

California Craft Beer Association

ACTION REQUIRED

RE: NEW STORM WATER INDUSTRIAL GENERAL PERMIT

On April 1st, 2014, the State Water Resources Control Board (State Water Board) unanimously adopted a new National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water. This permit effects all craft breweries. The adopted IGP will go into effect on **July 1, 2015**. Previously, industrial storm water was regulated under the IGP issued in 1997 with exemptions for light industries including craft breweries. These exemptions were rescinded with the new permit.

There are three means of compliance with the new General Permit:

- 1) Submitting a [No-Exposure Certification \(NEC\)](#) with a site map, answers to the NEC Checklist, sign the legally binding certification that states your location has no exposure and pay the annual fee (approximately \$250);
- 2) Submitting a [Notice of Intent \(NOI\)](#) and fully developed site Storm Water Pollution Prevention Plan (SWPPP), pay the annual fee (\$1,791); or
- 3) Submitting a [Notice of Non-Applicability \(NONA\)](#) this is the least likely situation since it requires that the facility have a detention basin large enough to store all the water for the maximum historic precipitation event that drains your facility site, or if your site is in a desert area that is not *hydrologically connected* to a “water of the United States” according to the US Army Corps of Engineers and the US EPA.

By simply having the **Standard Industry Classification (SIC) Code, 2082, Malt Beverages**, *you must comply* with the IGP and submit one of the three compliance submittals to the [State Water Board](#) on their [Storm Water Multiple Application and Report Tracking System \(SMARTS\)](#) on or before July 1, 2015.

Most craft breweries will be able to use the No-Exposure NEC waiver, which will require annual recertification and fees. Breweries with outside materials storage and brew processing will have to develop a SWPPP and submit the NOI along with additional costs for storm water sampling that must be sent to a state certified lab for processing. IGP compliance by way of a NONA is the least likely situation as this requires that the facility have a detention basin large enough to store all the water for the maximum historic precipitation event that drains your facility site, or if your site is in a desert area that is not *hydrologically connected* to a “water of the United States” according to the US Army Corps of Engineers and the US EPA.

Some of the key elements in the new IGP include:

Activities as minor as grain crushing or simply moving raw or intermediate materials in and around the outdoor premises will require NOI filing and SWPPP development including rainwater runoff sampling, analytical lab measurements by state-approved laboratories, and annual reporting. If all activity is controlled and contained indoors, the site may file an NEC.

What does this mean to an owner? Essentially, an NEC is approximately \$250 per application. If you have to apply for a, **Level 0 NOI compliance** costs will be approximately **\$10,000 per year**. **Level 1** compliance costs **\$ 20,000 to \$25,000 per year**. **Level 2** costs **\$40,000 to \$50,000 per year**.

Strict Penalties. Failure to comply with any of the requirements subjects Dischargers to potential enforcement actions by state regulators and to citizen suits seeking corrective actions and civil penalties up to \$37,500 per day per violation. **The mandatory minimum penalty for not filing an NOI compliance submittal by July 1, 2015 or an NEC compliance submittal by October 1, 2015 is \$5,000.**

If you need assistance filing a storm water permit, CCBA member SCS Engineers can help. For more information, please contact them at:

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