

ATTACHMENT I: Standard Provisions

A. Duty to Comply

1. The discharger must comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.
2. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

B. General Permit Actions

1. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not 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 General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the dischargers so notified.

C. Need to Halt or Reduce Activity Not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

1. The discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this General Permit and with the requirements of the Storm Water Pollution Prevention Plan (SWPPP). Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a discharger when necessary to achieve compliance with the conditions of this General Permit.

F. Property Rights

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

G. Duty to Maintain Records and Provide Information

1. The discharger shall maintain a paper or electronic copy of all required records, including a paper copy of this General Permit, for three years from the date generated or date submitted, whichever is last. These records shall be available at the construction site until construction is completed.
2. The discharger shall furnish the Regional Water Board, State Water Board, or USEPA, within a reasonable time, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records that are required to be kept by this General Permit.

H. Inspection and Entry

1. The discharger shall allow the Regional Water Board, State Water Board, USEPA, and/or, in the case of construction sites 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:
 - a. Enter upon the discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this General Permit;

- b. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;
- c. Inspect at reasonable times the complete construction site, including any off-site staging areas or material storage areas, and the erosion/sediment controls; and
- d. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

I. Electronic Signature and Certification Requirements

1. All Permit Registration Documents (PDRs) and Notice of Terminations (NOTs) shall be electronically certified and submitted to the State Water Board by the Legally Responsible Person (LRP). The LRP is the person who represents the Property Owner¹ for the regulated site. LRPs shall electronically submit PDRs and NOTs via the California Integrated Water Quality System (CIWQS).

The LRP shall be:

- a. For a corporation: a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
- c. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA).

¹ For proposed construction activity conducted on easements, on nearby property by agreement or permission, or by an owner or lessee of a mineral estate (oil, gas, geothermal, aggregate, precious metals, and/or industrial minerals) entitled to conduct the activities, the LRP responsible for the construction activity shall submit PDRs and annual fees, and shall be responsible for implementing the SWPPP and submitting annual reports.

- d. An individual person who owns the property.

The LRP shall not be:

- a. A non-managerial employee
 - b. A consultant or contractor hired by the Property Owner, or
 - c. An agent for the Property Owner
2. All SWPPP revisions, annual reports, or other information required by the General Permit (other than PDRs and NOTs) or requested by the Regional Water Board, State Water Board, USEPA, or local storm water management agency shall be certified and submitted by the LRP as described above or by the LRP's duly authorized representative. A person is a duly authorized representative only if the LRP electronically provides the authorization via CIWQS.

J. Certification

1. Any person signing documents under Section I 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."

K. Anticipated Noncompliance

1. The discharger shall give advance notice to the Regional Water Board and local storm water management agency of any planned changes in the construction activity, which may result in noncompliance with General Permit requirements.

L. Penalties for Falsification of Reports

1. Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under

this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

M. Oil and Hazardous Substance Liability

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

N. Severability

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

O. Reopener Clause

1. This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations (CFR) 122.62, 122.63, 122.64, and 124.5.

P. 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 General Permit is subject to a civil penalty not to exceed \$27,500 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.

Q. Transfers

1. This General Permit is not transferable. A new owner of an ongoing construction activity must submit a NOI in accordance with the requirements of this General Permit to be authorized to discharge under

this General Permit. An owner who sells property covered by this General Permit shall inform the new owner of the duty to file a NOI and shall provide the new owner with a copy of this General Permit.

R. Continuation of Expired Permit

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