

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
1001 I Street, Sacramento, CA 95814
<http://www.waterboards.ca.gov>

**ORDER WQ 20XX-00XX-DWQ, NPDES NO. CAS000004
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR
WASTE DISCHARGE REQUIREMENTS FOR
STORMWATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

TABLE 1. PERMITTEE INFORMATION

Facility type:	Small MS4s, listed in Attachment B of this Order
Discharge type:	Stormwater and authorized non-stormwater discharges

TABLE 2. ADMINISTRATIVE INFORMATION

This Order was adopted on:	<Adoption Date>
This Order shall become effective on:	<Six Months from Adoption Date>
This Order shall expire on:	<Expiration Date>

I, Courtney Tyler, 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.

Courtney Tyler, Clerk to the Board

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1. FACILITY INFORMATION AND SCOPE OF ORDER

This Order serves as a National Pollutant Discharge Elimination System (NPDES) permit that regulates stormwater and authorized non-stormwater discharges to waters of the United States (U.S.) from small municipal separate storm sewer systems (MS4s).

This Order provides the criteria for designating a Small MS4 and the requirements for implementing the Order for Traditional Permittees and Non-Traditional Permittees.

The Fact Sheet, Attachment A, provides the designation criteria for new permittees, permitting rationale, and regulatory background. Attachment B identifies each Permittee and is sorted by subset. The preceding permits provide the designating criteria for renewal permittees.

2. UPDATED PERMIT REQUIREMENTS

A summary of updated requirements is in the Fact Sheet (Attachment A).

3. FINDINGS OF APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

3.1 Legal Authority

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

3.2 Rationale for Requirements

The State Water Board developed the requirements in this Order based on information obtained through notices of intent, monitoring and reporting programs, and other available information submitted by the Permittees through State Water Board Order WQ 2013-0001-DWQ and amendments. The Fact Sheet (Attachment A), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes Findings for this Order. Attachments B through J are also incorporated into this Order.

3.3 Notification of Interested Parties

The State Water Board notified existing Permittees, new Permittees, and interested agencies and persons of its intent to prescribe this Order's requirements and provided an opportunity to submit written and oral comments and recommendations. The Fact Sheet provides details regarding the notification.

3.4 Consideration of Public Comment

The State Water Board considered all written comments received pertaining to this Order and, in a public meeting, heard and considered all oral comments pertaining to the Order. The Fact Sheet provides details regarding the public comment process.

4. PERMIT APPROACH

The USEPA's final MS4 General Permit Remand Rule (Federal Register Vol. 81, No. 237, Friday, December 9, 2016), establishes two alternative approaches for developing small municipal stormwater permits: (1) the Comprehensive General Permit and (2) the Two-Step General Permit. The State Water Board selected the Comprehensive General Permit, which includes necessary terms and conditions and approach for this Order. Refer to the Fact Sheet for additional information.

THEREFORE, IT IS HEREBY ORDERED that Order WQ 2013-0001-DWQ and amendments is rescinded upon the effective date of this Order except for enforcement purposes, and in order to meet 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 Permittee shall comply with the requirements in this Order. This action in no way prevents the State Water Board or a Regional Water Board from taking enforcement action for violations of the Order WQ 2013-0001-DWQ, amendments, or previous Orders affiliated with Order WQ 2013-0001-DWQ at the time these Orders were in effect.

5. DISCHARGE PROHIBITIONS

5.1 Maximum Extent Practicable

Stormwater discharges regulated under this Order containing pollutants that have not been reduced to the maximum extent practicable are prohibited.

5.2 Discharges into Areas of Special Biological Significance

Stormwater and non-stormwater discharges into Areas of Special Biological Significance (ASBS) are prohibited unless allowed under the conditions provided below. Permittees that are authorized to discharge into an ASBS must additionally comply with Attachment F – Area of Special Biological Significance Implementation Requirements.

5.2.1 Existing Stormwater Discharges into ASBS

Stormwater discharges from existing stormwater outfalls (outfalls that were constructed or under construction prior to January 1, 2005) to ASBS are allowed provided that they comply with all applicable requirements of the Special Protections as laid out in this Order, including its Attachments, 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.

Discharges composed of stormwater runoff shall not alter natural ocean water quality in an ASBS.

Only discharges from existing stormwater outfalls are allowed under this provision. Any proposed or new stormwater runoff discharge shall be routed to existing stormwater discharge outfalls and shall not result in any new contribution of waste (e.g., any addition of waste beyond what would have occurred as of January 1, 2005) to an ASBS. A change to an existing stormwater outfall, in terms of relocation or alteration, in order to comply with these requirements, is allowed and does not constitute a new discharge.

5.2.2 Non-Stormwater Discharges into ASBS

The following non-stormwater discharges into ASBS are allowed provided that the discharges are essential for emergency response purposes, structural stability, slope stability, or occur naturally:

- 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.

Authorized non-stormwater discharges into ASBS shall not alter natural ocean water quality nor cause or contribute to violations of the water quality objectives in Chapter II of the Water Quality Control Plan for Ocean Waters of California (Ocean Plan).

5.2.3 Additional Non-Stormwater Discharge Authorizations and Prohibitions into ASBS

1. Non-stormwater discharges from utility vaults and underground structures to the Permittee's MS4s with a direct discharge to ASBS are authorized if the discharges are authorized by the General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Surface Water, NPDES CAG990002.
 - a. Other short-duration, intermittent non-stormwater discharges related to utilities (e.g., groundwater dewatering, potable water system flushing, hydrotest discharges) to a segment of the MS4 with a direct discharge to an ASBS are permitted if such discharges are authorized by an NPDES permit issued by the applicable Regional Water Board.
 - b. The State Water Board or a Regional Water Board may prohibit a specific discharge from a utility vault or underground structure if the State Water Board or Regional Water Board determines that the discharge is causing the MS4 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 Permittee's MS4 with a direct discharge to an ASBS are authorized only to the extent the applicable Regional Water Board finds that the discharge will not alter natural ocean water quality in the ASBS nor cause or contribute to a violation of a water quality objective in Chapter II of the Ocean Plan.
3. This Order does not supersede the authority of a Permittee to effectively prohibit a non-stormwater discharge that has been found to alter natural ocean water quality in the ASBS or cause or contribute to a violation of a water quality objective in Chapter II of the Ocean Plan.
4. The discharge of trash into ASBS is prohibited.

5.3 Trash Narrative Water Quality Objective and Prohibition of Discharge

Trash shall not be present in inland surface waters, enclosed bays, estuaries, in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.

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 implementation requirements in Attachment H of this Order.

5.4 Exceedances of Water Quality Objectives and Standards

Discharges from a Permittee's MS4 to waters of the U.S. that cause or contribute to the violation of water quality standards or water quality objectives, or that impact the beneficial uses established in a water quality control plan or in a promulgated policy of the State or Regional Water Boards, are prohibited.

5.5 Pollution or Nuisance

A discharge from a Permittee's MS4 to waters of the U.S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined in Water Code section 13050 is prohibited.

5.6 Maintenance Activities

Discharge of wastes or wastewater from road-sweeping vehicles or other maintenance activities to waters of the U.S. or to a storm drainage facility leading to waters of the U.S. is prohibited unless the discharge is in compliance with Attachments D, E, F, G, H, and I of this Order, as applicable, or is authorized under another NPDES permit.

5.7 Waste

Discharges of waste from a Permittee's MS4 that are prohibited by Statewide Water Quality Control Plans or applicable Regional Water Quality Control Plans (Basin Plans) are prohibited.

5.8 Non-Stormwater Discharges

Non-stormwater discharges, other than authorized discharges into ASBS, are to be effectively prohibited unless authorized by a separate NPDES permit or as allowed under this section.

5.8.1 Conditionally Exempt Non-Stormwater Discharges

The following non-stormwater discharges to the MS4 are not required to be effectively prohibited provided any pollutant discharges are identified and

appropriate control measures to minimize the impacts of such discharges are developed and implemented under the Permittee's stormwater program.

1. Water line flushing,
2. Incidental runoff from landscaped areas (as defined in and in accordance with this section),
3. Diverted stream flows,
4. Rising ground waters,
5. Uncontaminated ground water infiltration (as defined at 40 Code of Federal Regulations (C.F.R.) 35.2005(b)(20)) to separate storm sewers,
6. Uncontaminated pumped ground water,
7. Discharges from potable water sources,
8. Foundation drains,
9. Air conditioning condensation,
10. Springs,
11. Water from crawl space pumps,
12. Footing drains,
13. Individual residential car washing,
14. Flows from riparian habitats and wetlands, and
15. Dechlorinated swimming pool discharges.

Additionally, discharges or flows associated with emergency firefighting activities are excluded from the effective prohibition on non-stormwater discharges and need only be addressed where they are identified as significant sources of pollutants to the waters of the U.S. The use of best management practices is recommended during emergency firefighting events when feasible.

This section does not obviate the need for the Permittee to obtain any other appropriate permits for such discharges. The State or Regional Water Boards may have separate WDRs or NPDES permits for non-stormwater discharges. The Permittee shall comply with requirements of the State Water Board or an applicable Regional Water Board for coverage under separate waste discharge requirements or NPDES permit for a specific non-stormwater discharge, including a conditionally exempt non-stormwater discharge. Additionally, the Permittee 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.

If a Permittee or a Regional Water Board Executive Officer identifies any individual or class of non-stormwater discharge listed above as a significant source of pollutants to waters of the U.S. or physically interconnected MS4, or as a threat to water quality standards, the Permittee may implement best management practices for the discharge or stop the discharge from recurring, or the Regional Water Board Executive Officer shall require the applicable Permittee(s) to monitor, submit a report, and implement best management practices for the discharge, or to stop the discharge from recurring.

5.8.2 Discharges in Excess of Incidental Runoff from Landscaped Areas

Incidental runoff is defined as unintended amounts (volume) of runoff, such as unintended minimal over-spray from sprinklers that escapes the area of intended use. Discharges in excess of incidental runoff from landscaped areas are required to be effectively prohibited.

Water discharging from an area of intended use is considered to be in excess of incidental runoff if it is due to any of the following: the facility design, excessive application, intentional overflow or application, or negligence.

Parties responsible for controlling runoff in excess of incidental runoff shall:

- a. Detect leaks (for example, from broken sprinkler heads) and correct the leaks within 72 hours of learning of the leak;
- b. Properly design and aim sprinkler heads;
- c. Not irrigate during precipitation events; and
- d. Manage ponds containing recycled water such that no discharge occurs unless the discharge is a result of a 25-year, 24-hour storm event or greater, and the applicable Regional Water Board is notified by email no later than 24 hours after the discharge. The notification is to include identifying information, including the Permittee's name and permit identification number.

6. EFFLUENT LIMITATIONS

1. Permittees shall implement best management practices to reduce the discharge of pollutants in stormwater discharged from their MS4 to the maximum extent practicable standard.
2. Permittees shall reduce the discharge of pollutants as necessary to comply with total maximum daily load (TMDL) wasteload allocations in accordance with Attachment G.
3. Permittees shall reduce the discharge of pollutants as necessary to comply with the Special Protections for discharges to ASBS in accordance with Attachment F.

4. Stormwater discharges shall not contain a hazardous substance in concentrations equal to or in excess of a reportable quantity listed in 40 C.F.R. sections 117 or 302.

7. RECEIVING WATER LIMITATIONS

7.1 Implementation of Receiving Water Limitations

Discharges from the Permittee's MS4 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. Discharges from the Permittee's MS4 shall not cause or contribute to an exceedance of any applicable water quality standard or water quality objective. The Permittee's stormwater management programs shall be designed such that discharges do not cause or contribute to exceedances of receiving water limitations and the other requirements of this Order. If exceedances of water quality objectives or water quality standards persist notwithstanding the implementation of the requirements of this Order, Permittees shall assure compliance with receiving water limitations by complying with the procedure described in this section, below.

Full compliance with the requirements for a TMDL, including the requirement to demonstrate attainment of the applicable wasteload allocation as specified in Attachment G, constitutes compliance with the receiving water limitations for the waterbody-pollutant combinations addressed by the TMDL.

7.1.1 Exceedance of Applicable Water Quality Standard and Technical Report

Either the Permittee or the applicable Regional Water Board may determine that an MS4 is causing or contributing to an exceedance of an applicable water quality standard. If the Permittee makes this determination, it shall promptly notify the applicable Regional Water Board of its determination. Following the determination by the Permittee or the determination and notification to the Permittee by the applicable Regional Water Board, the Permittee shall within 30 days of the determination submit a technical report to the Regional Water Board that describes best management practices that are currently being implemented and additional best management practices that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards, as well as any monitoring necessary to demonstrate compliance with this Order. The technical report shall include an implementation schedule.

7.1.2 Modifications of Technical Report

The Regional Water Board Executive Officer or State Water Board Executive Director may require modifications to this technical report. The Permittee shall submit any required modifications to the technical report within 30 days of notification by the applicable Board.

7.1.3 Implementation of Best Management Practices per Technical Report

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

7.1.4 Compliance with Procedures and Implementation Actions

So long as the Permittee has complied with the procedure set forth above and is implementing the actions, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Water Board Executive Officer or State Water Board Executive Director to develop additional best management practices.

7.2 Total Maximum Daily Loads

Permittees shall comply with the applicable TMDL-related requirements in Attachment G of this Order.

7.3 Water Code Compliance

Where a Permittee discharges waste to a water of the State that is not a water of the U.S., 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 Permittee stating otherwise.

8. REOPENER AND REVOCATION PROVISIONS

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

8.1 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 or beneficial uses.

8.2 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 is applicable to a Permittee. In such cases, effluent limitations and other requirements in this Order may be incorporated or modified as necessary to reflect the new or revised TMDLs or water quality objectives.

8.3 Precedential Decisions, Regulations, Laws, or Policies

New or revised regulations, laws, policies or State Water Board precedential decisions come into effect.

8.4 Clean Water Act Section 307(a)

Any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Clean Water Act section 307(a) 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 Order.

8.5 Test of Significant Toxicity

This Order may be reopened for modification to revise the aquatic toxicity provisions if the Supreme Court determines that the test of significant toxicity cannot be used in NPDES permits and the State Water Board suspends or revises the aquatic toxicity water quality standards.

9. REGIONAL WATER BOARD AUTHORITIES

1. Upon the effective date of this Order, Regional Water Boards are responsible for overseeing compliance with and enforcing the requirements of this Order. This may include, but is not limited to, determining compliance through reviewing plans, reports, and other information; conducting inspections and program evaluations; conducting monitoring; and issuing informal and formal enforcement orders¹. While State Water Board generally acts as an administrative appellate body for enforcement proceedings, it also has

¹ Water Quality Enforcement Policy, Appendix A, section B
(https://www.waterboards.ca.gov/water_issues/programs/enforcement/water_quality_enforcement.html)

- oversight authority in water quality enforcement matters and may take enforcement action in lieu of the Regional Water Board where it determines that it is appropriate to do so.
2. Regional Water Boards may require retention of records for more than three years.
 3. To the extent authorized by the Water Code, Regional Water Boards may impose additional notification, monitoring, reporting requirements and may provide guidance on monitoring plan implementation.
 4. Regional Water Board staff may inspect the Permittee's facilities, storm sewer system, roadways, appurtenances, and construction sites.
 5. Where a Permittee believes that additional time to comply with the final water quality-based effluent limitations or receiving water limitations in a TMDL is necessary, a Permittee may request a time schedule order pursuant to Water Code 13300 for the applicable Regional Water Board's consideration. Any such request should be made in writing and submitted to the Regional Water Board's Executive Officer.
 6. To the extent authorized by the Water Code, Regional Water Boards may require modification to stormwater program components and reporting requirements.
 7. The Regional Water Boards may designate additional Small MS4s on a case-by-case basis, following public review and comment. The State Water Board Executive Director may amend Attachment B to reflect Regional Water Board designations and may amend the Fact Sheet to incorporate the reasons for designation. Determination of designation shall be based on the potential of an MS4's discharges to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.
 8. Regional Water Boards may issue other NPDES permits or waste discharge requirements to Permittees for discharges not regulated by this Order.
 9. The Regional Water Boards may issue individual stormwater permits to Permittees regulated under this Order or alternative stormwater general permits to categories of Permittees. Upon issuance of such permits by a Regional Water Board and approval by the State Water Board Executive Director, this Order shall no longer regulate the affected Permittees and Executive Director shall take action to delist the Permittees from this Order.
 10. Where the Regional Water Board Executive Officer or State Water Board Executive Director has determined that additional best management practices are needed to address a continuing or recurring exceedance of receiving

water limitations already addressed in a Permittee's technical report per section 7.1, the Regional Water Board or State Board may direct the Permittee to repeat the technical report process to incorporate additional best management practices.

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 a Permittee and a Regional Water Board over the interpretation of any provision of this Order, the Permittee shall first attempt to resolve the disputed issue with the Executive Officer of the Regional Water Board. If a resolution satisfactory to the Permittee is not obtained at the Regional Water Board level:

1. Within 30 days of any final determination by the Executive Officer of the Regional Water Board, the Permittee may submit its dispute and request for resolution in writing to the State Water Board Executive Director or designee for resolution, with a copy to the Executive Officer of the Regional Water Board and a copy to the State Water Board Division of Water Quality Deputy Director. If a request for resolution is not submitted within 30 days of any final determination by the Executive Officer of the Regional Water Board, the Permittee will be deemed to have accepted that determination.
2. The Regional Water Board Executive Officer will be provided with an opportunity to respond.
3. Within 60 days of the Permittee's submittal of the written dispute and request for resolution by the Executive Director or designee, the State Water Board Executive Director or designee shall make a determination on the Permittee's request.

Determinations of the Regional Water Board Executive Officers in interpreting and implementing this permit are considered actions of the State Water Board except where the Regional Water Board itself or through its Executive Officer acts under Water Code sections 13300, 13304, or 13383.

This dispute resolution process does not apply to formal enforcement actions.

12. NOTICE OF INTENT

All Permittees listed in Attachment B must electronically file a Notice of Intent via SMARTS, as described in Attachment C.

1. By the effective date of this Order, Small MS4s regulated under the previous Order (Order WQ 2013-0001-DWQ, as amended, NPDES No. CAS000004) must electronically file a Notice of Intent and the applicable technical information required in Attachment C.
2. By the effective date of this Order, Small MS4s that are newly regulated by this Order must electronically file a Notice of Intent, upload the applicable technical information required in Attachment C, and submit the applicable fee.
3. Small MS4s designated after adoption of this Order must submit the applicable fee and electronically file a Notice of Intent within 180 days of designation along with applicable technical information required in Attachment C and applicable fee.
4. A Small MS4 identified in Attachment B may seek a waiver from the requirements of this Order if the Small MS4 meets the waiver criteria specified in Attachment C. Those entities under a waiver provided per the provisions of the previous permit must reapply under this Order.

13. STANDARD PROVISIONS – PERMIT COMPLIANCE

The Permittee shall comply with all Standard Provisions of this Order as required by 40 C.F.R. and as listed in sections 13 through 18.

This Order is effective for five years from the effective date. The terms and conditions of an expired Order are automatically continued pending reissuance. The Permittee shall continue to implement the requirements of this Order until a subsequent reissued permit becomes effective.

13.1 Duty to Comply

1. The Permittee 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.
2. The Permittee 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.

3. Permittees who cannot certify compliance and/or who have had instances of noncompliance shall notify the applicable Regional Water Board within 30 days. Instances of noncompliance resulting in emergencies (i.e., that endanger human health or the environment) shall be reported orally to the Regional Water Board within 24 hours from the time the discharger becomes aware of the circumstance and in writing to the Regional Water Board within five calendar days of the occurrence. The notification shall identify the noncompliance event and an initial assessment of any impact caused by the event, describe the actions necessary to achieve compliance, and include a time schedule indicating when compliance will be achieved. The time schedule and corrective measures are subject to modification by the Regional Water Board Executive Officer.

13.2 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Permittee 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.

13.3 Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Order.

13.4 Proper Operation and Maintenance

The Permittee 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 Permittee, or by a contractor to the Permittee, to achieve compliance with the conditions of this Order. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. The operation of backup or auxiliary facilities or similar systems installed by the Permittee is required only when necessary to achieve compliance with the conditions of this Order.

13.5 Property Rights

This Order does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of federal, State, or local laws or regulations.

13.6 Inspection and Entry

Upon the presentation of credentials and other documents required by law, the Permittee shall allow representatives of the State Water Board, Regional Water Boards, or USEPA to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order.
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order.
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
4. 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.
5. Photograph or videotape outdoor areas of the facility to document compliance or non-compliance with this Permit.

14. STANDARD PROVISIONS – PERMIT ACTION

14.1 General

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

14.3 Transfers

This Order is not transferable to any person except after notice to the State Water Board. The State Water Board may require modification or revocation and reissuance of the Order to change the name of the Permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Water Code.

14.4 Removal from Coverage

In the event that a Permittee is removed from coverage under this Order, the Permittee may be required to seek coverage under an individual or alternative general permit.

14.5 Availability of this Order

The Permittee shall always maintain a copy of this Order at the facility and make it available to the appropriate facility personnel and to representatives of the Regional Water Boards, State Water Board, or USEPA.

14.6 Provisions of this Order are Severable

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.

15. STANDARD PROVISIONS – MONITORING

15.1. Samples and Measurements

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

15.2. Test Procedures

Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or as required under 40 C.F.R. chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

1. The method minimum level is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method minimum level is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method minimum level is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
2. The method has the lowest minimum level of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N for the measured pollutant or pollutant parameter. In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136, or otherwise required under 40 C.F.R. chapter 1,

subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters.

16. STANDARD PROVISIONS – RECORDS

16.1 Records Retention

The Permittee shall retain records related to its stormwater management program for a minimum of three years and make the records available to the permitting authority upon request; this includes a written description of the Permittee's stormwater management program. (40 C.F.R. 122.34(d) and State Water Board)

16.2 Retain Records of All Monitoring Information

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the State Water Board Executive Director or Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2))

16.3 Records of Monitoring Information

Records of monitoring information shall include the following:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(i) – (vi).)

16.4 Claims of Confidentiality

Claims of confidentiality for the following information will be denied:

1. The name and address of any permit applicant or Permittee, and
2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b))

17. STANDARD PROVISIONS – REPORTING

Permittees shall submit all reports and plans electronically through the Stormwater Multiple Application and Report Tracking System (SMARTS). When notified by the State Water Board Executive Director, Permittees shall electronically report to SMARTS the USEPA-specified reporting information (referred to as “[NPDES eRule](#)” reporting), including the data elements associated with MS4 permit requirements and minimum control measures ([Federal Register, Final Rule](#), April 15, 2020). (40 C.F.R. § 122.41(h); Wat. Code, §§ 13267, 13383.)

17.1 Duty to Provide Information

The Permittee shall furnish to the Regional Water Board, State Water Board, or US EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or US EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Permittee shall also furnish to the Regional Water Board, State Water Board, or US EPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, §§ 13267, 13383.)

17.2 Signatory and Certification Requirements

1. All notices of intent, applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with this section. (40 C.F.R. § 122.41(k).)
2. All permit notices of intent and applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 C.F.R. § 122.22(a)(1).)
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in the above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in the Standard Provisions – Reporting sections, above;
 - b. 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 plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

- c. The written authorization is submitted to the Regional Water Board and State Water Board. 40 C.F.R. § 122.22(b)(1)) – (b)(3)
4. If an authorization of a duly authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)
5. Any person signing a document under The Standard Provisions – Reporting sections, above, shall make the following certification:
“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, 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.” (40 C.F.R. § 122.22(d).)
6. Any person providing the electronic signature for documents described in Standard Provisions – 16.2.1, 16.2.2, or 16.2.3 that are submitted electronically shall meet all relevant requirements of the Standard Provisions – Reporting sections, and shall ensure that all relevant requirements of 40 C.F.R. section 3 (Cross-Media Electronic Reporting) and 40 C.F.R. section 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R § 122.22(e).)

17.3 Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the monitoring and reporting sections of Attachments D, E, F, G, H, and I of this Order. (40 C.F.R. § 122.41(l)(4).)
2. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

3. If the Permittee monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the monitoring reports (40 C.F.R. § 122.41(l)(4)(ii).)

17.4 Planned Changes

The Permittee shall give notice to the State Water Board and the applicable Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this section only when the alteration or addition could significantly change the nature or could increase the quantity of pollutants discharged or otherwise meets the criteria in 40 C.F.R. section 122.41(l)(1).

17.5 Anticipated Noncompliance

The Permittee shall give advance notice to the applicable Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this Order.

17.6 Other Information

If the Permittee 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.

17.7 Twenty-Four Hour Reporting

The Permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. A report shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

18. STANDARD PROVISIONS – ENFORCEMENT

18.1 Limitation on Board Authority

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.

18.2 Water Code and Clean Water Act

Any violation of this 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.

18.3 Enforcement Actions

The State Water Board and Regional Water Boards may impose administrative civil liability, may refer the Permittee 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 for violations subject thereto.

18.4 Falsification of Monitoring

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, report, or method or reports of compliance or noncompliance required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, 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

18.5 False Statements

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 both.

18.6 Significant Penalties

Significant penalties may be imposed for violation of this Order, pursuant to Water Code section 13385 and other statutes. Court-imposed liability may not exceed \$25,000 per day, and Regional Water Boards may impose administrative fines not to exceed \$10,000 per day.

18.7 Section 311 Responsibilities

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

19. STORMWATER MANAGEMENT PROGRAM

19.1 Traditional and Non-Traditional Permittee Requirements

This Order requires the Permittee to implement a stormwater management program consistent with the requirements of this Order. Stormwater management program requirements are specified separately for Traditional and Non-Traditional Permittees. Traditional Permittees shall comply with Attachment D of this Order. Non-Traditional Permittees shall comply with Attachment E of this Order.

19.2 Renewal Permittee Continuing Implementation

Where this Order requires a Renewal Permittee to update a plan or program required by the prior Order, the Renewal Permittee must continue implementing its existing plan or policy until the new plan or policy is finalized.

19.3 Receiving Water Limitations

Stormwater management programs shall be designed to achieve compliance with receiving water limitations through timely implementation of control measures, best management practices and other actions to reduce pollutants in the discharges and other requirements of this Order including any modifications.

19.4 MS4 Boundary

The Permittee's Stormwater Management Program must be implemented in all areas that drain into the storm sewer system, such as roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, and other structures designed or used for collecting and conveying stormwater to the MS4.

1. For cities, towns, and other incorporated areas; the boundary includes the incorporated area and the MS4's jurisdictional boundary. This includes the MS4's storm sewer system and all areas, appurtenances, and structures that drain into the MS4.
2. For counties; boundaries include any portion of urban areas with a population of at least 50,000 based on the 2020 census and places identified in Attachment B for coverage by counties. Boundaries must be proposed in

the boundary map and may be developed in conjunction with the applicable Regional Water Board.

3. For Non-Traditional Permittees; the boundary includes the extent of the MS4 system. For military installations, this Order applies to areas where the activities and population density resemble that of a Traditional Small MS4. For Department of Corrections and Rehabilitation Permittees, this Order applies to facilities that are in active operation (i.e., it does not apply to closed facilities lacking management oversight).

20. SECURITY CONCERNS

Department of Defense, Department of Corrections and Rehabilitation Permittees, ports, and transportation agencies are exempt from Annual Reporting and Guidance Document requirements in this Order that could pose a security risk and/or compromise facility security. The Permittee shall note in the Annual Report any questions not answered, or items not submitted due to such security concerns.

21. ELECTRONIC MS4 SYSTEM SERVICE AREA BOUNDARY MAP

The Permittee shall submit an up-to-date electronic spatial map of its MS4 service area boundaries. The map must be in accordance with Attachment C section C3 (Electronic MS4 Service Area Boundary Map) and the specification provided on the [Small MS4 Program](#) website. By the Effective Date of this Order, specifications for the electronic MS4 service area boundary map format will be provided on the statewide [Small MS4 Program](#) website.