

*NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT FOR
STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

ORDER NO.
NPDES NO. CAS000001

This Order was adopted by the State Water Resources Control Board on:	<Adoption Date>
This Order shall become effective on:	July 1, 2013
This Order shall expire on:	June 30, 2018

IT IS HEREBY ORDERED, that as of July 1, 2013 this Order supersedes Order No. 97-03-DWQ except for the requirement to submit annual reports by July 1, 2013 and for enforcement purposes. The Discharger shall comply with the requirements in this Order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000) and regulations adopted there under, and the provisions of the federal Clean Water Act and regulations and guidelines adopted there under.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order, fact sheet, and all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on **<Adoption Date>**.

AYE:

NO:

ABSENT:

ABSTAIN:

Jeanine Townsend

Clerk to the Board

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I. FINDINGS

A. General Findings

The State Water Resources Control Board (State Water Board) finds that:

1. The Federal Clean Water Act (Clean Water Act) prohibits certain discharges of storm water containing pollutants except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. (33 U.S.C. §§ 1311, 1342 (also referred to as Clean Water Act §§ 301, 402).) The United States Environmental Protection Agency (US EPA) promulgates federal regulations to implement the Clean Water Act's mandate to control pollutants in storm water discharges. (40 C.F.R. §§ 122, 123, 124, et al.) The NPDES permit must require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges (NSWDs). The NPDES permit must also include additional requirements necessary to implement applicable water quality standards.
2. On November 16, 1990, US EPA promulgated Phase I storm water regulations in compliance with section 402(p) of the Clean Water Act. (55 Fed.Reg. 47990, codified at 40 C.F.R. § 122.26.) These regulations require operators of facilities subject to storm water permitting (Dischargers), that discharge storm water associated with industrial activity (industrial storm water discharges), to obtain an NPDES permit to implement BAT and BCT. Section 402(p)(3)(A) of the Clean Water Act also requires that permits for discharges associated with industrial activity include requirements necessary to meet water quality standards.
3. Phase II storm water regulations require permitting for storm water discharges from facilities owned and operated by a municipality with a population of less than 100,000. The previous exemption from the Phase I permitting requirements under section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991 was eliminated.
4. This Order (General Permit) is an NPDES General Permit in compliance with section 402 of the Clean Water Act and shall take effect on July 1, 2013, provided that the Regional Administrator of US EPA has no objection. If the US EPA Regional Administrator has an objection, this General Permit will not become effective until the objection is withdrawn.
5. This action to adopt an NPDES General Permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000, et seq.) in accordance with section 13389 of the Water Code. (See *County of Los Angeles v. California State Water Resources Control Bd.* (2006) 143 Cal.App.4th 985.)
6. State Water Board Order No. 97-03-DWQ is rescinded as of July 1, 2013 except for enforcement purposes.

7. Following adoption and upon the Effective Date of this General Permit (July 1, 2013), the State Water Board and the Regional Water Quality Control Boards (Regional Water Boards) (collectively, Water Boards) can enforce the provisions herein and can conduct inspections of each Discharger's industrial facility. The Regional Water Boards can also adopt individual NPDES permits for industrial storm water discharges.
8. The Fact Sheet is incorporated as findings of this General Permit.
9. This General Permit authorizes discharges of industrial storm water discharges to waters of the United States, so long as the discharges comply with all requirements, provisions, limitations, and prohibitions in this General Permit.
10. This General Permit does not preempt or supersede the authority of municipal agencies to prohibit, restrict, or control industrial storm water discharges and authorized NSWDS that may discharge to storm water conveyance systems or other watercourses within their jurisdictions as allowed by state and federal law.
11. All terms defined in the Clean Water Act, US EPA regulations, and the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000, et seq.) will have the same definition in this General Permit unless otherwise stated.
12. Pursuant to 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16, which incorporates the requirements of 40 C.F.R. section 131.12 where applicable, the State Water Board finds that discharges in compliance with this General Permit will not result in the lowering of water quality, and are therefore consistent with those provisions. Compliance with this General Permit will result in improvements to water quality.
13. Compliance with any specific limits or requirements contained in this General Permit does not constitute compliance with any other applicable permits.
14. This General Permit requires the Discharger's Legally Responsible Person (LRP) to electronically certify and submit all documents through the State Water Board's Storm Water Multi-Application and Report Tracking System (SMARTS) website to reduce the state's reliance on paper, to improve efficiency, and to make such General Permit documents more easily accessible to the public and the State and Regional Water Boards.
15. Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States.
16. Industrial activities covered under this General Permit are described in Attachment A.

B. Industrial Activities Not Covered Under this General Permit

17. Discharges of storm water from areas on tribal lands are not covered under this General Permit. Industrial facilities on tribal lands are regulated by an NPDES permit issued by US EPA.
18. Discharges of storm water regulated under another individual or general NPDES permit adopted by the State Water Board or Regional Water Board are not covered under this General Permit.
19. Storm water discharges to combined sewer systems are not covered under this General Permit. These discharges must be covered by an individual permit (40 C.F.R. § 122.26(a)(6)(i).)
20. Conveyances that discharge storm water runoff combined with municipal sewage are not covered under this General Permit.
21. Discharges of storm water identified in Clean Water Act section 402(l), 33 U.S.C. section 1342(l) are not covered under this General Permit.
22. Facilities otherwise subject to this General Permit but for which a valid Notice of Non-Applicability (NONA) and a NONA Technical Report has been certified and submitted via SMARTS by the Discharger's LRP (see Wat. Code, § 13399.30, subd. (a)(2)) are not covered under this General Permit. The facility may be (1) engineered and constructed so as to never discharge industrial storm water to waters of the United States, as certified by a California licensed professional engineer, or (2) located in basins or other physical locations that are not hydrologically connected to waters of the United States. The NONA Technical Report shall demonstrate that the facility does not discharge to waters of the United States. Information about the NONA and the NONA Technical Report are available on the SMARTS website.
23. This General Permit does not authorize discharges of dredged or fill material regulated by the US Army Corps of Engineers under section 404 of the Clean Water Act and does not constitute a water quality certification under section 401 of the Clean Water Act.

C. Discharge Prohibitions

24. Pursuant to section 13243 of the Water Code, the State Water Board may specify certain conditions or areas where the discharge of waste, or certain types of waste, is prohibited.
25. With the exception of certain authorized NSWDs as defined in Section IV, this General Permit prohibits NSWDs. The State Water Board recognizes that certain NSWDs should be authorized because they are not generated by industrial activity, are not significant sources of pollutants when managed appropriately, and are generally unavoidable because they are related to safety or would occur regardless of industrial activity.

Prohibited NSWDs may be authorized under other individual permits, general permits, or waste discharge requirements issued by the Water Boards.

26. Prohibited NSWDs are referred to as unauthorized NSWDs in this General Permit. Unauthorized NSWDs shall be either eliminated or permitted by a separate NPDES permit. Unauthorized NSWDs may contribute significant pollutant loads to receiving waters. Measures to control sources of unauthorized NSWDs such as spills, leakage, and dumping, must be addressed through operational source control Best Management Practices (BMPs) and structural/treatment control BMPs.
27. This General Permit incorporates discharge prohibitions contained in water quality control plans, as implemented by the Water Boards.
28. Direct discharges of waste, including industrial storm water discharges, to Areas of Special Biological Significance (ASBS) are prohibited unless the Discharger has applied for and the State Water Board has granted an exception to the Ocean Plan allowing the discharge.

D. Authorized NSWDs

29. This General Permit regulates industrial storm water discharges and authorized NSWDs from specific categories of industrial facilities identified in Attachment A hereto, and industrial storm water discharges and authorized NSWDs from facilities designated by the Regional Water Boards to obtain coverage under this General Permit. This General Permit does not apply to industrial storm water discharges and NSWDs that are regulated by other individual or general NPDES permits, including the current Statewide NPDES Construction General Permit.

E. Effluent Limitations

30. Section 301(b) of the Clean Water Act and 40 C.F.R. section 122.44 require NPDES permits to include technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. Clean Water Act section 402(p)(3)(A) requires that discharges of storm water runoff from industrial facilities comply with Clean Water Act section 301.
31. This General Permit requires control of pollutant discharges using BAT and BCT to prevent and reduce discharges of pollutants, and any more stringent effluent limitations necessary to meet applicable water quality standards.
32. It is not feasible at this time for the State Water Board to establish numeric or narrative technology based effluent limitations (TBELs) for discharges covered by this General Permit. The rationale for this determination is discussed in detail in the Fact Sheet of this General Permit. Therefore, this General Permit allows facility operators to

implement BMPs to comply with the requirements of this General Permit. This approach is consistent with US EPA's 2008 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (2008 MSGP).

33. 40 C.F.R. section 122.44(d) also requires that NPDES permits include WQBELs to attain and maintain applicable numeric and narrative water quality standards for receiving waters.
34. Where numeric water quality criteria have not been established, 40 C.F.R. section 122.44(d) provides that WQBELs may be established using US EPA criteria guidance under section 304(a) of the Clean Water Act, proposed State criteria, or a State policy interpreting narrative criteria supplemented with other relevant information or an indicator parameter.
35. This General Permit requires Dischargers to implement BMPs, including treatment controls where necessary, in order to support attainment of water quality standards. The use of BMPs to control or abate the discharge of pollutants is allowed by 40 C.F.R. section 122.44(k)(3) because numeric effluent limitations are infeasible and BMPs are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the Clean Water Act. (40 C.F.R. § 122.44(k)(4).)

F. Receiving Water Limitations

36. This General Permit requires all Dischargers to comply with all applicable water quality standards for water of the United States that may be affected by their industrial storm water discharges and NSWDs. Water quality standards apply to the quality of the receiving water, not the quality of the industrial storm water discharge. Therefore, compliance with the receiving water limitations can generally not be determined solely by the effluent water quality characteristics. Compliance with water quality standards may, in some cases, require Dischargers to implement controls that are more protective than the controls that are necessary to meet the technology-based requirements in this General Permit.

G. Total Maximum Daily Loads (TMDLs)

37. TMDLs relate to the maximum amount of a pollutant that a water body can receive and still attain water quality standards. A TMDL is defined as the sum of the allowable loads of a single pollutant from all contributing point sources (the waste load allocations, or WLAs) and non-point sources (load allocations, or LAs), plus the contribution from background sources. (40 CFR § 130.2, subd. (i).) Discharges addressed by this General Permit are considered to be point source discharges, and therefore must comply with effluent limitations that are "consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the State and approved by EPA pursuant

to 40 CFR 130.7.” (40 CFR § 122.44, subd. (d)(1)(vii).) In addition, Water Code section 13263, subdivision (a), requires that waste discharge requirements implement any relevant water quality control plans. Many TMDLs contained in water quality control plans include implementation requirements in addition to waste load allocations. Attachment D of this General Permit lists the watersheds with US EPA-approved and US EPA-established TMDLs that include requirements, including WLAs, for Dischargers covered by this General Permit.

38. The State Water Board recognizes that it is appropriate to develop TMDL-specific permit requirements derived from each TMDL’s WLA and implementation requirements, in order to provide clarity to Dischargers regarding their responsibilities for compliance with applicable TMDLs. The development of TMDL-specific permit requirements is subject to notice and a public comment period. Given the number and variety of Dischargers subject to a wide range of TMDLs, it is not possible to develop TMDL-specific permit requirements for every TMDL listed in Attachment D without severely delaying the reissuance of this General Permit. Because most of the TMDLs were established by the Regional Water Boards, and because some of the WLAs and/or implementation requirements may be shared by multiple Dischargers, the development of TMDL-specific permit requirements is best coordinated at the Regional Water Board level.
39. The Regional Water Boards, with the assistance of State Water Board staff, will develop proposed TMDL-specific permit requirements for each of the TMDLs listed in Attachment D by July 1, 2015. After conducting a 30-day public comment period, the Regional Water Boards will submit to the State Water Board proposed TMDL-specific permit requirements for adoption by the State Water Board into this General Permit. The Regional Water Boards may also include TMDL-specific monitoring requirements for inclusion in this General Permit, or may issue Regional Water Board orders pursuant to Water Code section 13383 requiring TMDL-specific monitoring. The Regional Water Boards may complete these tasks, and the proposed TMDL-specific permit requirements shall have no force or effect until adopted, with or without modification, by the State Water Board. Consistent with the 2008 MSGP, Dischargers are not required to take any additional actions to comply with the TMDLs listed in Attachment D until the State Water Board reopens this General Permit and includes TMDL-specific permit requirements, unless notified otherwise by a Regional Water Board. TMDL-specific permit requirements are not limited by the BAT/BCT technology-based standards.
40. The Regional Water Boards shall submit to the State Water Board the following information for each of the TMDLs listed in Attachment D:
 - a. Proposed TMDL-specific permit requirements, including any timelines and deliverables consistent with the TMDLs,

- b. An explanation of how the proposed TMDL-specific permit requirements, timelines, and deliverables are consistent with the assumptions and requirements of any applicable WLA and implement each TMDL, and
 - c. Where a BMP-based approach is proposed, an explanation of how the proposed BMPs will be sufficient to implement applicable WLAs.
41. Upon receipt of the information described in Finding 40, the State Water Board will conduct a public comment period and reopen this General Permit to populate Attachment D, the Fact Sheet, and other provisions as necessary in order to incorporate these TMDL-specific permit requirements into this General Permit. Attachment D may also be reopened from time to time to incorporate additional TMDLs into Attachment D.

H. Areas of Special Biological Significance (ASBS)

42. ASBS are defined in the California Ocean Plan as “those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.”
43. The California Ocean Plan prohibits the direct discharge of waste to ASBS.
44. The California Ocean Plan authorizes the State Water Board to grant an exception to Ocean Plan provisions where the board determines that the exception will not compromise protection of ocean waters for beneficial uses and the public interest will be served.
45. On March 20, 2012, the State Water Board adopted Resolution No.2012-0012 which contains exceptions to the California Ocean Plan for specific discharges of storm water and non-point sources. This resolution also contains the special protections that are to be implemented for those discharges to ASBS.
46. This General Permit requires Dischargers who have applied for and the State Water Board has granted an exception to the Ocean Plan authorizing the discharges to ASBS to comply with the requirements contained in Section VIII of this General Permit.

I. Training

47. In order to improve compliance and to maintain consistent implementation of this General Permit, all Dischargers are required to designate a Qualified Industrial Storm Water Practitioner (QISP). To qualify as a QISP, each individual must either complete a State Water Board sponsored or approved training course, or be a California licensed professional civil engineer, professional geologist or certified engineering

geologist. A competency exam may be required by the State Water Board to demonstrate sufficient knowledge of the QISP course material. The Discharger shall designate an appropriate QISP for each facility the Discharger operates. Each facility must have one QISP, but any QISP may be assigned to more than one facility.

48. This General Permit creates three (3) types of QISPs, each with different training requirements and roles.
49. A QISP I can perform the basic permit functions, such as developing and implementing a Storm Water Pollution Prevention Plan (SWPPP), and can perform the monitoring required by this General Permit. A QISP I can represent either one facility or multiple facilities with substantially similar industrial activities. The QISP I training is designed for an individual with little or no environmental background or experience.
50. A QISP II can perform more advanced permit functions and duties, such as preparing the No Exposure Certification (NEC), the Sampling Frequency Reduction Request (SFR) and Sampling Location Reduction Request (SLR). A QISP II can represent multiple facilities with any type of industrial activity. The QISP II training is designed for an individual that has some environmental background and experience.
51. A QISP III can perform the most advanced permit functions and duties, such as preparing Level 2 ERA Technical Reports and Demonstration Technical Reports. A QISP III can represent multiple facilities with any type of industrial activity. The QISP III training is the most advanced training required by this General Permit and is designed for environmental professionals.
52. Some of the work required by this General Permit may be engineering work or geology work as defined in the applicable statutes and regulations. California licensed professional civil engineers, professional geologists and certified engineering geologists (collectively, Licensees) have licenses that have professional overlap with the topics of this General Permit.
53. The California Board for Professional Engineers, Land Surveyors and Geologists provides the licensure and regulation of Licensees in California. The California Board for Professional Engineers has staff and resources dedicated to investigate and take appropriate enforcement actions in instances where a Licensee is alleged to be noncompliant with their laws and regulations. The actions of a Licensee that result in noncompliance with this General Permit would also constitute a potential violation of the California Board for Professional Engineers requirements and therefore be eligible for investigation and enforcement by the California Board for Professional Engineers. The State Water Board will provide the content from the QISP training classes on its website, available for Licensee review.

54. A Licensee providing professional services for a Discharger required by this General Permit has the burden of understanding those requirements under the California Board for Professional Engineers laws and regulations. As such, it is duplicative and unnecessary for this General Permit to require a Licensee to obtain the QISP training.
55. All engineering work required by this General Permit shall be performed by a California licensed professional in accordance with the Professional Engineers Act (Bus. & Prof. Code § 6700, et seq.).

J. SWPPP Requirements

56. This General Permit requires the development of a site-specific SWPPP. The SWPPP must include the information needed to demonstrate compliance with all requirements of this General Permit. The SWPPP must be submitted electronically via SMARTS, and a copy be kept at the facility.

K. Sampling, Visual Observations, Reporting and Record Keeping

57. This General Permit complies with 40 C.F.R. section 122.44(i), which establishes monitoring requirements that must be included in storm water permits. Under this General Permit, Dischargers are required to: (a) conduct an Annual Comprehensive Facility Compliance Evaluation (Annual Evaluation) to identify areas of the facility contributing pollutants to industrial storm water discharges, (b) evaluate whether measures to reduce industrial pollutant loads identified in the Discharger's SWPPP are adequate and properly implemented in accordance with the terms of this General Permit, and (c) determine whether additional control measures are needed.
58. This General Permit contains additional monitoring requirements that are necessary to determine whether pollutants are being discharged, and whether response actions are necessary. This will in turn help the Discharger to evaluate BMP effectiveness and compliance with this General Permit. Visual observations are one form of monitoring. This General Permit requires the Discharger to perform a variety of visual observations designed to identify pollutants in industrial storm water discharges and their sources. To comply with this General Permit the Discharger shall: electronically self-report any discharge violations via SMARTS, comply with the Level 1 and Level 2 ERA requirements, when applicable, and adequately address and respond to any Regional Water Board comments on the Discharger's compliance reports.
59. Dischargers that meet the requirements of the No Exposure Certification (NEC) Conditional Exclusion set forth in Sections XVII of this General Permit are exempt from the SWPPP, sampling requirements, and visual observation requirements in this General Permit.

L. Facilities Subject to Federal Storm Water Effluent Limitation Guidelines (ELGs)

60. US EPA regulations at 40 C.F.R. Chapter I Subchapter N (Subchapter N) establish technology-based Effluent Limitation Guidelines and New Source Performance Standards (ELGs) for industrial storm water discharges from facilities in specific industrial categories. For these facilities, compliance with the BAT/BCT and ELG requirements constitutes compliance with technology-based requirements of this General Permit.
61. 40 C.F.R. section 122.44(i)(3) and (4) require storm water permits to require at least one Annual Evaluation and any monitoring requirements for applicable ELGs in Subchapter N.
62. This General Permit requires Dischargers to comply with any applicable ELG requirements found in Subchapter N.

M. Sampling and Analysis Reduction

63. This General Permit reduces the number of qualifying sampling events required to be sampled each year when the Discharger demonstrates both consistent compliance with this General Permit and consistent effluent water quality sampling and analysis results that do not exceed NALs.

N. Role of Numeric Action Levels (NALs) and Exceedance Response Actions (ERAs)

64. This General Permit includes NALs, new comprehensive training requirements, Level 1 ERA Reports, Level 2 ERA Technical Reports, and Demonstration Technical Reports as part of a multiple objective performance measurement system. There are two main objectives: (1) inform the Dischargers, the public and the Water Boards on the overall pollutant control performance at any given facility, and (2) inform the Dischargers, the public and the Water Boards on the overall performance of the industrial storm water program. Additionally, the State Water Board expects that this information and assessment process will provide the information needed to determine the feasibility of numeric effluent limitations for industrial sectors in the next reissuance of this General Permit, consistent with the recommendations of the Blue Ribbon Panel of Experts.
65. This General Permit contains two types of NALs. One is an annual NAL, which is the 2008 MSGP benchmark value, and is applicable for all parameters listed in Table 5. The other NAL is an instantaneous maximum NAL, which has been calculated from a Water Board dataset to identify drainage areas of concern and is only applicable for Total Suspended Solids (TSS), Oil and Grease (O&G), and pH. An NAL exceedance is determined as follows: (1) for the annual NAL, an

exceedance occurs when the average of all analytical results from all samples taken at a facility during a reporting year and calculated in accordance with the US EPA guidance¹ exceeds an annual NAL value for any parameter listed in Table 5 of this General Permit (or is outside the NAL pH range), or; (2) for the instantaneous maximum NAL, an exceedance occurs when the second analytical result from any sample taken at a facility for the same parameter in Table 5 of this General Permit (TSS, O&G, or pH) exceeds the instantaneous maximum NAL value (or is outside the NAL pH range) in a single reporting year. For the purposes of this General Permit, the reporting year is July 1 through June 30.

66. The NALs are not intended to serve as technology-based requirements, numeric effluent limitations, or water quality-based limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water limitations. NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit. A Discharger that does not fully comply with the Level 1 and Level 2 ERA requirements, when required, is in violation of this General Permit.
67. ERAs are designed to help to ensure that Dischargers comply with this General Permit. Dischargers subject to ERAs must evaluate their BMPs to ensure they are adequate to meet the BAT/BCT effluent standards.
68. BMPs to reduce or prevent pollutants in storm water discharges and authorized NSWDS are appropriate in lieu of numeric effluent limitations in storm water permits (40 C.F.R. §122.44(k)(2).)
69. US EPA regulations at Subchapter N establish ELGs for storm water discharges from facilities in 11 industrial categories. Dischargers subject to these ELGs are required to comply with the applicable requirements. This General Permit includes the existing ELGs in Attachment E.
70. Pollutants in storm water discharges that are solely attributable to non-industrial pollutant sources (such as run-on from adjacent facilities, non-industrial portions of the Discharger's property, or aerial deposition) are not subject to NALs, because the NALs are designed to provide feedback on industrial sources of pollutants. Dischargers may submit a Non-Industrial Source Pollutant Demonstration Technical Report to demonstrate that the sources of the pollutants are non-industrial. Dischargers who submit a Non-Industrial Source Pollutant Demonstration Technical Report must continue to comply with BAT/BCT and receiving water limitations.
71. Pollutants in storm water discharges that are solely attributable to natural background sources are not subject to NALs, because the NALs are designed to provide feedback on industrial sources of pollutants.

¹ US EPA. "Industrial Stormwater Monitoring and Sampling Guide." April 2009. Web. 5 May. 2012. <http://www.epa.gov/npdes/pubs/msgp_monitoring_guide.pdf>.

Dischargers may submit a Natural Background Demonstration Technical Report to demonstrate that the pollutants are naturally occurring. Dischargers who submit a Natural Background Demonstration Technical Report are not responsible for the naturally occurring pollutants identified in the Natural Background Demonstration Technical Report.

72. Where a discharger has already designed, installed, and implemented operational any source control, treatment, and/or structural source control BMPs that are required to reduce or prevent pollutants in industrial storm water discharges in compliance with BAT/BCT, the Discharger may submit a BAT/BCT Compliance Demonstration Technical Report. Dischargers who submit a BAT/BCT Compliance Demonstration Technical Report must continue to comply with receiving water limitations.
73. This General Permit establishes design storm standards for all treatment control BMPs. These design standards are based directly on those contained in the State Water Board Order No. 2000-0011² regarding Standard Urban Storm Water Mitigation Plans (SUSMPs). These design standards for treatment control BMPs are generally expected to be consistent with BAT/BCT, to be protective of water quality, to be achievable for most pollutants and their associated treatment technologies, and to eliminate the need for most Dischargers to treat industrial storm water discharges that are unlikely to contain pollutant loadings that would exceed any of the NALs set forth in this General Permit.

O. Compliance Groups

74. Compliance Groups are groups of Dischargers (Participants) that share common pollutant sources and industrial activity characteristics. Compliance Groups provide an opportunity for the Participants to pool resources and develop Consolidated Level 1 ERA Reports for Level 1 NAL exceedances and Consolidated Level 2 ERA Technical Reports for Level 2 NAL exceedances that are representative of the entire Compliance Group. Compliance Groups also provide the Water Boards and the public with valuable information as to how industrial storm water discharges are affected by non-industrial background pollutant sources (including natural background) and geographic locations, and what constitutes BAT/BCT. When developing the next reissuance of this General Permit, the State Water Board expects to have a better understanding of the feasibility and benefits of sector-specific and watershed-based permitting approaches, which may include technology- or water quality-based numeric effluent limitations (NELs). The State Water Board intends that the effluent data, BMP performance data and

² Water Boards. Order: WQ 2000 - 11 Petitions of the Cities of Bellflower, Et Al., The City of Arcadia, and Western States Petroleum Association. Web. 5 May 2012.
<http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2000/wq2000_11.pdf>.

other information provided from Compliance Groups' consolidated reporting will help inform the State Water Board on these issues.

P. Conditional Exclusion – No Exposure Certification (NEC)

75. Pursuant to US EPA Phase II regulations, all Dischargers subject to this General Permit may qualify for a conditional exclusion from specific requirements of this General Permit if they prepare and submit a NEC demonstrating that their facilities have no exposure of industrial activities and materials to storm water discharges. Dischargers that meet the requirements of the NEC are exempt from the SWPPP, sampling requirements, and monitoring requirements in this General Permit.
76. This General Permit requires Dischargers who seek the NEC conditional exclusion to obtain coverage in accordance with Section XVII of this General Permit.
77. Dischargers seeking NEC coverage are required to file the applicable permit registration documents: NEC Checklist, site map, and annual fee. Annual inspections, re-certifications, and fees are required in subsequent years. Light industry facility Dischargers that were previously excluded from coverage must obtain the appropriate coverage under this General Permit. Failure to comply with the Conditional Exclusion conditions listed in this General Permit will lead to enforcement for discharging without a permit pursuant to sections 13385 and 13399 of the Water Code. A Discharger that anticipates a change (or changes) in circumstances that would lead to exposure should register for permit coverage prior to the anticipated changes.

Q. Special Requirements for Facilities Handling Plastic Materials

78. Section 13367 of the Water Code requires facilities handling preproduction plastic to implement specific BMPs aimed at minimizing discharges of such materials. The definition of Plastic Materials for the purposes of this General Permit includes the following types of sources of Plastic Materials; plastic resin pellets, powders, flakes, additives, regrind, scrap, dust, and industrial process waste or recycling that has the potential to discharge or migrate and discharge off-site. Such Plastic Materials are considered storm water gross pollutants.

R. Regional Water Board Authorities

79. Regional Water Boards are primarily responsible for enforcement of this General Permit. This General Permit recognizes that Regional Water Boards have the authority to protect the beneficial uses of receiving waters and prevent degradation of water quality. As such, Regional Water Boards may modify monitoring requirements and review, comment, approve or disapprove any Discharger reports required under this General Permit.

80. Regional Water Boards establish water quality standards in Basin Plans. The State Water Board establishes water quality standards in various statewide plans, including the California Ocean Plan. US EPA establishes water quality standards in the National Toxic Rule and the California Toxic Rule.
81. Regional Water Boards may revise the treatment design storm standard provided in this General Permit for a Discharger based upon (1) sampling data demonstrating that a higher or lower standard would be protective of water quality, and (2) the treatment technology associated with the revised design storm meets BAT/BCT.

DRAFT

IT IS HEREBY ORDERED that all Dischargers subject to this General Permit shall comply with the following conditions and requirements.

II. REQUIREMENTS FOR RECEIVING GENERAL PERMIT COVERAGE

This General Permit includes requirements for two (2) types of permit coverage, NOI coverage and NEC coverage. State Water Board Order No 97-03-DWQ (previous permit) remains in effect until July 1, 2013. Existing Dischargers that have submitted NOIs for the previous permit shall continue coverage under the previous permit until July 1, 2013. Existing Dischargers shall have until July 1, 2013 to register for NOI or NEC coverage. Coverage for Dischargers that do not register for NOI or NEC coverage by July 1, 2013 will be administratively expired and effectively terminated. Upon administrative termination, Dischargers are subject to enforcement by the Regional Water Boards until coverage under this General Permit is obtained by designating an LRP to submit new PRDs pursuant to the provisions of Section II.

A. General Permit Coverage (NOI)

1. Facilities Discharging Storm Water Associated with Industrial Activity.

For the purposes of this General Permit, this coverage is called NOI coverage. The Discharger that discharges storm water associated with industrial activity to waters of the United States is required to meet all the requirements of this General Permit such as designing and implementing a SWPPP in compliance with BAT/BCT, and complying with the monitoring and Annual Monitoring Reporting requirements. The Discharger shall designate a Legally Responsible Person (LRP) to register for coverage under this General Permit by certifying and submitting Permit Registration Documents (PRDs) via the Stormwater Multi-Application Reporting and Tracking System (SMARTS) (<http://smarts.waterboards.ca.gov>), which consist of:

- a. Notice of Intent (NOI) and Signed Certification Statement
- b. Copy of Current Site Map from the SWPPP (see Section X.E)
- c. Storm Water Pollution Prevention Plan (see Section X)
- d. Annual Fee

B. No Exposure Certification (NEC) Coverage

1. Facilities that Qualify for the NEC Conditional Exclusion (facilities with no exposure of industrial activities or materials to storm water)

For the purposes of this General Permit, this coverage is called NEC coverage. Dischargers that certify their facility has no exposure of industrial activities or materials to storm water in accordance with Section XVII are not required to implement a SWPPP or comply with the monitoring requirements of this General Permit. Dischargers shall conduct one Annual Facility Comprehensive Compliance Evaluation (Annual Evaluation) as described in

Section XV, pay an annual fee, and annually certify that their facilities continue to satisfy the NEC requirements. Dischargers shall register for NEC coverage by submitting PRDs, which consist of:

- a. No Exposure Certification and Signed Certification Statement
- b. No Exposure Certification Checklist (See Section XVII.E.2)
- c. Current Site Map Consistent with Requirements in Section X.E
- d. Annual Fee

C. Obtaining General Permit Coverage for Facilities Subject to this General Permit

1. Existing or new Dischargers shall designate an LRP to register for NOI or NEC coverage under this General Permit by certifying and submitting PRDs in SMARTS in accordance with the schedule provided in this Section II.D-E below. When PRDs are certified and submitted and the annual fee is received, the State Water Board will assign the Discharger a Waste Discharger Identification (WDID) number.
2. The Discharger shall designate an LRP to certify and submit all PRDs and other required compliance documents via SMARTS, with the exception of annual fees, which must be mailed.
3. New PRDs shall be certified and submitted via SMARTS by the Discharger's LRP whenever there is a change to either the ownership of the facility operations or the location. When there is an ownership change, the prior Discharger (seller) must inform the new Discharger (buyer) of the General Permit requirements.
4. A Discharger's facility that includes multiple industrial activities subject to the General Permit is authorized to submit a single set of PRDs for coverage under this General Permit.
5. Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted in the PRDs.
6. Site Maps

Dischargers registering for NOI or NEC coverage shall prepare site maps as part of their PRDs as described in Section X.E. The site map for NOI coverage is required to be in the SWPPP and is also required to be certified and submitted separately. If there is a significant change in the facility layout (e.g., new building, change in storage locations, boundary change, etc.) a revision to the site map is required and shall be certified and submitted via SMARTS.

D. Existing Dischargers

1. The previous permit remains in effect until July 1, 2013. Existing Dischargers that have submitted NOIs for the previous permit shall continue coverage under the previous permit until July 1, 2013. Existing Dischargers that have submitted NOIs for the previous permit shall have until July 1, 2013 to register for NOI or NEC coverage. Existing Dischargers that have not submitted NOIs for the previous permit shall have until July 1, 2014 to register for NOI or NEC coverage. Dischargers that have submitted NOIs for the previous permit that do not register for NOI or NEC coverage by July 1, 2013 may have their coverage administratively terminated. Upon administrative termination, Dischargers are subject to enforcement by the Regional Water Boards until coverage under this General Permit is obtained by designating an LRP to submit new PRDs pursuant to the provisions of Section II.
2. Existing Dischargers are deemed covered by this General Permit upon receipt of a General Permit Coverage Notification (submitted via SMARTS). In order to demonstrate compliance with this General Permit, the Discharger must present documentation of valid and active General Permit coverage upon request.
3. Existing Dischargers shall implement necessary revisions to the SWPPP and Monitoring Program in accordance with Sections X and XI no later than the July 1, 2013. Dischargers may either continue to implement the existing SWPPP in compliance with State Water Board Order No. 97-03-DWQ until June 30, 2013, or may implement a SWPPP revised in accordance with Section X prior to July 1, 2013.
4. Existing Dischargers that submit a Notice of Termination (NOT) prior to July 1, 2013 and that receive NOT approval from the Regional Water Board are not subject to this General Permit.

E. New Dischargers Obtaining Coverage On or After July 1, 2013:

1. New Dischargers registering for NOI coverage on or after July 1, 2013 shall designate an LRP to certify and submit PRDs via SMARTS seven (7) days prior to commencement of industrial activities or on July 1, 2013, whichever comes later.
2. New Dischargers registering for NEC coverage on or after July 1, 2013 shall designate an LRP to certify and submit PRDs via SMARTS by July 1, 2014 or seven (7) days prior to commencement of industrial activities, whichever comes later.
3. NOI and NEC coverage shall not commence until the PRDs and the annual fee are received by the State Water Board, a Waste Discharge Identification (WDID) number is assigned, and notification is sent to the Discharger by SMARTS. In order to demonstrate compliance with this General Permit, the Discharger must present documentation of a valid WDID upon request.

F. Termination and Changes to General Permit Coverage

1. Dischargers with NOI or NEC coverage shall request termination of coverage under this General Permit when either (a) the facility is sold or operation of the facility has been transferred to another entity, (b) the facility has ceased operations, completed closure activities, and removed all industrial related pollutants, or (c) the facility's operations have changed and are no longer subject to the General Permit. The Discharger's LRP shall certify and submit a Notice of Termination (NOT) via SMARTS. Until a valid NOT is received, the Discharger remains responsible for compliance with this General Permit and payment of accrued annual fees.
2. Dischargers with NOI coverage where the facility qualifies for NEC coverage in accordance with Section XVII of this General Permit, the Discharger's LRP may register for NEC coverage via SMARTS. The Discharger is not required to submit a NOT, as long as their NEC coverage is valid.
3. Dischargers with NEC coverage, where the changes in the facility and/or facility operations occur, which result in NOI coverage instead of NEC coverage, shall designate an LRP to register for the NOI coverage via SMARTS. The Discharger is not required to submit an NOT as long as the NOI coverage is approved.
4. Dischargers shall provide additional information supporting an NOT, or revise their PRDs via SMARTS upon request by the Regional Water Board.
5. Dischargers that are denied approval of a submitted NOT or registration for NEC coverage by the Regional Water Board, shall continue compliance with this General Permit under NOI coverage.
6. New Dischargers (Dischargers with no previous NOI or NEC coverage) shall register for NOI coverage should the Regional Water Board deny approval of NEC coverage.
7. Dischargers that change coverage from NOI coverage to NEC coverage are not required to pay the annual fees associated with NEC coverage until the following billing cycle. Dischargers changing coverage from NEC coverage to NOI coverage shall pay the full NOI coverage annual fee. The NOI coverage fee shall not be pro-rated.

G. Certification and Preparation Requirements

For SMARTS electronic account management and security reasons, as well as enforceability of this General Permit, Dischargers shall designate a LRP to certify and submit all PRDs. The LRP shall be designated in accordance with the Electronic Signature and Certification Requirements in Section XXI.K. The Discharger shall certify and submit via SMARTS all documents required by this General Permit in accordance with Section XXI.K. This General Permit has additional preparation requirements to the applicable documents listed below:

1. Annual Monitoring Reports and SWPPPs (other than SWPPPs for Inactive Mining): by July 1, 2014, or seven (7) days prior to commencement of industrial activities, whichever comes last, all Annual Monitoring Reports and new or revised SWPPPs shall be:
 - a. Prepared by a QISP I, II or III
 - b. Certified and submitted by the Discharger's LRP via SMARTS
2. NEC Checklist: All NEC Checklists (new or re-certified) shall be:
 - a. Prepared by a QISP II or III
 - b. Certified and submitted by the Discharger's LRP via SMARTS
3. NOTs: by July 1, 2014, all new or revised NOTs shall be:
 - a. Prepared by a QISP I, II or III
 - b. Certified and submitted by the Discharger's LRP via SMARTS
4. Sampling Frequency Reduction Request (SFR)
 - a. Prepared by a QISP II or III
 - b. Certified and submitted by the Discharger's LRP via SMARTS
5. Sampling Location Reduction Request (SLR)
 - a. Prepared by a QISP II or QISP III
 - b. Certified and submitted by the Discharger's LRP via SMARTS
6. Level 1 ERA Reports (Section XII.C), shall be:
 - a. Prepared by a QISP I, II or III
 - b. Certified and submitted by the Discharger's LRP via SMARTS
7. Level 2 ERA Technical Reports (Section XII.D) and Demonstration Technical Reports for BAT/BCT, Non-Industrial, or Natural Background (Sections XII.E) shall be:
 - a. Prepared by a QISP III
 - b. Certified and submitted by the Discharger's LRP via SMARTS
8. Level 2 BMP Implementation Extension Request (BIERs) shall be:
 - a. Prepared by a QISP III
 - b. Certified and submitted by the Discharger's LRP via SMARTS

9. SWPPPs and Annual Monitoring Report for Inactive mining operations as described in Section XIII shall be prepared by a California licensed professional civil engineer. The Discharger shall designate an LRP to certify and submit via SMARTS.
10. The following shall be prepared by a California licensed professional engineer. The Discharger shall designate an LRP to certify and submit the following via SMARTS:
 - a. Calculations for Dischargers subject to Subchapter N as required in Section XI.E; and,
 - b. NONA Technical Reports required for discharges that occur in basins or other physical locations that are not tributaries or hydrologically connected to waters of the United States.

III. DISCHARGE PROHIBITIONS

- A.** All discharges of storm water are prohibited except as specifically authorized by this General Permit or another NPDES permit.
- B.** Except for non-storm water discharges (NSWDs) authorized in Section IV, discharges of liquids or materials other than storm water, either directly or indirectly to waters of the United States, are prohibited. These unauthorized NSWDs must be either eliminated or authorized by a separate NPDES permit.
- C.** Industrial storm water discharges and authorized NSWDs shall not contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in section 13050 of the Water Code.
- D.** Dischargers shall not violate any discharge prohibitions contained in applicable Regional Water Board Water Quality Control Plans (Basin Plans), or statewide water quality control plans and policies. Discharges to ASBS are prohibited by the California Ocean Plan, unless granted an exception by the State Water Board and in compliance with the Special Protections contained in Resolution 2012-0012.
- E.** Industrial storm water discharges and authorized NSWDs regulated by this General Permit shall not contain hazardous substances equal to or in excess of a reportable quantity listed in 40 C.F.R. section 110.6, 117.21, or 302.6.

IV. AUTHORIZED NON-STORM WATER DISCHARGES (NSWDs)

- A.** The following NSWDs are authorized provided they satisfy the conditions of Section IV.B:
 1. Fire-hydrant and fire prevention or response system flushing;
 2. Potable water sources; including potable water related to the operation, maintenance, or testing of potable water systems;

3. Drinking fountain water; atmospheric condensate, including refrigeration, air conditioning, and compressor condensate;
 4. Irrigation drainage and landscape watering;
 5. Natural springs, ground water, and foundation and footing drainage; and,
 6. Seawater infiltration where the seawater is discharged back into the source.
- B.** The NSWDS identified in Section IV.A are authorized by this General Permit if the Discharger satisfies the following conditions:
1. The NSWDS are not in violation of any Regional Water Board requirement;
 2. The NSWDS are not in violation of any municipal agency ordinance or requirement;
 3. Facility-specific BMPs have been included in the SWPPP to:
 - a. Prevent or reduce the contact of NSWDS with materials or equipment that are potential sources of pollutants;
 - b. Minimize, to the extent practicable, the flow or volume of NSWDS; and,
 - c. Ensure that NSWDS do not contain quantities of pollutants that cause or contribute to an exceedance of either water quality objectives or water quality standards (collectively, WQS).
 4. Conduct quarterly visual observations (Section XI.A.1.b) of NSWDS and sources to ensure adequate BMP implementation and effectiveness; and,
 5. Report and describe all NSWDS in the Annual Report.
- C.** Firefighting related discharges are not subject to this General Permit and are not subject to the conditions of Section IV.B. These discharges, however, may be subject to Regional Water Board enforcement actions under other sections of the Water Code. Firefighting related discharges that are contained and are later discharged may be subject to municipal agency ordinances and/or Regional Water Board requirements.

V. EFFLUENT LIMITATIONS

- A.** Dischargers shall implement BMPs that constitute BAT/BCT to prevent and reduce pollutant discharges.
- B.** Industrial storm water discharges from facilities subject to storm water ELGs in Subchapter N shall not exceed those effluent limitations. The ELGs for industrial storm water discharges subject to Subchapter N are found in Attachment E of this General Permit.

- C. Dischargers located within a watershed for which a Total Maximum Daily Load (TMDL) has been approved by US EPA, shall comply with the approved TMDL if it identifies “industrial activity” or industrial-related activities as a source of the pollution and has an adopted Waste Load Allocation (WLA) and/or implementation language. Attachment D contains a reference list of potential TMDLs that may apply to Dischargers subject to this General Permit.

VI. RECEIVING WATER LIMITATIONS

- A. Dischargers shall ensure that industrial storm water discharges and authorized NSWDLs do not cause or contribute to an exceedance of any applicable WQS in any affected receiving water.
- B. Dischargers shall ensure that industrial storm water discharges and authorized NSWDLs to any surface or groundwater do not adversely affect human health or the environment.
- C. Dischargers shall ensure that industrial storm water discharges and authorized NSWDLs to any surface or groundwater do not contain pollutants in quantities that threaten to cause pollution or a public nuisance.

VII. TMDL REQUIREMENTS

A. Implementation

1. The State Water Board shall reopen this General Permit to incorporate into Attachment D, the Fact Sheet and any other Permit provisions as necessary in order to incorporate TMDL-specific permit requirements, as described in Findings 37 through 41. Once this General Permit is reopened, Dischargers shall comply with the incorporated TMDL-specific permit requirements in accordance with the specified time schedule(s). TMDL-specific compliance dates that exceed the term of this General Permit may be included for reference, and will become enforceable in the event that this General Permit is administratively extended.
2. The State Water Board may, at its discretion, reopen this General Permit to incorporate any revisions to the TMDL-specific permit requirements in Attachment D, or to incorporate any new TMDLs adopted during the term of this General Permit that include requirements for Dischargers covered by this General Permit, and related new TMDL-specific permit requirements.

- B. New Dischargers applying for NOI coverage under this General Permit that will be discharging to an impaired water body for which US EPA has not established or approved a TMDL are not eligible for coverage unless the Discharger:

1. Eliminates all exposure to storm water of the pollutant(s) for which the waterbody is impaired, documents the procedures taken to prevent exposure onsite, and retains such documentation with the SWPPP; or

2. Demonstrates the pollutant for which the waterbody is impaired is not present at the site, and retains documentation of this finding with the SWPPP; or
3. Submits data with the NOI documenting that pollutant discharge will not cause or contribute to an exceedance of WQS. This is demonstrated if the discharge will meet in-stream WQS at the point of discharge or if there are sufficient remaining WLAs in an approved TMDL and the discharge is controlled at least as stringently as similar discharges subject to that TMDL.

VIII. REQUIREMENTS FOR DISCHARGERS WHO HAVE BEEN GRANTED AN OCEAN PLAN EXCEPTION FOR DISCHARGES TO ASBS

Dischargers who were granted an exception to the Ocean Plan prohibition against direct discharges of waste to an ASBS pursuant to Resolution No. 2012-0012 shall comply with the conditions and requirements set forth in Attachment F of this General Permit. Any Discharger that applies for and is granted an exception to the Ocean Plan prohibition after [Insert Adoption Date of this General Permit] shall comply with the conditions and requirements set forth in the exception.

IX. TRAINING QUALIFICATIONS

A. General

1. A Qualified Industrial Storm Water Practitioner (QISP) is a person that is either the Discharger or is designated by the Discharger to perform compliance activities specified in this General Permit and has completed a State Water Board sponsored or approved QISP training course. A California Board for Professional Engineers, Land Surveyors and Geologists licensed professional civil engineer, registered geologist, and a certified engineering geologist (Licensee) is a QISP (level I,II, or III) and does not need to complete a State Water Board-sponsored or approved QISP training course.³
2. Dischargers shall:
 - a. Designate a person to be the facility's QISP and ensure that this person has attended and satisfactorily completed a State Water Board sponsored or approved QISP training course and that this QISP has attained the appropriate level (QISP I, II or III) required to comply with this General Permit. Tables 1 and 2, below, contain the role-specific permit requirements for the different QISP levels.
 - b. Ensure that the facility's designated QISP provides sufficient training to all facility staff members assigned to perform activities related to this General Permit.

³ The State Water Board expects that, due to their obligations to the California Board for Professional Engineers, Licensees will either have or obtain sufficient knowledge and expertise prior to performing the role of a QISP (Level I, II or III).

- c. By July 1, 2014 the Discharger shall ensure that the appropriate level of QISP has performed the applicable role-specific permit requirements in Tables 1 and 2, below.

TABLE 1: Role-Specific Permit Requirements (by Task)

Task	Prepared By	Permit Section
SWPPPs and Annual Monitoring Reports (except for inactive mining facilities)	QISP I, II or III effective July 1, 2014	II.G.1
No Exposure Coverage (NEC) Checklist	QISP II or QISP III	II.G.2
Notice of Termination (NOT)	QISP I, II or III effective July 1, 2014	II.G.3
Sampling Frequency Reduction Request (SFR)	QISP II or QISP III	II.G.4
Sampling Location Reduction Request (SLR)	QISP II or QISP III	II.G.5
Level 1 ERA Evaluation and Report	QISP I, II or III	II.G.6
Level 2 ERA Technical Reports	QISP III	II.G.7
Demonstration Technical Reports	QISP III	II.G.7
BIER	QISP III	II.G.8
SWPPPs for inactive mining facilities	A California licensed professional civil engineer	II.G.9
Monitoring calculations required for Subchapter N facilities	A California licensed professional engineer	II.G.10

TABLE 2: Role-Specific Permit Requirements (by Role)

QISP Level	Pre-requisite	Task
QISP I*	N/A	SWPPP ⁴ , Level 1 ERA Evaluation and Report and NOT
QISP II	N/A	SWPPP ⁹ , NEC, SFR, SLR, Level 1 ERA Evaluation and Report, and NOT. May not prepare the Level 2 Technical Report, and BAT/BCT, non-industrial, and Background Demonstrations in Level 2 ERA
QISP III	N/A	SWPPPs ⁹ NEC, SFR, SLR, Level 1&2 ERA plus BAT/BCT, non-industrial, and Background Demonstration Technical Reports, BIER
California licensed professional civil engineer		SWPPPs for inactive mining
California licensed professional engineer		NONA Technical Reports and Subchapter N calculations

*a QISP I can only perform the QISP actions for 1 type of industrial activity

B. SWPPP Certification Requirements

Dischargers shall certify that the SWPPP complies with the requirements of this General Permit. By July 1, 2014 or seven (7) days prior to commencement of industrial activities, whichever comes later, Dischargers shall:

⁴ For any facility other than an inactive mining facility or one subject to Subchapter N effluent limitation guidelines.

1. Ensure that the SWPPP was prepared by an appropriate level QISP; and,
2. Include the name and contact information (telephone number, e-mail address) of the designated QISP in the SWPPP.

X. SWPPP REQUIREMENTS

A. SWPPP Elements

Dischargers shall develop and implement a site-specific SWPPP for each industrial facility covered by this General Permit that shall contain the following elements, as described further in this Section:

1. Facility Name and Contact Information for Responsible Parties
2. Site Map
3. List of Significant Materials
4. Description of Potential Pollution Sources
5. Assessment of Potential Pollutant Sources
6. Applicable Minimum BMPs
7. Additional Facility-Specific BMPs
8. Monitoring Implementation Plan (MIP)
9. Annual Comprehensive Facility Compliance Evaluation (Annual Evaluation)
10. Date that SWPPP was Initially Prepared and the Date of Each SWPPP Amendment, if Applicable

B. SWPPP Implementation

Dischargers shall implement the SWPPP immediately upon receiving NOI coverage under this General Permit, and upon any addition and/or revision to the SWPPP.

C. SWPPP Performance Standards

1. Dischargers shall ensure the SWPPP is prepared to:
 - a. Identify and evaluate all sources of pollutants that may affect the quality of industrial storm water discharges and authorized NSWDS;
 - b. Identify and describe the minimum BMPs (Section X.H.2), and additional facility-specific BMPs (Section X.H.4) to reduce or prevent pollutants in industrial storm water discharges and authorized NSWDS. BMPs shall be selected to achieve BAT/BCT and compliance with WQS; and,

- c. Identify and describe conditions or circumstances which may require revisions and/or updates to be made to the SWPPP.
2. Dischargers shall prepare the SWPPP in accordance with all applicable SWPPP requirements of this Section. A paper copy of the SWPPP shall be maintained at the facility.

D. Planning and Organization

1. Pollution Prevention Team

Dischargers shall include in the SWPPP:

- a. The positions within the facility organization (collectively, team members) who assist the QISP in implementing the SWPPP and conducting all monitoring requirements in this General Permit;
- b. The responsibilities, duties, and activities of each of the team members; and,
- c. The procedures that shall be implemented to identify alternate team members to implement the SWPPP and monitoring requirements when the regularly assigned team members are temporarily unavailable (due to vacation, illness, out of town business, etc.).

2. Other Requirements and Existing Facility Plans

- a. Dischargers shall ensure the SWPPP is developed, implemented, and revised as necessary to be consistent with any applicable municipal, state, and federal requirements that pertain to the requirements in this General Permit.
- b. Dischargers may incorporate into the SWPPP the specific elements of existing plans, procedures, or regulatory compliance documents that contain storm water-related BMPs or otherwise relate to the requirements of this General Permit.
- c. Dischargers shall properly reference the original sources for any elements of existing plans, procedures, or regulatory compliance documents included as part of the SWPPP and shall maintain a copy of the documents at the facility as part of the SWPPP.
- d. Dischargers shall document the facility's scheduled facility operating hours as defined in Attachment H in the SWPPP. Scheduled facility operating hours that would be considered irregular (temporary, intermittent, seasonal, weather dependent etc.) shall also be documented in the SWPPP.

E. Site Map

1. Dischargers 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. Dischargers may provide the required information on multiple site maps.
3. Dischargers shall include the following information on the site map:
 - a. 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;
 - b. Locations of storm water collection and conveyance systems, associated points of discharge, and direction of flow. Include any structural control measures⁵ that affect industrial storm water discharges, authorized NSWDS, and run-on;
 - c. Identification of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures;
 - d. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified (Section X.G.1.d) have occurred; and,
 - e. Areas of industrial activity subject to this General Permit. Identify all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and material reuse areas, and other areas of industrial activity which may have potential pollutant sources.

F. List of Significant Materials

Dischargers shall ensure the SWPPP includes a list of significant materials handled and stored at the facility, and the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency. Dischargers shall list materials that include raw materials,

⁵ Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.

intermediate products, final or finished products, recycled materials, and waste or disposed materials in the SWPPP.

G. Potential Pollutant Sources

1. Description of Potential Pollutant Sources

a. Industrial Processes

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

b. Material Handling and Storage Areas

Dischargers shall ensure the SWPPP describes each material handling and storage area, including: the type, characteristics, and quantity of significant materials handled or stored; the shipping, receiving, and loading procedures; the spill or leak prevention and response procedures; and the areas protected by containment structures and the corresponding containment capacity.

c. Dust and Particulate Generating Activities

Dischargers shall ensure the SWPPP describes all industrial activities that generate a significant amount of dust or particulate that may be deposited within the facility boundaries. The SWPPP shall describe such industrial activities, including the discharge locations, the source type, the appropriate BMPs, and the characteristics of the dust or particulate pollutant.

d. Significant Spills and Leaks

- i. Dischargers shall ensure the SWPPP includes a description of materials that have spilled or leaked in significant quantities and had the potential to be discharged with the industrial storm water. Unauthorized NSWDS within the previous five-year period that have been discharged through the storm water conveyance system shall also be identified. The SWPPP shall list any toxic chemicals identified in 40 C.F.R. section 302 that have been discharged to the storm water conveyance system as reported on US EPA Form R, as well as oil and hazardous substances in excess of reportable quantities (40 C.F.R. §§ 110, 117, and 302) that have discharged to storm water.
- ii. The SWPPP shall include the location, characteristics, and approximate quantity of the materials spilled or leaked; the cleanup or remedial actions that have occurred or are planned; the approximate

remaining quantity of materials that may be exposed to storm water or NSWDS; and the preventive measures taken to ensure spills or leaks of the material do not reoccur.

e. NSWDS

- i. Dischargers shall ensure the SWPPP includes an evaluation of the facility that identifies all NSWDS, sources, and drainage areas.
- ii. Dischargers shall ensure the SWPPP includes an evaluation of all drains (inlets and outlets) that identifies connections to the storm water conveyance system.
- iii. Dischargers shall ensure all NSWDS are described in the SWPPP. This description shall include the source, quantity, frequency, and characteristics of the NSWDS, associated drainage area, and whether it is an authorized or unauthorized NSWDS in accordance with Section IV.

f. Erodible Surfaces

- i. Dischargers shall ensure the SWPPP includes a description of the facility locations where soil erosion may be caused by industrial activity, contact with storm water, NSWDS, or run-on from areas surrounding the facility.

2. Assessment of Potential Pollutant Sources

- a. Dischargers shall ensure that the SWPPP includes a narrative assessment of all areas of industrial activity with potential industrial pollutant sources. At a minimum, the assessment shall include:
 - i. The areas of the facility with likely sources of pollutants in industrial storm water discharges and authorized NSWDS;
 - ii. The pollutants likely to be present in industrial storm water discharges and authorized NSWDS;
 - iii. The approximate quantity, physical characteristics (e.g., liquid, powder, solid, etc.), and locations of each significant material handled, produced, stored, recycled, or disposed;
 - iv. The degree to which the pollutants associated with those materials may be exposed to and mobilized by contact with storm water; and,
 - v. The direct and indirect pathways by which pollutants may be exposed to storm water or authorized NSWDS.
 - vi. All sampling, visual monitoring, and inspection records.
 - vii. The effectiveness of existing BMPs to reduce or prevent pollutants in industrial storm water discharges and authorized NSWDS.

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

H. Best Management Practices (BMPs)

1. Dischargers shall implement all minimum BMPs as described below and identify, describe and implement appropriate facility-specific BMPs as required in Section X.H.4, to minimize or prevent pollutants in industrial storm water discharges and achieve compliance with BAT/BCT and WQS.

2. Minimum BMPs

Dischargers shall implement the minimum BMPs identified in areas of the facility from which industrial storm water is discharged to waters of the United States. Dischargers may eliminate or revise any BMPs determined to be inapplicable, infeasible, inappropriate, or that require operational or physical revisions of the facility that exceed BAT/BCT and compliance with WQS. Dischargers shall document these reasons in the SWPPP. Dischargers shall determine the appropriate BMP inspection frequencies related to the minimum BMPs. Dischargers shall revise, replace and maintain all BMPs, as needed. The Discharger is not required to narratively describe the minimum BMP inspection results in the Annual Monitoring Report. The Annual Monitoring Report only requires a certification that minimum BMP inspections were completed.

- a. Good Housekeeping

Dischargers shall:

- i. Observe all outdoor areas associated with industrial activity; including storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, waste, spills, tracked materials, or leaked materials shall be cleaned and disposed of properly;
- ii. Implement BMPs to minimize or prevent material tracking;
- iii. Implement BMPs to ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;
- iv. Cover all stored industrial materials that can be readily mobilized by contact with storm water;
- v. Contain all stored non-solid industrial materials (e.g., liquid, powder, etc.) that can be transported or dispersed via wind or contact with storm water;

- vi. Prevent disposal of any rinse/wash waters or industrial materials into the storm water conveyance system; and,
- vii. Minimize storm water discharges from non-industrial areas (e.g., storm water flows from employee parking area) from contact with industrial areas of the facility.
- viii. Minimize NSWDS from non-industrial areas (e.g., potable water, fire hydrant testing, etc.) from contact with industrial areas of the facility.

b. Preventive Maintenance

Dischargers shall:

- i. Identify all equipment and systems used outdoors that may spill or leak pollutants;
- ii. Observe the identified equipment and systems to detect leaks, or identify conditions that may result in the development of leaks;
- iii. Establish an appropriate schedule for maintenance of identified equipment and systems; and,
- iv. Establish procedures for prompt maintenance and repair of equipment, and maintenance of systems when conditions exist that may result in the development of spills or leaks.

c. Spill Response

Dischargers shall:

- i. Develop and implement spill response procedures to prevent industrial materials from discharging through the storm water conveyance system. Spilled materials shall be cleaned promptly and disposed of properly;
- ii. Identify and describe all necessary and appropriate spill response equipment, location(s) of spill response equipment, and spill response equipment maintenance procedures; and,
- iii. Identify and train appropriate spill response personnel.

d. Material Handling and Waste Management

Dischargers shall:

- i. Prevent or minimize handling of industrial materials or wastes that can be readily mobilized by contact with storm water during a storm event;
- ii. Contain non-solid industrial materials or wastes that can be dispersed via wind erosion or contact with storm water during handling;

- iii. Cover waste disposal containers and material storage containers when not in use;
 - iv. Direct run-on away from all stock piled materials;
 - v. Clean all spills of industrial materials/wastes that occur during handling in accordance with the spill response procedures (Section X.H.2.c); and,
 - vi. Observe and clean as appropriate, any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.
- e. Employee Training Program

Dischargers shall:

- i. Ensure that all personnel responsible for implementing the various compliance activities of this General Permit, including BMP implementation, evaluations, BMP observations, monitoring activities, and storm water compliance management are adequately trained. By July 1, 2014, any personnel shall be trained by a QISP;
 - ii. Prepare or acquire appropriate training manuals or training materials;
 - iii. Identify which personnel need to be trained, their responsibilities, and the type of training they shall receive;
 - iv. Provide a training schedule; and,
 - v. Maintain documentation of all completed training classes and the personnel that received training in the SWPPP.
- f. Quality Assurance and Record Keeping

Dischargers shall:

- i. Develop and implement management procedures to ensure that appropriate staff implements all elements of the SWPPP, including the MIP;
- ii. Develop a method of tracking and recording the implementation of BMPs identified in the SWPPP; and,
- iii. Maintain the BMP tracking records, training records, and records related to any spills and clean-up related response activities for a minimum of five (5) years (Section XXI.J.3).

g. Erosion and Sediment Controls

For each erodible surface facility location identified in the SWPPP (Section X.G.6), Dischargers shall:

- i. Implement effective wind erosion controls;
- ii. Provide effective stabilization for inactive areas, finished slopes, and other erodible areas prior to a forecasted storm event;
- iii. 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;
- iv. Design sediment basins to ensure compliance with the design storm standards in Section X.H.7;
- v. Direct run-on away from all erodible materials; and,
- vi. Maintain all sediment and erosion control BMPs as needed to comply with this General Permit during all times.

h. Temporary Suspension of Industrial Activities

For facilities that have planned to temporarily suspend industrial activities for ten (10) or more consecutive calendar days during a reporting year, Dischargers shall include in the SWPPP the BMPs necessary to assure compliance with BAT/BCT during the temporary suspension of the industrial activity.

3. Periodic SWPPP Updates

Dischargers shall:

- a. During each reporting year, evaluate whether additional periodic facility inspections are required outside the required Annual Evaluation (Section XV);
- b. Update the SWPPP as needed and, when revised significantly, certify and submit the revised SWPPP via SMARTS within 30 days; and,
- c. Certify in the Annual Monitoring Report any additional periodic facility inspections and SWPPP updates.

4. Facility-Specific BMPs

The minimum BMPs listed in Section X.H.2 are required for all facilities. Based upon the potential pollutant source assessment required in Section X.G, Dischargers shall identify and implement additional facility-specific BMPs necessary to minimize or prevent pollutants in industrial storm water discharges to achieve compliance with BAT/BCT and WQS.

5. BMP Descriptions

Dischargers shall ensure the SWPPP include a narrative description of each BMP implemented at the facility, including:

- a. The pollutant(s) that the BMP is designed to minimize or prevent in industrial storm water discharges;
 - b. The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation;
 - c. The locations within each area of industrial activity or industrial pollutant source where the BMP shall be implemented;
 - d. The individual and/or position responsible for implementing the BMP;
 - e. The procedures, including maintenance procedures, and/or instructions to implement the BMP effectively; and
 - f. The equipment and tools necessary to implement the BMP effectively.
6. BMP Summary Table

Dischargers shall prepare a table summarizing each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented.

7. Design Storm Standards for Treatment Control BMPs

All treatment control BMPs employed by Dischargers shall be designed to comply with design storm standards as follows:

- a. Volume-based BMPs: Dischargers shall, at a minimum, design volume-based, treatment control BMPs to effectively treat the storm water volume generated from the 85th percentile 24-hour storm event. Dischargers shall calculate⁶ the volume to be treated using one of the following methods:
 - i. The volume of runoff produced from an 85th percentile storm event. Isopluvial maps for the 85th percentile storm event are available on the internet;
 - ii. The volume of runoff produced by the 85th percentile storm event, determined as the maximized capture runoff volume for the facility, from the formula recommended in the Water Environment Federation's Manual of Practice;⁷ or,
 - iii. The volume of annual runoff based on unit basin storage volume, to achieve 90% or more volume treatment by the method recommended

⁶ All hydrologic calculations shall be certified by a California licensed professional engineer in accordance with the Professional Engineers Act (Bus. & Prof. Code § 6700, et seq).

⁷ Water Environment Federation (WEF). Manual of Practice No. 23/ ASCE Manual of Practice No. 87, pg. 175 Equation 5.2 (1998).

in the latest edition of California Stormwater Best Management Practices Handbook⁸.

- b. Flow-based BMPs: storm water flow-based BMPs shall be designed to treat an hourly flow of no less than two times the maximum hourly flow of an 85th percentile 24-hour storm. Dischargers shall calculate the flow needed to be treated using one of the following methods:
 - i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch/hr for each hour of a storm event;
 - ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from local historical rainfall records, multiplied by a factor of two; or,
 - iii. The maximum flow rate of runoff, as determined using local historical rainfall records, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
- c. In lieu of complying with the design storm standards for treatment control BMPs in this section, Dischargers may certify and submit a BAT/BCT Compliance Demonstration Technical Report (Section XII.E.3).
- d. The State Water Board Deputy Director of the Division of Water Quality may revise the treatment design storm standard provided in this General Permit in writing for a Discharger or group of Dischargers based upon sampling data indicating that a revised design storm standard would be protective of water quality, or upon the Deputy Director's determination that the treatment technology associated with the revised design storm standard meets BAT/BCT.

I. MONITORING IMPLEMENTATION PLAN (MIP)

Dischargers shall prepare a MIP in accordance with the requirements of this General Permit. The MIP shall be included in the SWPPP. The MIP shall include the following items:

- 1. An identification of team members assigned to conducting the monitoring requirements;
- 2. A description of visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures related to NSWD visual observations, storm water discharge visual observations, and pre-storm visual observations;

⁸ California Stormwater Quality Association. Stormwater Best Management Practice New Development and Redevelopment Handbook. Web. 1 June 2012. <<http://www.cabmphandbooks.com/Development.asp>>.

3. A description of sampling locations and sample collection and handling procedures in accordance with the sample collection and handling instructions in Attachment B. This shall include detailed procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained. This shall also include the list of parameters to be tested by the analytical laboratory. Team members conducting sampling shall follow the calibration instructions, including calibration intervals specified by the manufacturer, provided with the field instrument; and,
4. An example Chain of Custody form used when handling and shipping samples.

XI. MONITORING REQUIREMENTS

A. Visual Observations

1. Non-Storm Water Discharge (NSWD) Visual Observations
 - a. Dischargers shall visually observe each drainage area for:
 - i. The presence or indications of prior, current, or potential unauthorized NSWDs and their sources; and,
 - ii. Authorized NSWDs and their sources.
 - b. Except as provided for storage and containment (Section XI.A.2.b), Dischargers shall conduct NSWD visual observations quarterly. Quarters are defined as follows:
 - 1st Quarter = January, February, March
 - 2^d Quarter = April, May, June
 - 3^d Quarter = July, August, September
 - 4th Quarter = October, November, December
 - c. Dischargers shall select appropriate intervals when scheduling quarterly NSWD visual observations. For observation intervals that are greater than 16 weeks apart, a justification shall be included in the Annual Monitoring Report. NSWD visual observations shall be conducted during daylight hours within scheduled facility operating hours on days without precipitation.
 - d. In the event that NSWD visual observations are not conducted as scheduled in the MIP, Dischargers shall provide an explanation in the Annual Monitoring Report.
 - e. Dischargers shall ensure documentation of the presence, indication, or source of any authorized and/or unauthorized NSWD, the presence or absence of floating and suspended materials, oil and grease,

discolorations, turbidity, odors, trash/debris, and source(s) of any observed pollutants (if different from the source of the NSWD).

2. Storm Water Discharge Visual Observations

- a. Dischargers shall ensure that a visual observation is conducted of industrial storm water discharges from the first Qualifying Storm Event (QSE) as defined in Section XI.B.2 of each month that produces a discharge from one or more discharge locations. Visual observations shall be conducted during scheduled facility operating hours and within the first four (4) hours of:
 - i. The start of discharge; or
 - ii. The start of facility operations if the QSE occurs within the previous 12 hour period (storms that begin the previous night).
- b. Dischargers shall ensure that visual observations of discharge from contained storm water⁹ are conducted at the time of discharge. If the discharge is not likely to occur during scheduled facility operating hours (based upon rainfall forecasts and containment freeboard), the visual observations of the contained storm water shall be conducted prior to discharge.
- c. Visual observations shall include observation of the presence or absence of floating and suspended materials, oil and grease, discolorations, turbidity, odors, trash/debris, and source(s) of any observed pollutants.
- d. Prior to an anticipated precipitation event, visual observations of all storm water drainage and containment areas shall be conducted to identify any spills, leaks, or improperly controlled pollutant sources, and appropriate BMPs must be implemented prior to rainfall. The visual observations are required during scheduled facility operating hours and are not required more than once within in any 14 day period. An anticipated precipitation event is any weather pattern that is forecasted by the National Weather Service Forecast Office to have a 50% or greater probability of producing precipitation in the facility's weather zone. Dischargers shall ensure that a QISP reviews precipitation forecast information from the National Weather Service Forecast Office (e.g., by entering the zip code of the project's location at <http://www.srh.noaa.gov/forecast>).
- e. In the event that the first QSE in a month does not produce a discharge that can be visually observed at one or more discharge locations, dischargers shall record which discharge locations were observed that did not discharge, and visually observe discharges from those locations from the next QSE(s) that produces a discharge in that month. Dischargers shall provide an explanation in the Annual Report for uncompleted monthly visual observations only for those months that at least one QSE

⁹ Contained storm water is storm water which is first collected in a containment structure and then discharged.

occurs. Dischargers are not required to perform additional visual observations in subsequent months for any uncompleted monthly visual observations.

- f. Dischargers shall maintain records of all visual observations. Records shall include the date, approximate time, locations observed, name of person(s) that conducted the observations, and any response actions and/or additional SWPPP revisions necessary in response to the visual observations.

B. Sampling and Analysis

1. Dischargers shall ensure that collection of storm water samples are made at all locations that discharge storm water associated with industrial activity for the first QSE of each quarter in the reporting year. In addition, the first discharge of contained storm water that occurs in each quarter (as defined in this Section A.2.b, above) shall be sampled.
2. A Qualifying Storm Event (QSE) is a discharge of storm water that occurs:
 - a. From a storm event that has produced a minimum of 1/10 inch of rainfall within the preceding 24 hour period as measured by an on-site rainfall measurement device; and
 - b. From a storm event that was preceded by 72 hours of dry weather. Dry weather shall be defined as 72 hours of combined rainfall of less than 1/10 inch as measured by an on-site rainfall measurement device.
3. Samples shall be collected from each drainage location within four (4) hours of:
 - a. The start of the discharge, or
 - b. The start of facility operations if the QSE occurs within the previous 12 hour period (storms that begin the previous night). Sample collection is required during scheduled facility operating hours and when sampling conditions are safe. (Section XI.C.5.a).
4. In the event that the first QSE in a quarter does not produce a discharge that can be sampled at one or more sampling locations, dischargers shall record which sampling locations were observed that did not discharge, and collect samples from those locations from the next QSE(s) that produces a discharge in that quarter. If the Discharger fails to collect a quarterly sample at one or more sampling locations that did produce a discharge within a quarter, the Discharger is required to fulfill the sampling requirement from an additional QSE that produces a discharge in a subsequent quarter. Dischargers shall provide an explanation in the Annual Report for uncompleted quarterly sample collection only for those quarters that at least one QSE occurs. For each discharge location, the maximum number of samples required per reporting year is four (4). The maximum number of samples collected for

each discharge location per reporting year shall be reduced for each quarter in which a QSE does not occur or a QSE occurs but that does not produce a discharge.

5. Dischargers shall analyze all effluent samples obtained for the following parameters:
 - a. Total suspended solids (TSS), pH, and oil & grease (O&G) listed in Table 3;
 - b. Additional, applicable parameters selected by the Discharger on a facility-specific basis designed to indicate the presence of all industrial pollutants identified in the pollutant source assessment required (Section X.G.2.a). These additional parameters may be modified (added or removed) in accordance with any updated SWPPP pollutant source assessment;
 - c. Additional applicable parameters listed in Table 4. These parameters are dependent on the facility Standard Industrial Classification (SIC) code(s);
 - d. Additional applicable parameters related to 303(d) listed impaired waterbodies. Dischargers shall ensure that the facility is evaluated for potential to discharge pollutants to 303(d) listed impaired waters. Dischargers shall evaluate the potential industrial pollutants that are related to the impaired receiving waters and shall analyze for additional sampling parameters. Parameters indicating the presence of industrial pollutants that may be causing or contributing to an exceedance of a water quality standard in the receiving waters. Test methods with lower detection limits may be necessary when discharging to 303(d) listed impaired water bodies.
 - e. Additional parameters required by the Regional Water Board. Dischargers shall contact the Regional Water Board to determine appropriate analytical methods for parameters not listed in Table 5; and,
 - f. Additional parameters specifically required by Subchapter N. Dischargers subject to ELGs shall contact the Regional Water Board to determine appropriate analytical methods for parameters not listed in Table 5.
6. Discharger shall select corresponding NALs, analytical test methods, detection limits, and reporting units from the list provided in Table 5.

TABLE 3: Test Methods, Detection Limits, and Reporting Units for Base Parameters

PARAMETER	UNITS	ANNUAL NAL	INSTANTANEOUS MAXIMUM NAL	LAB METHOD	METHOD DETECTION LIMIT
pH	pH units	6.0 - 9.0	6.0 - 9.0	Field Test with Calibrated Portable Instrument, or lab sample in accordance with 40 CFR § 136.	N/A
Total Suspended Solids (TSS)	mg/L	100	400	SM2540-D	1.0
Oil & Grease (O&G)	mg/L	15	25	EPA 1664A	1.0

7. Dischargers shall ensure that the collection, preservation and handling of all storm water samples are in accordance with Attachment B, Storm Water Sample Collection and Handling Instructions.
8. Dischargers shall ensure that all field measurements for pH are conducted using a calibrated portable instrument in accordance with the accompanying manufacturer's instructions. Samples from different drainage areas shall not be combined or composited prior to field measurements or laboratory analysis. The Discharger shall ensure that all laboratory analyses are conducted according to test procedures under 40 C.F.R. section 136, including the observation of holding times, unless other test procedures have been specified in this General Permit or by the Regional Water Board.
9. Sampling Analysis Reporting
 - a. The Discharger's LRP shall certify and submit all analytical results via SMARTS within 30 days of obtaining all required results for each sampling event. Reported analytical results will be averaged automatically by SMARTS. For all effluent sampling analytical results that are properly reported by laboratory as "non-detected," or something similar, the Discharger shall report and use the value equal to ½ of the method detection limit reported for that analytical parameter for any calculations required by this General Permit.
 - b. The Discharger's LRP shall certify and submit the following via SMARTS:
 - i. The individual field results for pH; and
 - ii. Laboratory analytical results for all individual or qualified combined samples.

TABLE 4: Additional Analytical Parameters

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

*Table 4 Parameter Reference	
Ag – Silver	Mg – Magnesium
Al – Aluminum	N+N - Nitrate & Nitrite Nitrogen
As – Arsenic	NH – Ammonia
BOD – Biochemical Oxygen Demand	Ni – Nickel
Cd – Cadmium	P – Phosphorus
Cn – Cyanide	Se – Selenium
COD – Chemical Oxygen Demand	TSS – Total Suspended Solids
Cu – Copper	Zn – Zinc
Fe – Iron	Pb – Lead
Hg – Mercury	

TABLE 5: Parameter NAL Values, Test Methods, Detection Limits, and Reporting Units

PARAMETER	TEST METHOD	METHOD DETECTION LIMIT***	REPORTING UNITS	ANNUAL NAL	INSTANTANEOUS MAXIMUM NAL
pH*	field test with calibrated portable instrument, or lab sample in accordance with 40 CFR § 136.		pH units	6.0-9.0	6.0-9.0
Suspended Solids (TSS)*, Total	SM 2540-D	1.0	mg/L	100	400
Oil & Grease (TOG)*, Total	EPA 1664A	1.0	mg/L	15	25
Zinc, Total (H)	EPA 200.8	0.0005	mg/L	0.26**	
Copper, Total (H)	EPA 200.8	0.0005	mg/L	0.0332**	
Cyanide, Total	EPA 3135.2I	0.003	mg/L	0.022	
Lead, Total (H)	EPA 200.8	0.0005	mg/L	0.262**	
Chemical Oxygen Demand	SM 5220C	1.0	mg/L	120	
Aluminum, Total	EPA 200.8	0.0005	mg/L	0.75	
Iron, Total	EPA 200.7	0.005	mg/L	1.0	
Nitrate + Nitrite Nitrogen	SM 4500-NO3- E	0.01	mg/L as N	0.68	
Total Phosphorus	SM 4500-P B+E	0.05	mg/L as P	2.0	
Ammonia	SM 4500-NH3 B+ C or E	0.1	mg/L	2.14	
Magnesium, total	EPA 200.7	0.0005	mg/L	0.064	
Arsenic, Total (c)	EPA 200.8	0.0005	mg/L	0.15	
Cadmium, Total (H)	EPA 200.8	0.0002	mg/L	0.0053**	
Nickel, Total (H)	EPA 200.8	0.0005	mg/l	1.02**	
Mercury, Total	EPA 245.1	0.0001	mg/L	0.0014	
Selenium, Total	EPA 200.8	0.0005	mg/L	0.005	
Silver, Total (H)	EPA 200.8	0.0002	mg/L	0.0183**	
Biochemical Oxygen Demand	SM 5210B	3.0	mg/L	30	

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

* Minimum parameters required by this General Permit

**The NAL is the highest value used by EPA based on their hardness table in the 2008 MSGP.

***More stringent test methods with lower detection limits may be used.

C. Methods and Exceptions

1. The Discharger shall comply with the monitoring methods in this General Permit and Attachment B.
2. Storm Water Discharge Sampling Locations
 - a. Dischargers shall ensure that all storm water discharge sampling locations are representative of only those drainage areas associated with industrial activities. The storm water discharge observed and collected from these sampling locations shall be representative of the storm water discharge generated in each drainage area. For sheet flow, the Discharger shall determine the appropriate sampling location(s) which represent industrial storm water discharges generated from the corresponding drainage area.
 - b. Dischargers shall identify practicable alternate sample collection locations representative of the facility's storm water discharge if:
 - i. Specific drainage areas at the facility are affected by storm water run-on from off-site areas or on-site non-industrial areas; or
 - ii. Specific sampling locations which are difficult to sample (e.g. submerged discharge outlets, dangerous discharge location accessibility).
3. Sampling Location Reduction (SLR)
 - a. For each drainage area (or sub-drainage areas) with multiple discharge locations (e.g., roofs with multiple downspouts, equipment storage areas with multiple storm drain inlets), the Discharger may reduce the number of sample locations if a SLR report is prepared documenting that the industrial activities and physical characteristics (grade, surface materials, etc.) of the drainage areas for each sampling location are substantially similar to one another;
 - b. An eligible Discharger's LRP shall certify and submit via SMARTS a SLR report prior to October 1 of the reporting year. The SLR report shall be prepared by a QISP II or III and include documentation that the above conditions have been satisfied.
 - c. Regional Water Boards may reject the SLR report and/or request additional supporting documentation. In such instances, the Discharger is not eligible for the SLR until the Regional Water Board provides SLR report approval. Revised SLR reports shall be certified and submitted via SMARTS by the Discharger's LRP.
4. Qualified Combined Samples
 - a. Dischargers may authorize the lab to combine samples of equal volume from as many as four (4) drainage areas if the industrial activities and

physical characteristics (grade, surface materials, etc.) within each of the drainage areas are substantially similar to one another.

- b. Dischargers shall provide documentation supporting that the above conditions have been evaluated as part of the Annual Monitoring Report submittal. Regional Water Board approval is necessary to combine samples from more than four (4) drainage areas.

5. Sample Collection and Visual Observation Exceptions

- a. Sample collection and visual observations are not required under the following conditions:
 - i. During dangerous weather conditions such as flooding or electrical storms; or,
 - ii. Outside of scheduled facility operating hours. However, Dischargers are not precluded from collecting samples or conducting visual observations outside of scheduled facility operating hours if they choose to do so.
- b. In the event that samples are not collected, or visual observations are not conducted due to these exceptions, an explanation shall be included in the Annual Monitoring Report.

6. Sampling Frequency Reduction (SFR)

- a. Dischargers are eligible to reduce the number of QSEs sampled each reporting year in accordance with the following requirements:
 - i. The Discharger has taken samples in eight (8) consecutive quarters where QSEs occurred that produced a discharge;
 - ii. Sampling results from the eight (8) QSEs did not exceed any NALs as defined in Section XII.A; and,
 - iii. The Discharger is in full compliance with the requirements of this General Permit and has updated, certified and submitted via SMARTS all documents, data, and reports required by this General Permit during the same eight (8) consecutive quarters in which samples were collected from QSEs. Dischargers subject to enforcement actions by the Regional Water Boards may be excluded from eligibility.
- b. An eligible Discharger's LRP shall certify and submit via SMARTS a SFR report. The SFR report shall be prepared by a QISP II or III and include documentation that the above conditions have been satisfied.
- c. Upon submittal of a SFR report the Discharger shall collect and analyze samples from the first QSE producing a discharge occurring on or after October 1 of the next reporting year. Regional Water Boards may reject

SFR report and/or request additional supporting documentation. In such instances, the Discharger is not eligible for the SFR until the Regional Water Board provides SFR report approval. Revised SFR reports shall be certified and submitted via SMARTS by the Discharger's LRP.

E. Facilities Subject to Federal Storm Water Effluent Limitation Guidelines and New Source Performance Standards

1. In addition to the other requirements in this General Permit, Dischargers with facilities subject to storm water ELGs in Subchapter N shall:
 - a. Collect and analyze samples quarterly from QSEs for each regulated pollutant specified in the appropriate category in Subchapter N;
 - b. For Dischargers with facilities subject to category 491 and 443, estimate or calculate the volume of industrial storm water discharges from each drainage area subject to the ELGs and the mass of each regulated pollutant as defined in category 419 and 443 in Subchapter N; and,
 - c. Provide the calculations described in this Section E.1.b above certified by a California licensed professional engineer.
2. Dischargers subject to Subchapter N shall submit the information in Section XI.E.1.a.-c. in their Annual Report.
3. Dischargers with facilities subject to storm water ELGs in Subchapter N are not eligible for the SLR in Section XI.C.3.

XII. EXCEEDANCE RESPONSE ACTIONS (ERAs)

A. NALs and NAL Exceedances

1. Dischargers shall perform sampling, analysis and reporting in accordance with the requirements of this General Permit and use this information to conduct two types of assessment related to NALs. There are two types of NAL exceedances based upon the NAL values found in Table 5. The NAL exceedances are as follows:
 - a. Annual NAL exceedance: the Discharger shall determine the average concentration for each parameter using the results of all the sampling and analytical results for the entire facility for the reporting year (i.e., all "effluent" data) and compare this to the corresponding annual NAL values in Table 5. For Dischargers using composite sampling or flow-weighted measurements in accordance with standard practices, the average concentrations shall be calculated in accordance with the US EPA Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Multi-Sector Storm Water General Permit.¹⁰ An annual NAL

¹⁰ US EPA. Guidance Manual for the Monitoring and Reporting Requirements of The NPDES Multi-Sector Storm Water General Permit. Web. 5 May 2012.

exceedance occurs when the average of all the analytical results for a parameter from samples taken within a reporting year exceeds an annual NAL value for that parameter listed in Table 5 (or is outside the NAL pH range);

- b. Instantaneous maximum NAL exceedance: the Discharger shall compare all sampling and analytical results from each distinct sample (individual or combined) to the corresponding instantaneous maximum NAL values in Table 5. An instantaneous maximum NAL exceedance occurs when two or more analytical results for TSS, O&G, or pH from samples taken within a reporting year exceed the instantaneous maximum NAL value (or is outside the NAL pH range).
2. Dischargers are not required to initiate Level 1 ERAs for storm water samples collected prior to July 1, 2014.

B. Baseline Status - No Exceedance

1. At the beginning of a Discharger's NOI Coverage, all Dischargers have Baseline status.
2. Dischargers with Level 1 or Level 2 status will return to Baseline status upon eight (8) consecutive QSEs resulting in no additional NAL exceedances.
3. Dischargers with Level 2 status will return to Baseline status upon certifying and submitting a Demonstration Technical Report.

C. Level 1 Status - Operational Source Control

1. In the event that sampling results indicate an NAL exceedance, the Discharger's Baseline status immediately and automatically changes to Level 1 status for all parameters exceeded.
2. Within 60 days of obtaining Level 1 status, Dischargers shall complete an evaluation of the facility's SWPPP and all the industrial pollutant sources at the facility. The evaluation shall identify whether additional operational source control BMPs and/or SWPPP implementation measures are necessary to prevent or reduce all industrial pollutants in industrial storm water discharges in compliance with BAT/BCT. This evaluation shall not be limited to the parameter(s) exceeding the NAL(s).
3. Based upon the above evaluation, the Discharger shall, as soon as practicable, but no later than October 1 of the following reporting year:
 - a. Implement any additional operational and/or source control BMPs and SWPPP implementation measures;
 - b. Revise the SWPPP; and,

[http://yosemite.epa.gov/r10/water.nsf/34090d07b77d50bd88256b79006529e8/99535c0504eb034988256ace006a00e4/\\$FILE/MSGP%20monitoring%20&%20reporting%20guidance.pdf](http://yosemite.epa.gov/r10/water.nsf/34090d07b77d50bd88256b79006529e8/99535c0504eb034988256ace006a00e4/$FILE/MSGP%20monitoring%20&%20reporting%20guidance.pdf).

- c. Certify and submit via SMARTS a Level 1 ERA Report prepared by a QISP that includes the following:
 - i. A summary of the Level 1 ERA evaluation required in Section XII.C.2;
 - ii. An implementation schedule and detailed description for additional operational and/or source control BMPs and SWPPP revisions for each parameter that exceeded an NAL; and,
 - iii. An implementation schedule and general description for additional operational and/or source control BMPs and SWPPP revisions for any other industrial pollutants identified in the Level 1 ERA evaluation.

D. Level 2 Status – Structural / Treatment Control

1. A Discharger's Level 1 status for any parameter(s) immediately and automatically changes to Level 2 status for the same parameter(s) if sampling results indicate an NAL exceedance in any subsequent reporting year for the same parameter(s).
2. Within 120 days of obtaining Level 2 status, the Discharger shall:
 - a. Complete an evaluation of the facility's SWPPP and all the pollutant sources that may have contributed to the NAL exceedance(s) and identify whether additional structural and/or treatment control BMPs are necessary to prevent or reduce the industrial pollutants that exceeded the NALs in industrial storm water discharges in compliance with BAT/BCT. The Discharger may limit this evaluation to the parameter(s) exceeding the NAL(s); and,
 - b. Certify and submit via SMARTS a Level 2 ERA Technical Report prepared by a QISP III¹¹ that includes the following:
 - i. Results of the Level 2 ERA evaluation;
 - ii. A detailed description of any additional structural and/or treatment control BMPs and SWPPP revisions for each parameter that exceeded an NAL;
 - iii. The implementation schedule for the design and construction of the identified treatment and/or structural source control BMPs; and,
 - iv. If the Discharger intends to certify and submit a Demonstration Technical Report in lieu of additional structural and/or treatment control BMPs and SWPPP revisions for each parameter that exceeded an NAL, the Discharger shall certify and submit a schedule and a detailed description of the tasks required to complete the Demonstration Technical Report.

¹¹ The vast majority of the work required of a QISP III will likely include hydrologic and hydraulic calculations. Per the CA Business and Professions Code, this implies that the person doing or supervising engineering work would have to be a California licensed professional engineer.

3. Based upon the above evaluation and Level 2 ERA Technical Report, the Discharger shall, as soon as practicable, but no later than one year from obtaining Level 2 status:
 - a. Implement any additional structural and/or treatment control BMPs and SWPPP implementation measures;
 - b. Revise the SWPPP; and,
 - c. Complete the Demonstration Technical Report, if applicable.

E. ERA Level 2 Demonstrations

1. At any time in Level 2 status the Discharger's QISP III¹⁰ may evaluate industrial pollutant sources, the SWPPP, non-industrial pollutant sources, natural background sources, and the impact of industrial storm water discharges to receiving waters, and prepare a Level 2 ERA Demonstration Technical Report (Demonstration Technical Report) as applicable. A Demonstration may address one or more pollutants and/or drainage areas.
2. Once a Demonstration Technical Report is submitted, the Discharger automatically returns to Baseline Status for that pollutant for NAL/ERA purposes. If a BAT/BCT Compliance Demonstration Technical Report is submitted, the Discharger remains responsible for compliance with receiving water limitations for the discharge identified in the Demonstration. If a Non-Industrial Source Pollutant Demonstration Technical Report is submitted, the Discharger remains responsible for compliance with BAT/BCT and receiving water limitations for the discharge identified in the Demonstration. If a Natural Background Demonstration Technical Report is submitted, the Discharger is not responsible for the identified parameter(s) in the drainage area(s) in the Demonstration Technical Report.
3. BAT/BCT Compliance Demonstration Technical Report

The BAT/BCT Compliance Demonstration Technical Report shall at a minimum, include the following:

- a. An evaluation¹² of:
 - i. The total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application;
 - ii. The age of equipment and facilities involved;
 - iii. The process employed;
 - iv. The engineering aspects of the application of various types of control techniques;

¹² 40 C.F.R. section 125.3(d)

- v. Process changes; and,
 - vi. Non-water quality environmental impact (including energy requirements).
- b. A statement that the Discharger has identified and evaluated all pollutant source(s) associated with industrial activity that are causing an NAL exceedance; and,
 - c. A statement that the Discharger has already designed, installed, and implemented operational source control, treatment, and/or structural source control BMPs that are required to reduce or prevent pollutants in industrial storm water discharges in compliance with BAT/BCT.
 - d. A description of the industrial pollutant sources and corresponding industrial pollutants that are or may be discharged;
 - e. An evaluation of all alternative BMPs needed to meet the applicable NAL;
 - f. A description of all implemented BMPs that constitute BAT/BCT for the specific identified parameter(s) in the drainage area(s);
 - g. Alternate NALs, if applicable, that correspond to the identified treatment/structural BMPs and reflect BAT/BCT level of control.
 - h. The costs of structural and treatment controls evaluated in subsection 3.a above.
4. Non-Industrial Source Pollutant Demonstration Technical Report

The Non-Industrial Source Pollutant Demonstration Technical Report shall at a minimum, include the following:

- a. A statement that the Discharger has identified and evaluated all potential pollutant sources which may have commingled with storm water associated with the Discharger's industrial activity and could be contributing to the NAL exceedance;
- b. A statement that the Discharger has determined that the pollutants causing the exceedances are solely attributable to storm water run-on to the facility from adjacent properties or non-industrial portions of the Discharger's property or from aerial deposition;
- c. A description of the industrial pollutant sources and corresponding industrial pollutants that are or may be discharged;
- d. A quantification of the relative contributions of the pollutant from (1) storm water run-on to the facility from adjacent properties or non-industrial

portions of the Discharger's property or from aerial deposition and (2) from the storm water associated with the Discharger's industrial activity;

- e. A summary of the existing BMPs; and,
 - f. An evaluation of all on-site/off-site analytical monitoring data demonstrating that the NAL exceedances are solely attributable to pollutants in storm water run-on to the facility from adjacent properties or non-industrial portions of the Discharger's property or from aerial deposition.
5. Natural Background Demonstration Technical Report
- The Natural Background Demonstration Technical Report shall at a minimum, include the following:
- a. A statement that the Discharger has determined that the exceedance of the NAL is attributable solely to the presence of the pollutant in the natural background;
 - b. A summary of all data previously collected by the Discharger or others that describe the levels of natural background pollutants in the storm water discharge;
 - c. A summary of any research and published literature that relates the pollutants evaluated at the facility as part of the Natural Background Demonstration;
 - d. Map showing the reference site location in relation to facility along with available land cover information;
 - e. Reference site and test site elevation;
 - f. Available geology and soil information for reference and test sites;
 - g. Photographs showing site vegetation;
 - h. Site reconnaissance survey data regarding presence of roads, outfalls, or other human-made structures; and,
 - i. Records from relevant state or federal agencies indicating no known mining, forestry, or other human activities upstream of the proposed reference site.
6. The Discharger shall certify and submit via SMARTS the Level 2 ERA Demonstration Technical Reports described in this Section.
7. The State Water Board and Regional Water Board may review any ERA Technical Reports submitted in connection with an ERA Level 2 Technical

Report or Demonstration Technical Report. Upon review of a Level 2 Technical Report or ERA Level 2 Demonstration Technical Report, the State Water Board Executive Director or the Regional Water Board may reject the ERA Level 2 Demonstration Technical Report direct the Discharger to take further action(s) to comply with this General Permit.

F. BMP Implementation Extension Report (BIER)

1. Dischargers may document the need for additional time to implement treatment and/or structural control BMPs required under ERA Level 2 and/or to complete a Demonstration Technical Report by certifying and submitting a BIER through SMARTS. The BIER shall be prepared by a QISP III and include the following items, as applicable:
 - a. Reasons for the time extension;
 - b. A description and a schedule for implementing any BMPs subject to the BIER;
 - c. A description of any additional operational source controls and/or temporary treatment/structural controls that will be implemented while permanent BMPs are being constructed; and,
 - d. A description and schedule for completing specific tasks necessary to support the Demonstration Technical Report.
2. Regional Water Boards may review BIERs for completeness and adequacy. Regional Water Boards may reject a BIER, identify additional tasks necessary to complete the Demonstration Technical Report, require the Discharger to implement additional temporary BMPs, or revise the time allowed to construct and/or implement the BMPs.

XIII. INACTIVE MINING OPERATION CERTIFICATION

- A. Inactive mining operations are defined in part 3 of Attachment A of this General Permit. Where implementing the monitoring requirements in this General Permit is impracticable, Dischargers who are responsible for inactive mining operations may, in lieu of complying with the General Permit requirements described in Section XIII.B, obtain an Inactive Mining Operation Certification prepared by a California licensed professional civil engineer that:
 1. A site-specific SWPPP has been prepared and is being implemented in accordance with the requirements of this General Permit; and
 2. The facility is in compliance with this General Permit, except as provided in Section B.
- B. General Permit requirements inapplicable to inactive mining operations, with a current Inactive Mining Operation Certification as described in Section A above:

1. Monitoring Implementation Plan (MIP) in Section X.I;
2. Monitoring Requirements in Section XI;
3. Exceedance Response Actions (ERAs) in Section XII; and,
4. Specific Annual Report Requirements in Section XVI.B.1, 2 and 5.

C. Inactive Mining Operation Certification Submittal Schedule

1. Existing Dischargers responsible for inactive mining operations who choose to submit an Inactive Mining Operation Certification shall submit the above Inactive Mining Operation Certification with the NOI coverage PRDs listed in Section II.A.1.
2. Dischargers responsible for inactive mining operations who choose to submit an Inactive Mining Operation Certification after July 1, 2013, may submit the Inactive Mining Operation Certification and an updated site-specific SWPPP at any time.
3. The Inactive Mining Operation Certification shall be re-certified annually by a California licensed professional civil engineer and submitted with the Annual Report.

XIV. COMPLIANCE GROUPS AND COMPLIANCE GROUP LEADERS

A. Baseline/Level 1 Compliance Group (CG1) and Baseline/Level 1 Compliance Group Leader (CGL1) Requirements

1. CG1 Qualification Requirements

Any group of Dischargers of the same industry type may form a CG1. A CG1 shall consist of Dischargers that operate facilities with similar types of industrial activities, pollutant sources, and pollutant characteristics (e.g., scrap metals recyclers differentiated from paper recyclers, truck vehicle maintenance differentiated from airplane vehicle maintenance, etc.). A Discharger participating in a CG1 is termed a CG1 Participant. Participation in a CG1 is not required.

2. CGL1 Qualification Requirements

- a. The CG1 shall select a CGL1 to assist the CG1 Participants with all compliance activities in this General Permit other than Level 2 ERA compliance activities. For example, the CGL1 shall assist with SWPPP development, monitoring, visual observations and inspections.

- b. A CGL1 shall be either a representative of:
 - i. an industry association or trade group;
 - ii. an engineering or environmental science consulting company;
 - iii. a coalition of public agencies and/or private companies; or
 - iv. any combination of the above.
- c. A CGL1 shall be a QISP II or III.

3. CGL1 Prepared Consolidated Level 1 ERA Reports

A CGL1 may prepare a Consolidated Level 1 ERA Report for all CG1 Participants with Level 1 status. CG1 Participants who certify and submit these Consolidated Level 1 ERA Reports are subject to the same provisions as individual Dischargers with Level 1 status, as described in Section XII.C. In the Consolidated Level 1 ERA Reports, the CGL1 shall, at a minimum, provide a description of the common industrial pollutant sources, BMPs, and ERAs as well as the industrial pollutant sources, BMPs and ERAs that are not common between the CG1 Participants. A Consolidated Level 1 ERA Report is equivalent to a Level 1 ERA Report.

4. CGL1 Responsibilities

- a. The CGL1 shall be responsible for providing assistance to CG1 Participants that is consistent with this General Permit's requirements.
- b. To establish a CG1, a CGL1 shall register as a CGL1 via SMARTS. The registration shall include documentation demonstrating compliance with the CG1 qualification requirements, above, and a list of the CG1 Participants.
- c. The CGL1 shall inspect all the facilities of the CG1 Participants at a minimum of once per reporting year (July 1 to June 30).
- d. A CGL1 shall prepare a Consolidated Level 1 ERA Report that is consistent with the Level 1 ERA Requirements in Section XII.C. The CGL1 shall also provide a description of the common industrial pollutant sources, BMPs, and ERAs as well as the industrial pollutant sources, BMPs and ERAs that are not common between the CG1 Participants.
- e. The CGL1 shall revise the Consolidated Level 1 ERA Report in accordance with any comments received from the Water Boards.

- f. The CGL1 shall update the Consolidated Level 1 ERA Report as needed to address additional CG1 Participants that trigger the ERA Level 1 reporting requirements.
5. CG1 Participant Responsibilities
 - a. Each CG1 Participant is responsible for permit compliance for the CG1 Participant's facility and for ensuring that the CGL1's activities related to the CG1 Participant's facility comply with this General Permit.
 - b. CG1 Participants with Level 1 status shall certify and submit via SMARTS the Consolidated Level 1 ERA Report. Alternatively, the CG1 Participant may submit their own individual Level 1 ERA Report in accordance with the provisions in Section XII.C.2.
 6. The Executive Director of the State Water Board may review CG1 registrations for compliance with the requirements of this Section. The Executive Director may:
 - a. Reject the CG1, or individual CG1 Participants within the CG1; or,
 - b. Require the CGL1 to amend the submitted registration documents.

B. Level 2 Compliance Group (CG2) and Level 2 Compliance Group Leader (CGL2) Requirements

1. CG2 Qualification Requirements

A CG2 shall consist of Dischargers with Level 2 status that:

- a. Operate facilities with similar types of industrial activities, pollutant sources, and pollutant characteristics (e.g., scrap metals recyclers differentiated from paper recyclers, truck vehicle maintenance differentiated from airplane vehicle maintenance, etc.). A Discharger participating in a CG2 is termed a CG2 Participant;
 - b. Reflect the industrial sector as a whole, by including a significant number of the Dischargers with Level 2 status in the industry sector type¹³; and,
 - c. Choose to participate in a CG2.
2. CGL2 Qualification Requirements
- a. CG2 Participants shall select a CGL2 to prepare the Level 2 ERA Technical Reports, including Level 2 ERA Demonstration Technical

¹³ The State Water Board intends that each industrial sector with Dischargers in Level 2 status choosing to participate in a CG2 will be represented by a single CG2 (i.e., only one CG2 per industrial sector).

Reports, and assist with other compliance activities required by this General Permit.

- b. A CGL2 shall be either a representative of:
 - i. an industry association or trade group;
 - ii. an engineering or environmental science consulting company;
 - iii. a coalition of public agencies and/or private companies; or
 - iv. any combination of the above.
- c. A CGL2 shall be a QISP III.

3. CGL2 Prepared Level 2 ERA Technical Reports

A CGL2 may prepare a Consolidated Level 2 ERA Technical Report for CG2 Participants with Level 2 status. CG2 Participants who certify and submit these Consolidated Level 2 ERA Technical Reports are subject to the same provisions as individual Dischargers with Level 2 status, as described in Section XII.D. A Consolidated Level 2 ERA Technical Report is equivalent to a Level 2 ERA Technical Report. The CGL2 may prepare information to be included in a CG2 Participant's Level 2 ERA Demonstration Technical Report. All Level 2 ERA Demonstration Technical Reports must be facility-specific.

4. CGL2 Responsibilities

- a. The CGL2 shall be responsible for providing assistance to CG2 Participants that is consistent with this General Permit's requirements.
- b. To establish a CG2, a CGL2 shall register as a CGL2 via SMARTS. The registration shall include documentation demonstrating compliance with the CG2 qualification requirements, above, and a list of the CG2 Participants.
- c. The CGL2 shall inspect all the facilities of the CG2 Participants prior to preparing the Consolidated Level 2 ERA Technical Report.
- d. A CGL2 shall prepare a Consolidated Level 2 ERA Technical Report that is consistent with the Level 2 ERA Requirements in Section XII.D and with current, best practices documented in protocols prescribed herein (see Section XIV.B.7 below).
- e. The CGL2 shall revise the Consolidated Level 2 ERA Technical Report in accordance with comments received by the State Water Board Executive Director.

- f. The CGL2 shall update the Consolidated Level 2 ERA Technical Report to address additional CG2 Participants that trigger the ERA Level 2 reporting requirements.
5. CG2 Participant Responsibilities
 - a. Each CG2 Participant is responsible for permit compliance for the CG2 Participant's facility and for ensuring that the CGL2's activities related to the CG2 Participant's facility comply with this General Permit.
 - b. CG2 Participants shall certify and submit via SMARTS the Consolidated Level 2 ERA Technical Report prepared by their CGL2. The CG2 Participant shall certify that they have reviewed the Consolidated Level 2 ERA Technical Report and will implement the recommended additional BMPs that meet BAT/BCT and abide by any applicable alternate NALs associated with the BMPs. Alternatively, the CG2 Participant may submit their own individual Level 2 ERA Technical Report in accordance with the provisions in Section XII.D.
 - c. If applicable, CG2 Participants shall certify and submit via SMARTS a site-specific Level 2 ERA Demonstration Technical Report. The CGL2 may assist in the preparation of the site-specific Level 2 ERA Demonstration Technical Report.
 6. The Executive Director of the State Water Board may review CG2 membership for compliance with the requirements of this Section. The Executive Director may:
 - a. Reject the CG2, CGL2, or individual CG2 Participants within the CG2; or
 - b. Require the CGL2 to amend the submitted registration documents.
 7. By September 1, 2014, the State Water Board's Executive Director shall approve protocols for how to prepare Consolidated Level 2 ERA Technical Reports in compliance with this General Permit.

**XV. ANNUAL COMPREHENSIVE FACILITY COMPLIANCE EVALUATION
(ANNUAL EVALUATION)**

- A. The Discharger shall conduct one Annual Evaluation for each reporting year (July 1 to June 30). The Discharger shall document the reasons for conducting Annual Evaluations fewer than eight (8) months or more than sixteen (16) months apart in the Annual Monitoring Report. The Discharger shall revise the SWPPP, as appropriate, and implement the revisions within 90 days of the Annual Evaluation. At a minimum, Annual Evaluations shall consist of:
 1. A review of all visual inspection and monitoring records and sampling and analysis results conducted during the previous four quarters;

2. A visual inspection of all areas of industrial activity and associated potential pollutant sources for evidence of, or the potential for, pollutants entering the storm water conveyance system;
3. A visual inspection of equipment needed to implement the BMPs;
4. A visual inspection of any structural and/or treatment control BMPs;
5. A review and assessment of all BMPs for each area of industrial activity and associated potential pollutant sources to determine if the BMPs are properly designed, implemented, and are effective in reducing and preventing pollutants in industrial storm water discharges and authorized NSWDS; and,
6. An assessment of any other factors needed to complete the information described in Section XVI.B.3-8.

XVI. ANNUAL REPORT

- A. The Discharger shall certify and submit via SMARTS an Annual Report no later than July 15th of each reporting year. A QISP shall prepare the Annual Reports using the standardized format and checklists in SMARTS.
- B. The Discharger shall include in the Annual Report:
 1. Visual observation checklists;
 2. Sampling and analysis checklists;
 3. A summary of any new or revised BMPs;
 4. A summary and implementation dates of all significant response actions and SWPPP revisions for the reporting year;
 5. Any incidents of non-compliance and the response actions taken;
 6. The name of the QISP performing the Annual Evaluation;
 7. The date(s) of the Annual Evaluation;
 8. A certification of compliance with this General Permit. If the certification of compliance cannot be provided, an explanation shall be included;;
 9. Identification of any compliance activities not implemented; and,
 10. Identification of any ERAs that were not implemented.

XVII. CONDITIONAL EXCLUSION - NO EXPOSURE CERTIFICATION (NEC) REQUIREMENTS

Discharges composed entirely of storm water which have not been exposed to industrial activity are not industrial storm water discharges. These discharges are conditionally excluded from requirements to implement BMPs to meet BAT/BCT and from complying with the SWPPP and monitoring requirements of this General Permit so long as the following conditions are met: (1) there is no exposure of Industrial Materials and Activities to rain, snow, snowmelt, and/or runoff; (2) all unauthorized NSWDs have been eliminated and all authorized NSWDs satisfy the conditions of Section IV (Authorized NSWDs); (3) the Discharger 's LRP shall certify and submit PRDs for NEC coverage via SMARTS pursuant to the instructions and guidance in Attachment C; and, (4) the Discharger satisfies all other requirements of this Section and Attachment C. Dischargers that do not satisfy all conditional exclusion requirements are required to submit PRDs to obtain NOI coverage under this General Permit.

A. NEC Specific Definitions

1. No Exposure - all Industrial Materials and Activities are protected by a Storm-Resistant Shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.
2. Industrial Materials and Activities - includes, but is not limited to, material handling activities or equipment, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.
3. Material Handling Activities - includes the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product.
4. Sealed - banded or otherwise secured, but without operational taps or valves.
5. Storm-Resistant Shelters - includes completely roofed and walled buildings or structures. They also include structures with only a top cover supported by permanent supports but with no side coverings, provided material within the structure is not subject to wind dispersion (sawdust, powders, etc.), track-out, and there is no storm water discharged from within the structure that has come into contact with any materials.

B. NEC Qualifications

To qualify for an NEC, Dischargers shall:

1. Provide a Storm-Resistant Shelter to protect Industrial Materials and Activities from exposure to rain, snow, snowmelt, run-on, and runoff.
2. Inspect and evaluate the facility annually to determine that storm water exposed to industrial materials or equipment has not and will not be discharged to waters of the United States. Evaluation records shall be maintained for five (5) years in accordance with Section XXI.J.

3. Register for NEC coverage by certifying that there are no discharges of storm water contaminated by exposure to Industrial Materials and Activities from areas of the facility subject to this General Permit, and certify that all unauthorized NSWDS have been eliminated and all authorized NSWDS satisfy the conditions of Section IV (Authorized NSWDS). NEC coverage and annual renewal requires payment of an annual fee in accordance with section 13260 of the Water Code.
4. PRDs for NEC coverage shall be prepared and submitted in accordance with the:
 - a. Certification requirements in Section XXI.K,
 - b. Submittal schedule in accordance with Section II, and
 - c. Instructions and guidance provided in Attachment C.

C. NEC Industrial Materials and Activities - Storm-Resistant Shelter Not Required

To qualify for NEC coverage, a Storm-Resistant Shelter is not required for the following:

1. Drums, barrels, tanks, and similar containers that are tightly Sealed, provided those containers are not deteriorated, do not contain residual industrial materials on the outside surfaces, and do not leak;
2. Adequately maintained vehicles used in material handling;
3. Final products, other than products that would be mobilized in storm water discharge (e.g., rock salt);
4. Any Industrial Materials and Activities that are protected by a temporary shelter for a period of no more than ninety (90) days due to facility construction or remodeling; and
5. Any Industrial Materials and Activities that are protected within a secondary containment structure that will not discharge storm water to waters of the United States.

D. NEC Limitations

1. NEC coverage is available on a facility-wide basis only, not for individual outfalls. If a facility has industrial storm water discharges from one or more drainage areas that require NOI coverage, the Discharger shall register for NOI coverage for the entire facility through SMARTS in accordance with Section II.A. Any drainage areas on that facility that would otherwise qualify for NEC coverage may be specially addressed in the facility SWPPP by including an NEC Checklist and a certification statement demonstrating that those drainage areas of the facility have been evaluated; and that none of the

Industrial Materials or Activities listed in Section XVII.C are, or will be in the foreseeable future, exposed to precipitation.

2. If circumstances change and Industrial Materials and Activities become exposed to rain, snow, snowmelt, and/or runoff, the conditions for this exclusion shall no longer apply. In such cases, the Discharger shall become subject to enforcement for discharging without a permit. Any Discharger with NEC coverage that anticipates changes in circumstances should register for NOI coverage before anticipated exposure.
3. The Regional Water Board may deny NEC coverage and require NOI coverage upon determining that:
 - a. The discharge is exposed to Industrial Materials and Activities; or
 - b. The discharge would have a reasonable potential to cause, or contribute to an exceedance of an applicable WQS.

E. NEC Permit Registration Documents Required for Initial NEC Coverage

Dischargers shall designate an LRP to submit via SMARTS the following PRDs for NEC coverage to document applicability:

1. The NEC form, which includes:
 - a. The legal name, postal address, telephone number, and e-mail address of the Discharger.
 - b. The facility business name and physical mailing address, the county name, and a description of the facility location if the facility does not have a physical mailing address.
 - c. Certification by the Discharger that all PRDs submitted are correct and true and that the conditions of no-exposure have been met.
2. An NEC Checklist prepared by a QISP II or III demonstrating that the facility has been evaluated; and that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation:
 - a. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed;
 - b. Materials or residuals on the ground or in storm water inlets from spills/leaks;
 - c. Materials or products from past industrial activity;
 - d. Material handling equipment (except adequately maintained vehicles);
 - e. Materials or products during loading/unloading or transporting activities;

- f. Materials or products stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to storm water does not result in the discharge of pollutants);
 - g. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;
 - h. Materials or products handled/stored on roads or railways owned or maintained by the Discharger;
 - i. Waste material (except waste in covered, non-leaking containers, e.g., dumpsters);
 - j. Application or disposal of processed wastewater (unless already covered by an NPDES permit); and
 - k. Particulate matter or visible deposits of residuals from roof stacks/vents evident in the storm water outflow.
- 3. Site Map (see Section X.E).
 - 4. The Discharger shall ensure that the initial NEC Checklist has been prepared by a QISP II or III.

F. Requirements for Annual NEC Coverage Recertification

By July 1 of each reporting year beginning in 2014, any Discharger who has previously registered for NEC coverage shall annually submit and certify an NEC Checklist prepared by a QISP II or III demonstrating that the facility has been evaluated, and that none of the Industrial Materials or Activities listed above are, or will be in the foreseeable future, exposed to precipitation.

G. NEC Certification Statement

All NEC certifications and recertifications shall include the following certification statement:

"I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of 'no exposure' and obtaining an exclusion from NPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed in Section XVII.C of this General Permit). I understand that I am obligated to submit a no exposure certification form annually to the State Water Board and, if requested, to the operator of the local Municipal Separate Storm Sewer System (MS4) into which this facility discharges (where applicable). I understand that I must allow the Water Boards, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage

under an NPDES permit prior to any point source discharge of storm water from the facility. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

XVIII. SPECIAL REQUIREMENTS - PLASTIC MATERIALS

A. Facilities covered under this General Permit that handle Plastic Materials are required to implement BMPs to eliminate discharges of plastic in storm water to waters of the state and United States. Plastic Materials, including plastic resin pellets, powders, flakes, additives, regrind, scrap, dust, and industrial process waste or recycling with the potential to discharge or migrate off-site are considered storm water gross pollutants. Any Discharger facility handling Plastic Materials these types of plastics will be referred to as Plastics Facilities in this General Permit. Any Plastics Facility covered under this General Permit that manufactures, transports, stores, or consumes these materials shall submit information to the State Water Board in their PRDs, including the type and format of plastics, and which BMPs are employed at the facility to prevent illicit discharges. Pursuant to section 13367 of the Water Code, Plastics Facilities are subject to mandatory, minimum BMPs.

1. At a minimum, Plastics Facilities shall implement and include in the SWPPP:
 - a. Containment systems at each on-site storm drain discharge location down gradient of areas containing plastic material. The containment system shall be designed to trap all particles retained by a 1mm mesh screen, with a treatment capacity of no less than the peak flow rate from a one-year, one-hour storm.
 - b. When a containment system is infeasible, or poses the potential to cause an illicit discharge, the facility may propose a technically feasible alternative BMP or suite of BMPs. The alternative BMPs shall be designed to achieve the same or better performance standard as a 1mm mesh screen with a treatment capacity of the peak flow rate from a one-year, one-hour storm. Alternative BMPs shall be submitted to the Regional Water Quality Control Board for approval.
 - c. Plastics Facilities shall use durable, sealed containers designed not to rupture under typical loading and unloading activities at all points of plastic transfer.

- d. Plastics Facilities shall use durable, sealed containers designed not to rupture under typical loading and unloading activities at all points of plastic storage.
 - e. Plastics Facilities shall use capture devices as a form of secondary containment during transfers, loading, or unloading Plastic Materials. Examples of capture devices for secondary containment include, but are not limited to, catch pans, tarps, berms or any other device that collects errant material.
 - f. Plastics Facilities shall have a vacuum or vacuum-type system for quick cleanup of fugitive plastic material available for employees.
 - g. Pursuant to Water Code section 13367(e)(1), Plastics Facilities that handle Plastic Materials smaller than 1mm in size shall develop a containment system designed to trap the smallest plastic material handled at the facility with a treatment capacity of at least the peak flow rate from a one-year, one-hour storm, or develop a feasible alternative BMP or suite of BMPs that are designed to achieve a similar or better performance standard that shall be submitted to the Regional Water Board for approval.
2. Plastics Facilities are exempt from the Water Code requirement to install a containment system if they meets one of the following requirements that are determined to be equal to, or exceed the performance requirements of a containment system:
- a. A Plastics Facility is exempt from installing a containment system as specified under section 13367 of the Water Code, if the Plastics Facility operates in a manner such that the loading, storage, transfer, disposal and industrial processes concerning plastics are indoors and pose no potential to discharge or migrate off-site. The Plastics Facility is required to notify the Regional Water Board of its intent to seek this exemption or if operations change in a manner that disqualifies the exemption. An exemption may be revoked by the Regional Water Board at any time; or
 - b. Plastics Facilities are exempt from installing a containment system, if the following suite of eight (8) BMPs are implemented. This combination of BMPs is considered to prevent the discharge of plastics at a performance level equivalent to or better than the 1mm mesh and flow standard in Water Code section 13367(e)(1).
 - i. Plastics Facilities shall annually train employees handling Plastic Materials. Training shall include environmental hazards of plastic discharges, employee responsibility for corrective actions to prevent errant Plastic Materials, and standard procedures for containing, cleaning, and disposing of errant Plastic Materials.
 - ii. Plastics Facilities shall immediately fix any Plastic Materials containers that are punctured or leaking and shall clean up any errant material in a timely manner.

- iii. Plastics Facilities shall manage outdoor waste disposal of Plastic Materials in a manner that prevents the materials from leaking from waste disposal containers or during waste hauling.
- iv. Plastics Facilities that operate outdoor conveyance systems for Plastic Materials shall maintain the system in good operating condition. The system shall be sealed or filtered in such a way as to prevent the escape of materials when in operation. When not in operation, all connection points shall be sealed, capped, or filtered so as to not allow material to escape. Employees operating the conveyance system shall be trained how to operate in a manner that prevents the loss of materials; such as secondary containment, immediate spill response, and checks to ensure the system is empty during connection changes.
- v. Plastics Facilities that maintain outdoor storage of Plastic Materials shall do so in a durable, permanent structure that prevents exposure to weather that could cause the material to migrate or discharge in storm water.
- vi. Plastics Facilities shall maintain a schedule for regular housekeeping and routine inspection for errant Plastic Materials. The Plastics Facility shall ensure that their employees follow the schedule.
- vii. PRDs shall include the housekeeping and routine inspection schedule, spill response and prevention procedures, and employee training materials regarding plastic material handling.
- viii. Plastics Facilities shall correct any deficiencies in the employment of the above BMPs that result in errant Plastic Materials that may discharge or migrate off-site in a timely manner. Any Plastic Materials that are discharged or that migrate off-site constitute an illicit discharge in violation of this General Permit.

XIX. REGIONAL WATER BOARD AUTHORITIES

- A.** The Regional Water Boards may review a Discharger's PRDs for NOI or NEC coverage and administratively reject General Permit coverage if the PRDs are considered incomplete. The Regional Water Boards may take actions that include rescinding General Permit coverage, requesting a Discharger to revise and re-submit their PRDs (certified and submitted by the Discharger's LRP) within a specified time period, requiring the Discharger to apply for a different General Permit coverage, or taking no action.
- B.** The Regional Water Boards have the authority to enforce the provisions of this General Permit. This includes, but is not limited to, reviewing SWPPPs, MIPs and Annual Monitoring Reports, conducting compliance inspections, and taking enforcement actions.

- C. As appropriate, the Regional Water Boards may issue NPDES storm water general or individual permits to a Discharger, categories of Dischargers, or Dischargers within a watershed or geographic area. Upon issuance of such NPDES permits, this General Permit shall no longer regulate the affected Discharger(s).
- D. The Regional Water Boards may require Dischargers to revise their SWPPPs or monitoring programs to achieve compliance with this General Permit. Dischargers shall implement these revisions in accordance with a schedule provided by the Regional Water Board.
- E. The Regional Water Boards may approve requests from a Discharger to include co-located, but discontinuous, industrial activities within the same site location under a single NOI or NEC coverage.
- F. Consistent with 40 C.F.R. section 122.26(a)(1)(v), the Regional Water Boards may designate any discharge not regulated by this General Permit if they determine that the discharge contributes to a violation of a WQS or is a significant contributor of pollutants to waters of the United States, and coverage under this General Permit is appropriate. Upon designation, the Discharger responsible for the discharge shall obtain coverage under this General Permit.
- G. The Regional Water Boards may review a Discharger's Inactive Mining Operation Certification and reject it at anytime if the Regional Water Board determines that access to the facility for monitoring purposes is practicable or that the facility is not in compliance with the applicable requirements of this General Permit.

XX. SPECIAL CONDITIONS

A. Reopener Clause

This General Permit may be reopened to incorporate more specific requirements applicable to silvicultural activities that are determined to require NPDES permits and to incorporate TMDL-related provisions. This General Permit may also be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of US EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 C.F.R. sections 122.62, 122.63, 122.64, and 124.5.

B. Water Quality Based Corrective Actions

1. Upon determination by the Discharger or written notification by the Regional Water Board that industrial storm water discharges and/or authorized NSWDS contain pollutants that are in violation of Receiving Water Limitations (Section VI.C), the Discharger shall:
 - a. Conduct a facility evaluation to identify pollutant source(s) within the facility that are associated with industrial activity and whether BMPs described in the SWPPP have been properly implemented;

- b. Assess the facility's SWPPP and its implementation to determine whether additional BMPs or SWPPP implementation measures are necessary to prevent or reduce pollutants in industrial storm water discharges to meet the Receiving Water Limitations (Section VI); and,
 - c. Certify and submit via SMARTS documentation based upon the above facility evaluation and assessment that:
 - i. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP to meet the Receiving Water Limitations (Section VI); or,
 - ii. No additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in industrial storm water discharges to meet the Receiving Water Limitations (Section VI).
2. The documentation, evaluation, and assessment above shall be completed by a QISP II or III.

XXI. STANDARD CONDITIONS

A. Duty to Comply

Dischargers shall comply with all standard conditions in this General Permit. Permit noncompliance constitutes a violation of the Clean Water Act and the Water Code and is grounds for enforcement action and/or removal from General Permit coverage.

Dischargers shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions.

B. Duty to Reapply

Dischargers that wish to continue an activity regulated under this General Permit after the expiration date of this General Permit, the Discharger must apply for and obtain authorization as required by the new general permit once it is issued.

C. General Permit Actions

1. This General Permit may be modified, revoked and reissued, or terminated for cause. Submittal of a request by the Discharger for 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 a 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 Clean Water Act 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.

D. Need to Halt or Reduce Activity Not a Defense

In an enforcement action, it shall not be a defense for a Discharger 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.

E. Duty to Mitigate

Dischargers 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

Dischargers 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 Discharger to achieve compliance with the conditions of this General Permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a Discharger when necessary to achieve compliance with the conditions of this General Permit.

G. Property Rights

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

H. Duty to Provide Information

Upon request by the relevant agency, Dischargers shall provide information to determine compliance with this General Permit to the Regional Water Board, State Water Board, US EPA, or local Municipal Separate Storm Sewer System (MS4) within a reasonable time. Dischargers shall also furnish, upon request by the relevant agency, copies of records that are required to be kept by this General Permit.

I. Inspection and Entry

Dischargers shall allow the Regional Water Board, State Water Board, US EPA, and local MS4, to:

1. Enter upon the premises at reasonable times where a regulated industrial activity is being conducted or where records are kept under the conditions of this General Permit;
2. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;
3. Inspect the facility at reasonable times; and
4. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

J. Monitoring and Records

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 location, and time of sampling or measurement,
 - b. The date(s) analyses were performed,
 - c. The individual(s) that performed the analyses,
 - d. The analytical techniques or methods used, and
 - e. The results of such analyses.
3. Dischargers shall retain, for a period of at least five (5) years, either a paper or electronic copy of all storm water monitoring information, records, data, and reports required by this General Permit. Copies shall be available for review by State Board or Regional Water Board staff at the facility during scheduled facility operating hours.
4. Upon written request by US EPA or the local MS4, Dischargers shall provide paper or electronic copies of Annual Monitoring Reports or other requested records to the State Water Board, Regional Water Board, US EPA, or local MS4 within ten (10) working days from receipt of the request.

K. Electronic Signature and Certification Requirements

1. All Permit Registration Documents (PRDs) for NOI and NEC coverage, Notices of Termination (NOTs), Annual Monitoring Reports, Level 1 ERA Report, Level 2 ERA Technical Reports, Level 2 ERA Demonstration Technical Reports, or any other document required by this General Permit shall be certified and submitted via SMARTS by the Discharger's LRP.
2. Other than PRDs, the LRP may designate a Duly Authorized Representative to certify and submit via SMARTS all other documents on the behalf of the

LRP that are required by this General Permit or requested by the Regional Water Board, State Water Board, US EPA, or local MS4.

3. When a new LRP or Duly Authorized Representative is designated, the Discharger shall ensure that the appropriate revisions are made via SMARTS. In unexpected or emergency situations, it may be necessary for the Discharger to directly contact the State Water Board's Storm Water Section to register for SMARTS account access in order to designate a new LRP.
4. Documents certified and submitted via SMARTS by an unauthorized or ineligible LRP or Duly Authorized Representative are invalid.
5. LRP eligibility is as follows:
 - a. For a corporation: by an authorized corporate officer. For the purposes of this section, an authorized corporate officer means: (a) a president, secretary, treasurer, vice-president, or other officer of the corporation with authority to execute documents on behalf of the corporation pursuant to corporate bylaws or board resolution; or (b) the manager of the facility, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate bylaws and by corporate resolution;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively, that is authorized to execute legally binding documents on behalf of the partnership or sole proprietorship (as the case may be) in accordance with the entity's governing documents; or,
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official that possesses signatory authority of the governmental agency at issue. 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 US EPA).
6. Duly Authorized Representative eligibility is as follows:
 - a. The LRP must authorize via SMARTS any person designated as a Duly Authorized Representative;
 - b. The authorization shall specify that a person designated as a Duly Authorized Representative 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; and,

- c. 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.

L. Certification

Any person signing, certifying, and submitting documents under Section XXI.J 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 that 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

Dischargers shall give advance notice to the Regional Water Board and local MS4 of any planned changes in the industrial activity, which may result in noncompliance with this General Permit.

N. Penalties for Falsification of Reports

Clean Water Act section 309(4) provides that any person that 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.

O. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the initiation 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 Clean Water Act.

P. Severability

The provisions of this General Permit are severable; 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.

Q. Penalties for Violations of Permit Conditions

1. Clean Water Act section 309 provides significant penalties for any person that violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act or any permit condition or limitation implementing any such section in a permit issued under section 402. Any person that violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$37,500¹⁴ per calendar day of such violation, as well as any other appropriate sanction provided by section 309 of the Clean Water Act.
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 Clean Water Act.

R. Transfers

Coverage under this General Permit is non-transferrable. When a transfer of operator occurs, or a facility is relocated, new PRDs for NOI and NEC coverage must be certified and submitted via SMARTS prior to the transfer, or seven (7) days prior to the first day of operations for a relocated facility in accordance with the schedule provided in this General Permit.

S. Continuation of Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in full force and effect

¹⁴ May be further adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act.