Winston H. Hickox
Secretary for Environmental Protection

State Water Resources Control Board

Division of Water Quality
1001 I Street • Sacramento, California 95814 • (916) 341-5455
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
FAX (916) 341-5463 • Internet Address: http://www.swrcb.ca.gov

Gray Davis
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)

Thursday, June 19, 2003 – 10:00 a.m.
Rancho Cucamonga City Council Chambers
10500 Civic Center Drive
Rancho Cucamonga, CA

Monday, June 23, 2003 – 10:00 a.m.
Central Valley Auditorium – 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 prior permit (Water Quality Order 97-03-DWQ) was adopted on April 17, 1997.

BACKGROUND

In 1990, the U.S. Environmental Protection Agency (USEPA) promulgated regulations, known as Phase I, for permitting storm water discharges from industrial facilities. The SWRCB adopted Industrial General Permits in 1991 and 1997 to cover these facilities.

SWRCB staff has prepared a proposed draft of the Industrial General Permit that includes numerous revisions from the 1997 permit. These changes include modifications to the Storm Water Pollution Prevention Plan (SWPPP) section, the Monitoring Program, and the Group Monitoring requirements. The proposed draft also includes the Conditional Exclusion requirements described herein.

The Phase I regulations exempted a specific category of facilities, known as light industry, from coverage under a storm water permit if there was no exposure of industrial materials to storm water. There were no requirements for operators of these facilities to document that there was no exposure. On December 8, 1999, the USEPA promulgated Phase II storm water regulations that, among other things, included a Conditional Exclusion from storm water permit coverage replacing the prior exemption for light industry. Upon reissuance of the Industrial General Permit, the Conditional Exclusion will be available to all dischargers who meet the criteria for the exclusion. Dischargers may be excluded from permit coverage if they prepare and submit certification that their facilities have no exposure of industrial activities to storm water discharges and if they renew that certification on a regular basis. 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.

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 new Phase II Conditional Exclusion certification.

The SWRCB is specifically interested in receiving comments on whether practical improvements can be made to the monitoring program to better demonstrate whether a facility's storm water discharge is in compliance with effluent limitations and receiving water limitations. The existing General Permit monitoring program relies on a combination of visual observations and sampling and analysis to indicate the presence of pollutants in storm water discharge. Based upon monitoring information, dischargers are required to update their SWPPP and implement additional Best Management Practices to prevent or reduce pollutants in storm water discharge.

REQUESTS FOR DOCUMENTS, COMMENTS, AND OTHER INFORMATION

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

Requests for paper copies should be mailed to: Mr. Leo Cosentini, Division of Water Quality, State Water Resources Control Board, P.O. Box 1977, Sacramento, California, 95812-1977. Please allow at least one week for delivery. Unless otherwise extended by the SWRCB, comments on the draft Industrial General Permit will be accepted if received or postmarked by June 23, 2003. Comments can be mailed to Mr. Cosentini, submitted by FAX to (916) 341-5543, or e-mailed to: stormwater@swrcb.ca.gov. Questions regarding this public hearing or future SWRCB hearings and meetings on this matter should be directed to the Storm Water Section at (916) 341-5536.

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 hearings, the SWRCB will provide public notice of future hearings or meetings pertaining to reissuance of the Industrial General Permit.

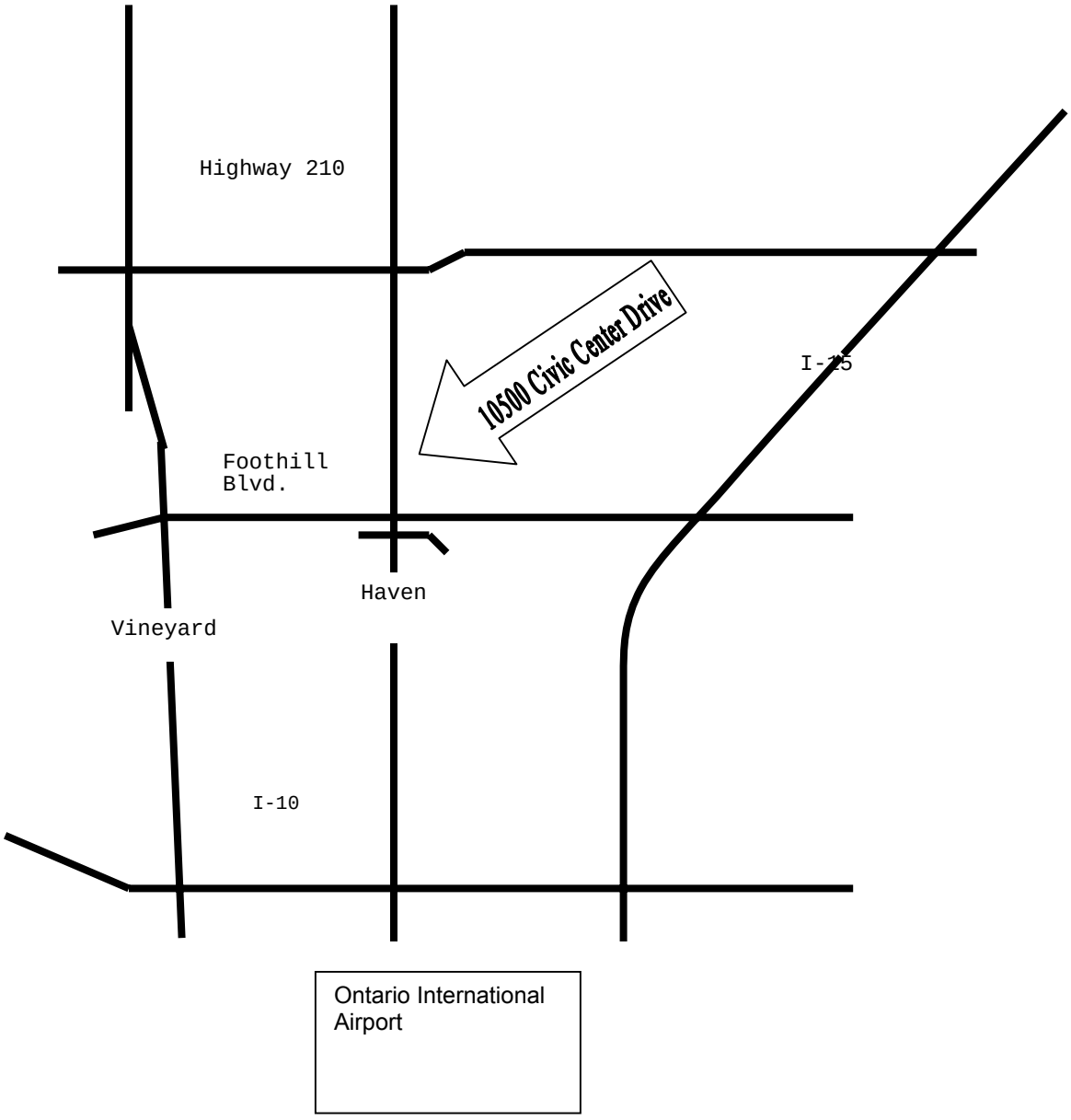
All visitors to the Joe Serna Jr. Cal/EPA Building are required to sign in and receive a badge prior to attending any meeting. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due 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.

Debbie Irvin
Clerk to the Board

Dated 9 May 2003

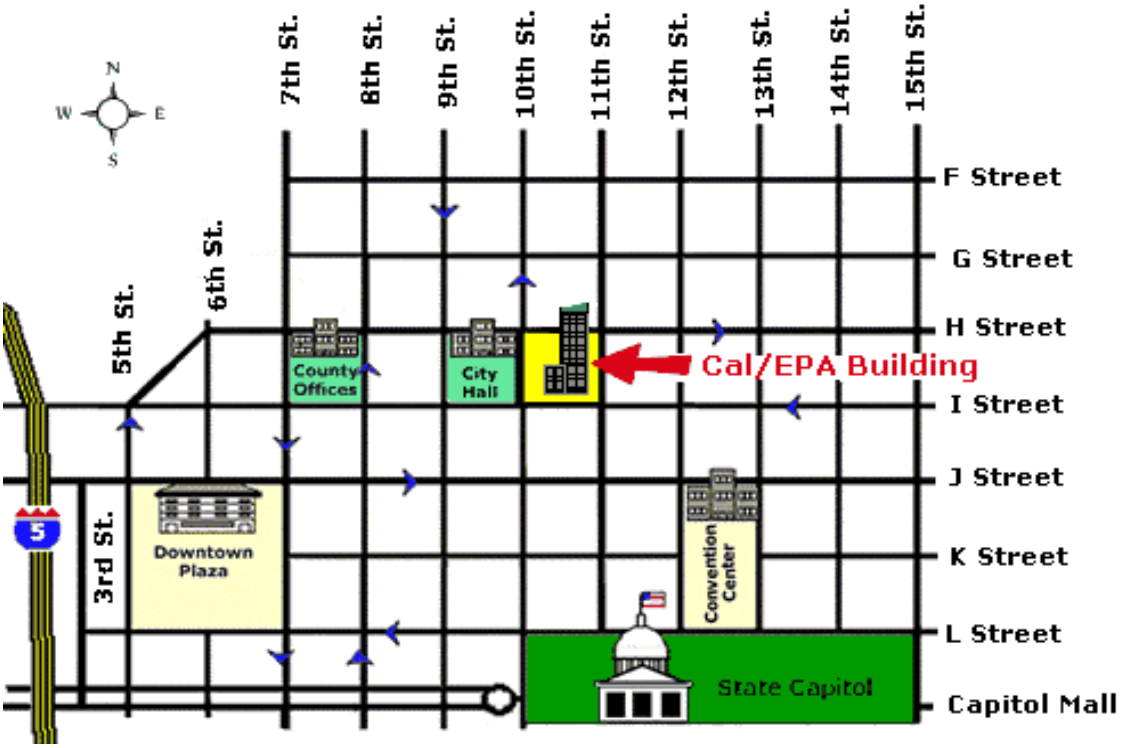
DIRECTIONS FOR JUNE 19th HEARING

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 JUNE 23RD 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.



Winston H. Hickox
Secretary for Environmental Protection

State Water Resources Control Board

Division of Water Quality
1001 I Street • Sacramento, California 95814 • (916) 341-5455
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
FAX (916) 341-5463 • Internet Address: http://www.swrcb.ca.gov

Gray Davis
Governor

TABLE OF CONTENTS

Summary Of Proposed Revisions ..... A - B

Fact Sheet ..... I-IX

Summary of Monitoring Activities Required By General Permit X

General Permit

Order ..... 1 - 5

Section A : Storm Water Pollution Prevention Plan (SWPPP) ..... 6 - 11

Appendix A-1: SWPPP Checklist ..... 12 - 13

Appendix A-2: Five Phases For Developing SWPPPs..... 14

Appendix A-3: Example BMP Summary Table..... 15

Section B: Monitoring Program Requirements ..... 16 – 20

Appendix B-1: Additional Analytical Parameters 21

Appendix B-2: Test Methods For Analytical Parameters 22

Appendix B-3: Storm Water Sample Collection and Handling Instructions..... 23

Section C: Group Monitoring ..... 24 - 25

Section D: Conditional Exclusion ..... 26 - 27

Section E: Standard Provisions ..... 28 - 30

Attachment 1: Facilities Covered By This Permit

Attachment 2-A: SWRCB and RWQCBs Storm Water Contacts

Attachment 2-B: Acronyms

Attachment 3: Definitions

Attachment 4: Notice of Intent (NOI) Form Instructions

Attachment 5: No Exposure Certification (NEC) Form and Instructions

SUMMARY OF PROPOSED 2003 GENERAL PERMIT REVISIONS

(*Shaded items represent proposed revisions since the November 5th workshop*)

ORDER

1. Provisions V.1 requires dischargers covered by the 1997 General Permit to file a new NOI upon SWRCB or RWQCB request. Provisions E.1 of the 1997 General Permit required existing dischargers to file a new NOI to obtain General Permit coverage.

2. Provisions V.8 removes the Notice of Termination requirement for existing dischargers who qualify for the "Conditional Exclusion" and file a No Exposure Certification.

3. Provisions V.11 revised to include additional compliance procedures when discharger is causing or contributing to an exceedance of a water quality standard. This modified procedure replaces Receiving Water Limitations C.3 of the 1997 General Permit.

4. New Provisions V.12 requires municipal facility operators that are currently exempt under Intermodal Surface Transportation Efficiency Act (ISTEA) to file an NOI by March 10, 2003.

5. New Provisions V.13, V.14, V.15, and V.16 added to specifically require key General Permit requierements.

6. New Provisions V.17 added to authorize designated "non-traditional MS4s" to obtain General Permit coverage for their entire facilities in accordance with specific conditions.

7. New "VI. Conditional Exclusion Requirements" authorizes conditional exclusion of discharges composed entirely of storm water provided that the discharger submits a No Exposure Certification in accordance with "Section D. Conditional Exclusion Requirements."

SWPPP (Section A)

1. Section A.3.a establishes new requirement to complete a SWPPP checklist. The checklist is used to indicate where each SWPPP requirement is addressed in the discharger's SWPPP and the date implemented or last revised. Appendix A-1 "SWPPP Checklist" added to Section A.

2. Section A.3.b.iii rewritten to require procedures that will be followed to identify alternate personnel to perform compliance activities when regular pollution prevention team members are unavailable.

3. Section A.8 rewritten to require dischargers to provide complete BMP descriptions.

4. Section A.8.a.v rewritten to require a description and location of training manuals, training frequency, and documentation of personnel receiving training.

5. Section A.8.b.ix replaces Section A.8.a.ix of 1997 General Permit. This Subsection requires four quarterly inspections and annual reporting of associated corrective actions.

6. Section A.9.d rewritten to require certification that the quarterly inspections were completed.

Monitoring Program (Section B)

1. Section B.5.a requires sampling of the first two eligible qualifying storm events of the wet season.

2. Section B.4.e added to require dischargers to document storm events that occur prior to completing each monthly visual observation.

3. Section B.4.f added to require visual observations of facility before each storm event to locate and correct areas of contamination.

4. Section B.5.c.ii revised to require additional parameters indicating the presence of industrial materials that are exposed to, and mobilized by, contact with storm water.

5. Appendix B-1 'Additional Analytical Parameters" replaces Table D of 1997 General permit.

6. New Section B.5.c.iv requires parameters indicating the presence of materials that may be causing or contributing to an exceedance of a water quality standard.

7. New Section B.5.e requires analytical methods be selected in accordance with Appendix B-2.

8. New Section B.5.f requires sample collection and handling shall be conducted in accordance with Appendix B-3 instructions.

9. Section B.5.g added to require dischargers to take corrective actions when sampling results indicate the presence of pollutants in storm water discharges in significant quantities.

10. Section B.10.a.i & ii rewritten to require a description of visual observation and sample collection, storage, preservation, and shipping procedures. A blank "Chain of Custody" form must be attached to the monitoring program.

11. Section B.14.e and f added requiring the use of standardized annual report forms provided by the SWRCB or RWQCBs. Dischargers may request permission from RWQCB to use alternate annual report forms under limited circumstances.

Group Monitoring (Section C)

1. Section C.1 establishes new group participation requirements. To qualify for reduced sampling, group participants must satisfy specific conditions.

2. Section C.1.c establishes specific reasons to rescind group participation approval.

3. Section C.2.b establishes new minimum requirements that apply to all Group Leader or Group Leader representatives that prepare or supervise the preparation of Group Monitoring documents.

4. Section C.2.c.ii (2) establishes new requirement (compare to Section B.15.d.ii of 1997 General Permit) for Group Leaders to specifically identify participants that have failed to implement corrective actions or are not complying with the General Permit.

5. Section C.2.c.v (2) and (3) establishes new requirement (compare to Section B.15.d.v.of 1997 General Permit) for Group Leaders to inspect new participants within 120 days (and two years later), and inspect existing participants twice within the first four year of the General Permit.

6. Section C.2.c.v (4), (5) and (6) establishes new requirements to provide Group Leader inspection reports to participants within 7 days of inspection, provide a copy of inspection reports to RWQCBs within 14 days of inspections and to provide the RWQCB a copy of the signed compliance response checklist from the participant with 90 days of a Group Leader inspection.

7. Section C.2.c.xi requires Group Leaders to provide Group Monitoring related documents electronically.

8. Section C.3.a establishes a new minimum number of group participants necessary for approved GMPs. GMPs must include a minimum of ten (10) participants.

9. Section B.12.k of 1997 General Permit contained special requirements pertained to group participants when requesting "Sampling and Analysis Reduction." The proposed General Permit does not include these special requirements.

Conditional Exclusion Requirements (Section D)

This Section conforms with U.S.EPA Phase II regulations and guidance with the following exceptions:

1. The definition of "storm resistant shelters" was modified to exclude shelters that do not have permanent supports.

2. RWQCBs may require more frequent submittals of NECs (Section D.1.d).

3. Dischargers shall annually evaluate facilities to determine compliance with conditional exclusion requirements (Section D.1.b)

4. Temporary shelter may be used for periods of no more than 90 days due to facility construction or remodeling (Section D.2.d).

5. Dischargers who previously were exempt from permit because industrial materials and activities were not exposed (light industry facilities) are required to file NECs by December 31, 2003 (Section D.5.b.i).

Standard Provisions (Section E)

1. Section E.8.e added to allow authorized compliance inspection staff to photograph or videotape outdoor areas of the facility to document storm water compliance.

NOI Requirements (Attachment 4)

1. Section III.A: Facility Information. Dischargers shall provide physical street address of facility.

FACT SHEET

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 03-01-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

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p) establishing a framework for regulating municipal and industrial storm water discharges under the NPDES Program. On November 16, 1990, the U.S. Environmental Protection Agency (U.S. EPA) published Phase I regulations that establish application requirements for storm water permits. The regulations require that storm water associated with industrial activity (storm water) that discharges either directly or indirectly to waters of the United States must be regulated by an NPDES permit. The regulations allow authorized states to issue individual or general permits to regulate storm water discharges. General permits may be statewide or cover specific watersheds or industry types.

Consistent with the Phase I regulations, the SWRCB issued a statewide General Permit on November 19, 1991 that applied to all storm water discharges requiring a permit except construction activity. That General Permit's monitoring requirements were amended on September 17, 1992 to conform more closely to the new U.S. EPA nationwide storm water permit and related guidance. On April 17, 1997, the SWRCB adopted a new five-year General Permit that contained many SWPPP and Monitoring Program modifications and improvements relative to the initial General Permit. On December 8, 1999, U.S. EPA issued Phase II storm water regulations that modify industrial, construction, and municipal permitting requirements. Today's General Permit incorporates the Phase II regulations related to industrial storm water discharges. Similar to the previous General Permit, today's General Permit requires dischargers to:

1. Develop and implement storm water pollution prevention plans (SWPPP) to reduce or prevent industrial pollutants in storm water discharges;
2. Eliminate unauthorized non-storm water discharges; and
3. Conduct visual and analytical storm water discharge monitoring to indicate the effectiveness of the SWPPP in reducing or preventing pollutants in storm water discharges.

TYPES OF STORM WATER DISCHARGES COVERED BY THIS GENERAL PERMIT

Today's 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 Code of Federal Regulations (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]. Today's General Permit provides the Federal definition in Attachment 3, Definition 8 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. For example, a school district's primary function is education (SIC 8211) and it would not be required to obtain a permit for any facility related to education (like school buildings or administrative offices). But if the school district operates a school bus maintenance facility it would be required to obtain a permit because school bus operations (SIC 4151) are included in Attachment 1 of this General Permit. On the other hand, a school district's automobile repair facility would not require a permit because automotive repair (7538) is not included.

In 1997, the North American Industrial Classification System (NAICS) was published and replaced the 1987 SIC Manual. The U.S. EPA 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 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 are subject to storm water effluent limitation guidelines that are incorporated into the requirements of this General Permit. A discharger whose facility is 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 B.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 today's 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 Industrial General Permit and that have been designated s a 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 XX (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 requirements outlined in Section A 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 Construction Activities General Permit(s).

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, the discharger should be certain that no discharge of storm water to waters of the United States can occur under any circumstances. Such dischargers should contact the RWQCB with any zero discharge exemption questions.

   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 most silviculture activities such as thinning, harvesting operations, surface drainage, or road construction and maintenance are exempt from this permit. Log sorting or log storage facilities that fall within SIC 2411 are subject to NPDES permitting.

6. Discharges from oil and gas facilities that have not released storm water resulting in a discharge of a reportable quantity (RQ) for which notification is or was required pursuant to 40 CFR Parts 110, 117, and 302 at any time after November 19, 1987 are not required to be permitted unless the discharge contributed to a violation of a water quality standard.

7. 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.

8. Discharges from facilities on Indian Lands (these are regulated by the U.S. EPA).

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 Notice of Intent (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. One of these two forms is required for each individual facility. A discharger that does not submit one of these two forms may be found in violation of discharging without a permit.

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

All dischargers filing an NOI after the adoption of this General Permit shall comply with this General Permit. Existing dischargers who have filed NOIs before the adoption 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 December 31, 2003,

(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 NOT or NEC at any time they become eligible to terminate coverage under this General Permit or meet the conditional exclusion conditions.

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 pollutants shall mail or electronically file a NEC by December 31, 2003.

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 the 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 the Special Conditions of the 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 best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards. The General Permit requires dischargers to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges by developing and implementing BMPs that constitutes compliance with BAT/BCT.

U.S. EPA 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, it is appropriate to require compliance with BMPs instead of adopting numeric effluent limitations (40 CFR 122.44(k)). Numeric effluent limitations are not required unless specific receiving water-based numeric effluent limits have been established. This approach is consistent with U.S. EPA policy.

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. If a facility's storm water discharge does cause or contribute to an exceedance of a receiving water quality standard, the discharger is required to submit a written report providing additional BMPs that will be implemented to reduce pollutants in storm water discharges. When appropriate, the RWQCBs may require such dischargers to conduct additional monitoring, or adopt more stringent individual or general permits to achieve compliance with water quality standards.

Storm Water Pollution Prevention Plan (SWPPP)

This General Permit requires all dischargers to develop, implement, and retain onsite a facility-specific SWPPP. The General Permit's SWPPP requirements generally follow the U.S. EPA five-phase approach to developing SWPPPs as described in Appendix A-2. 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 be generated from a wide variety of potential pollutant sources. They include waters from the rinsing or washing of vehicles, equipment, buildings, or pavement; materials that have been improperly disposed of or dumped, and spilled; or leaked materials. 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 may enter the storm drain system via conveyances such as floor drains. All conveyances shall be evaluated to determine whether they convey unauthorized non-storm water discharges to the storm drain system. Unauthorized non-storm water discharges (including those that are co-mingled with storm water) shall be eliminated or covered by a separate NPDES Permit.

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

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, like 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 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.

Monitoring Program

The General Permit requires development and implementation of a facility-specific monitoring program to: (1) indicate the presence of pollutants associated with industrial activity in storm water discharges, (2) indicate whether storm water discharges are in compliance with the requirements of the General Permit, and (3) indicate whether BMPs are effective in reducing or preventing pollutant in storm water discharge.

The General Permit's monitoring requirements are consistent with U.S.EPA guidance that emphasizes visual observations as the most effective monitoring

method for evaluating the effectiveness of BMPs at most facilities. 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 Appendix B-1 "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. (New Requirement) Visually observe the facility before every anticipated storm event to locate and correct 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 were 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.

Total Suspended Solids (TSS) is an indicator of the undissolved 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 industrial 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.

Total Organic Carbon (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 a 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.

Dischargers who have any questions regarding whether or not constituent concentrations are too high should contact their local RWQCB office. Because the samples collected are qualitative and only indicate the concentration of pollutants at a single moment in time, sampling results must be interpreted with great care. Generally, dischargers who detect the presence of a pollutant should determine the source of the pollutants, implement clean-up procedures when appropriate, and assess whether additional BMPs are necessary. Dischargers can additionally look to any nationally or

regionally published benchmarks to compare their sampling results and help them determine if more comprehensive follow-up may be appropriate. It is anticipated that one or more of the RWQCBs may provide benchmarks.

The United States Environmental Protection Agency (US EPA) has published storm water discharge benchmarks for a number of parameters. The benchmarks are only applicable to U.S. EPA administered states. 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. When sample results exceed one or more of the benchmarks, the U.S. EPA recommends dischargers reevaluate the effectiveness of their BMPs and develop, when appropriate, additional BMPs. These benchmarks can be accessed at our website at http://www.swrcb.ca.gov and are contained in the Sampling and Analysis Reduction Certification.

This General Permit's Monitoring Program contains a table (Appendix B-1) of analytical parameters organized by SIC code as did the previous General Permit (Table D). The table is copied from the U.S. EPA Multi-Sector Permit. In the early 1990s, U.S. EPA, through its' group application program, evaluated nation-wide monitoring data and developed the listed parameters and SIC associations. The U.S. EPA 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 Appendix B-1. 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 discharged in significant quantities. For the purposes of this General Permit, a significant quantity is the volume, concentration, or mass of a pollutant that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and/or cause or contribute to a violation of any applicable water quality standards for the receiving water. This requirement is different from the previous requirement as it focuses on any industrial pollutants (regardless of degree of storm water contact or relative mobility) that can be reasonably expected to cause or contribute to an exceedance of a water quality standard. The requirement continues to be included in this General Permit to address situations where it is appropriate for dischargers to conduct a more thorough parameter selection (such as in cases where the discharger contributes significant quantities of pollutants to an impacted water body or for discharges into a 303(d) listed water body).

Visual observations provide the discharger immediate information indicating the presence of most pollutants and their sources. Dischargers are able to implement timely corrective actions and revise BMPs as necessary. Qualitative analytical monitoring can provide an indication of the presence of industrial pollutants in storm water discharge. Indications of pollutants require the discharger to evaluate potential pollutant sources and corresponding BMPs and make appropriate SWPPP revisions. Repeated or frequent indications of high pollutant concentrations may require the discharger to analyze for additional pollutants or make other monitoring modifications to better characterize the discharge or determine the source of pollutants.

This General Permit requires dischargers to perform pre-storm visual observation to identify and correct obvious pollutant sources before a storm event to prevent discharges of pollutants. This new 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.

In some cases, one or more of the minimum monitoring program requirements may interfere with the implementation of a monitoring program that satisfies the General Permit's monitoring program objectives. For example, there may be circumstances when sample collection after the first hour of discharge would provide a better indicator of BMP effectiveness than sample collection during the first hour (as required by the General Permit). The SWRCB does not want to preclude dischargers from developing better, and perhaps more cost-effective, monitoring programs that satisfy the monitoring program objectives. This General Permit allows dischargers to submit alternative monitoring programs for approval by the RWQCB. These proposals must be facility-specific and demonstrate how the alternative monitoring program will be a better indicator of pollutants and/or BMP effectiveness than the monitoring program required by this General Permit. Dischargers must comply with existing monitoring program requirements until the alternative proposal is approved.

Sampling and Analysis

As part of the 1991 General Permit adoption process, 1992 General Permit amendment process, and 1997 General Permit adoption process, the SWRCB has been provided, and has considered, comments from hundreds of stakeholders concerning sampling and analysis. Sampling and analysis issues are the most dominant of all the issues concerning the 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 a more 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 believe 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) the 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 U.S.EPA storm water regulations do not require sampling, (6) the U.S.EPA's nationwide permit relies heavily on visual observations and requires very few dischargers to conduct sampling and analysis, and (7) the majority of dischargers are not capable of performing accurate sampling and analysis nor will they understand the results.

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 compliance.

With the exception of the new pre-storm visual observation requirement, the General Permit's monitoring requirements are not significantly different from those of the previous General Permit. 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 9,000 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, and cause flooding and erosion.

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 POTWs), 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 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. They would either have to hire and train on-site staff to do this work, or would have to contract 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.

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 simple. 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, should result in better compliance and understanding of the 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 GMP is developed by a group leader representing a group of facilities with significantly similar industrial activities. 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 the General Permit and can recommend 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 the 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 B.10 of this General Permit requires dischargers to identify appropriate visual monitoring locations, determine appropriate monitoring procedures, and select analytic test methods that indicate the presence of pollutants in storm water discharge. The SWRCB is concerned that many dischargers have not developed basic sampling procedures or have improperly selected test methods. Although the required sampling and analysis requirements 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 facilities covered by this General Permit are so different, the SWRCB cannot provide a single sampling methodology appropriate for all facilities. Table B-3 provides basic sampling procedures and instructions for dischargers when complying with Section B.10. Table B-2 provides the minimum test methods that must be used for a variety of common pollutants. Dischargers should be aware that more sensitive test methods may be necessary if they discharge to an impaired water body or are otherwise required to do so by the RWQCB.

Retention of Records

The discharger is 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. This period may be extended by the SWRCB and/or RWQCBs. 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 group monitoring plan. Regardless of how a discharger chooses to pursue compliance, it is the discharger that is 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. Page X of the Fact Sheet is a summary of the many monitoring activities that are required. In general, dischargers that develop and implement SWPPPs that comply with this General Permit should not be penalized when discovering minor violations through this iterative self-evaluation process. The General Permit provides dischargers up to 90 days to revise and implement the SWPPP to correct such violations.

Summary of Monitoring Activities Required By 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.	A.8.B.IX	All areas of industrial activity and all drainage areas	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.	A.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.	B.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	Document storm events that do not produce a discharge but that occur before a monthly visual observation.	B.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.	B.3	All storm water drainage areas	Prior to anticipated storm events	
Storm Water Sample Collection	Collect samples of storm water discharges and submit for laboratory analyses.	B.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.	B.4.D	Storm water storage and containment areas	Monthly	

Shaded items represent proposed revisions to the 1997 Industrial General Permit

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 03-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 United States Environmental Protection Agency (U.S. EPA) 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) 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 associated with industrial activity 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. The SWRCB has adopted General Permits in 1991 (91-013-DWQ) and 1997 (97-03-DWQ) in accordance with the Phase I regulations.

2. On December 8, 1999, U.S. EPA promulgated Phase II storm water regulations that provide a "Conditional Exclusion" that applies to all industrial activities other than construction. (The Phase 1 regulations included exclusion for only "light industry," 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 D. Dischargers of light industry facilities must either obtain coverage under this permit or comply with the requirements for a Conditional Exclusion. Additionally, the Phase II regulations require permitting for discharges from facilities owned and operated by a municipality with a population of less than 100,000 that were exempt from the Phase I permitting requirements under Section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). This General Permit incorporates the Phase II regulations by including the "Conditional Exclusion" requirements and requiring municipal facilities previously exempt under ISTEA to be permitted by March 10, 2003.

3. 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 and storm water discharges and authorized non-storm water discharges excluded by the RWQCBs from coverage by this General Permit.

4. 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 regulated under SWRCB Order No. 97-03-DWQ as of the adoption date of this General Permit will continue their coverage under this General Permit.

5. 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.

6. 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, may be required by a separate RWQCB action to implement additional BMPs, conduct additional monitoring activities, or comply with an applicable waste load allocation and implementation schedule.

7. This General Permit complies with 40 CFR 122.44(i)(3) and (4) that establish minimum monitoring requirements that must be included in storm water permits. The requirements include one annual inspection and the appropriate effluent limitation guidelines in 40 CFR Subchapter N. Federal regulations do not require storm water sampling or other types of periodic visual observations to be included in storm water permits. To comply with the regulations, the General Permit requires dischargers to (1) conduct an annual comprehensive site compliance evaluation to identify areas of the facility contributing to storm water associated with industrial activity, (2) evaluate whether measures to reduce

pollutant loads identified in the discharger's storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the General Permit, and (3) determine whether additional control measures are needed.

8. This General Permit contains additional cost-effective monitoring requirements that exceed the Federal minimum monitoring requirements necessary to evaluate BMP effectiveness and General Permit compliance, indicate whether industrial pollutants are being discharged, and assist dischargers to implement timely corrective actions. This General Permit primarily relies on the performance of visual observations to identify and/or mitigate sources of pollutants. Visual observation includes (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. To help identify instances when industrial pollutants may not have been detected and mitigated by visual observations, the General Permit requires non-quantitative storm water sample collection and analysis to indicate the presence of pollutants in storm water discharges.

9. The applicability of this General Permit is automatically terminated on the effective date of any subsequently adopted RWQCB individual or general NPDES permit that requires implementation of BAT and BCT and which covers the same storm water discharges regulated by this General Permit.

10. 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).

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

12. Federal regulations (40 CFR Subchapter N) establish effluent limitations guidelines for storm water discharges from facilities in ten industrial categories.

13. Best Management Practices (BMPs) to reduce or prevent pollutants associated with industrial activity 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)). This permit does include numeric effluent limitations for facilities that are subject to effluent limitation guidelines for storm water discharges in 40 CFR Subchapter N.

14. The RWQCBs shall enforce the provisions of this General Permit.

15. Following public notice in accordance with State and Federal laws and regulations, the SWRCB held public hearings on June 19th and 23rd, 2003 and heard and considered all comments pertaining to this General Permit. A response to all significant comments has been prepared and is available for public review.

16. This Order is an NPDES General Permit in compliance with Section 402 of the CWA and shall take effect upon adoption by the SWRCB.

17. All terms defined in the CWA, U.S. EPA storm water regulations, and the Porter-Cologne Water Quality Control Act will have the same definition in this General Permit unless otherwise stated.

18. This NPDES Permit is consistent with the anti-degradation Provision, 40 CFR 131.12, and SWRCB Resolution 68-16.

IT IS HEREBY ORDERED that all dischargers that are required to be regulated by this General Permit shall comply with the following:

I. DISCHARGE PROHIBITIONS:

1. Except as allowed in Section IV. Non-Storm Water Discharges of this General Permit, materials other than storm water (non-storm water discharges) that discharge 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 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 the specified effluent limitations.

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 covered by this General Permit shall reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of BAT for toxic and non-conventional pollutants and BCT for conventional pollutants. Development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that complies with the requirements in Section A of the General Permit and that includes

BMPs that achieve BAT/BCT constitutes 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 adversely affect human health or the environment.

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

IV. NON-STORM WATER DISCHARGES

a. The following non-storm water discharges are authorized provided they satisfy the conditions of subsection b:

   i. fire-hydrant and fire system flushing;

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

   iii. drinking fountain water; atmospheric condensate, including refrigeration, air conditioning, and compressor condensate;

   iv. irrigation drainage and landscape watering;

   v. natural springs, ground water, and foundation and footing drainage; and

   vi. Seawater infiltration where the seawater is discharged back into the sea water source.

b. The non-storm water discharges identified in subsection a. are authorized by this General Permit if all the following conditions are satisfied:

   i. The non-storm water discharges comply with any existing or new RWQCB requirements.

   ii. The non-storm water discharges comply with any existing or new municipal agency ordinances and requirements.

   iii. BMPs are specifically included in the SWPPP to:

   (1) prevent or reduce the contact of non-storm water discharges with significant materials or equipment, and

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

   iv. The non-storm water discharges do not contain significant quantities of pollutants.

   v. The monitoring program includes quarterly visual observations of non-storm water discharges and sources to ensure adequate BMP implementation and effectiveness.

   vi. The non-storm water discharges are reported and described in the annual report.

c. Discharges from fire fighting activities are authorized by this General Permit and are not subject to the conditions of Subsection b.

V. PROVISIONS:

1. As of the adoption date of this General Permit, dischargers who are not currently 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. Existing dischargers currently permitted under SWRCB Order No. 97-03-DWQ shall continue coverage under this General Permit. Notification of this General Permit will be mailed to each discharger. The General Permit will be available on the Internet or will be mailed upon request. Upon request by the SWRCB or RWQCBs, existing dischargers shall submit updated NOI information and/or General Permit acknowledgment certification in accordance with provided instructions.

2. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for each facility covered by this General Permit according to the directions in Section A of this General Permit. As of the adoption date of this General Permit, dischargers who are currently permitted under SWRCB Order No. 97-03-DWQ shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP in accordance with Section A of this General Permit in a timely manner, but in no case later than December 31, 2003. Dischargers beginning industrial activities after adoption of this General Permit must develop and implement an SWPPP in accordance with Section A of this General Permit before the industrial activities begin.

3. A Monitoring Program shall be developed and implemented for each facility covered by this General Permit in accordance with Section B of this General Permit. As of the adoption date of this General Permit, dischargers who are currently permitted under SWRCB Order No. 97-03-DWQ shall continue to implement their existing Monitoring Program and shall implement any necessary revisions to their Monitoring Program in accordance with Section B of the General Permit in a timely manner, but in no case later than December 31, 2003. Dischargers beginning industrial activities after adoption of this General Permit must develop and implement a Monitoring Program in accordance with Section B of this General Permit before the industrial activities begin.

4. Dischargers of feedlots as defined in 40 CFR Part 412 that are in full compliance with Section 2560 to Section 2565, Title 23, California Code of Regulations (Chapter 15) are in compliance with all effluent limitations and discharge prohibitions contained in this General Permit.

5. All dischargers must comply with lawful requirements of municipalities, counties, drainage districts, and other municipal agencies regarding storm water discharges and non-storm water discharges entering storm drain systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the RWQCBs to municipal agencies.

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

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

8. Dischargers requesting termination of their coverage under this General Permit shall complete and file a Notice of Termination (NOT) with the RWQCB using the NOT form and instructions attached. As requested by the RWQCB, dischargers shall provide additional NOT documentation. Should the RWQCB deny approval of the NOT, dischargers shall continue to comply with the requirements of this General Permit. Dischargers that qualify for the "Conditional Exclusion" from permitting in accordance with Section D of this General Permit and file a No-Exposure Certification are not required to file a NOT.

9. As of the adoption date of this General Permit, dischargers who are permitted under SWRCB Order No. 97-03-DWQ shall:

   a. Complete all compliance activities required by SWRCB Order No. 97-03-DWQ. These include, but are not limited to, conducting any remaining visual observations, sample collection, annual site inspection, annual report submittal, and (for group monitoring leaders) Group Evaluation Reports; and
   b. Continue implementing their existing SWPPP and Monitoring Program until necessary revisions to their SWPPP and Monitoring Program are completed or until December 1, 2003, whichever comes first.

10. When a RWQCB determines that a discharge may be causing or contributing to an exceedance of any applicable water quality standards or objectives, the RWQCB shall order the discharger to comply with the requirements described in Provision 11. The discharger shall comply with the requirements within the time schedule established by the RWQCB.

11. Dischargers shall comply with Receiving Water Limitation III.2 through timely implementation of control measures and other actions to reduce or prevent pollutants in the discharges in accordance with the SWPPP and other requirements of this general permit including any modifications. The SWPPP shall be developed and implemented to achieve compliance with Receiving Water Limitations. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWPPP and other requirements of this general permit the dischargers shall assure compliance with all Receiving Water Limitations by complying with the following procedure:

    a. Within 30 days after a determination by either the dischargers or the RWQCB that discharges are causing or contributing to an exceedance of an applicable WQS, the dischargers shall submit a report to the RWQCB that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. The report shall include an implementation schedule. The RWQCB may direct an earlier report submittal or may require modifications to the report.

    b. Submit any modifications to the report required by the RWQCB within 30 days of notification.

    c. Within 30 days following approval of the report described above by the RWQCB, the dischargers shall revise the SWPPP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.

    d. Implement the revised SWPPP and monitoring program in accordance with the approved schedule.

    e. So long as the dischargers have complied with the procedures set forth above and are implementing the revised SWPPP, the dischargers are not required to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the RWQCB to develop additional BMPs.

12. Discharges from facilities owned and operated by a Municipality with population of less than 100,000 that had been previously exempt under Section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991 are required to be covered under this General Permit by March 10, 2003.

Municipal dischargers shall complete and file an NOI using the NOI form and instructions attached (Attachment 4) to this General Permit.

13. Storm Water BMP shall be developed and implemented that are effective in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges.

14. Annual Reports shall be prepared and submitted in accordance with Section B.14 of this General Permit. Dischargers shall submit annual reports to the Regional Water Boar with an original signature and postmarked on or before July 1 of each year. Upon written request, dischargers shall provide copies of their annual reports to the municipal agency.

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

16. A discharger may reduce the number of qualifying storm events sampled each reporting year while participating in an approved Group Monitoring Plan (GMP) in accordance with Section C.

17. 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 XX, 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.

18. SWRCB hereby rescinds Order No. 97-03-DWQ.

VI. CONDITIONAL EXCLUSION REQUIREMENTS

1. Discharges composed entirely of storm water are not storm water discharges associated with industrial activity and are conditionally excluded from permit coverage if:

   a. There is "no exposure" of industrial materials and activities to rain, snow, snowmelt, and/or runoff,

   b. The discharger prepares and submits a No-Exposure Certification, and

   c. The discharger satisfies the qualifications, conditions, and instructions in Section D, "Conditional Exclusion Requirements," and Section E, "Standard Provisions," of this General Permit.

2. Dischargers who do not fully satisfy the Conditional Exclusion requirements are required to file an NOI and comply with this General Permit.

VII. RWQCB AUTHORITIES

1. Upon adoption, this General Permit recognizes the following RWQCB authorities:

   a. RWQCBs shall enforce the provisions of this General Permit, including, but 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 revisions to a discharger's SWPPP or require alternative monitoring procedures to achieve compliance with this General Permit.

3. RWQCBs may approve requests from dischargers to conduct alternative monitoring procedures authorized in Section B.9 only if such programs satisfy the monitoring program objectives provided in Section B.2 of this General Permit.

4. 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 all the facility's significant pollutant sources are addressed in the discharger's SWPPP and Monitoring Program.

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 October XX, 2003.

AYE:

NO: None

ABSENT: None

ABSTAIN: None

_____

Debbie Irwin
Clerk to the Board

SECTION A: STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

1. *Implementation Schedule*

A storm water pollution prevention plan (SWPPP) 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 the SWPPP when industrial activities begin.

b. Existing dischargers that submitted a Notice of Intent (NOI), pursuant to State Water Resources Control Board (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 December 31, 2003.

2. *Objectives*

a. The objectives of the discharger's SWPPP are:

   i. To identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of a facility's storm water discharges and authorized non-storm water discharges;

   ii. To identify, describe, and implement site-specific Best Management Practices (BMPs) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs shall be selected to achieve BAT/BCT and compliance with water quality standards;

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

b. To achieve the SWPPP objectives, 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.[1]

3. *Planning and Organization*

a. SWPPP Checklist

Upon completing the facility's SWPPP, the discharger shall prepare the SWPPP Checklist (Appendix A-1) located at the end of this section. This checklist lists the SWPPP requirements of this section. For each requirement listed, the discharger 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. The completed checklist shall be attached to the SWPPP.

b. Pollution Prevention Team

   i. The SWPPP shall identify specific individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in Section B of this General Permit.

   ii. The SWPPP shall identify the responsibilities, duties, and activities of each team member.

   iii. The SWPPP shall describe procedures that shall be implemented to identify alternate individuals to perform the required SWPPP and monitoring program activities when team members are temporarily unavailable (due to vacation, illness, out of town meetings, etc.)

c. Review Other Requirements and Existing Facility Plans

   i. The SWPPP shall be developed, implemented, and revised 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. The SWPPP may incorporate or reference the elements of the dischargers' existing plans, procedures, or regulatory compliance documents that contain storm water pollution control practices or otherwise relate to the requirements of this General Permit. As examples, 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 industrial activities that emit dust or particulate pollutants.

[1] Appendix A-2, located at the end of this Section , summarizes the typical development and implementation steps necessary to achieve the described objectives.

4. *Site Map*

The SWPPP shall include a site map. The site map shall be provided on an 8-1/2 x 11-inch or larger sheet and include notes, legends, north arrow and other data as appropriate to ensure that the site map is clear and understandable. If necessary, dischargers may provide the required information on multiple site maps. The following information shall be included on the site 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-site 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 A.6.a.iv 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*

The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is stored, received, shipped, and handled, as well as the typical quantities and 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*

a. For each area identified in Section A.4.e, the SWPPP shall include 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:

i. 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.

ii. 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.

iii. 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 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.

iv. 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 since June 17, 1999. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [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 reoccur.

v. Non-Storm Water Discharges

(1) 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.

(2) 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.

(3) For each non-storm water discharge described in (2) above, identify whether the discharge is an authorized or unauthorized non-storm water discharge in accordance with Subsection 11. Examples of unauthorized non-storm water discharges are rinse and wash water (whether detergents are used or not), contact and non-contact cooling water, boiler blow-down, etc.

vi. Soil Erosion

Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water contact in areas of industrial activity, or authorized non-storm water discharges.

7. *Assessment of Potential Pollutant Sources*

a. The SWPPP shall include a narrative assessment of all areas of industrial activity and potential pollutant sources as described in A.6 to determine the likelihood that significant materials will be exposed to, and mobilized by, storm water or authorized non-storm water discharges. 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 materials are exposed to and mobilized by contact with storm water.

iii. The direct and indirect pathways that significant materials 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 SWPPP shall identify any areas of industrial activity and corresponding pollutant sources where significant materials are likely to be exposed to, and mobilized by contact with, storm water or authorized non-storm water discharges and where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

8. *Storm Water Best Management Practices*

a. The SWPPP shall include a narrative description of each BMP implemented at the facility. The BMPs, when developed and implemented, shall be effective in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges.

The BMP narrative description shall include:

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 pollutant source where the BMP shall be implemented.

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

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

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

b. Dischargers shall implement non-structural BMPs at the facility where appropriate. Non-structural BMPs generally consist of processes, prohibitions, procedures, training, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. Below is a list of non-structural BMPs that shall be considered:

i. Good Housekeeping

Good housekeeping generally consists of practical procedures to maintain a clean and orderly facility.

ii. Preventative Maintenance

Preventative maintenance includes the regular inspection and maintenance of storm water structural controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.

iii. Spill Response

This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

iv. Material Handling and Storage

This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.

v. Employee Training Program

This includes the development of a program to train 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. The training program shall include:

(1) A description of the training program and any training manuals or training materials.

(2) A discussion of the appropriate training frequency.

(3) A discussion of the appropriate personnel to receive training.

(4) A training schedule.

(5) Documentation of all completed training classes and the personnel who received training.

vi. Waste Handling/Recycling

This includes the procedures or processes to handle, store, or dispose of waste or recyclable materials.

vii. Record Keeping and Internal Reporting

This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided as necessary to the appropriate facility personnel.

viii. Erosion Control and Site Stabilization

This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

ix. Inspections

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.

(1) A minimum of four quarterly visual inspections of all areas of industrial activity and associated potential pollutant sources shall be completed each reporting year. The annual comprehensive site compliance evaluation described in subsection 9 may substitute for one of the quarterly inspections.

(2) Tracking and follow-up procedures shall be described to ensure appropriate corrective actions and/or SWPPP revisions are implemented.

(3) A summary of the corrective actions and SWPPP revisions resulting from quarterly inspections shall be reported in the annual report.

(4) Dischargers shall certify in the annual report that each quarterly visual inspection was completed.

(5) All corrective actions and SWPPP revisions shall be implemented in accordance with subsection 10.d and e.

x. Quality Assurance

This includes the management procedures to ensure that the appropriate staff adequately implements all elements of the SWPPP and Monitoring Program.

c. Structural BMPs

Where non-structural BMPs identified in Section A.8.b above are not sufficient, structural BMPs shall be implemented as appropriate. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that shall be considered:

i. Overhead Coverage

This includes structures that protect materials, chemicals, and pollutant sources from contact

with storm water and authorized non-storm water discharges.

ii. Retention Ponds

This includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow storm water to discharge from the facility.

iii. Control Devices

This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

iv. Secondary Containment Structures

This includes containment structures around storage tanks and other areas that collect any leaks or spills.

v. Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc., which reduce the pollutants in storm water discharges and authorized non-storm water discharges

d. The SWPPP shall include a summary identifying each area of industrial activity and associated pollutant sources, pollutants, and BMPs in a table similar to Appendix I-3 at the end of this Section.

9. *Annual Comprehensive Site Compliance Evaluation*

The discharger shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted no less than 8 months from each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

a. A review of all visual observation records, inspection records, and sampling and analysis results.

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 (both structural and non-structural) 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 that the discharger has completed the quarterly inspections specified in Subsection 8.b.ix above and that the discharger is complying with this General Permit. If the above certification cannot be provided, explain in the evaluation report why the discharger is not complying with this General Permit.

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 E of this General Permit. 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. *SWPPP General Requirements*

a. The SWPPP shall be retained at the facility and made available upon request of a representative of the RWQCB or municipal storm water management agency (agency).

b. Upon notification by the RWQCB and/or local agency that the SWPPP does not meet one or more of the minimum requirements of this Section, the discharger 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. As requested, the discharger shall provide an implementation schedule and/or completion certification to the RWQCB and/or local agency.

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

i. may significantly increase the quantities of pollutants in storm water discharge, or

ii. cause a new area of industrial activity at the facility to be exposed to storm water, or

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

d. Other than as provided in General Permit Provision V.11 and Section A.10.e, the discharger shall revise the SWPPP and implement the appropriate BMPs in a timely manner and in no case more than 90 days after a discharger determines that the SWPPP is in violation of any General Permit requirement.

e. When any part of the SWPPP is infeasible to implement by the deadlines specified in General Permit Provision V.2 or Sections A.1, A.9, A.10.c & d due to proposed significant structural changes, the discharger shall:

i. Submit a report to the RWQCB that:

(1) identifies the portion of the SWPPP that is infeasible to implement by the deadline,

(2) provides justification for a time extension, 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 Subsection i. or provide certification that the SWPPP revisions have been implemented.

f. Upon request by the RWQCB or municipal storm water management agency, dischargers shall provide a copy of the SWPPP within five (5) working days from the date the request is received. The RWQCB, under Section 308(b) of the Clean Water Act, considers the SWPPP a report that shall be available to the public.

11. Authorized Non-Storm Water Discharges Special Requirements

a) The following non-storm water discharges are authorized provided they satisfy the conditions of subsection b:

i. fire-hydrant and fire system flushing;

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

iii. drinking fountain water; atmospheric condensate, including refrigeration, air conditioning, and compressor condensate;

iv. irrigation drainage and landscape watering;

v. natural springs, ground water, and foundation and footing drainage; and

vi. Seawater infiltration where the seawater is discharged back into the sea water source.

b) The non-storm water discharges identified in subsection a. are authorized by this General Permit if all the following conditions are satisfied:

i. The non-storm water discharges comply with RWQCB requirements.

ii. The non-storm water discharges comply with municipal agency ordinances and requirements.

iii. BMPs are specifically included in the SWPPP to:

(1) prevent or reduce the contact of non-storm water discharges with significant materials or equipment, and

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

iv. The non-storm water discharges do not contain significant quantities of pollutants.

v. The monitoring program includes quarterly visual observations of non-storm water discharges and sources to ensure adequate BMP implementation and effectiveness.

vi. The non-storm water discharges are reported and described in the annual report.

c. Discharges from fire fighting activities are authorized by this General Permit and are not subject to the conditions of Subsection 11.b.

APPENDIX A-1

STORM WATER POLLUTION PREVENTION PLAN CHECKLIST

GENERAL INDUSTRIAL ACTIVITIES STORM WATER PERMIT
WATER QUALITY ORDER NO. 03-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 and E.10)	**(Section E.9.b**			
Pollution Prevention Team	**(A.3.b)**			
Existing Facility Plans	**(A.3.c)**			
Facility Site Map(s)				
Facility boundaries	(A.4.a)			
Drainage areas	(A.4.a)			
Direction of flow	(A.4.a)			
On-site water bodies	(A.4.a)			
Areas of soil erosion	(A.4.a)			
Nearby water bodies	(A.4.a)			
Municipal storm drain inlets	(A.4.a)			
Points of discharge	(A.4.b)			
Structural control measures	(A.4.b)			
Impervious areas (paved areas, buildings, covered areas, roofed areas)	(A.4.c)			
Location of directly exposed materials	(A.4.d)			
Locations of significant spills and leaks	(A.4.d)			
Storage areas / Storage tanks	(A.4.e)			
Shipping and receiving areas	(A.4.e)			
Fueling areas	(A.4.e)			
Vehicle and equipment storage and maintenance	(A.4.e)			
Material handling / Material processing	(A.4.e)			
Waste treatment / Waste disposal	(A.4.e)			
Dust generation / Particulate generation	(A.4.e)			
Cleaning areas / Rinsing areas	(A.4.e)			
Other areas of industrial activities	(A.4.e)			

List of Significant Materials (A.5)

For each material listed:			
Storage location			
Receiving and shipping location			
Handling location			
Quantity			
Frequency			

Description of Potential Pollution Sources (A.6)

Industrial processes	(A.6.a.i)			
Material handling and storage areas	(A.6.a.ii)			
Dust and particulate generating activities	(A.6.a.iii)			
Significant spills and leaks	(A.6.a.iv)			
Non-storm water discharges	(A.6.a.v)			
Soil erosion	(A.6.a.vi)			

Assessment of Potential Pollutant Sources (A.7)

Areas likely to be sources of pollutants	(A.7.a)			
Pollutants likely to be present	(A.7.b)			

Storm Water Best Management Practices (A.8)

Non-structural BMPs	**(A.8.b)**			
Good housekeeping	(A.8.b.i)			
Preventative maintenance	(A.8.b.ii)			
Spill response	(A.8.b.iii)			
Material handling and storage	(A.8.b.iv)			
Employee training	(A.8.b.v)			
Waste handling / Waste recycling	(A.8.b.vi)			
Recordkeeping and internal reporting	(A.8.b.vii)			
Erosion control and site stabilization	(A.8.b.viii)			
Inspections	(A.8.b.ix)			
Quality assurance	(A.8.b.x)			
Structural BMPs	**(A.8.c)**			
Overhead coverage	(A.8.c.i)			
Retention ponds	(A.8.c.ii)			
Control devices	(A.8.c.iii)			
Secondary containment structures	(A.8.c.iv)			
Treatment	(A.8.c.v)			
Industrial Activity BMP/ Pollutant Summary	(A.8.d)			

Annual Comprehensive Site Compliance Evaluation (A.9)

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

APPENDIX A-2
FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORM WATER POLLUTION PREVENTION PLANS

PLANNING AND ORGANIZATION

*Form Pollution Prevention Team
*Review other plans

↓

ASSESSMENT PHASE

*Develop a site map
*Identify potential pollutant sources
*Inventory of materials and chemicals
*List significant spills and leaks
*Identify non-storm water discharges
*Assess pollutant risks

↓

BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE

*Non-structural BMPs
*Structural BMPs
*Select activity and site-specific BMPs

↓

IMPLEMENTATION PHASE

*Train employees
*Implement BMPs
*Collect and review records

↓

EVALUATION / MONITORING

*Conduct annual site evaluation
*Review monitoring information
*Evaluate BMPs
*Review and revise SWPPP

APPENDIX A-3
EXAMPLE
ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND CORRESPONDING BEST MANAGEMENT PRACTICES SUMMARY

Area	Activity	Pollutant Source	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	

SECTION B. 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 Notice Of Intent (NOI) pursuant to State Water Resources Control Board (SWRCB) Order No. 97-03-DWQ shall continue to implement their existing monitoring program and implement any necessary revisions to their monitoring program no later than December 31, 2003.

2. *Objectives*

a. The facility's Monitoring Program shall be prepared and implemented to provide monitoring information that achieves the following three major objectives:

i. To indicate whether storm water discharges and authorized non-storm water discharges satisfy the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of this General Permit.

ii. To indicate 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.

iii. To indicate 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 Storm Water Pollution Prevention Plan (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.

3. *Non-storm Water Discharge Visual Observations*

a. Dischargers shall visually observe each drainage area for the presence (or indications of prior) unauthorized non-storm water discharges and their sources;

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

c. 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[1].

d. Visual 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 A of this General Permit.

4. *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 30). 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[2] of dry weather.

b. Dischargers shall visually observe the discharge of stored or contained storm water at the time of discharge during daylight scheduled facility operating hours. Stored or contained storm water that will likely discharge after daylight scheduled facility operating

[1] "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.

[2] 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.

hours due to anticipated precipitation shall be observed prior to the discharge during scheduled facility operating hours.

c. For the visual observations described in Subsection 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. Dischargers shall monthly visually observe 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 occur during daylight scheduled facility operating hours that do not produce a discharge.

f. Prior to anticipated storm events, dischargers shall visually observe all storm water drainage areas during daylight scheduled facility operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate corrective actions. Dischargers are not required to conduct an additonal pre-storm visual observation within fourteen (14) days after the 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. The SWPPP shall be revised, as necessary, in accordance with Section A of this General Permit.

5. *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 scheduled facility operating hours and that are preceded by at least (3) three working days without storm water discharge.

c. The samples shall be analyzed 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 industrial materials identified in the pollutant source assessment required in Section A.7.

   iii. Parameters as listed in Appendix B-1 "Additional Analytical Parameters". These parameters are dependent on the facility's SIC code(s).

   iv. 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.

   v. Parameters required by the RWQCB.

d. Dischargers may suspend sample analysis for any of the additional parameters required in subsection 5.c.ii. and 5.c.iii. if the analytical results from two consecutive, sampling events do not indicate the presence of significant quantities of industrial materials in storm water discharge. Any suspended parameter shall be included in future analysis whenever the associated industrial material is likely to be present in storm water discharges in significant quantities.

e. Dischargers shall select analytical test methods from the list provided in Appendix B-2 "Test Methods For Analytic Parameters". Dischargers shall contact the RWQCB to determine appropriate analytical methods for parameters not listed on Appendix B-2, or for parameters required pursuant to subsection 5.c.iv.

f. All storm water sample collection and handling shall be conducted in accordance with Appendix B-3 "Storm Water Sample Collection and Handling Instructions".

g. When analytical results indicate the presence of significant quantities of industrial pollutants in storm water discharges, dischargers shall implement corrective actions that include:

   i. A site evaluation to determine the pollutant source(s),

   ii. An assessment of the facility's SWPPP to determine whether additional BMPs are necessary to prevent or reduce pollutants in storm water discharges, and

   iii. A certification that the above evaluation and assessment has been completed, and that any additional BMPs have been included in the SWPPP.

6. *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 B.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. The sampling and analysis reductions described in Section B.12 of this General Permit do not apply to these pollutants.

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.

7. *Sample Storm Water Discharge Locations*

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

b. The discharger 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 that determine and document within the annual report that the industrial activities and BMPs within two or more drainage areas are substantially identical may either:

i. Collect samples from a reduced number of substantially Identical drainage areas, or

ii. Collect samples from each substantially identical drainage area and analyze a combined sample. The combined sample shall consist of equal volumes of sample collected from each substantially identical drainage area.

8. *Visual Observation and Sample Collection Exceptions*

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 Section B.4 and Section B.5 are completed with the following exceptions:

a. 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 facility 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.

b. A discharger may conduct visual observations and sample collection more than one hour after discharge begins if the discharger or RWQCB determines that the storm water discharge will be more representative of the facility's storm water discharge. The discharger shall include a technical justification in the Annual Report explaining why the visual observations and sample collection should be conducted after the first hour of discharge.

9. *Alternative Monitoring Procedures*

A discharger may propose written alternative monitoring procedures to the RWQCB for approval. Such proposals shall justify how each alternative monitoring procedure will ensure that the monitoring program objectives provided in Section B.2 are satisfied. Dischargers shall continue to comply with the monitoring requirements of this Section and may not implement alternative monitoring procedures until approved by the RWQCB. Alternative monitoring procedures are subject to modification by the RWQCBs.

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 procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained. The discharger shall attach to the monitoring program a blank 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 B.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 analysis conducted by dischargers, all laboratory analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. Dischargers may conduct their own sample analyses if the discharger has sufficient capability (qualified employees, laboratory equipment, etc.) to adequately perform the test procedures.

11. *Inactive Mining Operations*

Inactive mining operations are defined in Attachment 1 of this General Permit. Where comprehensive site 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. *Sampling and Analysis Reduction*

a. A discharger may reduce the number of qualified storm events required for sampling over the remaining term of this General Permit if the discharger provides certification that the following conditions have been satisfied:

i. The discharger has collected and analyzed samples from a minimum of six qualifying storm events from all required drainage areas;

ii. All prohibited non-storm water discharges have been eliminated or otherwise permitted;

iii. The discharger demonstrates compliance with the terms and conditions of the General Permit for the previous three years (i.e., completed Annual Reports, performed visual observations, implemented appropriate BMPs, etc.);

iv. The discharger demonstrates that the facility's storm water discharges and authorized non-storm water discharges do not contain significant quantities of pollutants; and

v. Condition (2), (3), and (4) above are expected to remain in effect for a minimum of one year after filing the certification.

Unless otherwise instructed by the RWQCB, dischargers shall collect and analyze samples from two additional qualifying storm events (or one additional qualifying storm event when certification filed for the wet season beginning October 1, 2007) during the remaining term of this General Permit in accordance with Table B-1 below. Dischargers shall collect samples of the first qualifying storm event of the wet season. Dischargers that do not collect samples from the first qualifying storm event of the wet season shall collect samples from the next qualifying storm event during the same wet season. Dischargers that do not collect a sample in a required wet season shall collect the sample from another qualifying storm event in the next wet season. Dischargers shall explain in the Annual Report why the first qualifying storm event of a wet season was not sampled or a sample was not taken from any qualifying storm event in accordance with the Table B-1 schedule.

b. A discharger who qualifies for sampling and analysis reduction must submit a sampling and analysis reduction certification form and required documentation to the RWQCB prior to the wet season (October 1) and re-certify as part of the Annual Report. Dischargers who submit sampling and analysis reduction certifications in accordance with this Section are still required to comply with all other monitoring program and reporting requirements. Dischargers shall prepare and submit their certifications using forms and instructions provided by the SWRCB or RWQCB or shall submit their information on a form that contains equivalent information. Dischargers whose facility no longer meets the certification conditions shall notify the RWQCBs within 30 days and immediately comply with .the sampling and analysis requirements in Section B.5. Should a RWQCB determine that a certification does not meet the conditions set forth below, dischargers shall immediately comply with Section B.5. sampling and analysis requirements.

Table B-1

REDUCED MONITORING SAMPLING SCHEDULE

Certification Filed By	Samples Shall be Collected and Analyzed in These Wet Seasons	
	Sample 1	Sample 2
Dec. 31, 2003	Jan. 1, 2003-May 31, 2004	Oct. 1, 2005-May 31, 2006
Oct. 1, 2004	Oct. 1, 2004-May 31, 2005	Oct. 1, 2006-May 31, 2007
Oct. 1, 2005	Oct. 1, 2005-May 31, 2006	Oct. 1, 2006-May 31, 2007
Oct. 1, 2006	Oct. 1, 2006-May 31, 2007	Oct. 1, 2007-May 31, 2008
Oct. 1, 2007	Oct. 1, 2007-May 31, 2008	-

13. *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, and time of site inspections, sampling, visual observations, and/or measurements;

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

c. Flow measurements or estimates (if required by Section B.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 B.3. and 4.);

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

j. All calibration and maintenance records of instruments used on-site;

k. All Sampling and Analysis Exemption and Reduction certifications and supporting documentation (see Section B.12); and

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

14. *Annual Report*

a. All dischargers shall deliver or transmit an originally signed Annual Report to the RWQCB on or before July 1 of each year. Upon written request, dischargers shall provide copies of their annual reports to the municipal agency.

b. Each Annual Report shall be signed and certified in accordance with Standard Provisions E.9 and E.10 of this General Permit.

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 Site Compliance Evaluation Report required in Section A.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 Section B.13.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 standardized annual report forms provided by the SWRCB or appropriate RWQCB.

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

i. The alternative annual report format shall provide no less monitoring information than the standardized annual report forms authorized by this general permit. The discharger shall justify that use of the alternative annual report format is necessary in order to more sufficiently report monitoring information that exceeds the minimum monitoring requirements of the general permit.

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

APPENDIX B-1
Additional Analytical Parameters

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

Parameter Descriptions

Al - Aluminum
As - Arsenic
NH_3- Ammonia
Zn - Zinc
Cd – Cadmium
CN - Cyanide
Hg - Mercury
TSS -Total Suspended Solids
Cu - Copper
Fe - Iron
P - Phosphorus
Mg - Magnesium
Ag - Silver
Se - Selenium
BOD - Biochemical Oxygen Demand
N + N - Nitrate & Nitrite Nitrogen
Pb - Lead
COD - Chemical Oxygen Demand

APPENDIX B-2
Test Methods For Analytical Parameters[1]

PARAMETER	TEST METHOD	DETECTION LIMIT	REPORTING UNITS
pH*	Field Test with Calibrated Paper and/or EPA 9040	1-14	
Total Suspended Solids (TSS)*	EPA 160.2 SM2540-D	1.0	mg/L
Specific Conductance (S/C)*	EPA 120.1 SM 2510-B	1.0	umhos/cm
Total Oil & Grease (TOG)*	EPA 413.2 EPA 1664	1.0	mg/L
Total Organic Carbon(TOC)*	SM 5310C	0.01	mg/L
Zinc, Total	EPA 200.7	.050	mg/L
Copper, Total	EPA 200.7	.050	mg/L
Lead, Total	EPA 200.7	.0050	mg/L
Chemical Oxygen Demand	SM 5220C	1	mg/L
Aluminum, total	EPA 200.7	0.05	mg/L
Iron, total	EPA200.7	0.05	mg/L
Nitrate + Nitrite	SM 4500-NO3- E	0.01	mg/L as N
Total Phosphorus	SM 4500-P B+E	0.05	mg/L as P
Ammonia	SM 4500-NH3 B+ C or E	0.1	mg/L
Magnesium, total	EPA 200.7	0.05	mg/L
Arsenic, total	EPA 206.2 or EPA 200.9	0.002	mg/L
Cadmium, total	EPA 200.7	0.005	mg/L
Cyanide	SM 4500-CN- C	0.005	mg/L
Mercury, total	EPA 245.1	0.0005	mg/L
Selenium, total	EPA 270.2 or EPA 200.9	0.002	mg/L
Silver, total	EPA 200.7	0.005	mg/L
Biochemical Oxygen Demand	SM 5210B	3	mg/L

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

EPA – EPA test methods

* Minimum parameters required by General Permit

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

APPENDIX B-3
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. 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. Samples should be kept at 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 name, address, and phone number of the discharger, 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. Before shipping, pack samples containers to prevent breakage during shipment. Remember to place frozen ice packs into shipping container. The sample containers must be kept cool during shipment.

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

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

Refer to Appendix B-2 for test methods, detection limits, and reporting units.

SECTION C: GROUP MONITORING

1. Group Monitoring Participation Requirements

a. A discharger 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 all applicable General Permit requirements including implementing a written site-specific SWPPP and monitoring program, submitting an annual report to the appropriate RWQCB, and performing any additional monitoring as required in Section B.6.

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 Subsection 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 B.5.a.

c. Group Monitoring participation is subject to approval by the SWRCB and RWQCBs. Participation shall be rescinded if the group participant does not comply with the General Permit requirements, or if GMP approval is withdrawn due to inadequate Group Leader performance or insufficient participants.

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

iv. Other individuals who have sufficient education and experience to prepare, or supervise the preparation of, GMP-related technical documents.

c. A Group Leader shall:

i. Develop and submit a GMP to each affected RWQCB and the SWRCB for approval. For the first reporting year, GMPs shall be submitted by December 1, 2003. New GMPs shall be submitted by August 1 of subsequent reporting years. 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 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 the 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 and

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

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

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

(1) The Group Leader shall conduct a minimum of two on-site 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 site-specific, and to recommend any additional site-specific BMPs or corrective actions necessary to achieve compliance with this General Permit.

(2) New Participants that join a group in reporting years 1, 2, or 3 of the 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 the general permit and in non-consecutive years. No less than half the existing participants shall be inspected the first reporting year.

(4) Within seven days of a Group Leader inspection, the Group Leader shall prepare and transmit an inspection report to the Participant which includes a detailed description of any deficiencies in the Participant's SWPPP and monitoring plan, recommended corrective actions and additional BMPs necessary for the Participant to achieve General Permit compliance, and a proposed corrective action/BMP implementation schedule.

(5) Within fourteen days of a Group Leader inspection, the Group Leader shall provide the appropriate RWQCB a copy of the inspection report signed by the Participant.

(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 deficiencies, corrective actions, and additional BMPs 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 the 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.

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 at the beginning of the wet season (October 1).

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

3. GMP Requirements

A GMP shall include the following items:

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 B.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 Subsection 3.a;

e. A five-year Group Leader inspection and Participant sampling schedule in accordance with Subsection 2.c.v and 2.c.vi.

f. An assessment and list of pollutants that shall be analyzed at each Participant's facility in accordance with Section B.5. The assessment and selection of these pollutants shall be conducted in accordance with Section A.7 of this General Permit.

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 Subsection 2.b.

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

SECTION D. 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 No-Exposure Certification (NEC); and the discharger satisfies the qualifications, conditions and other requirements of this Section and the signatory and other requirements in Section E of this General Permit. Dischargers who do not satisfy all Conditional Exclusion requirements are required to file an NOI and comply with this General Permit.

"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.

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

"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.

1. *Qualifications*. To qualify for a Conditional Exclusion, the discharger shall:

a. Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, 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 5 years.

c. Complete and submit a signed NEC (Attachment 5) every five years 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. The NEC shall be submitted 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.

d. Upon request by the RWQCB, prepare more frequent NEC submittals in accordance with this Section.

2. *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 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); and

e. 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.

f. 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.

3. *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, the discharger 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, the discharger becomes subject to enforcement for discharging without a permit. Any conditionally exempt operator 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 water quality standard.

4. Certification.

The discharger 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.

5. NEC Submittal Schedule

a. Dischargers of new facilities shall submit an NEC before industrial activities begin and every five years thereafter.

b. Existing dischargers shall submit an NECs as follows:

i. Dischargers of “light industrial” facilities who have been operating under their original, no-certification-required permitting exemption shall submit the NEC at any time up to December 31, 2003 and five years thereafter. Such dischargers who have not submitted an NEC or applied for permit coverage by December 31, 2003 and/or do not submit an NEC five years thereafter will be out of compliance and subject to enforcement.

ii. Dischargers who are permitted under the General Permit and have attained a condition of no exposure may submit an NEC at any time during this general permit's term and five years thereafter. The NEC will serve in lieu of submitting a Notice of Termination.

SECTION E: STANDARD PROVISIONS

1. *Duty to Comply*

The discharger must comply with all of the conditions of this General Permit. Any General Permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act that may be grounds for enforcement action or denial of General Permit coverage.

The discharger 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*

The discharger 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*

The discharger 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 discharger to achieve compliance with the conditions of this General Permit and, when applicable, with the requirements of storm water pollution prevention plans (SWPPPs). 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 a discharger when necessary to achieve compliance with the conditions of this General Permit.

6. *Property Rights*

This General Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. *Duty to Provide Information*

Within a reasonable time specified by the RWQCB, SWRCB, U.S. EPA, or municipal municipal storm water management agency, the discharger shall furnish requested General Permit-related records, reports, or information.

8. *Inspection and Entry*

Upon the presentation of credentials and other documents as may be required by law, the discharger shall allow the RWQCB, SWRCB, U.S. EPA, 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;

b. Have access to and copy at reasonable times any records that must be kept under the conditions of this General Permit;

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 the General Permit.

9. *Signatory Requirements*

a. All Notices of Intent (NOIs) and No Exposure Certifications (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 U.S. EPA).

b. Other than NOIs and NECs, all reports, certifications, and records required by the General Permit or requested by the RWQCB, SWRCB, U.S. EPA, 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: The discharger 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 increase the quantity of pollutants discharged.

b. Anticipated noncompliance: The discharger 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 General Permit requirements.

c. Compliance schedules: Reports of compliance or noncompliance with or any progress reports on interim and final requirements contained in any compliance schedule of this General Permit shall be submitted no later than 14 days following each scheduled date.

d. Noncompliance reporting: The discharger 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 the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject under Section 311 of the CWA.

13. *Severability*

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

14. *Reopener Clause*

This General Permit may be modified, revoked, and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 CFR 122.62, 122.63, 122.64, and 124.5. This General Permit may be re-opened to modify the (1) No-Exposure Certification provisions specified in Section D. "Conditional Exclusion Requirements," and (2) "No Exposure Certification" instructions, guidance, and form provided in Attachment 5.

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

Significant penalties may be imposed for violation of the General Permit, pursuant to California Water Code 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, U.S. EPA, 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, a new NOI or NEC shall be submitted by the discharger in accordance with the requirements of this General Permit.

18. *Continuation of Expired General Permit*

This General Permit continues in force and effect until the SWRCB adopts a new general permit or rescinds the 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.

Attachment 1

FACILITIES COVERED BY THIS GENERAL PERMIT

Industrial facilities include Federal, State, municipally owned, and private facilities from the following categories:

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), and Asphalt Emulsion (40 CFR Part 443).

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
3443 Routier Road, Suite A
Sacramento, CA 95827-3098
(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

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 Quantities" is the volume, concentrations, or mass of a pollutant that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and/or cause or contribute to a violation of any applicable water quality standards for the receiving water.

7. "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).

8. "Storm water" means storm water runoff, snowmelt runoff, and storm water surface runoff and drainage. It excludes infiltration and runoff from agricultural land.

9. "Storm water discharge associated with industrial activity" 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; sites used for residual treatment, 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. 03-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 $700. Feedlots pay a one-time fee of $2,000. Checks shall be made payable to the 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 is 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 in 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.

Winston H. Hickox
Secretary for Environmental Protection

State of California
State Water Resources Control Board

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*)

Gray Davis
Governor

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 ______	VIII. 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*):

1. ______________________________
2. ______________________________
3. ______________________________

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: _____

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 form does not become effective until the discharger completes and submits it to SWRCB Water Resources Control Board. The form must be re-submitted at least once every five years or more frequently as requested by RWQCB.

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.

Where to File the No Exposure Certification Form

Mail the completed no exposure certification form 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 is 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. 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 IV. 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. GUIDANCE:

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

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

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

d. Final products 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 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. Containers can only be stored outdoors. Any material added or withdrawn to/from containers while outdoors will not allow you to certify no exposure.

ii. Simply moving containers while outside does not create exposure unless exposure occurs when pollutants are "tracked out" on the tires of 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 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 "no" 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 in the negative.

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

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

6. Other No Exposure Certification Facts:

a. **The NEC must be completed and submitted to the SWRCB once every 5 years,** and can only be legally valid if the condition of no exposure exists and is reasonably expected to continue 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 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 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, a certification must be completed and submitted to the SWRCB once every 5 years. This can only be done if the condition of no exposure continues to exist at the facility.

- The RWQCB may request that you re-certify the NEC more frequently.

Step 4: When requested, allow your RWQCB, Municipal Storm Water Management Agency, 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. Frequently Asked Questions:

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?

A. The completed NEC form must 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

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" under category (xi). 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) and 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 provide, however, the WDID# on the NEC in order for the Stae Water Board to terminate coverage under the General Permit.

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

A. Submission of the NEC is required once every five years (assuming the facility maintains its no exposure status). You should note the NEC submittal date so that you can resubmit a new NEC five years thereafter.

New dischargers 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.

Existing dischargers have two options for submitting NECs:

1) Facilitiy operators of Category (xi) “light industrial” facilities who have been operating under their original, no-certification-required permitting exemption must submit the NEC at any time prior to December 31, 2003. 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 time during the general permit term following completion of facility changes that result in the condition of no exposure. As suggested above, note the NEC submittal date so that a new NEC can be submitted five years thereafter.

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

A. If exposure could occur in the 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 form 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 NPDES permit, treated, or trucked offsite).

State of California
State Water Resources Control Board

Winston H. Hickox
Secretary for Environmental Protection

NO EXPOSURE CERTIFICATION

FOR EXCLUSION FROM NPDES STORM WATER PERMITTING

Gray Davis
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 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 **Business 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. 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 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 IV. 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 form to the SWRCB once every five years and must re-certify more frequently if required by the RWQCB. I understand that I must allow the local RWQCB and/or municipal separate storm sewer system (MS4) operator 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: _____