



ELDERFLOWER LLC
Environmental Consulting & Compliance

NOV / NNC: Now What?

Storm Water Awareness Week

September 25, 2026

11:00 AM – 12:00 PM PDT



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President · Environmental Permitting Specialist

QSD/QSP · QISP · CPSWO · CPESC · CESSWI
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Samuel Hopstone

Environmental Permitting Specialist

- 10 years in drainage design, water quality, and water permitting.
- Certifications galore.
- Mostly consults for the Permittee — landowner, facility operator, builder, contractor, discharger.
- Likes doing paperwork. Loves teaching.

If you ever want to become an instructor yourself, or want materials to build your team's foundational knowledge — reach out any time.



SCAN ME



Agenda

- 1 IGP Overview
- 2 SB 205
- 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

BEFORE WE START

This presentation is dense.

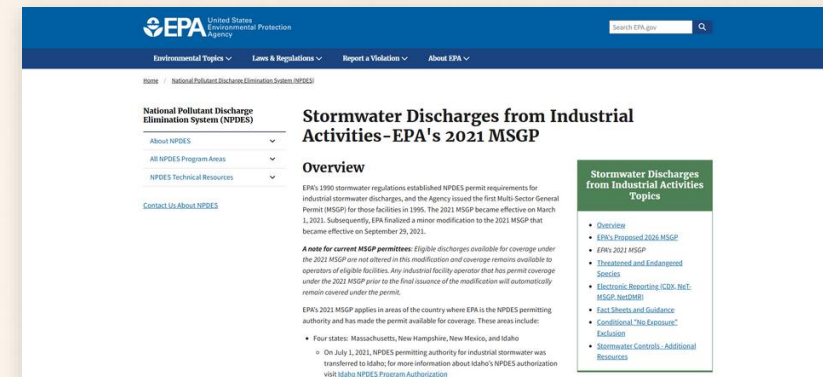
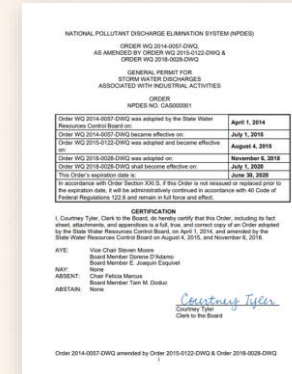
Not all text will be read aloud.

The recording and slide deck will be available afterward.



Two permits, two jurisdictions

- MSGP = Multi-Sector General Permit. USEPA jurisdictions operate under the 2021 MSGP.
- IGP = Industrial General Permit. California has jurisdiction under the 2018 IGP.
- Order 2014-0057-DWQ, as amended in 2015 and 2018 (Order 2018-0028-DWQ).





Who needs an IGP?

- The IGP is required for facilities with specific industrial activities.
- California's IGP uses Standard Industrial Classification (SIC) codes to define them.

An official website of the United States government. [Here's how you know](#)

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONTACT US

OSHA ▼ STANDARDS ▼ ENFORCEMENT ▼ TOPICS ▼ HELP AND RESOURCES ▼ NEWS ▼

Home > Data & Statistics > SIC Manual

Standard Industrial Classification (SIC) Manual

Division Structure

A. [Division A: Agriculture, Forestry, And Fishing](#)

- [Major Group 01: Agricultural Production Crops](#)
- [Major Group 02: Agriculture Production Livestock And Animal Specialties](#)
- [Major Group 07: Agricultural Services](#)
- [Major Group 08: Forestry](#)
- [Major Group 09: Fishing, Hunting, And Trapping](#)

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

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

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	NH3; Mg; COD; As; Cn; Pb; HG; Se; Ag
4953	Hazardous Waste Facilities	NH3; Mg; COD; As; Cn; Pb; HG; Se; Ag
44XX	Water Transportation	Al; Fe; Pb; Zn
45XX	Air Transportation Facilities ¹⁸	BOD; COD; NH3

¹⁸ 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



TRANSITION

How do Permittees engage with this permit?



Image by vocablitz, Pixabay



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
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: • Evaluate each operating facility to determine the Standard Industrial Classification (SIC) code. • How to determine the business' SIC code • Determine if the SIC code is for a regulated industrial activity by referring to Attachment A of the Industrial General Permit, or consulting the list of regulated industrial SIC codes found on the State Water Board website (sorted numerically and sorted alphabetically). • 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. Frequently Asked Questions document for Industrial Businesses					

[SB 205/891 – Business License Requirements \(SWRCB\)](#)



Where the gaps are

- SWRCB and the Regional Boards are not required to coordinate with municipalities.
- Cities and counties must require applicants to provide IGP applicability documentation.
- Longstanding businesses may fall through the cracks.

SO WHAT NOW?

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)*:
 - o Storm water permit number, known as the Waste Discharger Identification number (WDID) and WDID application number issued by the State Water Board,
 - o No Exposure Certification (NEC) identification number issued by the State Water Board, or
 - o Notice of Non-Applicability (NONA) identification number issued by the State Water Board.

[SB 205 FAQ – Cities & Counties \(SWRCB\)](#)



Start with CalGold

- CalGold may direct guests to the IGP, depending on the business type.
- A great starting point for anyone opening a facility.

Industrial Activities Storm Water General Permit

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.

applies to:
Fabricated Metal Products

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

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 

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

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

Filter Permits & Licenses

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

☒ City
☒ County
☒ Regional
☒ State
☒ Federal

Filter Results

[CalGold – The Gold Standard for Permit Assistance](#)



Example: Sacramento County

- A dedicated form lets business applicants provide the required information.
- Businesses cannot renew without the SB 205 information.
- A great model for cities and counties across the state.

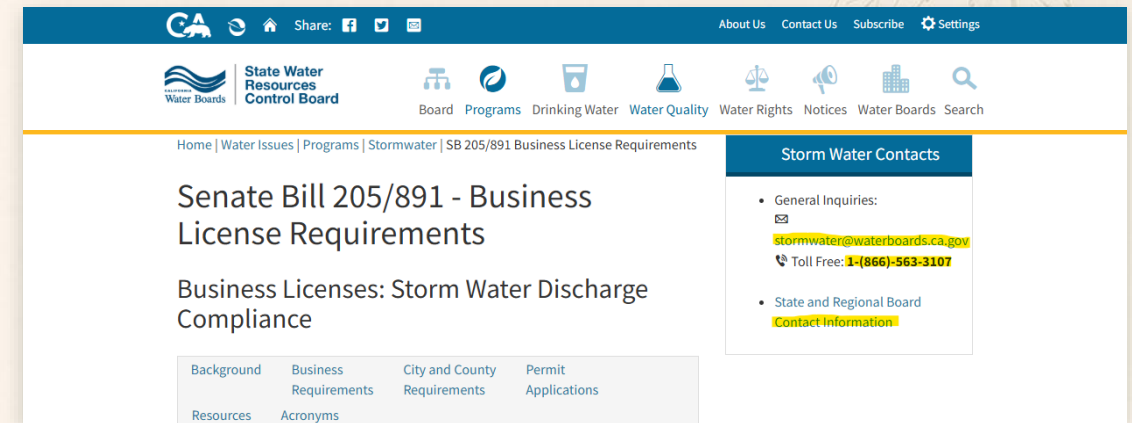


[Sacramento County Department of Finance](#)



There are humans on the other end

- SWRCB publishes a phone number and email right on the SB 205 webpage.
- Each Regional Board has staff dedicated to IGP support.
- Regional Boards run help desks — businesses can ask questions too.



[SB 205/891 – Business License Requirements \(SWRCB\)](#)



SB 205 Conclusion

1

Businesses are compelled

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

2

The documentation shows how

It demonstrates how the permit does — or doesn't — apply to the facility.

3

Coverage has options

The different coverage options are called "Compliance Options."



Three ways to comply

- NOI — Notice of Intent (Order Section II.B.1)
- NEC — No Exposure Certification (Order Section II.B.2)
- NONA — Notice of Non-Applicability (Order Section XX.C)
- SMARTS publishes a help guide for each one.

Background	Business Requirements	City and County Requirements	Permit Applications	Resources	Acronyms
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. 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.					
→ Notice of Intent (Commonly referred to as NOI) ▶					
→ No Exposure Certification (Commonly referred to as NEC) ▶					
→ Notice of Non-Applicability (Commonly referred to as NONA) ▶					

[SWRCB compliance option summary](#)



NOI

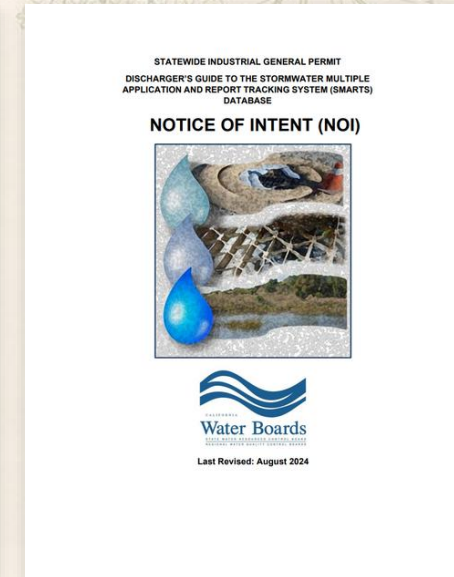
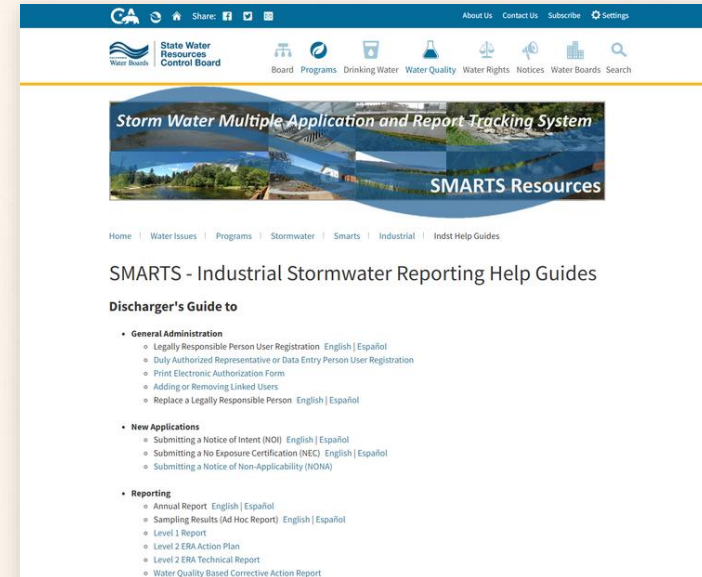
Notice of Intent

Stormwater Discharges from the site

Industrial activity Exposed

Coverage Full permit coverage, all requirements

Guidance SMARTS NOI help guide



[Notice of Intent guide · SMARTS help guides](#)



NEC

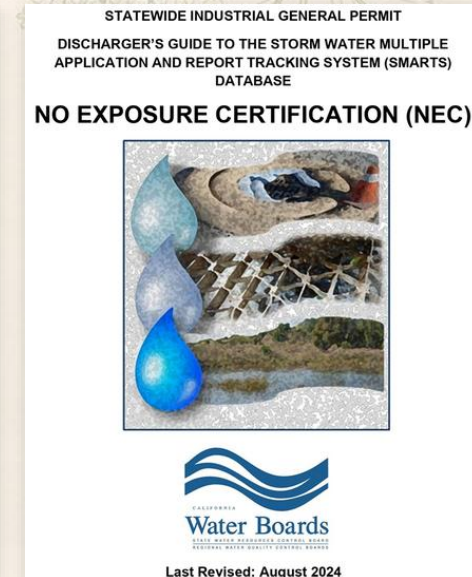
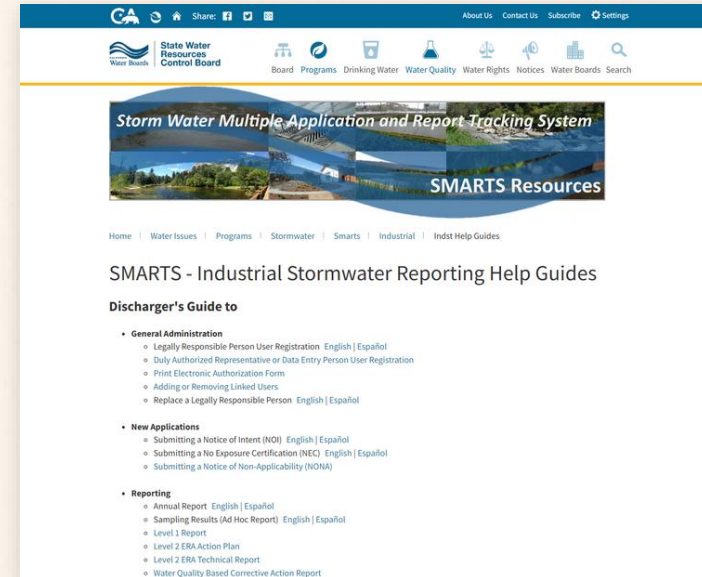
No Exposure Certification

Stormwater Discharged from the site

Industrial activity Covered and contained

Coverage Annual recertification, minimal

Guidance SMARTS NEC help guide



[No Exposure Certification guide · SMARTS help guides](#)



NONA

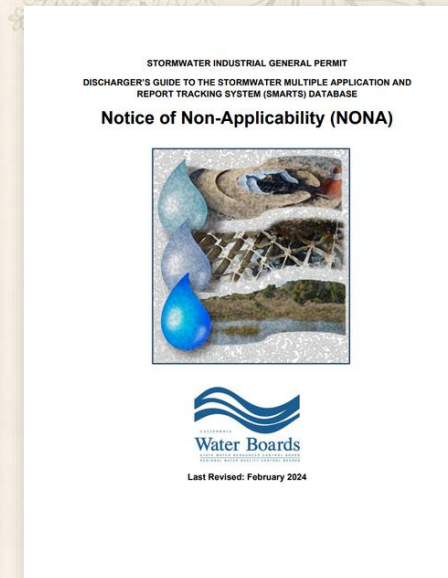
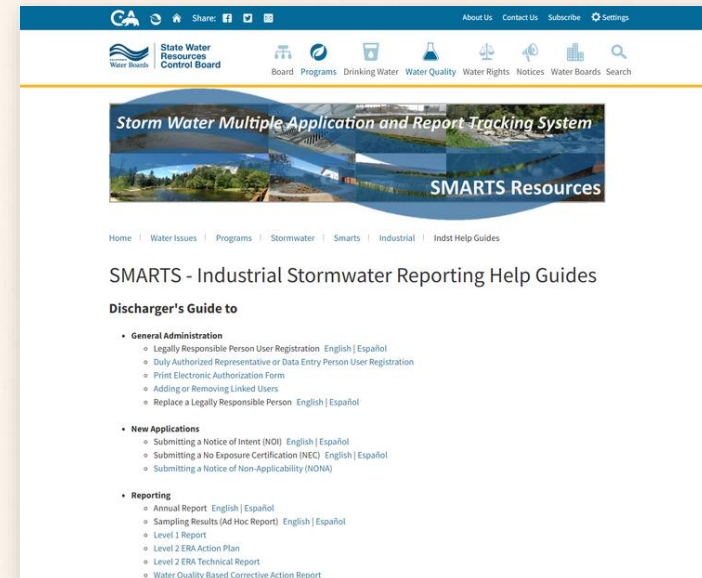
Notice of Non-Applicability

Stormwater NOT discharged from the site

Industrial activity Can be covered or exposed

Coverage No requirements

Guidance SMARTS NONA help guide



[Notice of Non-Applicability guide · SMARTS help guides](#)



TRANSITION

What if a facility doesn't select any option — or doesn't fulfill the requirements of the option it selected?





Informal actions

- A phone call or an in-person visit.
- Generally followed up with an inspection report.
- May be followed by a notice, or a letter inquiring about corrections.
- You are invited to correct the 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.

[SWRCB 2024 Water Quality Enforcement Policy](#)



Oral & written contact

- Not covered in much detail in the 2024 Enforcement Policy.
- Not a formal action.
- Unannounced site inspection.
- An inspection report follows — that is the informal action.
- Depending on the findings, a formal action may follow as well.

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

Stormwater Industrial General Permit inspection report



Formal actions

- Multiple possible notices.
- Multiple possible orders.
- Includes Administrative Civil Liability.
- Today's topic: the Notice of Non-Compliance (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

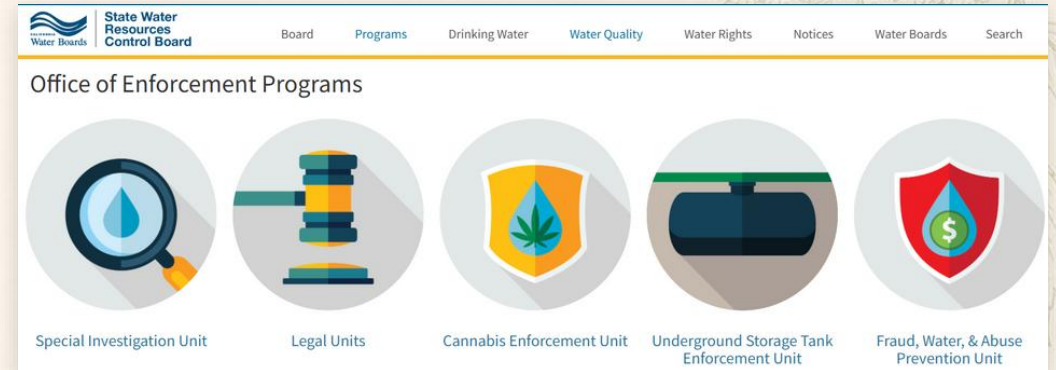


Administrative Civil Liability

Water Code 13399.33 — Mandatory Minimum Penalty
Required 60 days after the first NNC.

Water Code 13399.30 — Deadlines
A second NNC is sent if no response is received 30 days after the first.

Water Code 13385 — Administrative Civil Liability
Up to \$10,000 per day of violation.
Up to \$10 per gallon of unpermitted stormwater discharge.



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

[SWRCB Office of Enforcement · California Water Code, Division 7](#)

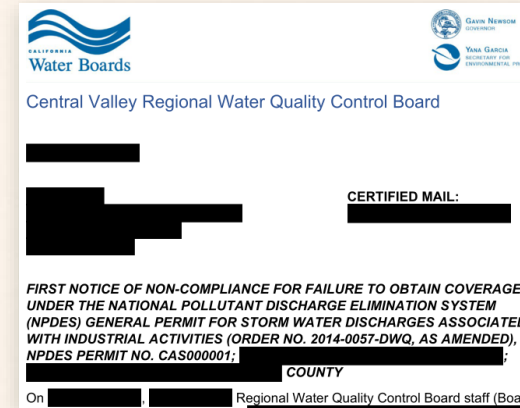


You get a letter in the mail

- A long letter. A really long subject line.
- Read the entire thing. Use a highlighter.
- Then fill out your worksheet.

THE WORKSHEET

Who • What • When • Where • Why • How



Worksheet illustration: Canva AI



Page 1: What, When, Where, Why

What: categorise the notice and identify the permit — Notice of Non-Compliance, Order 2014-0057-DWQ (the IGP).

When: note the sent date. This drives your deadline to respond.

Where: check the facility address and location description.

Why: identify the root cause — e.g. failure to obtain permit coverage.

CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

YANA GARCIA
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

[REDACTED]

[REDACTED] CERTIFIED MAIL: [REDACTED]

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; [REDACTED]; [REDACTED] COUNTY

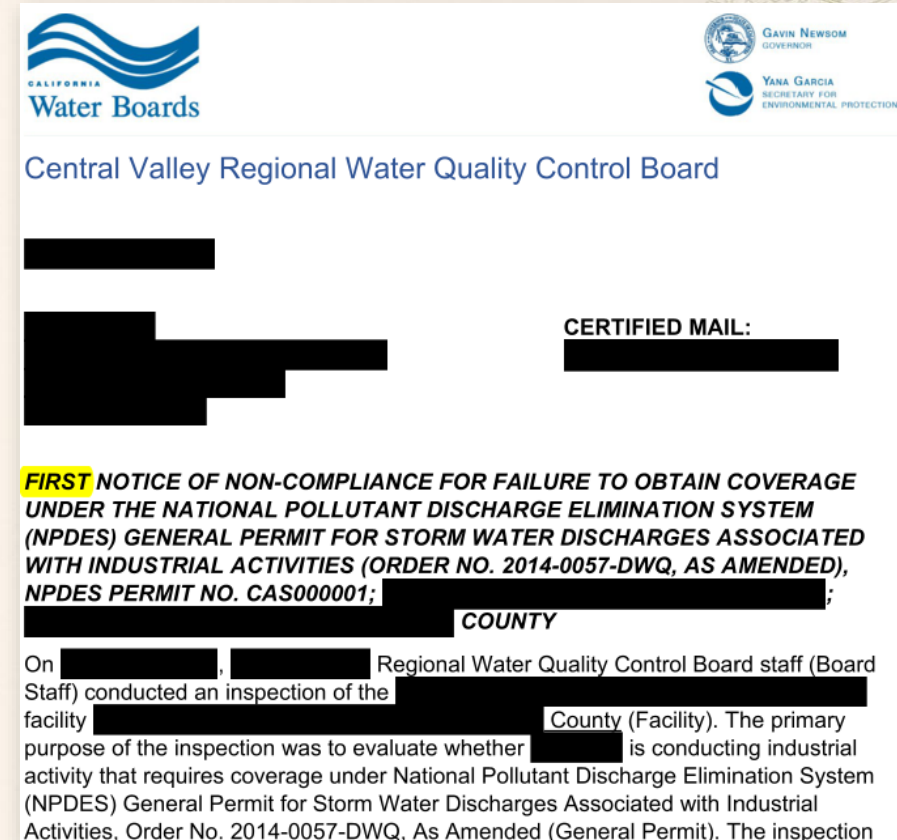
On [REDACTED], [REDACTED] Regional Water Quality Control Board staff (Board Staff) conducted an inspection of the [REDACTED] facility [REDACTED] County (Facility). The primary purpose of the inspection was to evaluate whether [REDACTED] is conducting industrial activity that requires coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, As Amended (General Permit). The inspection

Notice of Non-Compliance — Regional Water Quality Control Board



Page 1: When

- This particular example is the first notice.
- A second notice means the response deadline is approaching, or has already passed.



Notice of Non-Compliance — Regional Water Quality Control Board



Page 2: How

- Refer back to the three compliance options.
- Enroll via NOI or NEC.
- Or submit information demonstrating the IGP doesn't apply — NONA.

2

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

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 [REDACTED]. 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:
<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>

The **two types of coverage** are as follows:

Notice of Non-Compliance — Regional Water Quality Control Board



Who: the Legally Responsible Person (LRP) or Duly Authorized Representative (DAR).

When: do something before the stated date.

Respond to the Regional Board as soon as feasible.

Start corrective actions as soon as possible, and finish as much as you can before the 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:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html

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** [REDACTED] [DATE] [REDACTED]. The options are further defined below.

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:



Page 3: How

- SMARTS user guides are hyperlinked directly in the letter.
- SMARTS is challenging — start early.
- It may take a few attempts, or a few questions, to complete your application.

3

a. A completed NEC Form and signed certification statement;
b. A completed NEC Checklist;
c. A current site map; and,
d. An application fee.

To assist with obtaining a NEC, here is a [link to the SMARTS Help Guide:](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/no-exposure-certification-nec-industrial-guide.pdf)
https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/no-exposure-certification-nec-industrial-guide.pdf

Option 2. Demonstrate that the General Permit does not Apply to your Business

Please submit information supporting either of the following:

1. If stormwater discharges associated with industrial activities do not occur from the Facility, Quantum must submit and certify via SMARTS both the Notice of Non-Applicability (NONA) and, as applicable, a No Discharge Technical Report signed by a California licensed professional engineer per Section XX.C of the General Permit.
2. If you are not the Facility owner or operator or you have evidence that the General Permit does not apply to the Facility's business (e.g., having a different SIC code), you must submit documentation supporting your claim to the Regional Water Board contact person below.

To assist with obtaining a NONA, here is a [link to the SMARTS Help Guide:](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/notice_of_non-applicability_industrial_guide.pdf)
https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/notice_of_non-applicability_industrial_guide.pdf

Currently, a Non-Filer application has been initiated in SMARTS for this Facility by Board Staff. The Non-Filer Identification Number (Non-Filer ID) associated with the Non-Filer application is [REDACTED]. This Non-Filer ID along with the Secret Code Number (SCN) [REDACTED] must be used by the LRP to register the Facility using the following steps:

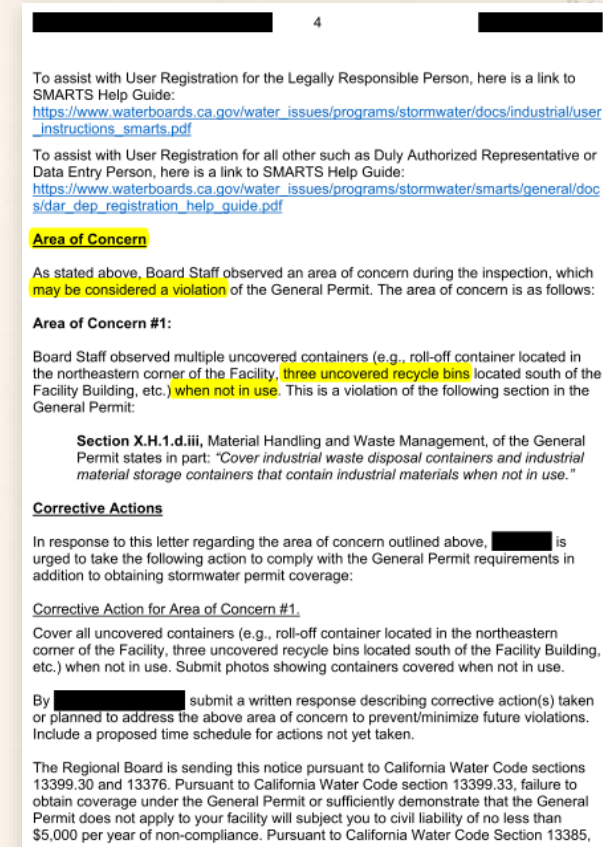
1. Go to <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>.
2. Log in with an existing LRP user account or Create a new LRP user account.
3. After logging in, go to Account Management.
4. Select Replace LRP.
5. Select Claim an Individual Nonfiler Application as the LRP.
6. Enter the Nonfiler ID (WDID) and SCN provided above.
7. Continue to fill out the operator information and click "Continue" to fill out the other application details.
8. Make sure to select the status (i.e., NOI Required, NEC Required, etc.).
9. Certify and submit the application.
10. Mail in the application fee and signed electronic authorization form.

Notice of Non-Compliance — Regional Water Quality Control Board



Page 4: Where

- Area of Concern — usually one or more physical locations on site.
- Don't overthink it. The concern can be very simple.
- Example: an uncovered dumpster.



Notice of Non-Compliance — Regional Water Quality Control Board



Page 4: How

- Corrective Action — think “fix-it ticket.”
- Completing the corrective action is not enough.
- The Regional Board needs receipts: documentation and a written response.
- Simple is better.

EXAMPLE

Deficiency: uncovered dumpster

Action: cover the dumpster

Documentation: photograph of the dumpster

Written response: one-sentence email

4

To assist with User Registration for the Legally Responsible Person, here is a link to SMARTS Help Guide:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/user_instructions_smarts.pdf

To assist with User Registration for all other such as Duly Authorized Representative or Data Entry Person, here is a link to SMARTS Help Guide:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/general/docs/dar_dep_registration_help_guide.pdf

Area of Concern

As stated above, Board Staff observed an area of concern during the inspection, which may be considered a violation of the General Permit. The area of concern is as follows:

Area of Concern #1:

Board Staff observed multiple uncovered containers (e.g., roll-off container located in the northeastern corner of the Facility, three uncovered recycle bins located south of the Facility Building, etc.) when not in use. This is a violation of the following section in the General Permit:

Section X.H.1.d.iii, Material Handling and Waste Management, of the General Permit states in part: “Cover industrial waste disposal containers and industrial material storage containers that contain industrial materials when not in use.”

Corrective Actions

In response to this letter regarding the area of concern outlined above, [REDACTED] is urged to take the following action to comply with the General Permit requirements in addition to obtaining stormwater permit coverage:

Corrective Action for Area of Concern #1.

Cover all uncovered containers (e.g., roll-off container located in the northeastern corner of the Facility, three uncovered recycle bins located south of the Facility Building, etc.) when not in use. **Submit photos** showing containers covered when not in use.

By [REDACTED] submit a **written response** describing corrective action(s) **taken** or planned to address the above area of concern to prevent/minimize future violations. Include a proposed time schedule for actions not yet taken.

The Regional Board is sending this notice pursuant to California Water Code sections 13399.30 and 13376. Pursuant to California Water Code section 13399.33, failure to obtain coverage under the General Permit or sufficiently demonstrate that the General Permit does not apply to your facility will subject you to civil liability of no less than \$5,000 per year of non-compliance. Pursuant to California Water Code Section 13385,

Notice of Non-Compliance — Regional Water Quality Control Board



Page 5: Who

- Note the recipient email addresses.
- It may or may not be worth including the CC list on your response.

5

failure to obtain coverage may also subject you to civil liability of up to \$10,000 for each day of violation and \$10 per gallon for unpermitted stormwater discharges. To avoid this liability, you must submit the requested information by the date provided above.

Submittals in response to this letter must be sent electronically via e-mail to [REDACTED]@waterboards.ca.gov and copy [REDACTED]@waterboards.ca.gov. Include the following information in the subject line:

Attn: [REDACTED], Non-Filer Inspection, [REDACTED]

If you need assistance in using SMARTS, please contact the SMARTS Help Desk at (866) 563-3107 or at stormwater@waterboards.ca.gov. If you have questions regarding this notification, please contact [REDACTED] at [REDACTED] or at [REDACTED]@waterboards.ca.gov.

[REDACTED]

Enclosure: [REDACTED] Storm Water Industrial General Permit Inspection Report
2014-0057-DWQ General Permit (via email only)

cc: [REDACTED]

Notice of Non-Compliance — Regional Water Quality Control Board



Page 5: Who

- The SMARTS team has a dedicated help desk that accepts calls and emails.
- The Regional Board provides an individual staff contact for each permit.
- The Regional Board is here to help — they dedicate time and effort to help permittees achieve compliance.

5

failure to obtain coverage may also subject you to civil liability of up to \$10,000 for each day of violation and \$10 per gallon for unpermitted stormwater discharges. To avoid this liability, you must submit the requested information by the date provided above.

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Attn: [REDACTED], Non-Filer Inspection, [REDACTED]

If you need assistance in using SMARTS, please contact the SMARTS Help Desk at (866) 563-3107 or at stormwater@waterboards.ca.gov. If you have questions regarding this notification, please contact [REDACTED] at [REDACTED] or at [REDACTED]@waterboards.ca.gov.

[REDACTED]

Enclosure: [REDACTED], Storm Water Industrial General Permit Inspection Report
2014-0057-DWQ General Permit (via email only)

cc: [REDACTED]

Notice of Non-Compliance — Regional Water Quality Control Board



TRANSITION

You experienced a visit.

You got the letter.

You read the letter.

Now What?

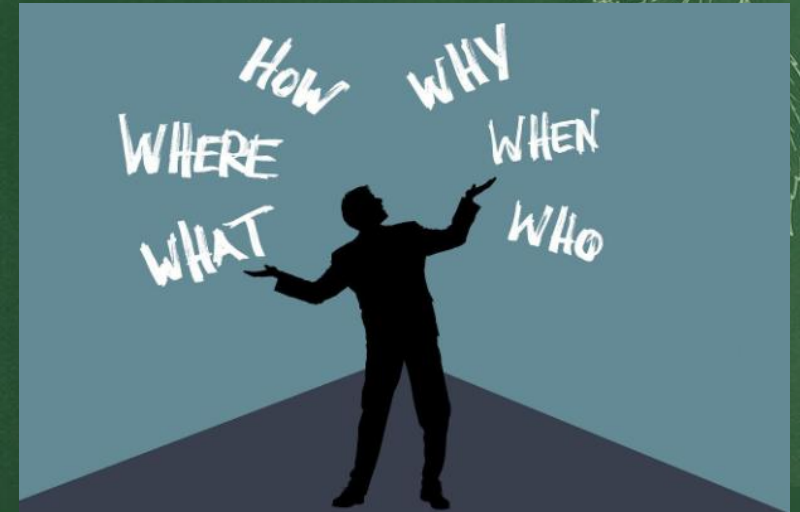


Image by geralt, Pixabay



Page 2: Who / When

Who: the LRP or DAR.

When: do something before the stated date.

Respond to the Regional Board as soon as feasible.

Commence corrective actions as soon as possible.

Complete as much as you can before the date.

2

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

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 [REDACTED] [DATE] [REDACTED]. 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:

Notice of Non-Compliance — response deadline



Review the 5 W's — then act fast

Who: Identify who is available to act fast.

What: Respond to the Regional Board · implement the corrective actions · ensure documentation is submitted in SMARTS.

When: Set a realistic completion date.

Where: Address every location identified in the Areas of Concern.

Why: Because we love permit compliance.



That was a lot of theory

How does this play out in the real world?



NNC to NEC

- A longstanding business, operating for multiple years.
- Compliant with city business requirements and all health, safety and industrial permits.
- A surprise visit from an unknown regulator.
- A simple NEC — a straightforward and complete path to compliance.

LESSON LEARNED

Statutory deadlines for nonfilers.



Why is this one worth sharing?

- A simple example — a success story.
- An SB 205-applicable facility.
- The permittee DIY'ed almost the entire process.
- No consultant was needed to complete the SMARTS application.
- The permittee made their own map using Google Earth.
- I wrote the response letter to get the ball rolling, and talked them through each step as a courtesy.



[AI-generated handshake, Pixabay](#)



The first NNC letter

Central Valley Regional Water Quality Control Board

[REDACTED]

[REDACTED] **CERTIFIED MAIL:** [REDACTED]

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; [REDACTED]; [REDACTED] COUNTY

On [REDACTED], [REDACTED] Regional Water Quality Control Board staff (Board Staff) conducted an inspection of the [REDACTED] facility [REDACTED] County (Facility). The primary purpose of the inspection was to evaluate whether [REDACTED] is conducting industrial activity that requires coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, As Amended (General Permit). The inspection

First Notice of Non-Compliance — Central Valley Regional Water Quality Control Board



The permittee acted immediately

- Assessed site conditions.
- Moved industrial materials inside.
- Cleaned exterior surfaces, including pavement.
- Fulfilled the physical requirements of the NEC compliance option.

The ordeal was half over.

What about the documentation?



Two deliverables

NNC response

A written letter to the Regional Board

Site map

Produced by the permittee



The NNC response letter

Why: Explicitly stated the purpose of the letter.

When: Provided a timeline of events to date, and future planned actions.

Who: Identified roles and points of contact within the permittee team.

What: Clearly detailed the corrective actions for each deficiency.

Elderflower LLC
[Redacted]

Regional Water Quality Control Board
Attn: [Redacted]

Subject: FIRST NOTICE OF NON-COMPLIANCE; [Redacted] COUNTY

Dear [Redacted],

Elderflower LLC (Elderflower) prepared this letter on behalf of [Redacted] for the [Redacted] facility located at [Redacted] 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; [Redacted] COUNTY (NONC) dated [Redacted]**.

On [Redacted], [Redacted] Regional Water Quality Control Board [Redacted] staff conducted an inspection at the Facility. On [Redacted], [Redacted] received the Inspection Report (IR) and NONC. The NONC requested that by [Redacted], [Redacted] 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 [Redacted].

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

The contents of this letter will be submitted to SMARTS on [Redacted].

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

Please [Redacted] have any questions.

Yours sincerely, [Redacted]

Permittee response letter and supporting documentation



The site map

- The permittee produced their own site map.
- Everyday free software — Google Earth.
- Simple, straightforward layout.
- Fulfilled all permit requirements.



Permittee-produced site map



Timeline

Day	Action	Notes
-90	Non-Filer Inspection	
<i>No action from permittee</i>		
0	First NNC (deadline to respond 12/18/24)	Response deadline = day 29
29	Permittee NNC Response	- Plan to submit corrective actions by day 59 - Plan to submit NEC application by day 91
34	Regional Board Response	Explained that the second NNC includes a due date 60 days from the first NNC
44	Second and Final NNC	Clarified deadlines to file NEC
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

Source: SWAW case study dates and calculations. Day 70 recorded from the presentation timeline.



Conclusion

They got the letter.

They read the letter.

They called in help to identify the 5 W's.

They acted within the deadline.

They don't ever have to read a SWPPP.



Heed deadlines & document control

- Permit deadlines may be statutory — not negotiable.
- Submittal redundancy is not required, but it protects you.
- The NOV/NNC letter may direct you to respond via SMARTS, or by email — it doesn't tell you to send everything twice.

MULTI-PLATFORM ASSAULT

Send via email AND submit in SMARTS. Cross-reference the concurrent submission in your response letter, and CC yourself or a colleague so you know the email went through.

5

failure to obtain coverage may also subject you to civil liability of up to \$10,000 for each day of violation and \$10 per gallon for unpermitted stormwater discharges. To avoid this liability, you must submit the requested information by the date provided above.

Submittals in response to this letter must be sent electronically via e-mail to [redacted]@waterboards.ca.gov and copy [redacted]@waterboards.ca.gov. Include the following information in the subject line:

Attn: [redacted], Non-Filer Inspection, [redacted]

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

The contents of this letter will be submitted to SMARTS on [redacted]

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

Please [redacted] have any questions.

Yours sincerely, [redacted]

Notice of Non-Compliance and Permittee response letter



Follow-up confirmation

- Call or email your Regional Board point of contact after each submission.
- Confirm they received your email and can download the attachments — from email or from SMARTS.
- Invite them to call you back if they have any questions or concerns.



[Image by Gref exe, Pixabay](#)



Did anyone note these acronyms?

DAR

Duly Authorized
Representative

DIY

Do It Yourself

NNC

Notice of Non-Compliance

SMARTS

Stormwater Multiple
Application & Reporting
Tracking System

Any others?



09

Questions? Answers? Comments?





ELDERFLOWER LLC
Environmental Consulting & Compliance

**Thank you — and happy
permitting**

Samuel Hopstone

Environmental Permitting Specialist

