

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

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**ORDER NO. R8-2018-0069  
NPDES PERMIT NO. CAG618001**

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

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

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

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

**ADMINISTRATIVE INFORMATION:**

This Order was adopted by the Santa Ana Regional Water Quality Control Board on:	October 19, 2018
This Order shall become effective on:	December 19, 2018
This Order shall expire on:	October 18, 2023
The U.S. Environmental Protection Agency (USEPA) and the Regional Board have classified this discharge as a minor discharge.	

IT IS HEREBY ORDERED that the Permittees subject to this Permit, in order to meet the provisions contained in division 7 of the California Water Code (commencing with section 130000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, shall comply with the requirements in this Permit.

I, Hope A. Smythe, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 19, 2018.



Hope A. Smythe, Executive Officer

<sup>1</sup> An asterisk (\*) indicates that the term is defined in the Glossary of Terms.

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## **I. FACILITY INFORMATION (FACILITIES REGULATED UNDER THIS ORDER)**

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

## **II. FINDINGS**

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

### **A. BACKGROUND**

1. In 2010 A Metal Recyclers Water Quality Standards Committee (the Committee) was established by stakeholders consisting of industry, environmental, regulatory, and other interested parties and/or persons, to address pollutants in storm water runoff from scrap metal facilities within the Santa Ana Regional Board's jurisdiction. The Committee recommended<sup>2</sup> that the Regional Board issue a sector-specific storm water general permit for all scrap metal facilities within the Region. Shortly after the adoption of the Sector-Specific Scrap Metal Permit (Order No. R8-2012-0012), the Committee disbanded.
2. Prior to the adoption of the Scrap Metal Permit, Order No. R8-2012-0012, most scrap metal facilities within the region were regulated under the State Board's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ (Industrial General Permit). Upon adoption of Order No. R8-2012-0012, all scrap metal facilities within Region 8 were required to enroll under the Scrap Metal Permit as coverage under the Industrial General Permit was no longer required.

### **B. GOVERNING FEDERAL AND STATE LAWS AND REGULATIONS**

3. The Fact Sheet attached to this Order includes the regulatory basis for each of the requirements specified in this Order. The Fact Sheet is incorporated into the terms of this Permit.
4. Section 402(p) of the federal Clean Water Act (CWA) requires a National Pollutant Discharge Elimination System (NPDES)\* permit for storm water discharges associated with industrial activity. This Order serves as an NPDES permit for storm water and authorized non-storm water discharges\* from scrap metal facilities that are located within the Regional Board's jurisdiction.

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<sup>2</sup> Preamble, Metal Recyclers WQ Standards Committee:

[http://www.waterboards.ca.gov/santaana/water\\_issues/programs/stormwater/scrap\\_metal\\_committee.shtml](http://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/scrap_metal_committee.shtml)

5. CWA section 402(p)(3)(A) requires that NPDES permits for storm water discharges associated with industrial activity include requirements necessary to meet water quality standards\* (40 CFR § 122.44).
6. In California, the nine regional boards and the State Board\* implement the requirements of the CWA, including issuance of NPDES\* permits.
7. The CWC and the CWA require the regional boards to develop regional water quality control plans or Basin Plans (CWC, Chapter 4, Article 3). The Regional Board adopted the current Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) in 1995 and was updated in February 2008, June 2011, and February 2016. The Basin Plan identifies the beneficial uses\* of waters in the region and contains water quality objectives to protect those beneficial uses. The Basin Plan also incorporates by reference statewide water quality control plans and policies. The water quality objectives\*, beneficial uses\*, and the State Board's anti-degradation policy constitute the water quality standards\* for the Santa Ana River Basin.
8. The Basin Plan, CWC, CWA and related federal and state regulations are the basis for the requirements contained in this NPDES permit. These statutes and regulations require that: (1) storm water discharges associated with industrial activities\* be regulated under an NPDES permit; (2) these facilities implement Best Available Technology Economically Achievable (BAT)\* and Best Conventional Pollutant Control Technology (BCT)\* to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges\*.
9. Consistent with the federal statutes and regulations, this Permit includes numeric effluent limits\*, numeric action levels\*, and technology and water quality-based effluent limitations. (CWA §§ 301(b)(1)(A) and 402(p)(3)(A), 40 CFR §§ 122.26, 122.28 and 125.3).
10. Storm water regulations provide conditional exemption from NPDES permit requirements for facilities where there is no exposure of industrial activities to storm water. In addition, an NPDES permit is not required if there is no discharge to waters of the U.S.\*
11. The monitoring requirements specified in this Order are consistent with the federal regulations (40 CFR §§ 122.44(i)(3) and (4)).
12. The requirements specified in this Permit are consistent with the federal statutes and regulations and with those provisions of the CWC that incorporate the federal laws and regulations.

### **C. WATER QUALITY CONTROL PLAN (BASIN PLAN\*)**

13. The Regional Board adopted a revised Water Quality Control Plan for the Santa Ana River Basin (hereinafter Basin Plan\*) that became effective on January 24, 1995. The Basin Plan has been amended a number of times since 1995. The Basin Plan designates beneficial uses\*, establishes water quality objectives\*, and contains implementation programs and policies to achieve those water quality objectives for all waters in the Santa Ana Region.
14. Beneficial uses\* designated in the Basin Plan\* for surface waters in the Permit Area\* are as follows:
  - a) Municipal and Domestic Supply,
  - b) Agricultural Supply,
  - c) Industrial Service Supply,

- d) Industrial Process Supply,
  - e) Groundwater Recharge,
  - f) Hydropower Generation,
  - g) Water Contact Recreation,
  - h) Non-contact Water Recreation,
  - i) Warm Freshwater Habitat,
  - j) Limited Warm Freshwater Habitat,
  - k) Cold Freshwater Habitat,
  - l) Preservation of Biological Habitats of Special Significance,
  - m) Wildlife Habitat,
  - n) Rare, Threatened, or Endangered Species, and
  - o) Spawning, Reproduction, and Development
15. The existing and potential beneficial uses of groundwater that could be impacted by the discharge of storm water associated with industrial activities include one or more of the following:
- a) Municipal and Domestic Supply,
  - b) Agricultural Supply,
  - c) Industrial Service Supply, and
  - d) Industrial Process Supply
16. The Basin Plan\* also incorporates by reference all State Board\* water quality control plans and policies including the 2015 Water Quality Control Plan for Ocean Waters of California (Ocean Plan)<sup>3</sup> and the 2018 Water Quality Control Policy for Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Policy)<sup>4</sup>. The Trash Provisions amendment was adopted in 2015 and the Sediment Quality Provisions amendment was adopted in 2018. These amendments, together with existing quality provisions of the Enclosed Bays and Estuaries Plan, will be incorporated into the Inland Surface Waters, Enclosed Bays and Estuaries Plan of California (ISWEBE). Water quality objectives\* specified in the Basin Plan\* include numeric and narrative objectives that may be more stringent than the national or statewide water quality criteria\*.
- D. NATIONAL TOXICS RULE (NTR, 40 CFR § 131.36) AND CALIFORNIA TOXICS RULE (CTR, 40 CFR § 131.37)<sup>5</sup>**
17. NTR and CTR are the water quality criteria for priority toxic pollutants that apply to all surface water discharges. The Regional Board finds that compliance with Water Quality Standards through a combination of effluent limits based on numeric effluent limits, numeric action levels and implementation of BMPs is appropriate for regulating storm water runoff from industrial facilities. This approach is consistent with the USEPA's position on the use of BMPs in storm water permits as set forth in the policy memorandum entitled, "Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits" (61 FR 43761, August 9, 1996).<sup>6</sup>

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<sup>3</sup> Water Quality Control Plan for Ocean Waters of California is available at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/ocean/docs/cop2015.pdf](https://www.waterboards.ca.gov/water_issues/programs/ocean/docs/cop2015.pdf)

<sup>4</sup> The Water Quality Control Plan for Enclosed Bays and Estuaries of California and amendments are available:  
[https://www.waterboards.ca.gov/plans\\_policies/](https://www.waterboards.ca.gov/plans_policies/)

<sup>5</sup> <https://www.gpo.gov/fdsys/pkg/CFR-2017-title40-vol24/pdf/CFR-2017-title40-vol24-sec131-38.pdf>

<sup>6</sup> See discussions on Wet Weather Flows in the Federal Register/Vol. 65, No. 97/Thursday, May 18, 2000/Rules and Regulations

## E. DISCHARGE CHARACTERISTICS

18. In 1983, the USEPA published the results of its Nationwide Urban Runoff Program (NURP) study<sup>7</sup>. This study indicated that urban runoff and industrial storm water runoff are major sources of pollutants in receiving waters. The results of this study were used for the 1987 CWA amendments that laid the foundation for regulating storm water discharges through NPDES permits. This Order regulates storm water runoff from scrap metal facilities under the jurisdiction of this Regional Board. Storm water runoff associated with industrial activities include storm water runoff, snowmelt runoff and surface runoff and drainage that has come in contact with industrial activities as defined in the Glossary.
19. Pollutants in storm water runoff from scrap metal facilities include: oil and grease from waste materials being recycled at the facility and from leaks and spills from equipment and machinery used at the facility; gasoline, diesel and other petroleum products used at the facility; metals from scrap metals being recycled; biochemical oxygen demand (BOD<sup>\*</sup>)/chemical oxygen demand (COD<sup>\*</sup>) from wastes being recycled or from the recycling operations; suspended solids from the recycled wastes or from the operations at the facility; and acidity or alkalinity (pH) from waste materials. These pollutants can threaten and adversely affect human health and the environment and can bioaccumulate<sup>\*</sup> in receiving waters in the tissues of invertebrates and fish and eventually be consumed by humans and other animals.
20. These pollutants are carried to rivers, streams, lakes and the Pacific Ocean (collectively the Receiving Waters<sup>\*</sup>) through storm water and non-storm water runoff from these facilities.
21. The Permittees discharge storm water associated with industrial activities<sup>\*</sup> into municipal separate storm sewer systems (MS4s)<sup>\*</sup>, creeks and channels, lakes, rivers, streams, the ocean and tributaries thereto within the Region. Some of the receiving waters<sup>\*</sup> have been designated as impaired waterbodies<sup>\*</sup> by the Regional Board pursuant to CWA section 303(d)<sup>8</sup>. The Regional Board has developed and the State Board, Office of Administrative Law and the USEPA have approved, total maximum daily loads (TMDLs)<sup>\*</sup> for some of these impaired waterbodies<sup>\*</sup>. Special provisions are included in this Permit for discharges to impaired waterbodies<sup>\*</sup>, including those with approved TMDLs<sup>\*</sup>.

## F. DISCHARGE PROHIBITIONS

22. Pursuant to Water Code section 13377, the Regional Board is authorized to adopt waste discharge requirements as required or authorized by the Federal Clean Water Act that prohibit discharges from containing pollutants that cause or threaten to cause pollution, contamination, or nuisance together with any more stringent effluent standards or limitations necessary to implement the Basin Plan<sup>\*</sup>. This Permit also incorporates the discharge prohibitions contained in the Basin Plan.
23. This Permit prohibits the discharge of unauthorized non-storm water discharges<sup>\*</sup>. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. Non-storm water discharges<sup>\*</sup> may contribute significant pollutant loads to receiving waters<sup>\*</sup>. Measures to control spills, leakage, and dumping, must be addressed through structural as well as non-structural Best Management Practices (BMPs)<sup>\*</sup>. The Regional Board recognizes, however, that certain non-storm water discharges<sup>\*</sup> may not be significant sources

<sup>7</sup>[https://www3.epa.gov/npdes/pubs/sw\\_nurp\\_vol\\_1\\_finalreport.pdf](https://www3.epa.gov/npdes/pubs/sw_nurp_vol_1_finalreport.pdf)

<sup>8</sup> 2016 303(d) list is available at: [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml)

of pollutants when managed appropriately. This Permit allows certain non-storm water discharges (authorized non-storm water discharges)\* provided that those discharges are not significant sources of pollutants to receiving waters\*.

#### **G. TECHNOLOGY-BASED EFFLUENT LIMITATIONS (TBELs)**

24. Section 402((p)(3)(A) of the CWA requires that discharges of storm water runoff from industrial facilities comply with technology-based effluent limitations per Section 301 and any more stringent limitations necessary to meet water quality standards.
25. All NPDES permits are generally required to have technology-based effluent limitations (TBELs) and water quality-based effluent limitations\* (WQBELs). Technology-based effluent limitations are established by USEPA in regulations known as effluent limitations guidelines for specific industry categories or subcategories after conducting an in-depth analysis of treatment technologies available for that industry. The USEPA has not established effluent limitation guidelines for the scrap metal industry. Therefore, Regional Board staff has used best professional judgment\*(BPJ) in establishing numeric action levels in this Permit. In using best professional judgment approach, staff used its knowledge of the scrap metal industry, the treatment technologies that are currently available, and the effluent quality expected from the use of those treatment technologies and/or good housekeeping practices. Staff also reviewed the analytical results of storm water runoff in the annual reports for scrap metal facilities within the region.
26. In 2005 the State Board convened an expert panel (Blue Ribbon Panel or Panel) that submitted a report entitled, "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities," dated June 19, 2006<sup>9</sup>. The Panel concluded that numeric limits are feasible for some industrial categories. They recommended that numeric limits should be based on sound and established practices for storm water pollution prevention and treatment. For the construction category, the Panel stated, "Board should consider the phased implementation of Numeric Limits and Action Levels, commensurate with the capacity of the Permittees and support industry to respond." The Panel observed that in certain cases where the activities and pollutants are comparable, a similar approach could be considered for industrial activities. The Panel also expressed its concerns about the reliability of analytical data produced as required under the State's General Permit.
27. The Regional Board has considered the recommendations of the Blue Ribbon Panel and other available data in prescribing numeric action levels and numeric effluent limits in this Permit. This Order offers two options to permitted facilities. The first option (Option 1) takes a phased approach\* to implement numeric action levels (NALs) with the intent of using the data produced during this and the previous permit term to develop technology-based effluent limitations. For the second option (Option 2), the Permittees are required to meet the limits established by the California Toxics Rule and are not required to implement the mandatory minimum BMPs\* discussed in this Permit under Option 1. However, Permittees that select the Option 2 will be required to meet the water quality-based numeric effluent limits (NELs) specified in Table 1b, upon submittal of their permit registration documents (PRDs).
28. During Phase I, the Permittees that opt for Option 1 are required to implement mandatory minimum BMPs\*, conduct monitoring, and evaluate the data. This Permit uses a modified

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<sup>9</sup> "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities" report is available at: [http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/docs/numeric/swpanel\\_final\\_report.pdf](http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/numeric/swpanel_final_report.pdf)



version of the USEPA benchmarks listed in its industrial Multi-Sector General Permit (USEPA's MSGP)<sup>10</sup> for storm water and best professional judgment for the NALs in Option 1.

29. The three-phased compliance strategy of Option 1 imposes stringent time lines for the implementation of improved BMPs where numeric action levels are not met. The Committee conducted an independent evaluation of a number of treatment technologies for the scrap metal industry, including a number of treatment controls installed at various scrap metal facilities located within Southern California. The Regional Board evaluated the results of these studies and may determine the need to reopen this Permit to incorporate any additional technology-based effluent limitations developed through this process.
30. The NELs and NALs in this Permit are appropriate numeric thresholds. A Permittee shall take corrective actions when any of the criteria for exceedance is triggered.
31. The Regional Board finds that the NELs and NALs serve as an appropriate set of effluent limitations that demonstrate compliance with BAT/BCT. Pollutants in storm water discharges caused by atmospheric deposition or from offsite sources and/or run-on from forest fires, or any other natural disaster do not apply towards any NAL corrective action trigger determinations. While NALs are not effluent limitations and an exceedance of an NAL trigger is not considered a violation of this Permit, this Permit requires the Permittees to implement specified control measures upon a determination that one of the triggers has been exceeded. An exceedance of an NEL is considered a violation of the Permit.
32. Consistent with federal regulations, this Order also includes BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges in addition to the NELs and NALs. (40 CFR § 122.44(k)(2)).

#### **H. WATER QUALITY-BASED EFFLUENT LIMITATIONS (WQBELs)**

33. 40 CFR § 122.44(d) requires that NPDES permits include WQBELs to attain and maintain applicable numeric and narrative water quality standards of the receiving waters.
34. Where numeric water quality criteria have not been established, 40 CFR § 122.44(d) provides that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.
35. The use of BMPs to control or abate the discharge of pollutants is allowed by 40 CFR § 122.44(k)(3) when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards [40 CFR § 122.44(k)(4)] or to carry out the purposes and intent of the CWA [40 CFR § 122.44(k)(4)]. It is the Regional Board's intent to require the Permittees either to implement BMPs, including treatment controls where necessary (Option 1), or to have treatment controls (Option 2), in order to support attainment of water quality standards\*.
36. This Order includes receiving water limitations based on water quality objectives\* and it prohibits the creation of nuisance or pollution. The Order establishes a phased approach through Option 1, to determine the most appropriate method to control pollutants from scrap metal facilities and to achieve water quality standards\* in the receiving waters\*.

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<sup>10</sup> USEPA's Multi-Sector Permit is available at: [https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015\\_finalpermit.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf)

37. Federal regulations (40 CFR § 122.44(d)(1)(vii)(B)) require inclusion of effluent limits that are “consistent with the assumptions and requirements of any available Waste Load Allocation (WLA)\* for the discharge prepared by the State and approved by USEPA.” The Permittees are required to develop and implement a comprehensive storm water pollution prevention plan (SWPPP) designed to meet water quality standards and the applicable WLAs by the applicable compliance dates specified in the TMDL implementation plans that have WLAs specified for the Permittees. If the Regional Board does not approve the comprehensive SWPPP prior to the compliance date, the WLAs will become the final WQBEL(s) on the applicable compliance date. The comprehensive plan will be updated, as necessary, to reflect evaluations of the effectiveness of the BMPs, including evaluations presented in the annual reports.
38. These WQBELs are consistent with the assumptions and requirements identified in the TMDL Implementation Plans adopted with the TMDLs\* because the WQBELs are expected to be sufficient to meet the WLAs by the compliance dates.

#### **I. RECEIVING WATER LIMITATIONS**

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

#### **J. MONITORING AND REPORTING**

40. 40 CFR § 122.48 requires that all NPDES permits specify requirements for monitoring and reporting. Sections 13267 and 13383 of the CWC authorize the Regional Board to require technical and monitoring reports. The Monitoring and Reporting Program attached to this Order establishes monitoring and reporting requirements to implement federal and State requirements.
41. Federal regulations at 40 CFR §§ 122.44(i)(3) and (4) establish minimum monitoring requirements that must be included in storm water permits. These regulations require storm water permits to include at least one annual inspection and other applicable monitoring requirements. The minimum requirements in the regulations are that the Permittees must: (1) conduct an annual comprehensive facility compliance evaluation to identify areas of the facility contributing pollutants to storm water discharges; (2) evaluate whether measures to reduce industrial pollutant loads identified in the Permittee’s SWPPP are adequate and properly implemented in accordance with the terms of this Permit; and (3) determine whether additional control measures are needed.
42. The Regional Board finds that discharge monitoring is the best option to determine compliance with the NELs, NALs and other requirements specified in this Order. Therefore, this Order includes monitoring of four storm events per year and a monthly visual inspection schedule to determine whether pollutants are being discharged, the control measures are working properly and to ascertain the need for any additional controls. However, these monitoring and inspection frequencies can be reduced upon attaining consistent compliance with all Permit requirements, including compliance with NELs and NALs.

43. Permittees are required to participate in individual monitoring programs. Permittees developing an individual monitoring program are required to undergo appropriate training programs and follow strict quality control protocols.

#### **K. TRAINING REQUIREMENTS**

44. In order to improve compliance with and to maintain consistent enforcement of this Permit, all Permittees are required to have the SWPPP developed and implemented by a properly trained "Scrap Metal - Qualified SWPPP Developer" (SM-QSD) and a "Scrap Metal - Qualified SWPPP Practitioner" (SM-QSP), respectively. Only those with proper certification as SM-QSDs and SM-QSPs should develop and implement the SWPPP. Training is also required for sample collection, preservation, and handling.

#### **L. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

45. This Permit requires a SM-QSD to develop and a SM-QSP to implement a site-specific SWPPP for each facility. The minimum requirements for the SWPPP are specified in this Order. The training and certification requirements for the SM-QSD and SM-QSP will become effective upon the effective date of this Permit.

#### **M. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

46. This action to adopt an NPDES permit is exempt from the provisions of CEQA set forth in Chapter 3 of Division 13 of the Public Resources Code and from any other form of environmental review specified in CEQA. (Wat. Code section 13389; *County of Los Angeles v. California State Water Resources Control Board* (2006) 143 Cal App.4th. 985, 1004-1007).

#### **N. ANTI-DEGRADATION POLICY**

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

#### **O. ANTI-BACKSLIDING**

48. Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a renewed, reissued, or modified NPDES permit to be as stringent as those in the previous permit, with some exceptions where effluent limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Scrap Metal Permit, Order No R8-2012-0012.

## **P. THREATENED OR ENDANGERED SPECIES ACT (ESA)**

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

## **Q. STANDARD AND SPECIAL PROVISIONS**

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

## **R. NOTIFICATION OF INTERESTED PARTIES**

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

## **S. CONSIDERATION OF PUBLIC COMMENTS**

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

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

## **T. ALASKA RULE**

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

## **U. COMPLIANCE WITH CZARA**

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

**THEREFORE, IT IS HEREBY ORDERED** that Order No. R8-2012-0012 (previous order) is rescinded upon the effective date of this Order, except for enforcement purposes, and, in order to meet the provisions of Water Code division 7 (commencing with § 13000) and regulations adopted thereunder and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this General Order. This action in no way prevents the Regional Board from taking enforcement action for past violations of the previous order.

### III. PERMIT REQUIREMENTS

The Permit provides two options for the Permittees to comply with this Order: (1) Option 1- Phased Approach; and (2) Option 2- Non-Phased Approach. The Permittees must select either Option 1 or Option 2 when completing the online Notice of Intent\* through the State Board's Storm Water Multiple Application and Report Tracking System (SMARTS) at the time of submitting Permit Registration Documents\* (PRDs).

#### A. AUTHORIZED NON-STORM WATER DISCHARGES

1. The following types of non-storm water discharges are authorized provided the Permittees identify each source and its discharge location, characterize the discharge including potential pollutants and the flow volume, and identify appropriate pollutant control measures for each discharge including source control BMPs and other control measures to eliminate or reduce such discharges. Storm water which is containerized prior to treatment shall be specifically excluded from the definition of non-storm water. This information shall be documented in the SWPPP\*.
  - a) Uncontaminated condensate from refrigeration, air conditioning and compressor units,
  - b) Discharges covered by a NPDES\* permit, waste discharge requirements\*, or waivers issued by the Regional Board or State Board,
  - c) Discharges from landscape irrigation, lawn/garden watering and other irrigation waters. These shall be minimized through water conservation efforts and by developing draught tolerant landscapes,
  - d) Passive foundation drains<sup>11</sup>,
  - e) Passive footing drains<sup>12</sup>,
  - f) Water from crawl space pumps<sup>13</sup>,
  - g) Rising groundwater<sup>14</sup> and natural springs,
  - h) Uncontaminated groundwater infiltration as defined in 40 CFR § 35.2005 (20) and uncontaminated pumped groundwater (as defined in the glossary),
  - i) Emergency firefighting flows (i.e., flows necessary for the protection of life and property) do not require BMPs and need not be prohibited. However, appropriate BMPs to reduce the discharge of pollutants to the extent practicable must be implemented when they do not interfere with health and safety issues; and
  - j) Waters not otherwise containing wastes as defined in CWC § 13050(d), fully characterized and identified in the SWPPP.
2. When types of discharges listed above are identified as a significant source of pollutants to waters of the U.S., Permittees must either eliminate the discharge category from entering the

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<sup>11</sup> Allowed discharges only if the source water drained from the foundation is storm water or uncontaminated groundwater. Discharges of contaminated groundwater will require coverage under the De Minimus Permit (Order No. R8-2015-0004, NPDES No. CAG998001) or General Groundwater Cleanup Permit (Order No. R8-2012-0027, NPDES Permit No CAG918001) or its latest version.

<sup>12</sup> See footnote 10, above.

<sup>13</sup> Allowed discharges only if the discharge is uncontaminated, otherwise permit coverage under the De Minimus Permit or Order No 2014-0174-DWQ (NPDES No. CAG990002), General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Waters of the United States.

<sup>14</sup> Discharge of rising groundwater and natural springs into surface water is only allowed if groundwater is uncontaminated. Otherwise, coverage under the General Groundwater Cleanup Permit, Order No. R8-2012-0027 may be required.

MS4s and/or surface waters or ensure that source control BMPs and/or treatment control BMPs are implemented to reduce or eliminate pollutants resulting from the discharge.

## **B. DE MINIMUS TYPES OF DISCHARGES**

1. The Regional Board regulates certain de minimus types of discharges including water from potable water sources related to operation, maintenance, or testing of potable water systems; dewatering wastes; well development and testing wastes; etc., through its De Minimus Permit, Order No. R8-2015-0004. Permittees shall obtain coverage under the De Minimus Permit for any de minimus types of discharges.
2. Discharges from fire protection system flushing, testing, and maintenance either should be discharged to a sanitary sewer (with permission of the local sewerage agency) or must be regulated under the De Minimus Permit.

## **C. DISCHARGE PROHIBITIONS**

1. There shall be no trash, debris\*, floating materials, foam, plastics, or any deleterious materials in storm water runoff from the permitted facilities.
2. All non-storm discharges, except those authorized under Section A, above, shall be eliminated unless authorized by an individual NPDES permit or waste discharge requirements issued by the Regional Board or the State Board. This includes all process wastewater, storm water comingled with process wastewater and any illicit discharges\* (authorized non-storm water discharges are not considered illicit discharges).
3. Discharges of storm water or authorized non-storm water\* from the Permittee's facilities shall not cause or contribute to a condition of pollution, contamination, or nuisance (as defined in CWC § 13050).
4. Discharges from facilities regulated under this Order shall not contain any hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
5. There shall be no discharge of wastes in violation of prohibitions contained in Chapter 5 of the Basin Plan.
6. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

## **D. GENERAL REQUIREMENTS**

### **1. Design Storm for Treatment Control Measures**

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

### **2. Training and Qualifications Requirements (SM-QSD/SM-QSP/Certified Persons)**

All Corrective Action Plans and Storm Water Pollution Prevention Plans (SWPPPs)\* shall be developed and certified by those who have completed a Regional Board sponsored or approved

Scrap Metal - Qualified SWPPP Developer (SM-QSD) program and a Scrap Metal - Qualified SWPPP Practitioner (SM-QSP) shall implement the SWPPP. Sample collection, preservation and handling shall be conducted by a Certified Person who has undergone appropriate training. For these certification programs, the SM-QSD, SM-QSP, and Certified Persons are required to retake the exam every permit term.

### 3. Storm Water Pollution Prevention Plans (SWPPPs\*)

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

- a) Facility Information: The SWPPP shall include relevant facility information as per the details provided in Phase I, below.
- b) Preventative Measures: The SWPPP shall document the Preventative Measures as per the details provided in Phase I, below.
- c) Mitigative Measures: The SWPPP shall document the Mitigative Measures as per the details provided in Phases I, II, and III, below.
- d) Visual Inspections and Monitoring and Reporting Requirements: The SWPPP shall include a monitoring and reporting program in accordance with the Monitoring and Reporting Program included in this Order.

## E. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

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

### 1. Option 1: Three-Phased Approach

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

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**Table 1a: Numeric Action Levels for Option 1**  
 (Also see Attachment A for Alternative Action Levels for Copper, Lead, and Zinc)

Item No.	Constituent <sup>15</sup>	Units	Action Level (Annual Average) <sup>16</sup>
1	pH	pH Units	< 6.5 or > 8.5 <sup>17</sup>
2	Turbidity	NTU	250 <sup>18</sup>
3	Specific Conductance	µmhos/cm or µsiemen/cm	2000 <sup>19</sup>
4	Oil and Grease	milligrams/liter	15 <sup>20</sup>
5	Zinc (total recoverable)	micrograms/liter	160 <sup>21</sup>
6	Lead (total recoverable)	micrograms/liter	122 <sup>21</sup>
7	Aluminum (total recoverable)	micrograms/liter	750 <sup>20</sup>
8	Copper (total recoverable)	micrograms/liter	18.9 <sup>21</sup>
9	Iron (total recoverable)	micrograms/liter	1000 <sup>20</sup>
10	Chemical Oxygen Demand	milligrams/liter	120 <sup>20</sup>

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

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

(2) If a single sampling event (either a grab sample from a storm event or a composited sample from a single storm event) exceeds the NAL by two times the specified Permit limit (except for pH), it is considered an exceedance that would require additional steps as outlined under Phases I, II and III, below. For pH, any values less than 6.5 or more than 8.5 pH units are considered as an exceedance requiring additional steps outlined under Phases I, II, and III.

(3) If the annual average (geometric mean of all the analytical results during the reporting period except for pH; for pH, the arithmetic mean) of any of the

<sup>15</sup> pH, turbidity, and specific conductance shall be measured in the field as soon as a sample is collected.

<sup>16</sup> Annual average: Geometric mean of all analytical results obtained during the reporting period (July 1 to June 30); see footnote 17 for pH.

<sup>17</sup> Based on Basin Plan objectives. For pH, the annual average shall be an arithmetic mean (geometric mean is not appropriate for log transformed data such as pH).

<sup>18</sup> Based on Best Professional Judgement.

<sup>19</sup> Based on Basin Plan prohibition on discharges to ground.

<sup>20</sup> Based on USEPA's benchmark values.

<sup>21</sup> Total recoverable zinc, lead, and copper are based on an average hardness of 125-150 mg/L for the region's receiving waters during a storm event.



constituents exceeds the NAL, then it is considered as an exceedance that would trigger additional steps as outlined under Phases I, II, and III, below.

- (4) If a facility has implemented volume reduction BMPs (e.g., percolation basins) or preventative measures (e.g., having industrial operations under a roof), a credit may be applied to the above calculations. For example, if a Permittee installs a non-polluting roof over 25% of its operational area, the geometric mean for that facility will be reduced by 25% to arrive at an adjusted geometric mean (pH cannot be adjusted). These BMPs and applied credit must be clearly identified in the SWPPP. The credit will be applied based on areas addressed without regard to whether the BMP was implemented before the adoption of this Permit.
- c) **Phased Implementation of Control Measures:** The phased implementation of control measures specified below is considered as a practicable progression towards meeting the technology-based standards in a timely manner. If the Permittees have opted for Option 1 and fully implement each phase as per the time schedules specified below, they will not be found in violation of Section III.E of this Permit consistent with the BAT/BCT effluent limitations required under the federal regulations.
- (1) **Phase I Requirements:** Each currently enrolled Permittee who selected Option 1 shall continue to implement Option 1 requirements. Each new discharger who selects Option 1 shall implement and maintain the following minimum control measures within 30 days of a new facility filing their NOI.
- (a) **Facility Information:** (1) The following information shall be included on a site map in the SWPPP: Location of the facility; locations of storm water conveyance systems, discharge points and monitoring locations; locations of any non-storm water discharges; locations of fueling areas, chemicals and other materials storage areas, industrial process locations, loading and unloading areas, spill cleanup kits, run-on locations and treatment control locations; (2) The following facility information shall be included in the SWPPP: name and title of the person preparing and implementing the SWPPP (see SM-QSD/SM-QSP requirements under Subsection D.2, above); name and title of the facility contact if different from the SM-QSD/SM-QSP; and a description of the industrial activities at the site.
- (b) **Preventative Measures:** Each facility shall implement the following preventative measures:
- (i) Maintain a current inventory of materials and chemicals used at the facility and identify proper storage locations and handling procedures. This list must be maintained monthly with signature, date and name of preparer.
- (ii) Identify potential pollutant sources throughout the facility and the control measures used for each source/area, including good housekeeping practices. Control measure documentation shall include procedures, specific equipment used, maintenance schedules, and a record of all maintenance performed with dates and signatures.

- (iii) Pave industrial areas prone to erosion. Paving industrial areas will minimize dust generation and erosion from the site which can control metals from leaving the site.
- (iv) Maintain effective perimeter controls and stabilize all site entrances and exits to sufficiently control discharges of erodible materials from discharging or being tracked off the site.
- (v) Properly dispose of waste materials, garbage, and debris, and cover all trash containers.
- (vi) Develop and implement a Rain Event Action Plan (REAP). The REAP is a written document for each rain event. The plan shall be implemented in the event of a predicted storm with a 40% or greater probability. The probability of a storm shall be determined no more than three days in advance and need only be documented once a day. The facility shall refer to the National Oceanic and Atmospheric Administration (NOAA) website to determine the storm probability. The REAP shall consider the following additional measures: (a) temporarily covering exposed materials; (b) ensuring that all control measures are fully functional; (c) sweeping the site and clearing debris and trash; (d) ensuring that trash bins are covered; and (e) other measures to isolate industrial areas from contact with rainfall and runoff. A record of all activities related to the REAP shall be documented in the SWPPP and shall be dated and signed for each rain event.
- (vii) To the extent practicable, minimize the runoff from the site through low impact development (LID) type of BMPs, such as: onsite infiltration including percolation and retention basins, pervious pavement, evapotranspiration and onsite storage (e.g., rain barrels or cisterns to store storm water) and use, green roofs, etc.; control flow volume and velocity through vegetated swales, bioretention facilities, etc. The discharger shall collect samples before runoff comes into contact with the LID BMPs and after runoff passes through the LID BMPs. Dischargers who appropriately implement percolation or other infiltration LID type BMPs, are required to collect samples prior to the discharge entering into the LID BMPs. The data collected by Dischargers prior to the runoff entering the LID BMP is not considered compliance data.
- (viii) Develop and implement a program, to the maximum extent practicable, to percolate, evapotranspire, or use onsite, the design volume of runoff from non-industrial areas and uncontaminated runoff from industrial areas. These onsite systems shall be designed such that they do not cause or contribute to an exceedance of groundwater quality objectives, including an appropriate level of pre-treatment controls. The bottom of the infiltration system shall be at least 10 feet above the historic high groundwater level; discharges to the infiltration system shall receive an appropriate level of pre-treatment; the infiltration system shall not be located in areas with soil or groundwater contamination and shall be at least 100 feet away from any water supply wells.

- (ix) Runoff from the non-industrial areas shall not be commingled with uncontaminated runoff from industrial areas. Divert run-ons and flows from non-industrial areas away from industrial areas using berms, curbs, sub-surface piping, grading, or other structural controls, where practicable.
- (x) Eliminate all unauthorized non-storm water discharges and identify proper management techniques for authorized non-storm water discharges.
- (xi) Where practicable, minimize exposure of industrial activities to storm water by roofing or other types of covers. Roofing materials and other types of covers shall be non-polluting.
- (xii) Inspect all industrial areas on a monthly basis and properly remove and dispose of all debris, wastes, trash and spilled or leaked materials. Keep a record of all inspections required in this Permit.
- (xiii) Drain fluids from vehicles and equipment prior to storage, disposal, or shredding.
- (xiv) Use drip pans and absorbent materials under or around leaky industrial vehicles and equipment. Keep records of drip pan use and maintenance with inspection records.
- (xv) Build secondary containment and roofs over chemicals and hazardous materials storage areas.
- (xvi) Conduct equipment cleaning and vehicle washing in designated areas and divert flows into sanitary sewer (with approval from the sanitation district) or recycle the wash water.
- (xvii) Sweep industrial areas on a regular basis, preferably using a vacuum sweeper. Keep records of sweeping activities with inspection records.
- (xviii) Clean catch basins and other storm water conveyance systems on as needed basis, and at least as part of the inspection routine identified.
- (xix) Inspect all vehicles and equipment on a regular schedule (e.g., on a weekly basis) for leaks spills or other malfunctions.
- (xx) Label all containers.
- (xxi) Develop and implement an employee training program for the implementation of the site SWPPP, including documentation of training materials and attendance. All new employees shall receive training within 30 days of employment and all employees shall have refresher training at least on an annual basis.
- (xxii) Identify spill prevention and response procedures, including management of any non-storm water runoff.

- (xxiii) Consolidate all industrial area discharges to as few discharge points as practicable, preferably to one discharge point and where practicable, divert all non-industrial area runoff away from industrial areas. Manage run-on to the facility by diversion or other means.
  - (xxiv) Minimize storm water contact with contaminating building materials by removal, painting, or other measures.
  - (xxv) Determine the possibility of diverting first flush or any contaminated storm water to the sanitary sewer system. This option should only be considered if the sanitary sewage collection agency reclaims and distributes and/or uses reclaimed water.
  - (xxvi) Develop and implement a monitoring program. The individual(s) responsible for sample collection, preservation, and handling shall be identified in the monitoring program and must have received the requisite training.
- (c) Mitigative Measures: The following mitigative measures shall be implemented within 30 days of the new facility filing their NOI:
- (i) Develop and implement a spill response procedure; identify all spill response equipment, location and proper maintenance of the equipment; identify spill response personnel and any training needed for the spill response personnel and establish a procedure to notify proper personnel within the facility and regulatory agencies.
  - (ii) Cleanup spills and leaks promptly using dry methods (e.g., absorbents).
  - (iii) Identify pollutants that cannot be eliminated without treatment controls include the treatment control methods, individual(s) responsible for their maintenance, and maintenance frequency.
  - (iv) Develop and implement control measures for oily wastes from the site, such as canopies, covers, roofs, oil-water separator, etc., and implement a plan for proper operation and maintenance of those systems; identify its location on the site map, individual(s) responsible for its maintenance and maintenance frequency.
  - (v) Evaluate the need for advanced treatment systems (or equivalent systems) during the planning stages by evaluating the monitoring reports for the last three years. An advanced treatment system may not be needed if the monitoring results were below the triggers specified above.
  - (vi) Identify all treatment controls installed at the facility, the individual(s) responsible for regular operation and/or maintenance of the system, the schedule for any required maintenance, and a record of the maintenance activities including the name of the individual(s) performing the maintenance, the date and a signature.

(2) **Phase II Requirements**

- (a) Annually, each Permittee that is in Phase I of Option 1 shall assess the effectiveness of Phase I BMPs by evaluating the monitoring results and by determining if any of the triggers have been exceeded. If none of the triggers has been exceeded, Phase II and III may not be necessary. If any of the triggers has been exceeded, implement Phase II, steps b) through d), below.
- (b) Upon a determination that any one of the triggers has been exceeded, the Permittee shall immediately reassess the Phase I BMPs to identify the sources of exceedances. Once the source is identified, determine if additional BMPs or treatment controls are needed to address the pollutant source.
- (c) Within 30 days of Phase I exceedance determinations, develop and submit for Regional Board staff approval, a Phase II Corrective Action Plan. This Plan should identify the sources of pollutant(s) causing the exceedance, proposed control measures, and the expected discharge quality once the Plan is implemented. It is expected that the Phase II Corrective Action Plan will focus on Preventative Measures identified above. If necessary, the facility shall select and design an advanced treatment system or an equivalent treatment system to treat the design volume from exposed industrial areas. All proposals for advanced treatment systems or other equivalent treatment systems shall be submitted to the Regional Board staff for approval and shall be implemented within 90 days of approval by Board staff. The treatment systems shall be designed to treat runoff from at least the 95<sup>th</sup> percentile storm event.
- (d) Within 90 days of approval of the Phase II Corrective Action Plan, the Permittee shall implement the Plan.

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

- (a) Annually, each Permittee that is in Phase II of Option 1 shall assess the water quality monitoring data. If no triggers have been exceeded, Phase III actions described below are not necessary.
- (b) If the assessment in Paragraph (a), above, indicates that any trigger has been exceeded, the Permittee shall develop and submit for Regional Board staff approval, a Phase III Corrective Action Plan within one month for Phase II exceedance determinations. This Plan shall include an evaluation of the existing treatment controls and operation and maintenance procedures to improve system performance. The Plan shall also include additional reasonable source control measures that can be implemented to improve quality of storm water runoff from the site and a time schedule for implementing the proposed corrective actions. The approved Phase III Corrective Action Plan, when fully implemented, will meet the BAT/BCT effluent limitations and constitutes a water-quality based effluent limitation as per 40 CFR §122.44(k). The Permittee will be deemed to be in compliance with the BAT/BCT effluent limitations once the approved Phase III Corrective

Action Plan is fully implemented. If the NALs are still exceeded after a Phase III Corrective Action Plan has been approved and implemented, the discharger is required to reevaluate the Corrective Action Plan and propose modifications to the plan which requires additional approval by the Executive Officer.

- (4) **Development of Sector-Specific Technology-Based NELs**: Based on data generated from the treatment technology evaluations conducted under the auspices of the Metal Recyclers Water Quality Standards Committee, the Regional Board may consider establishing technology-based NELs. After the adoption of Scrap Metal Permit Order No. R8-2012-0012, the Committee disbanded. This Permit may be reopened to incorporate technology-based NELs developed through this process or by the USEPA.

## **2. Option 2: Non-Phased Approach**

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

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**Table 1b: Water Quality-Based Numeric Effluent Limits for Option 2<sup>22</sup>**  
 (The effluent limits for zinc, lead, copper, and cadmium are hardness dependent.  
 Hardness of a receiving water should be determined for each site.)

Item No.	Constituent <sup>23</sup>	Units	Effluent Limit (Annual Average) <sup>24</sup>
1	pH	pH Units	< 6.5 or > 8.5 <sup>25</sup>
2	Specific Conductance	µmhos/cm or µsiemen/cm	2000 <sup>26</sup>
3	Zinc (total recoverable)	micrograms/liter	120 <sup>27</sup>
4	Lead (total recoverable)	micrograms/liter	65 <sup>27</sup>
5	Copper (total recoverable)	micrograms/liter	13 <sup>27</sup>
6	Cadmium (total recoverable)	micrograms/liter	4.3 <sup>27</sup>

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

1. Discharges from Facilities with an Assigned Waste Load Allocation: The SWPPP for all discharges from a facility regulated under this Order shall be designed to comply with the wasteload allocations as per the approved TMDLs provided that the TMDL includes a wasteload allocation for the regulated facility<sup>28</sup>. The SWPPP shall document specific control measures for the listed pollutant, implementation schedules for the control measures and design and other technical details to show how the proposed measures are designed to meet the wasteload allocations. The monitoring program in the SWPPP shall document specific monitoring requirements for the listed pollutant to verify that the control measures are effective in meeting the wasteload allocations by the dates specified in the approved TMDLs. TMDL information that was current at the time of this permit’s adoption is listed in Attachment B.
2. Discharges to 303(d) listed Waterbodies without an Approved TMDL: The SWPPPs for facilities that discharge into 303(d) listed waterbodies<sup>29</sup> shall be designed to eliminate or control the discharge of the listed pollutant\* and the SWPPP shall document the control measures. Any discharge from the regulated facility shall not contain the listed pollutant in

<sup>22</sup> These NELs become effective on December 19, 2018 for those facilities option for Option 2.

<sup>23</sup> pH and specific conductance shall be measured in the field as soon as a sample is collected. Zinc, lead, copper, and cadmium are to be analyzed by a State-certified laboratory.

<sup>24</sup> Annual average: Geometric mean of all analytical results obtained during the reporting period (July 1 to June 30); see footnote 25 for pH.

<sup>25</sup> Based on Basin Plan objectives. For pH, the annual average shall be an arithmetic mean (geometric mean is not appropriate for log transformed data such as pH).

<sup>26</sup> Based on Basin Plan prohibition.

<sup>27</sup> Based on the California Toxics Rule

<sup>28</sup> Santa Ana Region Total Maximum Daily Loads webpage is available:

[https://www.waterboards.ca.gov/santaana/water\\_issues/programs/tmdl/index.html](https://www.waterboards.ca.gov/santaana/water_issues/programs/tmdl/index.html)

<sup>29</sup> 2016 303(d) list is available at: [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml)

quantities that would cause or contribute to an exceedance of water quality standards\* for the listed pollutant. The monitoring program shall include the listed pollutant\*. 303(d) listed waterbodies that were current at the time of this permit's adoption are listed in Attachment B.

#### **G. SPECIAL PROVISIONS FOR DISCHARGES TO IMPAIRED WATERS (NEW DISCHARGERS)**

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

1. The facility provides verifiable documentation indicating that the listed pollutant will not be present in the discharges from the facility. This information shall be documented in the SWPPP.
2. The facility has implemented proper control measures to eliminate all exposure of the listed pollutant and documented the control measures in the SWPPP.
3. The facility provides verifiable information to indicate that the discharges from the facility will meet the in-stream water quality standard at the point of discharge to the waterbody or provides technical information to show that there is excess wasteload allocation available in the waterbody to allow such discharges without violating the approved TMDLs/ wasteload allocations.

#### **H. SPECIAL PROTECTIONS FOR ENDANGERED AND THREATENED SPECIES**

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

#### **I. RECEIVING WATER LIMITATIONS**

1. Storm water discharges or authorized non-storm water discharges shall not cause or contribute to a violation of water quality standards\* (water quality objectives\* and beneficial uses\*) contained in the Basin Plan, Statewide Water Quality Control Plans, the National Toxics Rule, and/or the California Toxics Rule.
2. Storm Water discharges or authorized non-storm water discharges to waters of the U.S. or to waters of the State, including groundwater, shall not adversely impact human health or threaten to cause pollution or nuisance.

#### **J. OBTAINING PERMIT COVERAGE**

All industrial facilities within this Regional Board's jurisdiction and engaged in scrap metal recycling operations with an SIC code of 5093 shall obtain coverage under this Order.

1. Coverages: This Order includes requirements for two types of permit coverage, Notice of Intent coverage and No Exposure coverage.

a) Notice of Intent (NOI) coverage:

- (1) Permittees that discharge storm water associated with industrial activity to waters of the United States are required to meet all applicable requirements of this Order.



- (2) The Permittee shall register for coverage under this Order by certifying and submitting the following Permit Registration Documents (PRDs) via SMARTS<sup>30</sup>.
    - (a) A completed NOI and signed certification statement;
    - (b) A copy of a current site map from the Storm Water Pollution Prevent Plan (SWPPP);
    - (c) A SWPPP.
  - (3) The Permittees shall submit the appropriate annual fee in accordance with California Code of Regulations, title 23, section 2200 et seq. 5.
- b) No Exposure Certification (NEC) coverage:
- (1) If all industrial activities are carried out under a roof without exposure and if materials, processes, wastes, finished products, byproducts, and intermediate products are not exposed to storm water, Permittees shall certify and submit a No Exposure Certification via SMARTS.
  - (2) Initial submission of NECs shall include analytical results of runoff from each discharge point of the facility from two storm events. If initial samples could not be collected at the time of filing a NEC, the application may be kept pending for up to a year until analytical data is received. At a minimum, the analysis shall include pH, turbidity, specific conductance, oil and grease and the parameters listed in Table 1a, Numeric Action Levels.
  - (3) The NEC must be renewed by June 30 of each year. The renewal application submitted for every 5<sup>th</sup> year shall also include an analysis of storm water runoff from each discharge point of the facility for one storm for the constituents listed in Table 1a.
  - (4) The Permittee shall submit the appropriate annual fee in accordance with California Code of Regulations, title 23, section 2200 et seq. 5.

## 2. Schedule for Submitting PRDs

### a) Existing Dischargers Under the Previous Permit:

- (1) All scrap metal facilities currently regulated under Order No. R8-2012-0012 shall recertify under this Order within 90 days of adoption of this Order. The recertification shall be done electronically via SMARTS by the LRP of the facility seeking coverage. The LRP shall submit and certify all PRDs including the NOI, facility-specific SWPPP, and a site map.
- (2) Existing Dischargers that do not register for NOI or NEC coverage within 90 days of adoption of this Order may have their permit coverage administratively terminated.
- (3) Existing Permittees shall continue to comply with the SWPPP requirements in Order R8-2012-0012 up to but no later than 90 days after the adoption of this Order.

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<sup>30</sup> SMARTS webpage: <http://smarts.waterboards.ca.gov>

b) New Dischargers:

- (1) All new facilities shall upload the PRDs via SMARTS, as described above, at least 30 days prior to start of operations at the facility. If the new facility elects to comply with Option 2, compliance with the water quality-based NELs specified in Table 1.b is required upon start of facility operations. If the facility elects to comply with Option 1, compliance with Phase I requirements (except REAP) is required within 30 days of start of facility operations.

3. General PRD Requirements

- a) SWPPP: Fully implement the SWPPP to control/eliminate the discharge of pollutants from the facility.

b) Site Maps:

- (1) The Discharger shall prepare a site map that includes notes, legends, a north arrow, and other data as appropriate to ensure the map is clear, legible, and understandable;
  - (2) The facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas. Include the flow direction of each drainage area, on-facility surface water bodies, areas of soil erosion, and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's industrial storm water discharges and authorized NSWDS;
  - (3) Locations of storm water collection and conveyance systems, associated discharge locations, and direction of flow. Include any sample locations if different than the identified discharge locations;
  - (4) Identification of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures;
  - (5) Locations where materials are directly exposed to precipitation and the locations where identified significant spills or leaks have occurred; and,
  - (6) Areas of industrial activity subject to this General Permit. Identify all industrial 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 material reuse areas, and other areas of industrial activity that may have potential pollutant sources.
- c) Any information provided to Water Board by the Permittee shall comply with the Homeland Security Act and other federal law that addresses security in the United States; any information that does not comply should not be submitted in PRDs. The Permittee must provide justification to the Regional Board regarding redacted information within any submittal.

- d) Dischargers may redact trade secrets from information that is submitted via SMARTS. Dischargers who certify and submit redacted information via SMARTS must include a general description of the redacted information and the basis for the redaction in the version that is submitted via SMARTS. Dischargers must submit complete and unredacted versions of the information that are clearly labeled "CONFIDENTIAL" to the Regional Board within 30 days of the submittal of the redacted information. All information labeled "CONFIDENTIAL" will be maintained by the Water Boards in a separate, confidential file.

#### 4. Industrial Activities not Covered under this Order

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

### **K. TERMINATING PERMIT COVERAGE**

1. A Notice of Termination (NOT) shall be certified and submitted via SMARTS upon: (1) cessation of all industrial activities at the facility and the site is no longer a threat to water quality; (2) cessation of discharges to the MS4 and surface waters; (3) operation of the facility has been transferred to another entity and the new entity has taken responsibility for the facility (new entity has uploaded PRDs; (4) change in location of the facility; or (5) obtaining coverage under an individual permit.
2. Where there is a change in the facility location, the Permittee shall certify and submit new PRDs via SMARTS. When ownership changes, the prior Discharger (seller) must inform the new Permittee (buyer) of the Permit applications and regulatory coverage requirements. The new Permittee must certify and submit new PRDs via SMARTS to obtain coverage under this Order.
3. Permittees shall provide additional information supporting an NOT, or revise their PRDs via SMARTS, upon request by the Regional Board.

### **IV. MONITORING AND REPORTING REQUIREMENTS**

Each Permittee shall comply with the monitoring and reporting requirements specified under Monitoring and Reporting Program.

### **V. SPECIAL PROVISIONS**

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

### **VI. PERMIT MODIFICATION**

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

1. To address significant changes in conditions identified in the reports required by the Regional Board which were unknown at the time of the issuance of this Order;
  2. To incorporate applicable requirements of statewide water quality control plans adopted by the State Board or any amendments to the Basin Plan approved by the Regional Board, the State Board and, if necessary, by the Office of Administrative Law and the USEPA;
  3. To comply with any applicable requirements, guidelines, or regulations issued or approved under the Clean Water Act, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this Order; or,
  4. To incorporate any requirements imposed upon the Permittees through the TMDL process or to amend NELs and NALs as a result of the treatment technology evaluation required under this Order.
- B. The filing of a request by the Permittees for modification, revocation and re-issuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any conditions of this Order.

## VII. PERMIT EXPIRATION AND RENEWAL

- A. This Order shall serve as an NPDES Permit pursuant to section 402(p) of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator of the USEPA has no objections. If the Regional Administrator objects to its issuance, the Permit shall not become effective until such objection is withdrawn.
- B. This Order expires on October 18, 2023. If this Permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with California Code of Regulations, title 23, section 2235.4 and 40 CFR §122.6, and will remain in force and effect.

## VIII. STANDARD PROVISIONS

### A. Duty to Comply

1. The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the CWA and the CWC and is grounds for enforcement action and/or removal from Permit coverage.
2. Any non-compliance with any of the requirements of this Order constitutes a violation of the CWA and the CWC. Any failure to take appropriate corrective actions as specified in this Order is also a violation of this Order.
3. The Permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement.

### B. Duty to Reapply

Dischargers that wish to continue an activity regulated under this Sector-Specific Scrap Metal Permit after the expiration date of this Sector-Specific Scrap Metal Permit shall apply for and

obtain authorization from the Santa Ana Regional Water Quality Control Board as required by the new permit once it is issued.

C. General Permit Actions

1. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any General Permit condition.
2. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the Permittees so notified.

D. Need to Halt or Reduce Activity Not a Defense

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

E. Duty to Mitigate

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

F. Proper Operation and Maintenance

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

G. Property Rights

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

H. Duty to Provide Information

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

I. Inspection and Entry

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

1. Enter upon the Permittee's premises at reasonable times where a regulated industrial activity is being conducted or where records must be kept under the conditions of this Permit;
2. Access and copy at reasonable times any records that must be kept under the conditions of this Permit;
3. Inspect at reasonable times the facility; and,
4. Take pictures, collect samples, collect other evidence, or monitor at reasonable times for the purpose of ensuring Permit compliance.

J. Monitoring and Record Keeping

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Records of monitoring information shall include:
  - a) The date, exact place, and time of sampling or measurements;
  - b) The date(s) analyses were performed;
  - c) The individual(s) who performed the analyses;
  - d) The analytical techniques or methods used; and,
  - e) The results of such analyses.
3. The Permittee shall maintain a paper or electronic copy of all storm water monitoring information, copies of all reports (including Annual Reports), SWPPPs, and all other required records, including a copy of this Permit, for a period of at least five years from the date generated or date submitted, whichever is later. These records shall be available at the industrial facility.
4. Upon written request by USEPA or the municipal agency within whose jurisdiction the facility lies, Permittees shall provide written or electronic copies of their Annual Reports to the USEPA or the municipal agency within 10 working days from receipt of the request.

K. Electronic Signature and Certification Requirements

1. All Permit Registration Documents (PRDs) for NOIs or NECs shall be electronically signed, certified, and submitted via SMARTS by the Discharger's LRP. All other reports or documents may be certified and submitted via SMARTS by the LRP or by their designated DAR.
2. Each LRP or DAR must sign and submit the SMARTS Electronic Authorization Form with an original signature to the State Board. The SMARTS Electronic Authorization form includes the following statement:

“My signature on this form also certifies that I agree my user ID, password, and response to security challenge questions constitute my electronic signature and any information I indicate I am electronically certifying contains my signature. I understand that I am legally bound, obligated, or responsible by use of my electronic signature as much as by a handwritten signature.

I also certify that my electronic signature is for my own use that I will keep confidential and protect it from any other person’s use, including subordinates and consultants. If I suspect my electronic signature has been lost, stolen, or otherwise compromised, including discrepancies in data and reports, I will contact the Water Boards within 24-hours of discovery.”

3. When a new LRP or DAR is designated, the Discharger shall ensure that the appropriate revisions are made via SMARTS.
4. Documents certified and submitted via SMARTS by an unauthorized or ineligible LRP or DAR are invalid.

L. Certification

Any person signing documents under Section VIII.K, above, shall make the following certification:

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

M. Anticipated Noncompliance

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

N. Penalties for Falsification of Reports

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

O. Oil and Hazardous Substance Liability

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

P. Severability

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

Q. Penalties for Violations of Permit Conditions

1. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under section 402. Any person who violates any permit condition of this Permit is subject to a civil penalty not to exceed \$37,500 per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
2. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties, which in some cases are greater than those under the CWA.

R. Transfers

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

S. Continuation of Expired Permit

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

T. Other Federal Requirements

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

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**MONITORING AND REPORTING PROGRAM**  
**NPDES NO. CAG618001**  
**for**  
**SCRAP METAL FACILITIES WITHIN THE SANTA ANA REGION**

**I. GENERAL**

- A. Each facility regulated under this Order shall develop and implement a Monitoring and Reporting Program (MRP) as specified in this section. The Permittee shall develop a MRP in accordance with the requirements of this MRP prior to uploading PRDs via SMARTS.
- B. The MRP shall be in compliance with the SWAMP Quality Assurance Program Plan (QAPP<sup>31</sup>) guidelines. Data collection, field and laboratory protocol, measurements, sampling, analysis, and quality assurance/quality control shall be compatible with the SWAMP QAPP.
- C. The MRP shall be implemented within 30 days of uploading the PRDs.
- D. The MRP shall be incorporated into the SWPPP.
- E. The MRP shall consist of:
1. Preparation for Sampling: Identify individuals involved in sample collection, sampling frequency, sampling locations, sample collection bottles, and equipment.
  2. Conduct Sampling: Procedures for sample collection, chain-of-custody, sample preservation and handling, delivery to the laboratory. Field measurements for pH, conductivity and turbidity and laboratory analysis for the other constituents listed in Table 2, below.
  3. Evaluation of Sample Results: Assessment of data.
  4. Record Keeping and Reporting: Compare the results with the numeric action levels or numeric effluent limits (Table 1a or 1b of the Permit), and report the results.
- F. Identify the individual(s) responsible for MRP development and implementation. The individual(s) responsible for MRP development may include the:
1. Project Manager: The Project Manager is responsible for all aspects of the monitoring program, including organizing sampling and coordinating with the contract laboratory.
  2. Certified Person: The Certified Person will be responsible for sample collection, handling, and chain-of-custody through delivery to the laboratory. They must receive at least one hour of classroom training by a certified laboratory or equivalent training provided by the Regional Board. The certification program is an exam based training. For this certification program, the Certified Person is required to retake the exam every permit term.
- G. The MRP shall identify any additional constituents for analyses (in addition to Table 2 included in this MRP).

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<sup>31</sup> The State Water Resources Control Board's SWAMP QAPP is available here:  
[https://www.waterboards.ca.gov/water\\_issues/programs/swamp/qapp/swamp\\_QAPrP\\_2017\\_Final.pdf](https://www.waterboards.ca.gov/water_issues/programs/swamp/qapp/swamp_QAPrP_2017_Final.pdf)

- H. A facility's LRP must ensure the portions of the MRP requiring site-specific information are complete and correct, and the Plan is fully implemented.
- I. Revisions of the MRP are appropriate to ensure that the Permittees are in compliance with requirements and provisions contained in this Order. Revisions may be made under the direction of the Executive Officer at any time during the term of this Order, and may include redistribution of monitoring resources to address TMDL needs, a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, or the number and size of samples collected.
- J. All sample collection, handling, storage, and analysis shall be in accordance with 40 CFR Part 136 (latest edition) "*Guidelines Establishing Test Procedures for the Analysis of Pollutants*," promulgated by the USEPA, the guidance being developed by the State Board pursuant to Water Code section 13383.5, or other methods which are more sensitive than those specified in 40 CFR § 136 and approved by the Executive Officer, or methods documented in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP).
- K. The Executive Officer is authorized to allow the Permittees to participate in statewide, national, or other monitoring programs in lieu of or in addition to this monitoring program.
- L. Permittees are required to participate in Individual Monitoring Programs which will be referenced and described in this MRP.
- M. All monitoring efforts shall conform to the same quality assurance, data management, validation, and verification standards for Individual Monitoring Programs.
- N. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both [40 CFR § 122.41(j)(5)].
- O. All chemical and bacteriological analyses shall be conducted at a laboratory certified for such analyses by an appropriate governmental regulatory agency. In addition, field measurement is required for pH, turbidity, and specific conductance.
- P. For priority toxic pollutants that are identified in the California Toxics Rule (CTR) (65 Fed. Reg. 31682), the Minimum Levels (MLs) published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) shall be used for all analyses, unless otherwise specified.
- Q. This MRP specifies the minimum parameters to be monitored. The Permittees are encouraged to include additional parameters based on site-specific conditions.
- R. The detection limits for the metals analyses shall be low enough to allow for a direct comparison to the metal's criteria in the California Toxics Rule.
- S. All monitoring data and monitoring locations shall be entered into SMARTS.
- T. The monitoring and reporting period is from July 1 to June 30.

- U. For priority toxic pollutants, if the Permittees can demonstrate that a particular Minimum Level (ML) is not attainable, in accordance with procedures set forth in 40 CFR § 136, the lowest quantifiable concentration of the lowest calibration standard analyzed by a specific analytical procedure (assuming that all the method specified sample weights, volumes, and processing steps have been followed) may be used instead of the ML listed in Appendix 4 of the State Implementation Plan or SIP. The Permittee must submit documentation from the laboratory to the QA Officer for approval prior to utilizing a ML that is not consistent with the MLs in the SIP or as specified in Table 3, below.
- V. The surrogate parameters or indicators of water quality selected for monitoring shall be representative of the discharges being analyzed.

## **II. OBJECTIVES**

- A. The overall goal of this monitoring program is to develop reliable data to support the development of an effective storm water pollution control program that focuses resources on the priority list of pollutants of concern for scrap metal facilities. The following are the major objectives:
  - 1. To provide data to support the development of an effective control mechanism for scrap metal facilities.
  - 2. To determine water quality status, trends, and pollutants of concern associated with storm water runoff from scrap metal facilities and their impact on the beneficial uses of the receiving waters. This includes determining current conditions in the receiving waters including the extent and magnitude of any impairments, and relative contribution from scrap metal facilities to this impairment.
  - 3. To assist in identifying potential pollutants from scrap metal facilities and external sources (e.g., any atmospheric deposition, contaminated sediments, etc).
  - 4. To characterize pollutants in storm water runoff from scrap metal facilities and to assess the influence of these pollutants on receiving water quality.
  - 5. To evaluate the effectiveness of existing control measures, including an estimate of pollutant reductions achieved by the treatment and source control BMPs implemented by the Permittees.
  - 6. To determine a cost-effective treatment control technology for treating storm water runoff from scrap metal facilities.
- B. The Regional Board recognizes that program modifications may be necessary to attain these objectives. The Executive Officer is hereby authorized to evaluate and to determine adequate progress toward meeting each objective and to make any modifications to the monitoring and reporting program.

## **III. INDIVIDUAL MONITORING PROGRAM**

### **A. GENERAL**

All new Permittees shall develop and implement a monitoring program as specified in this MRP prior to start of industrial activities at the site.

## **B. COMPONENTS OF AN INDIVIDUAL MONITORING AND REPORTING PROGRAM**

1. Each Permittee shall develop a site-specific monitoring plan.
2. Each Permittee shall identify a sufficient number of individuals who are properly trained and certified in sample collection, preservation and handling protocol. The individual(s) certified to sample must have received at least one hour of classroom training provided by a certified laboratory in sample collection, sample preservation, sample handling, quality assurance and quality control protocols. Each laboratory providing such training shall provide a certificate of completion only after testing the participants understanding of the protocols for sample collection, sample preservation, sample handling, quality assurance and quality control. Proof of such training, such as a certificate of completion from the certified laboratory, shall be included in the SWPPP. The Regional Board also provides a certification program for Certified Person's training. This certification program is an exam based training in which the individual must retake the exam every permit term. A SM-QSD or a SM-QSP or other persons with appropriate training and approved by the Executive Officer could also be considered as a person certified to sample.
3. Sample collection, preservation, and handling shall be the responsibility of the person certified to sample.
4. The MRP shall identify each discharge location, sampling frequency, sample collection equipment and special requirements, sample preservation methods, chain-of-custody forms and procedures, all handling protocols and methods for delivery of samples to the certified laboratory.
5. The MRP shall identify the certified laboratory that will conduct the analysis. The list of parameters to be analyzed shall include the parameters listed in Table 2 and any other potential pollutants present at the site.

## **IV. MONITORING REQUIREMENTS**

### **A. Visual Inspections**

1. Each month a SM-QSP shall conduct visual inspections of the industrial areas of the permitted facility and record the findings in a permanent log.
2. The monthly visual inspections shall be conducted at least 15 days apart.
3. The SM-QSP shall inspect the facility for the following (but not limited to):
  - a) The presence of prior, current, or potential authorized or unauthorized non-storm water discharges, their sources, and associated BMPs; and,
  - b) Outdoor industrial equipment, industrial activities, storage areas, and all other potential sources of pollutants.
4. The recorded information of the visual inspection shall include the name of the individual conducting the inspection, date and time, weather conditions, locations observed, and findings regarding any discharges from the facility. Findings regarding discharges may include authorized or unauthorized non-storm water discharges, oil stains, tracking from the site, spills or leaks, debris or trash, illegal discharges, and with respect to any discharge from the site (including storm water) oil sheen, discoloration, turbidity, foam, trash, debris or any other floating or suspended

materials in any runoff from the site and any other activity that could be a source of pollutants in runoff from the site.

5. If no significant violations are noted during four consecutive inspections (e.g., no unauthorized storm water discharges, has implemented good housekeeping practices, no oil sheens on storm water runoff, etc.), the inspection frequency may be reduced, with approval from the Executive Officer, to quarterly based on a certification from the SM-QSP that the minimum BMPs are fully implemented at the site and the site conditions do not warrant monthly inspections (at least one of these inspections shall be conducted during a storm event that produces a runoff).
6. Prior to any predicted storm event and as part of REAP\*, inspect all BMPs, housekeeping practices, and treatment controls to ensure that they are properly maintained and in good working condition.

#### B. Runoff Sampling and Analysis

1. Each permitted facility shall collect at least four samples of runoff per year from qualifying storm events<sup>32</sup> from each discharge point. If storm water associated with industrial activities is discharged into an onsite system (percolation basins, infiltration gallery, etc.) samples must also be collected from each of those discharge points. Turbidity analysis is not required for discharges to onsite retention or percolation systems.
2. The Discharger shall collect and analyze storm water samples from two qualifying storm events within the first half of each reporting year from July 1 to December 31, and two qualifying storm events within the second half of each reporting year from January 1 to June 30.\
3. Samples shall be collected as close as possible to the onset of discharge from a qualifying storm event.
4. Permittees need not sample outside of regular business hours or during unsafe conditions.
5. All samples collected shall be representative of storm water associated with industrial activities\*. Samples shall be collected at the end of the storm water conveyance system (conveyance for storm water associated with industrial activities\*) before it comingles with any other flows. For direct discharges to waters of the U.S., samples may be collected within 10 feet of the discharge point directly downstream from the discharge.
6. The samples shall be analyzed for the constituents in Table 2, at a State-certified laboratory (with the exception of pH, turbidity, and specific conductance which shall be analyzed in the field).
7. Unless otherwise approved by the Executive Officer, the test methods in Table 3 must be used and the minimum levels specified below (Table 3) shall be achieved for the laboratory analysis for each of the constituents.

#### C. Sampling and Analysis Reduction

If a Permittee is in full compliance with the sampling and analysis requirements specified above (collected the required number of samples within the specified time period and has analyzed for all the listed parameters), the visual inspections have not identified any violations, and the analytical

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<sup>32</sup> A qualifying storm event is defined as a precipitation even that produces a discharge for at least one drainage area and is preceded by 48 hours with no discharge from any drainage area.

results have not exceeded any of the triggers specified in this Permit for NELs and NALs for at least two consecutive years, the Permittee may request for a reduction in the sampling and analysis frequencies. Only once the reduction request is approved by the Executive Officer, can it be implemented by the discharger. Approved reductions can be revoked by the Executive Officer based on future NEL or NAL exceedances, permit violations, or inadequate BMP implementation as identified by Regional Board staff.

**Table 2: Constituents, Sample Type, Frequency, and Analyzing Location**

Constituents	Units	Type of Sample	Frequency	Analyzing Location
pH	pH Units	Grab	4 times/year	Field
Turbidity <sup>33</sup>	NTUs	Grab	4 times/year	Field
Specific Conductance	µmhos/cm	Grab	4 times/year	Field
Oil and Grease	mg/L	Grab	4 times/year	Laboratory
Total Petroleum Hydrocarbons	mg/L	Grab	4 times/year	Laboratory
Zinc (total recoverable)	ug/L	Grab	4 times/year	Laboratory
Lead (total recoverable)	ug/L	Grab	4 times/year	Laboratory
Aluminum (total recoverable)	ug/L	Grab	4 times/year	Laboratory
Copper (total recoverable)	ug/L	Grab	4 times/year	Laboratory
Iron (total recoverable)	ug/L	Grab	4 times/year	Laboratory
Cadmium (total recoverable)	ug/L	Grab	4 times/year	Laboratory
Nickel (total recoverable)	ug/L	Grab	4 times/year	Laboratory
Chemical Oxygen Demand	mg/L	Grab	4 times/year	Laboratory
PCBs	ug/L	Grab	1 <sup>st</sup> year after permit adoption (first storm sample)	Laboratory

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

Note – If the discharger fails to sample for PCBs in the first year after adoption of this permit, then they must sample for PCBs during the next qualifying storm event.

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<sup>33</sup> Turbidity analysis is not required for discharges to onsite retention or percolation systems.

**Table 3: Test Methods and Minimum Levels**

Constituent	Units	Test Method	Minimum Level
pH	pH Units	EPA 9040/SM <sup>34</sup> 4500H or field test with a calibrated portable instrument	±0.1
Turbidity	NTUs	EPA 180.1/SM 2130B or field test with a calibrated portable instrument	0.5
Specific Conductance	µmhos/cm	EPA 120.1/SM 2510-B or field test with calibrated portable instrument	1.0
Oil and Grease	mg/L	EPA 1664-HEM	5.0
Total Petroleum Hydrocarbons	mg/L	EPA 1664-SGT-HEM or 8015B	5.0
Zinc (total recoverable)	ug/L	EPA 200.8	5.0
Lead (total recoverable)	ug/L	EPA 200.8	1.0
Aluminum (total recoverable)	ug/L	EPA 200.8	1.0
Copper (total recoverable)	ug/L	EPA 200.8	1.0
Iron (total recoverable)	ug/L	EPA 200.8	1.0
Cadmium (total recoverable)	ug/L	EPA 200.8	1.0
Nickel (total recoverable)	ug/L	EPA 200.8	1.0
Chemical Oxygen Demand	mg/L	SM 5220C or SM 5220D	10.0
PCBs	ug/L	EPA 608	0.5

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

**V. RECORD KEEPING REQUIREMENTS**

A. All monitoring activities shall meet the following requirements:

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR § 122.41(j)(1)]. Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality. Representative sampling also includes development of a testable hypothesis, appropriate site selection, applicable and accepted sampling methodologies, laboratory methods, and frequency of sampling.
2. The Permittees shall retain records of all monitoring information, including all calibration and maintenance of monitoring instruments, copies of all reports prepared as per this MRP and annual reports for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or USEPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge [40 CFR § 122.41(j)(2), CWC § 13383(a)].

<sup>34</sup> SM = Standard Methods for the Examination of Water and Wastewater, 18<sup>th</sup> Edition

3. Records of monitoring information shall include [40 CFR § 122.41(j)(3)]:
  - a) The date, exact place, and time of sampling or measurements;
  - b) The date(s) analyses were performed;
  - c) The individual(s) who performed the analyses;
  - d) The analytical techniques or methods used; and,
  - e) The results of such analyses.
4. Calculations for all effluent limitations which require averaging of measurements shall utilize geometric mean unless otherwise specified in this MRP [40 CFR § 122.41(l)(4)(iii)].
5. The Clean Water Act provides that any individual who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR § 122.41(k)(2)].

## VI. BMP/TREATMENT SYSTEM EVALUATION

- A. All monitoring data shall be evaluated to determine compliance with the water quality standards in the receiving waters as per the procedure specified under Phases I, II, and III of the Permit. If water quality standards are not met, the source control BMPs, the housekeeping practices, and the treatment controls at the facility shall be evaluated to determine the need for additional controls.
- B. The Permittees shall be responsible for the timely submittal of all reports including non-compliance reporting. All such submittals shall be certified by the LRP or DAR under penalty of perjury.

## VII. REPORTING REQUIREMENTS

### A. Non-compliance Reporting

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

### B. Sampling Results

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



C. Annual Reports

Each Permittee shall submit and certify an annual report in SMARTS. The Permittees shall be responsible for the timely submittal of the annual report. All such submittals shall be certified and submitted by the LRP or DAR under penalty of perjury. The annual report shall be submitted via SMARTS by August 1 of each year. At a minimum, the annual report shall include the following:

1. A summary and evaluation of all sampling and analysis results including any visual observations;
2. All additional BMPs or other corrective action methods implemented at the facility;
3. A summary of all compliance activities, including any new or proposed treatment controls; and,
4. Any major changes to any of the previously submitted SWPPP or MRP or other plans or programs.

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## ACRONYMS

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

**WDR** Waste Discharge Requirements  
**WLA** Waste Load Allocation  
**WQBEL** Water Quality Based Effluent Limitation  
**WQO** Water Quality Objective  
**WQS** Water Quality Standard

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## GLOSSARY

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

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

**Authorized Non-Storm Water Discharges** – Authorized non-storm water discharges include: uncontaminated condensate from air conditioners, coolers, and compressors and from the outside storage of refrigerated gases or liquids; uncontaminated groundwater or spring water; landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling; discharges from emergency firefighting activities (BMPs must be implemented to the extent practicable); irrigation drainage.

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

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

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

**Best Conventional Technology (BCT)** – BCT is an acronym for Best Conventional Technology for conventional pollutants (generally conventional pollutants include: BOD, pH, suspended solids, coliform

bacteria, and oil and grease); BCT is the treatment techniques, processes and procedures, innovations, and operating methods that eliminate or reduce chemical, physical, and biological pollutant constituents.

**Best Management Practices (BMPs)** – BMPs are defined in 40 CFR § 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the case of municipal storm water permits, BMPs are typically used in place of numeric effluent limits.

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

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

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

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

**Caltrans** – California Department of Transportation.

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

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

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

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

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

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

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

**CWA** – Federal Clean Water Act.

**CWC** – California Water Code.

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

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

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

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

**Duly Authorized Representative (DAR)** – A person who has responsibility for the overall operation of the regulated facility or activity, such as a person that is a manager, operator, superintendent, or another position of equivalent responsibility, or is an individual who has overall responsibility for environmental matters for the company. The authorization must be current (it has been updated to reflect a different individual or position) prior to any report submittals, certifications, or records certified by the Duly Authorized Representative.

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

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

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

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

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

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

**GIS** – Geographical Information Systems

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

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

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

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

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

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

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

**Land Disturbance** – The clearing, grading, excavation, stockpiling, or other construction activity that results in the possible mobilization of soils or other pollutants into the MS4. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety.

**Legally Responsible Person (LRP)** – A person, company, agency, or other entity that is the operator of the industrial facility covered by this General Permit. LRP eligibility is as follows:

- a. For a corporation: by a responsible corporate officer. A responsible corporate officer means:
  - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; or
  - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated

facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. This 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).

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

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

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

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

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

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

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

**Non-Point Source Pollution (NPS)** – Non-point source refers to diffuse, widespread sources of pollution. These sources may be large or small, but are generally numerous throughout a watershed. Non-Point Sources include, but are not limited to sheet or surface flow from urban, agricultural, or industrial areas, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining and livestock grazing areas. NPS pollution can occur year round any time rainfall, snowmelt, irrigation, or any other source of water runs over land or through the ground, picks up pollutants



from these numerous, diffuse sources and deposits them into rivers, lakes, and coastal waters or introduces them into groundwater.

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

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

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

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

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

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

**Order or Permit** – Order No. R8-2018-0069 (NPDES No. CAG618001)

**Permit Area** – Areas that are under the jurisdiction of the Santa Ana Regional Water Quality Control Board. These include north and northwestern portions of Orange County, north and western portions of Riverside County and western portions of San Bernardino County. See the Basin Plan for a detailed description of the Regional Board boundaries<sup>35</sup>.

**Permit Registration Documents (PRDs)** – Include the Notice of Intent, Storm Water Pollution Prevention Plan, Site Map and the appropriate filing fee.

**Permittees** – Entities regulated under Order No. R8-2018-0069.

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

**pH** – An indicator of the acidity or alkalinity of water.

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

**Point Source** – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, runoff from concentrated animal

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<sup>35</sup> [http://www.waterboards.ca.gov/santaana/water\\_issues/programs/basin\\_plan/index.shtml](http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml)

feeding operations, landfill leachate collection systems, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

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

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

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

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

**Polychlorinated biphenyls (PCBs)** – are organic chlorine compounds consisting of chlorine atoms that attaches to the two benzene rings (biphenyl). Due to PCB's toxicity and classification as persistent organic pollutants, PCB production was banned by the United States Congress in 1976 and by the Stockholm Convention on Persistent Organic Pollutants in 2001.

**Publicly Owned Treatment Works (POTW)** – Wastewater treatment facilities owned by a public agency.

**Qualifying Storm Event (QSE)** – An event that meets the following criteria:

1. Occurs during facility operating hours;
2. Is a storm event that has produced runoff (0.1 inches or more of rainfall); and
3. Is a storm event that was preceded by two consecutive days of dry weather. Dry weather shall be defined as two consecutive days of combined rainfall of less than 0.1 inches as measured by an on-site rainfall measurement device.

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

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

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

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

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

**Scrap Metal - Qualified SWPPP Developer (SM-QSD)** – Individual who is authorized to develop and revise SWPPPs.

**Scrap Metal - Qualified SWPPP Practitioner (SM-QSP)** – Individual assigned responsibility for non-storm water and storm water visual observations, sampling and analysis, and responsibility to ensure full compliance with the permit and implementation of all elements of the SWPPP, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

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

**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 (CERCLA); any chemical the facility is required to report pursuant to section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

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

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

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

**State Board** – California State Water Resources Control Board

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

**Storm Water Associated with Industrial Activities** – Storm water that has come in contact with or has the potential to carry pollutants from manufacturing areas; processing or raw material storage areas; industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling

sites, refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw materials, and intermediate and finished products and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

**Storm Water General Permits** – General Permit-Industrial (State Board Order No. 2014-0057DWQ, NPDES No. CAS000001), and General Permit-Construction (State Board Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ as amended by Order No. 2012-0006-DWQ NPDES No. CAS000002).

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

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

**Surface Water Ambient Monitoring Program (SWAMP)** – A unifying program that coordinates all water monitoring conducted by the State and Regional Boards. SWAMP monitoring helps achieve beneficial uses and examines the biological, physical, and chemical components in all waterbody types.

**Total Dissolved Solids (TDS)** – a measure of the total dissolved minerals in the water.

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

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

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

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

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

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

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

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

**USEPA** – United States Environmental Protection Agency.

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

**Waste Discharge Identification (WDID)** – Identification number provided by the State when a Notice of Intent is filed.

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

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

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

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

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

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

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

**Waters of the United States**<sup>36</sup> – Waters of the United States can be broadly defined as navigable surface waters and all tributary surface waters to navigable surface waters. Groundwater is not considered to be a Waters of the United States. As defined in 40 CFR § 122.2, the Waters of the U.S. are defined as: (a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate “wetlands;” (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

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

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<sup>36</sup> The application of the definition of “waters of the United States” may be difficult to determine; there are currently several judicial decisions that create some confusion. If a facility operator is unsure whether the discharge must be covered by this Permit, the operator may wish to seek legal advice or contact the Regional Board office.

## ATTACHMENT A

### ALTERNATIVE NUMERIC ACTION LEVELS FOR COPPER, LEAD, AND ZINC

The U.S. EPA Multi-Sector Industrial Permit sets benchmark values for certain metals based on the water hardness of the receiving water. Three of those metals are included in this permit (copper, lead and zinc). This permit has used a hardness range of 125-150 milligrams/liter as a representative average of the hardness value for the Region's receiving waters during storm events. This hardness range may not be appropriate for certain receiving water segments. This permit therefore provides the opportunity for dischargers to provide specific receiving water hardness data that can be used to justify alternate numeric action levels for these three metals. There are three methods to determine hardness, including the use of third-party data, grab sampling by a group of dischargers that discharge to the same segment<sup>37</sup> of a receiving water, or grab sampling of a receiving water by an individual discharger. Regardless of the method used, the discharger is responsible for documenting the procedures used for determining hardness values. Once a proposed hardness value is established by a discharger, that value and the supporting data must be submitted in the next annual report for approval by regional board staff.

#### Collection of Third-Party Hardness Data

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

#### Permittee Samples for Receiving Water Hardness

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

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<sup>37</sup> Receiving water reach delineations are defined in a Region's Basin Plan.

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

Receiving Water Hardness	Total Recoverable Action Level (Annual Average) in mg/L <sup>38</sup>		
	Copper	Lead	Zinc
0-25 mg/L	0.0038	0.014	0.04
25-50 mg/L	0.0056	0.023	0.05
50-75 mg/L	0.0090	0.045	0.08
75-100 mg/L	0.0123	0.069	0.11
100-125 mg/L	0.0156	0.095	0.13
125-150 mg/L <sup>39</sup>	0.0189	0.122	0.16
150-175 mg/L	0.0221	0.151	0.18
175-200 mg/L	0.0253	0.182	0.20
200-225 mg/L	0.0285	0.213	0.23
225-250 mg/L	0.0316	0.246	0.25
250 + mg/L	0.0332	0.262	0.26

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<sup>38</sup> Annual average: Arithmetic average of all analytical results obtained during the reporting period (July 1 to June 30).

<sup>39</sup> Default receiving water hardness range.



**ATTACHMENT B**

**LIST OF EXISTING TOTAL MAXIMUM DAILY LOADS (TMDLs) AND 303(d)  
 LISTED WATERBODIES APPLICABLE TO SCRAP METAL RECYCLING DISCHARGERS  
 WITHIN THE SANTA ANA REGION**

The following contains a list of Total Maximum Daily Loads (TMDLs) and 303(d) listed impaired water bodies that are applicable to scrap metal recycling dischargers within the Santa Ana Region.

The San Diego Creek and Newport Bay TMDL for Toxic Pollutants was established and implemented on June 14, 2002. The 303(d) list was compiled from the 2014 and 2016 California Integrated Report. This Sector-Specific General Permit may be reopened to amend TMDL and 303(d) list specific permit requirements in this Attachment B, or to incorporate new TMDLs and 303(d) listed impaired waterbodies during the term of this Sector-Specific General Permit that include requirements applicable to Dischargers regulated by this Permit.

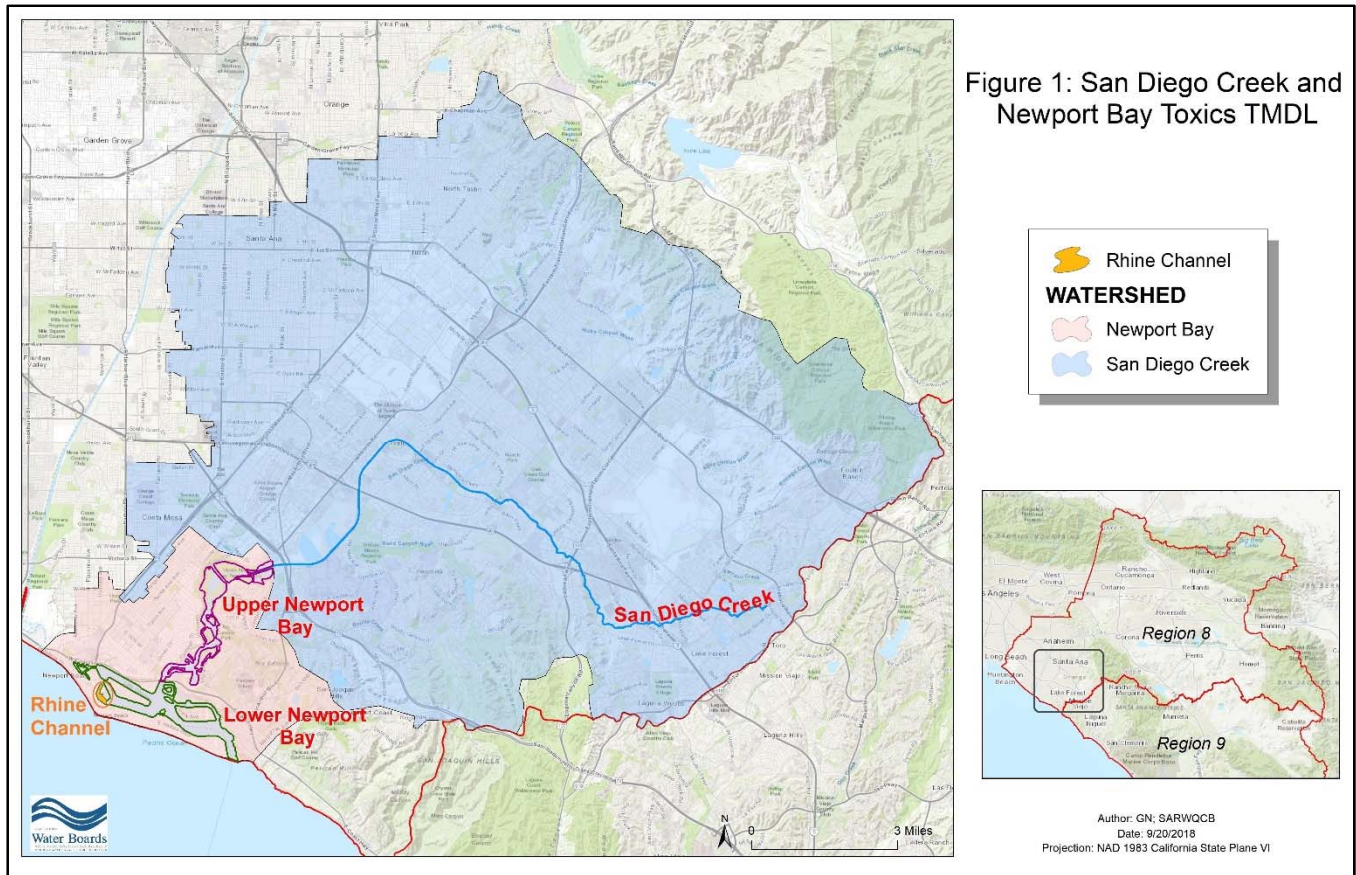
**Total Maximum Daily Loads (TMDLs) Required Actions and Compliance Due Dates:**

In addition to complying with this Sector-Specific General Permit, Permittees discharging from facilities to a watershed or subwatershed with an assigned wasteload allocation shall document in the facility specific SWPPP specific control measures for the listed pollutant (specified in Table 1, below), implement schedules for the control measures and design and other technical details in accordance to ensure that the proposed measures effectively meet the wasteload allocations. The monitoring program in the SWPPP shall document specific monitoring requirements for the listed pollutant to ensure the control measures effectively meet the wasteload allocations in accordance with Section III.F.1. Dischargers shall be in compliance with the wasteload allocations as per the approved TMDL by the effective date of Order R8-2018-0069.

**Table 1: San Diego Creek and Newport Bay Toxics TMDL**

TMDL	Impaired Water Body/Watershed	Pollutants
San Diego Creek and Newport Bay Toxics TMDL	San Diego Creek (freshwater)	Cadmium Copper Lead Zinc
	Upper Newport Bay (saltwater)	Cadmium Copper Lead Zinc
	Lower Newport Bay (saltwater)	Copper Lead Zinc
	Rhine Channel area of Lower Newport Bay (saltwater)	Chromium Mercury Copper Lead Zinc

**Figure 1: San Diego Creek, Upper and Lower Newport Bay, and Rhine Channel Impaired Waterbodies:**



**303(d) Impaired Water Bodies:**

There are currently no 303(d) listed impairments with “industry” being identified as the source. Therefore, scrap metal dischargers, subject to this Sector-Specific General Permit, are not currently required to implement additional BMPs to address impaired waterbodies unless directed by the Regional Board.

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**SANTA ANA REGIONAL BOARD SCRAP METAL NPDES PERMIT FACT SHEET  
ORDER NO. R8-2018-0069, NPDES NO. CAG618001**

**I. BACKGROUND**

In early 2010, a Metal Recyclers Water Quality Committee (the Committee) was established to address pollutants in storm water runoff from metal recycling facilities (hereinafter collectively referred to as scrap metal facilities) located within the Santa Ana Regional Water Quality Control Board's (Regional Board) jurisdiction. The Committee consisted of a number of representatives from the industry, environmental groups, regulatory agency representatives and other interested parties and/or persons. The Committee met a number of times during 2010 and made a series of recommendations<sup>40</sup> that included: (1) Develop a sector-specific national pollutant discharge elimination system (NPDES) permit for storm water discharges from the scrap metal facilities; (2) Monitor efficacy and effectiveness of a number of proven treatment controls; (3) Develop effluent limitations based on a treatment systems study; and (4) Develop a credit system to encourage low impact type of treatment controls. The Committee requested that Regional Board staff develop a region-wide general permit to regulate storm water discharges associated with the scrap metal facilities. This NPDES Permit implements most of the recommendations from the Committee consistent with the federal Clean Water Act (CWA) and its implementing regulations, the California Water Code (CWC), and the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan).

**II. REGULATORY BASIS**

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

The discharge of pollutants to waters of the United States (also referred to as waters of the Nation, generally surface waters) is prohibited, except as authorized under an NPDES permit. (Section 301(a) of the CWA). Section 402(p)(3)(A) of the CWA requires that storm water runoff from specified types of industrial facilities (categorized by standard industrial classification [SIC] codes) be regulated under the NPDES permit program. In 1997, the North American Industrial Classification System (NAICS) replaced the SIC system. The United States Environmental Protection Agency (USEPA) has indicated that it intends to incorporate the NAICS codes into the storm water regulations however until the USEPA Multi-Sector Permit incorporates the NAICS codes, this General Order will continue to use SIC codes. The SIC code for this industrial sector is 5093, establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap metals. This industry category includes auto wreckers engaged in dismantling automobiles for scrap but does not include auto dismantling solely for the purpose of selling secondhand parts (SIC 5015).

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

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<sup>40</sup> Metal Recyclers Water Quality Committee, Preamble;  
[http://www.waterboards.ca.gov/santaana/water\\_issues/programs/stormwater/docs/scrap\\_metal/committee/preamble.pdf](http://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/docs/scrap_metal/committee/preamble.pdf)

In California, the State Board and the nine regional boards implement the requirements of the CWA, including the federal NPDES permit program under authorization from the USEPA. The CWC and the CWA require the regional boards to develop regional water quality control plans (CWC, Chapter 4, Article 3) including water quality objectives and beneficial uses. together and along with the antidegradation policy referred to as the water quality standards in the CWA). The most recent Basin Plan\* for the Santa Ana River Basin was adopted in 1995. Since then, the Basin Plan has been amended a number of times and the latest version of the Basin Plan is available at:

[http://www.waterboards.ca.gov/santaana/water\\_issues/programs/basin\\_plan/index.shtml](http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml)

The Basin Plan identifies beneficial uses of waters of the region and contains water quality objectives to protect those beneficial uses. The Basin Plan also incorporates the statewide water quality control plans and policies.

On November 16, 1990, the USEPA promulgated Phase I storm water regulations that established application requirements for storm water permits (40 CFR Parts 122, 123 and 124). These regulations require that storm water runoff associated with industrial activities<sup>45</sup> discharging either directly to surface waters or indirectly through municipal separate storm sewer systems (MS4)\* must be regulated under the NPDES permit program. In 1992, the USEPA revised the monitoring requirements for industrial storm water discharges [40 CFR § 122.44(i)(2), (4), and (5)]. In 1999, USEPA promulgated Phase II storm water regulations (64 Fed Reg 68722-52). The Phase II regulations, among other things, provide “no exposure” exclusions from NPDES permit requirements for industrial activities and materials that are not exposed to storm water.

In accordance with the CWA and the CWC, on November 19, 1991, the State Board\* issued the first Statewide General Permit for Storm Water Discharges Associated with Industrial Activity. That Permit was renewed on April 17, 1997 by Order No. 97-03-DWQ and again on April 1, 2014 by Order No. 2014-0057-DWQ. All industrial facilities within the State are currently regulated under the General Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 2014-0057-DWQ (Industrial General Permit), issued by the State Board, with the exception of those scrap metal recycling facilities currently regulated under the Scrap Metal Permit, Order No. R8-2012-0012.

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

### **III. POLLUTANTS AND THEIR SOURCES IN STORM WATER RUNOFF**

In 1983, the USEPA conducted a comprehensive study of urban storm water pollution across the U.S. The project was titled, “The Nationwide Urban Runoff Program or NURP” and the NURP report was published in 1987<sup>46</sup>. The NURP study indicated that urban and industrial storm water runoff is major sources of pollutants to waters of the U.S. Storm water runoff from industrial facilities may become contaminated by contact with materials, intermediaries, product and wastes that are stored outside, spills and leaks from equipment used or stored onsite, contact with materials during loading, unloading or transfer from one location to another, and from airborne contaminants.

As part of the Statewide Industrial General Permit, regulated facilities submit annual reports which include discharge sample analyses. For scrap metal facilities, the potential sources of pollutants include: (1) outdoor storage of engines, transmissions, radiators, batteries, brakes, power steering units, and differential gears which may contain fluids; (2) dismantling, processing, and storage operations; (3)

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<sup>45</sup> An \* indicates that the term is defined in the Glossary.

<sup>46</sup> The NURP report is available at: [https://www3.epa.gov/npdes/pubs/sw\\_nurp\\_vol\\_1\\_finalreport.pdf](https://www3.epa.gov/npdes/pubs/sw_nurp_vol_1_finalreport.pdf)

loading/unloading operations; and (4) galvanized metals used on buildings, fences, etc. Galvanized metal is a source of zinc in the runoff.

#### **IV. SECTOR-SPECIFIC PERMIT**

The State Board issued the Industrial General Storm Water Permit for California and the USEPA issued a Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity<sup>47</sup> (MSGP) for Indian Tribal lands and for states where the USEPA is the NPDES permitting authority. The latest version of the MSGP includes a list of potential pollutants and "benchmark" values for those pollutants. The "benchmarks" are the pollutant concentrations above which USEPA determined that the pollutant represents a level of concern. The level of concern is a concentration above which a storm water discharge could potentially impair, or contribute to impairing, water quality or affect human health from ingestion of water or fish. The "benchmarks" are also viewed by the USEPA as a level below which the discharge is an insignificant threat to water quality. Regional Board staff reviewed each phase status of scrap metal facilities from 2014 to 2018 within the Santa Ana Region. This evaluation indicates that 42% of scrap metal facilities within the Region exceeded the USEPA's benchmark levels for one or more metals. Additional control measures, including treatment systems, may be needed to reduce pollutant concentrations in storm water runoff from these facilities such that water quality standards are met in the receiving waters.

Each year, Santa Ana Regional Board staff conducts inspections of a number of industrial facilities. These inspections were analyzed and have indicated that: (1) approximately 10% of the facilities do not implement the minimum control measures (BMPs) specified in the State's Industrial General Permit; (2) approximately 85% of the Storm Water Pollution Prevention Plans (SWPPPs) are not site-specific; (3) the employees are not properly trained in storm water pollution prevention methods; and (4) only about 20% of the facilities had any kind of storm water treatment systems installed. The Scrap Metal Committee was established with the goal of addressing these short comings in the current industrial storm water program and the Committee recommended a sector-specific permit to address these issues. Since the adoption of the Scrap Metal Permit in 2012, approximately 3% of scrap metal facilities failed to implement minimum control measures, 20% of the scrap metal facilities had incomplete/insufficient SWPPPs, about 14% of scrap metal facilities triggered the requirement to develop a Corrective Action Plan based on exceeded NALs, and about 13% of the scrap metal facilities had advanced treatment systems installed. The Committee also recommended that the Permit include quantifiable and enforceable permit terms and conditions.

USEPA envisioned a four-tier permitting strategy for regulating storm water from various sources: (1) Tier 1: General Permits; (2) Tier 2: Watershed Permitting; (3) Tier 3: Sector-Specific Permitting; and (4) Individual or facility-specific permitting. Consistent with the Tier 1 approach, the State Board issued general permits for regulating storm water runoff from industrial facilities (Industrial General Permit, Order No.2014-0057-DWQ), construction sites (Construction General Permit, Order No. 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ as amended by Order No. 2012-0006-DWQ) and from state highways and freeways (Caltrans Permit, Order No. 2012-0011-DWQ as amended by Order No. 2014-0006-EXEC as amended by Order No. 2014-0077-DWQ as amended by Order No. 2015-0036-EXEC). The Regional Board has issued storm water permits that were consistent with Tier 2 (e.g., San Jacinto Watershed-Wide Construction Activities Storm Water Permit, Order No. R8-2001-0034), Tier 3 (e.g., General CAFO Permit, Order No. R8-2013-0001), and Tier 4 (e.g., Storm Water Permit for March Air Reserve Base, R8-2010-0005) approaches. This Permit is consistent with the Tier 3 approach.

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<sup>47</sup> The Multi-Sector Permit is available at: [https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015\\_finalpermit.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf)

## **V. TYPES OF DISCHARGES REGULAED BY THIS ORDER**

This Order regulates storm water runoff associated industrial activities\* and authorized non-storm water discharges\* from industrial facilities “primarily engaged in assembling, breaking up, sorting and wholesale distribution of scrap metals” (SIC code 5093). The waste materials may include: iron and steel scrap and ferrous and non-ferrous metals scrap. This category also includes battery recycling facilities and auto wreckers engaged in dismantling automobiles for scrap but does not include those engaged in dismantling automobiles for the purpose of secondhand parts (SIC code 5015).

Coverage under this Order is required for the following types of industrial activities: (1) automotive wrecking for scrap-wholesale [this category does not include facilities engaged in automobile dismantling for the purpose of selling second hard parts]; (2) iron and steel scrap-wholesale; (3) junk and scrap metal-wholesale; (4) metal waste and scrap-wholesale; and (5) non-ferrous metals scrap-wholesale. Other types of facilities listed under SIC Code 5093 and engaged in wastes recycling are not required to get coverage under this Permit.

Storm water runoff associated with industrial activities is currently regulated under the State’s Industrial General Storm Water Permit, with the exception of those scrap metal recycling facilities currently regulated under the Scrap Metal Permit.

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

## **VI. BASIS FOR DISCHARGE REQUIREMENTS SPECIFIED IN THIS ORDER**

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

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

This is an NPDES permit and there is no legal requirement to address the factors set forth in Water Code sections 13241 and 13263, unless the Permit is more stringent than what federal law requires. (See *City*

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

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

## A. PROHIBITIONS

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

## B. EFFLUENT LIMITATIONS

This is an NPDES permit issued under authorization from the USEPA. Section 402(p)(3)(A) of the CWA states that NPDES permits for storm water discharges must meet all applicable provisions of sections 301 and 402 of the CWA. These provisions of the CWA require that the discharge of pollutants be controlled using best available technology economically achievable (BAT)\* for toxic and non-conventional pollutants and best conventional pollutant control technology (BCT)\* for conventional pollutants. (CWA sections 301 and 402.) These provisions of the CWA require technology-based controls of pollutant discharges and any more stringent controls necessary to meet water quality standards. The CWA and the federal regulations provide states with the discretion to formulate permit terms, including specifying best management practices (BMPs), to achieve strict compliance with federal technology-based and water quality-based standards. (*Natural Resources Defense Council v. USEPA* (9th Cir. 1992) 966 F.2d 1292, 1308.) The CWA requires that discharges from existing facilities, at a minimum, meet technology-based effluent limitations reflecting, among other things, the technological capability of Permittees to control pollutants in their discharges which are economically achievable.

The requirements specified in storm water permits have slowly transitioned from BMP-based permit requirements for permits issued in the early 1990s<sup>48</sup> to numeric effluent limits for permits

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<sup>48</sup> For example, see State Board Order No. 97-03-DWQ.

issued recently<sup>49</sup>. On July 7, 2017, the USEPA promulgated water quality standards for priority toxic pollutants for the State of California, generally referred to as the California Toxics Rule (CTR)<sup>50</sup>. The 2009 statewide construction general storm water permit as amended in 2010 and in 2012<sup>51</sup> has incorporated limited numeric effluent limits for higher risk construction sites, where the risk is based on the sensitivity of the receiving water(s) and site's erosion potential. On December 5, 2011, the Sacramento Superior Court invalidated the numeric effluent limits for pH and turbidity in the Construction General Permit on procedural grounds (Case No. 34-2009-80000338). In 2009, there were two U.S. District Court, Central District of California, cases involving facilities in the Los Angeles region<sup>52</sup> that indicated that CTR may be applicable to storm water discharges. This Permit provides two options for the Permittees to meet water quality objectives: (1) Option 1: This is a 3-phased approach where compliance is achieved through implementation of best management practices; and (2) Option 2: This option requires compliance with the water quality-based NELs that are based on CTR.

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

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/numeric/swpanel\\_final\\_report.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/numeric/swpanel_final_report.pdf)

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

The Regional Board carefully considered the findings of the Blue Ribbon Panel and related public comments and the recent Superior Court ruling regarding technology-based NELs in the Construction General Permit. In developing effluent limitations for this Permit, the Regional Board also reviewed the Preamble prepared by the Committee, a 2011 draft for the renewal of the State's Industrial General Permit and permits recently issued/drafted for industrial storm water runoff by other states<sup>53</sup> and the USEPA<sup>54</sup>.

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

<sup>49</sup> For example, see State Board Order No. 2009-0009-DWQ. Some of the NELs in this Order have been invalidated by a recent Superior Court decision (Sacramento Superior Court Case No. 34-2009-80000338).

<sup>50</sup> The California Toxics Rule is available at: <https://www.gpo.gov/fdsys/pkg/CFR-2017-title40-vol24/pdf/CFR-2017-title40-vol24-sec131-38.pdf>

<sup>51</sup> State Board Order No. 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ as amended by Order No. 2012-0006-DWQ

<sup>52</sup> Santa Monica Baykeeper v. Kramer Metals, 619 F. Supp 2d 914 (C.D. Cal. 2009) and Santa Monica Baykeeper v. Int'l Metals Ecko, 619 F. Supp 2d 936 (C.D. Cal 2009)

<sup>53</sup> Draft/adopted permits posted on the websites of New Jersey and Washington states.

<sup>54</sup> USEPA, NPDES Permit, Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity



quality-based numeric effluent limitations\* (NELs) are included in this Permit, consistent with the federal standards.

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

The USEPA establishes technology-based effluent limitation guidelines for various industrial categories. It has not established effluent limitation guidelines for scrap metal facilities. In instances where there are no effluent limitation guidelines, permit writers use best professional judgment to establish requirements that the discharger must meet using BAT/BCT\* technology. The CWA and the USEPA's regulations provide states with the discretion to formulate permit terms, including specifying best management practices (BMPs) to achieve strict compliance with water quality standards. (*Natural Resources Defense Council v. USEPA* (9th Cir. 1992) 966 F.2d 1292, 1308.) This Permit contains numeric action levels or NALs for facilities that opt for Option 1 (3-Phased Approach) and water quality-based numeric effluent limits or NELs for Option 2 (Non-Phased Approach). The NALs are from USEPA's MSGP and the water quality-based NELs are derived from the California Toxics Rule. A qualitative Reasonable Potential Analyses (RPA) was conducted for all toxic pollutants included as NELs for Option 2 during the initial scrap metal permit development process in 2012 and was based on data that was submitted by dischargers who were permitted under the 1997 Statewide Industrial Storm Water General Permit. The 2012 Scrap Metal Permit requires dischargers who select compliance Option 2 to determine their facility's receiving water hardness and based on this data, Regional Board staff would establish facility-specific NELs via a facility-specific RPA. These are consistent with CWA provisions which states, "Such conditions as the Administrator determines are necessary to carry out the provisions of this Chapter" (CWA § 402(a)(1), 33 U.S.C. § 1342(a)(1)).

There are proven and cost-effective technologies to control pH, turbidity, oil and grease and specific conductance. With the implementation of Phase I (see below) programs, all facilities should be able to meet the NALs. The Permittees are expected to meet the NALs upon full implementation of Phase I requirements (see Phase I below). If Phase I requirements do not result in compliance with the NALs, the Permittees are required to implement additional BMPs as specified under Phases II and III. Option 1 also includes a requirement for evaluation of treatment control technologies for the scrap metal sector.

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

Plan objectives and the USEPA's benchmark values in its MSGP.

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

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

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

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

The metal limitations for this Permit are from the pollutants list in the CTR. There is not a one-to-one ratio between the constituents of EPA's MSGP and the CTR. The constituents that are identical between the MSGP and CTR are copper, lead, and zinc, however these constituents share different numerical values. The combination of NALs and BMPs are protective of water quality standards due to the combination of benchmark standards specific to scrap recycling facilities as well as the implementation of preventative and mitigative measures. Those who exceed the NAL criteria are required to develop a corrective action plan to prevent future exceedances. The NELs metals which are based on the CTR and the Regional Board's Basin Plan are for priority toxic pollutants for the State of California and are not specific to scrap metal recycling.

Neither the NALs nor the NELs have been relaxed from those identified in Order No. R8-2012-0012, therefore the anti-degradation and anti-backsliding policies were not triggered.

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

In the three-phased approach, the facilities are required to implement certain BMPs, including identification, training and certification of key facility staff, development of a Rain Event Action Plan (REAP), and good housekeeping practices. This approach provides the flexibility needed to select site-specific, technically and economically feasible BMPs, for each facility. In Phase I, all facilities shall implement a set of minimum control measures, including good housekeeping practices, and conduct monitoring to determine compliance with the NALs, specified in Table 1a. During each phase, the runoff will be monitored to determine the need for additional control measures including treatment controls.

#### Option 1: Three-Phased Approach

##### 1. Phase I Requirements

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

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

The Phase I BMPs include the following:

- a) Identify individual(s) (names and title(s)) responsible for developing and implementing the SWPPP.
- b) Maintain a current inventory of materials and chemicals used at the facility and identify proper storage locations and handling procedures.
- c) Maintain a current facility map identifying potential pollutant sources throughout the facility and the control measures used for each source/area, including good housekeeping practices. Control measure documentation shall include procedures, specific equipment used, maintenance schedules, and a record of all maintenance performed with dates and signatures.
- d) Identify spill prevention and response procedures, including management of any non-storm water runoff. All unauthorized non-storm water discharges must be eliminated.
- e) Develop and implement an employee training program, including documentation of training materials and attendance. All new employees shall receive training within 30 days of employment and all employees shall have refresher training at least on an annual basis.
- f) Develop a Rain Event Action Plan (REAP). This plan shall be implemented in the event of a predicted storm with a 40% or greater probability. The probability of a storm shall be determined no more than three days in advance and need only be documented once a day. The facility shall refer to the National Oceanic and Atmospheric Administration

((NOAA) website to determine the storm probability. This plan shall address the following additional measures in the event of a predicted storm: (a) temporarily covering exposed materials where feasible; (b) ensuring that all control measures are fully functional; (c) sweeping the site and clearing debris and trash; (d) making sure that the trash bins are covered; and (e) other measures to isolate industrial areas from contact with rainfall and runoff. A record of all activities related to REAP shall be part of the SWPPP and shall be dated and signed. REAP activities should be kept with records on site and available upon request.

- g) To the extent practicable, minimize the runoff from the site through low impact development (LID) type of BMPs. Implementation of LID BMPs require monitoring to determine if the NALs have exceeded. The facility shall collect samples before runoff comes into contact with the LID BMPs and after runoff passes through the LID BMPs. Dischargers appropriately implementing percolation or infiltration LID type BMPs are required to collect samples prior to the discharge entering into the LID BMPs. The data collected by Dischargers prior to the runoff entering the LID BMP is not considered compliance data.
- h) Develop and implement a program, to the maximum extent practicable, to percolate, evapotranspire, or use on site, the design volume\* of runoff from non-industrial areas and uncontaminated runoff from industrial areas. These onsite systems shall be designed such that they do not cause groundwater contamination.
- i) All industrial areas must be paved or lined to minimize dust generation and erosion from the site.
- j) The runoff from the non-industrial areas cannot be commingled with storm water associated with industrial activity. Consolidate all industrial area discharges to as few discharge points as possible, preferably to one discharge point, and where practicable divert all non-industrial area runoff away from industrial areas. Manage run-on to the facility by diversion or other means.
- k) Minimize storm water contact with contaminating building materials by removal, painting or other measures.
- l) Explore the possibility of diverting first flush or any contaminated storm water to the sanitary sewer system. This option shall only be considered if the sanitary sewage collection agency reclaims and distributes and/or uses reclaimed water.
- m) Develop and implement control measures for any oil contaminated wastes from the site, such as canopies, covers, roofs, oil-water separator, etc.
- n) Develop and implement a monitoring program (see MRP attached to this Permit).
- o) Develop and implement a plan to properly operate all installed control measures. This plan shall identify the control measure, the individual responsible for regular operation and/or maintenance of the system, the schedule for any required maintenance, and a record of the maintenance activities including the name of the individual performing the maintenance, the date and a signature.
- p) Develop and implement an advanced treatment or other treatment control measures, if warranted. If prior year monitoring indicates any NAL exceedances or site conditions

warrant, the Permittee shall consider advanced treatment or other treatment control measures early in the planning process. This step is not required for facilities without any identified water quality standards violations.

## 2. Phase II Requirements

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

- a) Permittees in Phase I shall assess the effectiveness of Phase I BMPs by evaluating the monitoring results and by determining if any of the specified triggers have been exceeded (see criterion for triggering further action, above). If there are no exceedances of the triggers, Phase II and III may not be necessary. If any of the triggers have been exceeded, implement steps b and c, below.
- b) Within one month of Phase I exceedance determination occurring, reassess Phase I BMPs and determine the need for any additional BMPs to minimize pollutant discharges. If the additional BMPs are designed to meet technology-based standards, the following steps and Phase III may not be necessary. However, the system design details, including the expected discharge quality, shall be submitted for Regional Board staff approval (in the Phase II Corrective Action Plan) prior to implementation.
- c) If Phase I monitoring results indicate exceedances of the triggers, and if it is determined that additional BMPs as discussed in Item b, above, cannot be implemented, advanced treatment or other equivalent treatment systems shall be developed and implemented. All proposals for advanced treatment systems or other equivalent treatment systems shall be submitted to the Regional Board staff for approval within 45 days of exceedance determination and shall be implemented within 90 days of approval by Board staff.

## 3. Phase III Requirements

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

Permittees in Phase II shall assess their water quality monitoring data. If no standards are violated (based on triggers specified above), Phase III actions described below are not necessary.

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

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

In most cases, a a single exceedance of an NAL specified in Table 1a may not be a good indicator of sustained water quality impacts in the receiving waters. To account for the high variability in the storm water runoff quality from scrap metal facilities, this Permit establishes a trigger mechanism for exceedances of the NALs. If an exceedance has been triggered from a single parameter over twice the NAL or from the annual average exceeding the NAL, corrective action measures must be developed and implemented. For purposes of establishing a trigger for further actions and for the various steps in Phases I, II, and III of this Permit, the following procedures are to be followed:

1. If a facility has multiple discharge points for storm water that has come in contact with industrial areas, processes, materials, products or wastes, area-weighted averages shall be calculated using the relative tributary area for each discharge point.
2. If a single event (either a grab sample from a storm event) exceeds the NAL by a factor of two or more (except for pH), it is considered an exceedance that would require additional steps as outlined under Phases II and III. For pH, any values less than 6.5 or more than 8.5 pH units shall be considered as an exceedance requiring additional steps outlined under Phases II and III.
3. If the annual average (geometric mean of all the analytical results during the reporting period for all constituents except for pH; for pH, an arithmetic mean shall be used) of any of the constituents exceeds the NAL, then it is considered as an exceedance that would require additional steps as outlined under Phases II and III. For pH, any values less than 6.5 or more than 8.5 shall be considered as an exceedance requiring additional steps as outlined under Phases II and III.
4. If a facility has implemented volume reduction BMPs (e.g., percolation basins) or preventative measures (e.g., having industrial operations under a roof), a credit may be applied to the above calculations. For example, if a Permittee installs no-polluting roof over 25% of its operational area, the geometric mean for that facility will be reduced by 25% to arrive at an adjusted geometric mean. This credit cannot be applied to pH. These BMPs and credit must be clearly identified in the SWPPP. The credit will be applied based on areas addressed without regard to whether the BMP was implemented before the adoption of this Permit.

### **Development of Sector-Specific Technology-Based NELs:**

Based on data generated from the treatment technology evaluations conducted under the auspices of the Metal Recyclers Water Quality Standards Committee, the Regional Board may consider establishing technology-based NELs. The Committee disbanded after the adoption of the Sector-Specific Scrap Metal Permit Order No. R8-2012-0012. This Permit may be reopened to incorporate technology-based NELs developed through this process or by the USEPA.

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

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

### **Design Storm for Treatment Control Measures Applicable to Options 1 and 2:**

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

### **C. RECEIVING WATER LIMITATION**

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

### **D. STORM WATER POLLUTION PREVENTION PLANS (SWPPPs)**

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

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

### **E. CERTIFICATION AND QUALIFICATIONS FOR THOSE PREPARING AND IMPLEMENTING SWPPPs**

Since the previous general permits did not include any training or educational requirements for those preparing and implementing SWPPPs, the SWPPPs did not consistently include the minimum requirements and were not properly implemented. In the same manner, storm water sample collection, preservation and handling also did not meet the quality assurance and quality control needed to produce consistently reliable data. This Permit requires that the SWPPPs be developed and implemented by qualified professionals. The Regional Board developed a program to train and certify individuals as a Scrap Metal - Qualified SWPPP Developer (SM-QSD)

and Scrap Metal - Qualified SWPPP Practitioner (SM-QSP). If the SM-QSD/SM-QSP is not a responsible person from the facility, a responsible facility individual must countersign the SWPPP.

### **Special Provisions for Impaired Waterbodies:**

There are a number of waterbodies within the region that are listed<sup>55</sup> for metals and other pollutants under section 303(d) of the CWA. Under the federal requirements for developing total maximum daily loads (TMDLs)\* for these impaired waters, the Regional Board has developed TMDLs, including wasteload allocations (WLAs), for some of these waterbodies. No new industrial scrap metal sources shall be permitted to discharge storm water to a 303(d) listed waterbody if the discharge could cause or contribute to an exceedance of water quality standards. Furthermore, the SWPPPs and the treatment technologies shall be designed such that the discharges meet the WLAs and all other applicable requirements of this Permit. Dischargers may refer to Attachment B for more information regarding applicable TMDLs or 303(d) listed waterbodies.

## **F. MONITORING AND REPORTING REQUIREMENTS**

This Permit includes visual observations, storm water discharge sampling and analysis, treatment system influent and effluent monitoring, evaluate sampling results, and reporting requirements. The MRP must be in compliance with the SWAMP QAPP.

### **Individual Monitoring Program**

1. Facilities shall implement the following quality control, quality assurance programs to ensure that the monitoring data is reliable and indicative of the quality of runoff from the site.
2. Qualifications for Sample Collection, Preservation and Handling: Each facility shall designate a qualified person(s) for sample collection, preservation, and handling. This Certified Person must have received at least one hour of classroom training provided by a certified laboratory in sample collection, sample preservation, sample handling, quality assurance and quality control protocols. Each laboratory providing such training shall provide a certificate of completion only after testing the participants understanding of the protocols for sample collection, sample preservation, sample handling, quality assurance and quality control. Proof of such training, such as a certificate of completion from the certified laboratory, shall be included in the SWPPP. The Regional Board also provides a certification program for Certified Person's training. This certification program is an exam based training in which the individual must retake the exam every permit term. A SM-QSD or a SM-QSP or other persons with appropriate training and approved by the Executive Officer could also be considered as a person certified to sample.
3. Sample collection, preservation, and handling shall be the responsibility of the person certified to sample.

### **Visual Observations:**

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

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<sup>55</sup> 2016 303(d) list is available at: [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml)



All facilities are required to inspect all discharge points from the facility during each month to determine the presence of any (or indications of any prior) authorized or unauthorized non-storm water discharges. All control measures, including any treatment systems, shall be inspected on a monthly basis. During storm events that produce a discharge from the site (a storm intensity of 0.1 inches or greater), all discharge points must be visually inspected for the presence of oil sheens, turbidity, sediment, debris, trash, foam, and/or other floatables. A permanent log of these inspection reports (date, time, location, name of inspector, findings, weather conditions, corrective actions implemented, revisions to SWPPP, if any, etc.) must be maintained and made available to Regional Board staff upon request.

All inspections must be performed by a scrap metal - qualified SWPPP practitioner.

**Effluent and/or Receiving Water Monitoring:**

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

This Permit requires all permittees to sample and analyze runoff from their facilities at least during four qualifying storm events per year. A qualifying storm event is defined as any storm event that produces a runoff from the site (a storm with an intensity of 0.1 inches or greater) preceded by two consecutive dry days<sup>56</sup>. For discharges to an MS4, samples shall be collected before the discharge mixes with any other flow (flows from other sources) and for direct discharges into waters of the U.S., samples must be collected either from the storm water conveyance from the facility or within 10 feet of the discharge point from the downstream side of the discharge.

To develop quality data from the sampling and analysis program, strict quality control and quality assurance requirements are included in the Permit.

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

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

**Special Monitoring Provisions for Discharges to Impaired Waters:**

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

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<sup>56</sup> Dry days are defined as those without any measurable storm event or with storm events with an intensity less than 0.1 inches.

**Record Keeping:**

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

**Reporting Requirements:**

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

**Reduction in Monitoring Requirements:**

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

**G. COMPLIANCE DETERMINATION**

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

**Compliance Determination with Water Quality-Based NELs:**

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

**Compliance Determination with NALs:**

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

1. For facilities with multiple discharge points, if the area-weighted averages of the geometric means of all sampling results during a reporting period exceeds the NAL (use arithmetic mean for pH),
2. If a single grab sample from a single storm event exceeds the NAL by two times (or falls outside of the range of 6.5 to 8.5 pH units), or

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

#### **Compliance Determination with other Requirements:**

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

### **VII. HOW TO OBTAIN/TERMINATE COVERAGE UNDER THIS PERMIT**

#### **How to Obtain Coverage Under This Permit**

All industrial facilities within this Regional Board's jurisdiction and who are engaged in scrap metal recycling activities with an SIC Code of 5093 are subject to either Notice of Intent (NOI) or No Exposure coverage under this Order.

Permittees that discharge storm water associated with industrial activity to waters of the United States are required to meet all applicable requirements of this Order. The Permittee shall register for coverage under this Order by certifying and submitting the Permit Registration Documents (PRDs) via SMARTS.

Permittees that certify their facility has no exposure of industrial activities or materials to storm shall certify and submit a No Exposure Certification via SMARTS. Initial submission of NECs shall include analytical results of runoff from each discharge point of the facility from two storm events. If initial samples could not be collected at the time of filing a NEC, the application may be kept pending for up to a year until analytical data is received. At a minimum, the analysis shall include pH, turbidity, specific conductance, oil and grease and the parameters listed in Table 1a, Numeric Action Levels. The NEC must be renewed by June 30 of each year. The renewal application submitted for every 5<sup>th</sup> year shall also include an analysis of storm water runoff from each discharge point of the facility for one storm for the constituents listed in Table 1a.

#### **Existing Dischargers Under the Previous Permit**

All scrap metal facilities currently regulated under Order No. R8-2012-0012 shall re-certify under this Order within 90 days of adoption of this Order. The recertification shall be done electronically via SMARTS by the LRP of the facility seeking coverage. The LRP shall submit and certify all PRDs including the NOI, facility-specific SWPPP, and a site map. Existing Dischargers that do not register for NOI or NEC coverage within 90 days of adoption of this Order may have their permit coverage administratively terminated. Existing Permittees shall continue to comply with the SWPPP requirements in Order R8-2012-0012 up to but no later than 90 days after the adoption of this Order.

#### **New Dischargers**

All new facilities shall upload the PRDs via SMARTS at least 30 days prior to start of operations at the facility. If the new facility elects to comply with Option 2, compliance with the water quality-based NELs specified in Table 1.b is required upon start of facility operations. If the facility elects to comply with Option 1, compliance with Phase I requirements (except REAP) is required within 30 days of start of facility operations.

### Industrial Activities Not Covered Under this Order

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

### How to Terminate Coverage Under this Permit

The Permittees must file a Notice of Termination via SMARTS when: (1) the operations at the site are discontinued; (2) cessation of discharges to MS4 and surface waters; (3) operation of the facility has been transferred to another entity and the new entity has taken responsibility for the facility (new entity has uploaded PRDs); (4) change in location of the facility; or (5) obtaining coverage under an individual permit. When terminating NOI coverage, Dischargers may only submit an NOT once all exposure of industrial materials and equipment have been eliminated. Dischargers may not submit NOTs for temporary or seasonal facility closures.

## **VIII. SIGNIFICANT MODIFICATIONS BETWEEN 1<sup>st</sup> AND 2<sup>nd</sup> TERM PERMITS**

The following significant modifications were made to the second term permit:

1. Revision of LID BMP sampling criteria to require Dischargers who are implementing LID BMPs to collect samples before and after runoff comes in contact with the LID BMPs.
2. Visual inspection clarification to identify that only SM-QSPs may conduct inspections. Removal of the 'designee' terminology.
3. Removal of the Group Monitoring Program Permit element as it was not utilized in the first term permit.
4. Further specification for runoff sampling and analysis to identify that Dischargers shall collect and analyze storm water samples from two qualifying storm events from July 1 to December 31 and two qualifying storm events from January 1 to June 30.
5. Removal of constituents (Flow, Silver, Arsenic, and Toxicity) from Table 2.
6. Merging the Quality Assurance Program Plan elements into the Monitoring and Reporting Plan.
7. Terminology changes of certain permit elements:
  - a) Advanced Media Filtration changed to Advanced Treatment
  - b) Qualified SWPPP Developer changed to Scrap Metal – Qualified SWPPP Developer
  - c) Qualified SWPPP Practitioner changed to Scrap Metal – Qualified SWPPP Practitioner

## **IX. PUBLIC NOTIFICATION/PUBLIC HEARING**

Regional Board staff prepared a second term permit draft for renewal with the proposed changes stated in Section VIII of this Fact Sheet. The Regional Board hosted two public workshops to discuss the proposed changes on May 29 and May 30, 2018 in the cities of San Bernardino and Cypress, respectively.

The second term draft Permit and the Fact Sheet were publicly noticed on June 25, 2018 with the written comment period ending on August 6, 2018. Written formal comments were received from various stakeholders. The comments were generally supportive of the draft second term permit. A common comment was the recommendation to reconsider the removal of the volume reduction BMP credit program. Regional Board staff considered this recommendation from stakeholders and decided to keep the volume reduction BMP credit system in the Permit.

Regional Board staff conducted a formal public workshop at the Board meeting on September 7, 2018 to discuss the proposed changes and stakeholder comments.

Regional Board staff provided written responses to all comments received within the written comment period. The comments received and written responses are posted on the Regional Board’s website at: [https://www.waterboards.ca.gov/santaana/water\\_issues/programs/stormwater/scrap\\_metal\\_permit.html](https://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/scrap_metal_permit.html)

The Tentative Order and the Fact Sheet were released on September 24, 2018. The Regional Board will hold a public hearing on this item at the Board meeting on October 19, 2018 to discuss and to consider adoption of the Tentative Order.

**X. REFERENCE MATERIALS:**

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

Water Quality Control Plan for the Santa Ana River Basin – Region 8 (Basin Plan) <a href="http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml">http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml</a>
Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (2015) State Water Resources Control Board <a href="https://www.waterboards.ca.gov/water_issues/programs/ocean/docs/cop2015.pdf">https://www.waterboards.ca.gov/water_issues/programs/ocean/docs/cop2015.pdf</a>
Storm Water Panel Recommendations to the California State Water Resources Control Board, “The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities (June 19, 2006) <a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/numeric/swpanel_final_report.pdf">http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/numeric/swpanel_final_report.pdf</a>
USEPA, NPDES, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) <a href="https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf">https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf</a>
Metal Recyclers WQ Standards Committee, Technical Subcommittee, Compliance and Monitoring System, Preamble (December 2010)
Federal Clean Water Act § 301 (33 U.S.C. § 1311)
Federal Clean Water Act § 402(a) (33 U.S.C. § 1342(a)(1))
Federal Clean Water Act § 402(p) (33 U.S.C. § 1342(p))
Title 40 Code of Federal Regulations Part 122.2, or 40 CFR § 122.2
40 CFR § 122.22
40 CFR § 122.26
40 CFR § 122.44
40 CFR § 122.48
40 CFR § 131.36 (National Toxics Rule)
40 CFR § 131.38 (California Toxics Rule)
USEPA – Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Final Rule (65 Fed. Reg. 31682 et seq., May 18, 2000; 40 CFR § 131.38)
USEPA’s Final National Pollutant Discharge Elimination System (NPDES) Permit Application Regulations (55 Fed. Reg. 47990 et seq., Nov. 16, 1990; 40 C.F.R. §§ 122, 123, 124)

USEPA - NPDES Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated with Industrial Activity (57 Fed. Reg. 11394 et seq., Apr. 2, 1992; 40 C.F.R. § 122)
USEPA NPDES – Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule, Report to Congress on the Phase II Storm Water Regulations; Notice (64 Fed. Reg. 68722 et seq., Dec. 8, 1999; 40 C.F.R. §§ 9, 122, 123, and 124)
USEPA - National Pollutant Discharge Elimination System, General Permit for Discharges from Large and Small Construction Activities (68 Fed. Reg.39087 et seq., July 1, 2003)
USEPA, Final Reissuance of National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities (65 Fed. Reg. 64746 et seq., Oct. 30, 2000)
To: USEPA Water Division Directors From: Robert Wayland, USEPA, Office of Oceans, Wetlands and Watersheds and James A. Hanlon, USEPA, Director, Office of Water Management Re: Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs (Date: 11/22/02)
USEPA, Office of Wastewater Management, Document No. EPA 833-K-10-001 entitled, “U.S. EPA NPDES Permit Writers’ Manual” (September 2010)
USEPA - Questions and Answers Regarding Implementation of an Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits (61 Fed. Reg. 57425, Nov. 6, 1996)
USEPA - Final Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits – (69 Fed. Reg. 43761, Aug. 26, 1996)
USEPA - NPDES Storm Water Program Question and Answer Document Volume II – September 1993
USEPA, Office of Water, Document No. EPA 832-R-92-006 entitled “Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices” - September 1992
USEPA - NPDES Storm Water Sampling Guidance Document – July 1992
USEPA - NPDES Storm Water Program Question and Answer Document Volume 1 – March 1992
Santa Ana RWQCB Basin Plan, Chapter 4, Water Quality Objectives (1995)
SWRCB Water Quality Control Plan, Ocean Waters of California, California Ocean Plan (2015)
State Water Resources Control Board, Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (2005)
National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) Water Quality Order 99-08-DWQ
National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) Water Quality Order 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ as amended by Order No. 2012-0006-DWQ
National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit) Water Quality Order No. 97-03-DWQ
National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit) Water Quality Order 2014-0057-DWQ
Orange County Municipal Separate Storm Sewer System Permit (Order No. R8-2009-0030 NPDES No. CAS618030, as amended by Order No. R8-2010-0062)
SWRCB 2006 Clean Water Act Section 303(d) List of Water Quality Limited Segments
<i>In the Matter of the Petitions of Building Industry Association of San Diego County and Western States Petroleum Association, SWRCB Order No. WQ 2001-15</i>
<i>Own Motion Review of the Petition of Environmental Health Coalition, SWRCB Order No. WQ 99-05</i>
<i>In the Matter of the Petitions of National Steel and Shipbuilding Company and Continental Maritime of San Diego, Inc., SWRCB Order No. WQ 98-07</i>
<i>In the Matter of the Petition of Natural Resources Defense Council, Inc., SWRCB Order No. WQ 91-04</i>
<i>In the Matter of the Petition of Citizens for a Better Environment, Save San Francisco Bay Association, and Santa Clara Valley Audubon Society, SWRCB Order No. WQ 91-03</i>
<i>Communities for a Better Environment, et al. v. SWRCB, et al. (2003) 109 Cal.App.4th 1089</i>

<i>Defenders of Wildlife v. Browner</i> (9th Cir. 1999) 191 F.3d 1159
<i>Committee to Save Mokelumne River v. East Bay Municipal Utility District</i> (9th Cir. 1993) 13 F.3d 305
<i>Natural Resources Defense Council, Inc. v. Costle et al.</i> , (D.C. Cir. 1977) 568 F.2d 1369
<i>Environmental Protection Agency, et al. v. California ex rel. State Water Resources Control Board</i> , 426 U.S. 200 (1976)
Engrossed Substitute Senate Bill 6415; Chapter 225, Laws of 2004, State of Washington, Storm Water Permits
State of Washington, Department of Ecology, <i>A National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Industrial Activities</i> (August 21, 2002).
State of New Jersey, Bureau of Nonpoint Pollution Control, Scrap Metal Draft Permit, <a href="http://www.state.nj.us/dep/dwq/pdf/draft_scrap_recyclers_gp.pdf">http://www.state.nj.us/dep/dwq/pdf/draft_scrap_recyclers_gp.pdf</a>
California Building Industry Association et. al Vs. State Water Resources Control Board, Sacramento Superior Court Case No. 34-2009-80000338