phase 2 regulations, among other things, provide for exclusions from NPDES permits for "No Exposure" of industrial activities and materials to storm water.

Discharges of storm water associated with industrial activity are regulated pursuant to Clean Water Act CWA section 402(p)(3)(A). This statute requires that permits for discharges associated with industrial activity must meet technology-based standards and water quality-based standards applicable to non-storm water discharges. (CWA section 402(p)(3)(A). The applicable technology-based standards are that discharges of conventional pollutants achieve the best practicable control technology currently achievable (BCT) and that discharge of toxic pollutants achieve the best available technology economically achievable (BAT). (CWA section 301(b)(1)(A) and (2)(A). The applicable water quality-based technology is that discharges must meet water quality standards. (CWA section 301(b)(1)(B).

USEPA regulations and guidance documents, and applicable decisions by federal courts, clarify that industrial storm water permits must contain requirements that ensure that discharges of storm water associated with industrial activity must achieve BCT for conventional pollutants and BAT for toxic pollutants and must not cause or contribute to exceedance of water quality standards in receiving waters. These permits are also not required to include numeric effluent limitations (except for effluent limitation guidelines adopted for specified industries by USEPA) or to require monitoring except for annual visual inspections. Instead, USEPA recommends that permit requirements be stated as best management practices (BMPs).

The SWRCB issued a statewide general permit for storm water discharges associated with industrial activities, excluding construction activities, on April 17, 1997. (Water Quality Order No. 97-03-DWQ.) This General Permit rescinds the prior permit and constitutes the statewide general permit for discharges of storm water associated with industrial activities. This General Permit contains some requirements similar to the 1997 permit but also contains significant revisions. This General Permit retains the requirements that dischargers develop and implement storm water pollution prevention plans (SWPPP) that include BMPs that will achieve BAT and BCT and will comply with water quality standards. Dischargers are also required to eliminate unauthorized non-storm water discharges and to conduct monitoring, including visual and analytical storm water monitoring.

[1] Federal Water Pollution Control Act (also referred to as the Clean Water Act or CWA), 33 U.S.C. §1201. Statutory references herein are to the CWA.

This General Permit also has important differences from the prior permit:

First, this General Permit contains minimum BMPs that all dischargers must incorporate into their SWPPPs. The purpose of the minimum BMPs is to ensure that this General Permit will result in compliance with BAT and BCT and that facilities will have uniform practices. In light of the great diversity of industrial activities throughout the State, however, all facilities must also include site-specific BMPs. The requirements for developing site-specific BMPs are described in as much specificity as possible.

Second, this General Permit has more stringent requirements to ensure that discharges comply with water quality standards. The prior permit included an open-ended iterative process for improving BMPs at facilities that caused or contributed to exceedance of water quality standards, and it provided that, as long as a discharger was engaged in this process, there was no violation of the permit for the exceedances. Federal law has since been clarified that discharges of storm water associated with industrial activity must achieve strict compliance with water quality standards. (Defenders of Wildlife v. Browner (9th Cir. 1999) 191 F.3d 1159.) This General Permit requires that discharges must comply with water quality standards. (Receiving Water Limitation III.2.) Where there is a violation of this limitation, dischargers must revise their SWPPPs and improve BMPs within a short time period. (Provision V.6.)

Third, this General Permit includes more extensive monitoring requirements. All dischargers must continue monitoring for a spectrum of indicator parameters and also for additional parameters associated with specified industries. In addition, this General Permit also includes a requirement for a one-time suite of monitoring for metals, Chemical Oxygen Demand (COD), and semi-volatile organic compounds (SVOCs). The purpose for the monitoring of indicator parameters and industry-specific monitors is to evaluate the runoff from individual sites. The purpose for the metals, COD, and SVOC screening is to develop a database of the constituents of concern and the levels at which they are generally found in runoff. The SWRCB intends to use this database to develop numeric effluent limitations. The SWRCB acknowledges that a scientific study, which is based on statewide facilities from a variety of industries, may produce more reliable data in a more cost-effective manner. Therefore, this General Permit allows for modification of the requirement for a monitoring scan of metals, COD, and SVOCs in the event that dischargers propose an alternative, representative statewide monitoring program.

Fourth, this General Permit effectuates USEPA's Phase 2 regulations by applying to all industries designated by USEPA, including what it formerly termed "light industry." This General Permit also incorporates the conditional exclusion from coverage under the permit for industrial facilities that do not discharge.

In adopting this General Permit, the SWRCB considered adopting numeric effluent limitations and including sampling and analysis requirements for discharges, similar to requirements in NPDES permits for process water discharges from industrial facilities. SWRCB is mindful that USEPA has recommended throughout its guidance documents the use of BMPs in lieu of effluent limitations and the limited use of sampling and analysis in storm water permits. USEPA has justified its approach by explaining the difficulty in calculating numeric effluent limitations for the widely variable flows associated with storm water and also the difficulties in monitoring such intermittent discharges. SWRCB is also mindful, however, that it is difficult to apply objective criteria to various sites and to ensure compliance with technology-based and water quality-based requirements in the absence of numeric effluent limitations and sampling and analysis of effluent. The SWRCB has added several different provisions to make this General Permit more uniform in its application and more objective in its enforcement. As discussed above, this General Permit has minimum BMPs and requires monitoring for more indicator parameters. This General Permit also includes benchmarks for these parameters. The benchmarks are derived from USEPA's multi-sector permit. USEPA allows dischargers to discontinue sampling if the discharges are below the benchmarks, and instructs dischargers to "consider" inclusion of improved BMPs if the discharges are "considerably above" the benchmark levels. In this General Permit, there is no reduction in sampling based on benchmark levels, and, if the discharges are above one or more of the benchmarks, the discharger must revise its SWPPP to improve BMPs and must sample the next two consecutive qualified storm events. Based on the SWRCB's review of the baseline analytical results collected over the next five years, data from the one-time metals, COD, and SVOC scans discussed above, and other available information, it is the SWRCB's intent to determine whether numeric effluent limitations can be scientifically supported in the next general permit.

TYPES OF STORM WATER DISCHARGES COVERED BY THIS GENERAL PERMIT

This General Permit covers new or existing storm water discharges and authorized non-storm water discharges from:

(1) Facilities required by federal regulations to obtain a permit;
(2) Facilities designated by the Regional Water Quality Control Boards (RWQCBs); and
(3) Facilities whose operators seek coverage under this General Permit with the permission of the RWQCBs.

40 CFR Section 122.26(b)(14) defines "storm water associated with industrial activity" and describes the types of facilities subject to permitting [mostly by Standard Industrial Classification (SIC) code]. This General Permit provides the federal definition in Attachment 3, Definition 9 and describes the facility categories subject to permitting in Attachment 1. This General Permit covers all facilities with industrial activities described in Attachment 1, whether the industrial activity is the discharger's primary or secondary industrial function.

In 1997, the North American Industrial Classification System (NAICS) was published, and it replaced the 1987 SIC Manual. The USEPA has indicated it intends to incorporate the NAICS codes into the storm water regulations but has not done so yet. The SWRCB recognizes the difficulty dischargers will have obtaining SIC code information. The Notice of Intent (NOI) form attached to this General Permit and the SWRCB's NOI processing system have been modified to accept both SIC codes and NAICS codes.

The facilities included in category 1 of Attachment 1 (facilities subject to 40 CFR Subchapter N) are subject to storm water effluent limitation guidelines that are incorporated into the requirements of this General Permit. Dischargers whose facilities are included in this category must examine the appropriate federal effluent limitation guidelines to determine if they are applicable. This General Permit also contains additional requirements (see Section VIII.6.) that apply only to facilities with storm water effluent limitations guidelines.

Category 5 of Attachment 1 includes inactive or closed landfills, land application sites, and open dumps that have received industrial wastes. Storm water discharges from these facilities must be covered by this General Permit unless they are (1) already covered by another NPDES permit, or (2) the RWQCB has determined that an NPDES permit is not required. In most cases, it is more appropriate for new landfill construction or closure to be covered by the SWRCB's Construction Activities General Permit rather than this General Permit. Dischargers of Category 5 facilities should contact their RWQCB to determine the appropriate permit coverage.

Section 1068 of the Intermodel Surface Transportation Efficiency Act of 1991 exempted municipal agencies serving populations of less than 100,000 from Phase I permit requirements for most facilities they operate (uncontrolled sanitary landfills, power plants, and airports were still required to be permitted). The Phase II regulations eliminate the above exemption on March 10, 2003 and subject these facilities to the permitting requirements. These facilities are included in this General Permit.

Dischargers required to comply with this General Permit and that have been designated as non-traditional Small Municipal Separate Storm Sewer System (MS4) may choose not to obtain coverage under the NPDES General Permit for the Discharge of Storm Water from Small MS4s, Order 2003-005-DWQ (as described in Finding 13 of that permit), provided the following conditions are met:

1. Industrial Permit coverage shall encompass the entire facility (rather than only those areas where industrial activities occur);

2. In addition to the SWPPP requirements outlined in Section VII of this General Permit, the facility's SWPPP shall incorporate the six minimum measures, as outlined in the Small MS4 permit;

3. The SWPPP shall be submitted to the appropriate RWQCB within 180 days of designation (or as directed by the RWQCB); and

4. The SWPPP shall be amended if necessary pursuant to the Small MS4 General Permit public review process.

TYPES OF DISCHARGES NOT COVERED BY THIS GENERAL PERMIT

1. Discharges from construction activities required to be permitted by federal regulations are subject to the SWRCB NPDES General Permit for Construction Activity.

2. Discharges covered by another NPDES permit shall not be simultaneously covered by this General Permit.

3. Discharges may be determined by the RWQCBs to be ineligible for coverage under this General Permit. In such cases, a RWQCB will require that the discharges be covered by another individual or general NPDES permit. The applicability of this General Permit to such discharges is terminated when the discharge is subject to another individual or general NPDES permit.

4. Discharges that do not enter waters of the United States are not required to be permitted. These include:

   a. Discharges to municipal separate sanitary sewer systems;

   b. Discharges to evaporation ponds, percolation ponds, or that are otherwise retained and prevented from discharging to waters of the United States. To avoid discharging without a permit, violating the CWA, and facing possible enforcement action, dischargers should be certain that no discharge of storm water to waters of the United States could occur under any circumstances. Such dischargers should contact the RWQCB with any zero discharge exemption questions; and

   c. Discharges to combined sewer systems. In California, the only major combined sewer systems are located in San Francisco and downtown Sacramento. Dischargers who believe they discharge into a combined sewer system should contact the RWQCB to verify discharge location.

5. Discharges from oil and gas facilities are not required to be permitted unless:

   a. Discharges have resulted in a reportable quantity (RQ) discharge for which notification is or was required pursuant to 40 CFR Parts 110, 117, and 302 at any time after November 19, 1987, or

   b. Discharges contributed to a violation of a water quality standard.

6. Discharges from mining facilities that do not come into contact with any overburden, raw materials, intermediate product, finished product, by-product, or waste product located at the facility are not required to be permitted. These facilities must be permitted if they have a new release of storm water resulting in a discharge of an RQ.

7. Discharges from facilities on Indian Lands are regulated by USEPA and are not subject to this General Permit.

NOTIFICATION REQUIREMENTS

In accordance with the Phase II regulations, this General Permit requires all dischargers who operate facilities described in Attachment 1 (that are not otherwise permitted) to submit either a NOI for coverage under this General Permit, or a No Exposure Certification (NEC) certifying that there are no industrial activities exposed to storm water at the facility. This includes facilities that were not previously permitted because the dischargers self-certified no exposure under the previous general permit (category 11). Dischargers shall submit **one of these two forms for each individual facility.** Dischargers that do not submit one of these two forms may be found in violation of discharging without a permit.

This General Permit's NOI and NEC requirements are intended to establish a clear accounting of the name, address, and contact information of all dischargers, as well as location and description of the discharger's facility.

All dischargers filing an NOI upon the effective date of this General Permit shall immediately comply with this General Permit. Existing dischargers who have filed NOIs before the effective date of this General Permit shall:

(1) Receive automatic coverage under this General Permit;

(2) Modify and implement SWPPPs and Monitoring Programs in compliance with this General Permit no later than [insert effective date];

(3) Continue storm water compliance activities in accordance with the expired general permit until their SWPPP and Monitoring Programs are modified and implemented; and

(4) File a Notice of Termination (NOT) or NEC at any time after this General permit has been adopted when they satisfy the conditional exclusion conditions or otherwise become eligible to terminate permit coverage.

Dischargers who had not filed an NOI prior to the adoption of this General Permit because their facilities were classified as 'light industries' (under the prior Phase I regulations) and did not have exposure to industrial materials and activities shall mail or electronically file a NEC by January 1, 2006.

GENERAL PERMIT CONDITIONS

Prohibitions

This General Permit authorizes storm water and authorized non-storm water discharges from facilities that are required to be covered by a storm water permit. This General Permit prohibits discharges of material other than storm water (non-storm water discharges) that are not authorized by this General Permit and discharges containing hazardous substances in storm water in excess of reportable quantities established at 40 CFR 117.3 and 40 CFR 302.4. Authorized non-storm water discharges are addressed in Section IV of this General Permit.

Effluent Limitations

NPDES permits for storm water discharges must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require control of pollutant discharges using BAT and BCT to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards. This General Permit requires dischargers to reduce or prevent the discharge of pollutants in storm water discharges and authorized non-storm water discharges by developing and implementing BMPs that constitute compliance with BAT/BCT.

USEPA regulations (40 CFR Subchapter N) establish effluent limitation guidelines for storm water discharges from facilities in ten industrial categories. For these facilities, compliance with the effluent limitation guidelines constitutes compliance with BAT and BCT for the specified pollutants and must be met to comply with this General Permit.

For storm water discharges from facilities not among the ten industrial categories listed in 40 CFR Subchapter N, USEPA has found that it is appropriate to require implementation of BMPs to meet BAT/BCT in lieu of numeric effluent limitations (40 CFR 122.44(k)). However, USEPA also established "benchmarks" which are the pollutant concentrations above which USEPA determined could be an indicator that the discharger has not effectively developed and implemented a SWPPP to reduce or eliminate pollutants in storm water discharge to meet BAT/BCT. The benchmarks are generic and not intended to be numeric limits or protective of any particular receiving water. These limits can generally be viewed as representative of what is minimally achievable through a properly developed and implemented SWPPP designed to meet BAT/BCT.

Under this General Permit, if a discharger exceeds one of these benchmarks, it is required to take certain actions. The first step is to enter into the iterative process as described in Provision V.7. This requires the discharger to complete a facility evaluation to determine the source of the exceedance. This includes:

1. Examine all industrial activities and all sources of pollutants.

2. Examine the current BMPs to see if they are properly implemented and working correctly. Every potential source of pollution should have a corresponding suite of BMPs to control the pollutants.
3. Determine if the targeted BMPs are appropriate and effective at controlling the pollutants.
4. Specify the additional BMPs that will be implemented and indicate how they will provide the necessary control. If there are pollutants that cannot be controlled through the implementation of source control BMPs, treatment BMPs will be necessary.
5. Determine if there are pollutants that cannot be linked to an industrial activity. If such pollutants are found in the discharge, it may be necessary to do further monitoring to determine their source.

The second step is to update the SWPPP to reflect the changes that will be made to the BMPs. If there are pollutants that do not appear to be caused by facility operations, or if the pollutant discharge can be eliminated without the upgrading of the SWPPP (a one time pollutant source or a pollutant that does not derive from the facility), the discharger shall provide supporting documentation and certify that no new BMPs are necessary.

The third step is to implement the changes identified in the updated SWPPP. Dischargers shall revise the SWPPP and implement the appropriate BMPs in a timely manner but in no case more than 90 days after a determination that the SWPPP is in violation of any General Permit requirement.

Regardless of the cause of an exceedance, the discharger is also required to sample the next two qualified storm events. This requirement applies to all dischargers, including those participating in a group monitoring plan.

The failure to implement any of these steps in a timely manner is a violation of this General Permit. If the additional control measures do not reduce the pollutants adequately, another iteration must be performed and more measures implemented. Even if a discharger follows this procedure, the RWQCB may determine that the steps are not adequate, and it may require implementation of more measures or may take enforcement against the discharger.

Receiving Water Limitations

Storm water discharges shall not cause or contribute to a violation of an applicable water quality standard. Implementation of BMPs that comply with BAT and BCT will usually result in compliance with water quality standards. This General Permit requires strict compliance with water quality standards. Therefore, if a facility's storm water discharge does cause or contribute to an exceedance of a receiving water quality standard, the discharger must implement additional BMPs to ensure compliance. A discharger who is notified by a RWQCB or who determines that the discharge is causing or contributing to an exceedance of water quality standards must comply with Provision V.6. that requires the discharger to:

1. Examine all industrial activities and all sources of pollutants to determine the source of the exceedance.
2. Examine the current BMPs to see if they are properly implemented and working correctly. Every potential source of pollution should have a corresponding suite of BMPs to control the pollutants.
3. Determine if the targeted BMPs are appropriate and effective at controlling the pollutants.
4. Specify the additional BMPs that will be implemented and indicate how they will provide the necessary control. If there are pollutants that cannot be controlled through the implementation of source control BMPs, treatment BMPs will be necessary.
5. Determine if there are pollutants that cannot be linked to an industrial activity. If such pollutants are found in the discharge, it may be necessary to do further monitoring to determine their source.

The discharger must update the SWPPP to reflect the changes that will be made to the BMPs. If there are pollutants that do not appear to be caused by facility operations, or if the pollutant discharge can be eliminated without the upgrading of the SWPPP (a one time pollutant source or a pollutant that does not derive from the facility), the discharger shall provide supporting documentation and certify that no new BMPs are necessary.

The discharger shall implement the changes identified in the updated SWPPP. Dischargers shall revise the SWPPP and implement the appropriate BMPs in a timely manner but in no case more than 90 days after a determination that the SWPPP is in violation of any General Permit requirement.

The failure to implement any of these steps in a timely manner is a violation of this General Permit. If the additional control measures do not reduce the pollutants adequately, another iteration must be performed and more measures implemented. Even if a discharger follows this procedure, the RWQCB may determine that the steps are not adequate, and it may require implementation of more measures or may take enforcement against the discharger.

Minimum BMPs

Dischargers are required to implement an effective suite of BMPs that meet the BAT/BCT standard for their facility. Based upon inspections of discharger's facilities, RWQCB inspection staff has indicated significant variation among the degree dischargers complied with the prior general permit and in dischargers' interpretation of BMPs that constitute BAT and BCT. Section VII. 8.a of this General Permit therefore establishes a new requirement that dischargers must include specific minimum BMPs in their SWPPP and implement these at their facilities. In addition, because of the variability of facilities conducting numerous and differing industrial activities throughout the State, this General Permit retains the requirement to establish and implement facility-specific BMPs that reflect BAT and BCT. These minimum BMPs, together with the more comprehensive facility- specific BMPs, constitute compliance with BAT/BCT. All dischargers must evaluate their facilities to determine the best practices to use to implement these minimum BMPs and the additional, facility-specific BMPs. By requiring minimum BMPs, the number of compliance violations identified during RWQCB inspections should be reduced.

The SWRCB has selected minimum BMPs that are generally applicable and necessary at all facilities. The minimum BMPs are consistent with the types of BMPs normally found in properly developed SWPPPs and, in most cases, should represent a significant portion of a discharger's BAT and BCT compliance. Because of the diverse industries covered by this General Permit, the development of a more comprehensive list of minimum BMPs, that would constitute full compliance with BAT/BCT for all dischargers, is not currently feasible. The selection, applicability, and effectiveness of a given BMP is very often related to industrial activity type and to facility-specific facts and circumstances. These additional, facility-specific BMPs must be selected and implemented by the dischargers, based on the type of industry and facility-specific conditions, in order to achieve BAT and BCT.

The failure to implement any of these minimum BMPs, unless it can be clearly demonstrated that they are not applicable to the facility is a violation of the General Permit. The failure to implement facility-specific BMPs that are necessary to achieve compliance with BAT/BCT and to meet applicable water quality standards is a violation of this General Permit.

SWPPP

This General Permit requires all dischargers to develop, implement, and retain onsite a facility-specific SWPPP. This General Permit's SWPPP requirements generally follow the USEPA five-phase approach to developing SWPPPs as described in Fact Sheet Figure 1. This approach provides the flexibility necessary to establish appropriate BMPs for different types of industrial activities and pollutant sources.

A major element of the SWPPP is identification and elimination of unauthorized non-storm water discharges. Unauthorized non-storm water discharges can contribute a significant pollutant load to receiving waters. Measures to control spills, leakage, and dumping can often be addressed through BMPs.

Unauthorized non-storm water discharges can be generated from various pollutant sources. Depending upon their quantity and location where generated, unauthorized non-storm water discharges can discharge to the storm drain system either during dry weather, or during a storm event (co-mingled with storm water discharge). They can consist of (1) waters generated by the rinsing or washing of vehicles, equipment, buildings, or pavement; and (2) fluid, particulate or solid materials that have spilled, leaked, or disposed of improperly.

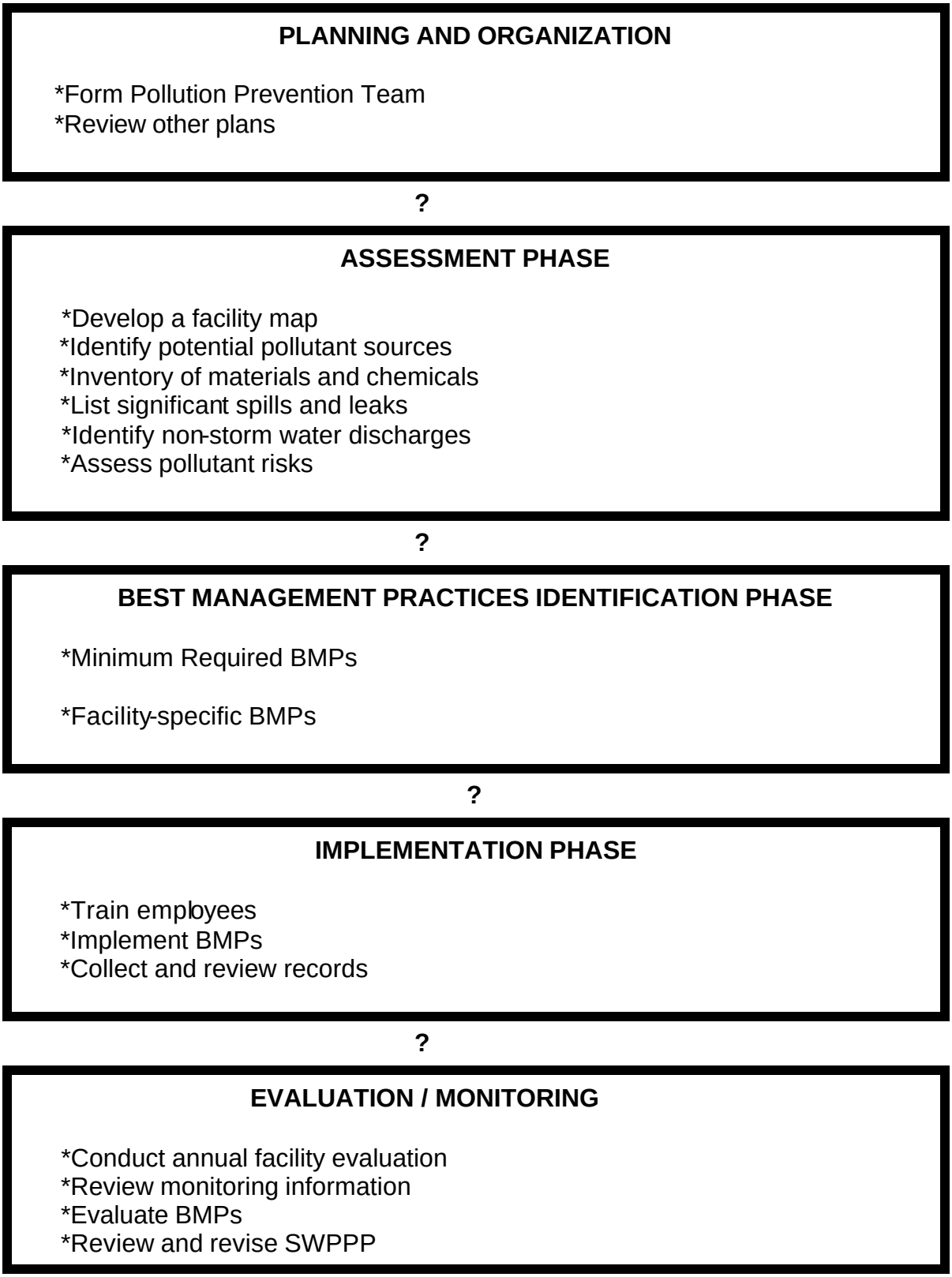
Some non-storm water discharges are not directly related to industrial activities and do not normally contain pollutants when properly managed. Section IV of this General Permit lists non-storm water discharges that are authorized by this General Permit when certain described conditions are satisfied by the dischargers.

This General Permit's SWPPP requirements have been modified to better clarify the extent dischargers must describe their BMPs. Dischargers must not only describe a BMP in a generic sense, for example "sweeping", but must describe who is responsible for sweeping, where and how often the sweeping will occur, what the pollutants of concern are, the type and location of sweeping equipment, how and where swept materials should be handled and disposed, etc. Similarly, a discharger's training program must identify who must receive training, what type of training to provide, how often training needs to be provided, and must include a method to track whether the appropriate personnel have received the training.

This General Permit requires dischargers, at a minimum, to conduct quarterly facility inspections to determine whether the SWPPP should be revised to address any facility physical or operational changes and to detect any obvious problems with the SWPPP's existing set of BMPs. The previous general permit did not include this requirement, and many dischargers did not conduct the inspections necessary to assure that the SWPPP is updated throughout the year. Many dischargers did not update their SWPPPs until completion of the annual comprehensive site compliance evaluation. The SWRCB believes that setting a minimum frequency is reasonable and will not result in a significant burden for dischargers.

The failure to develop, implement, or update an adequate SWPPP that is specific to the facility is a violation of this General Permit. The failure to maintain the SWPPP on site and have it available for inspection is a violation of this General Permit.

Figure 1
FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORM WATER POLLUTION PREVENTION PLANS



Fact Sheet Figure 2
EXAMPLE
ASSESSMENT OF POTENTIAL INDUSTRIAL POLLUTION SOURCES AND
CORRESPONDING BEST MANAGEMENT PRACTICES SUMMARY

Area	Activity	Pollutant Source	Industrial Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery	Fuel oil	- Use spill and overflow protection - Minimize run-on of storm water into the fueling area - Cover fueling area - Use dry cleanup methods rather than hosing down area - Implement proper spill prevention control program - Implement adequate preventative maintenance program to preventive tank and line leaks - Inspect fueling areas regularly to detect problems before they occur - Train employees on proper fueling, cleanup, and spill response techniques.
		Spills caused by topping off fuel tanks	Fuel oil	
		Hosing or washing down fuel area	Fuel oil	
		Leaking storage tanks	Fuel oil	
		Rainfall running off fueling area, and rainfall running onto and off fueling area	Fuel oil	

Monitoring Program

This General Permit requires dischargers to develop and implement a facility-specific monitoring program to provide indicator monitoring information for the following: (1) BMPs addressing pollutants in storm water discharges and authorized non-storm water discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of this General Permit, (2) the presence of pollutants (and their sources) in storm water discharges and authorized non-storm water discharges that may require immediate corrective action, additional BMP implementation, or SWPPP revisions, and (3) the effectiveness of BMPs to prevent or reduce pollutants in storm water discharges and authorized non-storm water discharges.

This General Permit's monitoring requirements are consistent with USEPA guidance that emphasizes visual observations as the most effective monitoring method for evaluating the effectiveness of BMPs at most facilities. However, this General Permit goes well beyond the USEPA permit requirements and requires sampling and analysis from all facilities covered by this General Permit. Fact Sheet Figure 3 provides a summary of all the monitoring related requirements of this General Permit. As recommended by USEPA policy, this General Permit's monitoring requirements also includes sampling and analysis for specific parameters that would indicate the presence of pollutants in storm water discharges. Sampling and analysis information can often be useful to the discharger while evaluating the need for improved BMPs. Dischargers are also required to evaluate their facilities and analyze samples for additional, facility-specific parameters and constituents. The monitoring program requirements are designed to provide useful, cost-effective, timely, and easily obtained information to assist dischargers to identify pollutant sources, implement corrective actions, and revise BMPs. All dischargers (with the exception of certain active mining operations) are required to:

1. Visually observe authorized and unauthorized non-storm water discharges.

2. Collect and analyze storm water samples from the first two qualifying storm events of the wet season. Analysis must include: (a) the minimum indicator parameters: pH, total suspended solids (TSS), total organic carbon (TOC) or Oil and Grease, and specific conductance, (b) parameters that indicate the presence of materials that are mobilized by contact with storm water (such as rock salt) and are likely to be exposed to storm water (based upon the discharger's pollutant source assessment required in the SWPPP), (c) parameters listed in Table VIII "Additional Analytical Parameters" (These parameters are dependent on the facility's SIC code), and (d) parameters indicating the presence of industrial materials that may be causing or contributing to an exceedance of a water quality standard in the receiving waters. Dischargers subject to federal storm water effluent limitation guidelines in 40 CFR Subchapter N must also sample and analyze for any pollutant specified in the appropriate category.

3. Visually observe the facility before every anticipated storm event to locate and manage obvious pollutant sources.

Minimum parameters are necessary so that dischargers, regardless of whether additional site-specific parameters are selected as discussed below, develop comparable sampling data over time and over many storm events to indicate compliance. Additionally, RWQCBs can use such comparable data when evaluating individual facility compliance and when assessing the differences between the various industries. The selection of appropriate indicator parameters is difficult because of the various materials handled at industrial facilities. The parameters selected are relatively broad, inexpensive, and easy to understand. Some parameters, such as pH and specific conductance, can be tested by dischargers using relatively inexpensive field instruments, providing an immediate alert to possible pollutant sources.

The four selected parameters are considered *indicator* parameters. In other words, regardless of the facility type, these parameters are nonspecific and general enough to usually provide some indication whether pollutants are present in storm water discharge. The following briefly explains why each of these parameters was selected:

pH is a numeric measurement of the hydrogen-ion concentration. The neutral range is usually considered to be within 6.5 to 8.5. At values less than 6.5, the water is considered acidic; above 8.5 it is considered alkaline or basic. Pure rainfall tends to have a pH of a little less than 7. Many industrial facilities handle materials that can affect pH.

TSS is an indicator of the un-dissolved solids that are present in storm water discharge. Sources of TSS 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.

Specific Conductance (SC) is a numerical expression of the ability of the water to carry an electric current. It provides an indication of the degree of mineralization, salinity, or the total dissolved solids present in storm water discharges. Rainwater has a SC of close to zero. Seawater has a very high SC. High SC could affect the usability of waters for drinking, irrigation, and other commercial or industrial use.

TOC is an indicator of the total organic matter present in water. Organic matter can be natural (as in animals, plants, and man) or can be man-made (synthetic organics). Synthetic organics include pesticides, fuels, solvents, and paints. Natural organic matter can deplete the receiving waters of oxygen as it biodegrades. Synthetic organics, even when discharged at low concentrations, can be harmful to and, in some cases, bioaccumulate in aquatic life.

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. O&G can adversely affect aquatic life, create unsightly floating material, and make water undrinkable. Sources of O&G include maintenance shops, vehicles, machines, and roadways.

Previous industrial permits have required dischargers who detected a pollutant in “significant quantities” to determine the pollutant’s source, implement clean-up procedures when appropriate, and assess whether additional BMPs are necessary. The permits did not contain or reference a set of significant quantity concentrations for these parameters. This led to inconsistent interpretations and difficulty in enforcement. This General Permit is adopting the USEPA storm water discharge benchmarks. Concentrations above the benchmark require dischargers to review their SWPPPs and identify appropriate additional BMPs. These benchmarks are meant to generally reflect the outcome of BAT/BCT controls and are not intended to determine whether or not discharges are causing or contributing to a water quality impairment. The USEPA benchmarks are located in the USEPA multi-sector permit and appear on Table VIII.2 of this General Permit for common pollutants found in industrial storm water discharges. As used by the USEPA, these benchmarks are not numeric storm water effluent limits, are not related or necessarily protective of any specific receiving water, and exceedances of these benchmarks are not automatically considered permit violations. Similar to the USEPA multi-sector permit, when sample results exceed one or more of the benchmarks, dischargers are required to re-evaluate the effectiveness of their BMPs and develop, when appropriate, additional BMPs.

This General Permit’s Monitoring Program contains a table (Table VIII.1) of analytical parameters organized by SIC codes as did the previous general permit (Table D). The table is taken from the USEPA Multi-Sector Permit. In the early 1990s, USEPA, through it’s group application program, evaluated nation-wide monitoring data and developed the listed parameters and SIC associations. The USEPA Multi-Sector Permit requires dischargers to analyze for the listed parameters under certain conditions. A new analytical requirement has been added to complement the parameters in Table VIII. Dischargers are required to select additional site-specific analytical parameters based upon the types of materials that are both exposed to and can be mobilized by contact with storm water. Dischargers should generally understand how to identify industrial materials that are handled outdoors and which of those materials can easily dissolve or be otherwise transported via storm water.

Similar to the previous general permit, dischargers are also required to identify pollutants that may be causing or contributing to an existing violation of any applicable water quality standards for the receiving

water. This requirement requires dischargers to select additional analytical parameters that are representative of materials handled at the facility (regardless of degree of storm water contact or relative mobility) if they are related to pollutants that are causing an exceedance of a water quality standard. Information on 303(d) listed water bodies is available from the SWRCB and RWQCBs. This General Permit requires a combination of visual monitoring and analytical monitoring. Visual observations provide dischargers immediate information indicating the presence of most pollutants and their sources. Dischargers must implement timely corrective actions and revise BMPs as necessary. Qualitative analytical monitoring can provide an indication of the presence of pollutants in storm water discharge. Indications of pollutants require dischargers to evaluate potential pollutant sources and corresponding BMPs and make appropriate SWPPP revisions. Repeated or frequent indications of high pollutant concentrations may require the dischargers to analyze for additional pollutants or make other monitoring modifications to better characterize the discharge or determine the source of the pollutants. Water quality standards effluent limitations are BMP-based and this General Permit does not include a numerical standard above which there is a violation of the Receiving Water Limitations. If discharges cause or contribute to exceedances of water quality standards, however, this General Permit is violated and dischargers must improve BMPs,. A determination of a violation of the Receiving Water Limitations will be site-specific and may be based on various factors, including indicator monitoring results, visual observations of the site, discharges, and the receiving water, and a review of the BMPs.

This General Permit requires dischargers to perform pre-storm visual observations to identify and correct obvious pollutant sources before a storm event to prevent discharges of pollutants. This requirement, which is similar to that required in the Construction Storm Water General Permit, should result in reduced pollutant discharge. Even facilities with good SWPPPs and BMP implementation may, on occasion, detect irregular or non-routine pollutant sources that might not have been otherwise mitigated in time to prevent contact with storm water.

Sampling and Analysis

As part of the 1991 general permit adoption process, the 1992 general permit amendment process, and the 1997 general permit adoption process, the SWRCB has considered comments from hundreds of stakeholders concerning sampling and analysis. Sampling and analysis issues are the most dominant of all the issues concerning this General Permit.

The comments received generally fall into three primary categories: (1) those supporting a quantitative sampling and analysis approach (sampling and analysis that would produce accurate discharge-characterizing and pollutant concentration data) as the primary method of determining compliance;
(2) those supporting only visual observations as the primary method of determining compliance; and
(3) those supporting a combination of visual observations and cost-effective qualitative sampling and analysis (sampling and analysis that would produce data indicating the presence of pollutants) to determine compliance. Within each of the three categories, there are various recommendations and rationale as to exact monitoring frequency, procedures, methods, etc.

Those in favor of quantitative sampling and analysis approach argue that it is the only reliable and meaningful method of assuring that (1) BMPs are effective in reducing or preventing pollutants in storm water discharge in compliance with BAT/BCT, and (2) the discharge is not causing or contributing to an exceedance of a water quality standard. They believe that visual observations are not effective in measuring pollutant concentrations nor are they effective in determining the presence of colorless/odorless pollutants. They argue that qualitative sampling and analysis (and the use of indicator parameters) will not provide results useful for calculating pollutant loading nor accurately characterize the discharge.

Those in favor of requiring only visual observations argue that sampling and analysis is unnecessary because (1) this General Permit does not include numeric effluent limitations so the usefulness of sampling and analysis data is limited, (2) a significant majority of dischargers should be able to develop appropriate BMPs without sampling and analysis data, (3) most pollutant sources and pollutants can be

detected and mitigated through visual observations, (4) the costs associated with quantitative sampling and analysis are excessive and disproportional to any benefits, (5) the USEPA storm water regulations do not require sampling, (6) the USEPA's nationwide permit relies heavily on visual observations and only requires a limited number of specific industries to conduct sampling and analysis, and (7) the majority of dischargers are small businesses and do not have sufficient training or understanding to perform accurate sampling and analysis.

Those in favor of requiring both visual observations and a cost-effective qualitative monitoring program argue that (1) both are within the means and understanding of most dischargers, and (2) the results of both types of monitoring are useful for evaluating discharger's compliance.

The SWRCB believes that a significant majority of dischargers should be able to develop appropriate BMPs without costly quantitative sampling and analysis. Without established storm water numeric effluent limits, which are particularly difficult to calculate because of the variation in storm water discharge duration, intensity, and time of year, etc., the SWRCB considers the difficulty and costs associated with developing quantitative sampling and analysis programs at all 9,500 facilities currently permitted to outweigh the limited benefits. The problems of requiring quantitative monitoring lie mainly with the costs and difficulty of accurately sampling storm water discharges. Those who support quantitative monitoring believe that the data is necessary to determine pollutant loading, concentration, or contribution to water quality violations. To derive data that would support those goals, the data must be accurate and enforceable. Most facilities do not have well-defined storm water conveyance systems from which to collect samples. Storm water frequently discharges from multiple locations by sheet flow into nearby streets and adjoining property. Collecting a sample from a portion of the sheet flow is an inexact measurement since not all the flow is being sampled. Requiring dischargers to construct well-defined storm water conveyances would cost anywhere from thousands to hundreds of thousands of dollars depending on the size and nature of each facility. At many facilities, the construction of such conveyances could violate local building codes, threaten safety, cause flooding, and increase erosion. In addition, eliminating sheet flow at some facilities could result in increased pollutant concentrations.

If a facility does have a well-defined storm water conveyance system from which to collect samples, the SWRCB has considered the complexity and costs associated with storm water sampling. Unlike continuous point source discharges (like from Publicly Owned Treatment Works), storm water discharges are variable in intensity and duration. The concentration of pollutants discharged at any one time is dependent on many complex variables. Obviously, the largest concentration of pollutants would be generally expected to discharge earlier in the storm event and to taper off as discharges continued. Therefore, storm water discharges would need to be collected and sampled until most or all the pollutants have been discharged. Multiple samples would have to be collected over many hours. To determine the pollutant mass loading, the storm water discharge flow would have to be measured at the time each sample is collected.

Quantitative monitoring, as described above, would normally require the installation of automatic sampling devices and flow meters at each discharge location. In addition, it takes qualified people to conduct quantitative monitoring procedures and to handle and maintain flow meters and automatic samplers. A significant majority of storm water dischargers under this General Permit do not have the skills to manage such an effort. Such dischargers would bear the cost of employing and/or training on-site staff to do this work or contracting with environmental consultants. Added to this is the cost of renting or buying the flow meters and automatic samplers. As is the case for estimating the costs with constructing a well-defined conveyance system, the costs for each discharger to conduct quantitative monitoring will depend on the number of outfalls, number of storms, length of storm, skilled staff, and other variables. Costs would easily exceed a thousand dollars per outfall per storm event.

With the exception of the new pre-storm visual observation requirement, this General Permit's compliance monitoring requirements are not significantly different from those of the previous general permit. Additionally, if monitoring results exceed a benchmark for any parameter, the discharger is required to conduct sampling of the next two consecutive qualifying storm events. This applies to all dischargers including group monitoring participants.

An additional monitoring requirement has been added to allow the SWRCB to better determine the monitoring needs in the next industrial general permit. All permittees are required to analyze additional parameters for one of their samples collected during the fourth year of permit coverage. The additional sampling consists of common metals, COD, and semi volatile organic compounds. This information will be used to determine what pollutants are associated with specific industrial classifications and to better refine the monitoring requirements for the next permit.

It is a violation of this General Permit if the discharger does not develop and implement a monitoring program or if that monitoring program is unavailable on-site for inspection. It is a violation if the discharger fails to sample the discharge from a qualifying storm event when required.

Failure to develop and implement an adequate monitoring plan, including both visual monitoring and sampling and analysis, is a violation of this General Permit. Failure to implement additional sampling and analysis as a result of an exceedance of a benchmark from a qualifying storm event is a violation of this General Permit.

Group Monitoring

During the general permit adoption process in 1991, the SWRCB received numerous comments from stakeholders suggesting that (1) many dischargers do not have the environmental background to understand and comply with the requirements of the general permit, (2) contracting with a consultant to develop a facility-specific SWPPP/monitoring plan and to provide compliance training would be overly burdensome for many of the dischargers covered by the general permit, and (3) the general permit should support the development of industry-specific compliance strategies. Recognizing the merit of these comments, the SWRCB developed group monitoring as an alternative to the standard sampling and analysis requirements. The basic concept of group monitoring is based on reducing monitoring requirements while obtaining representative monitoring from similar facilities. A group of similar dischargers may reduce the number of qualifying storm events required to be sampled by selecting a group leader and participating in an approved group monitoring plan (GMP). The group leader is responsible for developing a GMP that includes recommended industry-specific baseline BMPs. The group leader also is responsible for reviewing the participants' compliance status and providing compliance assistance. By pooling their resources, participants in the group can obtain access to compliance assistance and oversight at a reasonable cost. Some (but not all) of the cost of participating in group monitoring is offset by the reduced sampling requirement. The SWRCB believes that group monitoring, when implemented properly, can result in better compliance and understanding of this General Permit by those who choose to actively participate. The SWRCB believes that group monitoring promotes industry-wide compliance cooperation and the development of effective and understandable industry-specific BMPs.

A group leader representing a group of facilities with significantly similar industrial activities develops a GMP. The group leader must schedule each participating facility to sample two qualifying storm events over the life of this General Permit. Dischargers subject to federal effluent limitation guidelines in 40 CFR Subchapter N must individually sample and analyze for pollutants listed in the appropriate federal regulations. Participants within a group may be located within the jurisdiction of more than one RWQCB. Multi-RWQCB groups must receive the approval of the SWRCB Executive Director (with the concurrence of the appropriate RWQCBs).

Each group leader must: (1) provide guidance or training so that the monitoring is done correctly, (2) recommend appropriate BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges from group participants, (3) evaluate and report the monitoring data to the SWRCB and/or the appropriate RWQCB(s), (4) conduct two on-site inspections at each facility over the five-year term of this General Permit to evaluate facility compliance and recommend BMPs to achieve compliance with this General Permit, and (5) verify that each group participant has a site-specific SWPPP. The group leader may designate, hire, or train inspectors to conduct these inspections. The group leader is responsible for selecting inspectors that are capable of evaluating each facility's

compliance with this General Permit and recommending appropriate BMPs. All group monitoring plans are subject to SWRCB and/or RWQCB(s) review. As appropriate, the SWRCB and/or the RWQCB(s) may terminate participation by individual group participants, rescind approval of the entire group if the group leader does not comply with this General Permit's requirements, require group participants to conduct additional monitoring, or require amendment to the group monitoring plans.

The SWRCB recognizes that some improvements to the group monitoring requirements are necessary in order to ensure that all group participants and group leaders are complying with the requirements of this General Permit. This General Permit includes additional or modified GMP requirements to ensure (1) timely communication of group leader inspection recommendations and subsequent group participant compliance activities, (2) that participant sampling and group leader inspection schedules are completed in a timely manner, (3) that groups maintain a sufficient number of participants, (4) that only experienced individuals are involved with performing the many group leader responsibilities, and (5) that each participant has a site-specific SWPPP.

Sampling Procedures and Test Methods

Section 13383.5 of the Water Code requires (among other things) that the SWRCB include in this General Permit (1) standardized methods for collection of storm water samples, (2) standardized methods for analysis of storm water samples, (3) a requirement that every sample analysis be completed by a State certified laboratory or in the field in accordance with quality assurance and quality control protocols, (4) a standardized reporting format, (5) standardized sampling and analysis programs for quality assurance and quality control, and (6) minimum detection limits. This General Permit's monitoring section includes many revisions that address these requirements.

Many dischargers have not developed adequate sample collection and handling procedures, which affects the quality of the analytical results. In addition, dischargers often select inappropriate test methods, detection limits, or reporting units. Although the required sampling and analysis requirements contained in this General Permit are not designed to provide quantitative results (as discussed above), dischargers must develop and implement reasonable sampling procedures to ensure that samples are not mishandled or contaminated. Because the types of storm water conveyance and collection systems are numerous and varied, the SWRCB cannot provide a single comprehensive set of sample collection and handling procedures/instructions. Instead, Section VIII.10 provides minimum storm water sample collection and handling requirement instructions that pertain to all facilities. Dischargers are required to develop facility-specific sample collection and handling procedures based upon these minimum requirements. Table VIII.2 provides the minimum test methods (and associated detection limits) that shall be used for a variety of common pollutants. Dischargers should be aware that more sensitive test methods (such as USEPA Method 1631 for Mercury) might be necessary if they discharge to an impaired water body or are otherwise required to do so by the RWQCB.

The previous general permit (Section B.7.d) allowed dischargers to assess whether drainage areas were substantially similar and then to reduce sample analysis either by (1) combining samples for an unspecified maximum number of substantially similar drainage areas, or (2) sampling a reduced number of substantially similar drainage areas. The SWRCB provided this procedure to reduce analytical costs. However, the complexity associated with determining "substantially equivalent" drainage areas, and that there was no specified maximum number of samples that could be combined, has led dischargers to various interpretations and analytic schemes. To make sample collection and analysis more standardized as required by Section 13383.5, yet continue to offer a reduced analytic cost option, these requirements have been revised. Section VIII.8.d requires dischargers to collect samples from all drainage areas. Dischargers may analyze each sample collected, or may analyze a combined sample consisting of equal volumes of samples collected from as many as four (4) drainage areas. A minimum of one combined sample shall be analyzed for every four (4) drainage areas.

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 five years from the

date of measurement, report, or monitoring activity. The SWRCB and/or RWQCBs may extend this period. All records are public documents and must be provided to the RWQCBs on request.

Facility Operator Compliance Responsibilities

This General Permit has been written to encourage individual dischargers to develop their own SWPPP and monitoring programs. Many dischargers, however, choose to obtain compliance assistance either by hiring a consultant on an individual basis or by participating in a GMP. Regardless of how dischargers choose to pursue compliance, dischargers are responsible for compliance with this General Permit.

The SWRCB recognizes that industrial activities and operating conditions at many facilities change over time. In addition, new and more effective BMPs are being developed by various dischargers and by industrial groups. The SWPPP and monitoring program requirements include various inspections, reviews, and observations, all of which recognize, encourage, and mandate an iterative self-evaluation process that is necessary to consistently comply with this General Permit. Figure 3 of the Fact Sheet is a summary of the many monitoring activities that are required. Where minor violations are discovered through this self-evaluation process, dischargers are required to revise and implement their SWPPPs to correct such violations within 90 days.

Conditional Exclusion Requirements

This General Permit's Conditional Exclusion Requirements are substantially similar to those provided by the federal regulations. Some minor modifications were to clarify the types of "storm resistant shelters" and the periods when "temporary shelters" may be used in order to avert regulatory confusion. Dischargers must submit either a written or electronic NEC to the SWRCB using the NEC form provided as an attachment to this General Permit. Unlike the federal requirements, this General Permit requires dischargers to annually evaluate their facilities to determine continued compliance and to formally renew their NEC's annually. Federal regulations require that facilities be evaluated and NECs be renewed a maximum of every five years. Based on its regulatory experience with dischargers in the storm water program, the SWRCB finds a five year maximum NEC renewal period to be inadequate. A significant percentage of facilities revise, expand, or relocate their operations in any given year. Furthermore, a significant percentage of facilities experience turnover of staff knowledgeable of the NEC requirements and limitations. The SWRCB believes that annual NEC evaluation and renewals are appropriate to assure adequate program compliance continuity.

Additionally, after the initial five year term of this General Permit, a facility will be required to conduct sampling of their discharge during one storm event and submit that information with their NEC. Sampling in support of their NEC application will be required once every five years.

References and Record for this General Permit

In preparing this General Permit, the SWRCB has relied upon numerous background materials including federal statutes, regulations, and guidance materials. The SWRCB has also relied on relevant court decisions, the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.), and implementing State regulations, plans and policies. The record also contains staff documents and submittals received by the SWRCB from interested persons including the WaterKeepers organizations and the California Stormwater Quality Association. The background materials in the record have been compiled below and are available for inspection or copying upon request.

Clean Water Act § 301 (33 U.S.C. § 1311)
Clean Water Act § 402(a) (33 U.S.C. § 1342(a)(1))
Clean Water Act § 402(p) (33 U.S.C. § 1342(p))
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 Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development Category; Final Decision Withdrawing Proposed Rule (69 Fed. Reg. 22472 et seq., Apr. 26, 2004; 40 C.F.R. § 450)
USEPA – Effluent Limitation Guidelines and New Source Performance Standards for the Construction and Development Category; Proposed Rule (67 Fed. Reg. 42644 et seq., June 24, 2002; 40 C.F.R. §§ 122 and 450)
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 - Water Quality Guidance for the Great Lakes System: Supplementary Information Document (SID) [pp. 61-68; 247-249] – March 1995
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
San Francisco Bay RWQCB Basin Plan, Chapter 3, Water Quality Objectives (1995)
Central Valley RWQCB, Fourth Edition of the Water Quality Control Plan (Basin Plan) for the Sacramento River and San Joaquin River Basins, Chapter 3, Water Quality Objectives (1998)

Central Valley RWQCB, Water Quality Control Plan for the Tulare Lake Basin, Second Edition, Chapter 3, Water Quality Objectives (1995)
San Diego RWQCB Basin Plan, Chapter 3, Water Quality Objectives (1994)
Los Angeles RWQCB Basin Plan, Chapter 3, Water Quality Objectives (1994)
Lahontan RWQCB Basin Plan, North and South Basins, Chapter 3 and Chapter 5.1 (1994)
Colorado River Basin RWQCB Basin Plan, Chapter 3, Water Quality Objectives (2002)
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)
Final National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges Associated With Construction Activity (General Permit) Water Quality Order 99-08-DWQ

To: Interested Parties From: Stan Martinson, Chief, DWQ, SWRCB Re: Modifications to the Fact Sheet for the General NPDES Permit for Storm Water Discharges Associated With Construction Activities (CGP) Order No. 99-08-DWQ (Date: 6/22/04)
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).
To: Bruce Fujimoto, Division of Water Quality, SWRCB From: Maryann Jones, Chief, Construction and Industrial Storm Water Unit, Division of Water Quality, SWRCB Re: Teleconference and Monitoring Proposal (Date: 11/22/02)

Fact Sheet Figure 3
Summary of Monitoring Activities Required By This General Permit

Activity	Description	Permit Section	Location	Frequency	Restrictions
Quarterly Inspections	Visually inspect all areas of industrial activity and associated potential pollutant sources. Inspect all authorized non-storm water discharges and look for the presence of unauthorized non-storm water discharges.	VII.8	All areas of industrial activity and associated pollutant sources	Once per quarter	Within 16 weeks, during daylight hours, days without precipitation, and during scheduled facility operating hours.
Annual Comprehensive Site Compliance Evaluation (ACSCE)	Review all records, visually inspect all potential pollutant sources, review and evaluate all BMPs and revise as necessary, visually inspect equipment needed to implement SWPPP, prepare evaluation report.	VII.9	NA	Annually	Within 8-16 months of prior ACSCE.
Monthly Storm Water Visual Observations	Visually observe storm water discharge quality. Record and maintain observations, dates, locations, and responses.	VIII.4	All storm water discharge locations	Once per month (October-May)	During 1st hour of discharge, daylight hours, facility operating hours, and preceded by 3 working days without discharge.
Documentation of Non-Discharging Storm Events	Documents storm events that do not produce a discharge but that occur before a monthly visual observation.	VIII.4.e	NA	Daily (October-May)	Only document events during each month prior to performing Monthly Storm Water Visual Observations.
Drainage Area Inspections	Inspect all storm water drainage areas for spills and leaks.	VIII.3	All storm water drainage areas	Prior to anticipated storm events	
Storm Water Sample Collection and analysis	Collect samples of storm water discharges and submit for laboratory analyses.	VIII.5	All storm water discharge locations	Twice Annually (October-May)	First and second storms of wet season, during 1st hour of discharge and scheduled facility operating hours preceded by 3 working days without discharge
Storm Water Storage and Containment Area Inspections	Visually inspect storm water storage and containment areas.	VIII.4.D	Storm Water storage and containment areas	Monthly	
Special one time sample analysis	Analyze for semi-volotile organic compounds, metals scan and chemical oxygen demand.	VIII.7	All Storm Water discharge locations	Once during the 2008-2009 compliance year	First eligible storm event of wet season.

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 05-XX-DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000001 (GENERAL PERMIT)

WASTE DISCHARGE REQUIREMENTS (WDRs) FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES EXCLUDING CONSTRUCTION ACTIVITIES

The SWRCB finds that:

1. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) promulgated Phase I storm water regulations (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124) in compliance with Clean Water Act (CWA) section 402(p). These regulations require operators of facilities subject to storm water permitting (dischargers) that discharge storm water associated with industrial activity (storm water discharges) to obtain an NPDES permit and to 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.

2. On December 8, 1999, USEPA promulgated Phase II storm water regulations that provide "Conditional Exclusion" applicable to all industrial activities other than construction. (The Phase 1 regulations included exclusion for "light industry" only and did not require the certification described below.) Dischargers may obtain exclusion from permit coverage if they prepare and submit certification that their facilities have no exposure of industrial activities to storm water discharges. The Conditional Exclusion is available for all facilities identified in Attachment 1 that meet the conditions listed in Section X, Conditional Exclusion Requirements. Dischargers of light industry facilities that were previously excluded from coverage must either obtain coverage under this General Permit or comply with the requirements for Conditional Exclusion.

3. The Phase II regulations also require permitting for storm water discharges from facilities owned and operated by a municipality with a population of less than 100,000. The previous exemption from the Phase I permitting requirements under Section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) has been eliminated.

4. This General Permit regulates storm water discharges and authorized non-storm water discharges from specific categories of industrial facilities identified in Attachment 1 and storm water discharges and authorized non-storm water discharges from facilities designated by the Regional Water Quality Control Boards (RWQCBs). This General Permit does not apply to storm water discharges and non-storm water discharges that are regulated by other individual or general NPDES permits.

5. Dischargers seeking permit coverage for storm water discharges and authorized non-storm water discharges pursuant to this General Permit shall prepare and submit a Notice of Intent (NOI) and appropriate annual fee to the SWRCB in accordance with the attached NOI form and instructions. Dischargers currently regulated under SWRCB Order No. 97-03-DWQ as of the effective date of this General Permit will continue their coverage under this General Permit.

6. This General Permit does not preempt or supersede the authority of municipal agencies to prohibit, restrict, or control storm water discharges and authorized non-storm water discharges to storm drain systems or other water-courses within their jurisdictions as allowed by State and federal law.

7. Dischargers located within the watershed of a 303(d) impaired water body, for which a Total Maximum Daily Load (TMDL) had been adopted by the RWQCB or USEPA, may be required by a separate RWQCB action to implement additional Best Management Practices (BMPs), conduct additional monitoring activities, and/or comply with an applicable waste load allocation and implementation schedule.

8. This General Permit complies with 40 CFR 122.44(i)(3) and (4), which establish minimum monitoring requirements that must be included in storm water permits. These federal regulations require storm water permits to require at least one annual inspection and any monitoring requirements for applicable effluent limitation guidelines in 40 CFR Subchapter N. Federal regulations do not require storm water sampling or periodic visual observations to be included in storm water permits, with the exception of annual monitoring at facilities listed in Subchapter N. The minimum requirements in the regulations are that dischargers 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 discharger's SWPPP are adequate and properly implemented in accordance with the terms of this General Permit, and (3) determine whether additional control measures are needed.

9. This General Permit contains additional monitoring requirements that exceed the federal minimum monitoring requirements. These requirements are necessary to ensure that dischargers evaluate BMP effectiveness and General Permit compliance, determine whether pollutants are being discharged, and assist in determining the need for corrective actions. This General Permit requires dischargers to perform a variety of visual observations designed to identify sources of pollutants. Visual observation requirements include (1) quarterly visual observations of authorized and unauthorized non-storm water discharge, (2) monthly visual observations of storm water discharges, and (3) pre-storm facility visual observations.

10. This General Permit includes sampling and analysis for specific indicator parameters and facility specific pollutants to indicate the presence of pollutants in storm water discharges. This permit contains benchmark criteria for the indicator parameters and facility specific pollutants, which, if exceeded, will require dischargers to identify and implement additional controls.

11. This General Permit also includes one-time sampling and analysis for metals and semi volatile organics to allow the SWRCB to build a database of pollutants in industrial storm water discharges. This database will be used to determine the monitoring requirements and compliance standards for the next permit.

12. This action to adopt an NPDES general permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the California Water Code (CWC).

13. Effluent limitations and toxic and effluent standards established in Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the federal CWA, as amended, are applicable to storm water discharges and authorized non-storm water discharges regulated by this General Permit.

14. BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges are appropriate in lieu of numeric effluent limitations in storm water permits (40 CFR 122.44(k)(2)). In order to assure compliance with industrial storm water permit requirements, this General Permit specifies minimum BMPs that are applicable at all facilities and contains instructions for development of additional facility specific BMPs.

15. Federal regulations (40 CFR Subchapter N) establish effluent limitations guidelines for storm water discharges from facilities in eleven industrial categories. Dischargers subject to these guidelines are required to comply with them.

16. The RWQCBs shall administer and enforce the provisions of this General Permit.

17. Following public notice in accordance with State and federal laws and regulations, the SWRCB held public hearings on June 19, 2003, June 23, 2003, January 31, 2005, and February 3, 2005 and heard and considered all comments, testimony and evidence pertaining to this General Permit. A response to all significant comments has been prepared and is available for public review.

18. This Order is an NPDES General Permit in compliance with Section 402 of the CWA and shall take effect 100 days after adoption by the SWRCB.

19. All terms defined in the CWA, USEPA regulations, and the Porter-Cologne Water Quality Control Act will have the same definition in this General Permit unless otherwise stated.

20. This NPDES General Permit is consistent with the Anti-degradation Policy, 40 CFR 131.12, and SWRCB Resolution No. 68-16.

21. This General Permit may be modified to revise (1) the No-Exposure Certification (NEC) provisions, including the instructions, guidance, and form; and (2) the Section VIII.8 monitoring requirements. The Section VIII.8 monitoring requirements may be modified based on a proposal by dischargers to conduct a statewide monitoring study of industrial storm water discharges that would yield statistically valid results by the end of the fourth year of this General Permit term.

IT IS HEREBY ORDERED that dischargers regulated by this General Permit shall comply with the following:

I. DISCHARGE PROHIBITIONS:

1. Except as allowed in Section IV. Non-Storm Water Discharges, discharges of liquids or materials other than storm water (non-storm water discharges), either directly or indirectly to waters of the United States, are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.

2. Storm water discharges and authorized non-storm water discharges shall not contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.

II. EFFLUENT LIMITATIONS:

1. Storm water discharges from facilities subject to storm water effluent limitations guidelines in federal regulations (40 CFR Subchapter N) shall not exceed those effluent limitations. The effluent limitation guidelines for storm water discharges are incorporated by reference into this General Permit.

2. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or CFR Part 302.

3. Dischargers shall reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges through controls that meet BAT for toxic and non-conventional pollutants and BCT for conventional pollutants. Development and implementation of a SWPPP that complies with the requirements in Section VII (SWPPP Requirements) and that includes BMPs that achieve BAT/BCT constitute compliance with this requirement.

III. RECEIVING WATER LIMITATIONS:

1. Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not contain pollutants that cause a nuisance.

2. Storm water discharges and authorized non-storm water discharges shall not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable RWQCB's Water Quality Control Plans (Basin Plan).

IV. NON-STORM WATER DISCHARGES:

1. The following non-storm water discharges are authorized provided they satisfy the conditions of Section IV.2:

   a. Fire-hydrant and fire prevention or response system flushing;

   b. Potable water sources, including potable water related to the operation, maintenance, or testing of potable water systems;

   c. Drinking fountain water; atmospheric condensate, including refrigeration, air conditioning, and compressor condensate;

   d. Irrigation drainage and landscape watering;

   e. Natural springs, ground water, and foundation and footing drainage; and

   f. Seawater infiltration where the seawater is discharged back into the seawater source.

2. The non-storm water discharges identified in Section IV.1 are authorized by this General Permit only if all the following conditions are satisfied:

   a. The non-storm water discharges are not in violation of any RWQCB requirement;

   b. The non-storm water discharges are not in violation of any municipal agency ordinance or requirement:

   c. Dischargers include specific BMPs in the SWPPP to:

      i. Prevent or reduce the contact of non-storm water discharges with significant materials or equipment; and

      ii. minimize, to the extent practicable, the flow or volume of non-storm water discharges.

   d. The non-storm water discharges do not contain quantities of pollutants that may cause or contribute to an exceedance of a WQSs;

   e. Dischargers include in the SWPPP quarterly visual observations of non-storm water discharges and sources to ensure adequate BMP implementation and effectiveness; and

   f. Dischargers report and describe all non-storm water discharges in their Annual Reports.

Discharges from fire fighting activities are authorized by this General Permit and are not subject to the conditions of Section IV.2.

V. PROVISIONS:

1. As of the effective date of this General Permit [insert date after adoption], dischargers who are not permitted under SWRCB Order No. 97-03-DWQ and seek coverage under this General Permit shall complete and file an NOI using the NOI form and instructions attached (Attachment 4) to this General Permit. Dischargers permitted under SWRCB Order No. 97-03-DWQ shall be automatically covered under this General Permit on its effective date and are responsible to comply with its requirements regardless of whether a new NOI is filed. Until the effective date of this General Permit, dischargers shall comply with SWRCB Order No. 97-03-DWQ. Notification of this General Permit will be mailed to all dischargers. This General Permit will be available on the Internet and will be mailed upon request. If requested by the SWRCB or RWQCBs, existing dischargers shall submit updated NOI information and/or General Permit acknowledgment certification.

2. All dischargers must comply with the standard provisions and reporting requirements for each facility covered by this General Permit contained in Section XI, Standard Provisions.

3. Dischargers whose facilities include multiple industrial activities (industrial activities that are described by multiple Standard Industrial Classification Codes (SIC codes) are authorized to file a single NOI for coverage under this General Permit if the industrial activities are contiguous to each other, and the SWPPP and Monitoring Program address each industrial activity.

4. Dischargers shall request termination of their coverage under this General Permit when their facility is no longer required to be permitted. Dischargers shall complete and file a Notice of Termination (NOT) with the RWQCB using the SWRCB NOT form and instructions. Dischargers whose facilities qualify for the "Conditional Exclusion" from permitting in accordance with Section X and who file a NEC are not required to file a NOT for that facility. Upon request by the RWQCB, dischargers shall provide additional information supporting the NOT or NEC. Should the RWQCB deny approval of the NOT or rescind a NEC, dischargers shall continue to comply with the requirements of this General Permit. Dischargers are responsible for unpaid annual fees that accrue prior to NOT denial or NEC rescission.

5. Group Leaders shall comply with the requirements contained in Section IX. Group Monitoring Requirements.

6. Upon determination by the dischargers or written notification by the RWQCB that storm water discharges and/or authorized non-storm water discharges contain pollutants that are in violation of Receiving Water Limitations III.2, dischargers shall implement corrective actions that include:

   a. A facility evaluation to determine whether there are pollutant source(s) within the facility that are associated with industrial activity and whether BMPs described in the SWPPP have been properly implemented;

   b. An assessment of the facility's SWPPP and implementation to determine whether additional BMPs or SWPPP implementation measures are necessary to prevent or reduce pollutants in storm water discharges to meet Receiving Water Limitations III.2; and

   c. A certification, based upon the facility evaluation and assessment required above, that either:

      i. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP to meet Receiving Water Limitations III.2, or

      ii. No additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges to meet Receiving Water Limitations III.2, or

      iii. There are no sources of the pollutants at the facility.

iv. If a certification states that no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges to meet Receiving Water Limitations III.2, the certification must show why the exceedance occurred and why it will not occur again under similar circumstance.

d. Implement additional BMPs and corrective measures as soon as is practicable but, in any event, no later than the time limitations in paragraphs f – h, below.

e. Prepare and submit a report, within 30 days, to the RWQCB that describes the facility evaluation and the BMPs and corrective actions that are currently being implemented to assure compliance with Receiving Water Limitations III.2, and additional BMPs and corrective actions that will be implemented to assure compliance with Receiving Water Limitations III.2. An implementation schedule shall be provided for any additional BMPs or corrective actions not yet implemented as of the completion of the report. The implementation schedule shall not exceed 90 days from the date of the determination of the exceedance of Receiving Water Limitations III.2.

f. Submit any modifications to the report required by the RWQCB within 14 days of notification.

g. Within 14 days following approval of the report described above by the RWQCB, dischargers shall revise the SWPPP and monitoring program to incorporate the approved BMPs and corrective actions that have been and will be implemented, implementation schedule, and any additional monitoring required.

h. Nothing in this section shall prevent the appropriate RWQCB from enforcing any provisions of this General Permit while dischargers prepare and implement the above report.

7. When analytical results exceed the USEPA benchmark values in Table VIII.2 dischargers shall implement corrective actions that include:

a. A facility evaluation to determine whether there are pollutant source(s) within the facility that are associated with industrial activity and whether BMPs described in the SWPPP have been properly implemented;

b. An assessment of the facility's SWPPP and implementation to determine whether additional BMPs or SWPPP implementation measures are necessary to prevent or reduce pollutants in storm water discharges in compliance with BAT/BCT; and

c. A certification, based upon the facility evaluation and assessment required above, that either:

i. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP in compliance with BAT/BCT, or

ii. No additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT, or

iii. There are no sources of the pollutants at the facility.

v. If a certification states that no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT, the certification must show why the exceedance occurred and why it will not occur again under similar circumstance.

d. Implement additional BMPs and corrective measures as soon as is practicable but, in any event, no later than the time limitations in paragraphs f – h, below.

e. Prepare and submit a report, within 30 days, to the RWQCB that describes the facility evaluation and the BMPs and corrective actions that are currently being implemented to assure compliance with the benchmarks, and additional BMPs and corrective actions that will be implemented to assure compliance with the benchmarks. An implementation schedule shall be provided for any additional BMPs or corrective actions not yet implemented as of the completion of the report. The implementation schedule shall not exceed 90 days from the date of the determination of the exceedance of the benchmark.

f. Submit any modifications to the report required by the RWQCB within 14 days of notification.

g. Within 14 days following approval of the report described above by the RWQCB, dischargers shall revise the SWPPP and monitoring program to incorporate the approved BMPs and corrective actions that have been and will be implemented, implementation schedule, and any additional monitoring required.

h. Nothing in this section shall prevent the appropriate RWQCB from enforcing any provisions of this General Permit while dischargers prepare and implement the above report.

8. Discharges from facilities owned and operated by a Municipality with population of less than 100,000 had been previously exempt from permitting under Section 1068 of ISTEA until March 10, 2003. Municipal dischargers who have not already filed an NOI for coverage under the previous SWRCB Order No. 97-03-DWQ shall complete and file an NOI using the NOI form and instructions attached (Attachment 4) to this General Permit.

9. Dischargers may reduce the number of qualifying storm events sampled each reporting year by participating in an approved Group Monitoring Plan (GMP) in accordance with Section IX.

10. Dischargers shall prepare and submit Annual Reports in accordance with Section VIII.13. Dischargers shall submit written Annual Reports to the RWQCB with an original signature so that they are received no later than July 15 of each year. Upon written request by a municipal agency within whose jurisdiction the facility lies, dischargers shall provide copies of their Annual Reports to the municipal agency within 10 working days from receipt of the request.

11. Dischargers shall retain records of all storm water monitoring information and copies of all reports (including the Annual Reports) and SWPPPs required by this General Permit for a period of at least five years from the date they are generated or filed.

12. Dischargers that have been designated as a non-traditional Small Municipal Storm Sewer System (MS4), and which have not obtained coverage under the NPDES General Permit for the Discharge of Storm Water from Small MS4s, Order 2003-0005-DWQ, shall incorporate into the facility's SWPPP BMPs that comply with all of the Storm Water Management Program Requirements contained in that Order. Such dischargers shall submit their SWPPPs to the appropriate RWQCB within 180 days of designation (or as otherwise directed) and shall make amendments as required by the RWQCB.

13. SWRCB hereby rescinds SWRCB Order No. 97-03-DWQ as of the effective date of this General Permit, [insert date on adoption].

VI. RWQCB AUTHORITIES:

1. This General Permit recognizes the following RWQCB authorities:

a. RWQCBs shall enforce the provisions of this General Permit. This includes, but is not limited to, reviewing SWPPPs, monitoring programs, and Annual Reports, conducting compliance inspections, and taking enforcement actions.

b. As appropriate, RWQCBs may issue NPDES storm water general or individual permits to individual dischargers, categories of dischargers, or dischargers within a watershed or geographic area. Upon issuance of such NPDES permits, this General Permit shall no longer regulate the affected discharger(s).

2. RWQCBs may require dischargers to revise their SWPPPs or monitoring program to achieve compliance with this General Permit. Dischargers shall implement these revisions in accordance with a schedule provided by the RWQCB.

3. RWQCBs may approve requests from dischargers to include co-located, but discontinuous, industrial activities within the same facility location under a single NOI so long as the dischargers adequately address all the facility's significant pollutant sources in the SWPPP and Monitoring Program.

VII. SWPPP REQUIREMENTS:

1. Implementation Schedule

Dischargers shall develop and implement a facility specific SWPPP for each facility covered by this General Permit in accordance with the following schedule.

a. Dischargers beginning industrial activities on or after the effective date of this General Permit shall develop and implement the SWPPP when industrial activities begin.

b. Dischargers who submitted a NOI, pursuant to SWRCB Order No. 97-03-DWQ, shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP no later than [insert date on adoption].

2. SWPPP Performance Standards

a. Dischargers shall prepare and implement a SWPPP to achieve the following performance standards:

i. Dischargers shall identify and evaluate all sources of pollutants that may affect the quality of a facility's storm water discharges and authorized non-storm water discharges;

ii. Dischargers shall identify, describe, and implement the minimum BMPs as required in Section VIII.8.a. and additional facility-specific BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. BMPs shall be selected to achieve BAT/BCT and compliance with WQSs; and

iii. Dischargers shall identify and implement timely revisions and/or updates to the SWPPP.

b. To achieve the SWPPP performance standards, dischargers shall prepare written facility-specific SWPPPs in accordance with all applicable SWPPP requirements of this Section. The SWPPP shall include all required maps, descriptions, schedules, checklists, and relevant copies or specific references to other documents that satisfy the requirements of this Section.[2]

[2] Fact Sheet Figure 1, summarizes the typical development and implementation steps necessary to achieve the described objectives.

3. Planning and Organization

   a. SWPPP Checklist

      Upon completing the facility's SWPPP, dischargers shall prepare the SWPPP Checklist (Attachment 6). This checklist lists the SWPPP requirements of this section. For each requirement listed, dischargers shall identify the page number(s) where the requirement is located in the SWPPP (or the title, page number(s), and location of any reference documents), the implementation date or last revision date, and SWPPP requirements that may not be applicable to the facility. Dischargers shall attach the completed checklist to the SWPPP.

   b. Pollution Prevention Team

      Dischargers shall include the following items in the SWPPP:

      i. The names and titles of specific individuals, or the positions within the facility organization, as members of a storm water pollution prevention team responsible for developing, implementing, and revising the SWPPP and conducting all monitoring program activities required in Section VIII.

      ii. The responsibilities, duties, and activities of each team member.

      iii. The procedures that shall be implemented to identify alternate individuals or positions to perform the required pollution prevention team responsibilities when team members are temporarily unavailable (due to vacation, illness, out of town meetings, etc.).

   c. Review Other Requirements and Existing Facility Plans

      i. Dischargers shall develop, implement, and revise the SWPPP as necessary to be consistent with any applicable municipal, State, and federal requirements that pertain to the requirements of this General Permit. For example, a municipal storm water management agency may require specific BMP implementation activities.

      ii. Dischargers may incorporate or reference the elements of existing plans, procedures, or regulatory compliance documents that contain storm water related BMPs or otherwise relate to the requirements of this General Permit. For example, dischargers whose facilities are subject to Federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, dischargers whose facilities are subject to regional air quality emission controls may already have evaluated and are controlling industrial related emissions.

4. Facility Map

   Dischargers shall prepare a facility map. The facility map shall be provided on an 8-1/2 x 11-inch or larger sheet and shall include notes, legends, north arrow, and other data as appropriate to ensure that the facility map is clear and understandable. If necessary, dischargers may provide the required information on multiple facility maps. Dischargers shall include the following information on the facility map:

   a. Outlines of the facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas. Include the flow direction of each drainage area; on-facility surface water bodies; areas of soil erosion; and location(s) of near-by water bodies (such as rivers, lakes, wetlands, etc.) or municipal

storm drain inlets that may receive the facility's storm water discharges and authorized non-storm water discharges.

b. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.

c. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.

d. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in Section VII.6.d have occurred.

e. Areas of industrial activity. Identify all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and reusing areas, and other areas of industrial activity which may have potential pollutant sources.

5. List of Significant Materials

Dischargers shall prepare a list of significant materials handled and stored at the facility and shall describe the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

6. Description of Potential Pollutant Sources

For each area of industrial activity identified in Section VII.4.e, dischargers shall prepare a narrative description of the facility's industrial activities, potential pollutant sources, and potential pollutants that could be exposed to storm water or authorized non-storm water discharges. At a minimum, the following industrial activities shall be described as applicable:

a. Industrial Processes

Describe each industrial process including the manufacturing, cleaning, maintenance, recycling, disposal, or other activities related to the process. Include the type, characteristics, and approximate quantity of significant materials used in or resulting from the process. Areas protected by containment structures and the corresponding containment capacity shall be identified and described.

b. Material Handling and Storage Areas

Describe each handling and storage area, including the type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Areas protected by containment structure and the corresponding containment capacity shall be identified and described.

c. Dust and Particulate Generating Activities

Describe all industrial activities that generate dust or particulate pollutants that may be deposited within the facility's boundaries. Include their discharge locations and the type, characteristics, and estimated quantity of dust and particulate pollutants that may be

deposited within the facility's boundaries. Identify the primary areas of the facility where dust and particulate pollutants would settle.

d. Significant Spills and Leaks

Identify and describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges within the previous five-year period. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on USEPA Form R and oil and hazardous substances in excess of reportable quantities (see 40 CFR, Parts 110, 117, and 302).

The description shall include the location, characteristics, and approximate quantity of the materials spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spills or leaks of the material do not recur.

e. Non-Storm Water Discharges

i. Dischargers shall inspect the facility to identify all non-storm water discharges, sources, and drainage areas. All drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

ii. All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

iii. For each non-storm water discharge described above, identify whether the discharge is an authorized or unauthorized non-storm water discharge in accordance with Section IV. Examples of unauthorized non-storm water discharges are rinse and wash water (whether detergents are used or not), contact and non-contact cooling water, and boiler blow-down.

f. Soil Erosion

Describe the facility locations where soil erosion may be caused by industrial activity, contact with storm water or authorized non-storm water discharges, or from run-on from surrounding areas of the facility.

7. Assessment of Potential Pollutant Sources

a. Dischargers shall include in the SWPPP a narrative assessment of all areas of industrial activity and potential industrial pollutant sources as described in Section VII.6 to determine: (1) which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges, and (2) which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. At a minimum, dischargers shall consider:

i. The quantity, physical characteristics (liquid, powder, solid, etc.), and locations of each significant material handled, produced, stored, recycled, or disposed.

ii. The degree pollutants associated with those materials are exposed to and mobilized by contact with storm water.

iii. The direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.

iv. Sampling, visual observation, and inspection records.

v. Effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

b. Based upon the assessment above, the discharger shall identify any areas of the facility where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

8. BMPs

Dischargers shall identify, describe and implement appropriate facility specific BMPs that will reduce or prevent pollutants in storm water discharges to achieve compliance with the BAT/BCT standard and compliance with WQSs. These BMPs must include all of the minimum BMPs required in Section VII.8.a. and additional facility specific BMPs as required in Section VII.8.b.

Minimum BMPs

Dischargers shall implement the following minimum BMPs described below throughout their facilities unless clearly inapplicable to the facility. If any of the minimum BMPs are not applicable to the facility, dischargers shall include a written explanation of inapplicability in their SWPPP. Dischargers have the burden to prove inapplicability. Dischargers may use alternative BMPs instead of the minimum BMPs only if the dischargers provide specific justification in their SWPPP explaining why the minimum BMPs can not be implemented, and what alternative BMPs shall be implemented that will reduce or prevent pollutants in storm water discharges at least to the same degree. Dischargers have the burden to show that its alternative BMPs are at least as effective as the minimum BMPs.

i. Good Housekeeping, including procedures to maintain a clean and orderly facility. Dischargers shall:

(1) Inspect weekly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, wastes, and spilled, tracked, or leaked materials shall be cleaned and disposed of properly. Weekly inspections may be suspended during periods when there is no outdoor exposure of industrial activities or materials. If a different inspection schedule is prescribed by regulation for a particular facility or type of facilities (such as closed landfills) the schedule can be adjusted to follow the applicable regulation;

(2) Implement BMPs to reduce or prevent material tracking;

(3) Implement BMPs to ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;

(4) Cover all stored industrial materials that can be readily mobilized by contact with storm water;

(5) Contain all stored non-solid industrial materials (such as liquids and powders) that can be transported or dispersed via wind dissipation or contact with storm water;

(6) Prevent disposal of any rinse/wash waters or industrial materials into the storm drain system; and

(7) Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this General Permit's requirements.

ii. Preventative Maintenance, including material handling and waste management, generally addresses the procedures necessary to minimize the potential for spills and leaks during material handling and to minimize exposure of materials that can be mobilized by contact with storm water or transported via wind erosion during material handling.

Preventative maintenance BMPs generally include the regular inspection and maintenance of facility equipment and systems used outdoors (such as forklifts, process machinery, storage containers, etc) to prevent spills and leaks from occurring due to age, use, malfunction, or damage. Dischargers shall:

(1) Identify all equipment and systems used outdoors that may spill or leak pollutants;

(2) Inspect weekly each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks. Weekly inspections may be suspended during periods when there is no outdoor exposure of the equipment and systems;

(3) Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours of use, mileage, age, etc; and

(4) Establish procedures for prompt maintenance and repair of equipment and systems when inspections detect leaks or when conditions exist that may result in the development of spills or leaks.

iii. Spill Response Procedures generally address incidents of spills or leaked material based upon the quantities and locations of significant materials that may spill or leak. Dischargers shall:

(1) Develop and implement spill response procedures. Spill response shall be designed to prevent spilled materials from discharging from the facility via the storm drain system. Spilled materials shall be cleaned promptly and disposed of properly;

(2) Identify and describe all necessary and appropriate spill response equipment, location of spill response equipment, and spill response equipment maintenance procedures; and

(3) Identify and train appropriate spill response personnel.

iv. Material Handling/Waste Management: practices to minimize exposure of waste materials to storm water. Dischargers shall:

(1) Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with storm water during a storm event;

(2) Contain non-solid materials or wastes that can be dispersed via wind erosion during handling;

(3) Cover waste disposal containers when not in use;

(4) Clean all spills of materials/wastes that occur during handling in accordance with the spill response procedures required in Section VII.8.a.iii; and

(5) Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

v. Employee Training Program: ensures that all necessary personnel responsible for implementing the various compliance activities of this General Permit, including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management are adequately trained. Dischargers shall:

(1) Prepare or acquire appropriate training manuals or training materials;

(2) Identify which personnel shall be trained, their responsibilities, and the type of training they shall receive;

(3) Provide a training schedule; and

(4) Maintain documentation of all completed training classes and the personnel who received training.

vi. Record Keeping and Quality Assurance: relates to the discharger's internal management effort to ensure compliance activities are completed properly and documented.

(1). Dischargers shall keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual observations, etc.

(2). Dischargers shall develop and implement management procedures to ensure that the appropriate staff implements all elements of the SWPPP and Monitoring Program.

vii. Erosion/Sediment Control typically includes practices to prevent erosion from occurring. This includes the planting and maintenance of vegetation to stabilize the ground, diversion of run-on and run-off away from areas subject to erosion, etc. Sediment control includes practices to reduce the discharge of sediment once erosion has occurred. It includes sedimentation ponds, silt screens, etc. For each facility location identified in Section VII.6.f, dischargers shall:

(1) Implement erosion/sediment controls at these identified areas; and

(2) Maintain erosion/sediment controls to achieve optimal performance during storm events.

viii. Periodic visual inspections of a facility are necessary to ensure that the SWPPP addresses any significant changes to the facility's operations or BMP implementation procedures. Dischargers shall:

(1) During each reporting year, conduct a minimum of four quarterly visual inspections of all areas of industrial activity and associated potential pollutant sources. The annual comprehensive facility compliance evaluation described in Section VII.9 may substitute for one of the quarterly inspections;

(2) Implement any corrective actions and/or SWPPP revisions resulting from the inspection;

(3) Prepare a summary and status of the corrective actions and SWPPP revisions resulting from the quarterly inspections. This summary shall be reported in the Annual Report; and

(4) Certify in the Annual Report that each quarterly visual inspection was completed.

b. Additional Facility Specific BMPs

The BMPs listed in VII.8.a are the minimum BMPs that are required for all facilities. Dischargers, based upon the potential pollutant source assessment required in Section VII.7, shall identify and implement additional facility specific BMPs necessary to reduce or prevent pollutants in storm water discharges to achieve compliance with the BAT/BCT standard and compliance with WQSs.

c. BMP Descriptions

Dischargers shall include in the SWPPP a narrative description of each BMP implemented at the facility that includes:

i. The type of pollutants the BMP is designed to reduce or prevent;

ii. The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation;

iii. The locations within each area of industrial activity or industrial pollutant source where the BMP shall be implemented;

iv. Identification of the individual and/or position responsible for implementing the BMP;

v. The procedures (including maintenance procedures) and/or instructions to implement the BMP; and

vi. The equipment and tools necessary to implement the BMP.

d. BMP Summary

Dischargers shall prepare a table summarizing each identified area of industrial activity, the associated industrial pollutant sources, industrial pollutants, and BMPs. Dischargers shall prepare this table similar to the example provided in Fact Sheet Figure 2.

9. Annual Comprehensive Facility Compliance Evaluation

Dischargers shall conduct one comprehensive facility compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted no less than 8 months from each other. Dischargers shall revise the SWPPP, as appropriate, and implement the revisions within 90 days of the evaluation. Dischargers shall include the following items in their evaluations:

a. A review of all visual observation records, inspection records, and sampling and analysis results conducted during the previous four quarters.

b. A visual inspection of all areas of industrial activity and associated potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system. A visual inspection of equipment needed to implement the SWPPP shall be included.

c. A review and evaluation of all BMPs for each area of industrial activity and associated potential pollutant sources to determine whether the BMPs are properly designed, implemented, and are effective in reducing and preventing pollutants in storm water discharges and authorized non-storm water discharges.

d. An evaluation report that includes:

i. Identification of personnel performing the evaluation;

ii. Date(s) of the evaluation;

iii. Summary and implementation dates of all significant corrective actions and SWPPP revisions for the reporting year;

iv. Schedule for implementing any incomplete corrective actions and SWPPP revisions;

v. Any incidents of non-compliance and the corrective actions taken; and

vi. A certification of compliance with this General Permit. If the certification cannot be provided, dischargers shall explain in the evaluation report why General Permit compliance has not been attained; and

vii. The evaluation report shall be submitted as part of the Annual Report, retained for at least five years, and signed and certified in accordance with Standard Provisions 9 and 10 of Section XI. Dischargers shall prepare the evaluation report using the standardized format and checklists included in the Annual Report forms provided by the SWRCB or appropriate RWQCB.

10. General Requirements

a. Dischargers shall retain the SWPPP at their facilities. At the time of inspection by a RWQCB, SWRCB, USEPA, or municipal storm water management agency (local agency) inspector, dischargers shall provide the SWPPP immediately for review if requested. Upon written request by a representative of the RWQCB, SWRCB, USEPA, or municipal storm water management agency (local agency), dischargers shall provide a copy of the SWPPP within five (5) working days from the date the request is received. In accordance with Section 308(b) of the CWA, the SWPPP is considered a report that shall be available to the public. As appropriate, dischargers may provide national security sensitive information as a separate attachment to the SWPPP. Information that is not subject to disclosure pursuant to the California Public Records Act (e.g., trade secrets) must be segregated in the SWPPP submittal and justification for confidentiality must be included.

b. Upon notification by the RWQCB or SWRCB that the SWPPP does not meet one or more of the minimum requirements of this Section, dischargers shall revise the SWPPP and implement additional BMPs that are effective in reducing and eliminating pollutants in storm water discharges and authorized non-storm water discharges. If requested, dischargers shall provide an implementation schedule and/or completion certification.

c. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which:

i. Significantly increase the exposure of industrial materials and material handling equipment to storm water; or

ii. Add new areas of industrial activity; or

iii. Begin an industrial activity that would introduce a new pollutant source.

d. Other than as provided in Provisions V.6, V.7, dischargers shall revise the SWPPP and implement the appropriate BMPs in a timely manner but in no case more than 90 days after a determination that the SWPPP is in violation of any General Permit requirement.

e. Dischargers shall report any non-compliance with Permit requirements within seven days as follows:

i. Submit a report to the RWQCB that:

(1) Identifies the portion of the SWPPP that will not be implemented within 90 days of determining that the SWPPP is in violation of a General Permit requirement;

(2) Explains the reason for non-compliance and provides a schedule for completing and implementing that portion of the SWPPP; and

(3) Describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

ii. Comply with any request by the RWQCB to modify the report required in Section VII.10.e.i. or provide certification that the SWPPP revisions have been implemented.

VIII. MONITORING PROGRAM AND REPORTING REQUIREMENTS:

1. Implementation Schedule

A monitoring program shall be developed and implemented for each facility covered by this General Permit in accordance with the following schedule:

a. Dischargers beginning industrial activities after the adoption of this General Permit shall develop and implement a monitoring program when the facility begins industrial activities.

b. Dischargers that submitted a NOI pursuant to SWRCB Order No. 97-03-DWQ shall continue to implement their existing monitoring program and implement any necessary revisions to their monitoring program necessary to comply with this permit no later than [insert date on adoption].

2. Objectives

a. The facility's Monitoring Program shall be prepared and implemented to provide indicator monitoring information for the following:

i. BMPs addressing pollutants in storm water discharges and authorized non-storm water discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of this General Permit;

ii. The presence of pollutants (and their sources) in storm water discharges and authorized non-storm water discharges that may require immediate corrective action, additional BMP implementation, or SWPPP revisions; and

iii. The effectiveness of BMPs to prevent or reduce pollutants in storm water discharges and authorized non-storm water discharges.

b. To achieve the Monitoring Program objectives, dischargers shall prepare written facility-specific monitoring programs in accordance with all applicable monitoring program requirements of this Section. Much of the information necessary to develop the monitoring program, such as discharge locations, drainage areas, pollutant sources, etc., is available in the facility's SWPPP. The monitoring program shall include all monitoring procedures

and instructions, location maps, forms and checklists, and relevant copies of or specific references to other documents that satisfy the requirements of this Section.

Non-storm Water Discharge Visual Observations

a. Dischargers shall visually observe each drainage area for the presence (or indications of prior)

b. unauthorized non-storm water discharges and their sources;

c. Dischargers shall visually observe the facility's authorized non-storm water discharges and their sources;

d. One visual observation shall be conducted quarterly in each of the following periods: January-March, April-June, July-September, and October-December. Dischargers shall not conduct quarterly visual observations more than 16 weeks apart. Visual observations are only required during daylight hours, on days without precipitation, and during scheduled facility operating hours[3].

e. isual observations shall document the presence or indication of any non-storm water discharge, pollutant characteristics (floating and suspended material, oil and grease, discoloration, turbidity, odor, etc.), and source. Dischargers shall maintain records of the personnel performing the visual observations, the dates and approximate time each drainage area and non-storm water discharge was observed, and the response taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges. The SWPPP shall be revised, as necessary, and implemented in accordance with Section VIII.

3. Storm Water Discharge Visual Observations

a. Dischargers shall visually observe storm water discharges from the first qualifying storm event in each month of the wet season (October 1-May 31). These visual observations shall occur at all discharge locations during the first hour of discharge. As related to visual observations, a qualifying storm event is one that begins producing storm water discharge during daylight scheduled facility operating hours and is preceded by at least three (3) working days[4] without storm water discharge.

b. Dischargers shall visually observe the discharge of stored or contained storm water at the time of discharge. Dischargers are only required to visually observe such discharges if they occur under daylight conditions and during scheduled facility operating hours (operating hours). Stored or contained storm water that will likely discharge after operating hours due to anticipated precipitation shall be observed prior to the discharge during operating hours.

c. For the visual observations described in Subsections 4.a and b, dischargers shall observe the presence or absence of floating and suspended materials, oil and grease, discolorations, turbidity, odors, and source(s) of any observed pollutants.

d. At least once a month, dischargers shall visually observe any storm water storage and containment areas to detect leaks and ensure maintenance of adequate freeboard.

e. Prior to completing each monthly visual observation required in Subsection 4.a, dischargers shall record any storm events that occurred during operating hours that did not produce a discharge.

[3] "Scheduled facility operating hours" are the time periods when the facility is staffed to conduct any function related to industrial activity, but excluding time periods where only routine maintenance, emergency response, security, and/or janitorial services are performed.

[4] Three (3) working days may be separated by non-working days such as weekends and holidays provided that storm water discharges do not occur during the three (3) working days and the non-working days.

f. Prior to anticipated storm events, dischargers shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate corrective actions. Pre-storm inspections are only required during operating hours. Dischargers are not required to conduct pre-storm visual observation within fourteen (14) days of a previous pre-storm visual observation.

g. Dischargers shall maintain records of all visual observations, personnel performing the observations, observation dates, locations observed, and corrective actions taken in response to the observations. As necessary, the SWPPP shall be revised to incorporate additional BMPs to reduce or prevent pollutants in storm water discharges in accordance with Section VII.

4. Sampling and Analysis

a. Dischargers shall collect storm water samples during the first hour of discharge from the first two qualifying storm events of the wet season. All discharge locations that discharge storm water associated with industrial activity shall be sampled. Sampling of stored or contained storm water shall occur at the time the stored or contained storm water is discharged. Dischargers who do not collect samples from either or both the first two qualifying storm events of the wet season shall collect samples from the next qualifying storm events of the wet season and shall explain in the Annual Report why either or both of the first two qualifying storm events were not sampled.

b. Sample collection is only required of storm water discharges that begin to occur during operating hours and that are preceded by at least (3) three working days without storm water discharge.

c. Dischargers shall analyze samples for:

i. Total suspended solids (TSS), pH, specific conductance, and total organic carbon (TOC). Oil and grease O&G may be substituted for TOC;

ii. Parameters indicating the presence of pollutants identified in the pollutant source assessment required in Section VII.7. Dischargers shall modify these additional parameters in accordance with any updated SWPPP pollutant source assessment;

iii. Parameters listed in Table VIII.1 “Additional Analytical Parameters”. These parameters are dependent on the facility’s SIC code(s);

iv. Parameters indicating the presence of pollutants that may be causing or contributing to an existing exceedance of a WQS in the facility’s receiving waters; and

v. Parameters required by the RWQCB.

d. Dischargers shall select analytical test methods from the list provided in Table VIII.2 “Parameter Benchmark Values, Test Methods, Detection Limits, and Reporting Units”. Dischargers shall contact the RWQCB to determine appropriate analytical methods for parameters not listed on Table VIII.2 and for parameters required pursuant to Subsection 5.c.iv.

e. All storm water sample collection preservation and handling shall be conducted in accordance with Section VIII.10 “Storm Water Sample Collection and Handling Instructions.”

f. When analytical results exceed the USEPA benchmark values in Table VIII.2 dischargers shall comply with the following requirements:

i. Implement the procedures required in Section V.7.

ii. Collect and analyze samples in accordance with Section VIII.5.c from at least the next two consecutive qualifying storm events. This applies to all dischargers including participants in a group monitoring plan. Dischargers shall continue sample collection and analysis until two consecutive samples result in no further exceedances of the USEPA benchmarks.

5. Facilities Subject to federal Storm Water Effluent Limitation Guidelines

Dischargers with facilities subject to federal storm water effluent limitation guidelines, in addition to the requirements in Section VIII.5, shall:

a. Collect and analyze samples from two qualifying storm events per year for any pollutant specified in the appropriate category of 40 CFR Subchapter N;

b. Estimate or calculate the volume of storm water discharges from each drainage area;

c. Estimate or calculate the mass of each regulated pollutant as defined in the appropriate category of 40 CFR Subchapter N; and

d. Identify the individual(s) performing the estimates or calculations in accordance with Subsections b. and c. above.

6. One-Time Pollutant Scan

a. In addition to the analysis required in Section VIII.5.c, dischargers shall each analyze at least one sample collected from the first storm event during the 2008-2009 compliance year for the parameters described in Subsection 7.b below. Dischargers shall submit the analytical results with their Annual Report.

b. The sample identified in Subsection 7.a above shall be analyzed for the following additional parameters: Chemical Oxygen Demand, Copper, Zinc, Lead, Aluminum, Iron, Magnesium, Arsenic, Cadmium, Nickel, Mercury, Selenium, Silver, and semi volatile organics as described in SM 5210B (See Table VIII.2.).

7. Sample Storm Water Discharge Locations

a. Dischargers shall visually observe and collect samples of storm water discharges from all drainage areas associated with industrial activity. The storm water discharge collected and observed shall be representative of the storm water discharge in each drainage area.

b. Dischargers shall identify alternate visual observation and sample collection locations if the facility's drainage areas are affected by storm water run-on from surrounding areas. The storm water discharge collected and observed shall be representative of the facility's storm water discharge in each drainage area.

c. If visual observation and sample collection locations are difficult to observe or sample (e.g., sheet flow, and submerged discharge outlets), dischargers may identify other alternative locations representative of the facility's storm water discharges.

d. Dischargers shall collect samples from all drainage areas. Dischargers may analyze each sample collected, or may analyze a combined sample consisting of equal volumes of samples collected from as many as four (4) drainage areas. A minimum of one combined sample shall be analyzed for every four (4) drainage areas.

8. Visual Observation and Sample Collection Exceptions

a. Dischargers shall be prepared to collect samples and conduct visual observations at the beginning of the wet season (October 1) and throughout the wet season until the minimum requirements of Subsections 4 & 5 above are completed. Dischargers are not required to collect samples or conduct visual observations under the following conditions:

i. During dangerous weather conditions such as flooding and electrical storms;

ii. Outside of scheduled operating hours; or

iii. When a storm event in the preceding three workdays (consecutive or non-consecutive) produced a discharge.

Dischargers that do not collect the required samples or visual observations during a wet season due to these exceptions shall include an explanation in the Annual Report why the sampling or visual observations were not conducted.

9. Storm Water Sample Collection and Handling Instructions

a. Identify the parameters required for testing and the number of storm water discharge points that will be sampled. Request the laboratory to provide the appropriate number of sample containers, sample container labels, blank chain of custody forms, and sample preservation instructions.

b. Determine how you will ship the samples to the laboratory. The testing laboratory should receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory). Your options are to either deliver the samples to the laboratory, arrange to have the laboratory pick them up, or overnight ship them to the laboratory.

c. Use only the sample containers provided by the laboratory to collect and store samples. Use of any other type of containers could contaminate your samples.

d. To prevent sample contamination, do not touch, or put anything into the sample containers before collecting storm water samples.

e. Do not overfill sample containers. Overfilling can change the analytical results.

f. Tightly screw the cap of each sample container without stripping the threads of the cap.

g. Complete and attach a label to each sample container. The label shall identify the date and time of sample collection, the person taking the sample, and the sample collection location or discharge point. The label should also identify any sample containers that have been preserved.

h. Carefully pack sample containers into an ice chest or refrigerator to prevent breakage and maintain temperature during shipment. Remember to place frozen ice packs into shipping container. Samples should be kept as close to 4° C (39° F) as possible until arriving at the laboratory. Do not freeze samples.

i. Complete a Chain of Custody form for each set of samples. The Chain of Custody form shall include the discharger's name, address, and phone number, identification of each sample container and sample collection point, person collecting the samples, the date and time each sample container was filled, and the analysis that is required for each sample container.

j. Upon shipping/delivering the sample containers, obtain both the signatures of the persons relinquishing and receiving the sample containers.

k. Dischargers shall designate and train personnel to collect, maintain, and ship samples in accordance with the above sample protocols and good laboratory practices.

Refer to TableVII.2 for test methods, detection limits, and reporting units.

10. Monitoring Methods

a. The facility's monitoring program shall include a description of the following items:

i. Visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures.

ii. Sampling locations, and sample collection and handling procedures. This shall include detailed procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained. Dischargers shall attach to the monitoring program an example Chain of Custody form used when handling and shipping samples.

iii. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required in Section VIII.5.

b. 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 (including a dischargers' own field instruments for measuring pH and specific conductance) shall be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. All laboratory analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the RWQCB. All metals shall be reported as total metals. With the exception of field analysis conducted by dischargers for pH and specific conductance, all analyses shall be sent to and conducted at a laboratory certified for such analyses by the State Department of Health Services. Dischargers may conduct their own field analysis of pH and specific conductance if the dischargers have sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.

11. Inactive Mining Operations

Inactive mining operations are defined in Attachment 1 of this General Permit. Where comprehensive facility compliance evaluations, non-storm water discharge visual observations, storm water discharge visual observations, and storm water sampling are impracticable, dischargers of inactive mining operations may instead obtain certification once every three years by a Registered Professional Engineer that an SWPPP has been prepared for the facility and is being implemented in accordance with the requirements of this General Permit.

12. Records

Records of all storm water monitoring information and copies of all reports (including the Annual Reports) required by this General Permit shall be retained for a period of at least five years. These records shall include:

a. The date, place, time of facility inspections, sampling, visual observations, and/or measurements;

b. The individual(s) who performed the facility inspections, sampling, visual observations, and or measurements;

c. Flow measurements or estimates (if required by Section VIII.6);

d. The date and approximate time of analyses;

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

f. A summary of all analytical results from the last five years, the method detection limits and reporting units, and the analytical techniques or methods used;

g. Quality assurance/quality control records and results;

h. Non-storm water discharge inspections and visual observations and storm water discharge visual observation records (see Section VIII.3. and 4.);

i. Visual observation and sample collection exception records (see Section VIII.3, 4, 5.d, 7.d, and 8;

j. The certification(s) required in Provision V.7.c; and

k. The records of any corrective actions and follow-up activities that resulted from analytical results, visual observations, or inspections.

13. Annual Report

a. Dischargers shall deliver or transmit an originally signed Annual Report to the RWQCB on or before July 15 of each year. Upon written request, dischargers shall provide copies of their Annual Reports to the local agency, SWRCB, or USEPA within ten (10) working days after receiving the request.

b. Each Annual Report shall be signed and certified in accordance with Section X.9 and X.10.

c. A copy of each Annual Report shall be retained at the facility for a minimum of five years.

d. The Annual Report shall include a summary and evaluation of all sampling and analysis results, original laboratory reports, the Annual Comprehensive Facility Compliance Evaluation Report required in Section VII.9, a summary of all corrective actions taken during the compliance year, identification of any compliance activities or corrective actions that were not implemented, records specified in Subsection 12.i, and the analytical method, method reporting unit, and method detection limit of each analytical parameter. Analytical results that are less than the method detection limit shall be reported as "less than the method detection limit."

e. Dischargers shall prepare and submit their Annual Reports using a standard annual report form provided by the SWRCB or appropriate RWQCB.

f. Dischargers may submit their annual report information using an alternative annual report form, subject to RWQCB approval, in accordance with the following conditions:

   i. The alternative Annual Report form shall be similarly formatted and organized with that of the standard Annual Report form and shall address each reporting item included in the standard Annual Report form. Dischargers shall justify that use of the alternative annual report form is necessary in order to adequately report monitoring information that exceeds the minimum monitoring requirements of this General Permit.

   ii. Dischargers shall provide written justification as described in Subsection 13.i, and a copy of the proposed alternative annual report to the appropriate RWQCB by October 1. Dischargers filing alternative Annual Report form justifications after October 1 are not eligible to file an alternative Annual Report form until the following compliance year.

TABLE VIII.1

Additional Analytical Parameters

SIC	SIC Description	Parameters	SIC	SIC Description	Parameters
102X	**Copper Ores**	**COD;N+N**	306X	Misc. Fabricated Rubber Products	Zn
12XX	Coal Mines	Al ;Fe	325X	Structural Clay Products	Al
144X	Sand & Gravel	N+N	326X	Pottery & Related Products	Al
207X	Fats & Oils	BOD;COD;N+N	3297	Non-Clay Refractories	Al
2421	Sawmills & Planning Mills	COD;Zn	327X	Concrete, Gypsum, Plaster Products (Except 3274)	Fe
2426	Hardwood Dimension	COD	3295	Minerals & Earths	Fe
2429	Special Product Sawmills	COD	331X	Steel Works, Blast Furnaces, Rolling & Finishing Mills	Al;Zn
243X	Millwork, Veneer, Plywood	COD	332X	Iron & Steel Foundries	Al;Cu;Fe;Zn
244X	Wood Containers	COD	335X	Metal Rolling, Drawing, Extruding	Cu;Zn
245X	Wood Buildings & Mobile Homes	COD	336X	Nonferrous Foundries (Castings)	Cu;Zn
2491	Wood Preserving	As;Cu	34XX	Fabricated Metal Products (Except 3479)	Zn;N+N;Fe;Al
2493	Reconstituted Wood Products	COD	3479	Coating & Engraving	Zn;N+N
263X	Paperboard Mills	COD	4953	Hazardous Waste Facilities	NH3;Mg;COD; As;CN;Pb;HG; Se;Ag
281X	Industrial Inorganic Chemicals	Al;Fe;N+N	44XX	Water Transportation	Al;Fe;Pb;Zn
282X	Plastic Materials, Synthetics	Zn	45XX	Air Transportation Facilities	BOD;COD;NH 3
284X	Soaps, Detergents, Cosmetics	N+N; Zn	4911	Steam Electric Power Generating Facilities	Fe
287X	Fertilizers; Pesticides, etc.	Fe ;N+N ;Pb ;Zn ;P	4953	Landfills & Land Application Facilities	Fe
301X	Tires, Inner Tubes	Zn	5015	Dismantling or Wrecking Yards	Fe;Pb;Al
302X	Rubber and Plastic Footwear	Zn	5093	Scrap and Waste Materials	Fe;Pb;Al;uZn; COD
305X	Rubber & Plastic Sealers & Hoses	Zn			

Parameter Descriptions

Al – Aluminum
Cd - Cadmium
Cu – Copper
Mg – Mag
BOD – Biochemical Oxygen Demand
As – Arsenic
CN – Cyanide
Fe – Iron
Ag – Silver
N+N - Nitrite & Nitrite Nitrogen
NH – Ammonia
Hg – Mercury
P – Phosphorus
Se – Selenium
Pb - Lead
Zn – Zinc
TSS – Total Suspended Solids
COD – Chemical Oxygen Demand
Nl - Nickel

TABLE VIII.2
Parameter Benchmark Values, Test Methods, Detection Limits, and Reporting Units

PARAMETER	TEST METHOD	DETECTION LIMIT	REPORTING UNITS	BENCHMARK VALUE
pH*	EPA 9040 and/or Field Test with Calibrated Paper or Portable Instrument		pH units	6.0-9.0
Suspended Solids (TSS)*, Total	EPA 160.2 SM2540-D	1.0	mg/L	100
Specific Conductance (S/C)*	EPA 120.1/ SM 2510-B or Field Test with Portable Instrument	1.0	umhos/cm	200
Oil & Grease (TOG)*, Total	EPA 413.2 EPA 1664	1.0	mg/L	15
Organic Carbon(TOC)*, Total	SM 5310C	0.01	mg/L	110
Zinc, Total (H)	EPA 200.8	.0005	mg/L	.117
Copper, Total (H)	EPA 200.8	.0005	mg/L	.0636
Lead, Total (H)	EPA 200.8	.0005	mg/L	.0816
Chemical Oxygen Demand	SM 5220C	1	mg/L	120
Aluminum, Total (pH 6.5-9.0)	EPA 200.8	0.0005	mg/L	.75
Iron, Total	EPA200.8	0.005	mg/L	1.0
Nitrate + Nitrite Nitrogen	SM 4500-NO3- E	0.01	mg/L as N	.68
Total Phosphorus	SM 4500-P B+E	0.05	mg/L as P	2.0
Ammonia	SM 4500-NH3 B+ C or E	0.1	mg/L	19
Magnesium, total	EPA 200.8	0.0005	mg/L	.0636
Arsenic, Total (c)	EPA 200.8	0.0005	mg/L	.16854
Cadmium, Total (H)	EPA 200.8	0.0002	mg/L	.0159
Nickel, Total (H)	EPA 200.8	0.0005	mg/l	1.417
Mercury, Total	EPA 245.1	0.0001	mg/L	.0024
Selenium, Total	EPA 200.8	0.0005	mg/L	.2385
Silver, Total (H)	EPA 200.8	0.0002	mg/L	.0318
Biochemical Oxygen Demand	SM 5210B	3	mg/L	30

SM – Standard Methods for the Examination of Water and Wastewater, 18th edition

EPA – EPA test methods

* Minimum parameters required by this General Permit

[1] Test methods with lower detection limits may be necessary when discharging to impaired water bodies.

(c) - carcinogen (H) - hardness dependent

IX. GROUP MONITORING

1. Group Monitoring Participation Requirements

   a. Dischargers may reduce the number of qualifying storm events sampled each reporting year while participating in an approved Group Monitoring Plan (GMP) in accordance with the following conditions:

      i. A Group Monitoring Participant (Participant) shall only participate in an approved GMP;

      ii. Participants shall comply with this General Permit's applicable requirements including implementing a written facility-specific SWPPP and monitoring program, submitting an Annual Report to the appropriate RWQCB, and performing any additional monitoring as required in Section VIII.6.; and

      iii. Participants shall comply with all applicable GMP instructions, procedures, sampling schedules, and training requirements. Participants shall address all Group Leader BMP and corrective action recommendations.

   b. While satisfying the above conditions, Participants shall collect and analyze samples from a minimum of two qualifying storm events during the five-year term of this General Permit in accordance with the GMP sampling schedule described in Section IX.2.c.vi. Former Participants (those who no longer participate in Group Monitoring) shall collect samples from two qualifying storm events each reporting year as required in Section VIII.5.a.

   c. Group Monitoring participation is subject to approval by the SWRCB and RWQCBs. Participation may be rescinded by the Group Leader, SWRCB, or RWQCB if the group participant does not comply with the General Permit requirements, or if GMP approval is withdrawn by the SWRCB or RWQCB due to inadequate Group Leader performance or insufficient participants. Regardless of Group Leader performance, Participants are responsible for compliance with this General Permit.

2. Group Leader Requirements

   a. A Group Leader may be a corporation, association, environmental consultant, or other entity representing a group of significantly similar industrial facilities.

   b. A Group Leader shall certify in each GMP, GMP revision, Annual Group Evaluation Report, Group Leader inspection report, or other Group Leader documents that the documents were prepared by, or prepared under the direct supervision of, one of the following:

      i. A licensed Professional Engineer or Hydrogeologist with a minimum of one year experience in storm water management; or

      ii. A college graduate with a minimum of a Bachelor of Science degree in a science, engineering, or environmental-related field and with a minimum of three years experience in storm water management; or

      iii. A Registered Environmental Assessor with five years of experience in storm water management, or other individuals who have equivalent level of education and experience described in either Section IX.2.b.i., ii, or iii above.

   c. A Group Leader shall:

      i. Develop and submit a GMP to each affected RWQCB and the SWRCB for approval. New or existing GMPs shall be submitted by August 1, 2005. New GMPs shall be submitted by August 1 of subsequent reporting years. A GMP previously approved under SWRCB Order No. 97-03-DWQ that submitted a Letter of Intent to continue Group Monitoring for the 2004-05 monitoring year shall continue Group Monitoring for the remainder of the 2004-05 reporting year in accordance with the requirements of the previous SWRCB Order No. 97-03

DWQ. After the initial GMP submittal and approval, Group Leaders shall annually notify each affected RWQCB and SWRCB by August 1 of its intent to continue Group Monitoring for the next reporting year. The notification shall include an updated list of Participants and Waste Discharger Identification (WDID) numbers, Group Leader inspection and Participant sampling schedules, and a revised GMP (as necessary) that clearly identifies GMP revisions;

ii. Develop and submit an annual Group Evaluation Report to the SWRCB and appropriate RWQCB by August 1 of each year that includes:

(1) An evaluation and summary of all analytical and visual observation data.

(2) An evaluation of each Participant's compliance with this General Permit and the GMP. The evaluation shall specifically identify Participants that have failed to implement or adequately address Group Leader-recommended corrective actions or BMP revisions, participate in scheduled training, conduct scheduled sampling, or significantly comply with this General Permit and GMP based upon the Group Leader's review of readily available information.

(3) An evaluation, summary, and status of the Group Leader's compliance inspection evaluations.

(4) Revised GMP baseline and facility-specific BMPs.

iii. Recommend appropriate BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges;

iv. Assist each Participant in completing their Annual Comprehensive Facility Compliance Evaluation and Annual Report;

v. Conduct on-facility compliance inspections in accordance with the following conditions:

(1) The Group Leader shall conduct a minimum of two on-facility compliance inspections of each Participant's facility during the term of this General Permit to evaluate the Participant's compliance with this General Permit and the GMP, determine whether the Participant's SWPPP and monitoring plan is facility-specific, and recommend any additional facility-specific BMPs or corrective actions necessary to achieve compliance with this General Permit.

(2) New Participants that join a group in reporting years one, two, or three of this General Permit shall be inspected within the first 120 days of participation and once again two reporting years thereafter. Participants joining in reporting years four and five shall only be inspected once during the first 120 days of participation.

(3) Existing Participants shall be inspected twice within the first four reporting years of this General Permit and in non-consecutive years. No less than half the existing participants shall be inspected the first reporting year.

(4) Within 15 days of a Group Leader inspection, the Group Leader shall prepare and transmit an inspection report to the Participant that includes any recommended corrective actions necessary for the Participant to achieve General Permit compliance, and a proposed corrective actions implementation schedule. Corrective actions shall address any recommended improvements to the participant's SWPPP and Monitoring Plan implementation procedures, additional or revised BMPs that should be incorporated in to the SWPPP, and any immediate pollutant source mitigation measures.

(5) Within 30 days of a Group Leader inspection, the Group Leader shall provide the appropriate RWQCB a copy of the Group Leader inspection report signed by the Participant. Group Leaders shall clearly identify and discuss any revisions made to the original inspection report (if any).

(6) Within ninety days of a Group Leader inspection, Group Leaders shall provide the appropriate RWQCB a copy of the Participant's signed compliance response checklist identifying the status of all corrective actions recommended in the Group Leader inspection report.

(7) Upon request by the RWQCB, the Group Leader shall provide the original signed Group Leader inspection report or Participant's compliance response checklist.

vi. Develop (and update) a GMP sampling schedule in accordance with the following conditions:

(1) Existing Participants shall be scheduled to collect samples from two qualifying storm events within the first four reporting years of this General Permit and in non-consecutive years. No less than half the existing Participants shall collect and analyze a sample the first reporting year.

(2) New Participants that join the group in reporting years 1, 2, or 3 shall be scheduled to sample the first reporting year of participation and two reporting years thereafter. Participants joining in years four and five shall only be scheduled to collect samples from one qualifying storm event during the first reporting year of participation. Group Leaders shall not include samples collected by Participants prior to joining a Group in the sampling schedule.

vii. Revise the GMP as instructed by the RWQCB or the SWRCB;

viii. Prepare and revise GMPs and Group Evaluation Reports in accordance with SWRCB (or RWQCB) guidance.

ix. Provide the SWRCB and affected RWQCBs quarterly updates of any new or deleted Participants and an updated Group Leader inspection and Participant's sampling schedule.

x. Unless otherwise instructed by the RWQCB or the SWRCB Executive Director, Group Leaders shall implement the GMP on or before October 1.

xi. Group Leaders shall provide GMPs, Group Evaluation Reports, quarterly updates, etc. via electronic mail, floppy disk, or CD-ROM.

xii. Should this General Permit not be replaced by a new General Permit by August 1, 2010, Group Leaders shall develop extended sampling and inspection schedules in compliance with SWRCB or RWQCB instructions and include these schedules in their August 1, 2010 Letter of Intent.

3. GMP Requirements. The Group Leader shall include the following items in the GMP:

a. A list that includes each Participant's name, address, WDID number, and potential pollutant sources. A GMP shall include no less than ten Participants. When GMP participation falls below ten Participants subsequent to GMP approval, remaining Participants may continue GMP participation for the remainder of the compliance year. Unless GMP participation is restored to ten or more by October 1 of the following compliance year, approval of the GMP is rescinded and remaining Participants shall collect and analyze samples from two qualifying storm events per year in accordance with Section VIII.5;

b. A description of the industrial activities and typical potential pollutant sources of the GMP's Participants;

c. A discussion demonstrating that the Participant's industrial activities and potential pollutant sources are significantly similar and share a common set of BMPs as provided in the GMP;

d. A description of recommended BMPs for each potential pollutant source listed in Section IX.3.a;

e. A five-year Group Leader inspection and Participant sampling schedule in accordance with Sections IX.2.c.v and IX.2.c.v;.

f. An assessment of each Participant's list of significant materials and potential pollutant sources to identify additional facility specific BMPs;.

g. A discussion establishing that the Group Leader's representatives that prepare, or supervise the preparation of, the GMP, Annual Group Evaluation Reports, and Group Leader compliance inspection and evaluation reports satisfy the qualification requirements in Section IX.2.b; and

h. A discussion of the Group Leaders' training program and a copy of all training or guidance materials.

X. CONDITIONAL EXCLUSION REQUIREMENTS

Discharges composed entirely of storm water are not storm water discharges associated with industrial activity and are conditionally excluded from permit coverage if the following conditions are met: there is "no exposure" of industrial materials and activities to rain, snow, snowmelt, and/or runoff; the discharger prepares and submits a NEC; and the discharger satisfies the qualifications, conditions and other requirements of this Section, and the signatory and other requirements in Section XI. Dischargers who do not satisfy all Conditional Exclusion requirements are required to file an NOI and comply with this General Permit.

1. Definitions

   a. "No Exposure" means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. "Industrial materials and activities" include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products;

   b. "Material handling activities" include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product;

   c. "Storm-resistant shelters" include completely roofed and walled buildings or structures. They also include structures with only a top cover supported by permanent supports but with no side coverings provided material within the structure is not subject to wind dispersion (sawdust, powders, etc), track-out, and there is no storm water discharged from within the structure that has come into contact with any materials.

2. Qualifications. To qualify for Conditional Exclusion, dischargers shall:

   a. Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and runoff;

   b. Annually inspect and evaluate the facility to determine that there are no discharges of storm water exposed to industrial materials or equipment. Evaluation records shall be maintained for five years;

   c. Complete and submit a signed NEC (Attachment 5) certifying there are no discharges of storm water contaminated by exposure to industrial materials and activities from areas of the facility subject to this General Permit. All new or renewed NECs shall be submitted with the applicable fee (currently $200) in accordance with the:

      i. The Signatory requirements in Section E;

      ii. NEC submittal schedule provided in Subsection 5;

      iii. Instructions and guidance provided in Attachment 5.

3. Industrial materials and activities not requiring storm resistant shelter. To qualify for this exclusion, a storm resistant shelter is not required for the following:

   a. Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated, do not contain residual industrial materials on the outside surfaces, and do not leak ("Sealed" means banded or otherwise secured and without operational taps or valves);

   b. Adequately maintained vehicles used in material handling;

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

   d. Any industrial activity and material that is protected by a temporary shelter for a period of no more than 90 days due to facility construction or remodeling; and

   e. Any industrial activity and material that is protected within a secondary containment structure that does not discharge storm water to waters of the United States.

4. Limitations

   a. Storm water discharges from construction activities are not eligible for this conditional exclusion.

   b. This conditional exclusion from the requirement for an NPDES permit is available on a facility-wide basis only, not for individual outfalls. If a facility has some discharges of storm water that would otherwise be "no exposure" discharges, dischargers may adjust SWPPP and Monitoring Program compliance activities accordingly.

   c. If circumstances change and industrial materials or activities become exposed to rain, snow, snowmelt, and/or runoff, the conditions for this exclusion no longer apply. In such cases, dischargers becomes subject to enforcement for discharging without a permit. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization before anticipated exposure.

   d. The RWQCB may deny this exclusion and require NPDES permit coverage upon determining that:

      i. The discharge is exposed to industrial activity or materials; or

      ii. The discharge causes, has a reasonable potential to cause, or contributes to an exceedance of an applicable WQS.

5. Certification. Dischargers shall submit the following information in an NEC to justify no exposure exclusion:

   a. The legal name, postal address, telephone number, and e-mail address of the discharger;

   b. The facility business name and physical mailing address, the county name, and a description of the facility location if the facility does not have a physical mailing address;

   c. A certification that none of the following materials or activities are, or will be in the near future, exposed to precipitation:

      i. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed;

      ii. Materials or residuals on the ground or in storm water inlets from spills/leaks;

      iii. Materials or products from past industrial activity;

      iv. Material handling equipment (except adequately maintained vehicles);

v. Materials or products during loading/unloading or transporting activities;

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

vii. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;

viii. Materials or products handled/stored on roads or railways owned or maintained by the discharger;

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

x. Application or disposal of processed wastewater (unless already covered by an NPDES permit); and

xi. Particulate matter or visible deposits of residuals from roof stacks/vents and evident in the storm water outflow.

6. NEC Submittal Schedule

a. Dischargers of new facilities shall submit their NECs before industrial activities begin and annually renew their NECs thereafter; and

b. Existing dischargers shall submit NECs as follows:

i. Dischargers of "light industrial" facilities who have been operating under the original, no-certification-required, permitting exemption shall submit their NECs at any time up to January 1, 2006 and annually renew their NECs thereafter. Such dischargers who have not submitted their NECs or applied for permit coverage by January 1, 2006 and/or do not annually renew their NECs thereafter or apply for permit coverage will be out of compliance and subject to enforcement.; and

ii. Dischargers who are permitted under this General Permit and have attained a condition of no exposure may submit their NECs at any time and shall annually renew thereafter. The NEC will serve in lieu of submitting a NOT.

XI. STANDARD PROVISIONS

1. **Duty to Comply.** Dischargers shall comply with all of the conditions of this General Permit. Any General Permit noncompliance constitutes a violation of the CWA and the Porter-Cologne Water Quality Control Act, which may be grounds for enforcement action or denial of General Permit coverage.

   Dischargers 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 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 General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any General 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 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 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 general permitted activity in order to maintain compliance with the conditions of this General Permit.

4. **Duty to Mitigate.** Dischargers shall take all reasonable steps to reduce or prevent any discharge in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment.

5. **Proper Operation and Maintenance.** Dischargers at all times shall properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the dischargers to achieve compliance with the conditions of this General Permit and, when applicable, with the requirements of the facility SWPPP. Proper operation and maintenance also include 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 dischargers 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.** Within a reasonable time specified by the RWQCB, SWRCB, USEPA, or municipal storm water management agency, dischargers shall furnish requested General Permit-related records, reports, or information.

8. **Inspections and Entry.** Upon the presentation of credentials and other documents as may be required by law, dischargers shall allow the RWQCB, SWRCB, USEPA, or municipal storm water management agency to:

a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted or where records are required to be kept under the conditions of this General Permit;

c. 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 or authorized non-storm water discharge; and

d. Conduct monitoring activities at reasonable times for ensuring General Permit compliance.

e. Photograph or videotape outdoor areas of the facility to document compliance or non-compliance with this General Permit.

9. Signatory Requirements

a. All NOIs and NECs submitted to the SWRCB shall be signed as follows:

i. For a corporation: by 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 (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

iii. 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 USEPA).

b. Other than NOIs and NECs, all reports, certifications, and records required by this General Permit or requested by the RWQCB, SWRCB, USEPA, or municipal 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:

i. The authorization is made in writing and retained as part of the SWPPP or NEC;

ii. 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.);

iii. 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 SWPPP or NEC prior to submittal of any reports, certifications, or records signed by the authorized representative.

10. **Certification.** Any person signing documents under Provision 9 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 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: Dischargers shall give advance notice to the RWQCB and municipal storm water management agency of any planned physical alteration or additions to the general permitted facility. Notice is required under this provision only when the alteration or addition could significantly change the nature or increases the quantity of pollutants discharged;

b. Anticipated noncompliance: Dischargers will give advance notice to the RWQCB and municipal storm water management agency of any planned changes at the permitted facility which may result in noncompliance with this General Permit's 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 scheduled date;

d. Noncompliance reporting: Dischargers shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain (1) a description of the noncompliance and its cause; (2) the period of noncompliance, including exact dates and times the noncompliance began and was (or will be) corrected; and (3) the steps taken or planned to reduce 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 dischargers from any responsibilities, liabilities, or penalties to which dischargers are 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.** This General Permit may be modified, revoked, and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 CFR 122.62, 122.63, 122.64, and 124.5.

15. **Penalties for Violations of General Permit Conditions.** Significant penalties may be imposed for violation of this General Permit, pursuant to CWC section 13385 and other State and federal statutes. Court-imposed liability may exceed $25,000 per day, and RWQCBs may impose administrative fines exceeding $10,000 per day.

16. **Availability.** A copy of this General Permit and completed NOI or NEC shall be maintained at the facility and be available at all times to the appropriate facility personnel and to representatives of the RWQCB, SWRCB, USEPA, or municipal storm water management agency.

17. **Transfers.** Authorization under this General Permit to discharge or be conditionally excluded from this General Permit is not transferable from one discharger to another. Such authorization is not transferable from one location to another location. When ownership or facility location transfers occur, dischargers in accordance with the requirements of this General Permit shall submit a new NOI or NEC.

18. **Continuation of Expired General Permit.** This General Permit continues in force and effect until the SWRCB adopts a new general permit or rescinds this General Permit. Dischargers subject to the expiring General Permit may be required to file a new NOI or NEC as required by the reissued General Permit.

19. **Penalties for Falsification of Reports.** Section 309(c)(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 General 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.

CERTIFICATION

The undersigned, Clerk to the SWRCB, does hereby certify that the foregoing is a full, true, and correct copy of an order adopted at a meeting of the State Water Resources Control Board held on May XX, 2005X.

AYE:

NO:

ABSENT:

ABSTAIN:

_____
Debbie Irvin
Clerk to the Board

Attachment 1

FACILITIES COVERED BY THIS GENERAL PERMIT

1. Facilities Subject To Storm Water Effluent Limitations Guidelines, New Source Performance Standards, Or Toxic Pollutant Effluent Standards (40 Code Of Federal Regulations (CFR) Subchapter N).

   Currently, categories of facilities subject to storm water effluent limitations guidelines are Cement Manufacturing (40 CFR Part 411), Feedlots (40 CFR Part 412), Fertilizer Manufacturing (40 CFR Part 418), Petroleum Refining (40 CFR Part 419), Phosphate Manufacturing (40 CFR Part 422), Steam Electric (40 CFR Part 423), Coal Mining (40 CFR Part 434), Mineral Mining and Processing (40 CFR Part 436), Ore Mining and Dressing (40 CFR Part 440), Asphalt Emulsion (40 CFR Part 443), and Landfills (40 CFR Part 445).

2. Manufacturing Facilities:

   Standard Industrial Classifications (SICs) 20XX through 39XX, 4221 through 4225. (This category combines categories 2 and 10 of the previous General Permit)

3. Oil And Gas/Mining Facilities:

   SICs 10XX through 14XX, including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l) because of performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990); oil and gas exploration, production, processing, or treatment operations; or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mined sites where operations have discontinued and which have an identifiable owner. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

4. Hazardous Waste Treatment, Storage, Or Disposal Facilities:

   This includes those operating under interim status or a general permit under Subtitle C of the Federal Resource, Conservation, and Recovery Act (RCRA).

5. Landfills, Land Application Sites, And Open Dumps:

   Sites that receive or have received industrial waste from any of the facilities covered by this General Permit, sites subject to regulation under Subtitle D of RCRA, and sites that have accepted wastes from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).

6. Recycling Facilities:

   SICs 5015 and 5093. These codes include metal scrapyards, battery reclaimers, salvage yards, motor vehicle dismantlers and wreckers, and recycling facilities that are engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material such as bottles, wastepaper, textile wastes, oil waste, etc.

7. Steam Electric Power Generating Facilities:

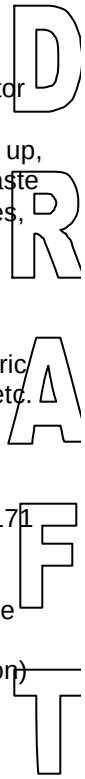
   Includes any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.

8. Transportation Facilities:

   SICs 40XX through 45XX (except 4221-25) and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity.

9. Sewage Or Wastewater Treatment Works:

   Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge, that are located within the confines of the facility with a design flow of one million gallons per day or more or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act.



Attachment 2-A

SWRCB AND RWQCB ADDRESSES

Region 1: North Coast RWQCB
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2220 FAX: (707) 523-0135

Region 2: San Francisco Bay RWQCB
1515 Clay Street, Suite 1400
Oakland, CA 94612
(510) 622-2300 FAX: (510) 622-2460

Region 3: Central Coast RWQCB
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5427
(805) 549-3147 FAX: (805) 543-0397

Region 4: Los Angeles RWQCB
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
(213) 576-6600 FAX: (213) 576-6640

Region 5: Central Valley RWQCB

Fresno Office
3614 East Ashland Avenue
Fresno, CA 93726
(559) 445-5116 FAX: (559) 445-5910

Redding Office
415 Knollcrest Drive
Redding, CA 96002
(530) 224-4845 FAX: (530) 224-4857

Sacramento Office
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
(916) 255-3000 FAX: (916) 255-3015

Region 6: Lahontan RWQCB

South Lake Tahoe Office
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150
(530) 542-5400 FAX: (530) 544-2271

Victorville Office
15428 Civic Drive, Suite 100
Victoville, CA 92392
(760) 241-6583 FAX: (760) 241-7308

Region 7: Colorado River Basin RWQCB
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 346-7491 FAX: (760) 341-6820

Region 8: Santa Ana RWQCB
3737 Main Street, Suite 500
Riverside, CA 92501-3348
(909) 782-4130 FAX: (909) 781-6288

Region 9: San Diego RWQCB
9174 Sky Park Court, Suite 100
San Diego, CA. 92123
(858) 467-2959 FAX: (858) 571-6972

State Water Resources Control Board
Storm Water Permit Section
Sacramento, CA 95812-1977
(916) 341-5536 FAX: (916) 341-5543

To get more complete and updated contact information, please visit our web site at:
http://www.swrcb.ca.gov/stormwtr/contact.html

DRAFT

Attachment 2-B

ACRONYM LIST

BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMPs	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Federal Superfund)
CFR	Code of Federal Regulations
CWA	Clean Water Act
General Permit	General Industrial Activities Storm Water Permit
GMP	Group Monitoring Plan
NEC	No Exposure Certification
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and Grease
RCRA	Resource, Conservation, and Recovery Act
RWQCB	Regional Water Quality Control Board
RQ	Reportable Quantity
SARA	Superfund Amendments and Reauthorization Act of 1986
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SPCC	Spill Prevention Control and Countermeasures
SWRCB	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TOC	Total Organic Carbon
TSS	Total Suspended Solids
U.S. EPA	U.S. Environmental Protection agency
WDID	Waste Discharger Identification
WDRs	Waste Discharge Requirements

Attachment 3

DEFINITIONS

1. "Best Management Practices" ("BMPs") means 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 measures, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may include any type of pollution prevention and pollution control measure necessary to achieve compliance with this General Permit.

2. Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; 33 USC. 1251 et seq.

3. "Facility" is a collection of industrial processes discharging storm water associated with industrial activity within the property boundary or operational unit.

4. "Non-Storm Water Discharge" means any discharge to storm sewer systems that is not composed entirely of storm water.

5. "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.

6. "Significant Spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR 110.10 and 117.21) or Section 102 of CERCLA (see 40 CFR 302. 4).

7. "Storm water" means storm water runoff, snowmelt runoff, and storm water surface runoff and drainage.

8. “Storm water discharge associated with industrial activity” (storm water discharge) means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in Attachment 1 of this General Permit, the term includes, but is not limited to, storm water discharges from 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; maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant’s industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federal, State, or municipally owned or operated that meet the description of the facilities referenced in this paragraph) include those facilities designated under 40 CFR 122.26(a)(1)(v).

Attachment 4

NOTICE OF INTENT (NOI) INSTRUCTIONS

TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 05-XX-DWQ

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT NO. CAS000001

Who Must Submit: The discharger is required to submit an NOI for a facility with industrial activities that are required to be permitted by the United States Environmental Protection Agency (U.S.EPA) storm water regulations [40 Code of Federal Regulations Section 122.26]. Attachment 1 of the General Permit lists the industrial activities subject to the storm water permitting requirements. The discharger is typically the owner of the business or operation where the industrial activities requiring a storm water permit occur. The discharger is responsible for all permit-related activities at the facility.

Where operations have discontinued and significant materials remain on site (such as at closed landfills), the landowner may be responsible for filing an NOI and complying with this General Permit. Landowners may also file an NOI for a facility if the landowner, rather than the discharger, is responsible for compliance with this General Permit.

How and Where to Submit NOI: The completed NOI form, a site map, and appropriate fee must be mailed to the State Water Resources Control Board (SWRCB) at the following address:

State Water Resources Control Board
Division of Water Quality
P.O. Box 1977
Sacramento, CA 95812-1977
Attn: Storm Water Permitting Section

Please Note: Do not send the original or copies of the NOI submittal to the Regional Water Quality Control Board (RWQCB). The original NOI will be forwarded to the RWQCB after processing.

Do not send a copy of your Storm Water Pollution Prevention Plan (SWPPP) with your NOI submittal. Your SWPPP shall be kept on site and made available for review upon request.

When to Apply: New dischargers (those beginning operations after adoption of this General Permit) must file an NOI in accordance with these instructions at least 14 days prior to the beginning of operations. Once the completed NOI, site map, and appropriate fee have been submitted to the SWRCB, your NOI will be processed and you will be issued a receipt letter with a Waste Discharge Identification (WDID) Number. Please refer to this number when you contact either the SWRCB or RWQCBs.

Fees: The annual fee is currently $830. This fee may be changed by regulation. Information on fees is available at [web-site].

Checks shall be made payable to the State Water Resources Control Board or SWRCB.

Change of Information: If the information provided on the NOI or site map changes, you should report the changes to the SWRCB using an NOI form. Section I (of the line-by-line instructions) includes information regarding changes to the NOI.

Questions: If you have any questions completing the NOI, please call the appropriate RWQCB (Attachment 2) or the SWRCB at (916) 341-5531.

NOI LINE-BY-LINE INSTRUCTIONS

Please type or print your responses on the NOI. The discharger shall sign and complete the NOI in accordance with these instructions or it will be returned without processing.

Section I--NOI STATUS

Check box "A" if this is a new NOI registration.
Check box "B" if you have already registered and are changing NOI information (e.g., new contact person, telephone number, mailing address). When changing information, complete the entire NOI including the facility WDID #. Highlight all the information that has changed. An annual fee is not required to change information. Please note that facility location and facility operator changes require a Notice of Termination (NOT) and submittal of a new NOI and annual fee. Contact the SWRCB or RWQCBs for more information on change of ownership, the NOT Form, and instructions.

Section II--Discharger Information

The discharger is the legal entity that is responsible for all permit-related compliance activities at the facility. In most cases, the discharger is the owner of the business or operation where the industrial activity occurs. Give the legal name and the address of the business entity, public organization, or any other entity that is responsible for complying with the General Permit.

Section III--Facility Information

A: Enter the facility's official or legal name and the complete physical street address (the street address used for express deliveries), including the city, State, and zip code. Do not use a P.O. Box number. If no physical street address exists, describe the physical location or provide the latitude and longitude of a point within the facility's boundary. Latitude and longitude are available from United States Geological Survey quadrangle or topographic maps, or may be found at: http://www.mapblast.com/myblast/index.mb.

B: Enter the total acreage of the facility associated with industrial activity. If you only know the size of your facility in square feet, divide the square feet by 43,560 to determine the acres.

C: Check the box (or describe if necessary) that best describes the discharger.

D: Include the percentage of the facility that is impervious to storm water (areas where storm water does not soak into the ground) such as rooftops, outside asphalt or concrete areas, etc.

E: Enter the 4-digit Standard Industrial Classification (SIC) code or North American Industrial Classification System (NAICS) code that represents the facility's primary industrial activity. Provide a brief description of the primary industrial activity. If applicable, enter other significant SIC/NAICS codes and descriptions. To obtain these codes, see the 1987 SIC Manual or 1997 NAICS Manual. These codes are also available at our web site at: http://www.swrcb.ca.gov/stormwtr/sicnum.html

Section IV - Facility Mailing or Billing Address

If there is a different facility mailing address or billing address than provided above, provide it here. Indicate to which address you would like to receive the annual fee invoice. Continued coverage under the General Permit requires the payment of an annual fee.

Section V--Receiving Water Information

Indicate whether the facility's storm water discharges flow directly into waters of the United States such as a river, lake, or ocean. Generally, facilities with direct discharges are adjacent (or are in close proximity) to a river, lake, or ocean and do not otherwise discharge storm water into a municipal storm water drainage system. If you answer 'yes', provide the name of the receiving water where storm water discharge flows from your facility.

Section VI--Implementation of Permit Requirements

A/ B: Check the boxes that best describe the status of the Storm Water Pollution Prevention Plan (SWPPP) and the Monitoring Program.

C: Check yes or no to questions 1 through 4. If you answer no to any question, you need to assign a person to these tasks immediately.

The discharger is required to have developed an SWPPP and Monitoring Program before the beginning of industrial activities. Failure to do so is a direct violation of the General Permit. Do not send a copy of your SWPPP with your NOI submittal.

Please refer to Section A and B of the General Permit for additional information regarding the SWPPP and Monitoring Program.

Section VII--Site Map

Provide a "to scale" drawing of the facility and its immediate surroundings. Include as much detail about the site as possible. At a minimum, indicate buildings, material handling and storage areas, roads, adjacent street names, storm water discharge points, sample collection points, and a north arrow. Whenever possible limit the map to a standard size sheet of paper (8.5" x 11" or 11" x 17"). Blueprints should be avoided unless necessary. A location map should be included if the facility is difficult to locate (a site map is still required). The location map can be created from local street maps and U.S. Geological Survey (USGS) quadrangle maps, etc.

A discharger shall submit a revised site map whenever there is a significant change in the facility size or layout (e.g., new building, change in storage locations, boundary change, etc.).

Section VIII--Certification

By signing the certification, the discharger acknowledges that the NOI and site map are accurately completed and that penalties exist for providing false information. It also requires a certification that the discharger will comply with the provisions in the General Permit. The NOI shall be signed by:

For a Corporation: a responsible corporate officer (or authorized individual).

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 the senior executive officer of the agency.

Terry Tamminen
Secretary for Environmental Protection

State of California
State Water Resources Control Board

Arnold Schwarzenegger
Governor

NOTICE OF INTENT

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

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

A. [ ] New Permittee   B. [ ] Change of Information   WDID # |_|_|_|_|_|_|_|_|_|_|_|

SECTION II. DISCHARGER INFORMATION (See instructions)

Business Name:		Contact E-mail:
Mailing Address:		
City:	State:	Zip Code: ---
Contact Person:		Contact Phone: -- --

SECTION III. FACILITY INFORMATION

A. Facility Business Name:		County:
Physical Street Address (no PO Boxes):		Contact E-mail:
City:	State: C A	Zip Code: --
Contact Person:		Contact Phone: -- --

If facility does not have a valid physical street address, describe facility location or provide facility Latitude and Longitude	

B. Facility Information Total Size of Site: |_|_|_|_|_|_| Acres	C. Operation Type: (check one) 1. [ ] Private 2. [ ] Municipal 3. [ ] State 4. [ ] Federal 5. [ ] Other ______	VI. Percent of Site Impervious (*including rooftops*) |_|_|_| %

E. SIC OR NAICS CODE(S) OF REGULATED ACTIVITY:

1. |_|_|_|_|
2. |_|_|_|_|
3. |_|_|_|_|

REGULATED ACTIVITY (*describe each SIC or NAICS code*)**:**

SECTION IV. FACILITY MAILING OR BILLING ADDRESS INFORMATION

SEND BILL TO: [ ]Discharger Mailing Address (Section II) [ ]Facility Physical Street Address (Section III.A) [ ] As Indicated below

Name:		Contact E-mail:
Mailing Address:		
City:	State:	Zip Code:
Contact Person:		Contact Phone:

SECTION V. RECEIVING WATER INFORMATION

Does your facility's storm water flow directly into waters of the United States such as a river, lake, ocean, etc? _____Yes _____No

If yes, name the receiving water: _____

SECTION VI. IMPLEMENTATION OF PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (*check one*)

[ ] A SWPPP has been prepared for this facility and is available for review.
[ ] A SWPPP will be prepared and ready for review by (enter date): ____/____/____.

B. MONITORING PROGRAM (check one)

[ ] A Monitoring Program has been prepared for this facility and is available for review.
[ ] A Monitoring Program will be prepared and ready for review by (enter date): ____/____/____.

C. PERMIT COMPLIANCE RESPONSIBILITY

Has a person been assigned responsibility for:

1. Inspecting the facility throughout the year to identify any potential pollution problems? ..... ____YES ____NO
2. Collecting storm water samples and having them analyzed?..... ____YES ____NO
3. Preparing and submitting an annual report by July 1 of each year?..... ____YES ____NO
4. Eliminating discharges other than storm water (*such as equipment or vehicle wash-water*) into the storm drain?..... ____YES ____NO

SECTION VII. SITE MAP

I HAVE ENCLOSED A SITE MAP YES[ ] A new NOI submitted without a site map will be rejected.

SECTION VIII. CERTIFICATION

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

Printed Name: _____ Signature: _____

Title: _____ Date: _____

Phone Number: (_____)_____ E-mail Address: _____

Attachment 5

A. INSTRUCTIONS:

Who May File a No Exposure Certification

Federal law at 40 CFR Part 122.26 prohibits the discharge of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES permit coverage is not required for discharges of storm water associated with industrial activities if the discharger can certify that a condition of "no exposure" exists at the industrial facility. Storm water discharges from construction activities are not eligible for the no exposure exclusion.

Obtaining and Maintaining the No Exposure Exclusion

Dischargers shall use this NEC form to certify that a condition of no exposure exists at their facilities in California. This NEC Exclusion does not become effective until the discharger completes and submits the NEC form to SWRCB. The NEC Exclusion shall be renewed annually.

The discharger must maintain a condition of no exposure at the facility in order for the no exposure exclusion to remain applicable. The discharger is required to annually re-evaluate the facility to ensure the conditions of no exposure are satisfied. If conditions change resulting in the exposure of materials and activities to storm water, the discharger must obtain coverage under an NPDES storm water permit immediately.

Fees

All new NECs and NEC renewals shall be accompanied by a $200 fee. This fee may be changed by regulation.

Where to File the No Exposure Certification Form

Mail the completed no exposure certification form and fee to:

State Water Resources Control Board
Division of Water Quality
Attention: Storm Water Unit
P.O. Box 1977
Sacramento, CA 95812-1977

Dischargers may also electronically submit an NEC in accordance with the instructions provided at the SWRCB web site at http://www.swrcb.ca.gov/stormwtr/nec.html

Completing the Form

You must type or print using uppercase letters. Abbreviate if necessary. The discharger shall complete one form for each facility that satisfies the conditions of no exposure. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the above address.

Section I. Discharger Information

1. Provide the legal name of the business entity, public organization, or any other entity that operates the facility described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager and contact email address.

2. Provide the mailing address of the operator. Include the city, State, and zip code.

3. Provide the operator's contact name, and telephone number.

Section II. Facility Information

1. Enter the legal business name of the facility.

2. Enter the total acreage of the facility associated with industrial activity. If you only know the size of your facility in square feet, divide the square feet by 43,560 to determine the acres.

3. Enter the complete physical street address (the street address used for express deliveries for example), including the city, State, and zip code. Do not use a P.O. Box number. If no physical street address exists, describe the location or provide the latitude and longitude of a point within the facility's boundary. Latitude and longitude are available from United States Geological Survey quadrangle or topographic maps, or may be found at: http://www.mapblast.com/myblast/index.mb

4. Provide the facility contact person, telephone number, and e-mail address.

5. Enter the 4-digit Standard Industrial Classification (SIC) code or North American Industrial Classification System (NAICS) code that represents the facility's primary industrial activity. Provide a brief description of the primary industrial activity. If applicable, enter other significant SIC/NAICS codes and descriptions. To obtain these codes, see the 1987 SIC Manual, 1997 NAICS Manual, or our web site at http://www.swrcb.ca.gov/stormwtr/sicnum.html.

6. If the facility is currently covered under the Industrial Activities Storm Water General Permit, include the Waste Discharger Identification (WDID) number. The WDID number will be used to terminate the facility's coverage under the General Permit.

Section III - Facility Mailing or Billing Address

If there is a different facility mailing address or billing address than provided above, provide it here. Indicate to which address you would like to receive the annual fee invoice. Renewal of the NEC requires the payment of an annual fee.

Section IV. Exposure Checklist

You must be able to answer "Yes" for each of eleven described exposure conditions at your facility. If you cannot answer "Yes" to ANY of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or continue) coverage under an NPDES storm water permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of storm water exposed to industrial activity, and then certify to a condition of no exposure.

Section V. Certification

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

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

1. 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 one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

3. For a partnership or sole proprietorship: by a general partner or the proprietor; or

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

B. <u>GUIDANCE:</u>

Please contact your local RWQCB office with questions regarding this guidance.

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

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

2. Limitations on Eligibility for the No Exposure Exclusion

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

a. The exclusion from permitting is available on a facility-wide basis only, not for individual drainage areas or discharge locations. Generally, if any exposed industrial materials or activities exist, or have a potential to exist, anywhere at a facility, the no exposure exclusion is not applicable to the facility. If the RWQCB determines that a facility's storm water discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards, the RWQCB can deny the no exposure exclusion.

b. If changes at a facility result in industrial activities or materials becoming exposed, the no exposure exclusion ceases to apply. Dischargers shall apply for coverage under an applicable NPDES permit for storm water discharges at least two days before the condition of exposure occurs.

c. Past sources of storm water contamination that remain on the facility cause a condition of exposure.

3. What is the Definition of No Exposure?

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

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

c. <u>Material handling activities</u> include storage, loading and unloading, transport, or conveyance of any raw material, intermediate product, by-product, final product, or waste product.

d. <u>Final products</u> which are meant to be used outdoors (e.g., automobiles) usually pose little risk of polluting storm water because they are usually uncontaminated and not mobilized by contact with storm water. These

final products are exempt from the requirement that they be protected by a storm-resistant shelter to qualify for no exposure. Similarly, the containers, racks, and other transport platforms (e.g., wooden pallets) used for the storage or conveyance of final products can also be stored outside, providing they are pollutant-free and in good repair.

e. Storm-resistant shelters include completely roofed and walled buildings or structures. They also include structures with only a top cover supported by permanent supports but with no side coverings, provided material within the structure is not subject to wind dispersion (sawdust, powders, etc) or track-out, and there is no storm water discharged from within the structure that has come into contact with any materials.

4. Industrial Materials/ Activities That Do Not Require a Storm-Resistant Shelter

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

a. Drums, Barrels, Tanks, and Similar Containers that are sealed ("sealed" means banded or otherwise secured and without operational taps or valves), are not exposure provided those containers are not deteriorated, do not contain residual materials on the outside surfaces, and do not leak. Drums, barrels, etc., that are not opened while outdoors, or are not deteriorated or leak, are unlikely to constitute a risk of contaminating storm water runoff. Consider the following in making your no exposure determination:

i. Materials shall not be added or withdrawn to/from containers while outdoors

ii. Simply moving containers while outside does not create exposure unless exposure occurs when pollutants are "tracked out" by the container handling equipment or vehicles.

iii. All outdoor containers shall be inspected to ensure they are not open, deteriorated, or leaking. When an outdoor container is observed as opened, deteriorated, or leaking, the container must immediately be closed, replaced, or sheltered. Frequent detection of open, deteriorated, or leaking containers, or failure to immediately close, replace, or shelter opened, deteriorated or leaking containers will cause a condition of exposure.

iv. Containers, racks, and other transport platforms (e.g., wooden pallets) used with the drums, barrels, etc., can be stored outside providing they are contaminant-free and in good repair.

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

i. They shall be physically separated from and not associated with vehicle maintenance operations.

ii. There shall be no leaks from piping, pumps, or other equipment that could contact storm water.

iii. Wherever feasible, ASTs shall be surrounded by some type of physical containment (e.g., an impervious dike, berm or concrete retaining structure) to prevent runoff in the event of a structural failure or leaking transfer valve. *Note:* any resulting unpermitted discharge would violate the CWA.

c. Lidded Dumpsters. Lidded dumpsters containing waste materials, providing the containers are completely covered and nothing can drain out holes in the bottom, spilled when loaded into the dumpster, or spilled in loading into a garbage truck. Industrial waste materials and trash that is stored uncovered is considered exposed.

d. Adequately maintained vehicles, such as trucks, automobiles, forklifts, trailers or other general-purpose vehicles found onsite - but not industrial machinery - which are not leaking, are in good repair or are not otherwise a potential source of contaminants:

i. Vehicles passing between buildings will likely be exposed to storm water at some time, but so long as they are adequately maintained, they will not cause a condition of exposure. Similarly, non-leaking vehicles awaiting maintenance at vehicle maintenance facilities are not considered exposed. However, vehicles that have been washed or rinsed that are not completely dry prior to outside exposure will cause a condition of exposure. Vehicles that track out pollutants as they exit maintenance bays are also considered exposure.

ii. The mere conveyance between buildings of materials / products that would otherwise not be allowed to be stored outdoors, does not create a condition of exposure, provided the materials/products are not adequately protected from storm water and could not be released as a result of a leak or spill.

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

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

i. Products that would be mobilized in storm water discharges (e.g., rock salt).

ii. Products, which may, when exposed, oxidize, deteriorate, leak, or otherwise be a potential source of contaminants (e.g., junk cars, stockpiled train rails).

iii. "Final" products that are, in actuality, "intermediate" products. Intermediate products are those used in the composition of yet another product (e.g., sheet metal, tubing, and paint used in making tractors).

iv. Even if the intermediate product is "final" for a manufacturer and destined for incorporation in a "final product intended for use outdoors," these products are not allowed to be exposed because they may be chemically treated or are insufficiently impervious to weathering.

f. Construction Activities Permanent, uninterrupted sheltering of industrial activities or materials may not always be possible during facility renovation or construction. When such circumstances exist, the discharger is not required to obtain coverage under an NPDES permit as long as the following conditions are met:

i. Materials and activities are protected with temporary covers or shelters (e.g. tarpaulins).

ii. The temporary covers or shelters shall adequately prevent the contact of storm water to materials and activities.

iii. Materials that are subject to wind dispersion are not eligible for temporary sheltering.

iv. Temporary shelters shall only be used when necessary during facility renovation or construction and until permanent storm-resistant shelters as described above are available.

v. Temporary shelters shall only be used for a single period of ninety days or less. Facilities with construction and renovation projects that will need the use of temporary shelters beyond 90 days, or that will require multiple periods of ninety days or less, are required to be covered by an NPDES permit.

4. Other Potential Sources of Contaminants

a. Particulate Emissions From Roof Stacks and/or vents: Deposits of particles or residuals from roof stacks/vents which could be mobilized by storm water runoff are considered exposed.

b. Acid Rain Leachate, Industrial facilities are also responsible for storm water discharges that contain pollutants resulting from the leaching effect of acidic storm water on metal building structures. Therefore, operators must be aware when certifying a condition of no exposure of the existence of structural elements that could be soluble as a result of contact with acidic precipitation (e.g., uncoated copper roofs). If the dissolved metals or other contaminants could cause or contribute to a water quality violation, a condition of no exposure cannot be certified.

c. Pollutants Potentially Mobilized by Wind, Windblown materials cause a condition of exposure. Materials sheltered from precipitation can still be deemed exposed if the materials can be mobilized by wind.

5. Certifying a Condition of No Exposure

To obtain the conditional no exposure exclusion, you must submit a NEC form attesting your facility meets the definition of "no exposure." **You must do this even if your facility is a Category xi facility (often referred to as Light Industry)**. You must use the California NEC for facilities located in California. This certification form uses a series of yes/no questions on the nature of the industrial activities and conditions at your facility. You may only qualify for the no exposure exclusion if you answer "yes" to all of the questions. The purpose of the NEC form is twofold: 1) to aid you in determining whether you have a condition of no exposure at your facility; and 2) to furnish the necessary written certification that allows you to be relieved of permit obligations, provided you answer all the questions "yes".

If you cannot answer "yes" to all of the questions about possible exposure, you must make the appropriate changes at the facility before you apply for the conditional exclusion. These changes must remove the particular material, process or activity from exposure to storm water.

If you answered "yes" to every question, you qualify for the no exposure exclusion. To complete the process, you must sign and submit the form with the required fee to the SWRCB and annually renew thereafter.

6. Other No Exposure Certification Facts:

a. **An NEC shall be completed and submitted to the SWRCB and annually renewed thereafter,** and can only be legally valid if the condition of no exposure exists and is reasonably expected to continue to exist. An NOI shall be submitted to the SWRCB when the condition of no exposure no longer is expected to exist.

b. A NEC must be submitted for each separate facility qualifying for the no exposure exclusion.

c. The form is non-transferable. If a new operator takes over your facility, the new operator must immediately complete and submit a new NEC and applicable fee to claim the no exposure exclusion. You can not transfer the NEC from one physical location to another.

7. Can An Operator Be Required To Obtain a Permit Based On The Protection Of Water Quality?

Yes. Operators who certified that their facilities qualify for the conditional no exposure exclusion may, nonetheless, be required by the RWQCB to obtain permit coverage, based on a determination that storm water discharges are likely to have an adverse impact on water quality. The RWQCB may request information and/or inspect the facility to assess potential water quality impacts and to determine whether to require permit coverage. The discharger shall take appropriate actions to ensure that water quality standards are achieved.

8. What Do I Need To Do To Obtain the No Exposure Exclusion?

This section will walk you through the process of obtaining the no exposure exclusion.

Step 1: Determine if your facility is subject to the NPDES storm water permit requirements (refer to Section 1.0). If so, proceed to Step 2. If not, stop here.

If your facility is included in Attachment 1 and conducts industrial activities, you are required to **either** apply for a storm water permit **or** submit a no exposure certification, in order to be in compliance with the NPDES storm water regulations.

Step 2: Determine if your regulated industrial activity meets the definition of no exposure and qualifies for the exclusion from permitting. If it does, proceed to Step 3. If not, stop here and obtain industrial storm water permit coverage. Use personnel familiar with the facility and its operations. Inspect all facility areas to determine the facility's exposure condition as per this guidance.
Step 3: Complete and submit the NEC form and fee to the SWRCB.

- Be aware that even if you certify no exposure, your local RWQCB can still require a permit if the RWQCB determines that your discharge is contributing to or causing an exceedance of applicable water quality standards.

- To maintain your exclusion from permitting, an NEC renewal must be completed and submitted annually to the SWRCB. This can only be done if the condition of no exposure continues to exist at the facility.

Step 4: When requested, allow your RWQCB, Municipal Storm Water Management Agency, or U.S. EPA to inspect your facility. Their inspection reports are publicly available upon request.

Step 5: Maintain a condition of no exposure.

- The no exposure exclusion is conditional and not a blanket exemption. Therefore, if facility changes occur which cause exposure of industrial activities or materials to storm water, you must then immediately comply with all the requirements of the NPDES Storm Water Program, including obtaining a storm water discharge permit.

- To maintain the condition of no exposure, you shall annually evaluate your facility to assure that the conditions of no exposure still exist. More frequent evaluations may be necessary in circumstances when facility operations are rapidly changing

- Failure to maintain the condition of no exposure or obtain coverage under an NPDES permit can lead to the unauthorized discharge of pollutants to waters of the United States, resulting in penalties under the CWA.

C. <u>Frequently Asked Questions:</u>

Q1. Who can submit the No Exposure Certification?
A. Anyone may submit an NEC if their facility (1) meets the definition of storm water associated with industrial activity (except construction activities) as defined in Phase I of the NPDES storm water regulations, and (2) has a condition of no exposure.

Q2. Where do I send my No Exposure Certification and what is the Fee?
A. The completed NEC form and fee shall be mailed to:

State Water Resources Control Board
Division of Water Quality
Attention: Storm Water Unit
P.O. Box 1977
Sacramento, CA 95812-1977

You may also electronically submit an NEC in accordance with the instructions provided at the SWRCB web site at: http://www.swrcb.ca.gov/stormwtr/nec.html The fee is currently $200, but may be changed by regulation.

Q3. If my facility's storm water discharges are covered by an individual permit, can I file a NEC?

A. Yes. Storm water discharges covered by an individual permit are eligible for the no exposure exclusion if the conditions at the facility satisfy the definition of no exposure and you obtain approval to terminate individual permit coverage from the local RWQCB prior to NEC submittal. Approval from the RWQCB is mandatory. Many individual permits, for example, contain numeric storm water effluent limitations ("antibacksliding" provisions may prevent these facilities from qualifying for the no exposure exclusion).

Q4. My facility was originally excluded from the Phase I regulations because it was classified as a "light industrial facility" . The facility has never had any exposure to storm water runoff. Do I now need to certify that the facility meets the No Exposure Exclusion from NPDES Storm Water Permitting?

A. Yes. See answer provided to question number 9, "What is the exclusion 'conditional' upon?"

Q5. Do I have to file a Notice of Termination (NOT) <u>and</u> a NEC if my facility is currently covered under the Industrial Activities Storm Water General Permit (General Permit)?

A. No. If your facility meets the definition of no exposure, then storm water discharges at that facility are no longer considered associated with industrial activity. Therefore, the requirement to have a permit no longer exists as long as you submit an NEC. You must pay the NEC fee and provide the WDID# on the NEC in order for the State Water Board to terminate coverage under the General Permit.

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

A. Renewal of the NEC is required annually(assuming the facility maintains its no exposure status). You should note the NEC submittal date so that you can annually renew the NEC thereafter. The SWRCB will transmit an NEC renewal form along with a fee notification to each facility operator who has filed an NEC. Blank fee payment and renewal forms will be available at the SWRCBs website.

<u>New dischargers</u> must submit an NEC before the commencement of facility operations. Dischargers that fail to file a NEC or apply for permit coverage before the commencement of facility operations will be out of compliance and subject to enforcement.

<u>Existing dischargers</u> have two options for submitting NECs:

1) Facilitiy operators of "light industrial" facilities who have been operating under their original, no-certification-required permitting exemption must submit the NEC at any time prior to June 30, 2004. Such dischargers who have not submitted an NEC or applied for permit coverage by this deadline will be out of compliance and subject to enforcement.

2) Dischargers who have General Permit coverage for their storm water discharges may submit an NEC at any timeGeneral Permit following completion of facility changes that result in the condition of no exposure.

Q7. What happens if I know of changes that may cause exposure?

A. If exposure could occur in the near future due to some anticipated change at the facility, you must obtain coverage under an NPDES permit to avoid enforcement for violations of the Clean Water Act.

Q8. Is the NEC transferable to a new discharger?

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

Q9. What is the exclusion "conditional" upon?

A. The exclusion from permit coverage requirements is "conditional" upon the certification of the discharger that the facility does not have exposure of materials or activities to storm water. The NEC shall be submitted to the SWRCB and will not be accepted if incomplete. The RWQCB may review the information, contact or inspect the facility, and invalidate the NEC and require the discharger to obtain permit coverage. The MS4 operator can request a copy of the certification and inspect the facility. The public can also request a copy of the certification and any inspection reports.

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

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

State of California
State Water Resources Control Board

NO EXPOSURE CERTIFICATION

FOR EXCLUSION FROM NPDES STORM WATER PERMITTING

Terry Tamminen
Secretary for Environmental

Arnold Schwarzenegger
Governor

Submission of this No Exposure Certification (NEC) constitutes notice that the entity identified in Section II does not require permit authorization for its storm water discharges associated with industrial activity due to the existence of a condition of no exposure.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate products, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated, do not contain residual industrial materials on the outside surfaces, and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves.
- Adequately maintained vehicles used in material handling,
- Final products meant to be used outdoors (e.g. automobiles), other than products that would be mobilized in storm water discharges (e.g. rock salt).

An NEC must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual drainage areas or discharge locations. If any industrial activities or materials are or will be exposed to storm water, the facility is not eligible for the no-exposure exclusion. Detailed instructions for completing this form and obtaining the no exposure exclusion are attached. All information shall be provided or the NEC may not be accepted.

SECTION I. FACILITY OPERATOR INFORMATION (See instructions)

Business Name:		Contact E-mail:
Mailing Address:		
City:	State:	Zip Code:
Contact Person:		Contact Phone:

SECTION II. FACILITY INFORMATION

1. Facility B**usiness Name**:		**2**. Total size of facility site: Acres
Facility Physical Street Address (no PO Boxes)::		Contact E-mail:
City:	State: **CIA**	Zip Code:
Contact Person:		Contact Phone:

If facility does not have a valid physical street address, describe facility location or provide facility Latitude and Longitude

3. SIC OR NAICS CODE(S: Industrial Activities (*describe each SIC or NAICS code*)**:**

a.

b.

c.

4**.** If facility is currently covered under the Industrial Activities Storm Water General Permit (facility operator has previous filed a Notice of Intent), provide the Waste Discharger Identification (WDID) number:

SECTION III. BILLING INFORMATION

SEND BILL TO: [ ]Discharger Mailing Address (Section I) [ ]Facility Physical Street Address (Section II) [ ] As Indicated below		
Name:		Contact E-mail:
Mailing Address:		
City:	State:	Zip Code:
Contact Person:		Contact Phone:

SECTION IV. EXPOSURE CHECKLIST

The facility is eligible for the no exposure exclusion if you answer "YES" to each of the following questions (1) through (11). A "Yes" indicates that you have identified and evaluated the industrial activities and materials described in the question and are certifying that they are not exposed to storm water, now or in the foreseeable future.

	Yes
1. Areas where industrial machinery or equipment are used, stored or cleaned, and areas where residuals from industrial machinery or equipment use, storage or cleaning remain and are exposed to storm water.	☐
2. Areas which may contain materials or residuals on the ground or in storm water inlets from spills/leaks	☐
3. Areas which may contain materials, products, or residuals from past industrial activity	☐
4. Areas where material handling equipment (except adequately maintained vehicles) is used.	☐
5. Areas where materials or products are loaded/unloaded or transported.	☐
6. Areas where materials or products are stored outdoors (except uncontaminated final products intended for outside use [e.g., new car] where exposure to storm water does not result in the discharge of industrial pollutants)	☐
7. Areas where materials may be contained in containers such as storage drums, barrels, tanks, and similar containers.	☐
8. Areas where materials or products are handled/stored on roads or railways owned or maintained by the discharger.	☐
9. Areas where waste materials are handled (except waste in covered, non-leaking containers or dumpsters).	☐
10. Areas where process wastewater is applied or disposed.	☐
11. Areas which may contain particulate matter or visible deposits of residuals from roof stacks and/or vents.	☐

SECTION V. CERTIFICATION

I certify under penalty of law that I have read and understand the eligibility requirement for claiming a condition of "no exposure" and obtaining an exclusion from NPDES storm water permitting. I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the facility.

I understand that I am obligated to submit a NEC renewal form and fee annuallyto the SWRCB. I understand that I must allow the local RWQCB, municipal separate storm sewer system (MS4), or U.S.EPA to perform inspections to confirm the condition of no exposure and to make such inspection reports publicity available upon request. I understand that I must evaluate the facility at least annually to affirm that the condition of no exposure continues to exist. I understand that I must obtain coverage under an NPDES permit prior to any exposure of storm water to industrial activities and materials.

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

Printed Name: _____ Signature: _____

Title: _____ Date: _____

Phone Number: (___) _____ E-mail Address: _____

ATTACHMENT 6
STORM WATER POLLUTION PREVENTION PLAN CHECKLIST

GENERAL INDUSTRIAL ACTIVITIES STORM WATER PERMIT
WATER QUALITY ORDER NO. 05-XX-DWQ

FACILITY
NAME:_____

WDID#:_____

FACILITY CONTACT:
Name_____
Title_____
Company_____
Street Address_____
City, State_____
Zip_____

CONSULTANT CONTACT:
Name_____
Title_____
Company_____
Street Address_____
City, State_____
Zip_____

STORM WATER POLLUTION PREVENTION PLAN	Not Applicable	SWPPP Page # or Reference Location	Date Implemented or Last Revised
Signed Certification (Section XI.9.b and XI.10)			
Pollution Prevention Team (VII.3.b)			
Existing Facility Plans (VII.3.c)			

Facility Site Map(s) (VII.4)				
Facility boundaries	(VII.4.a)			
Drainage areas	(VII.4.a)			
Direction of flow	(VII.4.a)			
On-site water bodies	(VII.4.a)			
Areas of soil erosion	(VII.4.a)			
Nearby water bodies	(VII.4.a)			
Municipal storm drain inlets	(VII.4.a)			
Points of discharge	(VII.4.b)			
Structural control measures	(VII.4.b)			
Impervious areas (paved areas, buildings, covered areas, roofed areas)	(VII.4.c)			
Location of directly exposed materials	(VII.4.d)			
Locations of significant spills and leaks	(VII.4.d)			
Storage areas / Storage tanks	(VII.4.e)			
Shipping and receiving areas	(VII.4.e)			
Fueling areas	(VII.4.e)			

Vehicle/equipment storage and maintenance	(VII.4.e)			
Material handling / Material processing	(VII.4.e)			
Waste treatment / Waste disposal	(VII.4.e)			
Dust generation / Particulate generation	(VII.4.e)			
Cleaning areas / Rinsing areas	(VII.4.e)			
Other areas of industrial activities	(VII.4.e)			

List of Significant Materials (VII.5)

For each material listed:

Storage location			
Receiving and shipping location			
Handling location			
Quantity			
Frequency			

Description of Potential Pollution Sources (VII.6)

Industrial processes	(VII.6.a.)			
Material handling and storage areas	(VII.6.b)			
Dust & particulate generating activities	(VII.c)			
Significant spills and leaks	(VII.6.d)			
Non-storm water discharges	(VII.6.e)			
Soil erosion	(VII.6.f)			

Assessment of Potential Pollutant Sources (VII.7)

Narrative assessment of likely sources of pollutants (VII.7a.)			
Narrative assessment of likely pollutants present in storm water discharges. (VII.7.a)			
Identification of additional BMPs. (VII.7.b)			

Storm Water Best Management Practices

Minimum BMPs	**(VII.8.a)**			
Good Housekeeping	(VII.8.a.i)			
Preventative Maintenance	(VII.8.a.ii)			
Spill Response	(VII.8.a.iii)			
Material Handling/Waste Management	(VII.8.a.iv)			
Employee Training	(VII.8.a.v)			
Record Keeping/Quality Assurance	(VII.8.a.vi)			
Erosion/Sediment Control	(VII.8.a.vii)			
Inspections	(VII.8.a.vii)			
Additional Facility Specific BMPs	(VII.8.b)			
BMP Narrative Descriptions	(VII.8.c)			
BMP Description and effected pollutants	(VII.8.c.i)			
BMP Frequency	(VII.8.c.ii)			
BMP Location	(VII.8.c.iii)			
Employee Implementing BMPs	(VII.8.c.iv)			
BMP Procedures	(VII.8.c.v)			
BMP Related Equipment & Tools	(VII.8.c.vi)			
BMP Summary	(VII.8.d)			

Annual Comprehensive Site Compliance Evaluation (VII.9)

Review of visual observations, Inspections, and sampling analysis	(VII.9.a)			
Visual inspection of potential pollution sources	(VII.9.b)			
Review and evaluation of BMPs	(VII.9.c)			
Evaluation report	(VII.9.d)			