

ATTACHMENT C – NOTICE OF INTENT AND WAIVER CERTIFICATION REQUIREMENTS

OVERVIEW

This Attachment includes the requirements for submitting a Notice of Intent and a waiver certification application. Information on separate implementing entities, individual stormwater permits, and regional stormwater permits is also included.

C1. Notice of Intent Requirements when Designation Occurs After Adoption Date.

Permittees designated by a Regional Water Board after the Adoption Date of this Order shall submit their Notice of Intent and appropriate, technical information, and fee paid within 180 days of designation.

C2. Notice of Intent Requirements for New and Renewal Permittees

Unless a waiver or coverage under an individual or regional stormwater permit is approved by the applicable regional water board, the entities listed in Attachment A of this Order shall submit applications for new or renewal of coverage by the Effective Date of this Order. Census designated places are covered under the corresponding county's Notice of Intent.

Permittees shall submit the Notice of Intent information through SMARTS, which includes submitting the required attachments. Renewal Permittees are automatically invoiced for fees. New enrollees shall submit the information specified in items 1 through 6, below. Coverage under this Order will start upon the State Water Board's receipt of the following or upon the Effective Date of this Order, whichever is later.

1. Notice of Intent

Enter or confirm the following information directly into SMARTS:

Organization and Business Details:

Waste Discharge Identification Number (WDID)

Organization Name

Address

Address Line 2 (if applicable)

City, State, and Zip Code

Business Type

Federal Tax ID (if applicable)

Permittee Contact Information:

Contact First Name

Contact Last Name

Contact Title (if applicable)

Phone number

Email

Separate Implementing Entity Agreement: Yes No.

Census designated places: The county identifies each corresponding census designated place under its jurisdiction, as shown in Table A6.2.

Additional Information:

Did you have coverage under the previous Phase II Small MS4 Permit (2013-0001-DWQ and amendments)? Yes No

What is the population served by the jurisdiction?

Is the jurisdiction a Traditional or Non-Traditional

Phone number

Email

Billing Information:

Billing Name

Street Address

Address Line 2 (if applicable)

City, State, and Zip Code

Email

Contact First Name

Contact Last Name

Title (if applicable)

Phone number

2. Separate Implementing Entity

If the Permittee intends to share responsibilities for implementing one or more permit obligations with one or more other municipalities or entities (Separate Implementing Entity), the Permittee's Notice of Intent must describe which obligations each will be responsible for implementing.

3. Identification of Census Designated Places

Census designated places do not file a Notice of Intent or pay separate fees. The counties listed in Attachment A, Table A6.2, shall identify the corresponding census designated places in the county's Notice of Intent and shall pay the fees.

4. Fees

Submit the annual fee according to the current California Code of Regulations, title 23, chapter 9 fee schedule for NPDES stormwater permits. The current fee schedule is available on the State Water Board web page under the section titled [NPDES Stormwater Fees](#).

5. Boundary Map

Submit a complete boundary map through SMARTS that delineates jurisdictions as follows:

a. Boundaries

- 1) For cities, towns, and other incorporated areas, the boundary area is the incorporated area boundary.
- 2) For counties, boundaries include urbanized areas based on the 1990, 2000, and 2010 censuses and places identified in Attachment A, Table A6.2 (Census Designated Places for Implementation by Designated County Permittees) located within their jurisdiction. Boundaries must be proposed in the boundary map and may be developed in conjunction with the applicable Regional Water Board.

- b. City and county boundaries,
- c. Main arterial streets,
- d. Highways,
- e. Waterways, and
- f. Label adjacent MS4s.

6. Guidance Document

Permittees must submit a storm water program guidance document through SMARTS during its Notice of Intent process. The guidance document is the Permittee's plan for its stormwater program compliance process. The guidance document may be in spreadsheet, tabular or narrative format. The Permittee shall submit the guidance document that includes the following topics:

- a. Overall program planning.
- b. Identification of all Order requirements and responsible implementing

- entity.
- c. Renewal Permittees only: Brief description of each best management practice and its associated effectiveness included in the Permittee's stormwater management plan, developed under the prior permit, that establishes the specific local or tailored level of implementation that may be more protective of water quality than the minimum requirements of this Order.
 - d. Renewal Permittees only: Identification of whether the Permittee will maintain, reduce, or cease implementation of any locally-tailored best management practice that is more protective of water quality than the best management practices required by this Order.
 - e. Renewal Permittees only: For any more protective, locally-tailored best management practice which the renewal Permittee will reduce or cease implementation, the renewal Permittee must demonstrate to the Executive Officer of the relevant Regional Water Board that the reduction or cessation is in compliance with this Order and the maximum extent practicable standard, and will not result in increased pollutant discharges. The demonstration by the Permittee will be subject to public comment before any approval by the Executive Officer of reduction or cessation of best management practices. In no instance may the renewal Permittee reduce or cease a best management practice if it is required by the minimum standards set by this Order.

C3. Waiver Application and Recertification Requirements

All Waiver Applications and annual Waiver Recertifications must be submitted to the applicable Regional Water Board Executive Officer, uploaded to SMARTS, and a copy provided to the State Water Board Executive Director, with copy to the Municipal Stormwater Unit.

1. The Permittee must submit the following with its Waiver Application for the Regional Water Board or its Executive Officer's consideration of approval:
 - a. A letter certifying that its discharges do not cause or contribute to, or have the potential to cause or contribute to, a water quality impairment,
 - b. Documentation that the Permittee satisfies the conditions of one of the Waiver Options below,
 - c. A Waiver Application fee plus any applicable surcharge.
2. A Waiver will only be in effect upon the Permittee's receipt of approval from the Regional Water Board or its Executive Officer.
3. A Waiver will only remain in effect provided that the Permittee continues to

satisfy the conditions of its Waiver Option and the following is submitted annually every 12 months after the application was processed by the State Water Board Fee Branch.

- a. An Annual Waiver Recertification letter, certifying that the Permittee's discharges do not cause or contribute to, or have the potential to cause or contribute to, a water quality impairment, and;
 - b. An annual renewal fee plus any applicable surcharge.
4. Denial of a Waiver Request and Dispute Resolution

If a Permittee is not satisfied with a waiver denial, it may dispute that determination in compliance with the Dispute Resolution provision of this Order.

C3.1 Waiver Options

This Order includes three waiver options, which are described in sections C3.1.1, C3.1.2, and C3.1.3.

C3.1.1 Waiver Option 1

- a. The population served by the Permittee's MS4 is less than 1,000;
- b. The system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES storm water program; and
- c. If the Permittee's Small MS4 discharges any pollutants identified as a cause of impairment of any water body to which it discharges, stormwater controls are not needed based on wasteload allocations that are part of a U.S. EPA approved or established TMDL that addresses the pollutants of concern.

C3.1.2 Waiver Option 2

- a. The population served by the system is less than 10,000;
- b. The Regional Water Board has evaluated all waters of the U.S. that receive a discharge from the MS4;
- c. For all such waters evaluated, the Regional Water Board has determined that stormwater best management practices are not needed based on wasteload allocations that are part of a U.S. EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and
- d. The Regional Water Board has determined that future discharges from the Permittee do not have the potential to result in exceedances of water quality

standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

- e. For purposes of this Waiver Option 2, pollutant(s) of concern include biochemical oxygen demand, sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the Permittee's MS4.

C3.1.3 Waiver Option 3

The Permittee's MS4 is located outside an urbanized area and the Permittee certifies that it is a community with a population served by the system and has a population of 20,000 or less with an annual median household income that is less than 80 percent of the statewide annual median household income.

C3.2 When Conditions of Waiver Application or Recertification or of a Waiver Option Are Not Met

If the Waiver Application and Recertification Requirements or the conditions of the Permittee's Waiver Option are not met by the Permittee for any reason, including that conditions have changed so that the Waiver Option selected is no longer applicable, then the Permittee must apply for coverage under this Order or an individual NPDES permit. Either the State Water Board Executive Director or applicable Regional Water Board Executive Officer may notify the Permittee of this obligation if it becomes aware that the conditions of the Permittee's Waiver Option do not or no longer apply to the Permittee.