

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5411**

**ORDER NO. R3-2002-0076
NPDES NO. CAG993003**

**WASTE DISCHARGE REQUIREMENTS
NPDES GENERAL PERMIT**

for

DISCHARGES FROM AQUACULTURE AND AQUARIUMS

The California Regional Water Quality Control Board, Central Coast Region (hereafter Board), finds:

1. **Purpose** – This National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Aquaculture and Aquariums (General Permit) authorizes waste discharges from aquaculture facilities and aquariums that meet the requirements contained herein to waters of the state within the Central Coast Region, by any person, partnership, firm, corporation, association, trust estate, or other legal entity (hereafter Discharger).
2. **Aquaculture Definition** – Aquaculture means a hatchery, farm, aquarium, or other facility that contains, grows, holds, or studies aquatic animals or plants, that:
 - a. Discharges at least 30 days per year and;
 - b. Produces greater than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year and feeds greater than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding;

Or any similar facility that the Executive Officer determines may be a significant contributor of pollution to the waters of the State (Title 40 Code of Federal Regulations §122.24).
3. **Enrollment Criteria** - To be authorized by this General Permit, the discharge may not cause, have a reasonable potential to cause, or contribute to an excursion above any requirement contained or referred to herein.
4. **Examples of Discharges** – Examples of discharges in the Central Coast Region that may be enrolled under this General Permit, provided they meet the enrollment criteria, include abalone growing facilities, steelhead trout rearing facilities, salmon rearing facilities, marine mammal laboratories, and aquariums. This is not a complete list of discharges eligible for consideration of coverage under this General Permit.

BENEFICIAL USES

5. **Surface Waters** - Existing and potential beneficial uses of surface waters in the Central Coast Region may include:
 - a. Municipal and domestic supply;
 - b. Agricultural supply;
 - c. Industrial process and service supply;
 - d. Ground water recharge;
 - e. Freshwater replenishment;
 - f. Navigation;
 - g. Hydropower generation;
 - h. Water contact recreation;
 - i. Non-contact water recreation;
 - j. Commercial and sport fishing;
 - k. Aquaculture;
 - l. Cold and warm fresh water habitat;
 - m. Inland saline water habitat;
 - n. Estuarine habitat;
 - o. Marine habitat;

- p. Wildlife habitat;
 - q. Preservation of biological habitats of special significance;
 - r. Rare, threatened or endangered species;
 - s. Migration of aquatic organisms;
 - t. Spawning, reproduction and/or early development;
 - u. Shellfish harvesting; and
 - v. Areas of special biological significance.
6. **Groundwater** - Many surface waters within the region recharge underlying groundwater basins. The existing and potential beneficial uses of ground water within the Central Coast Region include:
- a. Municipal and domestic supply;
 - b. Agricultural supply;
 - c. Industrial process and service supply

SOURCES OF REQUIREMENTS

7. **Basin Plan** - The Water Quality Control Plan, Central Coast Basin (Basin Plan) was adopted by the Board on September 8, 1994. The Basin Plan incorporates State Board plans and policies by reference and contains a strategy for protecting beneficial uses of surface and ground waters throughout the Region.
8. **Ocean Plan**: The State Water Resources Control Board (State Board) adopted the "Water Quality Control Plan, Ocean Waters of California-California Ocean Plan" (Ocean Plan) on December 3, 2001. The Ocean Plan contains water quality objectives and other requirements governing discharge to the Pacific Ocean.
9. **40 CFR Part 122** – Requirements for administration of NPDES General Permits are contained in the Code of Federal Regulations, Title 40, Part 122.

REGULATORY CONSIDERATIONS

10. This General Permit meets the requirements of California Water Code §13263(i). The waste discharges permitted under this General Permit:
- a. Involve similar threats to water quality;
 - b. Discharge similar type of wastes;
 - c. Require similar effluent limitations;
 - d. Require similar monitoring; and
 - e. Are more appropriately controlled under a general permit than individual permits.
11. U.S. EPA is currently collecting information from the aquaculture industry to develop nationally applicable discharge standards (known as effluent limitations guidelines and standards) for commercial and public aquatic animal production facilities. This General Permit may be reopened at any time to incorporate the promulgated effluent limitation guidelines.
12. **State Board "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Policy)"** – Waste discharges to inland surface waters, enclosed bays, and estuaries enrolled under this General Permit meet the conditions for categorical exceptions from the Policy provisions on selection of pollutants requiring water quality-based effluent limitations and calculation of numeric limits.
13. **Total Maximum Daily Load (TMDL)** – The Regional Board is currently developing and implementing TMDL's for impaired water bodies in the Central Coast Region. Enrollees under this General Permit that discharge to impaired water bodies may be required to collect discharge monitoring data applicable to developing appropriate future wasteload allocations for the discharge.
14. **Monitoring Toxic Chemicals** - The Ocean Plan provides an alternative to monitoring for the chemicals listed in Table B of the Ocean Plan. The Ocean Plan states that: "Where the Regional Board is satisfied that any substance(s) in Table B will not significantly occur in the Discharger's effluent, the Regional Board may elect not to require

monitoring for such substance(s), provided the Discharger submits periodic certification that such substance(s) is not added to the waste stream, and that no change has occurred in activities that could cause such substance(s) to be present in the waste stream. Such election does not relieve the Discharger from the requirement to meet the objectives of Table B.”

15. **California Environmental Quality Act** - In accordance with Section 13389 of the California Water Code, the action to adopt this General Permit is exempt from the provisions of the California Environmental Quality Act (Chapter 3 (Section 21100, et seq.) of Division 13 of the Public Resources Code).
16. **The Clean Water Enforcement and Pollution Prevention Act of 1999** - The Clean Water Enforcement and Pollution Prevention Act of 1999 (Senate Bill 709, also referred to as the “Migden Bill”), which is codified in Section 13385(h) et seq. of the California Water Code, may have an effect on enrollees under this General Permit because it requires the Regional Board to impose mandatory penalties for certain effluent limit violations.

GENERAL FINDINGS

17. Discharge of biota not indigenous to the waters of the Central Coast Region may impair aquatic habitat.
18. Discharge of malachite green may impair aquatic habitat.
19. **Monitoring and Reporting Program (MRP)** – MRP No. R3-2002-0076 is included as Attachment A of this General Permit. The MRP requires routine effluent and receiving water monitoring to verify compliance with this General Permit and protect water quality. The MRP may be modified by the Executive Officer to adequately measure compliance with this General Permit.
20. **Annual Fee** – An annual fee is required for coverage under this General Permit. The annual fee depends on the discharge’s Threat to Water Quality and Complexity Rating, as defined in California Code of Regulations

Title 23, Division 3, Chapter 9, Section 2200. The Threat to Water Quality and Complexity Rating for enrollees under this General Permit ranges from III-c to II-b. Dischargers seeking coverage under this General Permit should contact Regional Board staff to determine their appropriate Threat to Water Quality and Complexity Rating prior to submitting their application.

21. A permit and the privilege to discharge waste into waters of the State is conditional upon the discharge complying with provisions of Division 7 of the California Water Code and of the Clean Water Act (as amended or as supplemented by implementing guidelines and regulations) and with any more stringent effluent limitations necessary to implement water quality control plans, protect beneficial uses, and prevent nuisance. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act. Compliance with this Order should assure the aforementioned conditions are met and mitigate any potential changes in water quality due to the discharge.
22. **Public Notice** - On June 6, 2002, the Regional Board notified the public and interested agencies of its intent to issue this General Permit, provided them with an opportunity to submit their written views and recommendations, and scheduled a public hearing.
23. **Public Hearing** - In a public hearing on September 20, 2002, the Board heard and considered all comments pertaining to this General Permit and found this Order consistent with the above findings.

PERMIT COVERAGE

24. A discharger wishing authorization to discharge under this permit shall submit a first annual fee and a timely and complete Notice of Intent (NOI) to comply with the terms of this General Permit to the Executive Officer, in accordance with the requirements listed below. The information required in a Notice of Intent is equivalent to a permit application.
25. A qualified discharger shall be authorized to discharge under this General Permit upon written receipt from the Executive Officer of acceptance of the NOI as timely and complete and of notification of inclusion and coverage under this General Permit.
26. The Executive Officer may notify a discharger that it is covered by this General Permit, even if the discharger has not submitted an NOI.
27. A discharger authorized to discharge under this General Permit shall submit to the Regional Board an updated NOI when there is any change in the information submitted within its original NOI, or any change in activities at the facility which may affect the quality or quantity of effluent discharge.
28. This permit does not authorize any discharges from facilities that (1) have not submitted a Notice of Intent and received authorization to discharge under this permit from the Executive Officer, or (2) have not been notified by the Executive Officer that they are covered by this General Permit.
29. In accordance with 40 CFR §122.28(b)(3), the Executive Officer may require any discharger authorized to discharge under this General Permit to apply for and obtain an individual NPDES permit. If an individual NPDES permit is issued for a discharge, then the applicability of this General Permit for the discharge is immediately terminated on the effective date of the alternative permit.
30. Public notification and/or Regional Board review of the Executive Officer's intent to authorize a discharge under this General Permit may delay authorization to discharge under this General Permit.

What constitutes a "timely" submittal of a Notice of Intent

31. A new discharger seeking coverage under this General Permit shall submit an NOI at least 180 days prior to commencement of operations involving the discharge of pollutants to waters of the State.
32. A discharger currently authorized to discharge under an individual NPDES permit and seeking coverage under this General Permit should submit an NOI at least 180 days prior to the expiration date of the individual NPDES permit.
33. A discharger intending to continue an activity regulated by this General Permit after the expiration date of this General Permit shall submit a Notice of Intent at least 180 days before the expiration date of this General Permit.

What constitutes a "complete" Notice of Intent

34. Owner information – An NOI shall include the name, mailing address, and telephone number of the owner of the facility and the name of his or her duly authorized representative(s). If a facsimile machine or e-mail address is available, these shall also be provided for each contact.
35. Operator information – An NOI shall include the name, mailing address, and telephone number of the individual or company operating the facility and the name of his or her duly authorized representative(s). If a facsimile machine or e-mail address is available, these shall also be provided for each contact.
36. Facility address – An NOI shall include the name, address and telephone number of the facility. If the name of the facility has changed during the last five years, the NOI shall include the previous name(s) of the facility and the date(s) of these changes. If a facsimile machine or e-mail address is available at this address, these shall also be provided.

37. Facility location – An NOI shall include an area map(s) identifying the location of the facility, its outfall(s), and its points of monitoring. The map(s) should be based upon an official map of the U.S. Geologic Survey (USGS) with a scale appropriate to the geographic surroundings of the discharge. For new permittees, an NOI shall also include the geographic location of the facility in terms of latitude and longitude, and the nearest cross street or identifiable landmark.
38. Operations and production information – An NOI shall include:
- A general description of the facility, indicating the total number of ponds, raceways, holding tanks, and similar water containing or conveyance structures.
 - A flow diagram of the facility that contains all sub-flows, inputs, and outputs to the facility, with discharge rates expected at different times.
 - The projected number of operating days for the facility on a monthly basis throughout a calendar year.
 - A list of species of aquatic animals and plants held and fed, or introduced to the facility. For each species, give the total weight produced by the facility per year in pounds of harvestable weight, and the maximum weight present at any one time. The values given should be representative of normal operation.
 - The total pounds of food fed during the calendar month of maximum feeding, based upon normal operation.
 - A list of the projected types, maximum daily amounts, and maximum discharged concentration of all drugs, disinfectants, and other chemicals that will be used at the facility. Material Safety Data Sheets shall be submitted for each chemical used. The basis of calculations and/or a comparison of the reported concentrations with analytical method detection limits should be included.
- g. A copy of a complete Best Management Practices Plan. Best Management Practices are schedules of activities, prohibitions of practices, cleaning and maintenance procedures, employee training, treatment methods, etc. that are employed to control discharge of pollutants. The requirements of a complete Best Management Practices Plan are contained in Section G of this Order.
39. Description of discharge(s) – An NOI shall describe the number and nature of the outfall(s) from the facility to the receiving water, using a sketch, diagram or photograph to depict the facility, outfall(s), and receiving water. The maximum daily, maximum 30-day average, and long term (greater than six months) average flow (gpd) from each outfall shall be provided. If available, the minimum probable initial dilution, expressed as parts seawater per part wastewater, and a figure delineating the zone of initial dilution, shall be provided for each outfall. The minimum probable initial dilution should be calculated in accordance with a model approved by the State Water Resources Control Board.
40. Supply water – An NOI shall include the name(s) of the water body(ies), and/or water supplier from which the facility receives water.
41. Receiving water – An NOI shall include the name(s) of the water body(ies) receiving the discharges of the facility and the name of any larger receiving water downstream of the discharge(s).
42. Permit information – An NOI shall include any NPDES permit number(s) currently or previously assigned to the facility.
43. Copy of U.S. EPA Screener Survey – If available, an NOI shall include a copy of a completed U.S. EPA “Screener Questionnaire for the Aquatic Animal Production Industry”, dated July 2001.
44. List of Interested Parties – An NOI shall include a complete list of the names and addresses of all property owners within a 300-foot radius of the facility and discharge

location. The list shall also include the same information for any parties known to be interested in the discharge.

45. Signatory requirements – An NOI shall be signed in accordance with Section H.12 and 13 of this General Permit.
46. Prior to January 1, 2003, a discharger shall submit its NOI to:

Regional Water Quality Control Board
Central Coast Region
81 Higuera St., Suite 200
San Luis Obispo, CA 93401

After January 1, 2003, a discharger shall submit its NOI to:

Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

47. For discharges originating in Monterey County, Santa Cruz County, San Benito County, and those portions of San Luis Obispo County which fall within the Salinas River drainage or which drain into the Pacific Ocean northerly of the southern boundary of the Monterey Bay National Marine Sanctuary, the Discharger shall also submit a copy of its NOI to:

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

48. The Discharger, upon request, shall submit any additional information the Executive Officer determines is necessary to determine whether the discharge meets criteria for authorization under this permit.

IT IS HEREBY ORDERED, pursuant to authority in Sections 13263 and 13377 of the California Water Code, all Dischargers enrolled under this General Permit shall comply with the following:

All technical and monitoring reports submitted pursuant to this Order are required pursuant to Sections 13267 and 13383 of the California Water Code. Failure to submit reports in accordance with

schedules established by this Order, attachments to this Order, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, may subject the Discharger to enforcement action pursuant to Sections 13268 and 13385 of the California Water Code.

Throughout these requirements, footnotes are listed to indicate the source of requirements specified. Requirement footnotes are as follows:

A = Basin Plan
B = 40 CFR 122
C = Ocean Plan

Requirements not referenced are based on staff's best professional judgment.

A. DISCHARGE PROHIBITIONS

1. Discharge at a location or in a manner different from that described in the complete NOI is prohibited.
2. Discharge to ocean waters that may cause, have a reasonable potential to cause, or contribute to an excursion above any numerical water quality objectives contained in Table B of the Ocean Plan is prohibited.
3. Discharge to inland surface waters, enclosed bays, and estuaries that may cause, have a reasonable potential to cause, or contribute to an excursion above the numeric criteria for priority toxic pollutants contained in 40 CFR Section 131.38 (California Toxics Rule) is prohibited.
4. Discharge containing substances in concentrations toxic to human, animal, plant, or aquatic life is prohibited.^A
5. Discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste is prohibited.^C
6. Discharge of any biota listed in California Code of Regulations Title 14, Section 245 (Aquaculture Disease Control Regulations), or referenced in Part a.8 of the same section, which is not indigenous to the Central Coast Region is prohibited. In accordance with Section 15500 et seq. of the California Fish

and Game Code, enforcement of this prohibition must be requested by the California Department of Fish and Game.

7. Discharge of active malachite green fungicide is prohibited.
8. Discharge of sanitary wastewater is prohibited.
9. Discharge to a designated Area of Special Biological Significance is prohibited.^C

B. EFFLUENT LIMITATIONS¹

1. Effluent shall not contain substances that:^A
 - a. Float or become floatable upon discharge.
 - b. May form sediments that degrade aquatic life.
 - c. Accumulate to toxic levels in surface waters, sediments, or biota.
 - d. Significantly decrease the natural light to aquatic life.
 - e. Result in aesthetically undesirable discoloration of the water surface.
2. Effluent shall be settled, screened, or filtered to minimize or eliminate the discharge of waste solids to the greatest extent practicable.
3. Effluent shall not contain constituents in excess of the following. Compliance may be based on net increase at the Executive Officer's discretion.^C

Constituent	Unit	Monthly (30-day average)	Weekly (7-day average)	Maximum at any time
Grease and Oil	mg/L	25	40	75
Suspended Solids	mg/L	--	--	60
Settleable Solids	mL/L	1.0	1.5	3.0
Turbidity	NTU	75	100	225

¹ Compliance shall be determined at a point before wastewater mixes with any receiving water.

pH	pH units	within limits of 6.0 to 9.0 at all times
----	----------	--

C. OCEAN WATER LIMITATIONS

(Receiving water quality is a result of many factors, some unrelated to the discharge. This permit considers these factors and is designed to minimize the influence of the discharge to the receiving water.)

The discharge shall not cause the following water quality objectives to be violated in ocean waters upon completion of initial dilution:^C

1. Within a zone bounded by the shoreline and a distance of 1000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for body-contact sports, as determined by the Regional Board, but including all kelp beds, the following bacteriological objectives shall be maintained throughout the water column:
 - a. The most probable number (MPN) of total coliform organisms shall be less than 1,000 MPN/100 mL (10 per mL); provided that not more than 20 percent of samples taken at any sampling station in any 30-day period may exceed 1,000 MPN/100 mL (10 per mL), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 MPN/100 mL (100 per mL).
 - b. The fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a geometric mean of 200 MPN/100 mL, and no more than ten percent of the total samples during any 60-day period shall exceed 400 MPN/100 mL.
2. At all areas where shellfish may be harvested for human consumption, as determined by the Executive Officer, the "median" total coliform concentration shall not exceed 70 MPN/100 mL, and not more than ten percent of the samples shall exceed 230 MPN/100 mL for a five-tube decimal dilution test, throughout the water column, in any 30-day period.

3. Floating particulate and grease and oil shall not be visible.
4. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.
5. Natural light shall not be significantly reduced at any point outside the zone of initial dilution as the result of the discharge of waste.
6. The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.
7. Temperature of the receiving water shall not be altered to adversely affect beneficial uses.
8. The dissolved oxygen concentration shall not be depressed more than 10 percent from that which occurs naturally or fall below 5.0 mg/L as the result of the discharge of oxygen-demanding waste materials.
9. The pH shall not be depressed below 7.0, nor raised above 8.5, nor changed more than 0.2 units from that which occurs naturally.
10. The dissolved sulfide concentrations of waters in and near sediments shall not be significantly increased above that present under natural conditions.
11. The concentrations of substances set forth in Table B of the Ocean Plan shall not be increased in marine sediments to levels that would degrade indigenous biota.
12. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade indigenous biota.
13. Nutrient materials shall not cause objectionable aquatic growth or degrade indigenous biota.
14. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
15. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.

16. The concentration of organic materials in fish, shellfish or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.
17. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life; or result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

D. INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES LIMITATIONS

Discharges to inland surface waters, enclosed bays, and estuaries shall not cause the following upon completion of initial dilution:^A

1. Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100 mL, nor shall more than ten percent of total samples during any 30-day period exceed 400/100 mL.
2. pH to be depressed below 7.0, nor raised above 8.3, nor changed more the 0.5 units from that which occurs naturally.
3. Coloration greater than 15 units, or 10 percent above natural background color, whichever is greater.
4. Temperature of receiving water to be greater than 5°F above natural receiving water temperature.
5. Dissolved oxygen concentrations to be depressed below 7.0 mg/L or median values to fall below 85% of saturation.
6. Concentrations of chemicals to exceed primary and secondary drinking water limits set forth in Title 22 of the California Code of Regulations.
7. **Turbidity:**

Where natural turbidity ² is...	The turbidity shall not be increased more than...
less than 25 Nephelometric Turbidity Units (NTUs)	5 NTUs
between 25 and 50 NTUs	20%
between 50 and 100 NTUs	10 NTU's
greater than 100 NTU's	10%

8. The discharge shall not contain:

- a. **Biostimulatory Substances** – Biostimulatory substances in concentrations that promote aquatic growths causing nuisance or adversely affecting beneficial uses.^A
- b. **Taste and Odor** – Taste or odor-producing substances in concentrations imparting undesirable tastes or odors to fish flesh or other edible products of aquatic origin, causing nuisance, or adversely affecting beneficial uses.^A
- c. **Oil and Grease** – Oils, greases, waxes, or other similar materials in concentrations resulting in a visible film or floating on the surface of the water or on objects in the water, causing nuisance, or otherwise adversely affecting beneficial uses.^A
- d. **Settleable Materials** – Settleable material in concentrations resulting in the deposition of material causing nuisance or adversely affecting beneficial uses.^A
- e. **Floating Materials** – Floating material, including solids, liquids, foams, and scum, in concentrations causing nuisance or adversely affecting beneficial uses.^A
- f. **Suspended Materials** – Suspended material in concentrations causing nuisance or adversely affecting beneficial uses.^A

- g. **Toxicity** – Substances in concentrations toxic to human, plant, animal, or aquatic life, or produce detrimental physiological responses therein.^A
- h. **Radioactivity** – Radionuclides in concentrations deleterious to human, plant, animal or aquatic life; or result in the accumulation of radionuclides in the food web to an extent presenting a hazard to human, plant, animal or aquatic life.^A

9. **Water Quality Standard Excursion** – The discharge shall not (a) cause, (b) have a reasonable potential to cause, or (c) contribute to an excursion above any applicable criterion or water quality objective for the receiving waters adopted by the Regional Board or the SWRCB, or promulgated by USEPA pursuant to Section 303 of the CWA.

² “Natural Turbidity” shall be determined from receiving water samples taken upstream/upcurrent of the discharge point at a location free from controllable sources of pollution.

E. GROUNDWATER LIMITATIONS

1. The discharge shall not cause constituent concentrations in the groundwater downgradient of the disposal area to exceed water quality objectives specified in the Basin Plan.^A
2. The discharge shall not cause concentrations of chemicals and radionuclides in groundwater to exceed primary and secondary drinking water limits set forth in Title 22 of the California Code of Regulations.^A

F. SOLID WASTE DISPOSAL

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed in a manner consistent with Title 27 of the California Code of Regulations (CCR) and approved by the Executive Officer.

G. BEST MANAGEMENT PRACTICES

1. Implementation – The Discharger shall develop and implement a Best Management Practices (BMP) Plan that meets the specific requirements listed below. A complete BMP Plan shall be submitted to the Executive Officer with the application (Notice of Intent) to obtain coverage under this General Permit. The BMP Plan shall be fully implemented no later than one month after commencement of the discharge or the effective date of enrollment under this General Permit.
2. Objectives – The BMP Plan shall ensure the following objectives are met:
 - a. The number and quantity of pollutants discharged or potentially discharged from the facility shall be minimized to the extent feasible by appropriately managing each waste stream.
 - b. Each facility system shall be examined for its potential to cause a release of pollutants and opportunities to minimize waste. The examination shall include all normal facility operations including, but not limited to: cleaning, feeding, transfer and importation of species, removal of dead species, storage

and handling of raw material, and disposal of solid waste.

3. Requirements – The BMP Plan shall establish specific best management practices to meet the specified objectives. The Plan should follow general guidance contained in the *Guidance Manual for Developing Best Management Practices* (USEPA, 1993).
4. Documentation – The BMP Plan shall document specific management practices and standard operating procedures to achieve the above objectives. The Plan should contain at least the following: statement of BMP policy, feeding procedures, cleaning and maintenance procedures, schedules of activities, prohibited practices, treatment methods, and employee training.
5. BMP Plan Modification – The Discharger shall amend the BMP Plan whenever there is a change in the facility or in the operation of the facility, which increases the generation of pollutants or their discharge to receiving waters. Revision dates and summaries of those revisions shall be incorporated into the BMP Plan.
6. The Discharger shall maintain a copy of the BMP Plan at the facility and shall make the plan available to the Executive Officer or representative(s) thereof upon request.

H. STANDARD PROVISIONS AND REPORTING REQUIREMENTS

1. The Discharger shall comply with Monitoring and Reporting Program R3-2002-0076, included as Attachment A of this General Permit, and any revisions prescribed thereto by the Executive Officer.
2. A copy of this General Permit shall be kept at the discharge facility for reference by operating personnel. Key operating and site management personnel shall be familiar with its contents.
3. The Discharger shall develop a Contingency Plan to be immediately enacted should sampling results show violation of these waste discharge requirements. The Contingency Plan shall include instructions to determine the source of

- the violation, eliminate the source, and monitor the discharge to verify the violation has been eliminated. In no case shall the discharge continue to violate these waste discharge requirements. Should verification monitoring indicate the discharge continues to violate these waste discharge requirements, the Discharger shall consider ceasing to discharge until the source of the violation is eliminated. Key operating and site management personnel shall be familiar with the contents of the Contingency Plan.
4. In the event the Discharger wishes to terminate authorization under this General Permit, the Discharger shall submit a completed Notice of Termination or Transfer (NOTT). Termination from coverage will occur on the date specified in the NOTT, unless notified otherwise. All discharges shall cease before the date of termination, and any discharges to surface waters on or after this date shall be considered in violation of the CWA unless covered by another NPDES permit.
 5. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this General Permit by letter, a copy of which shall be immediately forwarded to the Executive Officer along with a NOTT.
 6. The Discharger shall take all reasonable steps to prevent any discharge in violation of this permit.^B
 7. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) to achieve compliance with this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this permit.^B
 8. The Discharger shall furnish the Board, within a reasonable time, any information that the Board may request to determine compliance with this General Permit.
 9. The Discharger shall allow the Board or its authorized representatives to:^B
 - a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records pertinent to this permit are kept;
 - b. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations pertinent to this permit;
 - c. Have access to and copy any records pertinent to this permit; and
 - d. Sample or monitor for the purposes of assuring permit compliance.
 10. This permit is not transferable to any person except after notice to the Board. The Board may require reissuance or modification of the permit conditions to change the name of the Discharger and incorporate such other requirements as may be necessary to protect water quality.^B
 11. Monitoring results must be based on analyses conducted according to test procedures under 40 CFR Part 136, approved under 40 CFR Part 136, or authorized by the Executive Officer.
 12. All reports, NOI, or other documents required by this permit, and other information requested by the Board shall be signed by a person described below or by a duly authorized representative of that person.^B
 - a. For a corporation: by a responsible corporate officer such as: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (b) any other person who performs similar policy or decision-making functions for the corporation; or (c) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor.
- c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official.
13. Any person signing a document under Provision 12 makes the following certification, whether written or implied.^B
- "I certify under penalty of law this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
14. The Discharger shall immediately report any non-compliance potentially endangering public health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written report shall also be submitted to the Executive Officer within five (5) days of the time the Discharger becomes aware of the circumstances. The written report shall contain (1) a description of the non-compliance and its cause; (2) the period of non-compliance, including dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and (3) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.^B
15. The Discharger shall report all instances of non-compliance not reported under Provision No. 15 at the time monitoring reports are submitted. The reports shall contain the information listed in Provision No.15.^B
16. The Discharger shall give notice to the Board as soon as possible of any planned alterations to the permitted facility that may change the nature or concentration of pollutants in the discharge.^B
17. Violations of this General Permit may result in enforcement actions pursued under the following authorities:
- a. The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day for each violation, to imprisonment of not more than 1 year, or to both penalties. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.^B
- b. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, by imprisonment for not more than six (6) months per violation, or by both.^B Section 13387 of the California Water Code allows for fines up to \$25,000 per violation and imprisonment for up to two years after such violations.
- c. The Clean Water Act provides any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, by imprisonment for not more than 2 years, or by both. Higher penalties may be imposed for repeat offenders.

19. This General Permit expires on **September 20, 2007**. A discharger intending to continue an activity regulated by this permit after the expiration date of this permit shall submit a Notice of Intent at least 180 days before the expiration date of this permit, unless a NOTT is submitted to terminate coverage.

I, ROGER W. BRIGGS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on September 20, 2002.

Executive Officer

S:\WB\Coastal Watershed\Staff\MThompson\Other\General Aquaculture NPDES Permit\Adopted Order 02-0076\GeneralWDR(NPDES)\Aquaculture.doc