C.15. Exempted and Conditionally Exempted Discharges

The objective of this provision is to exempt unpolluted non-stormwater discharges from Discharge Prohibition A.1~~.~~ and to conditionally exempt non-stormwater discharges that are potential sources of pollutants. In order ~~F~~for ~~conditionally~~ exempt non-stormwater discharges to be conditionally exempted from Discharge Prohibition A.1~~.~~, the ~~the objective is to~~ Permittees must identify appropriate BMPs, monitor the non-stormwater discharges where necessary, and ensure implementation of effective control measures to eliminate adverse impacts to waters of the State consistent with the discharge prohibitions of the Order.

C.15.a. Exempted Non-Stormwater Discharges (Exempted Discharges):

i. Discharge Type – In carrying out Discharge Prohibition A.1~~. of this Permit~~, the following unpolluted discharges are exempted from prohibition of non-stormwater discharges:

(1) Flows from riparian habitats or wetlands;

(2) Diverted stream flows;

(3) Flows from natural springs;

(4) Rising ground waters;

(5) Uncontaminated and unpolluted groundwater infiltration;

(6) Single family homes'~~'s~~ pumped groundwater, foundation drains, and water from crawl space pumps and footing drains;

(7) Pumped groundwater from drinking water aquifers; and

(8) NPDES permitted discharges (individual or general permits).

ii. Implementation Level – The non-stormwater discharges listed in Provision C.15.a.i~~.~~ above are exempted unless they are identified by the Permittees or the Executive Officer as sources of pollutants to receiving waters. If any of the above categories of discharges, or sources of such discharges, ~~are~~are~~is~~ identified as sources of pollutants to receiving waters, such categories or sources shall be addressed as conditionally exempted discharges in accordance with Provision C.15.b~~.~~ below.

C.15.b. Conditionally Exempted Non-Stormwater Discharges:

The following non-stormwater discharges are also exempt from Discharge Prohibition A.1~~.~~ if they are either identified by the Permittees or the Executive Officer as not being sources of pollutants to receiving waters, or if appropriate control measures to eliminate adverse impacts of such sources are developed and implemented in accordance with the tasks and implementation levels of each category of Provision C.15.b.i~~.~~-viii~~.~~ below.

i. Discharge Type – Pumped Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains~~:~~

(1) **Pumped Groundwater from Non Drinking Water Aquifers –**

Groundwater pumped from monitoring wells, used for groundwater basin management, which are owned and/or operated by the Permittees who pump groundwater as drinking water. These aquifers tend to be shallower, when compared to drinking water aquifers.

(a) **Implementation Level** – Twice a year (once during the wet season and once during the dry season), representative samples shall be taken from each aquifer that potentially will discharge or has discharged into a storm drain. Samples collected and analyzed for compliance in accordance with self--monitoring requirements of other NPDES permits or sample data collected for drinking water regulatory compliance may be submitted to comply with this requirement as long as they meet the following criteria:

(i) The water samples shall meet water quality standards consistent with the existing effluent limitations in the Water Board's NPDES General Permits, such as NPDES Nos. CAG912002 and CAG912003 for Discharge or Reuse of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by fuel and VOCs, respectively, and NPDES No. CAG912004 for discharges of low-level, incidental, and potentially contaminated groundwater.

(ii) The water samples shall be analyzed using approved USEPA Methods (e.g., (a) USEPA Method 160.2 for total suspended solids; (b) USEPA Method 8015 Modified for total petroleum hydrocarbons; (c) USEPA Method 8260B and 8270C or equivalent for volatile and semi-volatile organic compounds; and (d) USEPA Method 3005 for metals.

(iii) The water samples shall be analyzed for pH and turbidity.

(iv) If a Permittee is unable to comply with the above criteria, the Permittee shall notify the Water Board ~~immediately~~upon becoming aware of the compliance issue.

(b) **Required BMPs** – When uncontaminated (meeting the criteria in C.15.b.i.(1)(a)(i)) groundwater is discharged from these monitoring wells, the following shall be implemented:

(i) Discharges shall be properly controlled and maintained to prevent erosion at the discharge point and at a rate that avoids scouring of banks and excess sedimentation in the receiving waterbody.

(ii) Appropriate BMPs shall be implemented to remove total suspended solids and silt to allowable discharge levels. Appropriate BMPs may include filtration, settling, coagulant application with no residual coagulant discharge, minor odor or color removal with activated carbon, small scale peroxide addition, or other minor treatment.

(iii) Turbidity of the discharged groundwater shall be maintained below 50 NTUs for discharges to dry creeks, 110 percent of the ambient stream turbidity for a flowing stream with turbidities

greater than 50 NTU, or 5 NTU above ambient turbidity for flowing streams with turbidities less than or equal to 50 NTU.

(iv) pH of the discharged groundwater shall be maintained within the range of 6.5 to 8.5.

(c) **Reporting** – The Permittees shall maintain records of these discharges, BMPs implemented, and any monitoring data collected.

(2) **Pumped[1] Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains**

~~**Required BMPs/Control Measures**~~

(a) Proposed new discharges of uncontaminated groundwater at flows of 10,000 gallons/day or more and all new discharges of potentially contaminated groundwater shall be reported to the Water Board so that they can be subject to NPDES permitting requirements.

(b) Proposed new discharges of uncontaminated groundwater at flows of less than 10,000 gallons/day~~Discharges from dewatering activities~~ shall be encouraged to discharge to a landscaped area~~,~~ or bioretention unit that is ~~big~~large enough to accommodate the volume~~, or sanitary sewer if allowed by the local sanitary sewer agency~~.

(c) If the discharge options in C.15.b.i.(2)(b) above are not feasible and these discharges must enter a storm drain, sampling ~~must~~shall be done to verify that the discharge is uncontaminated.

(i) The discharge ~~types in this provision~~ shall meet water quality standards consistent with the existing effluent limitations in the Water Board's NPDES General Permits, such as NPDES Nos. CAG912002 and CAG912003 for Discharge or Reuse of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by fuel and VOCs, respectively, and NPDES No. CAG912004 for discharges of low-level, incidental, and potentially contaminated groundwater.

(ii) The Permittees shall require that water samples from these discharge types be analyzed using approved USEPA Methods (e.g., (a) USEPA Method 160.2 for total suspended solids; (b) USEPA Method 8015 Modified for total petroleum hydrocarbons; (c) USEPA Method 8260B and 8270C or equivalent for volatile and semi-volatile organic compounds; and (d) USEPA Method 3005 for metals.

(d) **Required BMPs** – When the discharge has been verified as uncontaminated per sampling completed in C.15.b.i.(2)(c) above, the Permittees shall require the following during discharge:

(i) ~~Discharges of unpolluted or treated water from any dewatering activities shall be p~~Properly ~~controll~~controle~~d~~ and maintain~~ed~~ to prevent erosion at the discharge point and at a rate that avoids

[1] Pumped groundwater not exempted in C.15.a~~,~~ or conditionally exempted in C.15.b.i.(1).

scouring of banks and excess sedimentation in the receiving waterbody.

(ii) ~~These discharge types shall, if necessary, be treated before discharge to remove pollutants, including, but not limited to, total suspended solids (TSS) or silt to allowable discharge levels.~~ Appropriate BMPs to render pumped groundwater free of pollutants and therefore exempted from prohibition may include the following: filtration, settling, coagulant application with no residual coagulant discharge, minor odor or color removal with activated carbon, small scale peroxide addition, or other minor treatment.

~~(c)Consistent with Order No. R2-2007-0033, NPDES No. CAG912004 requirements, Permittees shall report new discharges of uncontaminated groundwater at flows 10,000 gallons/day or more to the Water Board and appropriate local agencies before being discharged to storm drains.~~

(iii) Testing of water samples for turbidity and pH on ~~Permittees shall require that discharges be monitored on~~ the first two consecutive days of dewatering~~, and once a month thereafter at a minimum, and more frequently if necessary. If a discharge of this type is established as unpolluted, except for turbidity, no monitoring is required unless new indications of pollution are observed~~.

(iv) ~~Permittees shall require that t~~Turbidity of discharged groundwater shall be maintained below 50 NTU~~s~~ for discharges to dry creeks~~ or storm drains~~, 110 percent of the ambient stream turbidity for a flowing stream with turbidities greater than 50 NTU, or 5 NTU above ambient turbidity for a flowing stream with turbidities less than or equal to 50 NTU. ~~If receiving water is above 50 NTU, the discharge will not exceed background turbidity by more than 10 percent.~~

(v) ~~Permittees shall require that the~~ pH of discharged water shall be maintained within the range of 6.5 to 8.5.

(e) If a Permittee~~s~~ determines that a discharger or a project proponent is unable to comply with the above criteria, the discharger shall be directed to obtain approval or permits directly from the Water Board.

(f) **Reporting** – The Permittees shall maintain records of ~~that~~ these discharges, BMPs implemented, and any monitoring data collected ~~demonstrate that the discharges meet the above criteria~~.

ii. Discharge Type – Air Conditioning Condensate

Required BMPs~~/Control Measures~~ – Condensate from air conditioning units shall be directed to landscaped areas or the ground. Discharge to a storm drain system may be allowed if discharge to landscaped areas or the ground is not feasible.

~~(a)Where feasible, discharges of condensate shall be to the ground/landscape.~~

~~(b)Discharges from new commercial and industrial air conditioning units shall be directed to landscaped areas or sanitary sewer if allowed by the local sanitary sewer agency.~~

~~(c)For new large commercial and industrial air conditioning units, condensate shall be directed as wastewater to the sanitary sewer if allowed by the local sanitary sewer agency. Direct discharges of such condensate to storm drains shall be prohibited unless adequate treatment measures are in place to meet water quality standards.~~

iii. Discharge Types: Planned,[2] Unplanned,[3] and Emergency Discharges of the Potable Water System

(1) **Planned Discharges** – ~~Permittees conduct, or permit activities ancillary to r~~Planned discharges are r~~R~~outine operation and maintenance activities in the potable water distribution system that can be scheduled in advance, such as disinfecting water mains, testing fire hydrants, storage tank maintenance, cleaning and lining pipe sections, routine distribution system flushing, reservoir dewatering, and water main dewatering activities. The following requirements only apply to those Permittees that are water purveyors and pertain to their planned discharges of potable water to their storm drain systems.

(a) **Required BMPs[4]** – The Permittees~~, either when they conduct these activities, or when they permit potable water dischargers to work in the public right-of-way,~~ shall ~~require~~ implement~~ation of~~ appropriate BMPs for dechlorination, and erosion~~,~~ and sediment controls ~~measures~~ for all planned potable water discharges.

(b) **Notification ~~and Reporting~~ Requirements**

(i) The Permittees shall notify ~~or require potable water dischargers to notify~~ the Water Board staff at least one week in advance for planned discharges with a ~~flowrate~~flow rate of 250,000 gallons per day or more, ~~of potable water~~ or a total volume of 500,000 gallons or more ~~of potable water~~. The Permittees shall also notify ~~or require potable water dischargers to notify~~ other interested parties~~,~~ who may be impacted by ~~such a~~planned discharges, such as flood control agencies, downstream jurisdictions, and ~~even~~ non-governmental organizations such as creek groups, before discharge. The notification shall include the following information, but is not ~~be~~ limited to:~~,~~ (1) project name;

[2] Planned d~~D~~ischarges typically result from required routine operation and maintenance activities that can be scheduled in advance. Planned discharges are easier to control than unplanned discharges, and the BMPs are significantly easier to plan and implement.

[3] Unplanned discharges are non-routine, the result of accidents or incidents that cannot be scheduled or planned for in advance.

[4] Reference for BMPs, monitoring methods: *Guidelines for the Development of Your BMP Manual for Drinking Water System Releases.* Developed by the California-Nevada Sections of the American Water Works Association (CA-NV AWWA), Environmental Compliance Committee (ECC) 2005.

(2) type of discharges; (3) receiving waterbody(~~ies~~ies); (4) date of discharge; (5) time of discharge (in military time); (6) estimated volume (gallons); and (7) estimated flow rate (gallons per day); and (8) monitoring plan of the discharges and receiving water. If receiving water monitoring is infeasible or is not practicable, justification shall be provided.

~~(ii)Permittees shall report monthly or require that potable water dischargers report monthly via electronic summary reports in tabular form and annual self-audit summary reports for all Potable Water Planned Discharges.~~

~~(iii)Reporting content shall include, but not be limited to, the following parameters: (1) project name; (2) type of discharges; (3) receiving waterbody(ies); (4) date of discharge; (5) duration of discharge (in military time); (6) estimated volume (gallons); (7) estimated flow rate (gallons per day); (8) chlorine residual (mg/L); (9) pH; (10) turbidity (NTU) for receiving water where feasible and point of discharge, and (11) description of implemented BMPs or corrective actions.~~

(c) **Monitoring and Reporting Requirements**

(i) The Permittees shall monitor ~~or require monitoring of Planned~~ planned ~~Discharges~~ discharges for pH, chlorine residual, and ~~the~~ turbidity ~~(NTU) of the discharges at the point of the discharge or effluent, and where feasible, at the point where the discharge enters the receiving water to confirm effectiveness of the employed BMPs~~.

(ii) The following discharge benchmarks shall be used to evaluate the effectiveness of BMPs for all ~~P~~planned ~~D~~discharges:

- Chlorine residual 0.05~~8~~ mg/L ~~detection limit~~ using the field test (Standard Methods 4500-Cl F and F) or equivalent
- pH ranges between 6.5 and 8.5~~.~~
- Turbidity of ~~10~~50 NTU post-BMPs or limit~~.~~ ~~I~~increase in turbidity above background level as follows:

Receiving Water Background	Incremental Increase
Dry Creek	50 NTU
< 50 ~~units (~~NTU~~)~~	5 NTU~~units, maximum~~
50–100 NTU~~units~~	10 NTU~~units, maximum~~
> 100 NTU~~units maximum~~	10% of background

(iii) The Permittees shall submit the following information with the ~~a~~Annual ~~r~~Report~~s~~ in tabular form for all planned ~~potable water~~ discharges. Reporting content shall include, but is not limited to the following parameters: (1) project name; (2) type of discharge~~s~~; (3) receiving waterbody(ies); (4) date of discharge; (5) duration of discharge (in military time); (6) estimated volume (gallons); (7) estimated flow rate (gallons per day); (8) chlorine residual (mg/L); (9) pH; (10) turbidity (NTU) for receiving

water where feasible and point of discharge, and (11) description of implemented BMPs or corrective actions.

(2) **Unplanned Discharges** – ~~Permittees shall address n~~Unplanned discharges are n~~N~~on-routine activities such as water line breaks, leaks, overflows, fire hydrant shearing, and emergency flushing. ~~as follows:~~ The following requirements only apply to those Permittees that are water purveyors and pertain to their unplanned discharges of potable water to their storm drain systems.

(a) **Required BMPs** – The Permittees shall implement ~~or require implementation of~~ appropriate BMPs for dechlorination~~,~~ and erosion~~,~~ and sediment control ~~measures~~ for all unplanned ~~potable water~~ discharges upon containing the discharge and attaining safety of the discharge site.

(b) **Administrative BMPs** – In some instances, the Permittees shall implement ~~or require implementation of~~ Administrative BMPs, such as source control measures, managerial practices, operations and maintenance procedures, or other measures to reduce or prevent potential pollutants from being discharged during unplanned ~~potable water system~~ discharges upon containing the discharge and attaining safety of the discharge site.

(c) **Notification ~~and Reporting~~ Requirements**

(i) The Permittees shall report ~~or require reporting~~ to the State Office of Emergency Services ~~and Water Board staff, by telephone or email~~ as soon as possible, but no~~t~~ later than~~,~~ two~~2~~ hours after becoming aware of (1) any aquatic impacts (e.g., fish kill) as a result of the unplanned discharges, or (2) when the discharge might endanger or compromise public health and safety.

(ii) The Permittees shall report ~~or require reporting~~ to Water Board staff, by telephone or email as soon as possible, but no~~t~~ later than~~,~~ 24 hours after becoming aware of any unplanned discharges, where~~n~~ the total chlorine residual is greater than 0.05~~8~~ mg/L and the total volume is approximately 50,000 gallons or more.

- Within five~~5~~ working days after the 24-hour telephone or email report, the ~~The~~ Permittees shall submit a report documenting ~~or require that the potable water discharger documents complaint responses and reports such~~the discharge~~s~~ and corrective actions taken to Water Board staff and other interested parties ~~within 5 working days after the 24-hour telephone or email report~~.

~~(iii)The Permittee shall require that the potable water discharger submit monthly reports of all unplanned discharges electronically in tabular form and shall submit an annual self-audit summary report.~~

~~(iv)Reporting format shall be as described in Provision C.15.b.iii.(1)(b)(iii) of the Planned Discharges above and time of discharge discovery, notification, and inspector and responding crew arrival time.~~

(d) **Monitoring and Reporting Requirements**

(i) The Permittees shall monitor ~~or require monitoring to assess impacts on water quality associated with the Unplanned Discharges and confirm effectiveness of the BMPs employed. At a minimum, water samples shall be analyzed~~ at least 10% of their unplanned ~~potable water~~ discharges for pH~~,~~ and chlorine residual, and visually ~~assessed~~ assess each~~the~~ discharge for turbidity immediately downstream of ~~the~~ implemented BMPs to demonstrate their effectiveness. After the implementation of appropriate BMPs, the discharge pH levels outside the discharge ranges (~~i.e.,~~ below 6.5 and above 8.5), chlorine residual above 0.05~~8~~ mg/l, or moderate and high turbidity shall trigger BMP improvement. ~~Pre and post-BMP turbidity in NTU shall be measured at least 10% of the unplanned discharges to verify the effectiveness of the BMPs employed.~~ If the Permittees monitor more than 10% of the unplanned discharges, all monitoring results shall be included in the A~~a~~nnual R~~r~~eport.

(ii) The Permittees shall submit the following information with the ~~a~~Annual ~~r~~Report~~s~~ in tabular form for all unplanned ~~potable water~~ discharges.~~-~~ The r~~R~~eporting format and content shall be as described in Provision C.15.b.ii.(1)(c)(iii) of the Planned ~~Potable Water~~ Discharges above. In addition, these ~~annual~~ reports shall also state the time of discharge discovery, notification time, inspector arrival time, and responding crew arrival time.

(iii) After 18 months of consecutive data gathering ~~and depending on those results~~, a~~the~~ ~~dischargers~~ Permittee may ~~can~~ propose, to the Executive Officer, a reduced monitoring plan ~~only at~~ targeting specific "high-risk" or "environmentally sensitive" areas~~,~~ ~~including~~ (i.e., areas that are prone to erosion and excess sedimentation at high flows, support rare or endangered species, or provide aquatic habitat with proven effective BMPs). Until the Executive Officer approves the reduced monitoring plan, the Permittee~~s~~ shall continue the monitoring plan prescribed in C.15.b.iii.(2)(d)(i).

(3) **Emergency Discharges** – Emergency discharges are the result of f~~F~~irefighting, unauthorized hydrant openings, natural or man-made disasters (e.g., earthquakes, floods, wildfires, accidents, terrorist actions).

Required BMPs

(a) The Permittees shall implement or require fire fighting personnel to implement BMPs for emergency discharges. However, the BMPs should ~~that do~~ not interfere with immediate emergency response operations or impact public health and safety. BMPs may include, but

are not limited to, the plugging of the storm drain collection system for temporary storage, ~~and~~ the proper disposal of water according to ~~the~~ jurisdictional requirements, and the use of foam where there may be toxic substances on the property the fire is located.

(b) During emergency ~~fire fighting~~ situations, priority of efforts shall be directed toward life, property, and the environment (in descending order). The Permittees or ~~F~~fire fighting personnel shall control the pollution threat from their activities to the extent that time and resources allow. ~~Efforts may include, but are not limited to, the plugging of the storm drain collection system for temporary storage and the proper disposal of water according to the jurisdictional requirements.~~

(c) ~~**Notification and**~~ **Reporting Requirements** – Reporting requirements will be determined by Water Board staff on a case-by-case basis, such as for fire incidents at chemical plants.

iv. Discharge Type – Individual Residential Car Washing

Required BMPs

(1) The Permittees shall discourage through outreach efforts individual residential car washing within their jurisdictional areas that discharge directly into their MS4s.

(2) The Permittees shall encourage individuals to direct car wash waters to landscaped areas, use as little detergent as necessary, wash cars at commercial car wash facilities, etc.

v. Discharge Type – Swimming Pool, Hot Tub, Spa, and Fountain Water Discharges

(1) **Required BMPs** ~~**and Implementation Levels** are as follows:~~

(a) The Permittees shall prohibit discharge of water that contains chlorine residual, copper algaecide, filter backwash or other pollutants to storm drains or to waterbodies. ~~Filter backwash discharge to the storm drain is prohibited. Filter backwash from operations of~~ Such polluted discharges from pools, hot tubs, ~~and~~ spas, and fountains shall be directed ~~properly disposed of~~ to the sanitary sewer (with the local sanitary sewer agency's approval) or to landscape~~ding~~ areas that can accommodate the volume.

(b) Discharges from swimming pools, hot tubs, spas and fountains shall be allowed into storm drain collection systems only if there are no other feasible disposal alternatives (e.g., disposal to sanitary sewer or landscaped areas) and if the discharge ~~it~~ is properly dechlorinated to non-detectable levels of chlorine consistent with water quality standards.

(c) The Permittees shall require that new or rebuilt swimming pools, hot tubs, spas and fountains within their jurisdictions have a connection[5] to the sanitary sewer to facilitate draining events. The Permittees shall coordinate with local sanitary sewer agencies to determine the standards and requirements ~~to enable~~ necessary for the installation of a sanitary sewer discharge location to allow draining events for pools, hot tubs, spas, and fountains to occur with the proper permits from the local sanitary sewer agency.

~~(d)~~The ~~Permittees shall prohibit discharge of water that contains chlorine residual, copper algaecide, filter backwash or other pollutants to storm drain collection systems or to waterbodies.~~

(d) Permittees shall improve their public outreach and educational efforts and ensure implementation of the required BMPs and compliance in commercial, municipal, and residential facilities.

(e) The Permittees shall implement the Illicit Discharge Enforcement Response Plan from C.5.b~~.~~ for polluted (contains chlorine, copper algaecide, filter backwash, or other pollutants) swimming pool, hot tub, spa, or fountain waters that get discharged into the storm drain.

(2) **Reporting** – The ~~Dischargers/~~Permittees shall keep records of the authorized major discharges of dechlorinated pool, hot tubs, spa and fountain water to the storm drain, including BMPs employed; such records shall be available for inspection by~~to~~ the Water Board.

vi. Discharge Type – Irrigation Water, Landscape Irrigation, and Lawn or Garden Watering

(1) **Required BMPs** – The Permittees shall promote measures that minimize runoff and pollutant loading from excess irrigation via the following:

(a) Promoting and/or working with potable water purveyors to promote conservation programs that minimize discharges from lawn watering and landscape irrigation practices;

(b) Promoting outreach messages regarding the use of less toxic options for pest control and landscape management;

(c) Promoting and/or working with potable water purveyors to promote the use of drought tolerant, native vegetation to minimize landscape irrigation demands;

(d) Promoting and/or working with potable water purveyors to promote outreach messages that encourage appropriate applications of water needed for irrigation and other watering practices; and,

(e) Implementing ~~notice and~~the Illicit Discharge ~~correction response, including e~~Enforcement ~~r~~Response Plan from C.5.b~~.~~, as necessary, for ongoing, large-volume landscape irrigation runoff to their MS4s.

[5] This connection could be a drain in the pool to the sanitary sewer or a sanitary sewer clean out located close enough to the pool so that a hose can readily direct the pool discharge into the sanitary sewer clean out.

(2) **Reporting** – The Permittees shall provide implementation summaries in their ~~a~~Annual R~~r~~report~~s in conjunction with Provision C.7 and Provision C.5 reporting~~.

vii. Additional Discharge Types –The Permittees shall identify and describe additional types and categories of discharges not yet listed in Provision~~s~~ C.15.b that they propose to conditionally exempt from Prohibition A.1~~.~~ in periodic submissions to the Executive Officer. For each such category, the Permittees shall identify and describe, as necessary and appropriate to the category, either documentation that the discharges are not sources of pollutants to receiving waters or circumstances in which they are not found to be sources of pollutants to receiving waters. Otherwise, the Permittees shall describe control measures to eliminate adverse impacts of such sources, procedures and performance standards for their implementation, procedures for notifying the Water Board of these discharges, and procedures for monitoring and record management.

viii. Permit Authorization for Exempted Non-Stormwater Discharges

(1) Discharges of non-stormwater from sources owned or operated by the Permittees are authorized and permitted by this Permit, if they are in accordance with the conditions of this provision.

(2) The Water Board may require d~~D~~ischargers of non-stormwater, other than the Permittees, to apply for and obtain coverage under an NPDES permit and to comply with the control measures pursuant to Provision C.15.b. Non-stormwater discharges that are in compliance with such control measures may be accepted by ~~the~~ a Permittee and are not subject to Prohibition A.1.

(3) The Permittees may propose, as part of their annual updates consistent with the requirements of Provision C.15.b of this Permit, additional categories of non-stormwater discharges with BMPs, to be included in the exemption to ~~discharge~~ Prohibition A.1. Such proposals may be subject to approval by the Executive Officer as a minor modification of the P~~p~~ermit.