

Violations, Complaints, Inspections, and the Role of Fresno Metropolitan Flood Control District

Regardless of whether you are exempt from the Industrial General Permit, any industrial/commercial operation found to be discharging pollutants to the local storm drain system is violating Federal, State and local rules prohibiting such discharges and you could be subject to inspection, enforcement, and fines. Fresno Metropolitan Flood Control District (FMFCD) is obligated by the State of California to respond to complaints about stormwater pollution, to pursue enforcement against polluters, and to report to the Regional Water Quality Control Board, any operation that is required to have Industrial General Permit coverage. FMFCD is also tasked with educating the local business community on the regulations and helping them achieve compliance with the Permit.



Discharger's Guide to the Storm Water Multiple Application and Report Tracking System (SMARTS) Database

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/dischargers_guide_smarts.pdf

For more information go to:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

<http://www.fresnofloodcontrol.org/clean-storm-water-program/business-assistance/commercial-industrial/>

If you have questions please contact the Environmental Department at (559) 456-3292 or email Kristine Johnson at kristinej@fresnofloodcontrol.org.



Go to www.fresnofloodcontrol.org for more information.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Notification of New Stormwater Management Requirements Industrial General Permit

New Rules Apply to Local Industrial & Commercial Sites

The State Water Resources Control Board (SWRCB) revised its 'Industrial General Permit' in April 2014, which requires that certain industrial and commercial businesses get a permit to discharge stormwater from their facilities into waters of the United States. Businesses already covered by an Industrial General Permit were required to bring their Permit up to date to comply with the new regulations. The new Permit can be found at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml.

The revised permit expanded the types of businesses that are required to obtain coverage under the new permit. You are getting this Fact Sheet because your facility possibly conducts industrial/commercial activities that are regulated by the Industrial General Permit. Whether or not you are subject to the Permit requirements depends upon your operation's



Standard Industrial Classification (SIC) code, a code that categorizes your business by its primary industrial activity. The range of SIC Codes governed by the Industrial General Permit is included in Attachment A of the permit. If you do not know your businesses' SIC code, visit: <https://www.osha.gov/pls/imis/sicsearch.html> for a listing and description of all SIC codes. The Fresno Metropolitan Flood Control District has posted on its website the list of SIC codes (20XX through 39XX) that were added to the revised Industrial General Permit. Go to www.fresnofloodcontrol.org.

All businesses subject to the permit need to be covered under the permit as of October 1, 2015.

If Your Facility is Already Covered by the Industrial General Permit

If you already have Industrial General Permit coverage, you should have updated your status through the SMARTs online system, including your SWPPP and monitoring plan, maps etc. The new Industrial General Permit requires more stormwater sampling, more inspections, and the implementation of the Minimum Best Management Practices. Operators whose facilities are already covered by the Permit should check to see if their site now qualifies for an NEC (No Exposure Certification) or NONA (Notice of Non-Applicability). These options are explained below.

If Your Facility is Not Already Covered by the Industrial General Permit

The recent revisions to the Industrial General Permit have placed hundreds of local businesses in the position of needing to obtain Industrial General Permit coverage in 2015. Before you did not need to file under the Permit. If you have confirmed that your operations' SIC code does place you within the set of industries subject to the Permit, then you have two possible paths to Permit coverage:

1. No Exposure Certification (NEC) coverage
2. Notice of Intent (NOI) coverage

NO EXPOSURE CERTIFICATION: If your site is operated in such a way that no processes, pollutants or materials can come into contact with stormwater (rain), you will want to look into getting a 'No Exposure Certification' or NEC. The NEC is a signed statement from the facilities owner that the site is managed in such a way that stormwater cannot become polluted by the facility. To meet this standard, the operator must agree to:

- Protect all industrial materials and processes from exposure to rain and surface flows coming onto and leaving from the site;
- Inspect and evaluate the facility annually and keep records of such inspections;
- Certify that there have been no discharges of contaminated stormwater; and
- Submit Permit Registration Documents.

Operations that qualify for NEC coverage are

not required to have a Stormwater Pollution Prevention Plan or conduct stormwater monitoring.

The NEC process requires that you complete and submit an application form, a signed certification, a completed NEC checklist, along with a site map and pay an annual fee of \$242. You must re-file each year to maintain your exemption. Instructions for the NEC can be found in the Industrial General Permit Appendix 2 or our website at www.fresnofloodcontrol.org.

NOTICE OF INTENT: If your site won't qualify for a No Exposure Certification (NEC) and you cannot file a Notice of Non-Applicability (NONA, see next page), then you must file for full Industrial Permit coverage. Filing includes submission of "Permit Registration Documents" and the payment of an annual fee to the State of \$1,791. The Permit Registration Documents include a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), a monitoring plan, and a scale map of the facility/site. In the SWPPP, sources of pollutants are identified and the means to manage the sources to reduce stormwater pollution are described.



The NOI process takes place online at the SWRCB SMARTS website. To get started you need to create your user account at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>.

Do not delay your preparations for filing your NOI, NEC or NONA; depending on your situation, you may need the services of a qualified stormwater specialist or civil engineer to confirm your status with respect to the Permit and to prepare and file documents.

Why Do I Have to Bother With This?

Federal stormwater regulations, which come from the Clean Water Act, require that industrial and commercial facilities comply with rules designed to prevent stormwater from becoming

NONA: Facilities may become completely exempt from the Industrial General Permit if a California licensed professional engineer completes a study of your site and confirms that you have enough on-site stormwater runoff storage capacity to avoid discharging pollutants to the local drainage system even during a repeat of the region's 'maximum historic precipitation event'. This study, called a Notice of Non-Applicability (NONA) Technical Report, along with other materials, is submitted to the SWRCB via the SMARTS online system. Or if the facility is located in drainage areas that are not hydrologically connected to waters of the United States. If accepted by SWRCB, you are exempt from the Industrial General Permit.



contaminated by process, storage, handling or transport operations.

The Industrial Permit is a way for the State Water Resources Control Board to require that businesses adopt plans, practices, stormwater testing, spill clean-up methods and reporting schedules that demonstrate that the site is being operated in a way that safeguards water quality. In our region, stormwater running off from most industrial and commercial operations flows to the regional stormwater management basin system, where most of the water soaks in and replenishes the water table, eventually becoming drinking and irrigation water.

If you allow, or cause, the discharge of pollutants from your site to the storm drain system (which in the Fresno-Clovis region means the street, gutter or storm drain inlets) you could be found by the State, EPA, or a third-party to be in violation of the Clean Water Act and related State statutes and local ordinances. Once a pollutant discharge occurs and is reported, the compliance requirements become significantly more demanding (i.e. expensive, complicated, and time-consuming) and there is the possibility of legal exposure.