

ELDERFLOWER LLC

# NOV/NNC: NOW WHAT?

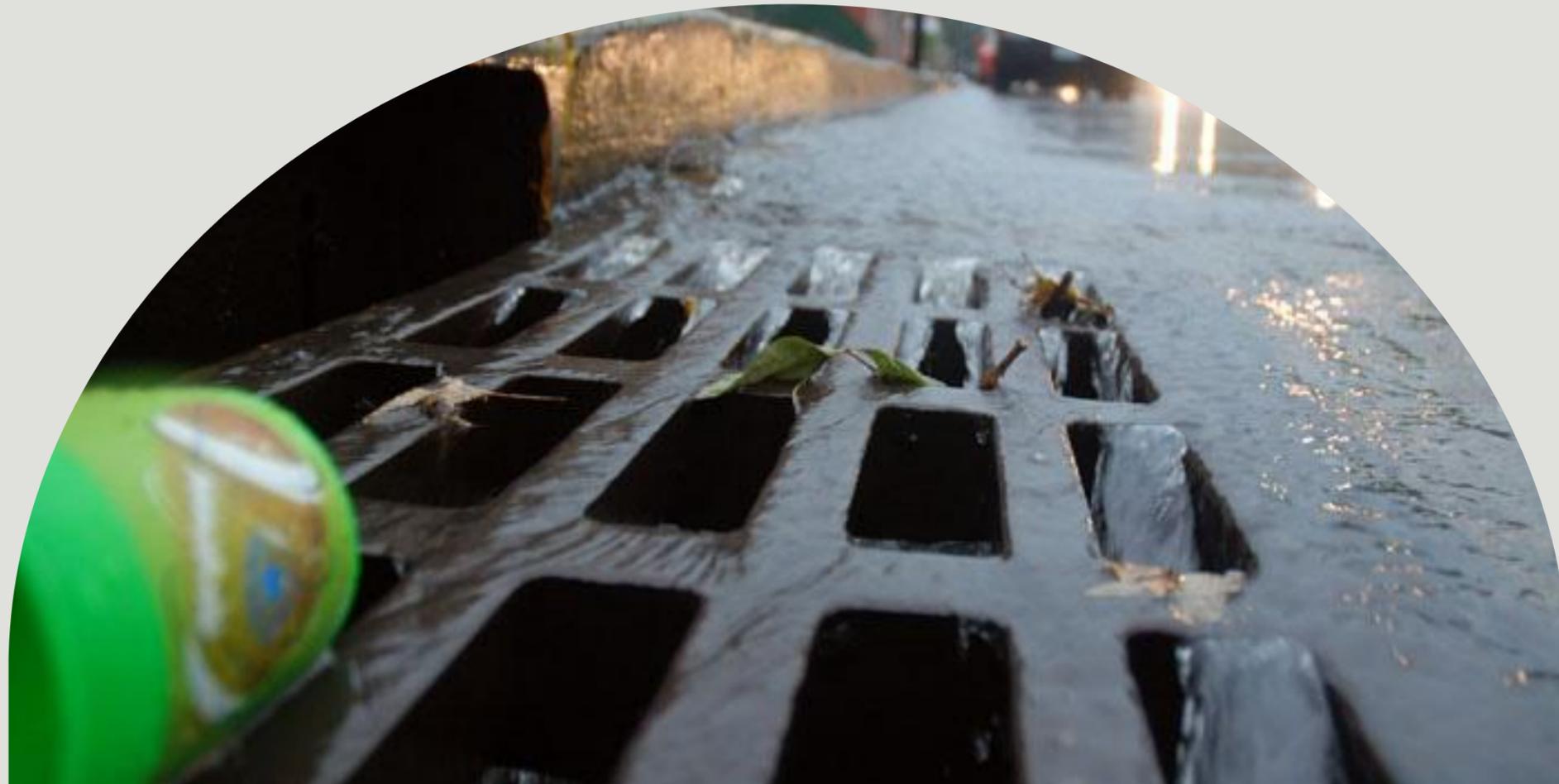


Image: [Urban Drain](#) by [KOMUnews](#) is licensed under [CC BY 2.0](#)

September 23, 2025  
2:00 PM – 3:00 PM PDT  
Storm Water Awareness Week

Presented by: Samuel Hopstone  
QSP/QSD, QISP, CESSWI, CPESC,  
CPSWQ, Envirocert Trainer



# MEET THE PRESENTER:

# SAMUEL HOPSTONE



SCAN ME



- Water Resources Engineer
- Environmental Permitting Specialist
- 10 years in drainage design, water quality, water permitting
- Certifications galore
- Mostly consult for the Permittee (*Landowner, facility operator, builder, contractor, discharger*)
- Like doing paperwork
- LOVE teaching

If you ever want to become an instructor yourself or find more materials to help build your teams' foundational knowledge, reach out any time!

[www.elderflower.llc](http://www.elderflower.llc)

# AGENDA



Image: "Today's Agenda" by Rajiv Patel (Rajiv's View) is licensed under CC BY-NC 2.0.

***THIS PRESENTATION IS DENSE.  
NOT ALL TEXT WILL BE READ.  
RECORDING AND SLIDE DECK WILL BE AVAILABLE  
AFTER THE PRESENTATION.***

- 1 IGP Overview
- 2 SB205
- 3 IGP Compliance Options
- 4 IGP Non-Compliance
- 5 Now What?
- 6 Case Study: NNC to NEC
- 7 Final Advice
- 8 Acronym Book
- 9 Questions, Answers, Comments

# 1. IGP OVERVIEW

- MSGP = Multi-Sector General Permit
- USEPA jurisdictions have 2021 MSGP
  - IGP = Industrial General Permit
  - California has jurisdiction over 2018 IGP
- Order 2018-0028-DWQ

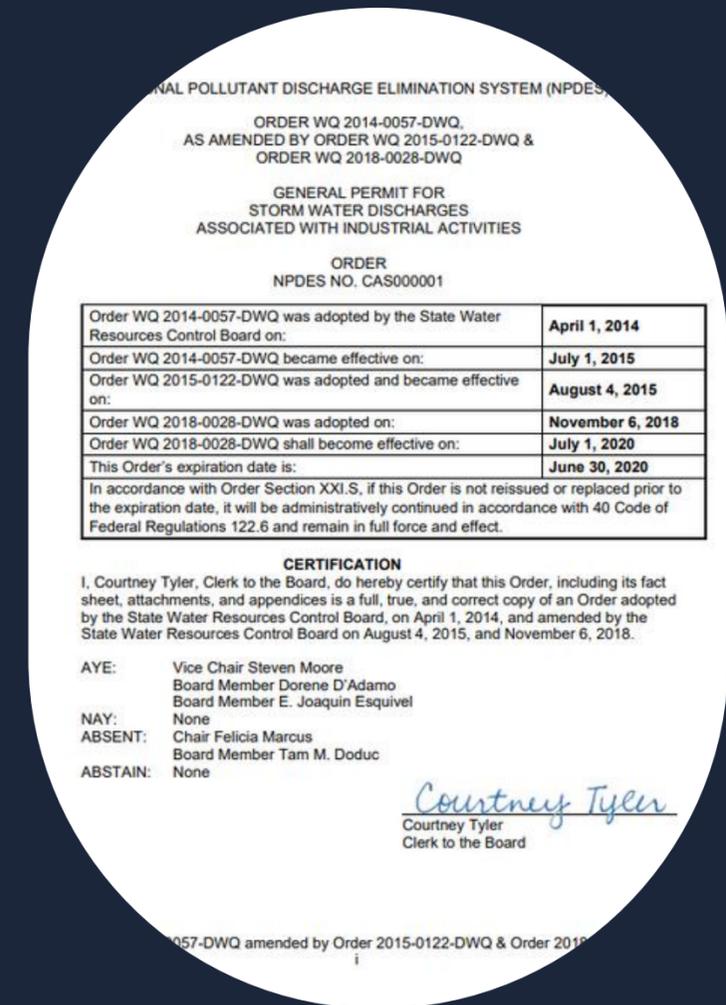


Image: Industrial General Permit Order 2014-0057-DWQ as Amended in 2015 and 2018.  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/igp\\_20140057dwq.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.html)

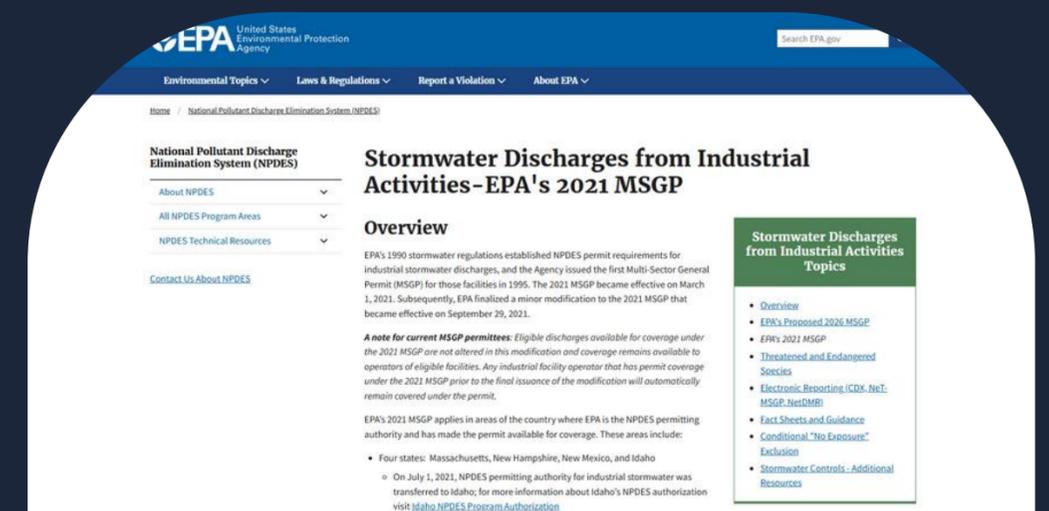


Image: Stormwater Discharges from Industrial Activities-EPA's 2021 MSGP  
<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

# 1.IGP OVERVIEW

- IGP required for facilities with specific activities.

- California IGP utilizes Standard Industrial Classifications

- Industrial Facilities

**Industrial General Permit Order**

**TABLE 1: Additional Analytical Parameters**

SIC code	SIC code Description	Parameters*
102X	Copper Ores	COD; N+N
12XX	Coal Mines	Al; Fe
144X	Sand and Gravel	N+N
207X	Fats and Oils	BOD; COD; N+N
2421	Sawmills & Planing Mills	COD; Zn
2426	Hardwood Dimension	COD
2429	Special Product Sawmills	COD
243X	Millwork, Veneer, Plywood	COD
244X	Wood Containers	COD
245X	Wood Buildings & Mobile Homes	COD
2491	Wood Preserving	As; Cu
2493	Reconstituted Wood Products	COD
263X	Paperboard Mills	COD
281X	Industrial Inorganic Chemicals	Al; Fe; N+N
282X	Plastic Materials, Synthetics	Zn
284X	Soaps, Detergents, Cosmetics	N+N; Zn
287X	Fertilizers, Pesticides, etc.	Fe; N+N; Pb; Zn; P
301X	Tires, Inner Tubes	Zn
302X	Rubber and Plastic Footwear	Zn
305X	Rubber & Plastic Sealers & Hoses	Zn
306X	Misc. Fabricated Rubber Products	Zn
325X	Structural Clay Products	Al
326X	Pottery & Related Products	Al
3297	Non-Clay Refractories	Al
327X	Concrete, Gypsum, Plaster Products (Except 3274)	Fe
3295	Minerals & Earths	Fe
331X	Steel Works, Blast Furnaces, Rolling and Finishing Mills	Al; Zn
332X	Iron and Steel Foundries	Al; Cu; Fe; Zn
335X	Metal Rolling, Drawing, Extruding	Cu; Zn
336X	Nonferrous Foundries (Castings)	Cu; Zn
34XX	Fabricated Metal Products (Except 3479)	Zn; N+N; Fe; Al
3479	Coating and Engraving	Zn; N+N
4953	Hazardous Waste Facilities	NH3; Mg; COD; As; Cn; Pb; HG; Se; Ag
44XX	Water Transportation	Al; Fe; Pb; Zn
45XX	Air Transportation Facilities <sup>18</sup>	BOD; COD; NH3

<sup>18</sup> Only airports (SIC 4512-4581) where a single Discharger, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, are required to monitor

Order 2014-0057-DWQ amended by Order 2015-0122-DWQ & Order 2018-0028-DWQ  
46

**Industrial General Permit Order**

SIC code	SIC code Description	Parameters*
4911	Steam Electric Power Generating Facilities	Fe
4953	Landfills and Land Application Facilities	Fe
5015	Dismantling or Wrecking Yards	Fe; Pb; Al
5093	Scrap and Waste Materials (not including source-separated recycling)	Fe; Pb; Al; Zn; COD

**\*Table 1 Parameter Reference**

<b>Ag</b> – Silver	<b>Mg</b> – Magnesium
<b>Al</b> – Aluminum	<b>N+N</b> - Nitrate & Nitrite Nitrogen
<b>As</b> – Arsenic	<b>NH</b> – Ammonia
<b>BOD</b> – Biochemical Oxygen Demand	<b>Ni</b> – Nickel
<b>Cd</b> - Cadmium	<b>P</b> – Phosphorus
<b>Cn</b> – Cyanide	<b>Se</b> – Selenium
<b>COD</b> – Chemical Oxygen Demand	<b>TSS</b> – Total Suspended Solids
<b>Cu</b> – Copper	<b>Zn</b> – Zinc
<b>Fe</b> – Iron	<b>Pb</b> – Lead
<b>Hg</b> – Mercury	

Image: Industrial General Permit Order 2014-0057-DWQ as Amended in 2015 and 2018.  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/igp\\_20140057dwq.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.html)

Image: OSHA SIC Manual  
<https://www.osha.gov/data/sic-manual>

The screenshot shows the OSHA website navigation menu with options for OSHA, STANDARDS, ENFORCEMENT, TOPICS, HELP AND RESOURCES, and NEWS. The breadcrumb trail is Home > Data & Statistics > SIC Manual. The main heading is 'Standard Industrial Classification (SIC) Manual' with a sub-heading 'Division Structure'. Under 'A. Division A: Agriculture, Forestry, And Fishing', there are five major groups listed: Major Group 01: Agricultural Production Crops, Major Group 02: Agricultural Production Livestock And Animal Specialties, Major Group 07: Agricultural Services, Major Group 08: Forestry, and Major Group 09: Fishing, Hunting, And Trapping.

# TRANSITION

How do Permittees engage with this permit?



Image: AI generated shrug unsure why not  
Image by vocablitz from Pixabay

# 2. SB 205

State law requires industrial businesses to demonstrate IGP compliance.

## Senate Bill 205/891 - Business License Requirements

### Business Licenses: Storm Water Discharge Compliance

Background	Business Requirements	City and County Requirements	Permit Applications	Resources	Acronyms
<p>An industrial business is required to demonstrate compliance with the Industrial General Permit when applying to a city or county for a business license, equivalent instrument, or permit, or renewal thereof. This means that a business will have to:</p> <ul style="list-style-type: none"><li>• Evaluate each operating facility to determine the Standard Industrial Classification (SIC) code.</li><li>• <a href="#">How to determine the business' SIC code</a></li><li>• Determine if the SIC code is for a regulated industrial activity by referring to <a href="#">Attachment A</a> of the Industrial General Permit, or consulting the list of regulated industrial SIC codes found on the State Water Board website (<a href="#">sorted numerically</a> and <a href="#">sorted alphabetically</a>).</li><li>• Obtain Industrial General Permit coverage or submit a certified notice of non-applicability for each facility with a regulated SIC code(s) as described in the “Permit Applications” section of this web page.</li></ul> <p><a href="#">Frequently Asked Questions document for Industrial Businesses</a></p>					

Image: Senate Bill 205/891 - Business License Requirements

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/sb\\_205\\_business\\_license\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sb_205_business_license_requirements.html)

## 2. SB 205

- SWRCB, RWQCB not required to coordinate with municipalities.
- Cities and Counties must require applicants to provide IGP applicability documentation.
- Longstanding businesses may fall through the cracks.
- What can a new business owner do, when first starting out?

### 2. How does a city or county confirm that an industrial business has obtained storm water permit coverage?

A city or county must require the license applicant to provide the following information on the business license or renewal application:

- (1) The name(s) and location(s) of all businesses;
- (2) All corresponding *primary* Standard Industrial Classification (SIC) codes; and,
- (3) One of the following for *each industrial business (commonly referred to as a facility)*:
  - Storm water permit number, known as the Waste Discharger Identification number (WDID) and WDID application number issued by the State Water Board,
  - No Exposure Certification (NEC) identification number issued by the State Water Board, or
  - Notice of Non-Applicability (NONA) identification number issued by the State Water Board.

Image: Senate Bill No. 205 Business Licenses: Stormwater Discharge Compliance; Frequently Asked Questions - Cities & Counties  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/sb\\_205\\_business\\_license\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sb_205_business_license_requirements.html)



# 2. SB 205

- CalGOLD may direct guests to the IGP, depending on the Business Type.
- Great starting point!

## Search Results

Select a City or County

Enter Business Type(s) [view all](#)

**Fabricated Metal Products** x

Interested in having a green business? [learn more about green businesses](#)

**Search**

## Business permits and other requirements in the Sacramento County for business types:

- Fabricated Metal Products

Permits & Licenses | Resources Available to Help You [Print List](#)

### Burglar Alarm

county

County of Sacramento  
Sheriff's Department  
Alarm Bureau  
711 G Street  
P.O. Box 988, 95812  
Sacramento, CA, 95814  
Phone: 916-874-4616  
[website](#)

Permit required if installing an alarm system

**agency note:**  
For other types of permits i.e. solicitors, peddlers contact the Special Investigations Units at 916-874-5832.

**applies to:**  
Fabricated Metal Products

### Filter Permits & Licenses

Level of Government: [all](#) [none](#)

- City
- County
- Regional
- State
- Federal

**Filter Results**

### Industrial Activities Storm Water General Permit

state

National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 includes waste discharge requirements for discharges of storm water associated with industrial activities, excluding construction activities.

**Cal/EPA**  
Water Resources Control Board  
1001 I Street  
Sacramento, CA, 95814  
Phone: 916-341-5455  
[website](#)

**applies to:**  
Fabricated Metal Products

Image: CalGold - The Gold Standard for Permit Assistance  
<https://www.calgold.ca.gov/>

# 2. SB 205

- Example: Sacramento County
- Dedicated form for business applicants to provide the required information.
- Businesses cannot renew without SB205 required information.
- Great model for cities and counties across the state!



The screenshot shows the Sacramento County Finance website. The header includes the Sacramento County logo, navigation links for LIVE / VISIT, BUSINESS, and GOVERNMENT, a language selection dropdown, and a search bar. The main navigation menu includes AUDITOR-CONTROLLER, TAX & BUSINESS LICENSING, TREASURY, INVESTMENTS, OTHER DIVISIONS, and ABOUT. The page title is "Business License/Fictitious Business Name Forms". Below the title, there is a notice: "Anyone filing a Fictitious Business Name Statement in person at our counter must present a valid California driver's license, California identification card, or passport." A list of links is provided, with "SB205 Fillable Form" highlighted by a red box. Other links include Business License Application, List of SIC codes, SIC codes requiring a permit, Business License Change Form, Claim for Veteran's Waiver of License Fee, Fictitious Business Name Statement, Fictitious Business Name Statement PAGE 2, Statement of Abandonment of use of Fictitious Business Name, Statement of Withdrawal from Partnership operating under Fictitious Business Name, and Newspapers of General Circulation.

Image: Sacramento County - Department of Finance  
<https://finance.saccounty.gov/Tax/Pages/BusLicForms.aspx>

# 2. SB 205

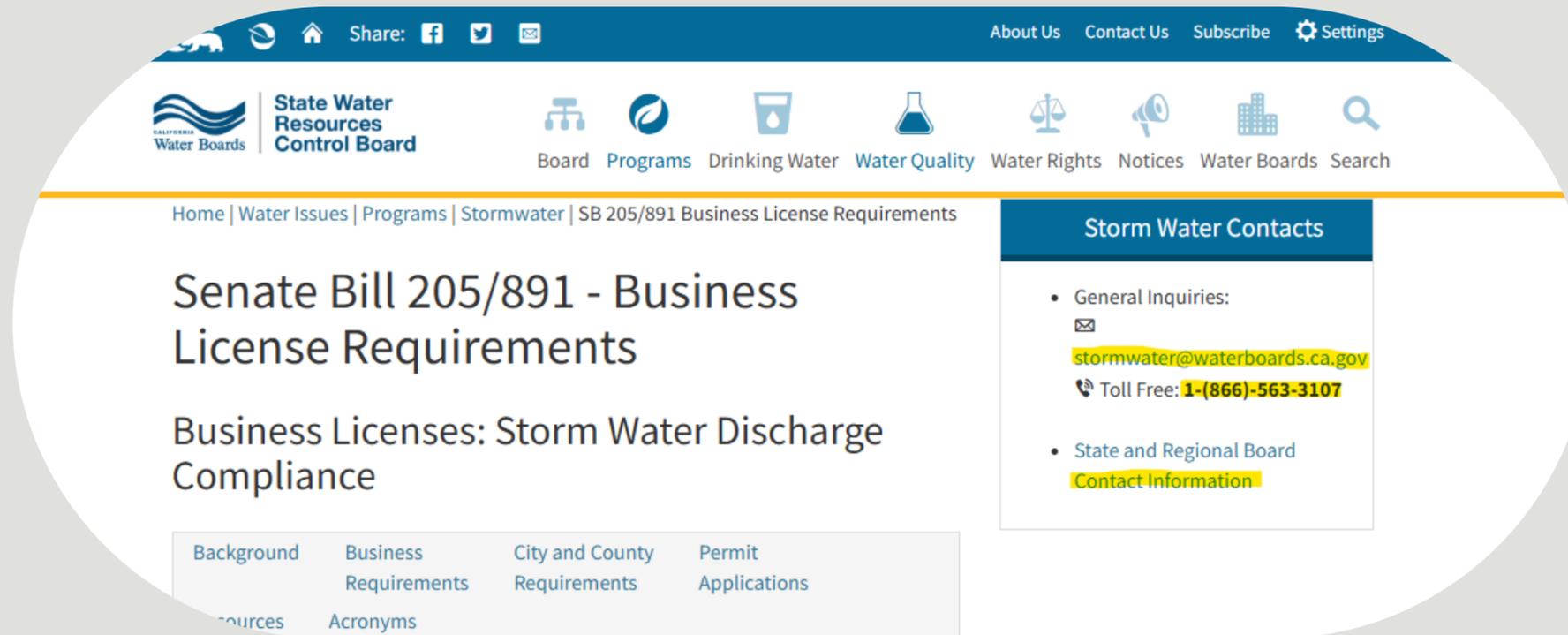


Image: Senate Bill 205/891 – Business License Requirements.  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/sb\\_205\\_business\\_license\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sb_205_business_license_requirements.html)

- SWRCB provides a phone and email right on the SB205 webpage.
- Each regional board (RWQCB) has staff dedicated to IGP support.
- RWQCBs have help desks. Businesses can ask questions too!



# SB 205 CONCLUSION

Most of the time, private businesses are compelled to document whether the permit applies to them.

The documentation shows how the permit does (*or doesn't*) apply

Different coverage options are called "*Compliance Options*"

# 3. IGP COMPLIANCE OPTIONS



## 3 Compliance Options

SMARTS guides for each

1. NOI (*Order Section II.B.1*)
2. NEC (*Order Section II.B.2*)
3. NONA (*Order Section XX.C*)

Background	Business Requirements	City and County Requirements	Permit Applications	Resources	Acronyms
<p>The Industrial General Permit is a State Water Board NPDES General Permit implementing the requirements of the Federal Clean Water Act. The Industrial General Permit regulates discharges of storm water (rainfall flowing over surfaces into water ways) into waters of the United States associated with nine broad categories of industrial activities. Any facility with industrial activity listed in Attachment A of the Industrial General Permit and discharges storm water to waters of the United States must obtain coverage. The Industrial General Permit contains further information, including the facility types requiring coverage.</p> <p>The Stormwater Multiple Application and Report Tracking System (commonly referred to as SMARTS) is the federally compliant electronic database used for California NPDES storm water permitting. This system allows permittees, regulators, and the public to enter, manage, and view storm water data. For common acronyms, please refer to the "Acronyms" tab.</p>					
<p>➔ Notice of Intent (Commonly referred to as NOI) ▶</p>					
<p>➔ No Exposure Certification (Commonly referred to as NEC) ▶</p>					
<p>➔ Notice of Non-Applicability (Commonly referred to as NONA) ▶</p>					

# 3. IGP COMPLIANCE OPTIONS

## NOI

- Notice of Intent
- Discharge Stormwater
- Exposed Industrial Activities
- Full Permit Coverage
- SMARTS guide

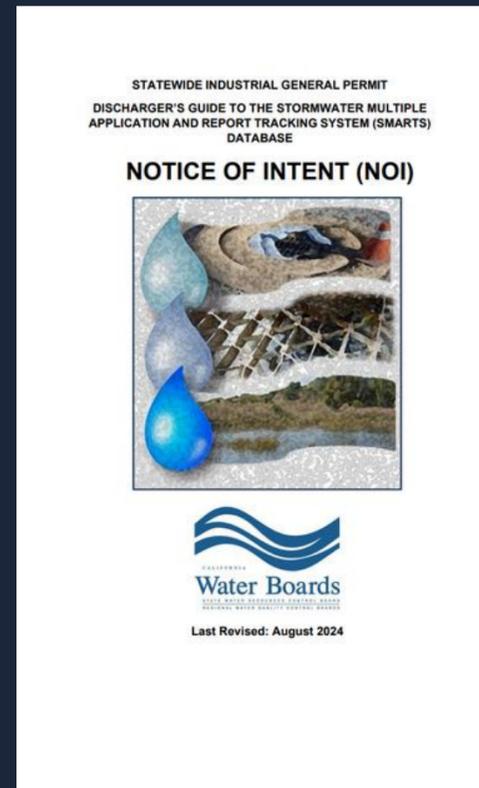


Image: Notice of Intent (NOI)  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/general/docs/notice-of-intent-industrial-guide.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/general/docs/notice-of-intent-industrial-guide.pdf)

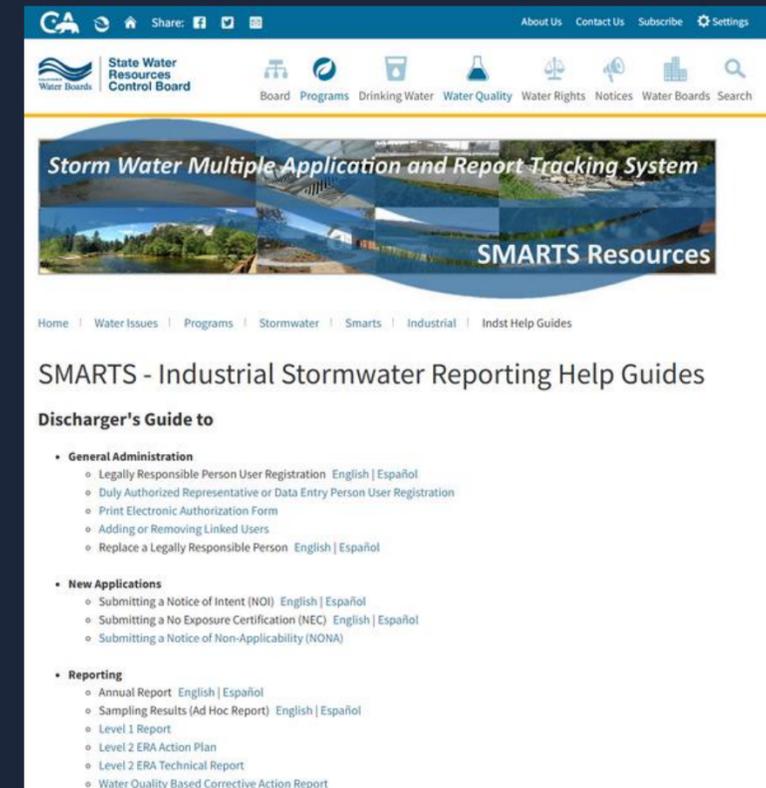


Image: SMARTS - Industrial Stormwater Reporting Help Guides  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/industrial/indst\\_help\\_guides.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html)

# 3. IGP COMPLIANCE OPTIONS

## NEC

- No Exposure Certification
- Discharge Stormwater
- Cover and Contain Industrial Activities
- Minimal Requirements
- SMARTS guide

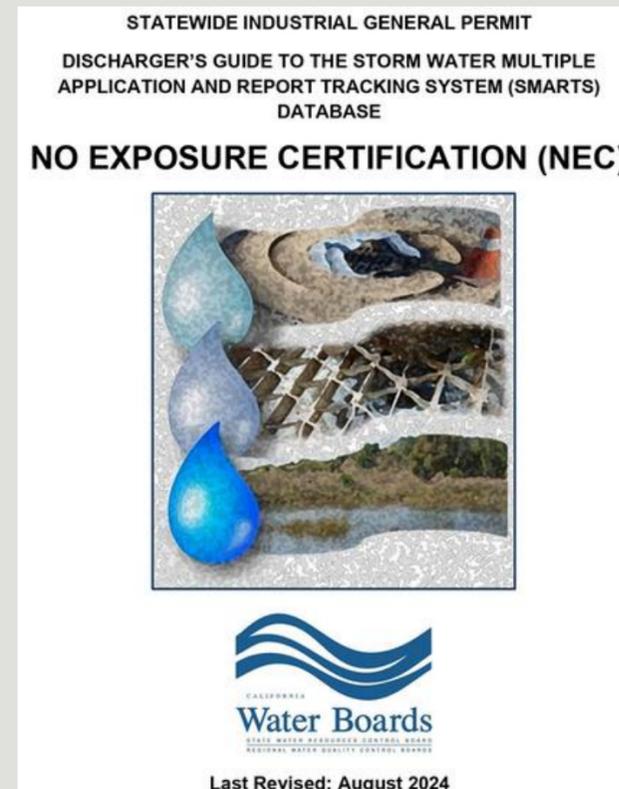


Image: Notice of Non-Applicability (NONA)  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/industrial/docs/notice\\_of\\_non-applicability\\_industrial\\_guide.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/docs/notice_of_non-applicability_industrial_guide.pdf)

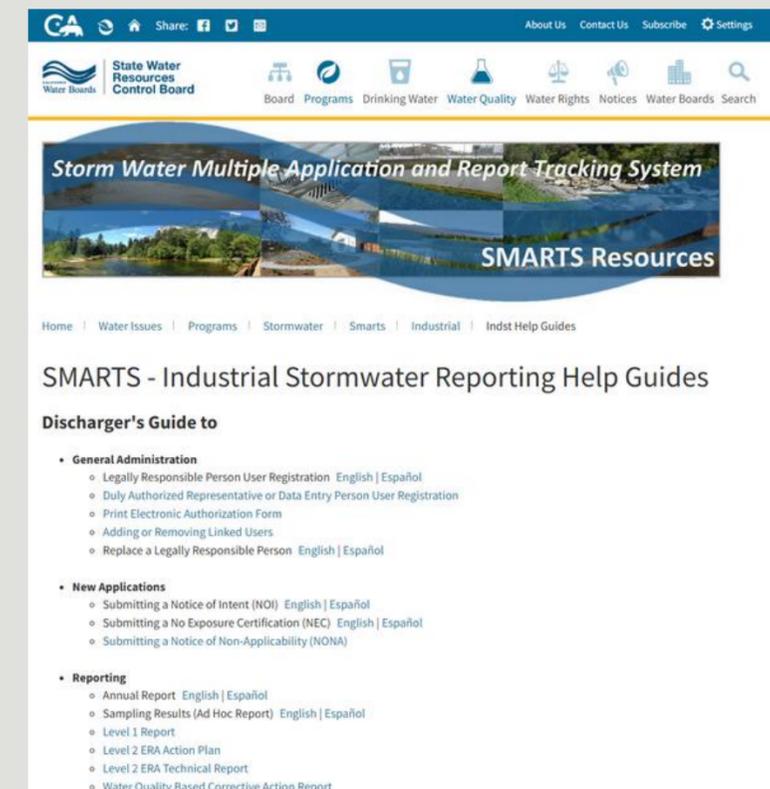


Image: SMARTS - Industrial Stormwater Reporting Help Guides  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/industrial/indst\\_help\\_guides.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html)

# 3. IGP COMPLIANCE OPTIONS

## NONA

- Notice of Non-Applicability
- Do NOT Discharge Stormwater
- Industrial Activities Irrelevant
- No Requirements
- SMARTS guide

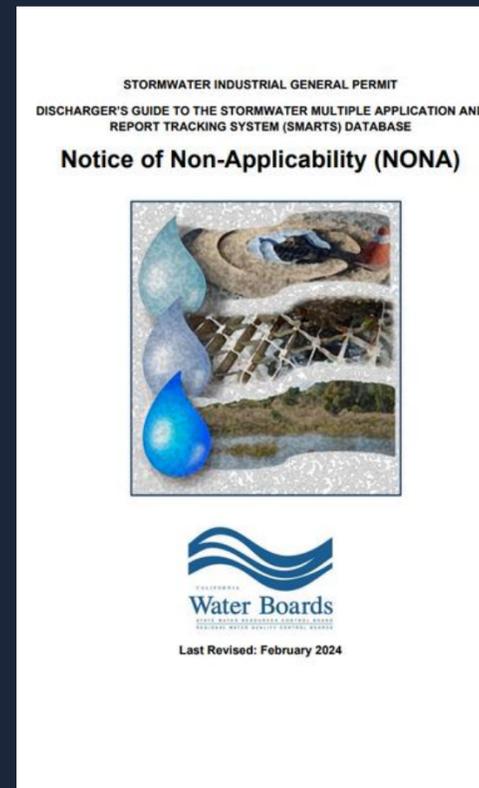


Image: Notice of Intent (NOI)  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/general/docs/notice-of-intent-industrial-guide.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/general/docs/notice-of-intent-industrial-guide.pdf)

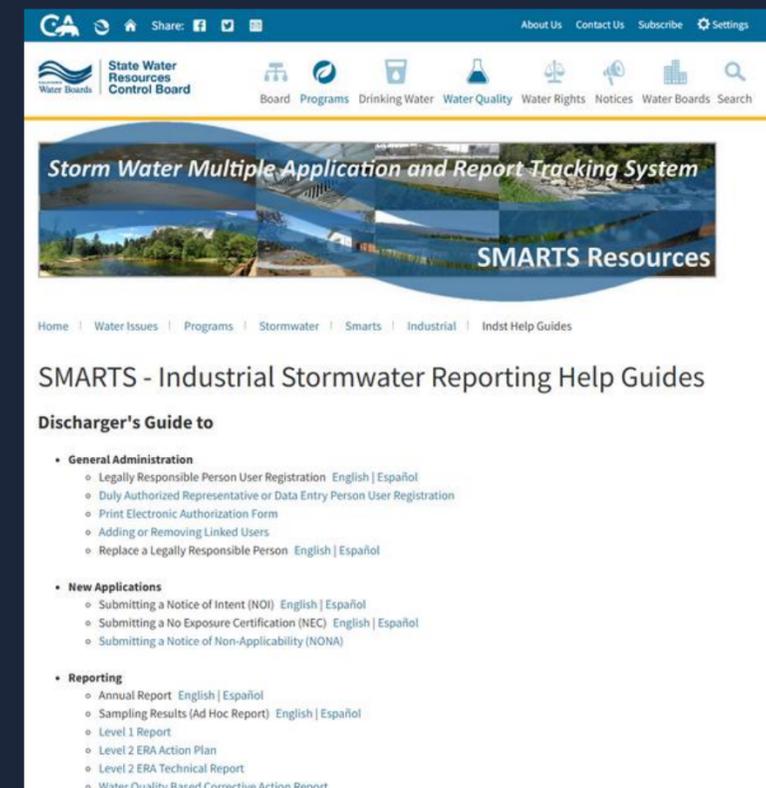


Image: SMARTS - Industrial Stormwater Reporting Help Guides  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/industrial/indst\\_help\\_guides.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html)

# TRANSITION

WHAT IF A FACILITY DOESN'T SELECT ANY OPTION, OR DOES NOT  
FULFILL THE REQUIREMENTS OF THEIR SELECTED OPTION?

# 4. IGP NON-COMPLIANCE

## INFORMAL ACTIONS

- Phone call or in-person visit
- Generally follow up with inspection report
- May follow up with either a Notice, or letter inquiring about corrections
- You are invited to correct issues as soon as possible

### A. Progressive Enforcement

Progressive enforcement refers to an **escalating series of actions** that allows for the efficient and effective use of enforcement resources to: (1) assist cooperative dischargers in achieving compliance; (2) compel compliance for repeat violations and recalcitrant violators; and (3) provide a disincentive for noncompliance. Enforcement

### B. Informal Enforcement Actions

An informal enforcement action is any enforcement action taken by Water Board staff that is not defined in statute or regulation. An informal enforcement action can include any form of communication (oral, written, or electronic) between Water Board staff and a discharger concerning an actual, threatened, or potential violation. Informal enforcement actions cannot be petitioned to the State Water Board.

The purpose of an informal enforcement action is to quickly bring an actual, threatened, or potential violation to the discharger's attention and to **give the discharger an opportunity to return to compliance as soon as possible**. The Water Board may take formal enforcement action in place of, or in addition to, informal enforcement actions. Continued noncompliance, particularly after informal actions have been unsuccessful, should result in escalation to more formal enforcement.

#### 1. Oral and Written Contacts

For many violations, the first step is an oral contact. This involves contacting the discharger **by phone or in person**, informing the discharger of the specific violations, discussing how and why the violations have occurred or may occur, and how and when the discharger will correct the violation and achieve compliance. Staff must document

#### 2. Notices of Violation

A Notice of Violation (NOV) letter is the most **significant level of informal enforcement** action. An NOV must be signed by the appropriate staff and provided to the discharger(s). In cases where the discharger has requested that its consultant be notified of Water Board actions, the **consultant should also receive a copy of the NOV**. The NOV letter should include a description of the specific violation, a summary of potential enforcement options available to address noncompliance (including potential ACL assessments), and a request for a certified, written response by a specified date that either confirms the correction of the violation or **identifies a date by which the violation will be corrected**. The summary of potential enforcement options should include appropriate citations to the Water Code, or other applicable code, and should specify that the Water Board reserves its right to take any enforcement action authorized by law.

# 4. IGP NON-COMPLIANCE

## ORAL & WRITTEN CONTACT

- Not super detailed in the 2024 Policy
- Not Formal Action
- Unannounced Site Inspection
- Inspection Report follows (Informal Action)
- Depending on Findings - May also be Formal Action follows

Storm Water Industrial General Permit Inspection Report Central Valley Regional Water Quality Control Board			
Inspection Date & Time:	[REDACTED]	Inspected By:	[REDACTED]
WDID #	[REDACTED]	Site County:	[REDACTED]
Operator Name:	[REDACTED]		
Facility Name:	[REDACTED]		
Facility Address:	[REDACTED]		
Facility Contact:	[REDACTED]		
Facility Staff Present:	[REDACTED]		
Inspection Type:	[REDACTED]		
SWPPP on site?	[REDACTED]	SWPPP Implemented/Updated?	[REDACTED]
Photos Taken?	[REDACTED]	Appropriate Monitoring Program?	[REDACTED]
Weather:	[REDACTED]	Evidence of SW or Non-SW Discharge?	[REDACTED]

# 4. IGP NON-COMPLIANCE

## FORMAL ACTIONS

- Different Notices
- Different Orders
- Includes Administrative Civil Liability
- Today's topic: NNC

C. Formal Enforcement Actions .....	2
1. Notices to Comply.....	3
2. Notices of Stormwater Noncompliance .....	3
3. Technical/Monitoring Report Orders.....	4
4. Cleanup and Abatement Orders .....	4
5. Section 13300 Time Schedule Orders .....	5
6. Section 13308 Time Schedule Orders .....	5
7. Cease and Desist Orders.....	5
8. Modification or Rescission of WDRs.....	6
9. Administrative Civil Liabilities .....	6

SWRCB 2024 Enforcement Policy

[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf)

# 4. IGP NON-COMPLIANCE

## ADMINISTRATIVE CIVIL LIABILITY

- 13399.33: Mandatory Minimum Penalty
- 13399.30: Deadlines
  - Mandatory Minimum Penalty required 60 days after first NNC
  - second NNC sent if no response is received 30 days after first NNC
- 13385: Administrative Civil Liability
  - up to \$10,000 per day of violation
  - up to \$10 per gallon of unpermitted storm water discharges

State Water Resources Control Board

Board Programs Drinking Water Water Quality Water Rights Notices Water Boards Search

Office of Enforcement Programs

Special Investigation Unit Legal Units Cannabis Enforcement Unit Underground Storage Tank Enforcement Unit Fraud, Water, & Abuse Prevention Unit

State Water Resources Control Board. *Office of Enforcement.*  
[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](https://www.waterboards.ca.gov/water_issues/programs/enforcement/)

CHAPTER 5.5. Compliance With the Provisions of the Federal Water Pollution Control Act as Amended in 1972.....	13370-13389
CHAPTER 5.6. Bay Protection and Toxic Cleanup.....	13390-13396.9
CHAPTER 5.7. Drainage From Abandoned Mines.....	13397-13398.9
CHAPTER 5.8. Minor Violations.....	13399-13399.3
CHAPTER 5.9. The Storm Water Enforcement Act of 1998.....	13399.25-13399.43

California Legislative Information. *Division 7. Water Quality.*  
[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](https://www.waterboards.ca.gov/water_issues/programs/enforcement/)

Water Code 13385:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WAT&ionNum=13385](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WAT&ionNum=13385)

Water Code 13399.30:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WAT&ionNum=13399.30](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WAT&ionNum=13399.30)

Water Code 13399.33:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WAT&ionNum=13399.33](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WAT&ionNum=13399.33)

SWRCB Water Quality Enforcement Policy:  
[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf)

# 4. IGP NON-COMPLIANCE

- You get a letter in the mail.
- Long Letter. Really long Subject Line.
- Read the entire thing. Use a highlighter.
- Fill out your worksheet
  - Who
  - What
  - When
  - Where
  - Why
  - How

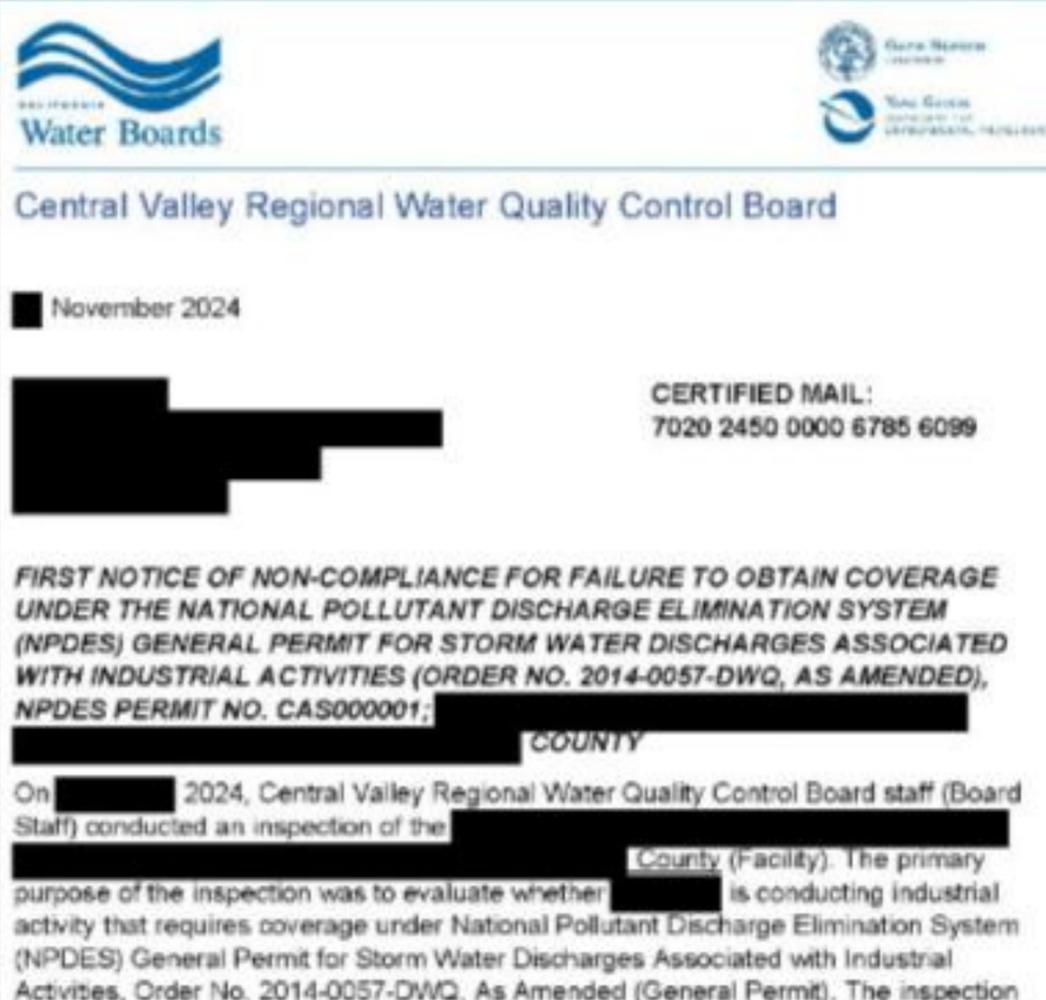


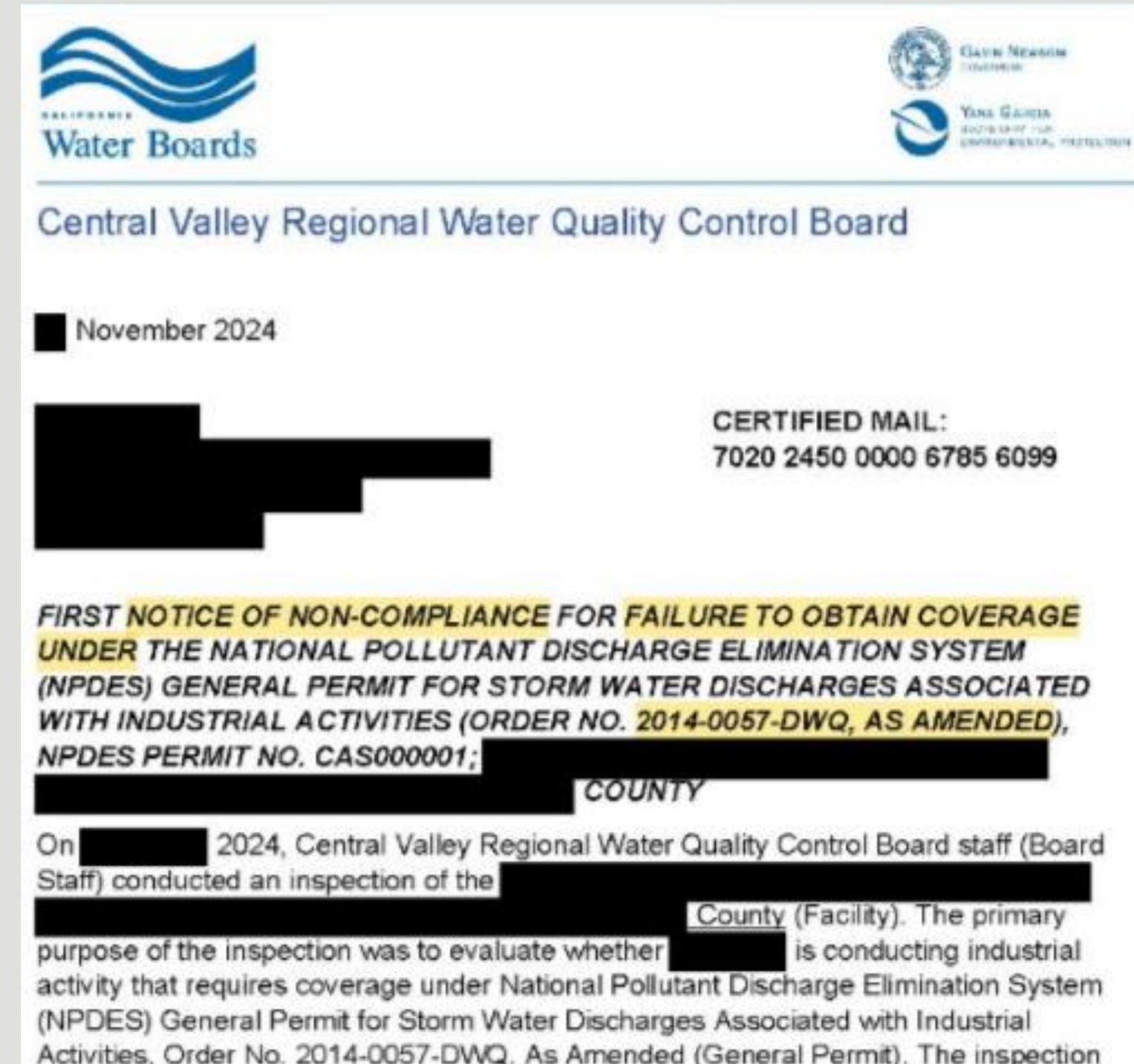
Image: Canva AI



# 4. IGP NON-COMPLIANCE

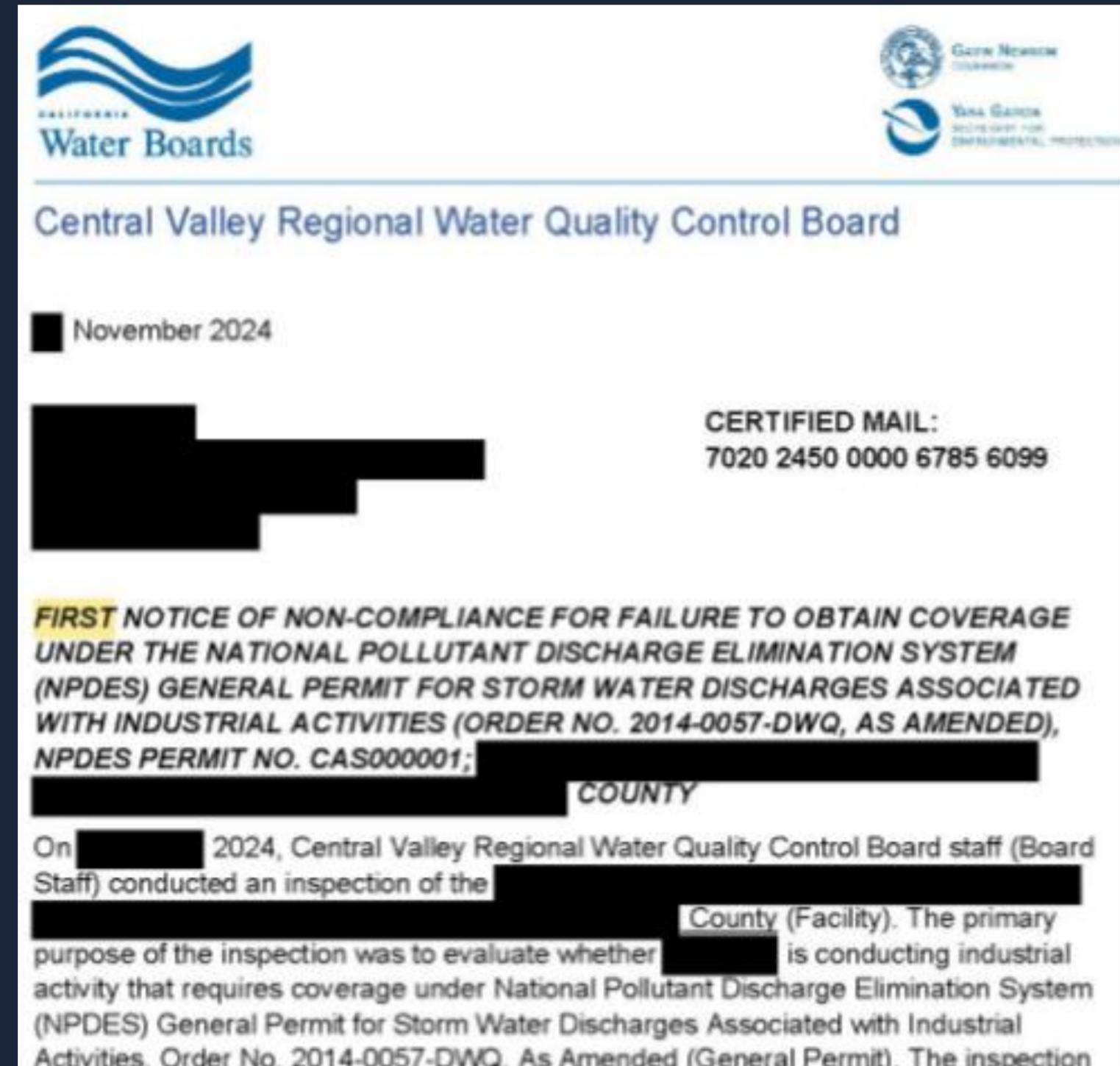
## PAGE 1: WHAT + WHEN + WHERE + WHY

- **What:** Categorize the Notice. Identify the permit.
  - Notice of Non-Compliance
  - Order 2014-0057-DWQ = IGP
- **When:** Note the sent date. This affects your deadline to respond!
- **Where:** Check the facility address, location description, etc. [redacted]
- **Why:** Identify Root Cause of Notice
  - Failure to obtain [permit] coverage



# 4. IGP NON-COMPLIANCE

- Page 1: **When**
- This particular example is the **1st** notice.
- **2nd** notice indicates the response deadline is approaching or has passed



# 4. IGP NON-COMPLIANCE

- Page 2: How
- Refer to the 3 Options presented earlier
- Enroll
  - NOI
  - NEC
- Submit information demonstrating IGP doesn't apply
  - NONA

Based on the inspection, Board Staff believes that [REDACTED] is required by federal law to have an industrial stormwater permit such as the General Permit. Without permit coverage, [REDACTED] may be subject to significant penalties for discharging stormwater associated with industrial activities. Information on the General Permit can be found at this web link:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html)

## IMMEDIATE ACTION IS REQUIRED

To comply with the stormwater regulations, [REDACTED] needs to either enroll in the General Permit (Option 1) or submit information demonstrating why the General Permit does not apply to this Facility (Option 2) by **18 December 2024**. The options are further defined below.

### Option 1. Obtain Coverage under the General Permit

The General Permit provides for two types of coverage that are differentiated by whether or not a facility has industrial materials, products, wastes, or processes exposed to stormwater. To apply for coverage, all documents must be submitted electronically into the Storm Water Multiple Application and Report Tracking System (SMARTS) and certified by the Legally Responsible Person (LRP) or by their Duly Authorized Representative (see Section XXI.K of the General Permit). SMARTS can be accessed at:

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The two types of coverage are as follows:

# 4. IGP NON-COMPLIANCE

- Page 2: **Who/When**
- **Who:** LRP or DAR
- **When:** Do something before [*date*].
- Respond to RWQCB as soon as feasible.
- Start Corrective Actions as soon as possible.
- Finish as much as you can before [*date*]

Based on the inspection, Board Staff believes that [REDACTED] is required by federal law to have an industrial stormwater permit such as the General Permit. Without permit coverage, [REDACTED] may be subject to significant penalties for discharging stormwater associated with industrial activities. Information on the General Permit can be found at this web link:

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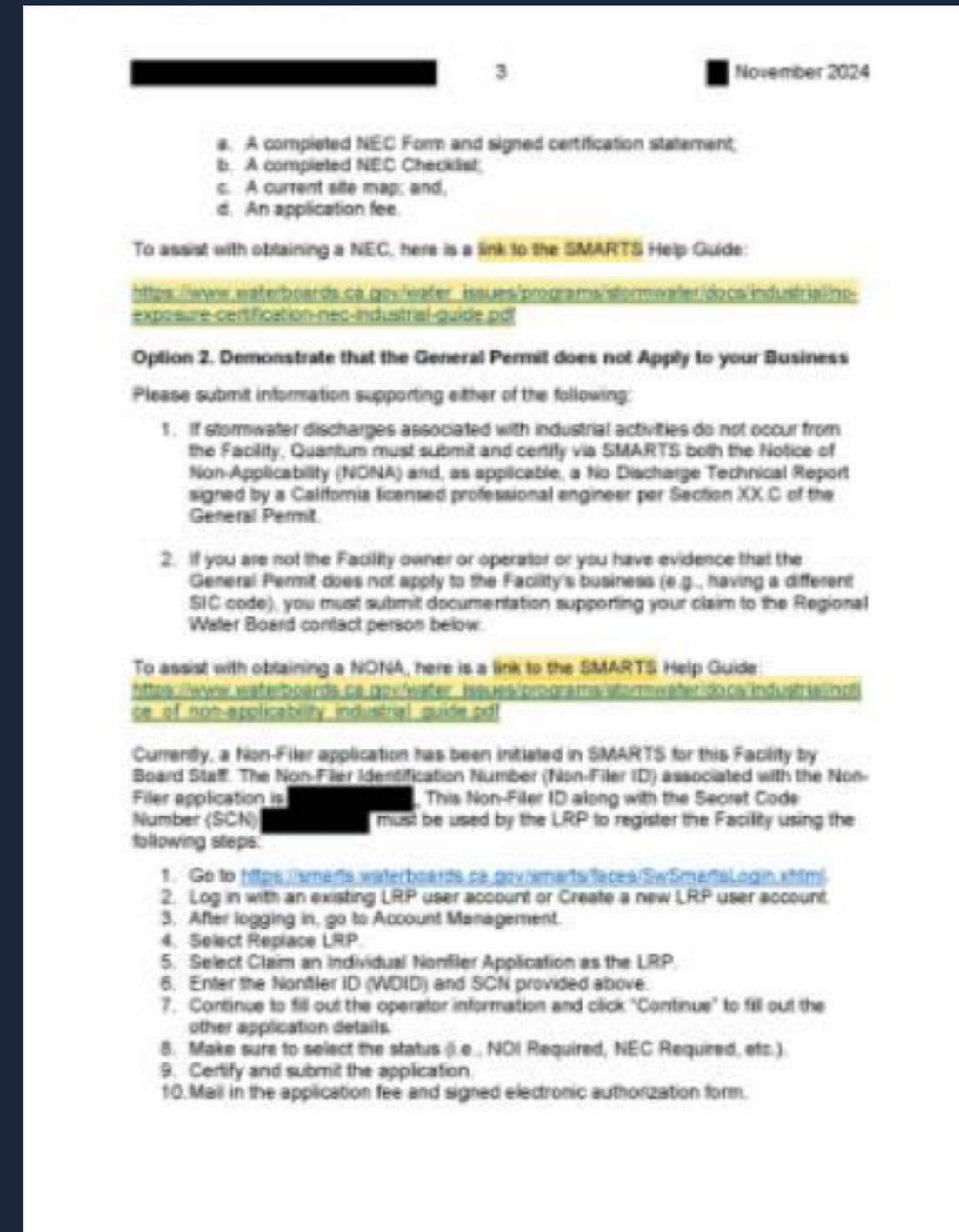
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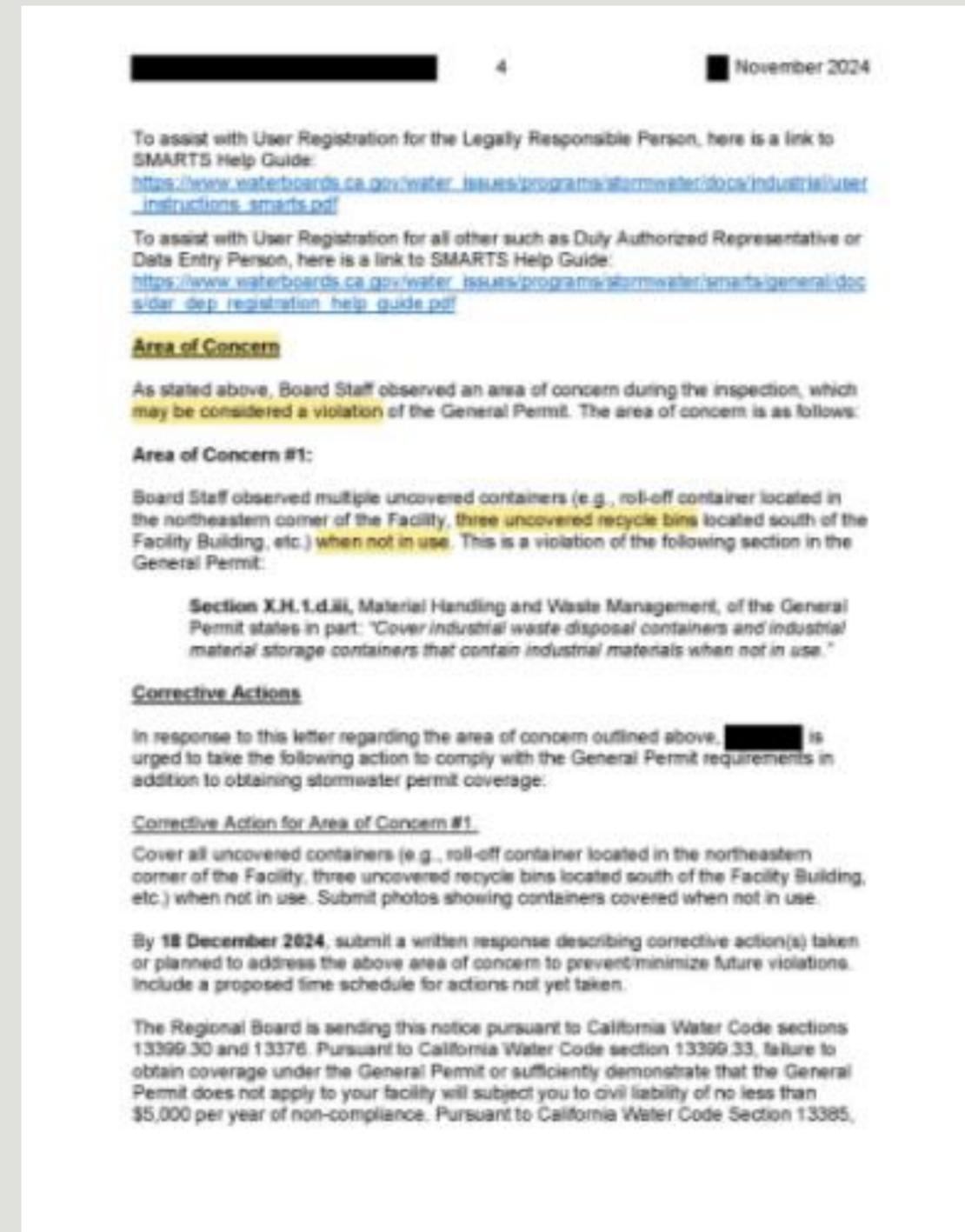
# 4. IGP NON-COMPLIANCE

- Page 3: **How**
- SMARTS user guides are hyperlinked directly in the letter.
- SMARTS is challenging. Start on SMARTS early on. It may take a few attempts, or questions, to complete your application.



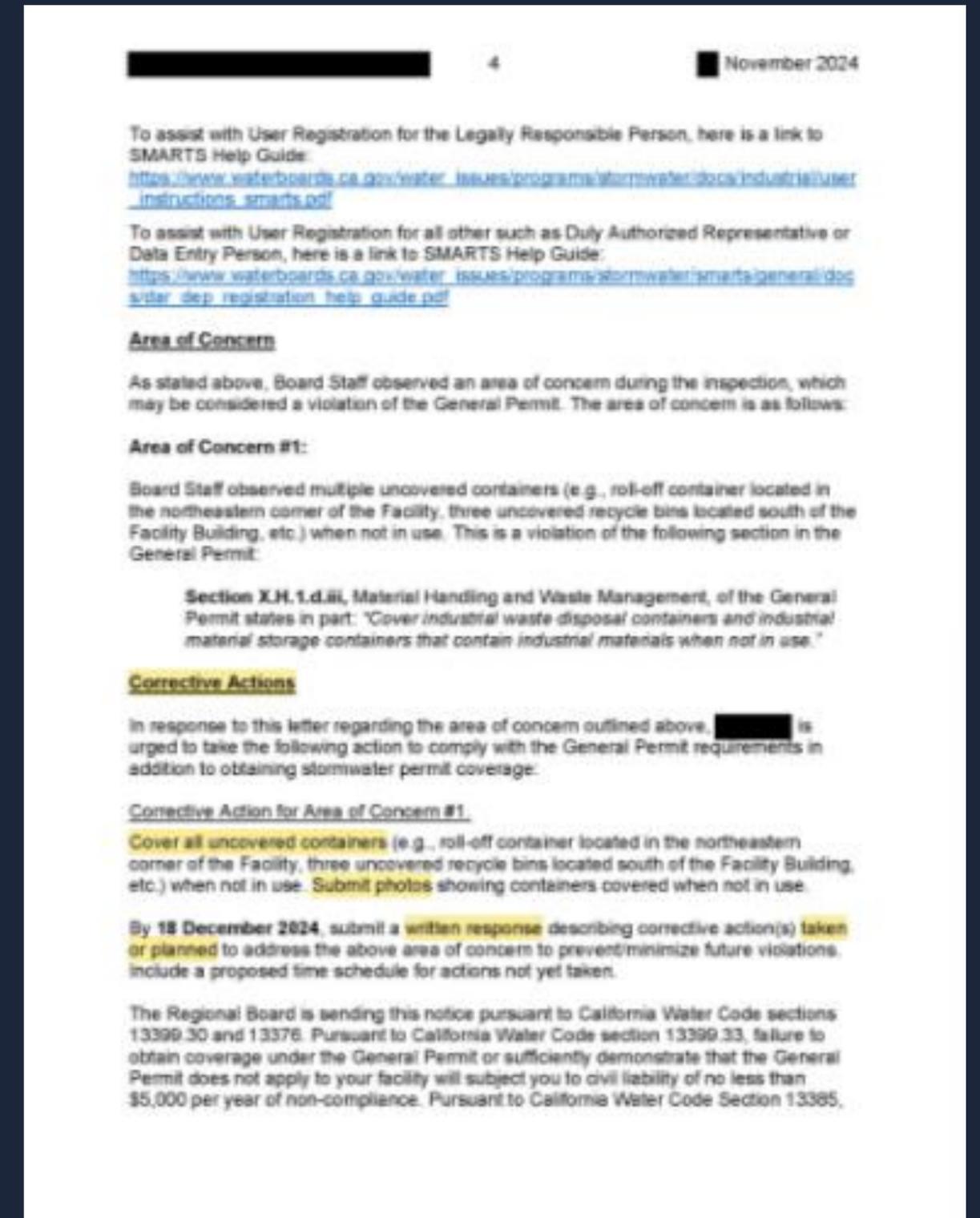
# 4. IGP NON-COMPLIANCE

- Page 4: **Where**
- Area of Concern
- Usually 1 or more physical locations on site
- Don't overthink it. The problem is likely very simple/straightforward.
- **Example:** uncovered dumpster.



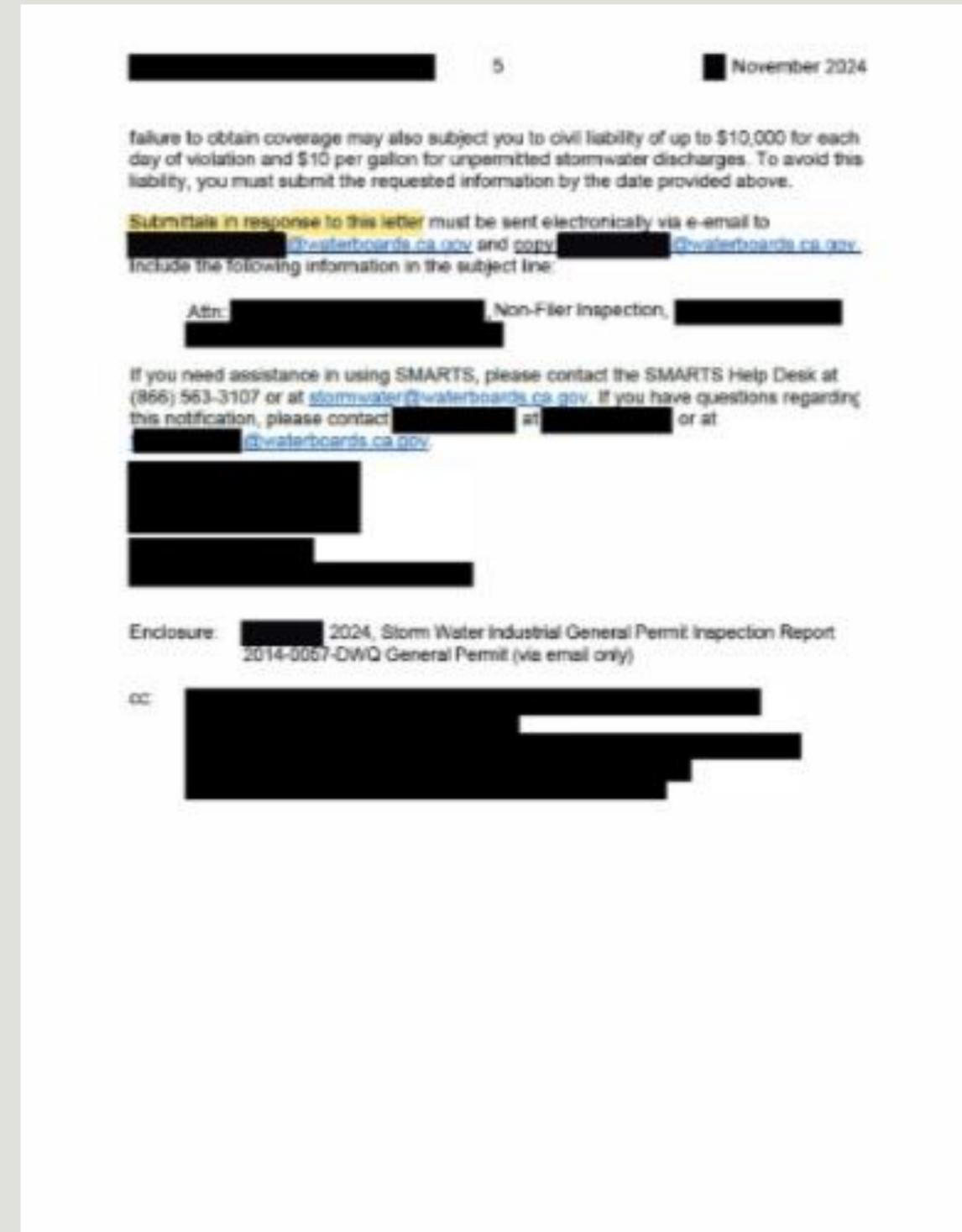
# 4. IGP NON-COMPLIANCE

- Page 4: How
- Corrective Action
- Think Fix-It-Ticket
- Completing a Corrective Action is not enough
- RWQCB needs receipts, documentation, written response
- Simple is better
- Example:
  - *Deficiency:* uncovered dumpster
  - *Action:* cover the dumpster
  - *Documentation:* photograph of dumpster
  - *Written response:* 1-sentence email



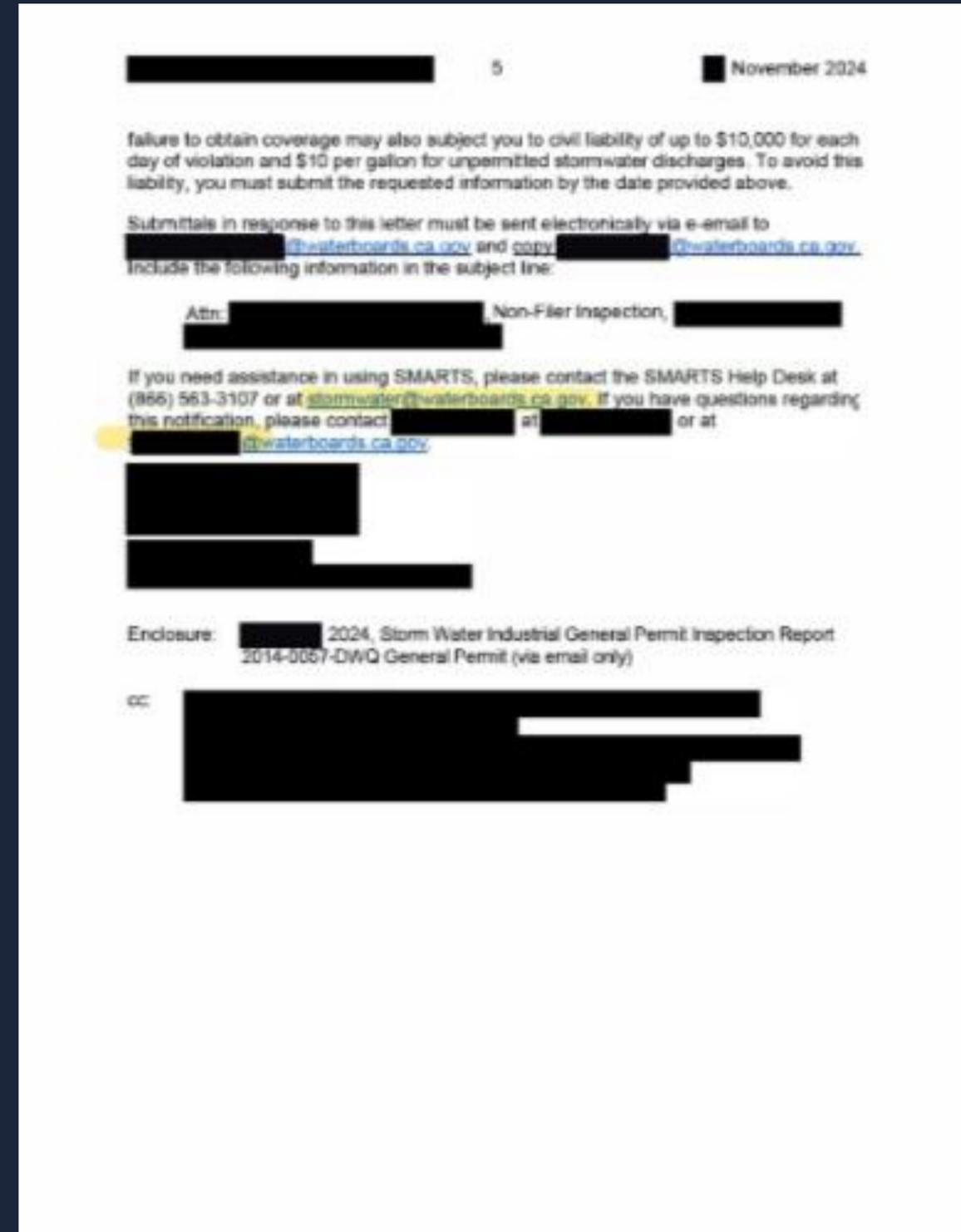
# 4. IGP NON-COMPLIANCE

- Page 5: Who
- Note the Recipient Email addresses.
- It may or may not be worth including the CC list on your response [redacted].



# 4. IGP NON-COMPLIANCE

- Page 5: Who
- SMARTS team has a dedicated helpdesk.
- They accept calls and emails.
- RWQCB provides an individual staff contact for each permit.
- RWQCB is here to help. They dedicate time and effort with the goal of helping permittees obtain compliance.



# TRANSITION

- You experienced a visit.
- You got the letter.
- You read the letter.
- Now What?

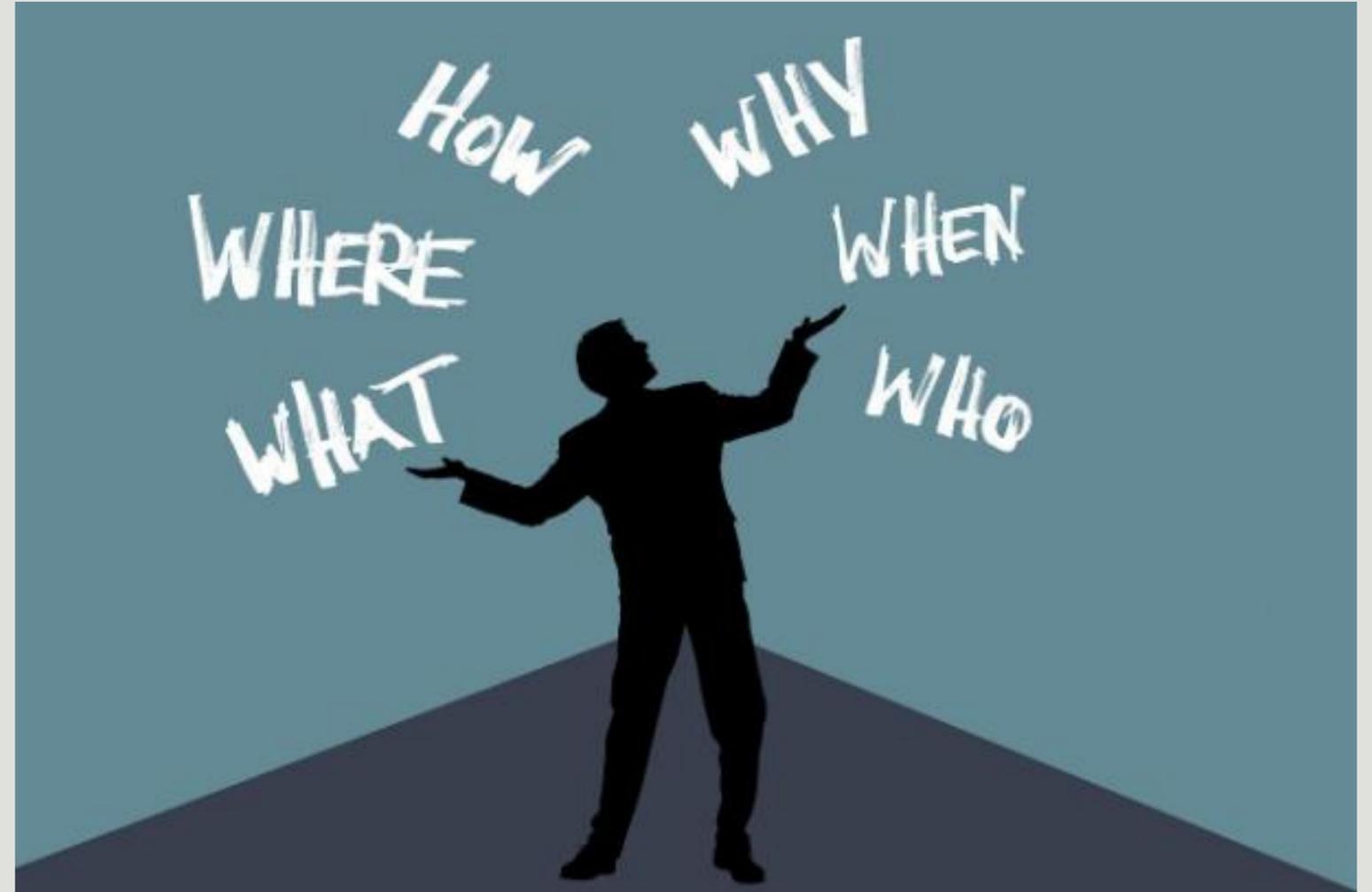


Image: ask-who-what-how-why-where-439413 by geralt, Pixabay.

<https://pixabay.com/illustrations/ask-who-what-how-why-where-4394130/>

# 5. NOW WHAT?

- Page 2: Who/When
- Who: LRP or DAR
- **When: Do something before [date].**
- Respond to RWQCB as soon as feasible.
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- Finish as much as you can before [date]

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The two types of coverage are as follows:

# 5. NOW WHAT?

## REVIEW THE 5 W'S. THEN ACT FAST!

- **Who:** Identify who is available to act fast
  - **What:** Corrective Actions
    - a. Respond to RWQCB
    - b. Implement the Corrective Actions
    - c. Ensure documentation goes into SMARTS
  - **When:** Set realistic completion date
  - **Where:** Address all locations identified in Areas of Concern
  - **Why:** Because we love permit compliance!
- 

# TRANSITION

That was a lot of theory.  
How does this play out in the real world?

# 6. CASE STUDY

---

## NNC TO NEC

- Longstanding business, multiple years
- Compliant with city business requirements, all health, safety, industrial permits
- Surprise visit from unknown regulator last year
- Nice, easy NEC, straightforward and complete path to compliance
- Lesson Learned: Statutory Deadlines for Nonfilers

# 6. CASE STUDY

## NNC TO NEC

Why is this case study unique?

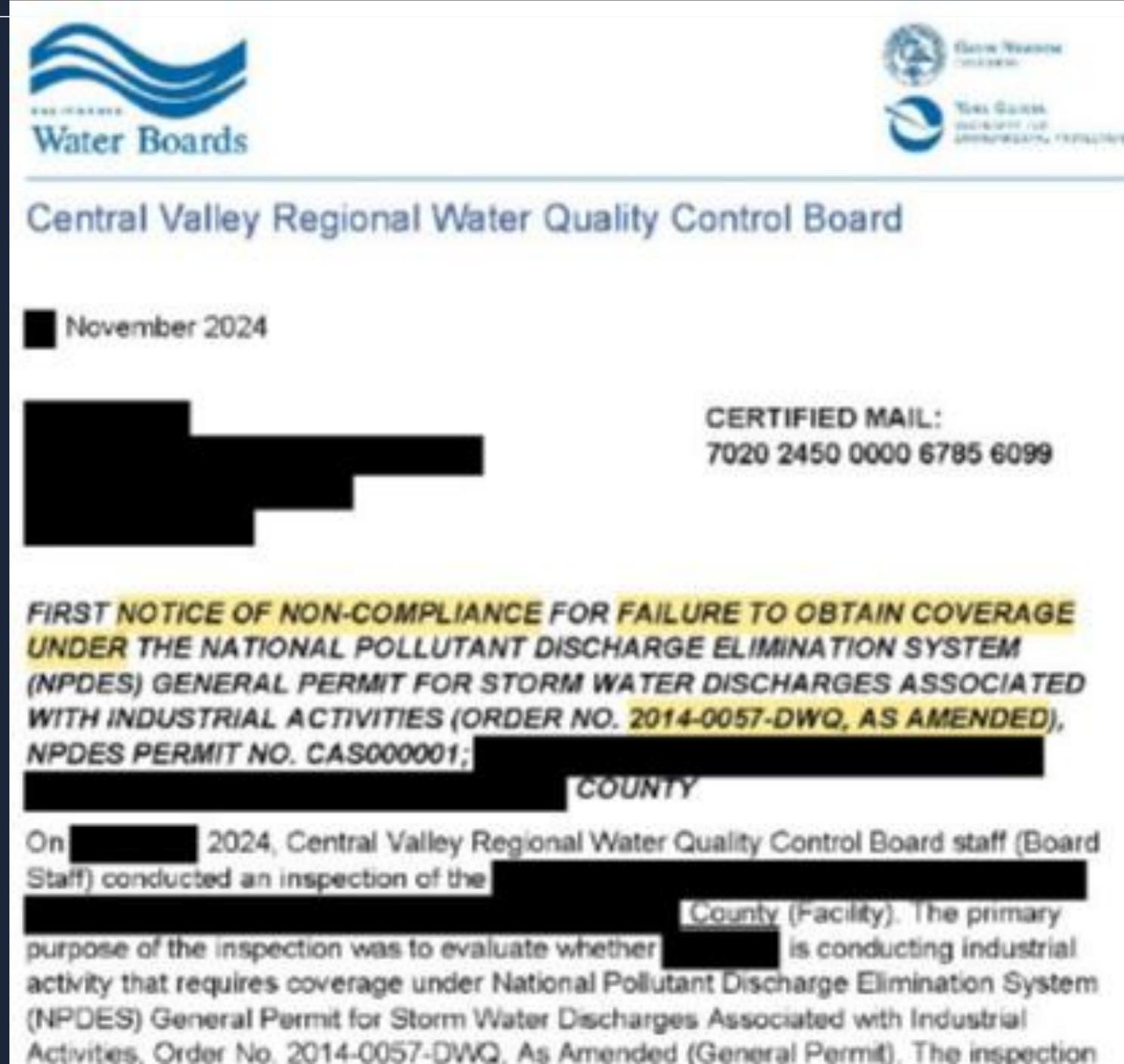
Worth sharing?

- Simple, clean example, success story
- SB 205-applicable facility
- Permittee DIY'd almost the entire process
- Permittee didn't need to hire a consultant to complete an application in SMARTS
- Permittee made their own map in Google Earth
- I wrote the response letter to get the ball rolling + talked them through each steps as a courtesy



# 6. CASE STUDY

First NNC Letter



---

# 6. CASE STUDY

## NNC TO NEC

### PERMITTEE ACTED IMMEDIATELY

- Assessed site conditions
  - Moved industrial materials all inside
  - Cleaned exterior surfaces (e.g. pavement)
  - Fulfilled the physical requirements of the NEC Compliance Option
  - The ordeal was half-over.
  - What about the paperwork?
-

# 6. CASE STUDY

## NNC TO NEC

NNC response

Site Map

# 6. CASE STUDY

## NNC TO NEC

### NNC RESPONSE LETTER

- Explicitly state purpose of letter
- Timeline of events to date, future planned actions
- Identify roles and points of contact within the Permittee team
- Clearly detail corrective actions for each deficiency

2024  
Elderflower LLC

Water Quality Control Board

Attn:

Subject: FIRST NOTICE OF NON-COMPLIANCE;  
; WDID COUNTY

Dear

Elderflower LLC (Elderflower) prepared this letter on behalf of for the facility located at County, California (Facility).

This letter describes corrective actions taken to date, and actions planned to be taken in the future, to address the one (1) Area of Concern and to prevent or minimize future violations, as requested in letter FIRST NOTICE OF NON-COMPLIANCE FOR FAILURE TO OBTAIN COVERAGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (ORDER NO. 2014-0057-DWQ, AS AMENDED), NPDES PERMIT NO. CAS000001; ; WDID COUNTY (NONC) dated 2024.

On 2024, Water Quality Control Board (RWQCB) staff conducted an inspection at the Facility. On 2024, received the Inspection Report (IR) and NONC. The NONC requested that by 2024, submit a written response describing corrective actions taken or planned to address the above violations and to prevent/minimize future violations, including a proposed time schedule for actions not yet taken.

The purpose of this letter is to fulfill the above-mentioned requests from of .

has reviewed the Non-Filer application initiated in SMARTS for the Facility. team has commenced steps to register the Legally Responsible Person (LRP), and is pursuing the No Exposure Certification (NEC). They anticipate completing the NEC

The contents of this letter will be submitted to SMARTS on 2024.

	Concern	Corrective Action	Timeline for Completion
1	refuse containers when not in use.	Refuse containers have been covered.	Photo log to be submitted to SMARTS by

Please have any questions.

Yours sincerely,

# 6. CASE STUDY

## NNC TO NEC

### Site Map

- Permittee produced their own Site Map
- Everyday free software (Google Earth)
- Simple, straightforward layout
- Fulfilled all permit requirements



Facility site map using Google Earth to show property border, flowerbeds, water flow and driveways.  
Items shown in this image do not represent the current state.

# 6. CASE STUDY

## NNC TO NEC

### TIMELINE

Days	Action	Notes
-90	RWQCB Non-Filer Inspection	
0	RWQCB First NNC	Response deadline = day 29
29	Permittee NNC response	<ul style="list-style-type: none"><li>• Plan to submit corrective actions by day 59</li><li>• Plan to submit NEC application by day 91</li></ul>
34	RWQCB Correspondence	Explained that second NNC includes due date 60 days from first NNC
44	RWQCB Second and Final NNC	Clarified Deadline to file NEC is day 59, not 91
63	Permittee SMARTS Submission	Corrective Action Documentation submitted in SMARTS
65	Permittee SMARTS Submission	NEC submitted in SMARTS
70	NEC	NEC processed in SMARTS, new WDID provided

# 6. CASE STUDY

## NNC TO NEC

### CASE STUDY CONCLUSION

**They got the letter.**

---

**They read the letter.**

---

**They called in help to identify the 5 Ws.**

---

**They acted within the deadline.**

---

**They don't ever have to read a SWPPP.**

# 7. FINAL ADVICE

## Heed Deadlines

## Use Document Control

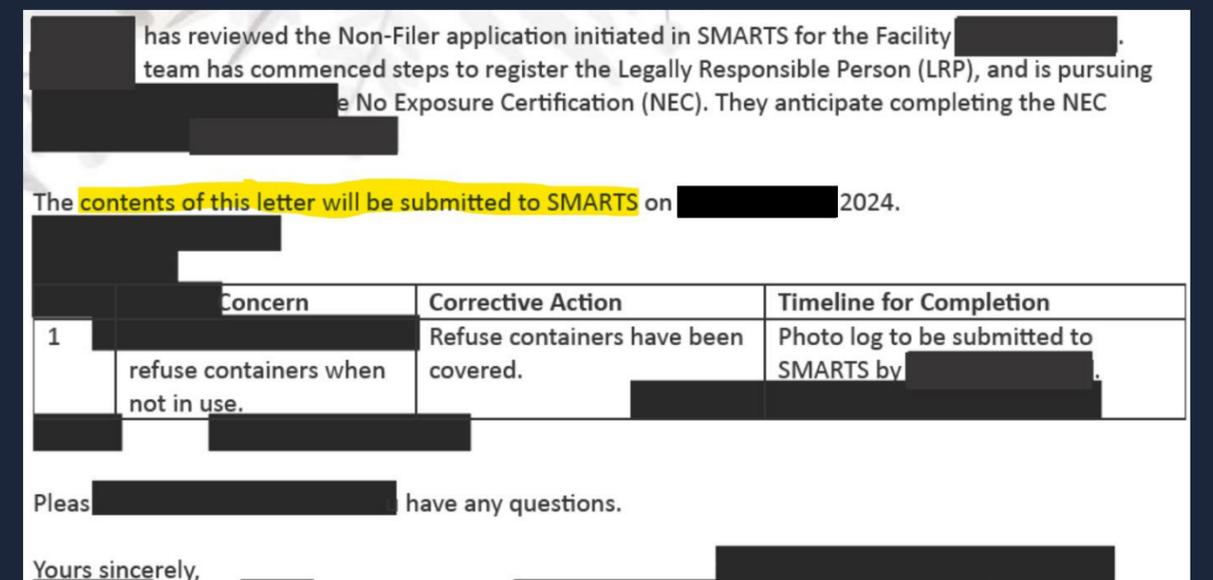
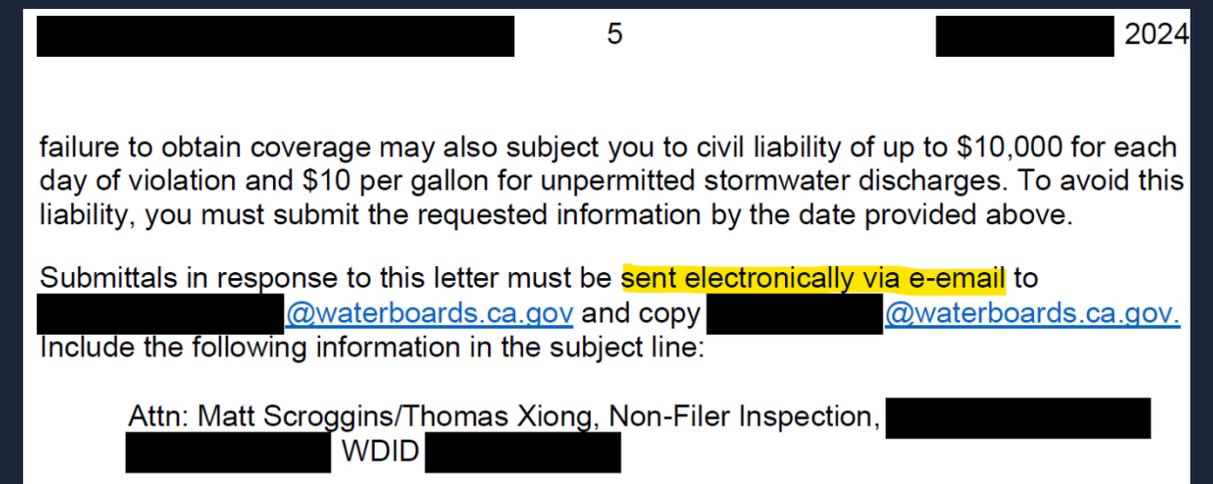
Permit Deadlines may be statutory, not negotiable.

### Submittal redundancy is not required

- The NOV/NNC letter may direct the Permittee to respond via SMARTS, or email
- It doesn't specifically direct you to send everything twice
- Don't leave it up to chance!

### Submittal redundancy ensures no missed connections.

- **Multi-Platform Assault:** send via email AND submit in SMARTS
- **Cross-Reference:** Mention in your response letter that the supporting documentation will be submitted into SMARTS as well. Concurrent submissions.
- **Extra Recipients:** Include yourself or someone within your organization on CC list to ensure the email goes through



# 7. FINAL ADVICE

## FOLLOW-UP CONFIRMATION

- Call/email your RWQCB point of contact the business day following each submission
- Confirm they received your email AND are able to download the attachments (*this can be from the email or SMARTS*)
- Invite them to call you back if they have any questions or concerns



Image by Gref\_exe; Pixabay.

<https://pixabay.com/photos/iphone-watch-business-phone-call-3561867/>

# 8. ACRONYM BOOK

**DAR**

Duly  
Authorized  
Representative

**DIY**

Do  
It  
Yourself

**NNC**

Notice of  
Non-  
Compliance

**SMARTS**

Stormwater  
Multiple  
Application &  
Reporting  
Tracking  
System

Any others?

---

**9.**  
**Questions?**  
**Answers?**  
**Comments?**

# THANK YOU AND HAPPY PERMITTING



Samuel Hopstone

[www.elderflower.llc](http://www.elderflower.llc)