

ATTACHMENT I

COMPLIANCE OPTIONS

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (GENERAL PERMIT)

I. General Provisions

- A. This General Permit authorizes the implementation of the following Compliance Options as a method for compliance with specific General Permit provisions as specified below.
- B. A Discharger in compliance with (1) either Section II (On-Site Compliance Option) or Section III (Off-Site Compliance Option) of this Attachment and (2) all applicable requirements of this General Permit is in compliance with Section V.A of this General Permit (once the BMP(s) are implemented and operational).
- C. A Discharger in compliance with (1) either Section II (On-Site Compliance Option) or Section III (Off-Site Compliance Option) of this Attachment and (2) all applicable requirements of this General Permit is deemed in compliance with the following sections of this General Permit (once the BMP(s) are implemented and operational):
 - 1. Discharge Prohibitions, Section III.C;
 - 2. Effluent Limitations, Section V.C;
 - 3. Receiving Water Limitations, Section VI.
- D. If a Discharger chooses, but fails to comply with the requirements for the On-Site or Off-Site Compliance Option provided below, the Discharger shall demonstrate compliance with the above sections of this General Permit.

II. On-Site Compliance Option

- A. A Discharger may implement on-site BMP(s) for capture and use, infiltration, and/or evapotranspiration of storm water associated with industrial activities and authorized non-storm water discharges (NSWDs).¹

¹ Storm water and authorized NSWDs from industrial drainage areas that meet the No Exposure Criteria (NEC) in Section XVII of this General Permit are not considered storm water or non-storm water discharges associated with industrial activity.

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- B. The Discharger may include the BMPs that capture and divert the required storm water runoff volumes to a publicly-owned sanitary sewer treatment facility, or to an on-site facility for on-site use. The minimum required storm water volume to be diverted shall be in accordance with the Section E.1 and E.2 below. The diverted or used volume of storm water is not authorized to discharge from the industrial facility.
- C. A California licensed professional engineer shall certify (with a stamp and wet signature) that all hydraulic calculations and BMP(s) operation parameters comply with Section E and J below.
- D. The Discharger shall ensure that groundwater is not degraded as a result of any infiltration BMP(s) as described in Section J.2 below.
- E. The BMP(s) implemented by the Discharger shall:
 - 1. Maintain² the effective capacity to capture, infiltrate and/or evapotranspire the volume of runoff produced up to and during the 85th percentile 24-hour precipitation event based upon local, historical precipitation data and records³.
 - 2. Include all flows from all areas associated with industrial activity at the facility for the following discharges:
 - a. Authorized NSWDDs;
 - b. Storm water associated with industrial activities; and,
 - c. Non-industrial run-on that commingles with the industrial storm water flowing into the BMP(s).
 - 3. Recover capacity within a 24-hour period (the 24-hour time-period is 12:00a.m. to 11:59p.m) to capture and use, infiltrate, and/or evapotranspire runoff volumes generated up to and including the 85th percentile 24-hour storm event.
 - 4. Include reliability and safety factor calculations that ensure the BMP(s) will maintain the design standards for the life of the BMP(s).

² The BMP has not met the standards if the BMP is not able to recover its capacity through use, infiltration and/or evapotranspiration within a 24-hour period. The BMP will completely dewater and its capacity be fully available within 24 hours should back-to-back rainfall events occur. The 24 hours is defined as 12:00a.m.-11:59p.m.

³ Precipitation data shall be collected from the National Oceanic and Atmospheric Agency's website (or other nearby precipitation data available from other government agencies).

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5. A Discharger implementing infiltration BMP(s) shall include a shutoff mechanism (e.g., a valve that diverts discharge from entering the BMP(s)) in the design and implementation of infiltration BMP(s).
6. The Discharger implementing infiltration BMP(s) shall address possible groundwater contamination from the BMP(s) operation by using one or more of the following methods:
 - a. The Discharger shall ensure that all influent entering the infiltration BMP(s) meets applicable Maximum Contaminant Level (MCL) criteria for industrial pollutants at the facility, as specified in Table A below. If the influent does not meet applicable MCLs on an instantaneous basis, the Discharger shall have a California licensed professional engineer:
 - i. Recommend and oversee the installation of the necessary pretreatment controls during the design of the infiltration BMP(s) to ensure all the pollutants associated with industrial activities in the influent of the infiltration BMP(s) meet MCL criteria and include maintenance of all pretreatment controls in the operation and maintenance plan required in Section II.H.3.a.ii below; or
 - ii. Install groundwater monitoring devices (e.g., lysimeters) to collect monthly samples of the infiltrated water below the infiltration BMP(s) to demonstrate compliance with MCLs for pollutants associated with industrial activities in the influent of the infiltration BMP(s).
 - b. Discharger installing and operating storm water capture and infiltration dry wells⁴⁵ shall comply with the requirements in Section 5.a.i above and are not eligible to install groundwater monitoring devices in lieu of the pretreatment requirements.
 - c. For influent not meeting MCLs, the Discharger shall pretreat the infiltration BMP(s) influent⁶ to comply with the State Water Board's Division of Drinking Water MCLs referenced in Table A below.

⁴ “Drywell means a bored, drilled, or driven shaft or a dug hole or subsurface fluid distribution system, whose depth is greater than its largest surface dimension, which is completed above the water table so that its bottom and sides are typically dry except when receiving fluids well. The term does not include improved sinkholes.” U.S. EPA. Terms and Acronyms.
<https://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/termsandacronyms/search.do?search=&term=drywell&matchCriteria=Contains&checkedAcronym=true&checkedTerm=true&hasDefinitions=false> [as of August 22, 2017].

⁵ In the event that the State Water Board develops and approves statewide standards for storm water capture and infiltration dry wells these standards will be incorporated through a reopener to this General Permit.

⁶ “Maximum Contaminant Level” means the maximum permissible level of a contaminant in water. Title 22 of the California Code of Regulations, State Water Resources Control Board's Division of Drinking Water.
<<https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations>>;
<http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chemicalcontaminants.shtml>.

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<u>Parameter Category</u>	<u>MCL Criteria for Industrial Pollutant Pretreatment⁷</u>
<u>Primary MCLs:</u> <ul style="list-style-type: none"> • <u>Primary MCLs: Inorganics</u> • <u>Primary MCLs: Volatile Organic Carbon (VOCs)</u> • <u>Primary MCLs: Synthetic Organic Contaminants (SOCs)</u> • <u>Primary MCLs: Disinfection Byproducts</u> 	http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.shtml
<u>Secondary MCLs: Total Dissolved Solids</u>	<u>Pollutants associated with industrial activities in the influent of the infiltration BMP(s) shall not exceed 500 mg/L.</u>
<u>Secondary MCLs: Chloride</u>	<u>Pollutants associated with industrial activities in the influent of the infiltration BMP(s) shall not exceed 250 mg/L.</u>
<u>Secondary MCLs: Specific Conductance</u>	<u>Pollutants associated with industrial activities in the influent of the infiltration BMP(s) shall not exceed 900 uS/cm.</u>
<u>Secondary MCLs for Sulfate</u>	<u>Pollutants associated with industrial activities in the influent of the infiltration BMP(s) shall not exceed 250 mg/L.</u>

F. Implementation Schedule1. Baseline Status

A Discharger with Baseline Status as of (insert amendment effective date) intending to implement the On-Site Compliance Option shall notify the Water Boards via SMARTS no later than one year prior to the estimated date of the BMP(s) installation and operation. The Discharger shall submit the required implementation information and schedule in the facility's site specific Storm Water Pollution Prevention Plan (SWPPP) in accordance with Section II.H.3 below.

2. Level 1 Status

A Discharger with Level 1 Status as of (insert amendment effective date) intending to implement the On-Site Compliance Option must submit the implementation information required in Section II above in their Level 1 Exceedance Response Action (ERA) Evaluation and Report, per the required schedule in Section XII.C of this General Permit.

<http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.shtml> [as of July, 27, 2017].

⁷ If the applicable Regional Water Board's Basin Plan contains more stringent water quality objectives for groundwater, the Basin Plan water quality objectives supersede as a pretreatment limit.

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3. Level 2 Status

A Discharger with Level 2 Status as of (insert amendment effective date) intending to implement the On-Site Compliance Option shall submit the implementation information required in Section II above in their Level 2 ERA Action Plan and Technical Report per the schedule in Section XII.D of this General Permit.

4. Upon implementation and operation of the BMP(s), and compliance with the On-Site Compliance Option requirements in this Attachment, the status of Baseline, Level 1, or Level 2 is no longer applicable.

G. Reporting Requirements for BMP(s) Design

A Discharger complying with the On-Site Compliance Option shall submit the following information via SMARTS 7 days prior to the initial operation of the BMP(s):

1. Type of BMP(s) being implemented;
2. A Map with the BMP(s) location;
3. BMP(s) latitude and longitude;
4. Bypass mechanisms for the discharged volume that is above and beyond the 85th percentile, 24 hour storm, into a local municipal storm system or receiving surface water body; and,
5. Description of pretreatment system used for infiltration BMP(s).

H. Monitoring and Reporting Requirements for a Discharger with implemented and operational On-Site Compliance Option BMP(s).

1. On-Site Compliance Option Monitoring Requirements
 - a. Conduct analytical sampling of all bypass/overflow from the BMP(s) in compliance with the Sampling and Analysis Section XI.B.6-11 of this General Permit and Attachment H⁸, with the exception of comparing monitoring results to NALs in Section XI.B.7;
 - b. Submit all sampling and analysis information and results in SMARTS within 30 days after obtaining the information and data.
 - c. Comply with the Visual Observation and Methods and Exceptions Section XI.A and C⁹, respectively; and,

⁸ Storm Water Sample Collection and Handling Instructions

⁹ Not eligible for the Methods and Exceptions in Section XI.C.4, 5, and 7.

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- d. Conduct representative analytical sampling of the influent entering the BMP(s) in compliance with the Sampling and Analysis Section XI.B.6-11 and Attachment H⁸ of this General Permit, with the exception of comparing monitoring results to NALs in Section XI.B.7;
2. The Discharger complying with the On-Site Compliance Option must submit the following sampling information in SMARTS within 30 days after obtaining the analytical laboratory sampling results:
 - a. Analytical groundwater sampling results ,if applicable;
 - b. Monitoring and sampling of influent entering the BMP(s);
 - c. The size of each rain event, in inches of rain per 24 hours¹⁰, that bypasses, or overflows from, the BMP(s)¹¹;
 - d. The estimated volume of the corresponding bypass and/or overflow; and,
 - e. The date and estimated start and end time of all bypass and/or overflow discharges.
3. Storm Water Pollution Prevention Plan (SWPPP) Requirements¹²
 - a. A Discharger complying with the On-Site Compliance Option shall update their SWPPP with the following documentation:
 - i. Description and photographs of the facility specific BMP(s) used on-site;
 - ii. Operation and maintenance plan certified by the California licensed professional engineer that includes, but is not limited to, the following items: 1) inspection frequency; 2) titles of personnel authorized to conduct the inspections; 3) maintenance procedures for BMP(s) and installed pretreatment; and, 4) a maintenance schedule;
 - iii. BMP(s) safety factor and reliability calculations required in Section II.E.3 above; and,
 - iv. Certification required in Section II.C above provided by the California licensed professional engineer; and,

¹⁰ The BMP will completely dewater and its capacity be fully available within 24 hours should back-to-back rainfall events occur The 24 hours is defined as 12:00a.m.-11:59p.m.

¹¹ Obtained from an on-site rainfall gauge or a National Oceanic and Atmospheric Agency's website (or other nearby precipitation data available from other government agencies).

¹² Dischargers shall follow this General Permit's Monitoring and Records Section XXI.J.

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- v. Applicable information on any preexisting contamination in the soil or groundwater for any industrial pollutants at the facility that may be discharged or mobilized at the facility through infiltration.
 - b. The updated SWPPP shall be available at the facility 7 days prior to the initial operation of the BMP(s). The Discharger shall certify and submit the updated SWPPP via SMARTS 7 days prior to the initial operation of the BMP(s).
 - c. The Discharger implementing the On-Site Compliance Option shall at a minimum, include the BMP(s) design information from Section II.E and the design information for any installed pretreatment systems/devices.
- I. The Discharger with BMP(s) implemented and operating in compliance with the On-Site Compliance Option are exempt from the following provisions:
- 1. Section VIII.A Discharges to Ocean Waters;
 - 2. Section IX Training Qualifications, requirement to obtain a QISP;
 - 3. Section X.A.7, X.H.2. Implementation of Advanced BMPs;
 - 4. Section X.H.6 Design Storm Standards for Treatment Control BMPs; and,
 - 5. Section XII Exceedance Response Actions.
- J. Protection of Waters of the State
- 1. The following discharges are prohibited for any Discharger implementing the On-Site Compliance Option:
 - a. Discharges of water related to the cleaning and maintenance of the BMP is an unauthorized NSW; and,
 - b. Discharges of storm water associated with industrial activities occurring below the 85th percentile 24-hour storm event and/or authorized NSWs.
 - 2. The migration of pollutants that cause or contribute to the exceedance of a water quality objective in groundwater is prohibited. The Discharger shall ensure infiltration BMP(s) implemented for compliance with the On-Site Compliance Option shall be designed and operated to:
 - a. Prevent captured and/or infiltrated storm water from causing or contributing to the exceedance of a water quality objective in groundwater;
 - b. Prevent the migration of existing soil contamination to groundwater and

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not interfere with any current remedial activities for existing groundwater contamination in the vicinity of the facility; and,

- c. Address other similar factors which may degrade groundwater.
- d. The California licensed professional engineer shall include a determination of section J.2.a-c of this Attachment above in the certification required in Section II.C.

3. Infiltration and Groundwater Protection

- a. Infiltration BMPs must not cause or contribute to an exceedance of an applicable groundwater quality objective.
- b. Infiltration BMPs used for compliance with the On-Site Compliance Option shall comply with applicable local municipal ordinances, storm water requirements and design standards for the infiltration of industrial storm water and authorized NSWDs.
- c. The Minimum BMPs requirements (Section X.H.1 of this General Permit) shall be implemented to maximize pollution prevention and protection of receiving groundwater quality and beneficial uses;
- d. The soil through which infiltration occurs must have physical and chemical characteristics including the appropriate cation exchange capacity, organic content, and clay content that supports compliance with required infiltration rates and storm water treatment.
- e. If analysis of one or more of the specific physical or chemical soil characteristics listed above are not necessary to comply with the infiltration and treatment requirements, the Discharger must submit supporting information to the applicable Regional Water Board for Regional Water Board Executive Officer approval.

K. Additional Regional Water Board Authorities for Dischargers Implementing the On-Site Compliance Option

- 1. The applicable Regional Water Board Executive Officer has the authority to review site-specific information, and disapprove any On-Site Compliance Option as a permissible Compliance Option for the Discharger to address regional groundwater concerns.
- 2. The Regional Water Board Executive Officer may require, in writing, the Discharger to modify the facility's SWPPP to demonstrate compliance with the On-Site Compliance Option or address other regional groundwater concerns. The Discharger shall submit the required SWPPP modifications by the Regional Water Board required due date, or no later than 90 days, whichever is shortest.

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3. The Regional Water Board may require additional information or modifications to the facility's SWPPP and/or BMP(s) to address:
 - a. Exceedances of groundwater standards;
 - b. Impacts to groundwater beneficial uses; or,
 - c. Impacts to the groundwater quality due to the infiltration of the industrial authorized NSWs and/or storm water discharges at the Discharger's industrial facility.

4. The State Water Board Executive Director or the applicable Regional Water Board Executive Officer may authorized the discontinuation of groundwater monitoring if no threat to groundwater is determined.

III. Off-Site Compliance Option

- A. The Discharger may enter into a local agreements with the local municipality(ies) to participate in the development, implementation, and operation of an off-site storm water capture and infiltration BMP provided the following criteria are met:
 1. The Off-Site BMP must maintain¹³ the effective capacity to capture, infiltrate and/or evapotranspire the volume of runoff produced up to and during the 85th percentile 24-hour precipitation event based upon precipitation data from the National Oceanic and Atmospheric Agency and/or local, historical precipitation data and records¹⁴;
 2. The Discharger's facility and the Off-Site BMP must be located within the same watershed¹⁵; and,
 3. The authorized NSWs and industrial storm water must not discharge to a water of the United States or a water of the state prior to reaching the Off-Site BMP(s).

- B. The Discharger shall work with the local jurisdiction(s) to define participation in the development, implementation, and operation of the Off-Site BMP.

¹³ The BMP has not met the standards if the BMP is not able to recover its capacity through use, infiltration and/or evapotranspiration within a 24 hour period.

¹⁴ Precipitation data shall be collected from the National Oceanic and Atmospheric Agency's website (or other nearby precipitation data available from other government agencies).

¹⁵ If the Discharger is located in the watershed of a TMDL water body, the Discharger's facility and BMP implemented pursuant to the Off-Site Compliance Option shall be within the same watershed as the water body or reach with the applicable TMDL.

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- C. The applicable Regional Water Board Executive Officer and local jurisdiction(s) representatives shall approve the Discharger's participation in the Off-Site Compliance Option.
- D. The Discharger participating in an approved local agreement and discharging into an Off-Site BMP(s) , and in compliance with the Off-Site Compliance Option requirements in this Attachment, are exempt from the following provisions and requirements of this General Order:
 - 1. Section VIII.A Discharges to Ocean Waters;
 - 2. Section IX Training Qualifications, the requirement to obtain a QISP;
 - 3. Section X.A.7, X.H.2. Implementation of Advanced BMPs;
 - 4. Section X.H.6 Design Storm Standards for Treatment Control BMPs;
 - 5. Section X.I.3-5 Monitoring Implementation Plan;
 - 6. Section XI.A.2 Sampling Event Visual Observations
 - 7. Section XI.B Sampling and Analysis; and,
 - 8. Section XII Exceedance Response Actions.

E. Regional Water Board Authorities

The Regional Water Board Executive Officer has the authority to review site-specific information and disapprove the Discharger's discharge into Off-Site BMPs as a permissible Compliance Option, to address regional groundwater concerns.

F. Monitoring, Reporting and Storm Water Pollution Prevention Plan (SWPPP) Update Requirements

The Discharger selecting the Off-Site Compliance Option shall:

- 1. Comply with the Monitoring and Records requirements in Section XXI.J of this General Order.
- 2. Update their SWPPP to include:
 - a. A copy of the facility's agreement with the local jurisdiction(s);
 - b. A copy of the facility's agreement approval from the local jurisdiction;
 - c. A copy of the facility's agreement approval from the Regional Water Board Executive Officer;

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- d. Information on, and description of, the actions the Discharger must take during the development, implementation, and operation of the Off-Site BMP(s), as established in the approved agreement, that allows the Facility's storm water discharge to enter an Off-Site BMP.
 - e. A milestone schedule that demonstrates compliance with the criteria in Section III.A-C above in accordance with the due dates in Section 3 below; and,
 - f. A copy of the operation and maintain plan(s) for the Off-Site BMP(s) that receives the facility's discharge.
3. The updated SWPPP shall:
- a. Be maintained on-site at least 7 days prior to the initial implementation of the agreement; and
 - b. Be certified and submitted via SMARTS by the Discharger at least 7 days prior to the initial implementation of the agreement.
4. The Discharger participating in the Off-Site Compliance Option shall submit and certify via SMARTS the following information as an attachment to the Annual Report to document the status of the local agreement project(s) and implementation progress:
- a. Proof that participation in the local agreement is still valid (e.g., verify agreement date);
 - b. Identification of the local jurisdiction(s) that are part of the agreement including a contact name, title, email, and phone number of the local agency representative;
 - c. Summary of actions (e.g., monitoring, structural BMPs, non-structural BMPs, training) the facility completed the past Reporting Year¹⁶;
 - d. Summary of actions (e.g., monitoring, structural BMPs, non-structural BMPs, training) the facility planned for implementation over the next two years to comply with the agreement with the local jurisdiction;
 - e. The status and schedule of the local agreement project(s) completed this Reporting year
 - f. The status and schedule of the local agreement project(s) planned for implementation over the next two years; and,

¹⁶ This General Permit defines a Reporting Year as July 1st to June 30th

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- g. A status and schedule implementation update regarding the Discharger's required actions per the local agreement.