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Arnold Schwarzenegger
Governor

ORDER NO. 2006-XXXX-DWQ
NPDES NO. CAG990002

A Discharger, as described in the following table, that has complied with the requirements for coverage under this Order is authorized to discharge under this Order, once permit coverage is effective, as described in this Order.

Dischargers	Utility companies with short-term intermittent discharges from utility vaults and underground structures to waters of the United States that do not cause, have the reasonable potential to cause, or contribute to an instream excursion above any applicable State or federal water quality objectives/criteria or cause acute or chronic toxicity in the receiving water.
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This Order was adopted by the State Water Board on:	July 5, 2006
This Order shall become effective on:	November 1, 2006
This Order shall expire on:	July 31, 2011
The U.S. Environmental Protection Agency (USEPA) and the State Water Board have classified this discharge as a minor discharge.	

IT IS HEREBY ORDERED that Order No. **2001-0011-DWQ** is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, Dischargers shall comply with the requirements in this Order.

I, Song Her, Clerk to the Board, do hereby certify the following is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board on July 5, 2006.

Song Her
Clerk to the Board

California Environmental Protection Agency

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STATE WATER RESOURCES CONTROL BOARD

ORDER NO. 2006-XXXX-DWQ
NPDES NO. CAG990002

TABLE OF CONTENTS

I.	Facility Information	1
II.	Notification Requirements	1
III.	Findings.....	3
IV.	Discharge Prohibitions.....	6
V.	Effluent Limitations and Discharge Specifications	6
	A. Effluent Limitations (Not Applicable).....	6
	B. Land Discharge Specifications (Not Applicable)	6
	C. Reclamation Specifications (Not Applicable)	6
VI.	Receiving Water Limitations	6
	A. Surface Water Limitations	6
	B. Groundwater Limitations (Not Applicable).....	7
VII.	Provisions.....	7
	A. Standard Provisions	7
	B. Monitoring and Reporting Program Requirements.....	8
	C. Special Provisions.....	8
	1. Re-opener Provisions (Not Applicable).....	8
	2. Special Studies, Technical Reports & Additional Monitoring Requirements (Not Applicable)	8
	3. Best Management Practices and Pollution Prevention Plan (PLAN)	8
	4. Compliance Schedules (Not Applicable).....	12
	5. Construction, Operation and Maintenance Specifications (Not Applicable).....	12
	6. Special Provisions for Municipal Facilities (POTWs) (Not Applicable)	12
	7. Other Special Provisions.....	13
VIII.	Compliance Determination (Not Applicable).....	13
	Attachment A – Definitions	A-1
	Attachment B – Notice of Intent (NOI) Form	B-1
	Attachment C – Instructions for Completing the NOI.....	C-1
	Attachment D – Standard Provisions.....	D-1
	Attachment E – Monitoring and Reporting Program (MRP).....	E-1
	Attachment F – Fact Sheet.....	F-1

I. FACILITY INFORMATION

Utility companies supply resources, excluding water, necessary for day-to-day living and/or operations. This includes, but is not limited to, suppliers of natural gas, electricity, and telephone services. Utility companies with short-term intermittent discharges from utility vaults and underground structures to waters of the United States that do not cause, have the reasonable potential to cause, or contribute to an in-stream excursion above any applicable State or federal water quality objectives/criteria or cause acute or chronic toxicity in the receiving water are authorized to discharge in accordance with the conditions set forth in this Order.

II. NOTIFICATION REQUIREMENTS

A. **General Permit Application.** To obtain coverage under this National Pollutant Discharge Elimination System (NPDES) General Permit, a Notice of Intent (NOI), a project map(s), a Pollution Prevention Plan (PLAN), and the first annual fee must be submitted to the State Water Resources Control Board (State Water Board). A Discharger must submit a separate enrollment for discharges located within each Regional Water Quality Control Board (Regional Water Board) boundary as defined in section 13200 of the California Water Code (CWC). Each enrollment will cover all discharges occurring within the boundaries of that Regional Water Board. However, only one annual fee is required for each Discharger.

The NOI must include the name, address, and telephone number of the owner or operator. The NOI must also include the name and address of the facility, the type of facility or discharges, and the receiving waterbody(s). In addition, the NOI must include a project map(s) that shows the essential features of the distribution system within the Regional Water Board boundary and the corresponding surface waters to which water may be discharged. The NOI form may be found within this General Permit package as Attachment B. Attachment C contains guidance on completing the NOI. The PLAN must contain the information detailed in VII.C.e of this Order.

The General Permit Application, including the NOI, map(s), PLAN, and fee, must be submitted to the following address:

Utility Vaults NOI - NPDES Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

A copy of the PLAN must also be sent to the appropriate Regional Water Board(s). See the Regional Water Boards' map on page C-4 in Appendix C.

B. **General Permit Coverage.** Permit coverage will be effective when all of the following have occurred: (1) The Discharger has submitted a complete permit application; (2) Receipt of a complete application is noticed for a minimum of 30 days and copies provided to the public for review and comment upon request; (3) The proposed PLAN has been reviewed by Regional Water Board staff; and (4) The PLAN has been approved by the Regional Water Board Executive Officer, or by the Regional Water Board after a public hearing, if requested.

- C. **Exclusion of Coverage.** The authorization to discharge under this General Permit is terminated upon receipt of a Notice of Exclusion (NOE) or if the appropriate Regional Water Board decides that the discharge would best be regulated under either an individual or another general permit. An NOE is a one-page notice that states that the Discharger is not eligible for coverage under this General Permit and provided the reason for the exclusion.
- D. **Eligibility Criteria.** To be authorized by this General Permit, Dischargers must meet the following criteria:
1. Pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an excursion above any applicable federal water quality criterion established by the U.S. Environmental Protection Agency (USEPA) pursuant to Clean Water Act (CWA) section 303. Pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an excursion above any water quality objective adopted by the appropriate Regional or State Water Board, including prohibitions of discharge for the receiving waters.
 2. The discharge does not cause acute or chronic toxicity in the receiving water.
- E. **Discharge to a Municipal Separate Storm Sewer System.** Whenever there is a discharge of 50,000 gallons or more to a municipal separate storm sewer system (MS4), the Discharger shall contact the appropriate local agency with jurisdiction over the MS4 within 24 hours. It is the State Water Board's intention with this requirement to encourage communication between Dischargers under this General Permit and local agencies responsible for MS4s to reduce misunderstandings and concerns over the types of discharges covered by this General Permit.
- F. **Termination of Discharges.** Dischargers shall submit a Notice of Termination or Transfer (NOTT) when coverage under this General Permit is no longer needed. An NOTT is a form that lists the Waste Discharge Identification Number (WDID), the name and address of the owner of the facility, and is signed and dated by the owner certifying that the Dischargers associated with Permit No. CAG990002 have been eliminated or that there has been a change in ownership. Upon submission, the Discharger is no longer authorized to discharge wastewater associated with this General Permit.
- G. **Changes from Authorization Under General Permit to Individual Permit.** Dischargers already covered under the NPDES program, whether by general (except Order No. 2001-0011-DWQ) or individual permit, may elect to continue coverage under the existing permit or may submit a complete application for coverage under this General Permit. Dischargers who submit a complete application under this General Permit are not required to submit an individual permit application. The Regional Water Board may request additional information and determine that a Discharger is not eligible for coverage under this General Permit and would be better regulated under an individual or other general NPDES permit or, for discharges to land, under waste discharge requirements (WDRs). If a Regional Water Board issues an NPDES permit or WDRs, the applicability of this General Permit to the specified discharge is immediately terminated on the effective date of the NPDES permit or WDRs.
- H. **Transferring Ownership.** In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger must notify the succeeding owner or operator of the existence of this General Permit by letter, a copy of which must be immediately forwarded to the Regional Water Board office. The Discharger must

submit an NOTT to the Regional Water Board and a copy of the NOTT to the State Water Board. The succeeding owner or operator must then submit a new general permit application.

III. FINDINGS

The State Water Board finds:

- A. **Background.** This Order replaces Order No. 2001-0011-DWQ. The NPDES No. CAG990002 remains the same. Utility companies with utility vaults and underground structures enrolled under previous Order No. 2001-0011-DWQ must obtain coverage under this new Order to continue their authorization to discharge. To obtain authorization for continued and future discharge to waters of the United States, Dischargers must submit a complete application, as described in II. A. above, and obtain coverage in order to be regulated under this General Permit as provided in 40 Code of Federal Regulations (CFR) section 122.28 (b)(2).
- B. **Facility Description.** Utility companies operate and maintain numerous vaults and underground structures within their service territories. These vaults and structures may be located in residential, agricultural, commercial, or industrial areas. Sizes can vary from 15 cubic feet to 1,500 cubic feet, depending on their intended use, type, or contents. For safety reasons, utility companies must de-water vaults and underground structures prior to performing any repair, maintenance, and/or installation of equipment. When the amount of water in the vaults or structures interferes with the safety and quality of the work to be done, water must be pumped out. Volume of discharges can vary from a few gallons to a few thousand gallons depending on the configuration and individual situation at each vault or structure. These intermittent discharges are routed to waters of the United States directly or indirectly via local storm conveyance systems.
- C. **Legal Authorities.** This Order is issued pursuant to section 402 of the CWA and implementing regulations adopted by the USEPA and Chapter 5.5, Division 7 of the CWC. It shall serve as an NPDES permit for point source discharges from this type of facility to surface waters. This Order also serves as WDRs pursuant to Article 4, Chapter 4 of the CWC.
- States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. On June 8, 1989, the State Water Board submitted an application to the USEPA requesting revisions to its NPDES Program in accordance with 40 CFR 122.28, 123.62, and 403.10. The application included a request to add general permit authority to its approved NPDES Program. On September 22, 1989, the USEPA, Region 9, approved the State Water Board's request and granted authorization for the State to issue general NPDES permits.
- D. **Background and Rationale for Requirements.** The State Water Board developed the requirements in this Order based on information submitted as part of the applications for several like agencies, through monitoring and reporting programs, and through special studies. Attachments A through F, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and constitute part of the Findings for this Order.
- E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of CEQA (Public Resources Code section 21100, et seq.) in accordance with section 13389 of the CWC.

- F. **Technology-based Effluent Limitations (TBELs).** Title 40 of the CFR section 122.44(a) requires that permits include applicable **TBELs** and standards. This Order does not include numeric-**TBELs** because USEPA has not promulgated effluent limitation guidelines for utility vaults. Instead, this Order requires Pollution Prevention Practices (PPPs), which are equivalent to Best Management Practices (BMPs), in Pollution Prevention Plans (PLANS)^[PSII] to control and abate the discharge of pollutants to surface waters and to achieve Best Available Technology Economically Achievable (BAT)/Best Conventional Pollutant Control Technology (BCT) requirements and comply with applicable water quality standards.
- G. **Water Quality-based Effluent Limitations (WQBELs).** Section 122.44(d) of 40 CFR requires that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality criteria have not been established, 40 CFR section 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. Section 122.44(k)(3) of 40 CFR allows the use of BMPs to control or abate the discharge of pollutants when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. As discussed in detail in the Fact Sheet, it is not feasible to establish WQBELs for pollutants in discharges from utility vaults or underground structures. Therefore, in lieu of WQBELs, this Order requires Dischargers to establish PPPs in PLANS for discharges from utility vaults and underground structures.
- H. **Water Quality Control Plans.** The Regional Water Boards have adopted Water Quality Control Plans (hereinafter Basin Plans) that designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives for all waters addressed through the plans. In addition, State Water Board Resolution No. 88-63 establishes state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal and domestic supplies. Requirements of this Order specifically implement the applicable Basin Plans.
- I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
- J. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their Basin Plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires Dischargers to submit data sufficient to do so. As described in the Fact Sheet, Water Quality Order No. 2001-0011-DWQ granted exceptions from sections 1.3 (Determination of Priority Pollutants Requiring WQBELs) and 1.4 (Calculations of Effluent Limitations) of the SIP

because numeric effluent limitations are infeasible for discharges from utility vaults and underground structures. This Order continues the exceptions granted from sections 1.3 and 1.4 of the SIP.

K. Compliance Schedules and Interim Requirements. (Not applicable)

- L. Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Boards' Basin Plans implement, and incorporate by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16.
- M. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations of 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.
- N. Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.
- O. Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR sections 122.41 and 122.42 apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The State Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).
- P. Notification of Interested Parties.** The State Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.
- Q. Consideration of Public Comment.** The State Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.
- R. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for CWA purposes (40 CFR section 131.21, 65 FR 24641, April 27, 2000). Under the revised regulation (also known as the Alaska rule), USEPA must approve new and revised standards submitted to USEPA after May 30, 2000 before being used for CWA purposes. The final rule also provides

that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

- S. **Stringency of Requirements for Individual Pollutants.** This Order contains restrictions that are no more stringent than required by CWA. Restrictions consist of TBELs and WQBELs. The TBELs consist of PPPs as indicated in a PLAN. The permit's technology-based pollutant restrictions are no more stringent than required by the CWA. The narrative WQBELs have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal WQS. Collectively, this Order's restrictions are no more stringent than required to implement the technology-based requirements of the CWA and the applicable WQS for purposes of the CWA.

IV. DISCHARGE PROHIBITIONS

- A. The discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.
- B. The discharge of wastewater shall not create or cause conditions of nuisance or pollution.
- C. The discharge shall not cause, have a reasonable potential to cause, or contribute to an in-stream excursion above any applicable criterion promulgated by USEPA pursuant to section 303 of the CWA, or water quality objective adopted by the State or Regional Water Boards.

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

- A. **Effluent Limitations (Not Applicable)**
- B. **Land Discharge Specifications (Not Applicable)**
- C. **Reclamation Specifications (Not Applicable)**

VI. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plans and are a required part of this Order. The discharge shall not cause the following in the surface receiving water:

1. Concentrations of dissolved oxygen (DO) in the receiving waters to fall below 7.0 milligrams (mg/L). During any period when the receiving water DO concentration is already below 7.0 mg/L, the discharge shall not cause any further depression of the DO content.
2. Oils, greases, waxes, floating material (liquids, solids, foams, and scum), or suspended material to create a nuisance or adversely affect beneficial uses.
3. Alteration of the apparent color, taste, or odor beyond present natural background levels.

4. Biostimulatory substances to be present in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
5. Turbidity in amounts that adversely affect beneficial uses in the receiving waters. Turbidity shall not increase more than 20 percent over background levels.
6. The ambient pH to fall below 6.5 or exceed 9.0.
7. Deposition of material that causes a nuisance or adversely affects beneficial uses.
8. Significant erosion or alteration of the watercourse.
9. The ambient receiving water temperature to be altered more than 5⁰ F.
10. Total residual chlorine to be present at concentrations that are detectable using approved methods as specified in 40 CFR section 136.
11. Taste or odor-producing substances that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or cause nuisance or adversely affect beneficial uses.
12. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the California Code of Regulations (CCR), Title 22, that harm human, plant, animal, or aquatic life, or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
13. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses, that produce a detrimental response in human, plant, animal, or aquatic life, or that bioaccumulate in aquatic resources at levels harmful to human health.
14. Violation of any applicable water quality objective for receiving waters adopted by the State or applicable Regional Water Board or applicable water quality criterion adopted by USEPA pursuant to section 303 of the CWA.

These limitations apply unless more stringent provisions exist in either the Basin Plan or an applicable State plan. The more stringent limitation shall apply.

B. Groundwater Limitations (Not Applicable)

VII. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. **State Water Board Standard Provisions.** The Discharger shall comply with the following provisions:

For the Regional Water Board to receive immediate and accurate information regarding all points of discharge, the Discharger shall establish and maintain a liaison contact with the appropriate Regional Water Board. The Discharger must send the Regional Water Board(s) a list of designated liaison personnel, telephone number(s), and specific area(s) of responsibility within 30 days from the date of submittal of the NOI and after any update to the list.

A copy of this General Permit and the PLAN shall be kept where key operating personnel can refer to the documents. Key operating and site management personnel shall be familiar with its contents. The PLAN is considered a public document and shall be provided to the Regional Water Board.

The Discharger is required to retain records, including all monitoring information and copies of all reports required by this General Permit, for three years unless directed otherwise by a Regional Water Board.

The PLAN shall be retained by the Discharger and made available upon request of a representative of the Regional Water Board. The contact person, telephone number, and address where the PLAN is to be maintained shall be submitted in the Discharger's NOI.

This General Permit expires on **July 5, 2011**. Those enrollees who are covered under this General Permit at the time of expiration will continue to be covered under this General Permit until permit coverage becomes effective under the reissued General Permit unless an NOTT has been submitted to terminate coverage.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. Reopener Provisions (Not Applicable)

2. Special Studies, Technical Reports and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention Plan (PLAN)

- a. Similar to BMPs, PPPs are designed to prevent or control the discharge of pollutants. They may include a schedule of activities, prohibition of practices, maintenance procedures, or other management practices. A PLAN is a written document that describes the operator's activities to comply with the requirements in the General Permit. The PLAN is intended to evaluate potential pollutant sources at the site and select and implement appropriate measures designed to prevent or control the discharge of pollutants.
- b. Standard industrywide PPPs have not been developed for utility companies. The Discharger shall prepare a PLAN and implement it whenever there is a discharge. If standard industrywide PPPs are developed, then the Discharger may utilize those PPPs or

develop a PLAN utilizing selected standard industrywide PPPs, as appropriate. All PLANs developed by utility companies must meet the minimum specifications as described below.

- c. If an exceedance(s) of a receiving water limitation defined in “Section V. Receiving Water Limitations,” expressed as either narrative or numerical, has been identified by the Discharger or by the Regional Water Board as a result of a utility company discharge, either of the following actions shall be undertaken to ensure compliance with this General Permit:
 - i. The Discharger shall submit a new PLAN, which demonstrates to the satisfaction of the Regional Water Board that the Discharger is fully in compliance with “VII.3. Pollution Prevention Practices & Pollution Prevention Plan” above and implementation of the new PLAN will prevent future exceedance(s) of the receiving water limits; or
 - ii. The Discharger shall develop and submit a revised PLAN to Regional Water Board, with new or revised PPPs, to prevent future exceedance(s). The Discharger shall implement such PPPs and document the progress of implementation and effectiveness thereof in the Annual Report to the Regional Water Board Executive Officer.
- d. Dischargers who are enrolling for the first time under this General Permit must submit the PLAN together with the NOI, map, and annual fee, as described in II.A. (Notification Requirements) above, to the State Water Board. Re-enrollees shall submit a copy of their previous PLAN, or if new information warrants, shall submit a revised or new PLAN as part of their application for coverage under this General Permit. The Discharger must indicate in the NOI the location where the PLAN is to be maintained and identify the appropriate contact person, with telephone number, for the PLAN. The Discharger must revise the PLAN as requested by the Regional Water Board.
- e. The PLAN shall include, at least, the following items:
 - i. Provisions for Scheduled Discharges, Unscheduled Discharges, Reservoir Discharges (if any), and Emergency Operation Discharges.
 - ii. **Pollution Prevention Team.** Each PLAN shall identify a specific individual or individuals within the facility organization as members of a Pollution Prevention Team that are responsible for developing the PLAN and assisting the facility or plant manager in its implementation, maintenance, and revision. The PLAN shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility’s PLAN.
 - iii. **Description of Potential Pollutant Sources.** Each PLAN shall provide a description of potential sources that may add significant amounts of pollutants to discharges. Each PLAN shall identify all activities and significant materials that may potentially be significant pollutant sources. Each PLAN shall include at a minimum:

- a) **Drainage map.** Provide a map showing the essential features of the distribution system for the service area within a specific Regional Water Board boundary and showing the corresponding surface waters to which water may be discharged.
 - b) **Inventory of Exposed Materials.** Include an inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water from 3 years prior to the submission of the NOI for coverage under this General Permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff from 3 years prior to the submission of the NOI for coverage under this General Permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
 - c) **Spills and Leaks.** Include a list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas exposed to precipitation or that otherwise enter the discharge stream from 3 years prior to the date of the submission of NOI to be covered under this General Permit. The list shall be updated as appropriate during the term of this General Permit.
 - d) **Sampling Data.** Provide a summary of existing discharge sampling data describing pollutants in wastewater discharges from the facility including a summary of sampling data collected during the term of this General Permit.
 - e) **Risk Identification and Summary of Potential Pollutant Sources.** Include a narrative description of the potential pollutant sources, such as from significant dust or particulate generating processes. The description shall specifically list any significant potential source of pollutants at the site and, for each potential source; any pollutant or pollutant parameter (for example, oil and grease, etc.) of concern shall be identified.
- iv. **Measures and Controls.** Each facility covered by this General Permit shall develop a description of PPPs appropriate for the facility, and implement such controls. The appropriateness and priorities of PPPs in a PLAN must reflect identified potential sources of pollutants at the facility. Also, the Discharger should discuss the advantages and limitations of the PPP. If relevant, include a structural diagram. The description of wastewater management controls shall address the following minimum components, including a schedule for implementing such controls:
- a) **Good Housekeeping.** Maintain areas that may contribute pollutants to discharges so that they are kept clean and orderly. Store and contain liquid materials in such a manner that if the container is ruptured, the contents will not discharge, flow, or be washed into the storm drainage system, surface waters, or groundwater.
 - b) **Preventive Maintenance.** Inspect and maintain wastewater management devices as well as inspect and test facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to

surface waters, and ensure appropriate maintenance of such equipment and systems.

- c) **Spill Prevention and Response Procedures.** Identify areas where potential spills, which can contribute pollutants to discharge, can occur and their accompanying drainage points. Specify material handling procedures, storage requirements, and use of equipment. Make accessible to the appropriate personnel the procedures for cleaning up spills identified in the PLAN. Make accessible the necessary equipment to implement a clean up. Note that if the spilled material is hazardous, then the cleanup materials used are also hazardous and should be disposed of properly. For large spills, a private spill cleanup company or Hazmat may be necessary.
- d) **Inspections.** Identify qualified facility personnel to inspect designated equipment and areas of the facility on a quarterly basis, and ensure that appropriate actions are taken in response to the inspections. Maintain records of inspections. Inventory and inspect each discharge point during dry weather.
- e) **Employee Training.** Train employees to implement activities identified in the PLAN. Address topics such as spill response, good housekeeping, and material management practices. Identify how often training will take place.
- f) **Record Keeping and Internal Reporting Procedures.** Federal regulation requires that any oil spill into a water body be reported to the National Response Center at (800) 424-8802 (24 hours). The Discharger shall report spills to the appropriate local agency, such as the fire department, to assist in cleanup. Provide a description of incidents (such as spills or other discharges), along with other information describing the quality and quantity of discharges. Document patterns in time of occurrence, mode of dumping, responsible parties, date and time of incident, weather conditions, duration and cause of spill/leak/discharge, response procedures, resulting environmental problems and persons notified. Document inspections and maintenance activities and maintain records of such activities. Include the date and time the inspection was performed, the name of the inspector, and the items inspected. If problems are noted, include the corrective action required and the date the action was taken.
- g) **Sediment and Erosion Control.** Identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.
- h) **Management of Runoff.** Include a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those that control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage runoff in a manner that reduces pollutants in discharges from the site. The PLAN shall provide measures that the Discharger determines to be reasonable and appropriate measures.

- v. **Comprehensive Site Compliance Evaluation.** Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the PLAN but in no case less than once a year. Such evaluations shall provide:
- a) The Discharger shall visually inspect for evidence of, or the potential for, pollutants entering the receiving water(s). Evaluate measures to reduce pollutant loadings to determine whether they are adequate and properly implemented in accordance with the terms of this General Permit or whether additional control measures are needed. Ensure that structural wastewater management measures, sediment and erosion control measures, and other structural PPPs identified in the PLAN are operating correctly. Perform a visual inspection of equipment needed to implement the PLAN, such as spill response equipment.
 - b) Based on the results of the evaluation, the Discharger shall revise, as appropriate, the description of potential pollutant sources identified in the PLAN in accordance with Item iii of this section (Description of Potential Pollutant Sources) and PPPs identified in the PLAN with Item iv of this section (Measures and Controls) within two weeks of such evaluation and shall provide timely implementation of any changes to the PLAN.
 - c) Write and retain for 3 years, a report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the PLAN, and actions taken in accordance with Item iv.b, above. Identify any incidents of noncompliance or certify that the facility is in compliance with the PLAN and this General Permit. The report shall be signed in accordance with signatory requirements of this General Permit.
- f. Additional Requirements include:
- i. The PLAN shall be designed to comply with BAT/BCT and to ensure compliance with WQS.
 - ii. The Discharger shall amend the PLAN whenever there is a change in construction, operation, or maintenance, when such amendment is necessary to ensure compliance with BAT/BCT and receiving water limits. The PLAN shall also be amended if it is in violation of any conditions of this General Permit or has not achieved the general objective of controlling pollutants in discharges to surface waters. The Discharger shall submit the amended PLAN to the Regional Water Board.
 - iii. The PLAN and any amendments thereto shall be certified in accordance with the signatory requirements of Standard Provision B.2.

4. Compliance Schedules (Not Applicable)

5. Construction, Operation and Maintenance Specifications (Not Applicable)

6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)

7. Other Special Provisions

- a. Following adoption of this General Permit, Regional Water Boards shall review monitoring reports, review revisions to Discharges PLANs, conduct compliance inspections, and take enforcement actions.
- b. The Dischargers shall dispose of solids removed from liquid wastes in a manner that is consistent with Title 27, of the CCR and approved by the appropriate Regional Water Board's Executive Office.

VIII. COMPLIANCE DETERMINATION (NOT APPLICABLE)

ATTACHMENT A – DEFINITIONS

Notice of Exclusion (NOE): A one-page notice that indicates that the proposed Discharger is NOT eligible for coverage under this General Permit and states the reason behind the decision.

Notice of Intent (NOI): A form completed and signed by an industrial facility owner/operator notifying the State and Regional Water Boards that the operator will comply with the General Permit for an industrial activity at a specific facility or site.

Notice of Termination or Transfer (NOTT): A form completed and signed by an industrial facility operator notifying the State and Regional Water Boards that the owner/operator no longer wishes to operate under the General Permit. Submission of an NOTT constitutes notice that the owner (and his/her agent) of the facility identified on the form is no longer authorized to discharge wastewater associated with utility company maintenance activities under this General Permit.

Pollution Prevention Plan (PLAN): A written document that describes the operator's activities to comply with the requirements in this General Permit. The PLAN is intended to facilitate a process whereby the operator evaluates potential pollutant sources at the site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants, such as PPPs.

Pollution Prevention Practices (PPP): Similar to Best Management Practices (BMP), PPPs are permit conditions used in place of or in conjunction with effluent limitations to prevent or control the discharge of pollutants. These may include a schedule of activities, prohibition of practices, maintenance procedures, or other management practices. PPPs may include, but are not limited to, employee training, treatment requirements, operating procedures, or practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

Utility Company: Any person, as defined in section 13050 of the California Water Code, whose business is to supply the resources, excluding water, necessary for day to day living and/or operations. This includes, but is not limited to, suppliers of natural gas, electricity, and telephone services.

ATTACHMENT B – NOTICE OF INTENT FORM

**NOTICE OF INTENT (NOI)
 WATER QUALITY ORDER NO. 2006-XXXX-DWQ
 STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
 PERMIT FOR DISCHARGES FROM UTILITY VAULTS AND UNDERGROUND STRUCTURES TO
 SURFACE WATERS OF THE UNITED STATES
 GENERAL PERMIT NO. CAG990002**

I. NOTICE OF INTENT STATUS (See Instructions)

MARK ONLY ONE ITEM	1. <input type="checkbox"/> New Discharger	2. <input type="checkbox"/> Change of Information – WDID #
--------------------	--	--

II. OWNER/OPERATOR *(If additional owners/operators are involved, provide the information in a supplemental page.)*

A. Name		Owner/Operator Type (Check One)		
B. Mailing Address		1. <input type="checkbox"/> City	2. <input type="checkbox"/> County	3. <input type="checkbox"/> State
		4. <input type="checkbox"/> Gov. Combo	5. <input type="checkbox"/> Private	
C. City	D. County	E. State	F. Zip Code	
G. Contact Person	H. Title		I. Phone	

ADDITIONAL OWNERS _____

III. BILLING ADDRESS *(Enter information only if different from above)*

Send to: <input type="checkbox"/> Owner/Operator <input type="checkbox"/> Other	A. Name	B. Title		
	C. Mailing Address			
D. City	E. County	F. State	G. Zip Code	

IV. RECEIVING WATER INFORMATION

A. Receiving water(s):	B. Describe the types of receiving waters affected:
C. Regional Water Quality Control Board(s) where discharge sites are located List all regions where discharge of wastewater is proposed, i.e. Region(s) 1, 2, 3, 4, 5, 6, 7, 8, and/or 9:	

V. LAND DISPOSAL/RECLAMATION

The State Water Resources Control Board’s water rights authority encourages the disposal of wastewater on land or re-use of wastewater where practical. You must evaluate and rule out this alternative prior to any discharge to surface water under this Order.

Is land disposal/reclamation feasible? **Yes** **No**

If **Yes**, you should contact the Regional Water Board. This Order does not apply if there is no discharge to surface waters. If **No**, explain:

VI. VERIFICATION

Have you contacted the appropriate Regional Water Board or verified in the appropriate Basin Plan that the proposed discharge will not violate prohibitions or orders of that Regional Water Board? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

VII. TYPE (Check All That Apply)

<input type="checkbox"/> Electric	<input type="checkbox"/> Natural Gas	<input type="checkbox"/> Telephone	<input type="checkbox"/> Other:
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VIII. POLLUTION PREVENTION PRACTICES PLAN INFORMATION

A. Company Name			B. Contact Person	
C. Street Address Where PLAN is Located			D. Title of Contact Person	
E. City	F. County	G. State CA	H. Zip Code	I. Phone

IX. DESCRIPTION OF DISCHARGE

Describe the discharge(s) proposed. List any potential pollutants in the discharge. Attach additional sheets if needed.

X. VICINITY MAP AND FEE

A. Have you included vicinity map(s) with this submittal?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Separate vicinity maps must be submitted for each Region where a proposed discharge will occur.	
B. Have you included payment of the filing fee (for first-time enrollees only) with this submittal?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
C. Have you included your PLAN?	<input type="checkbox"/> Yes <input type="checkbox"/> No

XI. 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 directly responsible for gathering the information, the information submitted is true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the criteria for eligibility and the development and implementation of Pollution Prevention Practices, if required, will be complied with.”

A. Printed Name:	
B. Signature:	C. Date:
D. Title:	

PLEASE SUBMIT THE NOI, FIRST ANNUAL FEE, PLAN AND MAP TO THE FOLLOWING ADDRESS:

**UTILITIES NOI
 NPDES UNIT
 DIVISION OF WATER QUALITY
 STATE WATER RESOURCES CONTROL BOARD
 P.O. BOX 100
 SACRAMENTO, CA 95812-0100**

STATE USE ONLY

WDID:	Regional Board Office	Date NOI Received:	Date NOI Processed:
		Fee Amount Received: \$	Check #:

ATTACHMENT C – INSTRUCTIONS FOR COMPLETING THE NOI

WATER QUALITY ORDER NO. 2006-XXXX-DWQ STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES FROM UTILITY VAULTS & UNDERGROUND STRUCTURES TO SURFACE WATERS OF THE UNITED STATES GENERAL PERMIT NO. CAG990002

These instructions are intended to help you, the Discharger, complete the NOI form for General Permit No. CAG990002. **Please print clearly or type when completing the NOI form and vicinity map(s). Illegible applications will not be processed.** For any field, if more space is needed, submit a supplementary letter with the NOI.

Send the completed and signed form, filing fee, PLAN, supporting documentation, and vicinity map(s) to the State Water Resources Control Board (State Water Board). Submit one permit application to cover all discharges within the boundaries of a Regional Water Quality Control Board (Regional Water Board). If the proposed discharges occur in more than one Region, submit a permit application for each Region where a discharge will occur. Only one annual fee is required.

Section I – Notice of Intent Status

Indicate whether this request is for first time coverage or a change of information for a facility already covered under this General Permit. For a change of information, enter the eleven-digit Waste Discharge Identification (WDID) number for the facility.

Section II – Owner/Operator

- A. Name** – Enter the name of the owner/operator. Check the appropriate box for which type of agency best describes the owner/operator. "Gov. Combo." is an abbreviation for "Government Combination" for a joint powers agency created by two or more government agencies. Private businesses should check the "Private" box.
- B. Mailing Address** – Enter the street number and name where correspondence should be sent (P.O. Box is acceptable).
- C. City** – Enter the city that applies to the mailing address given.
- D. County** – Enter the county that applies to the mailing address given.
- E. State** – Enter the state that applies to the mailing address given.
- F. Zip Code** – Enter the zip code that applies to the mailing address given.
- G. Contact Person** – Enter the name (first and last) of the contact person.
- H. Title** – Enter the contact person's title.
- I. Telephone** – Enter the daytime telephone number of the contact person.

Additional Owners - Please check this box if there is more than one owner/operator and list.

Section III – Billing Address

Send To: - Check the appropriate box and enter the information **only** if it is different from section II. above.

- A. Name** – Enter the name (first and last) of the person who will be responsible for the billing.
- B. Title** – Enter the title of the person responsible for the billing.
- C. Mailing Address** – Enter the street number and name where the billing should be sent (P.O. Box is acceptable).
- D. City** – Enter the city that applies to the billing address.
- E. County** – Enter the county that applies to the billing address.
- F. State** – Enter the state that applies to the billing address.
- G. Zip Code** – Enter the zip code that applies to the billing address.

Section IV – Receiving Water Information

- A. Enter the names(s) of the waterbody to which the wastewater is discharged.
- B. Describe the type(s) of receiving waters affected (river, lake, creek, stream, bay, ocean, wetland).
- C. List all Region numbers where discharge is proposed. Regional Water Board boundaries are defined in section 13200 of the California Water Code. Each Region number is given below and a map is attached to these instructions. For coverage in Region 5, send two additional copies of the map and for coverage in Region 6, send one additional copy.

- | | | |
|--------------------------|--|--|
| 1 - North Coast | 2 - San Francisco Bay | 3 - Central Coast |
| 4 - Los Angeles | 5 - Central Valley (Sacramento, Fresno, Redding) | 6 - Lahontan (South Lake Tahoe, Victorville) |
| 7 - Colorado River Basin | 8 - Santa Ana | 9 - San Diego |

Section V - Land Disposal/Reclamation

Check “YES” if land disposal and/or reclamation is/are feasible. If you check “YES,” contact the appropriate Regional Water Board. Your discharge may not be covered under the NPDES Program. If you checked “NO,” explain in the space provided the reason why these alternatives are not feasible.

Section VI - Verification

Indicate by checking “YES” or “NO” whether verification has been done to determine if the discharge(s) are in compliance with prohibitions or orders of the Regional Water Board.

Section VII - Type

Check the appropriate box(s) to indicate the type of utility for which you are seeking coverage.

Section VIII - Pollution Prevention Plan (PLAN) Information

- A. **Company Name** – Enter the legal name of the company applying for coverage.
- B. **Contact Person** – List the company contact person responsible for preparation and implementation of the PLAN.
- C. **Street Address Where the PLAN is Located** - Indicate the street number and name where you will keep the PLAN for reference and review by personnel.
- D. **Title of Contact Person** – Enter the official company title of the contact person.
- E. **City** – Enter the city where the PLAN will be kept.
- F. **County** – Enter the county where the PLAN will be kept.
- G. **State** – Enter the state where the PLAN will be kept.
- H. **Zip Code** – Enter the city zip code where the PLAN will be kept.
- I. **Telephone** – Enter the daytime telephone number of the contact person.

Section IX- Description of Discharge

Describe the types of operations that occur and potential pollutants that may be found in the discharge.

Section X – Vicinity Map and Fee

- A. If you have included vicinity map(s) with your NOI submittal, check the “YES” box. If not included, check “NO.” **NOTE: Vicinity map(s) of the proposed discharge site must be received before you can obtain coverage under this General Permit.** Submit separate vicinity map(s) for each Regional Water Board where a discharge is proposed. If applying for coverage in the Central Valley Region, send two additional copies of the required map and if applying for coverage under Lahontan Region, send one additional copy of the required map.

The map must show the essential features of the distribution system for the service area within a specific Regional Water Board boundary and show the corresponding surface waters to which water may be discharged.

- B. Check “YES” if you have included the annual fee with your submittal. Check “NO” if you have not included payment. **NOTE: Payment of this fee must be received before you can obtain coverage under this General Permit.** You will be invoiced annually and payment is required to continue coverage.
- C. Check “YES” if you have included the PLAN. Otherwise, check “NO.” **NOTE: You must submit the PLAN to the State Water Board and appropriate Regional Water Board(s) to obtain coverage under this General Permit.**

Section XI - Certification

- A. **Printed Name** – Print your name legibly. The person responsible according to the Signatory Requirements section of the Standard Provisions (Attachment D), must fill out this section.
- B. **Signature** – Provide a signature of name printed above.

C. Date – Indicate the date signed.

D. Title – Include the professional title of the person signing the NOI.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

NORTH COAST REGION (1)

5550 Skylane Blvd, Ste. A
Santa Rose, CA 95403
(707) 576-2220 FAX: (707)523-0135
Web Page: <http://www.waterboards.ca.gov/northcoast>

CENTRAL COAST REGION (3)

895 Aerovista Place, Ste 101
San Luis Obispo, CA 93401
(805) 549-3147 FAX: (805) 543-0397
Web Page:
<http://www.waterboards.ca.gov/centralcoast>

LAHONTAN REGION (6 SLT)

2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
(530) 542-5400 FAX: (530) 544-2271
Web Page: <http://www.waterboards.ca.gov/lahontan>

SAN FRANCISCO BAY REGION (2)

1515 Clay Street, Ste. 1400
Oakland, CA 94612
(510) 622-2300 FAX: (510) 622-2460
Web Page:
<http://www.waterboards.ca.gov/sanfranciscobay>

LOS ANGELES REGION (4)

320 W. 4th Street, Ste. 200
Los Angeles, CA 90013
(213) 576-6600 FAX: (213) 576-6640
Web Page:
<http://www.waterboards.ca.gov/losangeles>

VICTORVILLE OFFICE (6V)

14440 Civic Drive, Suite 200
Victorville, CA 92392
(760) 241-6583 FAX: (760) 241-7308
Web Page: <http://www.waterboards.ca.gov/lahontan>

CENTRAL VALLEY REGION (5S)

11020 Sun Center Dr., #200
Rancho Cordova, CA 95670-6114
(916) 464-3291 FAX: (916) 464-4645
Web Page:
<http://www.waterboards.ca.gov/centralvalley>

COLORADO RIVER BASIN REGION (7)

73-720 Fred Waring Dr., Ste. 100
Palm Desert, CA 92260
(760) 346-7491 FAX: (760) 341-6820
Web Page:
<http://www.waterboards.ca.gov/coloradoriver>

FRESNO BRANCH OFFICE (5F)

1685 E St.
Fresno, CA 93706
(559) 445-5116 FAX: (559) 445-5910
Web Page:
<http://www.waterboards.ca.gov/centralvalley>

SANTA ANA REGION (8)

California Tower
3737 Main Street, Ste. 500
Riverside, CA 92501-3339
(951) 782-4130 FAX : (951) 781-6288
Web Page: <http://www.waterboards.ca.gov/santaana>

REDDING BRANCH OFFICE (5R)

415 Knollcrest Drive, Ste. 100
Redding, CA 96002
(530) 224-4845 FAX: (530) 224-4857
Web Page:
<http://www.waterboards.ca.gov/centralvalley>

SAN DIEGO REGION (9)

9174 Sky Park Court, Ste. 100
San Diego, CA 92123-4340
(858) 467-2952 FAX: (858) 571-6972
Web Page: <http://www.waterboards.ca.gov/sandiego>

STATE OF CALIFORNIA

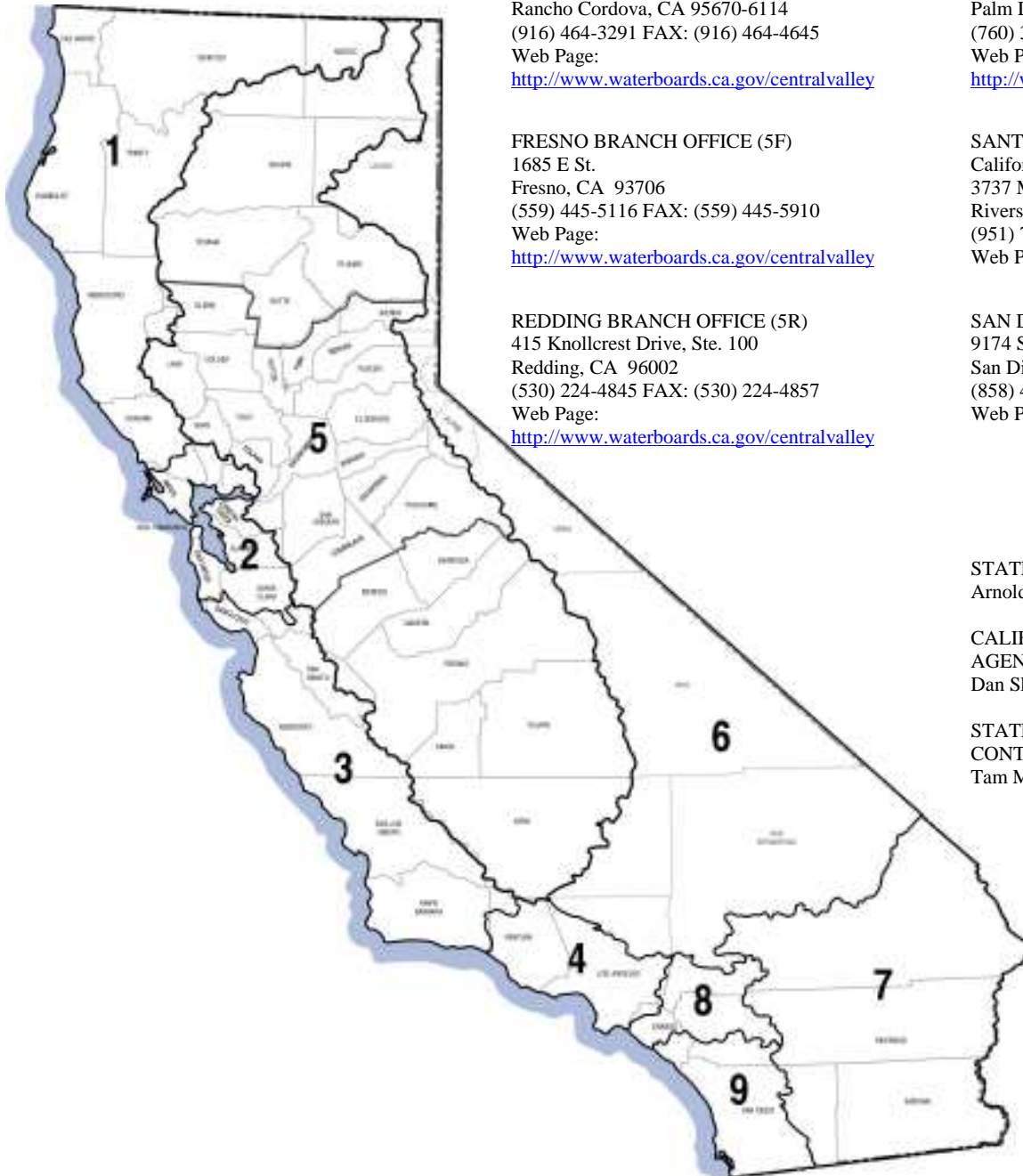
Arnold Schwarzenegger, Governor

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Dan Skopec, Acting Secretary

STATE WATER RESOURCES CONTROL BOARD

Tam M. Doduc, Board Chair



ATTACHMENT D – STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [40 CFR §122.41(a)].
2. The Discharger shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [40 CFR §122.41(a)(1)].

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order [40 CFR §122.41(c)].

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [40 CFR §122.41(d)].

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order [40 CFR §122.41(e)].

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [40 CFR §122.41(g)].
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [40 CFR §122.5(c)].

F. Inspection and Entry

The Discharger shall allow the Regional Water Quality Control Board (Regional Water Board), State Water Resources Control Board (State Water Board), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [40 CFR §122.41(i)] [CWC 13383(c)]:

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [40 CFR §122.41(i)(1)];
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [40 CFR §122.41(i)(2)];
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [40 CFR §122.41(i)(3)];
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [40 CFR §122.41(i)(4)].

G. Bypass

1. Definitions
 - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [40 CFR §122.41(m)(1)(i)].
 - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [40 CFR §122.41(m)(1)(ii)].
2. Bypass not exceeding limitations – The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [40 CFR §122.41(m)(2)].
3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless [40 CFR §122.41(m)(4)(i)]:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [40 CFR §122.41(m)(4)(A)];

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [40 CFR §122.41(m)(4)(B)]; and
 - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [40 CFR §122.41(m)(4)(C)].
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [40 CFR §122.41(m)(4)(ii)].
 5. Notice
 - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [40 CFR §122.41(m)(3)(i)].
 - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [40 CFR §122.41(m)(3)(ii)].

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR §122.41(n)(1)].

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph H.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [40 CFR §122.41(n)(2)].
2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [40 CFR §122.41(n)(3)]:
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset [40 CFR §122.41(n)(3)(i)];
 - b. The permitted facility was, at the time, being properly operated [40 CFR §122.41(n)(3)(i)];

- c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [40 CFR §122.41(n)(3)(iii)]; and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [40 CFR §122.41(n)(3)(iv)].
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof [40 CFR §122.41(n)(4)].

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [40 CFR §122.41(f)].

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 Discharger so notified.

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit [40 CFR §122.41(b)].

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the CWC [40 CFR §122.41(l)(3)] [40 CFR §122.61].

D. Severability

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

E. Pollution, Contamination, or Nuisance [CWC §13050].

Neither the treatment nor the discharge shall create a condition of pollution, contamination or nuisance.

III. STANDARD PROVISIONS – MONITORING

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR §122.41(j)(1)].
- B. Monitoring results must be conducted according to test procedures under 40 CFR section 136 or, in the case of sludge use or disposal, approved under 40 CFR section 136 unless otherwise specified in 40 CFR section 503 unless other test procedures have been specified in this Order [40 CFR §122.41(j)(4)] [40 CFR §122.44(i)(1)(iv)].

IV. STANDARD PROVISIONS – RECORDS

- A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR section 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [40 CFR §122.41(j)(2)].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [40 CFR §122.41(j)(3)(i)];
2. The individual(s) who performed the sampling or measurements [40 CFR §122.41(j)(3)(ii)];
3. The dimensions, size and/or volume of vault;
4. The duration of the discharge;
5. The estimated volume of discharge;
6. The date(s) analyses were performed [40 CFR §122.41(j)(3)(iii)];
7. The individual(s) who performed the analyses [40 CFR §122.41(j)(3)(iv)];
8. The analytical techniques or methods used [40 CFR §122.41(j)(3)(v)]; and
9. The results of such analyses [40 CFR §122.41(j)(3)(vi)].

C. Claims of confidentiality for the following information will be denied [40 CFR §122.7(b)]:

1. The name and address of any permit applicant or Discharger [40 CFR §122.7(b)(1)]; and
2. Permit applications and attachments, permits and effluent data [40 CFR §122.7(b)(2)].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order [40 CFR §122.41(h)] [CWC 13267].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with paragraph (B.2) and (B.3) of this provision [40 CFR §122.41(k)].
2. All permit applications shall be signed as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) 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 (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [40 CFR §122.22(a)(1)];
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [40 CFR §122.22(a)(2)]; or
 - c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [40 CFR §122.22(a)(3)].
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in paragraph (B.2) of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in paragraph (B.2) of this provision [40 CFR §122.22(b)(1)];
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [40 CFR §122.22(b)(2)]; and
 - c. The written authorization is submitted to the Regional Water Board, State Water Board, or USEPA [40 CFR §122.22(b)(3)].
4. If an authorization under paragraph (B.3) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (B.3) of this provision must be submitted to the Regional Water Board, State Water Board or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].
 5. Any person signing a document under paragraph (B.2) or (B.3) of this provision shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations” [40 CFR §122.22(d)].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the MRP in this Order [40 CFR §122.41(l)(4)].
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices [40 CFR §122.41(l)(4)(i)].
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR section 136 or, in the case of sludge use or disposal, approved under 40 CFR section 136 unless otherwise specified in 40 CFR section 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [40 CFR §122.41(l)(4)(ii)].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [40 CFR §122.41(l)(4)(iii)].

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date [40 CFR §122.41(l)(5)].

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR §122.41(l)(6)(i)].
2. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR §122.41(l)(6)(ii)]:
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(A)].
 - b. Any upset that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(B)].
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [40 CFR §122.41(l)(6)(ii)(C)].
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [40 CFR §122.41(l)(6)(iii)].

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [40 CFR §122.41(l)(1)]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b) [40 CFR §122.41(l)(1)(i)]; or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to

effluent limitations in this Order nor to notification requirements under 40 CFR section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [40 CFR §122.41(l)(1)(ii)]; or

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [40 CFR §122.41(l)(1)(iii)].

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [40 CFR §122.41(l)(2)].

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [40 CFR §122.41(l)(7)].

I. Discharge Monitoring Quality Assurance (DMQA) Program [STATE WATER BOARD/USEPA 106 MOA]

The Discharger shall conduct appropriate analyses on any sample provided by USEPA as part of the DMQA program. The results of such analyses shall be submitted to USEPA's DMQA manager.

J. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information [40 CFR §122.41(l)(8)].

VI. STANDARD PROVISIONS – ENFORCEMENT

- A. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or

imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions [*40 CFR §122.41(a)(2)*] [*CWC 13385 and 13387*].

- B.** Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day, during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000 [*40 CFR §122.41(a)(3)*].
- C.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both [*40 CFR §122.41(j)(5)*].
- D.** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both [*40 CFR §122.41(k)(2)*].

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe [40 CFR §122.42(a)]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(1)]:
 - a. 100 micrograms per liter ($\mu\text{g/L}$) [40 CFR §122.42(a)(1)(i)];
 - b. 200 $\mu\text{g/L}$ for acrolein and acrylonitrile; 500 $\mu\text{g/L}$ for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(1)(ii)];
 - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(1)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with 40 CFR section 122.44(f) [40 CFR §122.42(a)(1)(iv)].
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(2)]:
 - a. 500 micrograms per liter ($\mu\text{g/L}$) [40 CFR §122.42(a)(2)(i)];
 - b. 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(2)(ii)];
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(2)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [40 CFR §122.42(a)(2)(iv)].

B. Publicly-Owned Treatment Works (POTWs) (Not Applicable)

ATTACHMENT E – MONITORING AND REPORTING PROGRAM – TABLE OF CONTENTS

Attachment E – Monitoring and Reporting Program (MRP).....	E-2
I. General Monitoring Provisions.....	E-2
II. Monitoring Locations.....	E-2
III. Influent Monitoring Requirements (Not Applicable)	E-3
IV. Effluent Monitoring Requirements	E-3
V. Whole Effluent Toxicity Testing Requirements (Not Applicable).....	E-4
VI. Land Discharge Monitoring Requirements (Not Applicable)	E-4
VII. Reclamation Monitoring Requirements (Not Applicable).....	E-4
VIII. Receiving Water Monitoring Requirements (Not Applicable).....	E-4
IX. Other Monitoring Requirements (Not Applicable).....	E-4
X. Reporting Requirements	E-5
A. General Monitoring and Reporting Requirements.....	E-5
B. Self Monitoring Reports	E-5
C. Discharge Monitoring Reports.....	E-6
D. Other Reports (Not Applicable).....	E-6

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

Title 40 of the Code of Federal Regulations (CFR) section 122.48 requires that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. California Water Code sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

- A. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring location identified in the representative sampling and analysis program. Another waste stream, body of water, or substance shall not dilute the monitored discharge. Monitoring points shall not be changed without notification to and the approval of the appropriate Regional Water Board.
- B. Monitoring must be conducted according to USEPA test procedures approved under 40 CFR section 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act* as amended, unless other test procedures are specified in this Order and/or by the appropriate Regional Water Board.
- C. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR section 136, or as specified in this Order or by the appropriate Regional Water Board, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the Discharger's Annual Report. The increased frequency of monitoring shall also be reported.
- D. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order.
- E. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the appropriate Regional Water Board.
- F. All monitoring instruments and devices used by the Discharger to fulfill the monitoring program shall be properly maintained and calibrated to ensure accuracy. All flow measurement devices shall be calibrated at least once per year to ensure accuracy of the devices.

II. MONITORING LOCATIONS

- A. Dischargers enrolling for the first time under this General Permit shall develop a representative sampling and analysis program to be used as case studies to represent the typical types of discharges occurring within their service areas. This study, to be submitted as the first annual report, will include the monitoring locations and rationale for choosing those locations.
- B. Re-enrollees must submit a new case study defining monitoring locations and rationale for these locations, if there are new types of discharges.

III. INFLUENT MONITORING REQUIREMENTS (Not Applicable)

IV. EFFLUENT MONITORING REQUIREMENTS

- A. Dischargers who are enrolling for the first time under this General Permit shall develop a representative sampling and analysis program to be used as case studies to represent the typical types of discharges from utility vaults and underground structures. Separate case studies are required for each region. Re-enrollees are required to submit case studies only for newly identified types of discharges not previously covered in the initial case studies. The case studies will be used to provide reasonable assurance that the discharges will comply with the requirements of the General Permit. The case studies shall be completed within six months of enrollment under the General Permit, or within twelve months when no discharge occurs within the first six months. In the case studies, the Discharger shall define the types of discharges that occur and take up to five representative samples of each type of discharge and analyze the samples using test procedures specified in 40 CFR section 136 for the following constituents:
- Total Petroleum Hydrocarbons (TPH)
 - TPH as Gasoline (TPH-g) - Report Benzene, Ethylbenzene, Toluene, and Xylene
 - TPH as Diesel (TPH-d)
 - Oil and Grease
 - pH
 - Total Suspended Solids (TSS)
- B. Samples taken shall be representative of the monitored activities and shall be performed after the implementation of the Pollution Prevention Practices (PPPs) outlined in the Pollution Prevention Plan (PLAN).
- C. The Discharger shall provide in the case studies at least the following:
1. A list of the typical types of discharges that occur in the project area.
 2. A rationale for the selection of sampling locations.
 3. A description of the sampling methods, locations, and frequency of monitoring for each type of discharge.
 4. The results of any analysis done for each type of discharge.
- D. First time enrollees shall submit case studies with the first annual report, as described in Section II, which constitutes the first year's annual monitoring. Case studies for newly identified types of discharges not previously covered or submitted with the first annual report shall be submitted with the annual report for that same year.
- E. The Discharger shall provide a map showing the location of the samples taken for the case studies with respect to the distribution system. The map must also show the surface waters within the boundaries of the service area to which water may be discharged.
- F. Annually, the Discharger, using test procedures specified in 40 CFR section 136, shall analyze a representative sample for each type of discharge listed in the case studies required by Provision IV.A.1. above for the following constituents:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
TPH	mg/L or ug/L	Grab	Case Study & Annual	
Oil and Grease	mg/L	Grab	Case Study & Annual	
pH	Standard Units	Grab	Case Study & Annual	
Total Suspended Solids (TSS)	mg/L	Grab	Case Study & Annual	

The results of such analysis shall be reported in the annual report^[PSI2]. Grab samples shall be collected at the applicable point of discharge (either at the storm drain or the receiving water). If a Discharger monitors the above constituents more frequently than required by this General Permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the annual report. Separate annual reports are required for each region.

G. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended by request of this Regional Water Board. These records shall include:

1. The date, place, and time of site inspections, sampling, visual observation, and/or measurement;
2. The individual(s) who performed the site inspections, sampling, visual observations, and/or measurements;
3. The dimension, size and/or volume of vault;
4. Flow measurements (if required) and duration of discharge;
5. The estimated volume of discharge;
6. The date and time of analyses;
7. The laboratory, staff, or wholesaler who performed the analyses;
8. Analytical results.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS (Not Applicable)

VI. LAND DISCHARGE MONITORING REQUIREMENTS (Not Applicable)

VII. RECLAMATION MONITORING REQUIREMENTS (Not Applicable)

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER (Not Applicable)

IX. OTHER MONITORING REQUIREMENTS (Not Applicable)

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

The Discharger will submit the case studies as the first annual report. All reports submitted in response to this General Permit shall comply with signatory requirements set forth in V.B.2 in Attachment D. All reports shall be submitted to the appropriate Regional Water Board Executive Officer.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.
2. The Discharger shall submit annual monitoring results to the Regional Water Board by the **20th day of March** for the preceding calendar year. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections VI through IX. Additionally, the Discharger shall report in the SMR the results of any **PPP and PLAN** required by Special Provisions – VI.C.3 of this Order. The Discharger shall submit **annual** SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.
3. The Discharger shall submit SMRs in accordance with the following requirements:
 - a. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The Discharger is not required to duplicate the submittal of data that are entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.
 - b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of this Order; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
 - c. SMRs must be submitted to the appropriate Regional Water Board, signed and certified as required by the Standard Provisions (Attachment D).

C. Discharge Monitoring Reports (DMRs)

When requested by USEPA, the Discharger shall also complete and submit Discharge Monitoring Reports to USEPA. The submittal date shall be specified in the request.

D. Other Reports (Not Applicable)

ATTACHMENT F – FACT SHEET – TABLE OF CONTENTS

I.	Permit Information.....	F-3
II.	Notification Requirements.....	F-4
III.	Facility Description.....	F-4
	A. Description of Wastewater Treatment or Controls (Not Applicable).....	F-4
	B. Discharge Points and Receiving Waters.....	F-5
	C. Summary of Existing Requirements and Self-Monitoring Report Data.....	F-5
	D. Compliance Summary (Not Applicable).....	F-5
	E. Planned Changes (Not Applicable).....	F-5
IV.	Applicable Plans, Policies, and Regulations.....	F-5
	A. Legal Authorities.....	F-5
	B. California Environmental Quality Act (CEQA).....	F-5
	C. State and Federal Regulations, Policies, and Plans.....	F-6
	D. Impaired Water Bodies on CWA 303(d) List (Not Applicable).....	F-8
	E. Other Plans, Polices and Regulations (Not Applicable).....	F-8
V.	Rationale For Effluent Limitations and Discharge Specifications.....	F-8
	A. Discharge Prohibitions.....	F-8
	B. Technology-Based Effluent Limitations.....	F-9
	1. Scope and Authority.....	F-9
	2. Applicable Technology-Based Effluent Limitations.....	F-9
	C. Water Quality-Based Effluent Limitations (WQBELs).....	F-9
	1. Scope and Authority.....	F-9
	2. Applicable Beneficial Uses and Water Quality Criteria and Objectives.....	F-9
	3. Determining the Need for WQBELs.....	F-10
	4. WQBEL Calculations (Not Applicable).....	F-11
	5. Whole Effluent Toxicity (WET) (Not Applicable).....	F-11
	D. Final Effluent Limitations (Not Applicable).....	F-11
	E. Interim Effluent Limitations (Not Applicable).....	F-11
	F. Land Discharge Specifications (Not Applicable).....	F-11
	G. Reclamation Specifications (Not Applicable).....	F-11
VI.	Rationale for Receiving Water Limitations.....	F-11
	A. Surface Water.....	F-11
	B. Groundwater (Not Applicable).....	F-11
VII.	Monitoring and Reporting Requirements.....	F-11
	A. Influent Monitoring (Not Applicable).....	F-11
	B. Effluent Monitoring.....	F-11
	C. Whole Effluent Toxicity Testing Requirements (Not Applicable).....	F-12
	D. Receiving Water Monitoring (Not Applicable).....	F-12
	E. Other Monitoring Requirements (Not Applicable).....	F-12
VIII.	Rationale for Provisions.....	F-12
	A. Standard Provisions.....	F-12
	B. Special Provisions.....	F-12
	1. Re-Opener Provisions.....	F-12
	2. Special Studies and Additional Monitoring Requirements (Not Applicable).....	F-12
	3. Best Management Practices and Pollution Prevention Plan.....	F-12
	4. Compliance Schedules (Not Applicable).....	F-13
	5. Construction, Operation, and Maintenance Specifications (Not Applicable).....	F-13
	6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable).....	F-13

7. Other Special Provisions	F-13
IX. Public Participation.....	F-13
A. Notification of Interested Parties	F-13
B. Written Comments	F-14
C. Public Hearing	F-14
D. Waste Discharge Requirements Petitions	F-14
E. Information and Copying.....	F-14
F. Register of Interested Persons.....	F-15
G. Additional Information	F-15

ATTACHMENT F – FACT SHEET

As described in section III of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

I. PERMIT INFORMATION

- A. **Background.** In 1972, the Federal Water Pollution Control Act, currently referred to as the Federal Clean Water Act (CWA), was amended to provide that the discharge of pollutants to waters of the United States from any point source is prohibited, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The federal regulations allow authorized states to issue either general permits or individual permits to regulate discharges of pollutants to waters of the United States. On August 15, 1996, the State Water Resources Control Board (State Water Board) issued a General Permit for discharges from utility vaults and underground structures to surface waters. The permit was reissued on July 19, 2001.

In accordance with Title 40, Code of Federal Regulations (CFR), the State Water Board must meet general program requirements prior to the re-issuance and adoption of a general NPDES permit. General program requirements include preparing a draft General Permit, public noticing, allowing a public comment period, and conducting a public hearing. To meet these requirements, the State Water Board prepared a draft General Permit. The draft General Permit was sent to interested parties on May 9, 2006 for comments. A public hearing to receive testimony from interested parties was scheduled for July 5, 2006. The Notice of Public Hearing was sent to the interested party list at the same time the draft General Permit was sent. A public hearing notice was also posted in major newspapers throughout the State of California on May 9, 2006.

This General Permit reissues the 2001 permit Order No. 2001-0011-DWQ. Since the original permit was adopted in 1996, the United States Environmental Protection Agency (USEPA) promulgated the California Toxics Rule (CTR) in May 2000. The CTR, which is codified in 40 CFR section 131.38, establishes numeric criteria for priority toxic pollutants for California. The CTR and National Toxics Rule (NTR) criteria and water quality objectives for priority pollutants in state-adopted water quality control plans (Basin Plans), together with designated beneficial uses in those plans, serve as priority pollutant standards for the state. Concurrently with the CTR adoption, the State Water Board adopted a *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP).

- B. **General Criteria.** This General Permit is intended to cover short-term intermittent discharges of pollutants to surface waters from utility vaults and underground structures. To be covered by this General Permit, discharges must meet the following criteria:
1. Pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an exceedance of any applicable criterion established by the USEPA pursuant to CWA section 303. Likewise, pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an exceedance of any water quality objective adopted by the State or Regional Water Board including prohibitions of discharge for the receiving water.

The discharge does not cause acute or chronic toxicity in the receiving water.

This General Permit does **not** cover:

1. Discharges from vehicle and equipment washing, vehicle maintenance, and/or groundwater cleanup activities by utility companies.
2. Utility service construction activities by utility companies engaged in developing service areas. These activities may be covered under the statewide general NPDES permit for storm water discharges associated with construction activities (CAS000002) and/or CWA section 401 certifications.
3. Discharges by utility companies that are Dischargers and/or co-Dischargers under Urban Areawide Storm Water Permits, which cover the intended discharges.
4. Discharges to a sanitary sewer. These discharges do not need regulatory coverage under the NPDES Program, although the agency controlling the sanitary sewer must approve discharges to its conveyance system.

II. NOTIFICATION REQUIREMENTS

The purpose of this General Permit is to facilitate regulation of discharges from the de-watering of utility vaults and underground structures. To obtain coverage under this General Permit, the Discharger must submit a Notice of Intent (NOI), a project map(s), a Pollution Prevention Plan (PLAN), and first annual fee. Discharges in more than one Regional Water Quality Control Board (Regional Water Board) boundary must be covered by a separate enrollment under this General Permit. Each enrollment will cover all discharges occurring within the boundaries of that Regional Water Board. Signing the certification on the NOI signifies that the Discharger intends to comply with the provisions of this General Permit. An NOI must be signed to be valid.

III. FACILITY DESCRIPTION

Vaults are used to house meters, filters, pressure regulators, and valves with or without actuators. Structures can be either wet or dry. Wet structures include manholes and hand holes containing cables, cable connections, and signal enhancers. Dry structures are sealed more tightly and are usually air conditioned since these contain switchgears, computers, and electronics that are sensitive to heat and moisture.

For safety reasons, utility companies must de-water vaults and underground structures prior to performing any repair, maintenance, and/or installation of equipment. When the amount of water in the vaults or structures interferes with the safety and quality of the work to be done, water must be pumped out. Volume of discharges can vary from a few gallons to a few thousand gallons depending on the configuration and individual situation at each vault or structure. The duration of the discharges could last a few minutes to a few hours depending on the amount of water present in the vaults and underground structures and the pump used. Typical pump rates are five gallons per minute (gpm) to 20 gpm but could be as high as 60 gpm.

A. Description of Wastewater and Biosolids Treatment or Controls (Not Applicable)

B. Discharge Points and Receiving Waters

Under the General Permit, there may be multiple discharge points. Information regarding the receiving waters can be found in the completed NOI.

C. Summary of Existing Requirements and Self-Monitoring Report Data

Order No. 2001-0011-DWQ, which this General Permit replaces, also required the development of Pollution Prevention Practices (PPPs) and a PLAN. The significant change is in the Monitoring and Reporting Program (MRP) requirements. The 2001 Order required the monitoring of total petroleum hydrocarbons (TPH), but did not specify between diesel and gasoline. It also did not explicitly state that monitoring was required in every region for those Dischargers operating in more than one region. It was implied by the term “representative,” but not stated directly. On February 28, 2005, in *Waterkeeper Alliance Inc., et al. v. EPA*, the 2nd Circuit Court of Appeals determined that nutrient management plans must be submitted as part of the NPDES permit application and subject to review and approval. The changes to the PLAN requirements in this permit reflect this Court Decision.

D. Compliance Summary (Not Applicable)

E. Planned Changes (Not Applicable)

IV. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the CWA and implementing regulations adopted by the USEPA and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as an NPDES permit for point source discharges from utility vaults and underground structures to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. On June 8, 1989, the State Water Board submitted an application to the USEPA requesting revisions to its NPDES Program in accordance with 40 CFR 122.28, 123.62, and 403.10. The application included a request to add general permit authority to its approved NPDES Program. On September 22, 1989, the USEPA, Region 9, approved the State Water Board’s request and granted authorization for the State to issue general NPDES permits.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the CEQA (Public Resources Code section 21100, et seq.) in accordance with section 13389 of the CWC.

State Water Board action on case-by-case exceptions is subject to the California Environmental Quality Act (CEQA). Because a Discharger cannot obtain coverage under this General Permit if pollutants in the discharge, cause, contribute, or have the reasonable potential to cause or contribute to a water quality standards violation and the permit requires Dischargers to implement PPPs to ensure the Dischargers will not cause a violation, the State Water Board's granting of the exceptions does not have the potential for causing significant adverse environmental effects. This General Permit is, therefore, exempt from CEQA. See California Code of Regulations, Title 14, section 15061(b)(3).

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Boards have adopted a Water Quality Control Plans (hereinafter Basin Plans) that designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives for all waters addressed through the plans. In addition, State Water Board Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Boards assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plans. The limitations set forth in this General Permit shall apply as is unless there are more stringent provisions expressed in the Regional Water Boards' Basin Plans.
2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
3. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the SIP, which became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP includes procedures for determining the need for and calculating Water Quality-Based Effluent Limitations (WQBELs), and requires Dischargers to submit data sufficient to do so. In this permit the State Water Board grants an exception from sections 1.3 (Determination of Priority Pollutants Requiring WQBELs) and 1.4 (Calculations of Effluent Limitations) of the SIP because numeric effluent limitations are infeasible for discharges from utility vaults and underground structures. [S3]Granting an exception will not compromise protection of inland surface water, bay, or estuarine beneficial uses and will serve the public interest because:
 - a. A Discharger cannot be covered under this General Permit if the discharge can cause or contribute to a violation of any applicable water quality standard, including priority pollutant standards.

- b. All Dischargers covered under this General Permit must implement a PLAN to ensure compliance with all applicable water quality standards, including standards for priority pollutants.

The SIP establishes procedures for selecting priority pollutants requiring WQBELS and for calculating the limits. The SIP also authorizes case-by-case exceptions if the State Water Board determines that (1) the exceptions will not compromise protection of surface water beneficial uses, and (2) the public interest will be served. This proposed revision of the General Permit approves case-by-case exceptions from the SIP provisions on the selection of priority pollutants requiring limits (section 1.3) and the calculation of numeric limitations (section 1.4). The permit proposes these exceptions because numeric effluent limitations for discharges from utility vaults and underground structures to surface waters are infeasible.

This General Permit meets the conditions for case-by-case exceptions from the SIP provisions on selection of pollutants requiring WQBELS and calculation of numeric limits. Although the permit does not contain numeric effluent limitations for toxic pollutants, granting the exceptions will not compromise the protection of surface water beneficial uses for several reasons. First, no Discharger can obtain coverage under the permit if pollutants in the discharge have the reasonable potential to cause or contribute to a water quality standards violation. Second, the permit requires Dischargers to implement pollutant prevention practices to ensure that the discharges will not cause a water quality standards violation.

Because the conditions of the case-by-case exception have been met, the State Water Board will continue to grant an exception based on the following:

- a. A Discharger cannot obtain coverage under this General Permit if pollutants in the discharge have the reasonable potential to cause or contribute to a water quality standards violation.
 - b. This General Permit requires Dischargers to implement PPPs to ensure that discharges will not cause a violation of any applicable objectives (or criteria) in the receiving waters.
 - c. Discharges from utility vaults and underground structures to surface waters will not have the potential to cause significant adverse environmental effects provided the conditions of the newly adopted General Permit are met.
4. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of the federal antidegradation policy where applicable. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. As discussed in detail in this Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16.

5. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. **All effluent limitations in the Order are at least as stringent as the effluent limitations in the previous Order.**
6. **Monitoring and Reporting Requirements.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The MRP establishes monitoring and reporting requirements to implement Federal and State requirements. This MRP is provided in Attachment E.

D. Impaired Water Bodies on CWA 303(d) List (Not Applicable)

E. Other Plans, Policies and Regulations (Not Applicable)

V. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source Dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 CFR section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality criteria have not been established, three options exist to protect water quality: 1) 40 CFR section 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a); 2) proposed state criteria or a state policy interpreting narrative criteria supplemented with other relevant information may be used; or 3) an indicator parameter may be established.

A. Discharge Prohibitions

Discharges under this Order are required to be nontoxic. Toxicity is the adverse response of organisms to chemicals or physical agents. This prohibition is based on the Regional Water Boards' Basin Plans, which require that all waters be maintained free of toxic substances in concentrations that are lethal or produce other detrimental responses in aquatic organisms. Detrimental responses include, but are not limited to, decreased growth rate and decreased reproductive success of resident or indicator species. Basin Plans also require waters to be free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, or animal life. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances.

B. Technology-Based Effluent Limitations (TBELs)

1. Scope and Authority

The CWA requires that TBELs be established based on several levels of controls:

- A. Best Practicable Treatment Control Technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and nonconventional pollutants.
- B. Best Available Technology Economically Achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and nonconventional pollutants.
- C. Best Conventional Pollutant Control Technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- D. New Source Performance Standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop Effluent Limitations, Guidelines and Standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR section 125.3 of the NPDES regulations authorize the use of Best Professional Judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 CFR section 125.3.

2. Applicable Technology-Based Effluent Limitations

It is not feasible to establish numeric effluent limitations for pollutants in discharges from utility vaults and underground structures. Instead, the provisions of this General Permit require implementation of Pollution Prevention Practices (PPPs) to control and abate the discharge of pollutants to surface waters and to achieve compliance utilizing BAT and BCT requirements and with applicable water quality standards.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified in 40 CFR section 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality

standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, achieve applicable water quality objectives and criteria contained in state plans and policies, and meet water quality criteria in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The designated beneficial uses of surface waters throughout the State may include municipal, domestic, industrial, and agricultural supply; water contact and non-contact recreation; navigation; groundwater recharge and freshwater replenishment; hydropower generation; wildlife habitat; cold freshwater and warm freshwater habitat; fish migration and fish spawning; marine habitat; estuarine habitat; shellfish harvesting; ocean commercial and sport fishing; areas of special biological significance; and preservation of rare and endangered species. To the extent that the applicable Basin Plan designates additional or different beneficial uses, the Basin Plan shall control.

3. Determining the Need for WQBELs

NPDES permits for discharges to surface waters must meet all applicable provisions of sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize BAT and BCT to reduce pollutant and any more stringent controls necessary to meet water quality standards.

Utility companies may have multiple discharges from utility vaults and other underground structures as a result of storm water inflow, subterranean seepage, and/or water condensation from the air conditioning units of dry structures. These vaults and underground structures may have small quantities of oil and grease present due to the normal operation of equipment, as well as small quantities of other pollutants. Establishment of numeric effluent limitations for pollutants from utility vaults and underground structures is not feasible because: (1) utility companies have numerous short duration intermittent releases of water to surface waters from many different locations, and (2) treatment of all these releases to meet numeric effluent limitations would be impractical.

Therefore, the effluent limitations contained in this General Permit are narrative and include the requirement to implement appropriate PPPs, which are equivalent to Best Management Practices (BMPs). Section 122.44(k)(3) of 40 CFR allows the use of BMPs to control or abate the discharge of pollutants when “Numeric effluent limitations are infeasible; or (4) the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.” It is not feasible to establish WQBELs for pollutants in discharges from utility vaults or underground structures; therefore, in lieu of WQBELs, this Order requires Dischargers to establish PPPs in PLANS.

The PPPs, which may include treatment of discharges to surface waters, will constitute BAT and BCT and are required to achieve compliance with water quality standards. Receiving water requirements must be met by the Discharger and are stated as either numerical or narrative requirements, as appropriate. They are intended to cover all applicable Basin Plan objectives, including narrative toxicity objectives, total residual

chlorine objectives (if applicable), and all applicable federal criteria, including CTR and NTR criteria.

4. WQBEL Calculations (Not Applicable)

5. Whole Effluent Toxicity (WET) (Not Applicable)

D. Final Effluent Limitations (Not Applicable)

E. Interim Effluent Limitations (Not Applicable)

F. Land Discharge Specifications (Not Applicable)

G. Reclamation Specifications (Not Applicable)

VI. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

Receiving Water Limitations are based upon water quality objectives contained in appropriate Regional Water Board Basin Plans, statewide Water Quality Control Plan, or criteria promulgated by USEPA pursuant to CWA section 303.

B. Groundwater (Not Applicable)

VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the CWC authorize the Water Boards to require technical and monitoring reports. The MRP, Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for utility vault and underground structure discharges.

A. Influent Monitoring (Not applicable)

B. Effluent Monitoring

In reviewing the monitoring reports, the State Water Board found that although Dischargers were reporting TPH, a distinction between diesel and gasoline was not always made. TPH should be reported as a total and as TPH diesel and TPH gasoline (TPH-g). Also, for detections of TPH-g, the amount of benzene, ethylbenzene, toluene, and xylene should be reported. Benzene, ethylbenzene, and toluene are priority pollutants per 40 CFR section 131.

C. Whole Effluent Toxicity Testing Requirements (Not Applicable)

A Whole Effluent Toxicity (WET) Limit is required if a discharge causes, has a reasonable potential to cause, or contributes to an exceedance of applicable water quality standards,

including numeric and narrative. Since these types of discharges are prohibited under this General Permit, WET limits are not applicable.

D. Receiving Water Monitoring (Not Applicable)

E. Other Monitoring Requirements (Not Applicable)

VIII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which in accordance with 40 CFR sections 122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D.

B. Special Provisions

1. Reopener Provisions (Not Applicable)

2. Special Studies and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention Plan (PLAN)

The development of PPPs provides the flexibility necessary to establish controls, which can appropriately address the different situations in which utility companies discharge water to surface waters. The PPPs have two major objectives:

- a. To identify situations which allow water to collect in the vault or underground structure and lead to a discharge.
- b. To describe and ensure the implementation of practices that will reduce pollutants in the discharge from the normal operations of utility companies.

At this time, standard industrywide PPPs have not been developed for utility companies. The Discharger must prepare a PLAN and implement it whenever there is a discharge. If standard industrywide PPPs are developed, then each utility company may utilize those standard PPPs or develop a PLAN utilizing selected standard PPPs as appropriate. PLANs must meet the specifications described in section VI.C.3. For help in developing a PLAN, refer to the following document: *California Stormwater BMP Handbook - Industrial/Commercial (January 2003 Edition)*, published by the California Stormwater Quality Association. It is available online at: <http://www.cabmphandbooks> and provides references the Discharger may find useful.

Dischargers must show that no feasible alternatives to surface water discharge exist and that measures have been or will be employed to minimize potential impacts. Dischargers who are enrolling for the first time under this General Permit must submit a PLAN within 90 days from the date of enrollment. Re-enrollees must submit a copy of their previous PLAN either upon request of the State or Regional Water Board or if the PLAN is revised.

Based on the authority contained in section 304(e) of the CWA and the regulations set forth in 40 CFR 122.44(k), the states may incorporate PPPs, which are equivalent to BMPs, into NPDES permits.

4. Compliance Schedules (Not Applicable)

5. Construction, Operation, and Maintenance Specifications (Not Applicable)

6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)

7. Other Special Provisions

- a. Although this is a State Water Board permit, the Regional Water Boards are responsible for reviewing monitoring reports, reviewing and approving Discharger's PLANS, conducting compliance inspections, and taking enforcement actions in order to maintain water quality control in waters of their region.
- b. Dispose of solids removed from liquid wastes in a manner that is consistent with Title 27, of the California Code of Regulations and approved by the appropriate Regional Water Board's Executive Office.

IX. PUBLIC PARTICIPATION

The State Water Board is considering the re-issuance and adoption of a General Permit, which will serve as an NPDES permit for utility vaults and underground structures. As a step in the permit adoption process, State Water Board staff has developed a draft General Permit. The State Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The State Water Board has notified interested agencies and persons of its intent to prescribe waste discharge requirements in this General Permit and has provided them with an opportunity to submit their written comments and recommendations. On May 9, 2006 notification was provided on the State Water Board webpage and in the following newspapers: Santa Rosa Press Democrat, San Francisco Daily Journal, San Luis Obispo Tribune, Los Angeles Daily Journal, Sacramento Daily Recorder, Victorville Daily Press, Palm Springs Desert Sun, Inland Southern California Press Enterprise, and San Diego Daily Transcript. On May 9, 2006, the State Water Board sent out notification through a Lyris electronic mail list and by U.S. Post.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning this tentative General Permit. Comments should be submitted either in person or by mail to the Executive Office at the State Water Board at the address on the cover page of this permit.

To be fully addressed by staff and considered by the State Water Board, written comments must be received at the State Water Board office by 5:00 p.m. on **June 9, 2006**.

C. Public Hearing

The State Water Board will hold a public hearing on the tentative General Permit during its regular Board meeting on the following date and time and at the following location:

Date: **July 5, 2006**
Time: **10 a.m.**
Location: **Coastal Hearing Room Joe Serna Jr./CAL/EPA Building**
1001 I Street, 2nd Floor
Sacramento, CA 95814

Interested persons are invited to attend. At the public hearing, the State Water Board will hear testimony, if any, pertinent to the discharge and General Permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is <http://www.waterboards.ca.gov/> where you can access the current agenda for changes in dates and locations.

D. Information and Copying

Order-related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the State Water Board by calling (916) 341-5455.

E. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the General Permit should contact the State Water Board, reference this General Permit, and provide a name, address, and phone number.

F. Additional Information

Requests for additional information or questions regarding this General Permit should be directed to **Erin Mustain** at **(916) 445-9379**.

This General Permit will expire on July 5, 2011. Enrollees covered under this General Permit at the time of expiration will automatically be re-enrolled under the reissued permit unless a Notice of Termination or Transfer (NOTT) is submitted to terminate coverage.

Page: 4

[PS11] Instead of using the infeasible argument, consider mentioning that no ELG has been established, therefore, no TBELs have been assigned. Consider putting the template language back, and adding a small sentence regarding the lack of ELGs, and that BPJ is to require BMPs through PLAN's...

Page: 4

[PS12] See General Monitoring Provisions I.A and I.C in Template. Consider consolidating. I.A and I.C have to do with the case studies. This requirement is for the annual report.

Page: 6

[S3] Waiting for copy of letter from EPA.