

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

1001 I Street

Sacramento, CA 95814

California State Water Resources Control Board

<http://www.waterboards.ca.gov>

ORDER 202X-00XX-DWQ

NPDES NO. CAS000003

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STATEWIDE STORMWATER PERMIT AND WASTE DISCHARGE REQUIREMENTS
FOR STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION**

The California Department of Transportation (Department) is subject to waste discharge requirements set forth in this Order:

Table 1. Permittee Information

Permittee:	California Department of Transportation
Address:	1120 N St, Sacramento, CA 95814
Waste Discharge Identification Number:	5S34CT000001
Facility type and discharge type:	Stormwater and non-stormwater discharges from the California Department of Transportation's municipal separate storm sewer system.

Table 2. Administrative Information

This Order was adopted on:	<Adoption Date>
This Order shall become effective on:	<Effective Date>
This Order shall expire on:	<Expiration Date>
The Department shall file a Report of Waste Discharge as an application for reissuance of this Order in accordance with title 23, California Code of Regulations, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) Permit no later than:	<Six Months Prior to Expiration Date>

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board on XXXX XX, 202X.

Jeanine Townsend, Clerk to the Board

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1 FACILITY INFORMATION AND SCOPE OF ORDER

1.1 Facility Information

The California Department of Transportation (Department) owns and operates the statewide transportation system that includes more than 50,000 miles of highway and freeway lanes, right-of-way, storm sewer systems, and maintenance, storage, and vehicle parking facilities.

1.2 Scope of Municipal Separate Storm Sewer System Order

1. This Order regulates the stormwater and non-stormwater discharges as follows:
 - a. Stormwater discharges from all Department-owned municipal separate storm sewer systems;
 - b. Stormwater discharges from Department-owned right of way, parking, storage and maintenance facilities, including equipment cleaning operations and any other non-industrial facilities with activities that have the potential of generating significant quantities of pollutants; and
 - c. Certain non-stormwater discharges as listed in section 3 of this Order.
2. This Order does not regulate stormwater or non-stormwater discharges from the following:
 - a. Leased or Department-owned office spaces;
 - b. Industrial facilities subject to the Statewide Industrial General Permit;
 - c. Construction activities subject to the Statewide Construction General Permit;
 - d. Other activities subject to another National Pollutant Discharge Elimination System (NPDES) permit; and
 - e. Areas subject to tribal and federal jurisdiction.

2 FINDINGS

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

2.1 Background

Before July 1999, stormwater discharges and certain non-stormwater discharges to waters of the United States from Department-owned stormwater systems were regulated by individual NPDES permits issued by the Regional Water Quality Control Boards (Regional Water Boards). On July 15, 1999, the State Water Board adopted statewide Order 99-06-DWQ regulating all stormwater discharges from

Department-owned municipal separate storm sewer systems, maintenance facilities, and construction activities. Order 99-06-DWQ superseded all the individual NPDES permits issued by the Regional Water Boards. On September 19, 2012, the State Water Board adopted Order 2012-0011-DWQ, amended by Orders WQ 2014-0006-EXEC, WQ 2014-0077-DWQ, WQ 2015-0036-EXEC and WQ 2017-0026-EXEC.

On December 29, 2017, the Department submitted a Report of Waste Discharge as an application to the State Water Board for reissuance of Order 2012-0011-DWQ.

2.2 Legal Authority

This Order serves as Waste Discharge Requirements pursuant to California Water Code (Water Code) article 4, chapter 4, division 7 (commencing with section 13260). This Order is also issued pursuant to federal Clean Water Act section 402 and implementing regulations adopted by the United States Environmental Protection Agency (U.S. EPA), and Water Code chapter 5.5, division 7 (commencing with section 13370) and serves as an NPDES permit for discharges to waters of the United States.

2.3 Rationale for the Requirements

The State Water Board developed the requirements for this Order based on the application for NPDES permit reissuance submitted by the Department in its December 29, 2017 Report of Waste Discharge to continue coverage of its stormwater discharges, information submitted by the Department through State Water Board Order 2012-0011-DWQ, and other available information.

THEREFORE, IT IS HEREBY ORDERED that Order 2012-0011-DWQ is rescinded upon the Effective Date of this Order except for enforcement purposes, and that to comply with the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the Department shall comply with the requirements in this Order. Attachments A through G are hereby incorporated by reference into this Order. This action in no way prevents the State Water Board or a Regional Water Quality Control Board from taking enforcement action for violations of Order 2012-0011-DWQ or previous Orders affiliated with Order 2012-0011-DWQ at the time these Orders were in effect.

3 DISCHARGE PROHIBITIONS AND CONDITIONALLY EXEMPT NON-STORMWATER DISCHARGES

3.1 Maximum Extent Practicable

Stormwater discharges regulated under this Order containing pollutants that have not been reduced to the maximum extent practicable are prohibited. The Department shall achieve the pollutant reductions described in this Prohibition

through compliance with the provisions of this Order and implementation of its approved Stormwater Management Plan, as described in Attachment C.

3.2 Discharges into Areas of Special Biological Significance

Stormwater and non-stormwater discharges into Areas of Special Biological Significance are prohibited unless conditionally exempt, as provided below. Conditionally exempt discharges are subject to the discharge prohibitions provided below.

3.2.1 *Conditionally Exempt Stormwater Discharges into Areas of Special Biological Significance*

Discharges composed of stormwater runoff shall not alter natural ocean water quality in an Area of Special Biological Significance. Existing stormwater discharges from stormwater outfalls that were constructed or under construction prior to January 1, 2005, are conditionally exempt provided that they comply with all applicable requirements of this Order and:

- Are essential for flood control and slope stability, including roof, landscape, road, and parking lot drainage;
- Are designed to prevent soil erosion;
- Occur only during wet weather; and
- Are composed only of stormwater runoff.

3.2.2 *Conditionally Exempt Non-Stormwater Discharges into Areas of Special Biological Significance*

The following non-stormwater discharges into Areas of Special Biological Significance are conditionally exempt provided that the discharges are essential for emergency response purposes, structural stability, slope stability, or occur naturally. Conditionally exempt non-stormwater discharges are discharges associated with:

- Emergency firefighting operations,
- Foundation and footing drains,
- Water from crawl space or basement pumps,
- Hillside dewatering,
- Naturally occurring groundwater seepage via a storm drain, and
- Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.

These conditionally exempt non-stormwater discharges into Areas of Special Biological Significance shall not alter natural ocean water quality or cause or

contribute to violations of the water quality objectives in Chapter II of the Ocean Plan.

3.2.3 *Additional Conditionally Exempt Non-Stormwater Discharges into Areas of Special Biological Significance*

1. Non-stormwater discharges from utility vaults and underground structures to the Department's municipal storm sewer system with a direct discharge to Areas of Special Biological Significance are conditionally exempt if the discharges are in compliance with the General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Surface Water, NPDES CAG990002. A Regional Water Board may nonetheless prohibit a specific discharge from a utility vault or underground structure if the Regional Water Board determines that the discharge is causing the municipal separate storm sewer system discharge to alter natural ocean water quality or cause or contribute to a violation of a water quality objective in Chapter II of the Ocean Plan.
2. Additional non-stormwater discharges to a segment of the Department's municipal separate storm sewer system with a direct discharge to an Area of Special Biological Significance are conditionally exempted only to the extent the relevant Regional Water Board finds that the discharge does not alter natural ocean water quality in the Area of Special Biological Significance or cause or contribute to a violation of a water quality objective in Chapter II of the Ocean Plan.

3.2.4 *Prohibited Discharges into Areas of Special Biological Significance*

The following discharges into Areas of Special Biological Significance are prohibited, even if the discharges are otherwise conditionally exempt:

1. Discharges of trash;
2. Any discharge that alters natural ocean water quality; and
3. Discharges from existing stormwater outfalls (outfalls constructed or under construction prior to January 1, 2005) that result in any new contribution of waste (i.e. additional pollutant loading) beyond a discharge that would have occurred as of January 1, 2005.

3.2.5 *Compliance Plan for Areas of Special Biological Significance*

Discharges shall be in accordance with an approved Areas of Special Biological Significance Compliance Plan. Attachment C provides information for the Areas of Special Biological Significance Compliance Plan. The Areas of Special Biological Significance Compliance Plan is subject to review and consideration of approval by State Water Board Executive Director.

3.3 Trash

The discharge of trash to surface waters of the State or the deposition of trash where it may be discharged into surface waters of the State is prohibited. Compliance with this discharge prohibition shall be achieved through compliance with the trash requirements in Attachment E of this Order.

3.4 Violations of Water Quality Objectives and Standards

The discharge of stormwater or conditionally exempt non-stormwater that causes or contributes to the violation of water quality standards or water quality objectives, or impacts the beneficial uses established in a water quality control plan or in a promulgated policy of the State or Regional Water Boards is prohibited.

3.5 Pollution or Nuisance

The discharge of stormwater to waters of the United States in a manner causing or threatening to cause a condition of pollution or nuisance as defined in Water Code section 13050 is prohibited.

3.6 Maintenance Activities

Discharge of wastes or wastewater from road-sweeping vehicles or other maintenance activities to waters of the United States or to a storm drainage facility leading to waters of the United States is prohibited unless the discharge is in compliance with Attachment C of this Order or is authorized under another NPDES permit.

3.7 Waste

The dumping, deposition, or discharge of waste as defined in Water Code section 13050(d) resulting from the Department's activities directly into waters of the United States or adjacent to such waters in any manner that may allow its being transported into the waters of the United States is prohibited.

3.8 Earthen Materials

The discharge of sand, silt, clay, or other earthen materials from any activity in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the United States or which unreasonably affect or threaten to affect beneficial uses of such waters is prohibited.

3.9 Non-Stormwater Discharges

Non-stormwater discharges, other than permitted discharges into Areas of Special Biological Significance, are prohibited unless authorized by a separate NPDES permit or are conditionally exempt in accordance with Order Provision 3.9.1.

3.9.1 *Conditionally Exempt Non-Stormwater Discharges*

As allowed under 40 C.F.R. 122.26, the following non-stormwater discharges are conditionally exempt from the general prohibition of non-stormwater discharges unless the Department, State Water Board Executive Director, or a Regional Water Board Executive Officer identifies the discharges as sources of pollutants to receiving waters:

- Water line flushing,
- Minor incidental landscape irrigation,
- Diverted stream flows,
- Rising ground waters,
- Uncontaminated ground water infiltration (as defined at 40 C.F.R. section 35.2005(20)) to separate storm sewers,
- Uncontaminated pumped ground water,
- Dechlorinated discharges from potable water sources,
- Foundation drains,
- Air conditioning condensation,
- Irrigation water,
- Springs,
- Water from crawl space pumps,
- Footing drains,
- Minor incidental lawn watering,
- Individual residential car washing,
- Flows from riparian habitats and wetlands, and
- Dechlorinated swimming pool discharges.

Regional Water Boards may have separate NPDES discharge permits or Basin Plan requirements for non-stormwater discharges. The Department shall comply with requirements of the State Water Board or an applicable Regional Water Board for coverage under a separate NPDES Permit for a specific non-stormwater discharge, including a conditionally exempt non-stormwater discharge. Additionally, the Department may be subject to other Basin Plan requirements not specified in this Order that are applicable to one or more specific non-stormwater discharge types.

Discharges associated with emergency firefighting (i.e. those necessary for the protection of life and property) do not require best management practices if the implementation of best management practices interferes with the urgency of firefighting responses. As feasible, the use of best management practices is recommended during emergency firefighting events.

4 EFFLUENT LIMITATIONS

The Department shall implement best management practices to reduce the discharge of pollutants in stormwater discharged from the Department's municipal separate storm sewer system to the maximum extent practicable, as necessary to comply with total maximum daily load (TMDL) waste load and load allocations established for the Department's discharges and to comply with the Special Protections for discharges to Areas of Special Biological Significance.

5 RECEIVING WATER LIMITATIONS

Discharges from Department-owned facilities and properties must comply with receiving water quality objectives, as specified in federal and state regulations, including State and Regional Water Board water quality control plans and policies. The discharge of stormwater from a facility or activity shall not cause or contribute to an exceedance of any applicable water quality standard.

Stormwater and non-stormwater discharges shall not cause the following conditions to create a condition of nuisance as defined in Water Code section 13050(m) or adversely affect beneficial uses of waters of the United States:

1. Bottom deposits or aquatic growth;
2. Floating or suspended solids, deposited macroscopic particulate matter, or foam;
3. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
4. Alteration of temperature, turbidity, or apparent color beyond present natural background levels; and/or
5. Toxic or deleterious substances present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

5.1 Timely Implementation of Control Measures

The Department shall comply with this Order through timely implementation of control measures and other actions to reduce pollutant discharges in accordance with its Stormwater Management Plan, as approved by the State Water Board Executive Director, and other requirements resulting from amendments to this Order. If exceedances of water quality standards persist notwithstanding implementation of the Stormwater Management Plan approved by the State Water Board Executive Director and other requirements of this Order, the Department shall assure compliance with sections 3.4 and 5 by complying with the following:

5.1.1 *Exceedance of Applicable Water Quality Standard*

Upon a determination by the Department that a discharge is causing or contributing to an exceedance of an applicable water quality standard, the Department shall provide verbal notification, with electronic written follow-up notification (i.e., email), within five business days to the relevant Regional Water Board Executive Officer. Within 10 business days of the Department's notification, the Department shall submit a written detailed technical report of the discharge event causing or contributing to an exceedance of an applicable water quality standard, to the appropriate Regional Water Board Executive Officer and the State Water Board Executive Director.

If the State Water Board Executive Director or Regional Water Board Executive Officer determines that a Department's discharge has caused or contributed to an exceedance of an applicable water quality standard, the Department will be notified and shall submit a written detailed technical report within 30 days of that notification. The Department's technical report shall include an implementation schedule for the implementation of revised best management practices so that installed best management practices can effectively treat the subject pollutant and the stormwater discharge will cease to cause or contribute the exceedance of any receiving water quality objective. Where the pollutant causing the exceedance is subject to a waste load allocation listed in Table D-1 of Attachment D of this Order, the Department shall comply with the requirements of the relevant TMDL in lieu of this provision.

5.1.2 *Technical Report*

The detailed technical report required per section 5.4.1 of this Order shall describe best management practices that are currently implemented, additional best management practices proposed to be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance, necessary monitoring, and a corresponding implementation schedule. The Regional Water Board Executive Officer or State Water Board Executive Director may require modifications to the technical report.

5.1.3 *Submittal of Technical Report Modifications*

The Department shall submit a modified technical report as required by a subsequent notification from the State or Regional Water Board, within 30 days of the notification by the State Water Board Executive Director or Regional Water Board Executive Officer.

5.1.4 *Implementation of Revised Best Management Practices Per Technical Report*

In accordance with the implementation schedule of the technical report, the Department shall implement the revised best management practices and conduct additional necessary monitoring to demonstrate compliance with this Order.

5.1.5 *Incorporation of Revised Best Management Practices into Stormwater Management Plan*

If the Department complies with the above requirements and is implementing its approved Stormwater Management Plan that is modified to address the subject exceedances, the Department is not required to repeat the above technical report procedures in section 5.1.2 through 5.1.4 for continuing or recurring exceedances of the same receiving water limitations unless directed by the State Water Board Executive Director or a Regional Water Board Executive Officer to immediately implement additional best management practices.

5.2 **Total Maximum Daily Loads (TMDLs)**

The Department is named as a party in TMDLs established by U.S. EPA and the Regional Water Quality Control Boards. The Department shall comply with the TMDL-related requirements in Attachment D of this Order.

5.3 **Water Code Compliance**

Where the Department discharges waste to a water of the State that is not a water of the United States, compliance with the prohibitions, limitations, and provisions of this Order will constitute compliance with the requirements of the Porter-Cologne Water Quality Control Act within the Water Code, unless the State Water Board Executive Director or a Regional Water Board Executive Officer provides written notification to the Department stating otherwise.

6 **NOTIFICATIONS, MONITORING AND REPORTING**

The Department shall comply with the planning, implementation, notification, monitoring and reporting requirements in Attachments C, D, E, F, and G of this Order.

7 **REOPENER PROVISIONS**

This Order may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with the 40 C.F.R. sections 122.62, 122.63, 122.64, and 124.5. The State Water Board may reopen and modify this Order at any time prior to its expiration under any of the following circumstances:

7.1 **Present or Future Investigations**

Present or future investigations demonstrate discharges regulated by this Order may have the potential to cause or contribute to adverse impacts on water quality and/or beneficial uses.

7.2 **New or Revised Water Quality Objectives or Total Maximum Daily Loads**

New or revised water quality objectives come into effect, or a TMDL is adopted or revised that: (1) assigns a waste load allocation to the Department or (2) identifies the Department as a responsible party in the TMDL implementation plan. In such

cases, effluent limitations and other requirements in this Order may be modified as necessary to reflect the new or revised TMDLs or water quality objectives.

7.3 State Water Board Actions

New or revised State Water Board precedential decisions, regulations, or policies.

7.4 Total Maximum Daily Loads

Total maximum daily load-specific implementation requirements are developed by a Regional Water Board for incorporation into this Order.

8 REGIONAL WATER BOARD-SPECIFIC REQUIREMENTS

Each Regional Water Board has adopted a Basin Plan for the watersheds within its jurisdiction. Basin Plans identify the beneficial uses for each water body and the water quality objectives necessary to protect them. The Department is subject to the prohibitions and requirements of each Basin Plan.

9 REGIONAL WATER BOARD AUTHORITIES

1. Upon the effective date of this Order, the Regional Water Boards shall enforce the requirements of this Order. Enforcement may include the determination of compliance through reviewing plans, reports and other information; conducting compliance inspections; conducting monitoring; and issuing informal and formal enforcement orders.
2. Regional Water Boards may require submittal of Facility Pollution Prevention Plans.
3. Regional Water Boards may require retention of records for more than three years.
4. To the extent authorized by the Water Code, Regional Water Boards may impose additional notification, monitoring and reporting requirements and may provide guidance on monitoring plan implementation.
5. Regional Water Board staff may inspect the Department's facilities, roads, highways, bridges, and construction sites.
6. Regional Water Boards may issue other individual stormwater NPDES permits or Waste Discharge Requirements to the Department, specific to discharges beyond the scope of this Order.

10 REQUIREMENTS OF OTHER AGENCIES

This Order does not preempt or supersede the authority of other State or local agencies (such as the Department of Toxic Substances Control or the California Coastal Commission) or local municipal authorities to prohibit, restrict, or control stormwater

discharges and conditionally exempt non-stormwater discharges to storm drain systems or other watercourses within their jurisdictions as allowed by State and federal law.

11 DISPUTE RESOLUTION

In the event of a disagreement between the Department and a Regional Water Board over the interpretation of any provision of this Order, the Department shall first attempt to resolve the issue with the Executive Officer of the Regional Water Board. If a resolution is not obtained at the Regional Water Board level, the Department may submit the issue in writing to the Executive Director of the State Water Board or designee for resolution, with a copy to the Executive Officer of the Regional Water Board. The issue must be submitted to the Executive Director within ten days of any final determination by the Executive Officer of the Regional Water Board.

12 REPORT OF WASTE DISCHARGE

In accordance with Title 23, Division 3, Chapter 9 of the California Code of Regulations, the Department shall file a report of waste discharge no later than 180 days before the Expiration Date of this Order. The report of waste discharge serves as the Department's application for reissuance of this Order and waste discharge requirements. The application shall be accompanied by an updated Stormwater Management Plan and a summary of all available water quality data for the discharges regulated under this Order, and receiving waters, including conventional pollutant data from at minimum the most recent three years and toxic pollutant data from at least the most recent five years in the discharge and receiving water. Additionally, the Department shall include the final results of all studies that may have a bearing on the requirements of a subsequent reissued Order.

If the Effective Date of a subsequently adopted State Water Board reissuance to this Order is after the Expiration Date of this Order, the Department shall continue to implement the requirements of this Order until a new Order is adopted and becomes effective.

13 STANDARD PROVISIONS

The Department shall comply with all Standard Provisions of this Order as listed below.

13.1 Duty to Comply

1. The Department shall comply with all the conditions of this Order. Any permit noncompliance constitutes a violation of the Clean Water Act and the Water Code, which may be grounds for enforcement action or denial of permit coverage. (40 C.F.R. section 122.41(a); Water Code sections 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385, and 13387).
2. The Department 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, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. section 122.41(a)(1)).

13.2 Modification, Revocation and Reissuance, or Termination

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Department for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition.

13.3 Enforcement Provisions

1. The standard provisions of this section shall not act as a limitation on the statutory or regulatory authority of the State and Regional Water Boards.
2. Any violation of the Order constitutes a violation of the Water Code and regulations adopted hereunder and the provisions of the Clean Water Act, and is the basis for an enforcement action, permit termination, permit revocation and reissuance, denial of an application for permit reissuance, or a combination thereof.
3. The State and Regional Water Boards may impose administrative civil liability, may refer the Department to the State Attorney General to seek civil monetary penalties, may seek injunctive relief, or may take other appropriate enforcement action as provided in the Water Code or federal law.
4. All applications, reports, or information submitted to the State Water Board or Regional Water Boards shall be signed and certified under penalty of perjury. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both. (40 C.F.R. section 122.41(k)).
5. All Attachments of this Order are integral and enforceable.

13.4 Need to Halt or Reduce Activity not a Defense

The Department shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this Order. (40 C.F.R. section 122.41(c)).

13.5 Duty to Mitigate

The Department shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. section 122.41(d)).

13.6 Proper Operation and Maintenance

The Department shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Department, or by a contractor to the Department, to achieve compliance with the conditions of this Order. Proper operation and maintenance include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems installed by the Department only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. section 122.41(e)).

13.7 Property Rights

This Order does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations. (40 C.F.R. sections 122.41(g) and 122.5(c)).

13.8 Duty to Provide Information

Within a reasonable time specified by the State Water Board, Regional Water Boards, or U.S. EPA, the Department shall furnish records, reports, or information required to be kept by this Order, and shall furnish any information requested to determine whether cause exists for modifying, revoking, and reissuing, or terminating this Order or to determine compliance with this Order. (40 C.F.R. section 122.41(h)).

13.9 Inspection and Entry

Upon the presentation of credentials and other documents required by law, the Department shall allow representatives of the State Water Board, Regional Water Boards, and/or U.S. EPA to (33 United States Code section 1318(a)(4)(B); 40 C.F.R. section 122.41(i); Water Code sections 13267 and 13383):

13.9.1 *Enter Premises*

Enter upon the Department's premises where a regulated facility or activity is located or conducted, or where records are required to be kept under the conditions of this Order.

13.9.2 *Access to and Copy Records*

Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order.

13.9.3 *Inspect*

Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

13.9.4 *Sample or Monitor*

Sample or monitor at reasonable times for the purposes of assuring permit compliance, or as otherwise authorized by the Clean Water Act, any substances, or parameters at any location.

13.10 **Monitoring and Records Provisions**

1. Samples and measurements taken for monitoring shall be representative of the monitored activity. (40 C.F.R. section 122.41(j)(1)).
2. The Department shall retain records of all monitoring information for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by the State Water Board Executive Director or a Regional Water Board Executive Officer at any time. (40 C.F.R. sections 122.41(j)(4) and 122.44(i)(1)(iv)).
3. Records of monitoring information shall include the following (40 C.F.R. section 122.41(j)(3):
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 40 C.F.R. section 136 unless another method is required under 40 C.F.R. subchapters N or O. (40 C.F.R. sections 122.41(j)(4) and 122.44(i)(1)(iv)).

13.11 **Monitoring Enforcement Provisions**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. (40 C.F.R. sections 122.41(j)(4) and 122.44(i)(1)(iv)).

13.12 Signatory Requirements

All applications, reports, certifications, and records required by this Order or requested by the State Water Board, Regional Water Boards, or U.S. EPA shall be signed by either a principal executive officer or by a duly authorized representative. A person is a duly authorized representative only if:

1. The authorization is made in writing by the principal executive officer; and
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the Department. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, the Department shall provide a new authorization prior to submittal of any reports, certifications, or records signed by the newly authorized representative. (40 C.F.R. sections 122.22 and 122.41(k)).

13.13 Certification

Any person signing documents under section 13.16 above shall include the following certification statement with the submittal to the State Water Board or Regional Water Board (40 C.F.R. section 122.22(d)):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

13.14 Reporting Requirements**13.14.1 Planned Changes**

The Department shall give advance notice to the State Water Board and the appropriate Regional Water Board of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. (40 C.F.R. section 122.41(l)(1))

13.14.2 *Anticipated Noncompliance*

The Department shall give advance notice to the appropriate Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this Order.
(40 C.F.R. section 122.41(l)(2)).

13.14.3 *Compliance Schedules*

The Department shall submit reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order no later than 14 days following each scheduled date.
(40 C.F.R. section 122.41(l)(5)).

13.14.4 *Other Information*

If the Department becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any required report, it shall promptly submit such facts or information. (40 C.F.R. section 122.41(l)(8)).

13.15 **Oil and Hazardous Substance Liability**

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Department from any responsibilities, liabilities, or penalties to which the Department is or may be subject to under Section 311 of the Clean Water Act.

13.16 **Severability**

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

13.17 **Availability**

A copy of this Order shall always be maintained at the facility and be available to the appropriate facility personnel and to representatives of the Regional Water Boards, State Water Board, or U.S. EPA.

13.18 **Education**

The Department shall ensure that all personnel whose decisions or activities could affect stormwater quality and compliance with this Order are educated of the requirements of this Order.

14 **STORMWATER MANAGEMENT PLAN AND AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE PROVISIONS**

The Department shall develop, update, and implement its Stormwater Management Plan, as described in Attachment C of this Order. This Order requires the Department to

prepare, implement and update a Stormwater Management Plan that is consistent with the requirements of this Order. This Order requires the Department to submit the Stormwater Management Plan within 12 months of the Effective Date of this Order to the State Water Board Executive Director for review and consideration of approval. Upon approval, this Order requires that the Department implement the approved Stormwater Management Plan.

The Department shall implement Areas of Special Biological Significance requirements described in Attachment C of this Order.