U.S.C §§ 1311(a), 1342. ("A failure to comply with or obtain coverage under the Storm Water Permit is a violation of the Clean Water Act.").

The Clean Water Act provides that a facility's owners and/or operators are liable and subject to civil penalties for violations of its provisions. 40 C.F.R. § 122.41(b). As explained below, the owners and/or operators of the Facility are liable and subject to civil penalties for violating the Clean Water Act and the Storm Water Permit.

Section 505(a) of the Clean Water Act authorizes citizen suits "against any person . . . who is alleged to be in violation of . . . an effluent standard or limitation under this Act or ... an order issued ... with respect to such a standard or limitation." 33 U.S.C. § 1365 (a)(1). A citizen must provide notice of the alleged violation(s) and his/her intent to sue at least sixty (60) days prior to initiating a civil action under Section 505(a) of the Clean Water Act. 33 U.S.C. § 1365(b). Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the executive officer of the water pollution control agency in the state in which the alleged violation occurred, and, if the alleged violator is a corporation, to the registered agent of the corporation. *See* 40 C.F.R. § 135.2.

Waterkeeper submits this letter to you as the responsible owners, officers, and/or operators of Alameda Recycling & Metals. By this letter, Waterkeeper hereby puts the owners and/or operators of the Alameda Recycling Facility on notice that after the expiration of sixty (60) days from the date of this letter, Waterkeeper intends to file an enforcement action in Federal court against the owners and/or operators of the Facility for violating the Storm Water Permit and the Clean Water Act.

I. Background

A. Los Angeles Waterkeeper

Los Angeles Waterkeeper (formerly the Santa Monica Baykeeper) is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 120 Broadway, Suite 105, Santa Monica, CA 90401. Founded in 1993, Waterkeeper has approximately 3,000 members who live and/or recreate in and around the Los Angeles area. Waterkeeper is dedicated to the preservation, protection, and defense of the rivers, creeks and coastal waters of Los Angeles County from all sources of pollution and degradation. To further this mission, Waterkeeper actively seeks federal and state implementation of the Clean Water Act. Where necessary, Waterkeeper directly initiates enforcement actions on behalf of itself and its members.

Members of Waterkeeper reside in Los Angeles County, near the Los Angeles River ("L.A. River"). As explained in detail below, the Alameda Recycling Owners and/or Operators have continuously discharged storm water associated with industrial activity into Compton Creek, a major tributary of the L.A. River, and ultimately into the L.A. River and the Pacific Ocean without obtaining the necessary coverage under the Storm Water Permit and in violation of the Clean Water Act. Waterkeeper members use

the L.A. River and the Pacific Ocean to kayak/canoe, bicycle, hike and walk, wade, fish, conduct scientific monitoring and study, and view birds and other wildlife. Additionally, water from the L.A. River flows into the Los Angeles Harbor ("L.A. Harbor") in Long Beach and into the Pacific Ocean where Waterkeeper members engage in scientific study through pollution and habitat monitoring and restoration activities, including Waterkeeper's Kelp Restoration Project and Marine Protected Areas Watch Project.

The unlawful storm water discharge from the Alameda Recycling Facility into the L.A. River, the L.A. Harbor and the Pacific Ocean impairs Waterkeeper members' use and enjoyment of these waters. Thus, the interests of Waterkeeper's members have been, are being and will continue to be adversely affected by Alameda Recycling Owners and/or Operators' failure to comply with the Clean Water Act and the Storm Water Permit.

B. The Alameda Recycling & Metals Owners and/or Operators

Information available to Waterkeeper indicates the Alameda Recycling Facility located at 2241 E. 89th Street, Los Angeles, California 90002 is owned and/or operated by Jose Matias Diaz, Steven A. Lewis and Michelle L. Lewis. Further, information available to Waterkeeper indicates that Alameda Recycling and Metals is a fictitious business name registered in the County of Los Angeles.

Information available to Waterkeeper indicates that the Alameda Recycling Owners and/or Operators have failed to obtain coverage under the Storm Water Permit since the business began its operations. Information available to Waterkeeper indicates that the Facility's industrial activities include but are not limited to the storage, processing, handling, recycling, and transportation of scrap metals. These industrial operations fall within the Storm Water Permit Standard Industrial Classification code of regulated activity ("SIC Code") as 5093 (processing, reclaiming, and wholesale distribution of scrap metal and waste materials). The Storm Water Permit therefore regulates the storm water discharges from the Alameda Recycling Facility. *See* Storm Water Permit, Attachment 1 at 2.

C. Storm Water Pollution, Compton Creek, Los Angeles River, Los Angeles Harbor and Pacific Ocean

With every significant rainfall event, millions of gallons of polluted rainwater, originating from numerous Los Angeles industrial operations such as the Alameda Recycling Facility, pour into storm drains and Los Angeles area surface waters. The consensus among regulatory agencies and water quality experts is that storm water pollution accounts for more than half of the total pollution entering marine and river environments annually. According to the National Research Council's "Report on Urban Storm Water," storm water runoff is "a principal contributor to water quality impairments of water bodies nationwide."[4] This discharge of pollutants from industrial facilities in

[4]National Research Council of the National Academies. *Urban Stormwater Management in the United States*. at vii. (2008).

storm water contributes to the impairment of downstream waters and aquatic dependent wildlife. A water body is impaired if it is unable to support its beneficial uses, as described below.

Information available to Waterkeeper indicates that the Alameda Recycling Facility is about three and a half miles to the north east of Compton Creek in Los Angeles. Information available to Waterkeeper further indicates that storm water flows from the Alameda Recycling Facility enter the nearby municipal storm drain systems and then are carried south by the municipal storm drains until they reach and discharge into Compton Creek, a tributary to the Los Angeles River. The Facility's polluted storm water discharges are thereafter carried southeast until they reach and discharge into the Los Angeles River just south of West Del Amo Boulevard.

Polluted storm water discharges from industrial facilities, like the Alameda Recycling Facility, contribute to the impairment of groundwater, downstream surface waters, and aquatic dependent wildlife. A water body is impaired if it is unable to support its beneficial uses. The Los Angeles Regional Water Quality Control Board ("Regional Board")'s Water Quality Control Plan for the Los Angeles and Ventura County Watersheds ("Basin Plan") lists the Beneficial Uses for waters in the L.A. River. The Beneficial Uses for the waters that receive storm water discharges from the Facility include: ground water recharge (GWR), water contact recreation (REC1), non-contact water recreation (REC2), warm freshwater habitat (WARM), wildlife habitat (WILD), wetland habitat (WET), municipal and domestic supply (MUN), and industrial service supply (IND). *See* Basin Plan, Table 2-1.

The L.A. River is home to natural vegetation and a variety of fish and bird species. The River is increasingly being used for recreation by Los Angeles area residents and visitors alike. For the Los Angeles area aquatic ecosystem to regain its health and endangered species to recover and thrive, unregulated storm water discharges associated with industrial activity, including those from the Facility, must be eliminated.

II. The Alameda Recycling Facility and the Associated Discharge of Unpermitted Storm Water

Information available to Waterkeeper indicates ongoing and continuous violations of the Clean Water Act at the Alameda Recycling Facility. The Facility has been operating without the necessary Storm Water Permit coverage since at least January 1, 2008 has been discharging and continues to discharge polluted storm water associated with industrial activity since its founding.

Information available to Waterkeeper indicates that the size of the Alameda Recycling Facility is approximately 1 acre. Waterkeeper's visual observations indicate that the Facility is surrounded by a fence and includes a yard and piles of scrap metal and other recyclables. Investigations by Waterkeeper indicate that the Alameda Recycling Owners and/or Operators engage in the recycling services of scrap metals, cans, plastic, glass, and large house ware appliances.

Waterkeeper's investigations also confirm that the Alameda Recycling Owners and/or Operators conduct scrap recycling operations and store materials at the Facility without adequate cover, thereby exposing pollutants associated with their industrial activities to precipitation, which carries away these pollutants as storm water flows into Compton Creek, the L.A. River, the L.A. Harbor and the Pacific Ocean.

The entire Alameda Recycling Facility site has no roof or other covering. Waterkeeper has observed that the Alameda Recycling Owners and/or Operators store scrap metal and other materials in large piles placed directly on the ground within the Facility's open area without any covering or containment, thereby exposing pollutants associated with their industrial activities to storm water flows. These piles are located near driveways leading into and out of the Facility onto adjacent streets. Waterkeeper has also observed that the Alameda Recycling Owners and/or Operators store scrap metal and other materials in uncovered bins with no secondary containment. These uncontained and uncovered bins filled with scrap metal and waste material are also located at, near and/or directly adjacent to outfall areas at the Alameda Recycling Facility. Furthermore, Waterkeeper has observed that trash, debris and large plastic bags filled with bottles and cans cover the floor of the Facility.

The failure to properly address these pollutant sources results in contaminated flows generated by the Facility during rain events that are discharged from its outfalls, into the municipal storm sewer system and ultimately into Compton Creek, the L.A. River, the L.A. Harbor, and the Pacific Ocean.

Waterkeeper's visual observations of the Facility also indicate that the Alameda Recycling Owners and/or Operators have not properly developed and/or installed best management practices ("BMPs") at the Facility sufficient to prevent the exposure of pollutants associated with the Facility's industrial operations to storm water and non-storm water, and further, have not properly developed and/or installed BMPs sufficient to prevent the discharge of these pollutants from the Facility during rainstorm events. Consequently, during rain events, storm water carries pollutants from the uncovered operations areas, uncovered scrap piles, ground and floor contaminants, equipment, staging areas, shipping and receiving areas, and other sources directly onto East 89th Street and South Alameda Street and into area storm drains. Moreover, visual observations by and information available to Waterkeeper indicate that pollutants such as trash and debris are conveyed by storm water from the Facility out of the Facility's discharge points without BMPs to prevent trash and debris from entering area storm drains and in turn the L.A. River and, eventually, the Pacific Ocean. These illegal discharges degrade the Beneficial Uses of the L.A. River and the Pacific Ocean and negatively impact Waterkeeper's members' use and enjoyment of these waters.

The evidence from visual observations and investigations conducted by Waterkeeper demonstrate that the Alameda Recycling Owners and/or Operators have violated and continue to violate the Clean Water Act by discharging storm water from their Facility without obtaining coverage under the Storm Water Permit. The failure to

obtain coverage under the Storm Water Permit and the resulting discharges of unregulated storm water from the Alameda Recycling Facility are violations of the Storm Water Permit and the Clean Water Act. Perhaps more importantly, these failures have resulted in and continue to contribute to the degradation of the L.A. River, and ultimately, the Pacific Ocean, while threatening and harming a diverse array of wildlife and threatened and endangered species.

III. Alameda Recycling and Metals' Violations of the Clean Water Act and the Storm Water Permit

The Clean Water Act expressly prohibits the "discharge of any pollutant" unless such discharge complies with the terms of any applicable NPDES permit, and sections 301, 302, 307, 308, and 402 of the CWA. 33 U.S.C. §§ 1311(a)(1), 1342. "Discharge of a pollutant" means any "addition of a pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12). Pollutant is defined to include "industrial, municipal, and agricultural waste discharged into water." 33 U.S.C. § 1362(6). A point source is "any discernable, confined and discrete conveyance," 33 U.S.C. § 1362(14), and navigable waters are broadly defined as "the waters of the United States." 33 U.S.C. § 1362(7). NPDES permits include both general permits, which are issued under 40 C.F.R. § 122.28 authorizing a category of discharges under the CWA within a geographical area, and individual permits, which are issued to specific facilities.

A. Unpermitted Discharges of Storm Water

In California, the owner and/or operator of any facility that discharges storm water associated with one of the industrial activities listed in Part 122.26(b)(14) of Title 40 of the Code of Federal Regulations and Attachment 1 of the Storm Water Permit must obtain coverage under the Storm Water Permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); Storm Water Permit, Fact Sheet pp. VI-VII.

Metal scrapyards, salvage yards and recycling facilities engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material, including bottles, wastepaper and others are among the facilities listed in Attachment 1 of the Storm Water Permit. Storm Water Permit, Attachment 1 at 2. Consequently, since the Alameda Recycling Facility is engaged in the recycling, breaking up, sorting and wholesale distribution of scrap metals and other scrap and waste material, including plastic bottle and wastepaper, the owners and/or operators of the Facility must obtain coverage under the Storm Water Permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); Storm Water Permit, Fact Sheet pp. VI-VII. An industrial facility operator who has not obtained coverage under the Storm Water Permit must submit an application for an individual NPDES permit. *Id.*

Furthermore, the owner and/or operator of such facility must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); Storm Water Permit, Fact Sheet p. VII. The Storm Water Permit imposes on industrial facilities specific requirements related to the

quality of their storm water and non-storm water discharges. *See e.g.,* Storm Water Permit at 3 (Section A, Discharge Prohibitions), 3-4 (Section B, Effluent Limitations), 4-5 (Section C, Receiving Water Limitations), 5-6 (Section D, Special Conditions). Any noncompliance with the conditions of the Storm Water Permit "constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for … enforcement action." Storm Water Permit at 46.[5]

Information available to Waterkeeper indicates that the Alameda Recycling Owners and/or Operators have failed to obtain coverage under the Storm Water Permit. Moreover, Alameda Recycling Owners and/or Operators have failed to apply for and obtain coverage under an individual NPDES Permit. By failing to apply for Storm Water Permit coverage and continuing to discharge polluted storm water into Compton Creek, L.A. River, L.A. Harbor and the Pacific Ocean without an NPDES Permit, the Alameda Recycling Owners and/or Operators have continuously violated the Storm Water Permit and the Clean Water Act since at least 2008. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1).

Information available to Waterkeeper indicates that the Alameda Recycling Facility has illegally discharged storm water into area storm drains, Compton Creek, L.A. River, L.A. Harbor and the Pacific Ocean during every measurable precipitation event at the facility on more than 100 days since 2008.[6]

To obtain authorization for continued and future storm water discharges associated with industrial activity under the Storm Water Permit, each facility operator must submit an NOI. Storm Water Permit, Fact Sheet, p. II. The Storm Water Permit requires that a facility operator submit an NOI for each industrial facility that is required by EPA regulations to obtain a permit. *See* Storm Water Permit, Provisions E(1-3); Attachment 3, NOI Instructions.

B. Failure to Prepare and Implement a SWPPP and a Monitoring and Reporting Program

A facility's failure to obtain coverage under the Storm Water Permit or to comply with the requirements of the Storm Water Permit is a violation of the Clean Water Act. *See* 40 C.F.R. § 122.41(a); Storm Water Permit, Section C(1). Information available to Waterkeeper indicates that Alameda Recycling Owners and/or Operators have failed to prepare and implement a Storm Water Pollution Prevention Plan ("SWPPP") and a Monitoring and Reporting Program, both requirements of the Storm Water Permit. As a result, Alameda Recycling Owners and/or Operators have violated the Storm Water Permit.

1. **Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan (SWPPP)**

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[5] A copy of the current Storm Water Permit is attached as Exhibit A.
[6] A list with all significant rain events at the facility is attached as Exhibit B.

The Alameda Recycling Owners and/or Operators have also failed to develop and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP") as required by Section A of the Storm Water Permit. Section A(1) and Provision E(2) of the Storm Water Permit require dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The Storm Water Permit's SWPPP requirement has two objectives: (1) to examine and identify potential sources of polluted storm water discharge from the Facility; and (2) to develop and implement facility-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). To ensure its effectiveness, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9), and must be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9), A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (Section A(4)); a list of significant materials handled and stored at the site (Section A(5)); and, a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (Section A(6)). Sections A(7) and (8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

The Alameda Recycling Owners and/or Operators have not developed and/or implemented a SWPPP that meets the requirements of the Storm Water Permit. Every day the Alameda Recycling Owners and/or Operators operate the Alameda Recycling Facility with an inadequately developed and/or implemented SWPPP constitutes a violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C § 1311(a). The Alameda Recycling Owners and/or Operators have therefore been in daily and continuous violation of the Storm Water Permit's SWPPP requirements every day since at least January 1, 2008. These violations are ongoing and the Alameda Recycling Owners and/or Operators will continue to be in violation every day that they fail to develop and implement an adequate SWPPP for the Alameda Recycling Facility. Waterkeeper will include additional violations when information becomes available. The Alameda Recycling Owners and/or Operators are subject to civil penalties for all violations of the Storm Water Permit and the Clean Water Act since at least January 1, 2008.

2. **Failure to Develop and Implement a Monitoring and Reporting Program**

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program ("MRP") by October 1, 1992 or prior to the commencement of industrial activities at a facility. The objective of the MRP requirement is to: "(1) demonstrate compliance with the Storm Water Permit; (2) aid in the implementation of the SWPPP; and (3) measure the effectiveness of the BMPs in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges." Storm Water Permit at X. The MRP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and that they are evaluated and revised whenever appropriate. *Id.*, Section B(2).

Sections B(3) through B(16) of the Storm Water Permit set forth the MRP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly dry season visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges from one storm event per month during the wet season (defined as October 1-May 30). Sections B(3) and (4) further require dischargers to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and (4). Finally, dischargers must revise the SWPPP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*, Section B(4).

Sections B(5) and (7) of the Storm Water Permit require dischargers to visually observe and collect samples of storm water discharges from all locations where storm water is discharged. Storm water samples must be collected during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season." *Id.*, Section B(5)(a). The Storm Water Permit allows permittees to comply with the MRP requirements individually or participate in a group monitoring program. *Id.*, Section B(15).

Storm water samples must be analyzed for total suspended solids ("TSS"), pH, specific conductance, and total organic carbon ("TOC") or oil and grease. *Id.*, Section B(5)(c). The Facility, as a scrap metal recycling facility classified as SIC Code 5093, must also analyze storm water samples for iron, lead, aluminum, zinc, and chemical oxygen demand, or as required by the Regional Board. *Id.*; *see also id.*, Table D, Sector N.

Information available to Waterkeeper indicates that the Alameda Recycling Owners and/or Operators have not sampled or analyzed their storm water discharges or conducted the required visual observations since at least January 1, 2008.

In addition to the requirements to sample and analyze storm water discharges and conduct visual observations, Section B(14) of the Storm Water Permit requires dischargers to submit an Annual Report to the Regional Board by July 1 of each year. The Annual Report must include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling and analysis results, laboratory reports, the annual comprehensive site compliance evaluation report, an explanation of why a facility did not implement any activities required, and records specified in Section B(13). Storm Water Permit, Section B(14). Waterkeeper's investigation reveals that the Alameda Recycling Owners and/or Operators have not submitted the required Annual Report since at least January 1, 2008.

Every day that the Alameda Recycling Owners and/or Operators operate the Facility without conducting the requisite visual observations and storm water sampling and analysis, and without submitting annual reports is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Alameda Recycling Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's MRP requirements every day since at least January 1, 2008. These violations are ongoing and the Alameda Recycling Owners and/or Operators will continue to be in violation every day that they fail to revise, develop, and/or implement an adequate MRP for the Facility. Waterkeeper will include additional violations when information becomes available. The Alameda Recycling Owners and/or Operators are subject to penalties for all violations of the Storm Water Permit and the Clean Water Act occurring since at least January 1, 2008.

C. Relief and Penalties Sought for Violations of the Clean Water Act

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit. These provisions of law authorize civil penalties of up to $27,500 per day per violation for all Clean Water Act violations between January 30, 1997 and March 15, 2004, $32,500 per day per violation for all Clean Water Act violations between March 15, 2004 and January 12, 2009, and $37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

Waterkeeper now places the Alameda Recycling Owners and/or Operators on notice of their violations of the Clean Water Act and the Storm Water Permit for each day of violation occurring at the Facility since January 1, 2008.

LOS ANGELES WATERKEEPER®

October 1, 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jose Matias Diaz
Alameda Recycling & Metals
2241 E. 89th Street
Los Angeles, CA 90002

Steven A. Lewis
1007 N. Roxbury Drive
Beverly Hills, CA 90210

Michelle L. Lewis
1007 N. Roxbury Drive
Beverly Hills, CA 90210

Re: Notice of Violation and Intent to File Suit Under the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") regarding violations of the Clean Water Act[1] and the State of California's General Industrial Storm Water Permit ("Storm Water Permit")[2] occurring at the Alameda Recycling & Metals Facility located at 2241 E. 89th Street, Los Angeles, California 90002 (hereinafter "Alameda Recycling Facility" or "Facility"). Information available to Waterkeeper indicates that Jose Matias Diaz, Steven A. Lewis and Michelle L. Lewis are owners and/or operators of Alameda Recycling & Metals (hereinafter referred to as "Alameda Recycling Owners and/or Operators")[3], and that Alameda R cling & Metals is a fictitious business name registered in Los Angeles County. The owners and/or operators of the Facility have failed to obtain coverage under the Storm Water Permit and continue to operate the Facility without a Permit in violation of the Clean Water Act. *See* 33

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollutant Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.
[3] The owner and/or operator of the Facility is identified in greater detail in Section I.B below and referred to hereinafter as "Alameda Recycling & Metals Owners and/or Operators."

IV. Conclusion

Upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the above-referenced violations. During the 60-day notice period, however, Waterkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately. If good faith negotiations are not being made, at the close of the 60-day notice period, Waterkeeper will proceed expeditiously with litigation. ***We may elect not to initiate litigation if Alameda Recycling and Metals applies for coverage under the Storm Water Permit and develops and implements an adequate SWPPP and MRP within 60 days from the date of this letter.***

Please direct all communications to Los Angeles Waterkeeper:

Liz Crosson
Tatiana Gaur
Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, California 90401
(310) 305-9645

Sincerely,

Liz Crosson
Executive Director
Los Angeles Waterkeeper

Tatiana Gaur
Executive Director
Los Angeles Waterkeeper

SERVICE LIST

VIA U.S. MAIL

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Jared Blumenfeld, Regional Administrator
U.S. Environmental Protection Agency
Region IX
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San Francisco, CA 94105

Tom Howard
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Sam Unger
Executive Officer
Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

To: STORM WATER DISCHARGER

SUBJECT: CHECKLIST FOR SUBMITTING A NOTICE OF INTENT

In order for the State Water Resources Control Board to expeditiously process your Notice of Intent (NOI), the following items must be submitted to either of the addresses indicated below:

1._____ NOI (please keep a copy for your files) with all applicable sections completed and original signature of the facility operator;

2._____ Check made out to the "State Water Resources Control Board" with the appropriate fee. The total annual fee is $**1359.00.**

3. _____ Site Map of the facility (see NOI instructions). DO NOT SEND BLUEPRINTS

U.S. Postal Service Address

State Water Resources Control Board
Division of Water Quality
Attn: Storm Water Section
P.O. Box 1977
Sacramento, CA 95812-1977

Overnight Mailing Address

State Water Resources Control Board
Division Of Water Quality
Attn: Storm Water, 15th Floor
1001 I Street
Sacramento, CA 95814

NOIs are processed in the order they are received. A NOI receipt letter will be mailed to the facility operator within approximately two weeks. Incomplete NOI submittals will be returned to the facility operator within the same timeframe and will specify the reason(s) for return. If you need a receipt letter by a specific date (for example, to provide to a local agency), we advise that you submit your NOI thirty (30) days prior to the date the receipt letter is needed.

Please do not call us to verify your NOI status. A copy of your NOI receipt letter will be available on our web page within twenty-four (24) hours of processing. Go to https://smarts.waterboards.ca.gov and click on View SW data. If you have any questions regarding this matter, please contact us at 1-866-563-3107 or stormwater@waterboards.ca.gov

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FOR
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EXCLUDING CONSTRUCTION ACTIVITIES

BACKGROUND

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p) that establishes a framework for regulating municipal and industrial storm water discharges under the NPDES Program. On November 16, 1990, the U.S. Environmental Protection Agency (U.S. EPA) published final regulations that establish application requirements for storm water permits. The regulations require that storm water associated with industrial activity (storm water) that discharges either directly to surface waters or indirectly through municipal separate storm sewers must be regulated by an NPDES permit.

U.S. EPA developed a four-tier permit issuance strategy for storm water discharges associated with industrial activity as follows:

Tier I, Baseline Permitting--One or more general permits will be developed to initially cover the majority of storm water discharges associated with industrial activity.

Tier II, Watershed Permitting--Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual or watershed-specific general permits.

Tier III, Industry-Specific Permitting--Specific industry categories will be targeted for individual or Industry-specific general permits.

Tier IV, Facility-Specific Permitting--A variety of factors will be used to target specific facilities for individual permits.

The regulations allow authorized states to issue general permits or individual permits to regulate storm water discharges.

Consistent with Tier I, Baseline Permitting, of the U.S. EPA permitting strategy, the State Water Board issued a statewide General Permit on November 19, 1991 that applied to all storm water discharges requiring a permit except construction activity. The monitoring requirements of this General Permit were amended September 17, 1992. A separate statewide general permit has been issued for construction activity.

To obtain authorization for continued and future storm water discharge under this General Permit, each facility operator must submit a Notice of Intent (NOI). This approach is consistent with the four-tier permitting strategy described in Federal regulations, i.e., Tier 1, Baseline Permitting. Tier 1, Baseline Permitting, enables the State to begin reducing pollutants in industrial storm water in the most efficient manner possible.

This General Permit generally requires facility operators to:

1. Eliminate unauthorized non-storm water discharges;
2. Develop and implement a storm water pollution prevention plan (SWPPP); and
3. Perform monitoring of storm water discharges and authorized non-storm water discharges.

TYPES OF STORM WATER DISCHARGES COVERED BY THIS GENERAL PERMIT

This General Permit is intended to cover all new or existing storm water discharges and authorized non-storm water discharges from facilities required by Federal regulations to obtain a permit including those (1) facilities previously covered by the San Francisco Bay Regional Water Quality Control Board Order No. 92-011 (as amended by Order No. 92-116), (2) facilities designated by the Regional Water Quality Control Boards (Regional Water Boards), (3) facilities whose operators seek coverage under this General Permit, (4) and facilities required by future U.S. EPA storm water regulations.

The General Permit is intended to cover all facilities described in Attachment 1, whether the facility is primary or is auxiliary to the facility operator's function. For example, although a school district's primary function is education, a facility that it operates for vehicle maintenance of school buses is a transportation facility that is covered by this General Permit.

The definition of "storm water associated with industrial activity" is provided in Attachment 4, Definition 9, of this General Permit. Facilities that discharge storm water associated with industrial activity requiring a General Permit are listed by category in 40 Code of Federal Regulations (CFR) Section 122.26(b)(14) (Federal Register, Volume 55 on

Pages 48065-66) and in Attachment 1 of this General Permit. The facilities can be publicly or privately owned. General descriptions of these categories are:

1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards (40 CFR Subchapter N);

2. Manufacturing facilities;

3. Mining/oil and gas facilities;

4. Hazardous waste treatment, storage, or disposal facilities;

5. Landfills, land application sites, and open dumps that receive industrial waste;

6. Recycling facilities such as metal scrap yards, battery reclaimers, salvage yards, automobile yards;

7. Steam electric generating facilities;

8. Transportation facilities that conduct any type of vehicle maintenance such as fueling, cleaning, repairing, etc.;

9. Sewage treatment plants;

10. Construction activity (covered by a separate general permit); and

11. Certain facilities (often referred to as "light industry") where industrial materials, equipment, or activities are exposed to storm water.

For the most part, these facilities are identified in the Federal regulations by a Standard Industrial Classification (SIC).

Category 1 Dischargers

The following categories of facilities currently have storm water effluent limitation guidelines for at least one of their subcategories. They are cement manufacturing (40 CFR Part 411); feedlots (40 CFR Part 412); fertilizer manufacturing (40 CFR Part 418); petroleum refining (40 CFR Part 419); phosphate manufacturing (40 CFR Part 422); steam electric power generation (40 CFR Part 423); coal mining (40 CFR Part 434); mineral mining and processing (40 CFR Part 436); ore mining and dressing (40 CFR Part 440); and asphalt emulsion (40 CFR Part 443). A facility operator whose facility falls into one of these general categories should examine the effluent guidelines to determine if the facility is categorized in one of the subcategories that have storm water effluent guidelines. If

a facility is classified as one of those subcategories, that facility is subject to the standards listed in the CFR for that category and is subject to this General Permit. This General Permit contains additional requirements (see Section B.6.) for facilities with storm water effluent limitations guidelines.

Category 5 Dischargers

Inactive or closed landfills, land application sites, and open dumps that have received industrial wastes (Category 5) may be subject to this General Permit unless the storm water discharges from the sites are already regulated by an NPDES permit issued by the appropriate Regional Water Board. Facility operators of closed landfills that are regulated by waste discharge requirements (WDRs) may be required to comply with this General Permit. In some cases, it may be appropriate for closed landfills to be covered by the State Water Board's General Permit during closure activities. The Construction Activities General Permit should cover new landfill construction. Facility operators should contact their Regional Water Board to determine the appropriate permit coverage.

Category 10 Dischargers

Facility operators of Category 10 (light industry) facilities are not subject to this General Permit if they can certify that the following minimum conditions at their facilities are met:

1. All prohibited non-storm water discharges have been eliminated or otherwise permitted.

2. All areas of past exposure have been inspected and cleaned, as appropriate.

3. All materials related to industrial activity (including waste materials) are not exposed to storm water or authorized non-storm water discharges.

4. All industrial activities and industrial equipment are not exposed to storm water or authorized non-storm water discharges.

5. There is no exposure of materials associated with industrial activity through other direct or indirect pathways such as particulates from stacks and exhaust systems.

6. There is periodic re-evaluation of the facility to ensure Conditions 1, 3, 4, and 5 are continuously met.

Currently, facility operators that can certify that the above conditions are met are not required to notify the State Water

Board or Regional Water Board. These facility operators are advised to retain such certification documentation on site.

The Ninth Circuit Court of Appeals invalidated the exemption granted by U.S. EPA for storm water discharges from facilities in Category 11 that do not have exposure and remanded the regulation to U.S. EPA for further action. The State Water Board, at this time, is not requiring storm water discharges from facilities in Category 11 that do not have exposure to be covered by this General Permit. Instead, the State Water Board will await future U.S. EPA or court action clarifying the types of storm water discharges that must be permitted. If necessary, the State Water Board will reopen the General Permit to accommodate such a clarification.

Section 1068 of the Intermodal Surface Transportation Act of 1991 exempts municipal agencies serving populations of less than 100,000 from Phase I permit requirements for most facilities they operate (uncontrolled sanitary landfills, power plants, and airports are still required to be permitted in Phase I). Phase II of the Permit Program scheduled to begin August 7, 2001 will cover the facilities that are exempt from Phase I permit requirements.

TYPES OF DISCHARGES NOT COVERED BY THIS GENERAL PERMIT

1. CONSTRUCTION ACTIVITY: Discharges from construction activity of five acres or more, including clearing, grading, and excavation. A separate general permit was adopted on August 20, 1992 for this industrial category.

2. FACILITIES WHICH HAVE NPDES PERMITS CONTAINING STORM WATER PROVISIONS: Some storm water discharges may be regulated by other individual or general NPDES permits issued by the State Water Board or the Regional Water Boards. This General Permit shall not regulate these discharges. When the individual or general NPDES permits for such discharges expire, the State Water Board or Regional Water Board may authorize coverage under this General Permit or another general NPDES permit, or may issue a new individual NPDES permit consistent with the Federal and State storm water regulations. Interested parties may petition the State Water Board or appropriate Regional Water Board to issue individual or General NPDES Permits. General Permits may be issued for a particular industrial group or watershed area.

3. FACILITIES DETERMINED INELIGIBLE BY REGIONAL WATER BOARDS: Regional Water Boards may determine that discharges from a facility or groups of facilities, otherwise eligible for coverage under this General Permit, have potential water quality impacts that may not be appropriately addressed by

this General Permit. In such cases, a Regional Water Board may require such discharges to be covered by an individual or general NPDES permit. Interested persons may petition the appropriate Regional Water Board to issue individual NPDES permits. The applicability of this General Permit to such discharges will be terminated upon adoption of an individual NPDES permit or a different general NPDES permit.

4. FACILITIES WHICH DO NOT DISCHARGE STORM WATER TO WATERS OF THE UNITED STATES: The discharges from the following facilities are not required to be permitted:

   a. FACILITIES THAT DISCHARGE STORM WATER TO MUNICIPAL SANITARY SEWER SYSTEMS: Facilities that discharge storm water to municipal sanitary sewer systems or combined sewer systems are not required by Federal regulations to be covered by an NPDES storm water permit or to submit an NOI to comply with this General Permit. (It should be noted that many municipalities have sewer use ordinances that prohibit storm drain connections to their sanitary sewers.)

   b. FACILITIES THAT DO NOT DISCHARGE STORM WATER TO SURFACE WATERS OR SEPARATE STORM SEWERS: Storm water that is captured and treated and/or disposed of with the facility's NPDES permitted process wastewater and storm water that is disposed of to evaporation ponds, percolation ponds, or combined sewer systems are not required to obtain a storm water permit. To avoid liability, the facility operator should be certain that no discharge of storm water to surface waters would occur under any circumstances.

5. MOST SILVICULTURAL ACTIVITIES: Storm water discharges from most silvicultural activities such as thinning, harvesting operations, surface drainage, or road construction and maintenance are exempt from this permit. Log sorting or log storage facilities that fall within SIC 2411 are required to be permitted.

6. MINING AND OIL AND GAS FACILITIES: Oil and gas facilities that have not released storm water resulting in a discharge of a reportable quantity (RQ) for which notification is or was required pursuant to 40 CFR Parts 110, 117, and 302 at any time after November 19, 1987 are not required to be permitted unless the industrial storm water discharge contributed to a violation of a water quality standard. Mining facilities that discharge storm water that does not come into contact with any overburden, raw materials, intermediate product, finished product, by-product, or waste product located at the facility are not required to be permitted. These facilities must be permitted if they have a new release of storm water resulting in a discharge of an RQ.

7. FACILITIES ON INDIAN LANDS: the U.S. EPA will regulate Discharges from facilities on Indian lands.

NOTIFICATION REQUIREMENTS

Storm water discharges from facilities described in the section titled "Types of Storm Water Discharges Covered by This General Permit" must be covered by an NPDES permit. An NOI must be submitted by the facility operator for each individual facility to obtain coverage. Certification of the NOI signifies that the facility operator intends to comply with the provisions of the General Permit. Facility operators who have filed NOIs for the State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-011 (as amended by Order No. 92-116) will be sent an abbreviated NOI soon after adopting this General Permit that must be completed and returned within 45 days of receipt. Where operations have discontinued and significant materials remain on site (such as at closed landfills), the landowner may be responsible for filing an NOI and complying with this General Permit. A landowner may also file an NOI for a facility if the landowner, rather than the facility operator(s), is responsible for compliance with this General Permit.

A facility operator that does not submit an NOI for a facility must submit an application for an individual NPDES permit. U.S. EPA's regulations [40 CFR 122.21 (a)] exclude facility operators covered by a general permit from requirements to submit an individual permit application unless required by the Regional Water Board. The NOI requirements of this General Permit are intended to establish a mechanism which can be used to establish a clear accounting of the number of facility operators complying with the General Permit, their identities, the nature of operations at the facilities, and location.

All facility operators filing an NOI after the adoption of this General Permit must comply with this General Permit. Existing facility operators who have filed NOIs prior to the adoption of this General Permit shall continue to complete the requirements of the previous General Permit through June 30, 1997 including submitting annual reports to the Regional Water Boards by July 1, 1997. Group Leaders are required to submit a 1996-97 Group Evaluation Report by August 1, 1997.

DESCRIPTION OF GENERAL PERMIT CONDITIONS

Prohibitions

This General Permit authorizes storm water and authorized non-storm water discharges from facilities that are required to be covered by a storm water permit. This General Permit prohibits discharges of material other than storm water (non-storm water discharges) that are not authorized by the General Permit and discharges containing hazardous substances in storm water in excess of reportable quantities established at 40 CFR 117.3 and 40 CFR 302.4. Authorized non-storm water discharges are addressed in the Special Conditions of the General Permit.

Effluent Limitations

NPDES Permits for storm water discharges must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require control of pollutant discharges using best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards.

U.S. EPA regulations (40 CFR Subchapter N) establish effluent limitation guidelines for storm water discharges from facilities in ten industrial categories. For these facilities, compliance with the effluent limitation guidelines constitutes compliance with BAT and BCT for the specified pollutants and must be met to comply with this General Permit.

For storm water discharges from facilities not among the ten industrial categories listed in 40 CFR Subchapter N, it is not feasible at this time to establish numeric effluent limitations. The reasons why establishment of numeric effluent limitations is not feasible are discussed in detail in State Water Board Orders No. WQ 91-03 and WQ 91-04. Therefore, this General Permit allows the facility operator to implement best management practices (BMPs) to comply with the requirements of this General Permit. This approach is consistent with the U.S. EPA's August 1, 1996 "Interim Permitting Approach for Water Quality Based Effluent Limitations in Storm Water Permits".

Receiving Water Limitations

Storm water discharges shall not cause or contribute to a violation of an applicable water quality standard. The General Permit requires facility operators to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges through the development and implementation of BMPs which constitutes compliance with BAT and BCT and, in most cases, compliance with water quality standards. If receiving water quality standards are exceeded, facility operators are required to submit a written report providing additional BMPs that will be implemented to achieve water quality standards.

Storm Water Pollution Prevention Plans (SWPPPs)

All facility operators must prepare, retain on site, and implement an SWPPP. The SWPPP has two major objectives: (1) to help identify the sources of pollution that affect the quality of industrial storm water discharges and authorized non-storm water discharges, and (2) to describe and ensure the implementation of BMPs to reduce or prevent pollutants in industrial storm water discharges and authorized non-storm water discharges.

This General Permit requires development and implementation of an SWPPP emphasizing BMPs. This approach provides the flexibility necessary to establish appropriate BMPs for different types of industrial activities and pollutant sources. As this General Permit covers vastly different types of facilities, the State Water Board recognizes that there is no single best way of developing or organizing an SWPPP. The SWPPP requirements contain the essential elements that all facility operators must consider and address in the SWPPP. This General Permit's SWPPP requirements are more detailed than the previous general permit's SWPPP requirements, and the suggested order of the SWPPP elements have been rearranged (1) to correspond more closely with other storm water permits in effect throughout the country, and (2) to generally follow a more logical path. Facility operators that have already developed and implemented SWPPPs under previous general permits are required to review the SWPPP's requirements contained in this General Permit and then review their existing SWPPP for adequacy. If the existing SWPPP adequately identifies and assesses all potential sources of pollutants and describes the appropriate BMPs necessary to reduce or prevent pollutants, the facility operator is not required to revise the existing SWPPP.

One of the major elements of the SWPPP is the elimination of unauthorized non-storm water discharges to the facility's storm drain system. Unauthorized non-storm water discharges can be generated from a wide variety of potential pollutant sources. They include waters from the rinsing or washing of vehicles, equipment, buildings, or pavement; materials that have been improperly disposed of or dumped, and spilled; or leaked materials. Unauthorized non-storm water discharges can contribute a significant pollutant load to receiving waters. Measures to control spills, leakage, and dumping can often be addressed through BMPs. Unauthorized non-storm water discharges may enter the storm drain system via conveyances such as floor drains. All conveyances should be evaluated to determine whether they convey unauthorized non-storm water discharges to the storm drain system. Unauthorized non-storm water discharges (even when commingled with storm water) shall be eliminated or covered by a separate NPDES Permit.

There are many non-storm water discharges that, under certain conditions, should not contain pollutants associated with

industrial activity (i.e., air conditioning condensate, potable water line testing, landscaping overflow, etc.). Item D, Special Conditions, provides the conditions where certain listed non-storm water discharges are authorized by this General Permit.

Monitoring Program

The General Permit requires development and implementation of a monitoring program. The objectives of the monitoring program are to (1) demonstrate compliance with the General Permit, (2) aid in the implementation of the SWPPP, and (3) measure the effectiveness of the BMPs in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges.

All facility operators (with the exception of inactive mining operations) are required to:

1. Perform visual observations of storm water discharges and authorized storm water discharges.

2. Collect and analyze samples of storm water discharges. Analysis must include pH, total suspended solids (TSS), total organic carbon (TOC), specific conductance, toxic chemicals, and other pollutants which are likely to be present in storm water discharges in significant quantities, and those parameters listed in Table D of this General Permit. The Table D parameters are those listed in the U.S. EPA Multi-Sector General Permit. Facility operators subject to Federal storm water effluent limitation guidelines in 40 CFR Subchapter N must also sample and analyze for any pollutant specified in the appropriate category of 40 CFR Subchapter N.

Facility operators are not required to collect samples or perform visual observations during adverse climatic conditions. Sample collection and visual observations are required only during scheduled facility operating hours. Visual observations are required only during daylight hours. Facility operators that are unable to collect any of the required samples or visual observations because of the above circumstances must provide documentation to the Regional Water Board in their annual report.

Facility operators may be exempt from performing sampling and analysis if they: (1) do not have areas of industrial activity exposed to storm water, (2) receive an exemption from a local agency which has jurisdiction over the storm sewer system, or (3) receive an exemption from the appropriate Regional Water Board. Facility operators must always perform sampling and analysis for any pollutant specified in storm water effluent limitation guidelines.

This General Permit contains a new procedure where facility operators, if they meet certain minimum conditions, may certify compliance with the General Permit and reduce the number of

sampling events required to be sampled for the remaining term of the General Permit. Each Regional Water Board may develop instructions, guidance, and checklists to assist facility operators to complete sampling reduction requests.

Local agencies that wish to provide sampling and analysis exemptions or reductions to facility operators within their jurisdiction shall develop a certification program that clearly indicates the certification procedures and criteria used by the local agency. At a minimum, these programs should include site inspections, a review of the facility operator's SWPPP, and a review of other records such as monitoring data, receiving water data, etc. The certification program shall be approved by the local Regional Water Board before implementation.

Alternative Monitoring

Facility operators are required to develop a facility-specific monitoring program that satisfies both the minimum monitoring program requirements and the objectives of the monitoring program. Some facility operators have indicated that cost-effective alternative monitoring programs can be developed that provide equivalent or more accurate indicators of pollutants and/or BMP performance than a monitoring program based upon the minimum monitoring program requirements. An example of such an alternative monitoring program would be one that identifies sample locations at or near pollutant sources rather than sampling an entire drainage area where the storm water discharge has been diluted with storm water from areas with little or no industrial activity.

The State Water Board does not want to preclude facility operators from developing better, and perhaps more cost-effective, monitoring programs. This General Permit allows facility operators to submit alternative monitoring programs for approval by the Regional Water Board. For individual facilities, these proposals must be facility specific and demonstrate how the alternative monitoring program will result in an equivalent or more accurate indicator of pollutants and/or BMP effectiveness. Facility operators with similar industrial activities may also propose alternative monitoring programs for approval by the Regional Water Boards. These proposals must demonstrate how the alternative monitoring program will result in an equivalent or more accurate indicator of pollutants and/or BMP effectiveness for all of the participating facilities.

Facility operators shall continue to comply with the existing monitoring program requirements until receiving approval by the Regional Water Board.

Group Monitoring

Each facility operator may either perform sampling and analysis individually or participate in a group monitoring program. A group monitoring program may be developed either by a group leader representing a group of similar facilities or by a local agency which holds a storm water permit for a municipal separate storm sewer system for industrial facilities within its jurisdiction. The group leader or local agency responsible for the group monitoring program must schedule all participating facilities to sample two storm events over the life of this General Permit. Facility operators subject to Federal effluent limitations guidelines in 40 CFR Subchapter N must individually sample and analyze for pollutants listed in the appropriate Federal regulations.

Participants within a group may be located within the jurisdiction of more than one Regional Water Board. Multi-Regional Water Board groups must receive the approval of the State Water Board Executive Director (with the concurrence of the appropriate Regional Water Boards).

Each group leader or local agency responsible for group sampling must: (1) provide guidance or training so that the monitoring is done correctly, (2) recommend appropriate BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges from group participants, (3) evaluate and report the monitoring data to the State Water Board and/or the appropriate Regional Water Board(s), and (4) conduct two on-site inspections at each facility over the five year term of this General Permit to evaluate facility compliance and recommend BMPs to achieve compliance with this General Permit. The group leader or local agency may designate, hire, or train inspectors to conduct these inspections that are or are not directly affiliated with the group leader or local agency. It is the group leader's or local agency's responsibility to select inspectors that are capable of evaluating each facility's compliance with the General Permit and can recommend appropriate BMPs. All group monitoring plans are subject to State Water Board and/or Regional Water Board(s) review. Consistent with the four-tier permitting strategy described in the Federal regulations, the Regional Water Board(s) may evaluate the data and results from group monitoring to establish future permitting decisions. As appropriate, the State Water Board and/or the Regional Water Board(s) may terminate or require substantial amendment to the group monitoring plans. The State Water Board and/or the Regional Water Board(s) may terminate a facility's participation in group monitoring or require additional monitoring activities.

Retention of Records

The facility operator is required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOI for a period of five years from the date of measurement, report, or monitoring activity. This period may be extended by the State and/or Regional Water Boards. All records are public documents and must be provided to the Regional Water Boards on request.

Watershed Management

The State and Regional Water Boards are undertaking a focussed effort in watershed management throughout the State. In reissuing this General Permit, the State Water Board recognizes both the evolving nature of watershed management and the long-term desirability of structuring monitoring programs to support the Watershed Management Initiative. Therefore, the amended monitoring and reporting provisions provide flexibility for individual facility operators or groups of facility operators to propose and participate in, subject to Regional Water Board approval, watershed monitoring programs in lieu of some or all of the monitoring requirements contained in this General Permit.

Facility Operator Compliance Responsibilities

This General Permit has been written to encourage individual facility operators to develop their own SWPPP and monitoring programs. Many facility operators, however, choose to obtain compliance assistance either by hiring a consultant on an individual basis or by participating in a group monitoring plan. Regardless of how a facility operator chooses to pursue compliance, it is the facility operator that is responsible for compliance with this General Permit.

The State Water Board recognizes that industrial activities and operating conditions at many facilities change over time. In addition, new and more effective BMPs are being developed by various facility operators and by industrial groups. The SWPPP and monitoring program requirements include various inspections, reviews, and observations all of which recognize, encourage, and mandate an iterative self-evaluation process that is necessary to consistently comply with this General Permit. In general, facility operators that develop and implement SWPPPs that comply with this General Permit should not be penalized when discovering minor violations through this iterative self-evaluation process. The General Permit provides facility operators up to 90 days to revise and implement the SWPPP to correct such violations.

STATE WATER RESOURCES CONTROL BOARD (STATE WATER BOARD)
WATER QUALITY ORDER NO. 97-03-DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000001 (GENERAL PERMIT)

WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES
EXCLUDING CONSTRUCTION ACTIVITIES

The State Water Board finds that:

1. Federal regulations for storm water discharges were issued by the U.S. Environmental Protection Agency (U.S. EPA) on November 16, 1990 (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124). The regulations require operators of specific categories of facilities where discharges of storm water associated with industrial activity (storm water) occur to obtain an NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm discharges.

2. This General Permit shall regulate storm water discharges and authorized non-storm water discharges from specific categories of industrial facilities identified in Attachment 1, storm water discharges and authorized non-storm water discharges from facilities as designated by the Regional Water Quality Control Boards (Regional Water Boards), and storm water discharges and authorized non-storm water discharges from other facilities seeking General Permit coverage. This General Permit may also regulate storm water discharges and authorized non-storm water discharges from facilities as required by U.S. EPA regulations. This General Permit shall regulate storm water discharges and authorized non-storm water discharges previously regulated by San Francisco Bay Regional Water Board Order, No.92-11 (as amended by Order No. 92-116). This General Permit excludes storm water discharges and non-storm water discharges that are regulated by other individual or general NPDES permits, storm water discharges and non-storm water discharges from construction activities, and storm water discharges and non-storm water discharges excluded by the Regional Water Boards for coverage by this General Permit. Attachment 2 contains the addresses and telephone numbers of each Regional Water Board office.

3. To obtain coverage for storm water discharges and authorized non-storm water discharges pursuant to this General Permit, operators of facilities (facility operators) must submit a Notice of Intent (NOI), in accordance with the Attachment 3

instructions, and appropriate annual fee to the State Water Board. This includes facility operators that have participated in U.S. EPA's group application process.

4. This General Permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control storm water discharges and authorized non-storm water discharges to storm drain systems or other water-courses within their jurisdictions as allowed by State and Federal law.

5. If an individual NPDES permit is issued to a facility operator otherwise subject to this General Permit or an alternative NPDES general permit is subsequently adopted which covers storm water discharges and/or authorized non-storm water discharges regulated by this General Permit, the applicability of this General Permit to such discharges is automatically terminated on the effective date of the individual NPDES permit or the date of approval for coverage under the subsequent NPDES general permit.

6. Effluent limitations and toxic and effluent standards established in Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the Federal Clean Water Act (CWA), as amended, are applicable to storm water discharges and authorized non-storm water discharges regulated by this General Permit.

7. This action to adopt an NPDES general permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the California Water Code.

8. Federal regulations (40 CFR Subchapter N) establish effluent limitations guidelines for storm water discharges from some facilities in ten industrial categories.

9. For facilities which do not have established effluent limitation guidelines for storm water discharges in 40 CFR Subchapter N, it is not feasible at this time to establish numeric effluent limitations. This is due to the large number of discharges and the complex nature of storm water discharges. This is also consistent with the U.S. EPA's August 1, 1996 "Interim Permitting Approach for Water Quality Based Effluent Limitations in Storm Water Permits."

10. Facility operators are required to comply with the terms and conditions of this General Permit. Compliance with the terms and conditions of this General Permit constitutes compliance with BAT/BCT requirements and with requirements to achieve water quality standards. This includes the development and implementation of an effective Storm Water Pollution Prevention Plan (SWPPP) to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges.

11. Best Management Practices (BMPs) to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges are appropriate where numeric effluent limitations are infeasible, and the implementation of BMPs is adequate to achieve compliance with BAT/BCT and with water quality standards.

12. The State Water Board has adopted a Watershed Management Initiative that encourages watershed management throughout the State. This General Permit recognizes the Watershed Management Initiative by supporting the development of watershed monitoring programs authorized by the Regional Water Boards.

13. Following adoption of this General Permit, the Regional Water Boards shall enforce its provisions.

14. Following public notice in accordance with State and Federal laws and regulations, the State Water Board held a public hearing on November 12, 1996 and heard and considered all comments pertaining to this General Permit. A response to all significant comments has been prepared and is available for public review.

15. This Order is an NPDES General Permit in compliance with Section 402 of the CWA and shall take effect upon adoption by the State Water Board.

16. All terms that are defined in the CWA, U.S. EPA storm water regulations and the Porter-Cologne Water Quality Control Act will have the same definition in this General Permit unless otherwise stated.

IT IS HEREBY ORDERED that all facility operators required to be regulated by this General Permit shall comply with the following:

A. DISCHARGE PROHIBITIONS:

1. Except as allowed in Special Conditions (D.1.) of this General Permit, materials other than storm water (non-storm water discharges) that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.

2. Storm water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.

B. EFFLUENT LIMITATIONS:

1. Storm water discharges from facilities subject to storm water effluent limitation guidelines in Federal regulations (40 CFR

Subchapter N) shall not exceed the specified effluent limitations.

2. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

3. Facility operators covered by this General Permit must reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of BAT for toxic and non-conventional pollutants and BCT for conventional pollutants. Development and implementation of an SWPPP that complies with the requirements in Section A of the General Permit and that includes BMPs that achieve BAT/BCT constitutes compliance with this requirement.

C. RECEIVING WATER LIMITATIONS:

1. Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not adversely impact human health or the environment.

2. Storm water discharges and authorized non-storm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan.

3. A facility operator will not be in violation of Receiving Water Limitation C.2. as long as the facility operator has implemented BMPs that achieve BAT/BCT and the following procedure is followed:

   a. The facility operator shall submit a report to the appropriate Regional Water Board that describes the BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report shall include an implementation schedule. The Regional Water Board may require modifications to the report.

   b. Following approval of the report described above by the Regional Water Board, the facility operator shall revise its SWPPP and monitoring program to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required.

4. A facility operator shall be in violation of this General Permit if he/she fails to do any of the following:

a. Submit the report described above within 60 days after either the facility operator or the Regional Water Board determines that discharges are causing or contributing to an exceedance of an applicable water quality standard;

b. Submit a report that is approved by the Regional Water Board; or

c. Revise its SWPPP and monitoring program as required by the approved report.

D. SPECIAL CONDITIONS

1. Non-Storm Water Discharges

a. The following non-storm water discharges are authorized by this General Permit provided that they satisfy the conditions specified in Paragraph b. below: fire hydrant flushing; potable water sources, including potable water related to the operation, maintenance, or testing of potable water systems; drinking fountain water; atmospheric condensates including refrigeration, air conditioning, and compressor condensate; irrigation drainage; landscape watering; springs; ground water; foundation or footing drainage; and sea water infiltration where the sea waters are discharged back into the sea water source.

b. The non-storm water discharges as provided in Paragraph a. above are authorized by this General Permit if all the following conditions are met:

i. The non-storm water discharges are in compliance with Regional Water Board requirements.

ii. The non-storm water discharges are in compliance with local agency ordinances and/or requirements.

iii. BMPs are specifically included in the SWPPP to (1) prevent or reduce the contact of non-storm water discharges with significant materials or equipment and (2) minimize, to the extent practicable, the flow or volume of non-storm water discharges.

iv. The non-storm water discharges do not contain significant quantities of pollutants.

v. The monitoring program includes quarterly visual observations of each non-storm water discharge and its sources to ensure that BMPs are being implemented and are effective.

vi. The non-storm water discharges are reported and described annually as part of the annual report.

c. The Regional Water Board or its designee may establish additional monitoring programs and reporting requirements for any non-storm water discharge authorized by this General Permit.

d. Discharges from firefighting activities are authorized by this General Permit and are not subject to the conditions of Paragraph b. above.

E. PROVISIONS

1. All facility operators seeking coverage by this General Permit must submit an NOI for each of the facilities they operate. Facility operators filing an NOI after the adoption of this General Permit shall use the NOI form and instructions (Attachment 3) attached to this General Permit. Existing facility operators who have filed an NOI pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116) shall submit an abbreviated NOI form provided by the State Water Board. The abbreviated NOI form shall be submitted within 45 days of receipt.

2. Facility operators who have filed an NOI, pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP in accordance with Section A of this General Permit in a timely manner, but in no case later than August 1, 1997. Facility operators beginning industrial activities after adoption of this General Permit must develop and implement an SWPPP in accordance with Section A of this General Permit when the industrial activities begin.

3. Facility operators who have filed an NOI, pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing Monitoring Program and shall implement any necessary revisions to their Monitoring Program in accordance with Section B of the General Permit in a timely manner, but in no case later than August 1, 1997. Facility operators beginning industrial activities after adoption of this General Permit must develop and implement a Monitoring Program in

accordance with Section B of this General Permit when industrial activities begin.

4. Facility operators of feedlots as defined in 40 CFR Part 412 that are in full compliance with Section 2560 to Section 2565, Title 23, California Code of Regulations (Chapter 15) will be in compliance with all effluent limitations and prohibitions contained in this General Permit. Facility operators of feedlots that comply with Chapter 15, however, must perform monitoring in compliance with the requirements of Section B.4.d. and B.14. of this General Permit. Facility operators of feedlots must also comply with any Regional Water Board WDRs or NPDES general permit regulating their storm water discharges.

5. All facility operators must comply with lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding storm water discharges and non-storm water discharges entering storm drain systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Water Boards to local agencies.

6. All facility operators must comply with the standard provisions and reporting requirements for each facility covered by this General Permit contained in Section C, Standard Provisions.

7. Facility operators that operate facilities with co-located industrial activities (facilities that have industrial activities that meet more than one of the descriptions in Attachment 1) that are contiguous to one another are authorized to file a single NOI to comply with the General Permit. Storm water discharges and authorized non-storm water discharges from the co-located industrial activities are authorized if the SWPPP and Monitoring Program addresses each co-located industrial activity.

8. Upon reissuance of a successor NPDES general permit by the State Water Board, the facility operators subject to this reissued General Permit may be required to file an NOI.

9. Facility operators may request to terminate their coverage under this General Permit by filing a Notice of Termination (NOT) with the Regional Water Board. The NOT shall provide all documentation requested by the Regional Water Board. The facility operator will be notified when the NOT has been approved. Should the NOT be denied, facility operators are responsible for continued compliance with the requirements of this General Permit.

10. Facility operators who have filed an NOI, pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116) shall:

    a. Complete the 1996-97 activities required by those general permits. These include, but are not limited to, conducting any remaining visual observations, sample collection, annual site inspection, annual report submittal, and (for group monitoring leaders) Group Evaluation Reports; and

    b. Comply with the requirements of this General Permit no later than August 1, 1997.

11. If the Regional Water Board determines that a discharge may be causing or contributing to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan, the Regional Water Board may order the facility operator to comply with the requirements described in Receiving Water Limitation C.3. The facility operator shall comply with the requirements within the time schedule established by the Regional Water Board.

12. If the facility operator determines that its storm water discharges or authorized non-storm water discharges are causing or contributing to an exceedance of any applicable water quality standards, the facility operator shall comply with the requirements described in Receiving Water Limitation C.3.

13. State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) and San Francisco Bay Regional Water Board Order No. 91-011 (as amended by Order No. 92-116) are hereby rescinded.

F. REGIONAL WATER BOARD AUTHORITIES

1. Following adoption of this General Permit, Regional Water Boards shall:

    a. Implement the provisions of this General Permit, including, but not limited to, reviewing SWPPPs, reviewing annual reports, conducting compliance inspections, and taking enforcement actions.

    b. Issue other NPDES general permits or individual NPDES storm water permits as they deem appropriate to individual facility operators, facility operators of specific categories of industrial activities, or facility operators in a watershed or geographic area. Upon issuance of such NPDES permits by a Regional Water Board, the affected facility operator shall no longer

be regulated by this General Permit. Any new NPDES permit issued by the Regional Water Board may contain different requirements than the requirements of this General Permit.

2. Regional Water Boards may provide guidance to facility operators on the SWPPP and the Monitoring Program and reporting implementation.

3. Regional Water Boards may require facility operators to conduct additional SWPPP and Monitoring Program and reporting activities necessary to achieve compliance with this General Permit.

4. Regional Water Boards may approve requests from facility operators whose facilities include co-located industrial activities that are not contiguous within the facilities (e.g., some military bases) to comply with this General Permit under a single NOI. Storm water discharges and authorized non-storm water discharges from the co-located industrial activities and from other sources within the facility that may generate significant quantities of pollutants are authorized provided the SWPPP and Monitoring Program addresses each co-located industrial activity and other sources that may generate significant quantities of pollutants.

CERTIFICATION

The undersigned, Administrative Assistant to the State Water Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 17, 1997.

AYE: John P. Caffrey
John W. Brown
James M. Stubchaer
Marc Del Piero
Mary Jane Forster

NO: None

ABSENT: None

ABSTAIN: None

Maureen Marché

Administrative Assistant to the Board

SECTION A: STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

1. *Implementation Schedule*

A storm water pollution prevention plan (SWPPP) shall be developed and implemented for each facility covered by this General Permit in accordance with the following schedule.

a. Facility operators beginning industrial activities before October 1, 1992 shall develop and implement the SWPPP no later than October 1, 1992. Facility operators beginning industrial activities after October 1, 1992 shall develop and implement the SWPPP when industrial activities begin.

b. Existing facility operators that submitted a Notice of Intent (NOI), pursuant to State Water Resources Control Board (State Water Board) Order No. 91-013-DWQ (as amended by Order No. 92-12) or San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP in a timely manner, but in no case later than August 1, 1997.

2. *Objectives*

The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility; and (b) to identify and implement site-specific best management practices (BMPs) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, overhead coverage.) To achieve these objectives, facility operators should consider the five phase process for SWPPP development and implementation as shown in Table A.

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Regional Water Board inspectors.

3. *Planning and Organization*

a. *Pollution Prevention Team*

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in Section B of this General Permit. The SWPPP shall clearly identify the General Permit related responsibilities, duties, and activities of each team member. For small facilities, storm water pollution prevention teams may consist of one individual where appropriate.

b. *Review Other Requirements and Existing Facility Plans*

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Facility operators should review all local, State, and Federal requirements that impact, complement, or are consistent with the requirements of this General Permit. Facility operators should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this General Permit. As examples, facility operators whose facilities are subject to Federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, facility operators whose facilities are subject to air quality related permits and regulations may already have evaluated industrial activities that generate dust or particulates.

4. *Site Map*

The SWPPP shall include a site map. The site map shall be provided on an 8-½ x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

TABLE A

FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORM WATER POLLUTION PREVENTION PLANS

PLANNING AND ORGANIZATION

*Form Pollution Prevention Team
*Review other plans

↓

ASSESSMENT PHASE

*Develop a site map
*Identify potential pollutant sources
*Inventory of materials and chemicals
*List significant spills and leaks
*Identify non-storm water discharges
*Assess pollutant Risks

↓

BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE

*Non-structural BMPs
*Structural BMPs
*Select activity and site-specific BMPs

↓

IMPLEMENTATION PHASE

*Train employees
*Implement BMPs
*Conduct recordkeeping and reporting

↓

EVALUATION / MONITORING

*Conduct annual site evaluation
*Review monitoring information
*Evaluate BMPs
*Review and revise SWPPP

The following information shall be included on the site map:

a. The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, and ponds) and municipal storm drain inlets

where the facility's storm water discharges and authorized non-storm water discharges may be received.

b. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.

c. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.

d. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in Section A.6.a.iv. below have occurred.

e. Areas of industrial activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

5. *List of Significant Materials*

The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

6. *Description of Potential Pollutant Sources*

a. The SWPPP shall include a narrative description of the facility's industrial activities, as identified in Section A.4.e above, associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:

i. Industrial Processes

Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

ii. Material Handling and Storage Areas

Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

iii. Dust and Particulate Generating Activities

Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

iv. Significant Spills and Leaks

Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [CFR], Parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water

discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this General Permit.

v. Non-Storm Water Discharges

Facility operators shall investigate the facility to identify all non-storm water discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

Non-storm water discharges that contain significant quantities of pollutants or that do not meet the conditions provided in Special Conditions D. are prohibited by this General Permit (Examples of prohibited non-storm water discharges are contact and non-contact cooling water, boiler blowdown, rinse water, wash water, etc.). Non-storm water discharges that meet the conditions provided in Special Condition D. are authorized by this General Permit. The SWPPP must include BMPs to prevent or reduce contact of non-storm water discharges with significant materials or equipment.

vi. Soil Erosion

Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

b. The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants. This information should be summarized similar to Table B. The last column of Table B, "Control Practices", should be completed in accordance with Section A.8. below.

7. *Assessment of Potential Pollutant Sources*

a. The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in A.6. above to determine:

i. Which areas of the facility are likely sources of

pollutants in storm water discharges and authorized non-storm water discharges, and

ii. Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.

b. Facility operators shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges and authorized non-storm water discharges.

Facility operators are required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source. The BMPs will be narratively described in Section 8 below.

8. *Storm Water Best Management Practices*

The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (Sections A.6. and 7. above). The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

v. Employee Training

This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing storm water. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.

vi. Waste Handling/Recycling

This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.

vii. Recordkeeping and Internal Reporting

This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.

viii. Erosion Control and Site Stabilization

This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

ix. Inspections

This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.

x. Quality Assurance

This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

b. Structural BMPs

Where non-structural BMPs as identified in Section A.8.a. above are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

i. Overhead Coverage

This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.

ii. Retention Ponds

This includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow storm water to discharge from the facility.

iii. Control Devices

This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

iv. Secondary Containment Structures

This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.

v. Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc. that reduce the pollutants in storm water discharges and authorized non-storm water discharges.

9. <u>Annual Comprehensive Site Compliance Evaluation</u>

The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

a. A review of all visual observation records, inspection records, and sampling and analysis results.

b. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.

c. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.

d. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, as required in Section A.10.e, for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the facility operator is in compliance with this General Permit. If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this General Permit. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Standard Provisions 9. and 10. of Section C. of this General Permit.

10. *SWPPP General Requirements*

a. The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.

b. The Regional Water Board and/or local agency may notify the facility operator when the SWPPP does not meet one or more of the minimum requirements of this Section. As requested by the Regional Water Board and/or local agency, the facility operator shall submit an SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Regional Water Board and/or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the facility operator shall provide written certification to the Regional Water Board and/or local agency that the revisions have been implemented.

c. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.

d. Other than as provided in Provisions B.11, B.12, and E.2 of the General Permit, the SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after a facility operator determines that the SWPPP is in violation of any requirement(s) of this General Permit.

e. When any part of the SWPPP is infeasible to implement by the deadlines specified in Provision E.2 or Sections A.1, A.9, A.10.c, and A.10.d of this General Permit due to proposed significant structural changes, the facility operator shall submit a report to the Regional Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Regional Water Board approval and/or modifications. Facility operators shall provide written notification to the Regional Water Board within 14 days after the SWPPP revisions are implemented.

f. The SWPPP shall be provided, upon request, to the Regional Water Board. The SWPPP is considered a report that shall be available to the public by the Regional Water Board under Section 308(b) of the Clean Water Act.

SECTION B. MONITORING PROGRAM AND REPORTING REQUIREMENTS

1. *Implementation Schedule*

Each facility operator shall develop a written monitoring program for each facility covered by this General Permit in accordance with the following schedule:

a. Facility operators beginning industrial activities before October 1, 1992 shall develop and implement a monitoring program no later than October 1, 1992. Facility operators beginning operations after October 1, 1992 shall develop and implement a monitoring program when the industrial activities begin.

b. Facility operators that submitted a Notice Of Intent (NOI) pursuant to State Water Resources Control Board (State Water Board) Order No. 91-013-DWQ (as amended by Order No. 92-12) or San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing monitoring program and implement any necessary revisions to their monitoring program in a timely manner, but in no case later than August 1, 1997. These facility operators may use the monitoring results conducted in accordance with those expired general permits to satisfy the pollutant/parameter reduction requirements in Section B.5.c., Sampling and Analysis Exemptions and Reduction certifications in Section B.12., and Group Monitoring Sampling credits in B.15.k. For facilities beginning industrial activities after the adoption of this General Permit, the monitoring program shall be developed and implemented when the facility begins the industrial activities.

2. *Objectives*

The objectives of the monitoring program are to:

a. Ensure that storm water discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in this General Permit.

b. Ensure practices at the facility to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges are evaluated and revised to meet changing conditions.

c. Aid in the implementation and revision of the SWPPP required by Section A of this General Permit.

d. Measure the effectiveness of best management practices (BMPs) to prevent or reduce pollutants in storm water

discharges and authorized non-storm water discharges. Much of the information necessary to develop the monitoring program, such as discharge locations, drainage areas, pollutant sources, etc., should be found in the Storm Water Pollution Prevention Plan (SWPPP). The facility's monitoring program shall be a written, site-specific document that shall be revised whenever appropriate and be readily available for review by employees or Regional Water Board inspectors.

3. *Non-storm Water Discharge Visual Observations*

a. Facility operators shall visually observe all drainage areas within their facilities for the presence of unauthorized non-storm water discharges;

b. Facility operators shall visually observe the facility's authorized non-storm water discharges and their sources;

c. The visual observations required above shall occur quarterly, during daylight hours, on days with no storm water discharges, and during scheduled facility operating hours[1]. Quarterly visual observations shall be conducted in each of the following periods: January-March, April-June, July-September, and October-December. Facility operators shall conduct quarterly visual observations within 6-18 weeks of each other.

d. Visual observations shall document the presence of any discolorations, stains, odors, floating materials, etc., as well as the source of any discharge. Records shall be maintained of the visual observation dates, locations observed, observations, and response taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges. The SWPPP shall be revised, as necessary, and implemented in accordance with Section A of this General Permit.

4. *Storm Water Discharge Visual Observations*

a. With the exception of those facilities described in Section B.4.d. below, facility operators shall visually

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[1] "Scheduled facility operating hours" are the time periods when the facility is staffed to conduct any function related to industrial activity, but excluding time periods where only routine maintenance, emergency response, security, and/or janitorial services are performed.

observe storm water discharges from one storm event per month during the wet season (October 1-May 30). These visual observations shall occur during the first hour of discharge and at all discharge locations. Visual observations of stored or contained storm water shall occur at the time of release.

b. Visual observations are only required of storm water discharges that occur during daylight hours that are preceded by at least three (3) working days[2] without storm water discharges and that occur during scheduled facility operating hours.

c. Visual observations shall document the presence of any floating and suspended material, oil and grease, discolorations, turbidity, odor, and source of any pollutants. Records shall be maintained of observation dates, locations observed, observations, and response taken to reduce or prevent pollutants in storm water discharges. The SWPPP shall be revised, as necessary, and implemented in accordance with Section A of this General Permit.

d. Feedlots (subject to Federal effluent limitations guidelines in 40 Code of Federal Regulations [CFR] Part 412) that are in compliance with Sections 2560 to 2565, Article 6, Chapter 15, Title 23, California Code of Regulations, and facility operators with storm water containment facilities shall conduct monthly inspections of their containment areas to detect leaks and ensure maintenance of adequate freeboard. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate leaks and to maintain adequate freeboard.

5. *Sampling and Analysis*

a. Facility operators shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season. All storm water discharge locations shall be sampled. Sampling of stored or contained storm water shall occur at the time the stored or contained storm water is released. Facility operators that do not collect samples from the first storm event of the wet season are still required to collect samples from two other storm events of the wet season and shall explain in the Annual Report why the first storm event was not sampled.

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[2] Three (3) working days may be separated by non-working days such as weekends and holidays provided that no storm water discharges occur during the three (3) working days and the non-working days.

b. Sample collection is only required of storm water discharges that occur during scheduled facility operating hours and that are preceded by at least (3) three working days without storm water discharge.

c. The samples shall be analyzed for:

i. Total suspended solids (TSS) pH, specific conductance, and total organic carbon (TOC). Oil and grease (O&G) may be substituted for TOC; and

ii. Toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities. If these pollutants are not detected in significant quantities after two consecutive sampling events, the facility operator may eliminate the pollutant from future sample analysis until the pollutant is likely to be present again; and

iii. Other analytical parameters as listed in Table D (located at the end of this Section). These parameters are dependent on the facility's standard industrial classification (SIC) code. Facility operators are not required to analyze a parameter listed in Table D when the parameter is not already required to be analyzed pursuant to Section B.5.c.i. and ii. or B.6 of this General Permit, and either of the two following conditions are met: (1) the parameter has not been detected in significant quantities from the last two consecutive sampling events, or (2) the parameter is not likely to be present in storm water discharges and authorized non-storm water discharges in significant quantities based upon the facility operator's evaluation of the facilities industrial activities, potential pollutant sources, and SWPPP. Facility operators that do not analyze for the applicable Table D parameters shall certify in the Annual Report that the above conditions have been satisfied.

iv. Other parameters as required by the Regional Water Board.

6. *Facilities Subject to Federal Storm Water Effluent Limitation Guidelines*

Facility operators with facilities subject to Federal storm water effluent limitation guidelines, in addition to the requirements in Section B.5. above, must complete the following:

a. Collect and analyze two samples for any pollutant specified in the appropriate category of 40 CFR Subchapter N. The sampling and analysis exemptions and reductions described in Section B.12. of this General Permit do not apply to these pollutants.

b. Estimate or calculate the volume of storm water discharges from each drainage area;

c. Estimate or calculate the mass of each regulated pollutant as defined in the appropriate category of 40 CFR Subchapter N; and

d. Identify the individual(s) performing the estimates or calculations in accordance with Subsections b. and c. above.

7. *Sample Storm Water Discharge Locations*

a. Facility operators shall visually observe and collect samples of storm water discharges from all drainage areas that represent the quality and quantity of the facility's storm water discharges from the storm event.

b. If the facility's storm water discharges are commingled with run-on from surrounding areas, the facility operator should identify other visual observation and sample collection locations that have not been commingled by run-on and that represent the quality and quantity of the facility's storm water discharges from the storm event.

c. If visual observation and sample collection locations are difficult to observe or sample (e.g., sheet flow, submerged outfalls), facility operators shall identify and collect samples from other locations that represent the quality and quantity of the facility's storm water discharges from the storm event.

d. Facility operators that determine that the industrial activities and BMPs within two or more drainage areas are substantially identical may either (i) collect samples from a reduced number of substantially identical

drainage areas, or (ii) collect samples from each substantially identical drainage area and analyze a combined sample from each substantially identical drainage area. Facility operators must document such a determination in the annual report.

8. *Visual Observation and Sample Collection Exceptions*

Facility operators are required to be prepared to collect samples and conduct visual observations at the beginning of the wet season (October 1) and throughout the wet season

until the minimum requirements of Sections B.4. and B.5. are completed with the following exceptions:

a. A facility operator is not required to collect a sample and conduct visual observations in accordance with Section B.4 and Section B.5 due to dangerous weather conditions, such as flooding, electrical storm, etc., when storm water discharges begin after scheduled facility operating hours or when storm water discharges are not preceded by three working days without discharge. Visual observations are only required during daylight hours. Facility operators that do not collect the required samples or visual observations during a wet season due to these exceptions shall include an explanation in the Annual Report why the sampling or visual observations could not be conducted.

b. A facility operator may conduct visual observations and sample collection more than one hour after discharge begins if the facility operator determines that the objectives of this Section will be better satisfied. The facility operator shall include an explanation in the Annual Report why the visual observations and sample collection should be conducted after the first hour of discharge.

9. *Alternative Monitoring Procedures*

Facility operators may propose an alternative monitoring program that meets Section B.2 monitoring program objectives for approval by the Regional Water Board. Facility operators shall continue to comply with the monitoring requirements of this Section and may not implement an alternative monitoring plan until the alternative monitoring plan is approved by the Regional Water Board. Alternative monitoring plans are subject to modification by the Regional Water Boards.

10. *Monitoring Methods*

a. Facility operators shall explain how the facility's monitoring program will satisfy the monitoring program objectives of Section B.2. This shall include:

i. Rationale and description of the visual observation methods, location, and frequency.

ii. Rationale and description of the sampling methods, location, and frequency; and

iii. Identification of the analytical methods and corresponding method detection limits used to detect pollutants in storm water discharges. This shall include justification that the method detection limits are adequate to satisfy the objectives of the monitoring program.

b. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment (including a facility operator's own field instruments for measuring pH and Electro Conductivity) shall be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. All laboratory analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the Regional Water Board. All metals shall be reported as total metals. With the exception of analysis conducted by facility operators, all laboratory analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. Facility operators may conduct their own sample analyses if the facility operator has sufficient capability (qualified employees, laboratory equipment, etc.) to adequately perform the test procedures.

11. *Inactive Mining Operations*
Inactive mining operations are defined in Attachment 1 of this General Permit. Where comprehensive site compliance evaluations, non-storm water discharge visual observations, storm water discharge visual observations, and storm water sampling are impracticable, facility operators of inactive mining operations may instead obtain certification once every three years by a Registered Professional Engineer that an SWPPP has been prepared for the facility and is being implemented in accordance with the requirements of this General Permit. By means of these certifications, the Registered Professional Engineer having examined the facility and being familiar with the provisions of this General Permit shall attest that the SWPPP has been prepared in accordance with good engineering practices. Facility operators of mining operations who cannot obtain a certification because of noncompliance must notify the appropriate Regional Water Board and, upon request, the local agency which receives the storm water discharge.

12. *Sampling and Analysis* Exemptions and Reductions

A facility operator who qualifies for sampling and analysis exemptions, as described below in Section B.12.a.i., or who qualifies for reduced sampling and analysis, as described below in Section B.12.b., must submit the appropriate certifications and required documentation to the Regional Water Boards prior to the wet season (October 1) and recertify as part of the Annual Report submittal. A facility operator that qualifies for either the Regional Water Board or local agency certification programs, as described below in Section B.12.a.ii. and iii., shall submit certification and documentation in accordance with the requirements of those programs. Facility operators who provide certifications in accordance with this Section are still required to comply with all other monitoring program and reporting requirements. Facility operators shall prepare and submit their certifications using forms and instructions provided by the State Water Board, Regional Water Board, or local agency or shall submit their information on a form that contains equivalent information. Facility operators whose facility no longer meets the certification conditions must notify the Regional Water Boards (and local agency) within 30 days and immediately comply with the Section B.5. sampling and analysis requirements. Should a Regional Water Board (or local agency) determine that a certification does not meet the conditions set forth below, facility operators must immediately comply with the Section B.5. sampling and analysis requirements.

a. Sampling and Analysis Exemptions

A facility operator is not required to collect and analyze samples in accordance with Section B.5. if the facility operator meets all of the conditions of one of the following certification programs:

i. No Exposure Certification (NEC)

This exemption is designed primarily for those facilities where all industrial activities are conducted inside buildings and where all materials stored and handled are not exposed to storm water. To qualify for this exemption, facility operators must certify that their facilities meet all of the following conditions:

(1) All prohibited non-storm water discharges have been eliminated or otherwise permitted.

(2) All authorized non-storm water discharges have been identified and addressed in the SWPPP.

(3) All areas of past exposure have been inspected and cleaned, as appropriate.

(4) All significant materials related to industrial activity (including waste materials) are not exposed to storm water or authorized non-storm water discharges.

(5) All industrial activities and industrial equipment are not exposed to storm water or authorized non-storm water discharges.

(6) There is no exposure of storm water to significant materials associated with industrial activity through other direct or indirect pathways such as from industrial activities that generate dust and particulates.

(7) There is periodic re-evaluation of the facility to ensure conditions (1), (2), (4), (5), and (6) above are continuously met. At a minimum, re-evaluation shall be conducted once a year.

ii. Regional Water Board Certification Programs

The Regional Water Board may grant an exemption to the Section B.5. Sampling and Analysis Requirements if it determines a facility operator has met the conditions set forth in a Regional Water Board certification program. Regional Water Board certification programs may include conditions to (1) exempt facility operators whose facilities infrequently discharge storm water to waters of the United States, and (2) exempt facility operators

that demonstrate compliance with the terms and conditions of this General Permit.

iii. Local Agency Certifications

A local agency may develop a local agency certification program. Such programs must be approved by the Regional Water Board. An approved local agency program may either grant an exemption

from the Section B.5. Sampling and Analysis Requirements or reduce the frequency of sampling if it determines that a facility operator has demonstrated compliance with the terms and conditions of this General Permit.

b. Sampling and Analysis Reduction

i. A facility operator may reduce the number of sampling events required to be sampled for the remaining term of this General Permit if the facility operator provides certification that the following conditions have been met:

(1) The facility operator has collected and analyzed samples from a minimum of six storm events from all required drainage areas;

(2) All prohibited non-storm water discharges have been eliminated or otherwise permitted;

(3) The facility operator demonstrates compliance with the terms and conditions of the General Permit for the previous two years (i.e., completed Annual Reports, performed visual observations, implemented appropriate BMPs, etc.);

(4) The facility operator demonstrates that the facility's storm water discharges and authorized non-storm water discharges do not contain significant quantities of pollutants; and

(5) Conditions (2), (3), and (4) above are expected to remain in effect for a minimum of one year after filing the certification.

ii. Unless otherwise instructed by the Regional Water Board, facility operators shall collect and analyze samples from two additional storm events (or one additional storm event when certification filed for the wet season beginning October 1, 2001) during the remaining term of this General Permit in accordance with Table C below. Facility operators shall collect samples of the first

storm event of the wet season. Facility operators that do not collect samples from the first storm event of the wet season shall collect samples from another storm event during the same wet season. Facility operators that do not collect a sample in a required wet season shall collect the sample from another storm event in the next wet season. Facility operators shall explain in the Annual Report why the first storm event of a wet season was not sampled or a sample was not taken from any storm event in accordance with the Table C schedule.

Table C
REDUCED MONITORING SAMPLING SCHEDULE

Facility Operator Filing Sampling Reduction Certification By	Samples Shall be Collected and Analyzed in These Wet Seasons	
	Sample 1	Sample 2
Oct. 1, 1997	Oct. 1, 1997-May 31, 1998	Oct. 1, 1999-May 31, 2000
Oct. 1, 1998	Oct. 1, 1998-May 31, 1999	Oct. 1, 2000-May 31, 2001
Oct. 1, 1999	Oct. 1, 1999-May 31, 2000	Oct. 1, 2001-May 31, 2002
Oct. 1, 2000	Oct. 1, 2000-May 31, 2001	Oct. 1, 2001-May 31, 2002
Oct. 1, 2001	Oct. 1, 2001-May 31, 2002	-

13. *Records*

Records of all storm water monitoring information and copies of all reports (including the Annual Reports) required by this General Permit shall be retained for a period of at least five years. These records shall include:

a. The date, place, and time of site inspections, sampling, visual observations, and/or measurements;

b. The individual(s) who performed the site inspections, sampling, visual observations, and or measurements;

c. Flow measurements or estimates (if required by Section B.6);

d. The date and approximate time of analyses;

e. The individual(s) who performed the analyses;

f. Analytical results, method detection limits, and the analytical techniques or methods used;

g. Quality assurance/quality control records and results;

h. Non-storm water discharge inspections and visual observations and storm water discharge visual observation records (see Sections B.3. and 4.);

i. Visual observation and sample collection exception records (see Section B.5.a, 7.d, 8, and 12.b.ii.);

j. All calibration and maintenance records of on-site instruments used;

k. All Sampling and Analysis Exemption and Reduction certifications and supporting documentation (see Section B.12);

l. The records of any corrective actions and follow-up activities that resulted from the visual observations.

14. *Annual Report*

All facility operators shall submit an Annual Report by July 1 of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located and to the local agency (if requested).

The report shall include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling and analysis results, laboratory reports, the Annual Comprehensive Site Compliance Evaluation Report required in Section A.9., an explanation of why a facility did not implement any activities required by the General Permit (if not already included in the Evaluation Report), and records specified in Section B.13.i. The method detection limit of each analytical parameter shall be included. Analytical results that are less than the method detection limit shall be reported as "less than the method detection limit." The Annual Report shall be signed and certified in accordance with Standard Provisions 9. and 10. of Section C of this General Permit. Facility operators shall prepare and submit their Annual Reports using the annual report forms provided by the State Water Board or Regional Water Board or shall submit their information on a form that contains equivalent information.

15. *Group Monitoring*

Facility operators may participate in group monitoring as described below. A facility operator that participates in group monitoring shall develop and implement a written site-specific SWPPP and monitoring program in accordance with the General Permit and must satisfy any group monitoring requirements. Group monitoring shall be subject to the following requirements:

a. A group monitoring plan (GMP) shall be developed and implemented by a group leader representing a group of

similar facility operators regulated by this General Permit or by a local agency which holds an NPDES permit (local agency permittee) for a municipal separate storm sewer system. GMPs with participants that discharge storm water within the boundaries of a single Regional Water Board shall be approved by that Regional Water Board. GMPs with participants that discharge storm water within the boundaries of multiple Regional Water Boards shall be approved by the State Water Board. The State Water Board and/or Regional Water Board(s) may disapprove a facility's participation in a GMP or require a GMP participant to conduct additional monitoring activities.

b. Each GMP participant shall collect and analyze samples from at least two storm events in accordance with Section B.5. over the five-year period of this General Permit. The two storm event minimum applies to new and existing members. The group leader or local agency permittee shall schedule sampling to meet the following conditions: (i) to evenly distribute the sample collection over the five-year term of this General Permit, and (ii) to collect samples from the two storm events at each participant's facility in different and non-consecutive wet seasons. New participants who join in Years 4 and 5 of this General Permit are not subject to Condition (ii) above. Group leaders shall explain in the annual Group Evaluation Report why any scheduled samples were not collected and reschedule the sampling so that all required samples are collected during the term of this General Permit.

c. The group leader or local agency permittee must have the appropriate resources to develop and implement the GMP. The group leader or local agency permittee must also have the authority to terminate any participant who is not complying with this General Permit and the GMP.

d. The group leader or local agency permittee is responsible for:

   i. Developing, implementing, and revising the GMP;

   ii. Developing and submitting an annual Group Evaluation Report to the State Water Board and/or Regional Water Board by August 1 of each year that includes:

      (1) An evaluation and summary of all group monitoring data,

      (2) An evaluation of the overall performance of the GMP participants in complying with this General Permit and the GMP,

(3) Recommended baseline and site-specific BMPs that should be considered by each participant based upon Items (1) and (2) above, and

(4) A copy of each evaluation report and recommended BMPs as required in Section B.15.d.v. below.

iii. Recommending appropriate BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges;

iv. Assisting each participant in completing their Annual Comprehensive Site Compliance Evaluation and Annual Report;

v. Conducting a minimum of two on-site inspections of each participant's facility (it is recommended that these inspections be scheduled during the Annual Comprehensive Site Compliance Evaluation) during the term of this General Permit to evaluate the participant's compliance with this General Permit and the GMP, and to recommend any additional BMPs necessary to achieve compliance with this General Permit. Participants that join in Years 4 and 5 shall be scheduled for one evaluation. A copy of the evaluation and recommended BMPs shall be provided to the participants;

vi. Submitting a GMP (or revisions, as necessary), to the appropriate Regional Water Board(s) and State Water Board no later than September 1, 1997 (or August 1 in subsequent years). Once approved, a group leader or local agency permittee shall submit a letter of intent by August 1 of each year to continue the approved GMP. The letter of intent must include a roster of participants, participant's Waste Discharge Identification number (WDID#), updated sampling schedules, and any other revisions to the GMP;

vii. Revising the GMP as instructed by the Regional Water Board or the State Water Board; and

viii. Providing the State Water Board and/or Regional Water Board with quarterly updates of any new or deleted participants and corresponding changes in the sampling and inspection schedule.

e. The GMP shall:

i. Identify the participants of the GMP by name, location, and WDID number;

ii. Include a narrative description summarizing the industrial activities of participants of the GMP and explain why the participants, as a whole, have sufficiently similar industrial activities and BMPs to be covered by a group monitoring plan;

iii. Include a list of typical potential pollutant sources associated with the group participant's facilities and recommended baseline BMPs to prevent or reduce pollutants associated with industrial activity in the storm water discharges and authorized non-storm water discharges;

iv. Provide a five-year sampling and inspection schedule in accordance with Subsections b. and d.v. above.

v. Identify the pollutants associated with industrial activity that shall be analyzed at each participant's facility in accordance with Section B.5. The selection of these pollutants shall be based upon an assessment of each facility's potential pollutant sources and likelihood that pollutants associated with industrial activity will be present in storm water discharges and authorized non-storm water discharges in significant quantities.

f. Sampling and analysis shall be conducted in accordance with the applicable requirements of this Section.

g. Unless otherwise instructed by the Regional Water Board or the State Water Board Executive Director, the GMPs shall be implemented at the beginning of the wet season (October 1).

h. All participants in an approved GMP that have not been selected to sample in a particular wet season are required to comply with all other monitoring program and reporting requirements of this Section including the submittal of an Annual Report by July 1 of each year to the appropriate Regional Water Board.

i. GMP participants subject to Federal storm water effluent limitation guidelines must perform the monitoring described in Section B.6. and submit the results of the monitoring to the appropriate Regional Water Board within the facility operator's Annual Report.

j. GMPs and Group Evaluation Reports should be prepared in accordance with State Water Board (or Regional Water Board) guidance.

k. GMP participants may receive Sampling and Analysis Reduction sampling credit in accordance with the following conditions:

i. Current or prior participants (group participants) of approved GMPs, who have not collected and analyzed samples from six storm events as required in Section B.7.b.i.(1), may substitute credit earned through participation in a GMP for up to four of the six required storm events. Credits for GMP participation shall be calculated as follows:

(1) Credit may only be earned in years of participation where the GMP participant was not scheduled to sample and the GMP was approved.

(2) One credit will be earned for each year of valid GMP participation.

(3) One additional credit may be earned for each year the overall GMP sample collection performance is greater than 75 percent.

ii. GMP participants substituting credit as calculated above shall provide proof of GMP participation and certification that all the conditions in Section B.12.b.i. have been met. GMP participants substituting credit in accordance with Section B.15.k.i.(3) shall also provide GMP sample collection performance documentation.

iii. GMP participants that qualify for Sampling and Analysis Reduction and have already sampled a storm event after October 1, 1997 shall only be required to sample one additional storm event during the remainder of this General Permit in accordance with the "Sample 2" schedule (or "Sample 1" schedule when certification filed for the wet season beginning October 1, 2001) in Table C of this Section.

n. Group leaders shall furnish, within 60 days of receiving a request from the State Water Board or Regional Water Board, any GMP information and documentation necessary to verify the Section B.15.k. sampling credits. Group leaders may also provide this information and documentation to the group participants.

16. *Watershed Monitoring Option*

Regional Water Boards may approve proposals to substitute watershed monitoring for some or all of the requirements of this Section if the Regional Water Board finds that the watershed monitoring will provide substantially similar monitoring information in evaluating facility operator compliance with the requirements of this General Permit.

TABLE D
ADDITIONAL ANALYTICAL PARAMETERS

Subsector	SIC	Activity Represented	Parameters
SECTOR A. TIMBER PRODUCTS			
A1	2421	General Sawmills and Planing Mills	**COD;TSS;Zn**
A2	2491	Wood Preserving	**As;Cu**
A3	2411	Log Storage and Handling	**TSS**
A4	2426	Hardwood Dimension and Flooring Mills	**COD;TSS**
A4	2429	Special Product Sawmills, Not Elsewhere Classified	**COD;TSS**
A4	243X	Millwork, Veneer, Plywood, and Structural Wood	**COD;TSS**
A4	(except 2434--Wood Kitchen Cabinet Manufacturers)		
A4	244X	Wood Containers	**COD;TSS**
A4	245X	Wood Buildings and Mobile Homes	**COD;TSS**
A4	2493	Reconstituted Wood Products	**COD;TSS**
A4	2499	Wood Products, Not Elsewhere Classified	
SECTOR B. PAPER AND ALLIED PRODUCTS MANUFACTURING			
B1	261X	Pulp Mills	
B2	262X	Paper Mills	
B3	263X	Paperboard Mills	**COD**
B4	265X	Paperboard Containers and Boxes	
B5	267X	Converted Paper and Paperboard Products, Except Containers and Boxes	
SECTOR C. CHEMICAL AND ALLIED PRODUCTS MANUFACTURING			
C1	281X	Industrial Inorganic Chemicals	**Al;Fe;N+N**
C2	282X	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic, and Other Manmade Fibers Except Glass	**Zn**
C3	283X	Drugs	
C4	284X	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations	**N+N;Zn**
C5	285X	Paints, Varnishes, Lacquers, Enamels, and Allied Products	
C6	286X	Industrial Organic Chemicals	
C7	287X	Nitrogenous and Phosphatic Basic Fertilizers, Mixed Fertilizer, Pesticides, and Other Agricultural Chemicals	**Fe;N+N;Pb;Zn;P**
C8	289X	Miscellaneous Chemical Products	
	3952	Inks and Paints, Including China Painting Enamels, India Ink, (limited to list) Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints, and Artist's Watercolors	
SECTOR D. ASPHALT PAVING/ROOFING MATERIALS MANUFACTURERS AND LUBRICANT MANUFACTURERS			
D1	295X	Asphalt Paving and Roofing Materials	**TSS**
D2	2992	Lubricating Oils and Greases	

Parameter Names

Al - Aluminum	Cd - Cadmium	Cu - Copper	Mg - Magnesium	BOD - Biochemical Oxygen Demand
As - Arsenic	CN - Cyanide	Fe - Iron	Ag - Silver	N + N - Nitrate & Nitrite Nitrogen
NH_3- Ammonia	Hg - Mercury	P - Phosphorus	Se - Selenium	Pb - Lead
Zn - Zinc	TSS -Total Suspended Solids	COD - Chemical Oxygen Demand		

Subsector SIC Activity Represented Parameters

SECTOR E. GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCT MANUFACTURING

E1	3211	Flat Glass	
E1	322X	Glass and Glassware, Pressed or Blown	
E1	323X	Glass Products Made of Purchased Glass	
E2	3241	Hydraulic Cement	
E3	325X	Structural Clay Products	**Al**
E3	326X	Pottery and Related Products	**Al**
E3	3297	Non-Clay Refractories	**Al**
E4	327X	Concrete, Gypsum, and Plaster Products (Except Lime) (except 3274).	**TSS;Fe**
E4	3295	Minerals and Earths, Ground, or Otherwise Treated	**TSS;Fe**

SECTOR F. PRIMARY METALS

F1	331X	Steel Works, Blast Furnaces, Rolling & Finishing Mill	**Al;Zn**
F2	332X	Iron and Steel Foundries	**Al;TSS;Cu;Fe;Zn**
F3	333X	Primary Smelting and Refining of Nonferrous Metals	
F4	334X	Secondary Smelting and Refining of Nonferrous Metals	
F5	335X	Rolling, Drawing, and Extruding of Nonferrous Metals	**Cu;Zn**
F6	336X	Nonferrous Foundries (Castings)	**Cu;Zn**
F7	339X	Miscellaneous Primary Metal Products	

SECTOR G. METAL MINING (ORE MINING AND DRESSING) EXCEPT INACTIVE METAL MINING ACTIVITIES ON FEDERAL LANDS WHERE AN OPERATOR CANNOT BE IDENTIFIED

G1	101X	Iron Ores	
G2	102X	Copper Ores	**TSS;COD;N+N**
G3	103X	Lead and Zinc Ores	
G4	104X	Gold and Silver Ores	
G5	106X	Ferroalloy Ores, Except Vanadium	
G6	108X	Metal Mining Services	
G7	109X	Miscellaneous Metal Ores	

SECTOR H. COAL MINES AND COAL MINING-RELATED FACILITIES

NA	12XX	Coal Mines and Coal Mining-Related Facilities	**TSS;Al;Fe**

SECTOR I. COAL MINES AND COAL MINING-RELATED FACILITIES

I1	131X	Crude Petroleum and Natural Gas	
I2	132X	Natural Gas Liquids	
I3	138X	Oil and Gas Field Services	

SECTOR J. MINERAL MINING AND DRESSING EXCEPT INACTIVE MINERAL MINING ACTIVITIES OCCURRING ON FEDERAL LANDS WHERE AN OPERATOR CANNOT BE IDENTIFIED

J1	141X	Dimension Stone	**TSS**
J1	142X	Crushed and Broken Stone, Including Rip Rap	**TSS**
J1	148X	Nonmetallic Minerals, Except Fuels	**TSS**
J2	144X	Sand and Gravel	**TSS;N+N**
J3	145X	Clay, Ceramic, and Refractory Materials	
J4	147X	Chemical and Fertilizer Mineral Mining	
J4	149X	Miscellaneous Nonmetallic Minerals, Except Fuels	

Subsector	SIC	Activity Represented	Parameters
SECTOR K. HAZARDOUS WASTE TREATMENT STORAGE OR DISPOSAL FACILITIES			
NA	4953	Hazardous Waste Treatment Storage or Disposal	**NH_3;Mg;COD;As Cd;CN;Pb Hg;Se;**Ag
SECTOR L. LANDFILLS AND LAND APPLICATION SITES			
NA	4953	Landfills and Land Application Sites That Receive or Have Received Industrial Wastes, Except Inactive Landfills or Land Applications Sites Occurring on Federal Lands Where an Operator Cannot be Identified	**TSS;Fe**
SECTOR M. AUTOMOBILE SALVAGE YARDS			
NA	5015	Facilities Engaged in Dismantling or Wrecking Used Motor Vehicles for Parts Recycling or Resale and for Scrap	**TSS;Fe;Pb;Al**
SECTOR N. SCRAP RECYCLING FACILITIES			
NA	5093	Processing, Reclaiming, and Wholesale Distribution of Scrap and Waste Materials	**TSS;Fe;Pb Al;Cu;Zn;COD**
SECTOR O. STEAM ELECTRIC GENERATING FACILITIES			
NA	4911	Steam Electric Power Generating Facilities	**Fe**
SECTOR P. LAND TRANSPORTATION FACILITIES THAT HAVE VEHICLE AND EQUIPMENT MAINTENANCE SHOPS AND/OR EQUIPMENT CLEANING OPERATIONS			
P1	40XX	Railroad Transportation	
P2	41XX	Local and Highway Passenger Transportation	
P3	42XX	Motor Freight Transportation and Warehousing	
P4	43XX	United States Postal Service	
P5	5171	Petroleum Bulk Stations and Terminals	
SECTOR Q. WATER TRANSPORTATION FACILITIES THAT HAVE VEHICLE (VESSEL) & EQUIPMENT MAINTENANCE SHOPS AND/OR EQUIPMENT CLEANING OPERATIONS			
NA	44XX	Water Transportation	**Al;Fe;Pb;Zn**
SECTOR R. SHIP AND BOAT BUILDING OR REPAIRING YARDS			
NA	373X	Ship and Boat Building or Repairing Yards	
SECTOR S. AIR TRANSPORTATION FACILITIES			
NA	45XX	Air Transportation Facilities That Have Vehicle Maintenance Ships, Material Handing Facilities, Equipment Cleaning Operations, or Airport and/or Aircraft Deicing/Anti-icing Operations	**BOD;COD;NH_3;pH**

Subsector	SIC	Activity Represented	Parameters
SECTOR T. TREATMENT WORKS			
NA	4952	Treatment Works Treating Domestic Sewage or Any Other Sewage Sludge or Wastewater Treatment Device or System Used in the Storage, treatment, recycling, or Reclamation of Municipal or Domestic Sewage with a Design Flow of 1.0 MGD or More or Required to Have an Approved Pretreatment Program	
SECTOR U. FOOD AND KINDRED PRODUCTS			
U1	201X	Meat Products	
U2	202X	Dairy Products	
U3	203X	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties	
U4	204X	Grain Mill Products	**TSS**
U5	205X	Bakery Products	
U6	206X	Sugar and Confectionery Products	
U7	207X	Fats and Oils	**BOD;COD;TSS;N+N**
U8	208X	Beverages	
U9	209X	Miscellaneous Food Preparations and Kindred Products	
NA	21XX	Tobacco Products	
SECTOR V. TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING			
V1	22XX	Textile Mill Products	
V2	23XX	Apparel and Other Finished Products Made From Fabrics and Similar Materials	
SECTOR W. FURNITURE AND FIXTURES			
NA	25XX	Furniture and Fixtures	
NA	2434	Wood Kitchen Cabinets	
SECTOR X. PRINTING AND PUBLISHING			
NA	2732	Book Printing	
NA	2752	Commercial Printing, Lithographic	
NA	2754	Commercial Printing, Gravure	
NA	2759	Commercial Printing, Nor Elsewhere Classified	
NA	2796	Platemaking and Related Services	
SECTOR Y. RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISC. MANUFACTURING INDUSTRIES			
Y1	301X	Tires and Inner Tubes	**Zn**
Y1	302X	Rubber and Plastics Footwear	**Zn**
Y1	305X	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting	**Zn**
Y1	306X	Fabricated Rubber Products, Not Elsewhere Classified	**Zn**
Y2	308X	Miscellaneous Plastics Products	

Subsector	SIC	Activity Represented	Parameters
Y2	393X	Musical Instruments	
Y2	394X	Dolls, Toys, Games, and Sporting and Athletic Goods	
Y2	395X	Pens, Pencils, and Other Artists' Materials	
Y2	396X	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal	
Y2	399X	Miscellaneous Manufacturing Industries	
SECTOR Z. LEATHER TANNING AND FINISHING			
NA	311X	Leather Tanning and Finishing	
NA	NA	Facilities that Make Fertilizer Solely From Leather Scraps and Leather Dust	
SECTOR AA. FABRICATED METAL PRODUCTS			
AA1	3429	Hardware, Not Elsewhere Classified	**Zn;N+N;Fe;Al**
AA1	3441	Fabricated Structural Metal	**Zn;N+N;Fe;Al**
AA1	3442	Metal Doors, Sash, Frames, Molding, and Trim	**Zn;N+N;Fe;Al**
AA1	3443	Fabricated Plate Work (Boiler Shops)	**Zn;N+N;Fe;Al**
AA1	3444	Sheet Metal Work	**Zn;N+N;Fe;Al**
AA1	3451	Screw Machine Products	**Zn;N+N;Fe;Al**
AA1	3452	Bolts, Nuts, Screws, Rivets, and Washers	**Zn;N+N;Fe;Al**
AA1	3462	Iron and Steel Forgings	**Zn;N+N;Fe;Al**
AA1	3471	Electroplating, Plating, Polishing, Anodizing, and Coloring	**Zn;N+N;Fe;Al**
AA1	3494	Valves and Pipe Fittings, Not Elsewhere Classified	**Zn;N+N;Fe;Al**
AA1	3496	Miscellaneous Fabricated Wire Products	**Zn;N+N;Fe;Al**
AA1	3499	Fabricated Metal Products, Not Elsewhere Classified	**Zn;N+N;Fe;Al**
AA1	391X	Jewelry, Silverware, and Plated Ware	**Zn;N+N;Fe;Al**
AA2	3479	Coating, Engraving, and Allied Services	**Zn;N+N**
SECTOR AB. TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY			
NA	35XX	Industrial and Commercial Machinery (except 357X Computer and Office Equipment)	
NA	37XX	Transportation Equipment (except 373X Ship and Boat Building and Repairing	
SECTOR AC. ELECTRONIC, ELECTRICAL. PHOTOGRAPHIC, AND OPTICAL GOODS			
NA	36XX	Electronic and Other Electrical Equipment and Components, Except Computer Equipment	
NA	38XX	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks	
NA	357X	Computer and Office Equipment	

Section C: STANDARD PROVISIONS

1. Duty to Comply

The facility operator must comply with all of the conditions of this General Permit. Any General Permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for (a) enforcement action for (b) General Permit termination, revocation and reissuance, or modification or (c) denial of a General Permit renewal application.

The facility operator shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

2. General Permit Actions

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

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition, and the facility operator so notified.

3. Need to Halt or Reduce Activity not a Defense

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

4. Duty to Mitigate

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

5. Proper Operation and Maintenance

The facility operator at all times shall properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the facility operator to achieve compliance with the conditions of this General Permit and with the requirements of storm water pollution prevention plans (SWPPPs). Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a facility operator when necessary to achieve compliance with the conditions of this General Permit.

6. Property Rights

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

7. Duty to Provide Information

The facility operator shall furnish the Regional Water Quality Control Board (Regional Water Board), State Water Resources Control Board (State Water Board), U.S. Environmental Protection Agency (U.S. EPA), or local storm water management agency, within a reasonable time specified by the agencies, any requested information to determine compliance with this General Permit. The facility operator shall also furnish, upon request, copies of records required to be kept by this General Permit.

8. Inspection and Entry

The facility operator shall allow the Regional Water Board, State Water Board, U.S. EPA, and local storm water management agency, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the facility operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this General Permit;

b. Have access to and copy at reasonable times any records that must be kept under the conditions of this General Permit;

c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge or authorized non-storm water discharge; and

d. Conduct monitoring activities at reasonable times for the purpose of ensuring General Permit compliance.

9. Signatory Requirements

a. All Notices of Intent (NOIs) submitted to the State Water Board shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA).

b. All reports, certifications, or other information required by the General Permit or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above and retained as part of the SWPPP.

(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 named position.)

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be attached to the SWPPP prior to submittal of any reports, certifications, or information signed by the authorized representative.

10. Certification

Any person signing documents under Provision 9. 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 ensure 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."

11. Reporting Requirements

a. Planned changes: The facility operator shall give advance notice to the Regional Water Board and local storm water management agency of any planned physical alteration or additions to the general 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.

b. Anticipated noncompliance: The facility operator will give advance notice to the Regional Water Board and local storm water management agency of any planned changes at the permitted facility which may result in noncompliance with General Permit requirements.

c. Compliance schedules: Reports of compliance or noncompliance with or any progress reports on interim and final requirements contained in any compliance schedule of this General Permit shall be submitted no later than 14 days following each scheduled date.

d. Noncompliance reporting: The facility operator shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain (1) a description of the noncompliance and its cause; (2) 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 (3) steps taken or planned to reduce and prevent recurrence of the noncompliance.

12. Oil and Hazardous Substance Liability

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

13. Severability

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

14. Reopener Clause

This General Permit 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 40 CFR 122.62, 122.63, 122.64, and 124.5. This General Permit may be reopened to modify the provisions regarding authorized non-storm water discharges specified in Section D. Special Conditions.

15. Penalties for Violations of General Permit Conditions.

a. Section 309 of the CWA provides significant penalties for any person who violates a General Permit condition

implementing Sections 301, 302, 306, 307 308, 318, or 405 of the CWA, or any General Permit condition or limitation implementing any such section in a General Permit issued under Section 402. Any person who violates any General Permit condition of this General Permit is subject to a civil penalty not to exceed $25,000 per day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.

b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties in some cases greater than those under the CWA.

16. Availability

A copy of this General Permit shall be maintained at the facility and be available at all times to the appropriate facility personnel and to Regional Water Board and local agency inspectors.

17. Transfers

This General Permit is not transferable from one facility operator to another facility operator nor may it be transferred from one location to another location. A new facility operator of an existing facility must submit an NOI in accordance with the requirements of this General Permit to be authorized to discharge under this General Permit.

18. Continuation of Expired General Permit

This General Permit continues in force and effect until a new general permit is issued or the State Water Board rescinds the General Permit. Facility operators authorized to discharge under the expiring general permit are required to file an NOI to be covered by the reissued General Permit.

19. Penalties for Falsification of Reports

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or by both.

Attachment 1

FACILITIES COVERED BY THIS GENERAL PERMIT

Industrial facilities include Federal, State, municipally owned, and private facilities from the following categories:

1. FACILITIES SUBJECT TO STORM WATER EFFLUENT LIMITATIONS GUIDELINES, NEW SOURCE PERFORMANCE STANDARDS, OR TOXIC POLLUTANT EFFLUENT STANDARDS (40 Code of Federal Regulations (CFR) SUBCHAPTER N). Currently, categories of facilities subject to storm water effluent limitations guidelines are Cement Manufacturing (40 CFR Part 411), Feedlots (40 CFR Part 412), Fertilizer Manufacturing (40 CFR Part 418), Petroleum Refining (40 CFR Part 419), Phosphate Manufacturing (40 CFR Part 422), Steam Electric (40 CFR Part 423), Coal Mining (40 CFR Part 434), Mineral Mining and Processing (40 CFR Part 436), Ore Mining and Dressing (40 CFR Part 440), and Asphalt Emulsion (40 CFR Part 443).

2. MANUFACTURING FACILITIES: Standard Industrial Classifications (SICs) 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441, and 373.

3. OIL AND GAS/MINING FACILITIES: SICs 10 through 14 including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l) because of performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for area of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990); oil and gas exploration, production, processing, or treatment operations; or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mined sites that are not being actively mined but which have an identifiable facility operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

4. HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES: Includes those operating under interim status or a general permit under Subtitle C of the Federal Resource, Conservation, and Recovery Act (RCRA).

5. LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS: Sites that receive or have received industrial waste from any of

the facilities covered by this General Permit, sites subject to regulation under Subtitle D of RCRA, and sites that have accepted wastes from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).

6. RECYCLING FACILITIES: SICs 5015 and 5093. These codes include metal scrapyards, battery reclaimers, salvage yards, motor vehicle dismantlers and wreckers, and recycling facilities that are engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material such as bottles, wastepaper, textile wastes, oil waste, etc.

7. STEAM ELECTRIC POWER GENERATING FACILITIES: Includes any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.

8. TRANSPORTATION FACILITIES: SICs 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity.

9. SEWAGE OR WASTEWATER TREATMENT WORKS: Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of one million gallons per day or more or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act.

10. MANUFACTURING FACILITIES WHERE INDUSTRIAL MATERIALS, EQUIPMENT, OR ACTIVITIES ARE <u>EXPOSED</u> TO STORM WATER: SICs 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225.

Attachment 2

STORM WATER CONTACTS FOR THE STATE AND REGIONAL WATER BOARDS

See Storm Water Contacts at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml

NOTICE OF INTENT (NOI) INSTRUCTIONS

TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 97-03-DWQ NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT NO. CAS000001

Who Must Submit

The facility operator must submit an NOI for each industrial facility that is required by U.S. Environmental Protection Agency (U.S.EPA) regulations to obtain a storm water permit. The required industrial facilities are listed in Attachment 1 of the General Permit and are also listed in 40 Code of Federal Regulations Section 122.26(b)(14).

The facility operator is typically the owner of the business or operation where the industrial activities requiring a storm water permit occur. The facility operator is responsible for all permit related activities at the facility.

Where operations have discontinued and significant materials remain on site (such as at closed landfills), the landowner may be responsible for filing an NOI and complying with this General Permit. Landowners may also file an NOI for a facility if the landowner, rather than the facility operator, is responsible for compliance with this General Permit.

How and Where to Apply

The completed NOI form, a site map, and appropriate fee must be mailed to the State Water Resources Control Board (State Water Board) at the following address:

State Water Resources Control Board
Division of Water Quality
P.O. Box 1977
Sacramento, CA 95812-1977
Attn: Storm Water Permitting Unit

Please Note: Do not send the original or copies of the NOI submittal to the Regional Water Quality Control Board (Regional Water Board). The original NOI will be forwarded to the Regional Water Board after processing.

Do not send a copy of your Storm Water Pollution Prevention Plan (SWPPP) with your NOI submittal. Your SWPPP is to be kept on site and made available for review upon request.

When to Apply

Facility operators of existing facilities must file an NOI in accordance with these instructions by March 30, 1992. Facility

operators of new facilities (those beginning operations after March 30, 1992) must file an NOI in accordance with these instructions at least 14 days prior to the beginning of operations.

Once the completed NOI, site map, and appropriate fee have been submitted to the State Water Board, your NOI will be processed and you will be issued a receipt letter with a Waste Discharge Identification (WDID) Number. Please refer to this number when you contact either the State or Regional Water Boards.

Fees

The total annual fee is $1359.00. Checks should be made payable to: SWRCB

Change of Information

If the information provided on the NOI or site map changes, you should report the changes to the State Water Board using an NOI form. Section I of the line-by-line instructions includes information regarding changes to the NOI.

Questions

If you have any questions completing the NOI, please call the appropriate Regional Water Board (Attachment 2) or the State Water Board at (916) 341-5538.

NOI LINE-BY-LINE INSTRUCTIONS

Please type or print your responses on the NOI. Please complete the NOI form in its entirety and sign the certification.

Section I--NOI STATUS

Check box "A" if this is a new NOI registration.

Check box "B" if you are reporting changes to the NOI (e.g., new contact person, phone number, mailing address). Include the facility WDID #. Highlight all the information that has been changed.

Please note that a change of information **does not** apply to a change of facility operator or a change in the location of the facility. These changes require a Notice of Termination (NOT) and submittal of a new NOI and annual fee. Contact the State Water Board or Regional Water Boards for more information on the NOT Form and instructions.

Regardless of whether you are submitting a new or revised NOI, you must complete the NOI in its entirety and the NOI must be signed.

Section II--Facility Operator Information

Part A: The facility operator is the legal entity that is responsible for all permit related compliance activities at the facility. In most cases, the facility operator is the owner of the business or operation where the industrial activity occurs. Give the legal name and the address of the person, firm, public organization, or any other entity that is responsible for complying with the General Permit.

Part B: Check the box that indicates the type of operation.

Section III--Facility Site Information

Part A: Enter the facility's official or legal name and provide the address. Facilities that do not have a street address must provide cross-streets or parcel numbers. Do not include a P.O. Box address in Part A.

Part B: Enter the mailing address of the facility if different than Part A. This address may be a P.O. Box.

The contact person should be the plant or site manager who is familiar with the facility and responsible for overseeing compliance of the General Permit requirements.

Part C: Enter the total size of the facility in either acres or square feet. Also include the percentage of the site that is impervious (areas that water cannot soak into the ground, such as concrete, asphalt, and rooftops).

Part D: Determine the Standard Industrial Classification (SIC) code which best identifies the industrial activity that is taking place at the facility. This information can be obtained by referring to the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget which is available at public libraries. The code you determine should identify the industrial activity that requires you to submit the NOI. (For example, if the business is high school education and the activity is school bus maintenance, the code you choose would be bus maintenance, not education.) Most facilities have only one code; however, additional spaces are provided for those facilities that have more than one activity.

Part E: Identify the title of the industrial activity that requires you to submit the NOI (e.g., the title of SIC Code 2421 is Sawmills and Planing Mills, General). If you cannot identify the title, provide a description of the regulated activity(s).

TABLE B
EXAMPLE
ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND CORRESPONDING BEST MANAGEMENT PRACTICES SUMMARY

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery	fuel oil	- Use spill and overflow protection - Minimize run-on of storm water into the fueling area - Cover fueling area - Use dry cleanup methods rather than hosing down area - Implement proper spill prevention control program - Implement adequate preventative maintenance program to preventive tank and line leaks - Inspect fueling areas regularly to detect problems before they occur - Train employees on proper fueling, cleanup, and spill response techniques.
		Spills caused by topping off fuel tanks	fuel oil	
		Hosing or washing down fuel area	fuel oil	
		Leaking storage tanks	fuel oil	
		Rainfall running off fueling area, and rainfall running onto and off fueling area	fuel oil	

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. This information should be summarized similar to Table B.

Facility operators shall consider the following BMPs for implementation at the facility:

a. Non-Structural BMPs

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs options before considering additional structural BMPs (see Section A.8.b. below). Below is a list of non-structural BMPs that should be considered:

i. Good Housekeeping

Good housekeeping generally consist of practical procedures to maintain a clean and orderly facility.

ii. Preventive Maintenance

Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.

iii. Spill Response

This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

iv. Material Handling and Storage

This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.

Section IV--Address for Correspondence

Correspondence relative to the permit will be mailed occasionally. Check the box which indicates where you would like such correspondence delivered. If you want correspondence sent to another contact person or address different than indicated in Section II or Section III then include the information on an extra sheet of paper.

Section V--Billing Address Information

To continue coverage under the General Permit, the annual fee must be paid. Use this section to indicate where the annual fee invoices should be mailed. Enter the billing address if different than the address given in Sections II or III.

Section VI--Receiving Water Information

Provide the name of the receiving water where storm water discharge flows from your facility. A description of each option is included below.

1. Directly to waters of the United States: Storm water discharges directly from the facility to a river, creek, lake, ocean, etc. Enter the name of the receiving water (e.g., Boulder Creek).

2. Indirectly to waters of the United States: Storm water discharges over adjacent properties or right-of-ways prior to discharging to waters of the United States. Enter the name of the closest receiving water (e.g., Clear Creek).

Section VII--Implementation of Permit Requirements

Parts A and B:	Check the boxes that best describe the status of the Storm Water Pollution Prevention Plan (SWPPP) and the Monitoring Program.
Part C:	Check yes or no to questions 1 through 4. If you answer no to any question, you need to assign a person to these tasks immediately.

As a permit holder you are required to have an SWPPP and Monitoring Program in place prior to the beginning of facility operations. Failure to do so is in direct violation of the General Permit. Do not send a copy of your SWPPP with your NOI submittal.

Please refer to Sections A and B of the General Permit for additional information regarding the SWPPP and Monitoring Program.

Section VIII--Site Map

Provide a "to scale" drawing of the facility and its immediate surroundings. Include as much detail about the site as possible. At a minimum, indicate buildings, material handling and storage areas, roads, names of adjacent streets, storm water discharge points, sample collection points, and a north arrow. Whenever

possible limit the map to a standard size sheet of paper (8.5" x 11" or 11" x 17"). **Do not send blueprints** unless you are sending one page and it meets the size limits as defined above.

A location map may also be included, especially in cases where the facility is difficult to find, but are not to be submitted as a substitute for the site map. The location map can be created from local street maps and U.S. Geological Survey (USGS) quadrangle maps, etc.

A revised site map must be submitted whenever there is a significant change in the facility layout (e.g., new building, change in storage locations, boundary change, etc.).

Section IX--Certification

This section should be read by the facility operator. The certification provides assurances that the NOI and site map were completed by the facility operator in an accurate and complete fashion and with the knowledge that penalties exist for providing false information. It also requires the Responsible Party to certify that the provisions in the General Permit will be complied with.

The NOI must be signed by:

For a Corporation: a responsible corporate officer (or authorized individual).

For a Partnership or Sole Proprietorship: a general partner or the proprietor, respectively.

For a Municipality, State, or other non-Federal Public Agency: either a principal executive officer or ranking elected official.

For a Federal Agency: either the chief or senior executive officer of the agency.

State of California
State Water Resources Control Board

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH **INDUSTRIAL ACTIVITY** (WQ ORDER No. 97-03-DWQ)
(*Excluding Construction Activities*)

SECTION I. NOI STATUS (please check only one box)

A. [ ] New Permittee B. [ ] Change of Information WDID # |_|_|_|_|_|_|_|_|_|_|_|_|

SECTION II. FACILITY OPERATOR INFORMATION (See instructions)

A. NAME:		Phone:
Mailing Address:		
City:	State:	Zip Code:
Contact Person:		
B. OPERATOR TYPE: (check one) 1.[ ] Private Individual 2.[ ]Business 3.[ ]Municipal 4.[ ]State 5.[ ]Federal 6.[ ]Other		

SECTION III. FACILITY SITE INFORMATION

A. FACILITY NAME		Phone:
Facility Location:		County:
City:	State: CIA	Zip Code:
B. MAILING ADDRESS:		
City:	State:	Zip Code:
Contact Person:		
C. FACILITY INFORMATION (check one) Total Size of Site: Acres [ ] Sq. Ft. [ ]		Percent of Site Impervious (*including rooftops*) %

D. SIC CODE(S) OF REGULATED ACTIVITY: E. REGULATED ACTIVITY (*describe each SIC code*):

1. |_|_|_|_|
2. |_|_|_|_|
3. |_|_|_|_|

FOR STATE USE ONLY:

LA Waterkeeper Notice Of Violations and Intent to Sue - Exhibit A

SECTION IV. ADDRESS FOR CORRESPONDENCE

I_I Facility Operator Mailing Address (Section II) I_I Facility Mailing Address (Section III, B.) I_I Both

SECTION V. BILLING ADDRESS INFORMATION

SEND BILL TO: [ ]Facility Operator Mailing Address (Section II) [ ]Facility Mailing Address (Section III, B.) [ ]Other (*enter information below*)

Name: Phone:

Mailing Address:

City: State: Zip Code:

Contact Person:

SECTION VI. RECEIVING WATER INFORMATION

Your facility's storm water discharges flow: (*check one*) [ ] Directly OR [ ] Indirectly to waters of the United States.

Name of receiving water: _____
(river, lake, stream, ocean, etc.)

SECTION VII. IMPLEMENTATION OF PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (*check one*)
[ ] A SWPPP has been prepared for this facility and is available for review.
[ ] A SWPPP will be prepared and ready for review by (enter date): ____/____/____.

B. MONITORING PROGRAM (check one)
[ ] A Monitoring Program has been prepared for this facility and is available for review.
[ ] A Monitoring Program will be prepared and ready for review by (enter date): ____/____/____.

C. PERMIT COMPLIANCE RESPONSIBILITY
Has a person been assigned responsibility for:

1. Inspecting the facility throughout the year to identify any potential pollution problems? ____YES ____NO
2. Collecting storm water samples and having them analyzed? ____YES ____NO
3. Preparing and submitting an annual report by July 1 of each year? ____YES ____NO
4. Eliminating discharges other than storm water (*such as equipment or vehicle wash-water*) into the storm drain? ____YES ____NO

SECTION VIII. SITE MAP

I HAVE ENCLOSED A SITE MAP YES[ ] A new NOI submitted without a site map will be rejected.

SECTION IX. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and 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. In addition, I certify that I have read the entire General Permit, including all attachments, and agree to comply with and be bound by all of the provisions, requirements, and prohibitions of the permit, including the development and implementation of a Storm Water Pollution Pervention Plan and a Monitoring Program Plan will be complied with."

Printed Name: _____

Signature: _____ Date _____

Title: _____

DEFINITIONS

1. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment measures, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may include any type of pollution prevention and pollution control measure necessary to achieve compliance with this General Permit.

2. Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; 33 USC. 1251 et seq.

3. "Facility" is a collection of industrial processes discharging storm water associated with industrial activity within the property boundary or operational unit.

4. "Non-Storm Water Discharge" means any discharge to storm sewer systems that is not composed entirely of storm water.

5. "Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERLCA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

6. "Significant Quantities" is the volume, concentrations, or mass of a pollutant that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and/or cause or contribute to a violation of any applicable water quality standards for the receiving water.

7. "Significant Spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR 110.10 and 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

8. "Storm water" means storm water runoff, snow melt runoff, and storm water surface runoff and drainage. It excludes infiltration and runoff from agricultural land.

9. "Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the facilities identified in Categories 1 through 9 of Attachment 1 of this General Permit, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials; manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

   For the facilities identified in Category 10 of Attachment 1 of this General Permit, the term only includes storm water discharges from all areas listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery <u>are exposed to storm water</u>.

   Material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, State, or municipally owned or operated that meet the description of the facilities listed in this paragraph) include those facilities designated under 40 CFR 122.26(a)(1)(v).

ACRONYM LIST

BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMPs	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Federal Superfund)
CFR	Code of Federal Regulations
CWA	Clean Water Act
General Permit	General Industrial Activities Storm Water Permit
GMP	Group Monitoring Plan
NEC	No Exposure Certification
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and Grease
RCRA	Resource, Conservation, and Recovery Act
Regional Water Board	Regional Water Quality Control Board
RQ	Reportable Quantity
SARA	Superfund Amendments and Reauthorization Act of 1986
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SPCC	Spill Prevention Control and Countermeasures
State Water Board	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TOC	Total Organic Carbon
TSS	Total Suspended Solids
U.S. EPA	U.S. Environmental Protection Agency
WDID	Waste Discharger Identification
WDRs	Waste Discharge Requirements

Days With Significant Rain Events (Rainfall Above 0.1 Inches)
August 2007 – August 2012
(716 Los Angles-Ducommun St. Rain Gauge)

Date	Day of the Week	Total Rainfall (in inches)
1/5/08	Saturday	2.16
1/7/08	Monday	0.65
1/22/08	Tuesday	0.12
1/24/08	Thursday	1.17
1/25/08	Friday	1.37
1/27/08	Sunday	1.49
1/28/08	Monday	0.72
2/3/08	Sunday	0.16
2/4/08	Monday	0.15
2/14/08	Thursday	0.17
2/20/08	Wednesday	0.1
2/22/08	Friday	0.38
2/23/08	Saturday	0.1
2/24/08	Sunday	0.29
11/4/08	Tuesday	0.13
11/26/08	Wednesday	1.48
11/27/08	Thursday	0.29
12/15/08	Monday	1.12
12/16/08	Tuesday	0.46
12/18/08	Thursday	0.61
12/23/08	Tuesday	0.17
12/26/08	Friday	0.15
1/23/09	Friday	0.16
1/24/09	Saturday	0.29
2/6/09	Friday	0.61
2/7/09	Saturday	0.28
2/8/09	Sunday	0.69
2/10/09	Tuesday	0.38
2/14/09	Saturday	0.22
2/16/09	Monday	0.46
2/17/09	Tuesday	0.75
2/18/09	Wednesday	0.14
3/5/09	Thursday	0.28
6/6/09	Saturday	0.24
10/14/09	Wednesday	1.52
10/15/09	Thursday	0.11
12/8/09	Tuesday	0.79
12/11/09	Friday	0.54
12/12/09	Saturday	0.35
12/13/09	Sunday	0.71
12/31/09	Thursday	0.13

Days With Significant Rain Events (Rainfall Above 0.1 Inches)
August 2007 – August 2012
(716 Los Angles-Ducommun St. Rain Gauge)

1/18/10	Monday	1.3
1/19/10	Tuesday	0.12
1/20/10	Wednesday	0.69
1/21/10	Thursday	1.55
1/22/10	Friday	0.87
1/23/10	Saturday	0.29
1/27/10	Wednesday	0.22
2/6/10	Saturday	1.95
2/7/10	Sunday	0.46
2/10/10	Wednesday	0.59
2/20/10	Saturday	0.12
2/27/10	Saturday	0.65
2/28/10	Sunday	0.28
3/4/10	Thursday	.11
3/7/10	Sunday	0.5
4/5/10	Monday	0.24
4/6/10	Tuesday	0.28
4/12/10	Monday	1.02
10/6/10	Wednesday	0.18
10/7/10	Thursday	0.12
10/19/10	Tuesday	0.22
10/25/10	Monday	0.2
10/30/10	Saturday	0.54
11/8/10	Monday	0.28
11/20/10	Saturday	0.13
11/22/10	Monday	0.31
11/28/10	Sunday	0.25
12/6/10	Monday	0.32
12/17/10	Friday	0.11
12/18/10	Saturday	0.28
12/19/10	Sunday	2.39
12/20/10	Monday	1.94
12/21/10	Tuesday	2.56
12/22/10	Wednesday	1.13
12/23/10	Thursday	1.34
12/26/10	Sunday	0.78
12/30/10	Thursday	0.9
1/3/11	Monday	0.44
1/31/11	Monday	0.29
2/16/11	Wednesday	0.53
2/17/11	Thursday	0.15
2/19/11	Saturday	1.45
2/26/11	Saturday	1.21

Days With Significant Rain Events (Rainfall Above 0.1 Inches)
August 2007 – August 2012
(716 Los Angles-Ducommun St. Rain Gauge)

3/3/11	Thursday	0.15
3/20/11	Sunday	0.11
3/21/11	Monday	2.16
3/24/11	Thursday	0.4
3/25/11	Friday	1.05
3/27/11	Sunday	0.2
5/18/11	Wednesday	0.21
10/6/11	Thursday	1.73
11/5/11	Saturday	0.18
11/7/11	Monday	0.39
11/12/11	Saturday	0.16
11/21/11	Monday	0.5
12/13/11	Tuesday	0.81
1/22/12	Sunday	0.65
1/24/12	Tuesday	0.63
2/16/12	Thursday	0.17
3/18/12	Sunday	0.99
3/26/12	Monday	1.08
4/11/12	Wednesday	0.67
4/14/12	Saturday	0.63
4/26/12	Thursday	0.47