CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

COLORADO RIVER BASIN REGION

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ORDER NO. R7-2013-0011
NPDES NO. CAS617002

WASTE DISCHARGE REQUIREMENT FOR DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (*MS4*) WITHIN THE WHITEWATER RIVER WATERSHED RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, OWNER/OPERATOR COUNTY OF RIVERSIDE, OWNER/OPERATOR COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE WHITEWATER RIVER BASIN, OWNERS/OPERATORS

Table 1. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	**June 20, 2013**
This Order shall become effective on:	**June 20, 2013**
This Order shall expire on:	**June 19, 2018**
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new ***Waste Discharge Requirements***. The date for submitting a complete application for reissuance is **December 23, 2017**.	

I, Robert Perdue, ***Executive Officer***, do hereby certify that this Order, with all attachments, is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 20, 2013.

Original Signed By

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ROBERT PERDUE, Executive Officer

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FOR
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COUNTY OF RIVERSIDE, OWNER/OPERATOR
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE WHITEWATER RIVER WATERSHED, OWNERS/OPERATORS

A. FINDINGS

The California Regional Water Quality Control Board, Colorado River Basin Region (***Regional Water Board***) finds that:

Background

1. On November 21, 2012, the County of Riverside (***County***) and the Riverside County Flood Control and Water Conservation District (***RCFC&WCD***), in cooperation with the Coachella Valley Water District (***CVWD***) and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the ***Permittees***[1]), jointly submitted ***National Pollutant Discharge Elimination System*** (***NPDES***) Application No. CAS617002 and a ***Report of Waste Discharge*** (***ROWD***) for re-issuance of the third term ***MS4 NPDES*** permit (***MS4 Permit***).

2. For the purposes of this ***MS4 Permit*****, the following two *Permittee*s are identified as** the ***Principal Permittees***:

   County of Riverside, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and

   Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, California 92501

   The ***CVWD*** and each of the Cities are identified as a ***Co-Permittee***. Collectively, the ***Principal Permittees*** and the ***Co-Permittees*** comprise the ***Permittees.*** Under this organizational framework, the ***Principal Permittees*** are responsible for coordinating collective ***Permittee*** activities required by the ***MS4 Permit***, including report preparation and submittals to the ***Regional Water Board***.

[1] Permittee(s) and discharger(s) are used interchangeably in this ***MS4 Permit***. Also, see Section K. Glossary of Terms for definitions of certain terms used in this ***MS4 Permit.*** Defined terms are capitalized and shown in italicized, bold lettering throughout the ***MS4 Permit.***

3. The ***County*** and the incorporated Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage are general purpose governments with specified land use authorities and code enforcement powers.

4. ***RCFC&WCD*** and ***CVWD*** are special purpose districts established by the State Legislature, and are not general purpose governments with land use authorities or code enforcement powers. The ***RCFC&WD*** and ***CVWD*** do not own or operate any public streets, roads, or highways, and have no planning, zoning, development permitting or other land use authority over industrial or commercial facilities, ***New Development*** or ***Redevelopment Projects***, or development construction sites located in any incorporated or unincorporated areas within their service areas.

5. The urbanized area of the ***Whitewater River Watershed*** under the jurisdiction of the ***Permittees*** and covered by this ***MS4 Permit*** is referred to herein as the ***Whitewater River Region***. The ***MS4 Permit*** area referred to as the ***Whitewater River Region*** is shown in Attachment A – Site Map, incorporated herein, and made a part of this ***MS4 Permit*** by reference.

6. The ***Whitewater River Watershed*** is an arid desert region in ***Riverside County*** encompassing an area of approximately 1,645 square miles. The ***Whitewater River Region*** accounts for approximately 367 square miles (22%) of the ***Whitewater River Watershed***.

7. The ***USEPA*** Phase I ***Storm Water*** Final Rule became effective on December 17, 1990. The Phase I rule sets forth ***NPDES*** application requirements for: ***Storm Water*** discharges associated with industrial activity; discharges from a ***MS4*** serving a population of 250,000 or more (defined as Large ***MS4s***); and discharges from ***MS4s*** serving a population of 100,000 or more but less than 250,000 (defined as Medium ***MS4s***). On March 14, 1991, the ***Executive Officer*** designated the ***Whitewater River Region*** as an area required to have a Phase 1 ***NPDES MS4 Permit***. It is estimated that as of January 1, 2012, approximately 483,449[2] persons resided in the incorporated and unincorporated areas of the ***Whitewater River Region***.

8. The City of Banning, although included as a ***Permittee*** on this ***MS4 Permit***, does not share an interconnected ***MS4*** with the remainder of the ***Permittees***. The ***MS4*** operated by the City of Banning discharges directly into the San Gorgonio River, an ephemeral ***Receiving Water***. Most ***MS4*** discharges from the City of Banning infiltrate. Rarely and only during significant runoff events, storm drainage may flow as far as the ***CVWD*** infiltration basins near the City of Palm Springs, which are located several miles upstream of ***Urban Runoff*** discharges from the ***MS4s*** operated by the other ***Permittees***. However, the City of Banning is included in this

[2] State of California, Department of Finance*, E-4 Population Estimates for Cities, Counties, and the State, 2001-2010, with 2000 & 2010 Census Counts.* Sacramento, California, November 2012. Website link to document: http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2001-10/view.php/.

Southern California Association of Governments, "Adopted 2008 RTP Growth Forecast, by City." Website link to document: http://www.scag.ca.gov/forecast/index.htm/.

MS4 Permit to facilitate coordination with the regional programs implemented by the ***Permittees*** and to reduce the administrative duties on the ***Regional Water Board***.

9. The City of Desert Hot Springs also does not share an interconnected ***MS4*** with the remainder of the ***Permittees***. The ***MS4*** operated by the City of Desert Hot Springs drains to several washes tributary to the Little and Big Morongo Washes, which are ***Receiving Waters***. Most discharges from the City of Desert Hot Springs infiltrate. Rarely, and only during significant storm events, would any storm drainage flow into the Whitewater River. However, the City of Desert Hot Springs is included in this ***MS4 Permit*** to facilitate coordination with the regional programs implemented by the ***Permittees*** and to reduce the administrative duties on the ***Regional Water Board***.

10. The ***Permittees*** submitted a revised ***Whitewater River Region Storm Water Management Plan*** (***SWMP***) for approval by the ***Executive Officer*** on June 29, 2009; an errata version of the ***SWMP*** was subsequently created by the ***Permittee***s in 2011. The ***SWMP*** is incorporated by reference as an enforceable element of this ***MS4 Permit.*** Future ***Permittee*** revisions of the ***SWMP***, once approved by the ***Executive Officer***, also become enforceable components of this ***MS4 Permit***.

11. This ***MS4 Permit*** requires the ***Permittee***s to revise the ***SWMP*** to incorporate the new requirements described herein.

12. Within the ***Whitewater River Region***, it is necessary for the ***Permittees*** to coordinate their ***Urban Runoff*** management activities to achieve appropriate protection of ***Receiving Water*** quality. Establishment of a management structure will assist the ***Permittees*** subject to this ***MS4 Permit*** to fund and coordinate those aspects of their joint obligations. Also, this management structure will promote cost-effective implementation of the ***SWMP*** within the ***Whitewater River Region***.

13. The ***Permittees*** entered into an ***Implementation Agreement*** to carry out the activities, regional compliance programs and responsibilities prescribed in the previously issued ***NPDES*** Permit, Order No. R7-2008-0001. The ***Implementation Agreement*** sets forth the working framework among the multiple ***Permittee*** agencies. Specific provisions of that agreement include cost sharing for public education activities and water quality monitoring. The ***Implementation Agreement*** provides non-binding guidance as to the organizational framework of the ***Principal Permittees*** and ***Co-Permittees*** and their respective responsibilities, duties, and obligations imposed by Order No. R7-2008-0001. The ***Permittee***s intend to review and amend the ***Implementation Agreement*** to address the requirements of this ***MS4 Permit***.

14. An ***MS4*** program audit conducted at the City of Palm Springs by ***Regional Water Board*** staff and a ***USEPA***-contracted auditor in June 2012 confirmed that the City's storm water program was demonstrating compliance with the 2008 ***MS4 Permit***.

15. The ***Permittees*** lack legal jurisdiction over discharges into their respective ***MS4***s from certain facilities, entities, properties, and other ***Point*** and ***Non-Point Source*** discharges otherwise permitted by or under the jurisdiction of the ***Regional Water Board***. The ***Regional Water Board*** finds that the ***Permittees*** are not responsible

for such discharges. Similarly, certain activities that generate ***Pollutants*** present in ***Urban Runoff*** are beyond the ability of the ***Permittees*** to eliminate. Examples may include: operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, bacteria from wildlife (including feral dogs and cats) and transient encampments, or from bacterial resuscitation or reactivation from treated waters or growth of bacteria in the environment (such as in sediments, surface water, or other substrate), and leaching of naturally occurring nutrients and minerals from local soils, residues from lawful application of pesticides, nutrient runoff from landscape activities, and leaching of naturally occurring minerals from local geology. This ***MS4 Permit*** is not intended to address background or naturally occurring pollutants or flows.

16. Certain areas and facilities in the ***Whitewater River Region*** are excluded from coverage under this ***MS4 Permit*** because the ***Regional Water Board*** finds that those areas can be and/or are being addressed through other regulatory programs, including programs administered by the ***Regional Water Board*** and other federal, state and local regulatory agencies***.*** Excluded areas include:

    - Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
    - Native American tribal lands;
    - Open space and rural (non-urbanized) areas;
    - Agricultural lands (exempted under the ***CWA***); and
    - Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities).

17. ***Whitewater River Region SWMP*** requirements apply to all ***MS4*** facilities covered under this ***MS4 Permit*** that are operated by the ***Permittees*** on Municipal and Tribal Lands. As described in ***USEPA***'s Tribal Policy, regulation of any potential ***MS4*** operating under Tribal jurisdiction would take the form of a permit from the federal agency (***USEPA***) to the Tribe, in accordance with Tribal sovereignty. On May 24, 2011, ***USEPA*** issued a letter to the Agua Caliente Band of Cahuilla Indians (Tribe) clarifying that the Tribe is not the operator of an ***MS4*** required to maintain coverage under a ***NPDES*** Permit. ***USEPA*** determined, based on an assessment of the unique pattern of State and Tribal jurisdiction in the area, and the provisions of existing land use contracts between the Tribe and state and municipal authorities, that the Tribe is not presently the owner or operator of a regulated ***MS4*** within an urbanized area. ***USEPA*** determined that under the existing structure of land-use agreements with local government entities including the ***Permittees***, areas currently under direct tribal jurisdiction meet the criteria specified in CFR section 122.32(d), and have a sufficiently low total population to qualify for a waiver from ***MS4*** permit requirements.

    Tribal land intersects with Cathedral City, Rancho Mirage, Palm Springs, and unincorporated areas of ***Riverside County*** in a checkerboard pattern. In order to address the unique logistical issues of managing checkerboard areas for government services, the Tribe entered into land use contracts with certain local government entities. The provisions of these contracts vary, and may cover a host

of land use issues, including land use ordinances and statutes required to be administered by each local government entity. However, the Tribe retains sovereign authority over its lands, including authority to override municipal requirements with regard to the management of tribal lands. In the event the Tribe chooses to exercise this authority to override municipal requirements, it could place itself in the position of being an owner/operator of a regulated ***MS4*** and be required to obtain permit coverage on the land(s) affected. Additionally, in its position as trustee for all Tribal and Allotted Trust Lands, the U.S. Department of the Interior Indian Affairs Bureau of Indian Affairs holds ultimate authority and duty to negotiate, execute, and otherwise administer existing and future leases of trust lands.

18. Discharges of ***Storm Water*** runoff from lands owned by the California Department of Transportation (***CalTrans***) are currently regulated under a separate ***NPDES*** permit (Order No. 2012-0011-DWQ – ***NPDES*** No. CAS000003) issued by the ***State Water Resources Control Board*** (***State Water Board***). ***CalTrans*** is required to comply with specific ***Effluent Limitations*** prior to discharging from its right-of-way into the ***MS4*** operated by the ***Permittees***.

Urban Runoff Characterization

19. ***Urban Runoff*** contains ***Waste***, as defined in the ***CWC***, which contains ***Pollutant***s that could adversely affect the quality of the ***Waters of the State***. The discharge of ***Pollutant***s in ***Urban Runoff*** from a ***MS4*** is a "discharge of ***Pollutant***s from a ***Point Source*** into ***Waters of the United States***" as defined in the ***CWA***.

20. ***Urban Runoff*** may contain elevated levels of pathogens (bacteria, protozoa, viruses), ***Sediment***, trash, fertilizers (nutrients, compounds of nitrogen and phosphorus), pesticides (DDT, chlordane, diazinon, chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). ***Urban Runoff*** may carry these ***Pollutants*** to ***Receiving Waters*** within the ***Whitewater River Region***. In addition, although infrequently, ***Urban Runoff*** from the ***Whitewater River Region*** may carry these ***Pollutants*** to other ***Receiving Waters***, such as the Whitewater River. These ***Pollutants*** can then impact the ***Beneficial Uses*** of the ***Receiving Waters*** and may cause or threaten to cause a condition of ***Pollution*** or ***Nuisance***.

21. Pathogens (from ***Sanitary Sewer Overflows (SSO)***, septic system leaks, and spills and leaks from portable toilets, pets and human activities) may impact water contact recreation and non-contact water recreation. Floatables (from trash) are an aesthetic ***Nuisance*** and may provide a substrate for algae and insect vectors. Oil and grease may coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components may cause ***Toxicity*** to aquatic organisms and may impact human health. Suspended and settleable solids (from ***Sediment***, trash, and industrial activities) may be deleterious to benthic organisms and may cause anaerobic conditions. ***Sediments*** and other suspended particulates may cause turbidity, clog fish gills, and interfere with respiration in aquatic fauna. ***Sediment*** and other suspended particles may also screen out light, hindering photosynthesis and normal aquatic plant growth and development.

A. FINDINGS

22. It is recognized that ***Storm Water*** flows from non-urbanized areas such as National Forests, State Parks, Wilderness, and Agriculture, as shown on the Site Map (Attachment A), naturally exhibit high levels of suspended solids due to climate, hydrology, geology, and geography.[3] Runoff from these non-urbanized areas may flow into the MS4 and affect flow and water quality. Toxic substances (from pesticides, petroleum products, metals, and industrial ***Wastes***) may cause acute and/or chronic ***Toxicity***, and may bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, firefighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) may cause excessive algal blooms. These blooms may lead to problems with odor, color and increased turbidity, and may depress the dissolved oxygen content leading to fish kills.

23. There is a direct correlation between "urbanization" and "impacts to receiving water quality." In general, the more heavily developed the area, the greater the potential impact to receiving waters from ***Urban Runoff***.

24. During urban development two important changes may occur:

    a. Natural pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural soil can both absorb rainwater and remove ***Pollutant***s. Because pavement and concrete can neither absorb water nor remove ***Pollutant***s, the absorptive characteristics of the land are greatly reduced; and

    b. Urban development may create new ***Pollution*** sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance ***Wastes***, municipal sewage, pesticides, ***HHW***, pet wastes, trash, etc., which may either be washed into or directly dumped into the ***MS4***.

    Because of these two changes the runoff leaving the developed urban area may be significantly greater in volume, velocity, and ***Pollutant*** load than the predevelopment runoff from the same area. These effects are minimized when effective ***Best Management Practices*** (***BMPs***) to manage ***Urban Runoff*** are implemented and maintained.

25. ***Urban Runoff*** may contain ***Pollutant***s that may threaten human health. Individually and in combination, ***Pollutant***s discharged from ***MS4***s may cause or threaten to cause a condition of ***Pollution*** (i.e., an alteration of water quality by ***Waste*** to a degree which unreasonably affects the waters for designated ***Beneficial Uses*** and/or facilities which serve these designated ***Beneficial Uses***) or ***Nuisance***. The discharge of ***Pollutant***s from ***MS4s*** may cause the concentration of ***Pollutant***s to prevent attainment of applicable ***Receiving Water Quality Objectives (WQO)*** and thereby impair or threaten to impair designated ***Beneficial Uses***.

[3] Riverside County Flood Control and Water Conservation District's "Hydrology Manual," dated April 1978; page II-4 of "Santa Ana River, Design Memorandum No. 1, Phase II GDM on the Santa Ana River Mainstem, including Santiago Creek, Volume 2, Prado Dam" dated August 1988 and D.I. Inman & S.A. Jenkins "Climate Change and the Episodicity of Sediment Flux in Small California Rivers," Journal of Geology, Volume 107, pp. 251-270, 1999.

Rationale for Requirements

26. The ***Regional Water Board*** developed the requirements in this ***MS4 Permit*** based on information submitted as part of the 2012 ***ROWD***, ***Whitewater River Region*** monitoring and reporting data, program audits, and other available information and consistent with the ***CWA***, ***CWC*** and regulations adopted thereunder.

27. The Fact Sheet, Section O. of this ***MS4 Permit***, contains additional background information and rationale for requirements specified in this ***MS4 Permit***, and constitutes part of the Findings for this ***MS4 Permit***.

28. This ***MS4 Permit***'s ***Receiving Water Limitations*** language is consistent with Order WQ 99-05, adopted by the ***State Board*** on June 17, 1999, and Order WQ 2001-15, adopted by the ***State Board*** on November 15, 2001. ***Receiving Water Limitations*** apply to all ***Permittees*** as set forth in Section D of this ***MS4 Permit***.

29. The ***Permittees*** are separate legal entities and, as such, have the authority to develop, administer, implement, and enforce ***Urban Runoff*** management programs only within their respective jurisdictions. In addition, the ***Permittees*** have maintenance responsibilities for the ***MS4*** facilities within their jurisdictional boundaries. Therefore, the ***Permittees*** are responsible for implementing that portion of the ***Urban Runoff*** management program for discharges to and from their ***MS4*** facilities that is commensurate with those jurisdictional limitations.

Characteristics of the Whitewater River Region

30. The ***Whitewater River Region*** lies within the Whitewater River Hydrologic Unit and is unique relative to other regulated ***MS4s***. Some of the unique characteristics are:

Climate

- Climatic conditions in the ***Whitewater River Region*** are arid. The winters are mild and summers are hot, with temperatures ranging from below freezing to over 120°F. Evapotranspiration rates in the ***Whitewater River Region*** are among the highest to be found throughout the State, with an average reference evapotranspiration of 71.6 inches per year.[4]

Rainfall

- Precipitation in the ***Whitewater River Region*** averages 3.6 inches per year.[5] This is 65-75% less annual precipitation than the western portions of ***Riverside County*** that drain to the coast and coastal counties in Southern California.

Table A.1. Average Annual Rainfall by Regional Water Board Jurisdiction/Watershed

Region/watershed	Average Annual Rainfall (inches)
R8/Santa Ana	12.0

[4] Measured using data from weather stations deployed throughout the Coachella Valley. California Irrigation Management Information System (CIMIS), at http://wwwcimis.water.ca.gov/cimis/images/etomap.jpg

[5] Water Quality Control Plan, Colorado River Basin – Region 7, California Regional Water Quality Control Board, State Water Resources Control Board. June 2006, p. 1-8.

R9/Santa Margarita	15.5
R4/Los Angeles County	13.2
R9/San Diego County	10.8
R7/Whitewater	3.6

- In addition to the overall lack of precipitation there is no defined ***Rainy (Wet) Season*** within the ***Whitewater River Watershed***. Convective rainfall events (summer thunderstorms) make up a large portion of ***Whitewater River Region*** annual rainfall, in contrast to the general winter precipitation that dominates rainfall events in western Riverside County and the coastal plains. When storms occur, they tend to be discrete convective cells, and feature short but intense rainfall, typical of monsoonal thunderstorms; individual storm events typically are local and rarely affect the entire drainage network.

Land Use

- Approximately 33 percent[6] of the ***Whitewater River Region*** is comprised of urban land uses (residential, commercial, industrial parks and recreation facilities and streets and roads). Although portions of the ***Whitewater River Region*** experienced rapid growth from 2000 through 2006, the economic recession has resulted in little development or population growth since adoption of the 2008 ***MS4 Permit***. It is projected that the population of the ***Whitewater River Region*** will increase approximately 6.7 percent by 2015.[7] Assuming that the ***Whitewater River Region***'s population and urbanized areas increase at a proportional rate, approximately 65 percent of the ***MS4 Permit*** area would remain in non-urban land uses in 2015.
- Approximately 60 percent of the ***Whitewater River Watershed*** consists of federal, state, and tribal lands[8] that are not under the jurisdiction of the ***Permittees***.

Soils and Geology

- The ***Whitewater River Region*** is located in a wide valley; perennial stream flows from surrounding mountains have deposited bouldery alluvial fans comprised of loosely packed, highly pervious soils where they have interfaced with the flat valley floor. Field inspections and inspection of aerial photography demonstrate that most of the development in the ***Whitewater River Region*** has occurred at or near the base of the mountains, on or near historical alluvial fans[9].
- Alluvial-fan flash flooding from the surrounding mountain ranges has been recorded in the ***Whitewater River Region***, beginning as early as 1825.[10] Many

[6] County of Riverside Assessor, current as of February, 2013.
[7] California Department of Finance at http://www.dof.ca.gov/research/demographic/reports/projections/interim/view.php, Riverside County Center for Demographic Research at http://www.rctlma.org/rcd/content/projections/PHEProjections_2010.pdf June 2010
[8] County of Riverside Assessor, current as of February, 2013.
[9] Riverside County Flood Control, March 2013.
[10] Discussion excerpted from Coachella Valley Integrated Regional Water Management Plan. Prepared by ***Coachella Valley Regional Water Management Group***. December 2010. Available at www.cvrwmg.org.

of the ***Receiving Waters*** tributary to the Whitewater River, which historically have not featured concentrated stream flows due to their location on alluvial fans have been captured by existing flood control works at the alluvial fan apex and channelized to mitigate flood hazards to ***Whitewater River Region*** life and property.[11]

- The predominant soil types within the ***Whitewater River Region*** are classified as Carsitas and Myoma.[12] These sands are extremely pervious, and promote rapid infiltration of runoff.
- The southeastern portion of the ***Whitewater River Region***, which includes sections of Indio, La Quinta, Coachella and unincorporated County area, sits atop a shallow subterranean clay lens; typical for the most downstream reach of an ephemeral waterbody. These portions of the ***Whitewater River Region*** feature shallow depth to groundwater.[13]
- Due to the small percentage of the ***Whitewater River Watershed*** and the ***Whitewater River Region*** in urban land uses, ***Permittee*** requirements for ***New Developments*** to retain ***Urban Runoff,*** and natural soil conditions, ***Urban Runoff*** constitutes a minor percentage of the total flow in the Whitewater River during storm conditions. During non-storm conditions, ***Urban Runoff*** discharges to ***Receiving Waters*** in the ***Whitewater River Region*** are also relatively minor based on flow volume.

Hydrology

- The Whitewater River is the major drainage course in the Whitewater River Hydrologic Unit Planning Area, and is defined in the ***Basin Plan*** as the reach from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near the Indian Canyon Drive crossing in the City of Palm Springs. The reach of the Whitewater River from the Whitewater recharge basins near Indian Canyon Drive to the ***CVSC*** near Indio is defined as a Wash (Intermittent or ***Ephemeral Stream***) in the ***Basin Plan***. Tributary ***Receiving Waters*** to this reach exhibit perennial flow in the surrounding mountains, but because of diversions and percolation into the basin, these perennial flows typically infiltrate, evaporate or are consumed through evapotranspiration before reaching the ***Whitewater River Region***.
- Within the ***Whitewater River Region,*** the Whitewater River and its tributaries are dry ephemeral washes. Due to soil type and lack of interflow contributions, time and volume of flow in ***Receiving Waters*** after storm events are minimal. Flow in the Whitewater River downstream of the Whitewater recharge basins is so infrequent that several sections of the channel have been integrated into golf courses.
- While developing the 2012 ***ROWD***, the ***Permittee***s aggregated and reviewed rainfall and United States Geological Survey (USGS) flow data for Palm Canyon

[11] Riverside County Flood Control, March 2013.
[12] "Soils of the Coachella Valley." Coachella Valley Water District. http://www.cvwd.org/conservation/soils.php
[13] California Department of Water Resources, Coachella Valley Investigation, Bulletin 108, July 1964.

Creek, a ***Receiving Water*** tributary to the Whitewater River, located in the City of Palm Springs. Twenty-three years of data showed that the reach of Palm Canyon Creek located within the ***Whitewater River Region*** exhibited flow due to discharges of ***Urban Runoff*** from the urbanized area, an average of less than 1 percent of the days of each year.[14]

- The ***CVSC*** is the 25 mile long, constructed downstream extension of the Whitewater River channel, beginning west of Washington Street in La Quinta and ending on the north shore of the Salton Sea. The lower 17-mile reach of the ***CVSC*** is the only surface waterbody in the ***Whitewater River Region*** that features perennial flow; these flows are dominated by effluent from ***NPDES***-permitted ***POTW*** discharges, rising groundwater, and agricultural return flows.[15]
- ***CVWD*** operates and maintains the ***CVSC*** and the regional subsurface drainage collection system for the Coachella Valley, which drains to the ***CVSC***. General information from ***CVWD***'s 2011 Annual Review and Water Quality Report states approximately 251,249 acre feet of water was provided for irrigation. Approximately one-third of the applied volume is water that drains to the subsurface drainage collection system to the CVSC.
- Within the ***Whitewater River Region,*** both the Whitewater River and the ***CVSC*** are stabilized, engineered and maintained dry washes. Although the Whitewater River follows the general path of the historic waterbody, there was no pre-existing dry wash for the ***CVSC***. Channel design capacity attenuates as the river moves through the ***MS4 Permit*** area. The Standard Project Flood (SPF)[16] peak discharge is approximately 86,000 cubic feet per second (cfs) at Windy Point within the Whitewater River, and 82,000 cfs at Washington Street in La Quinta, where the ***CVSC*** begins. The SPF peak discharge for the ***CVSC*** is 67,000 cfs at the outlet to the Salton Sea.[17] The Whitewater River and ***CVSC*** are designed to convey these flows with a minimum of 1 foot of freeboard.

Colorado River Region Basin Plan

31. The ***Basin Plan***, as amended to date, designates the ***Beneficial Uses*** of ground and surface waters in the Colorado River Basin Region. The ***Whitewater River Region*** lies within the Whitewater River Hydrologic Unit Planning Area.

32. The majority of surface water bodies within the ***Whitewater River Region*** are designated as ***Washes***. These include the Whitewater River, starting from the Whitewater recharge basins located west of the City of Palm Springs and extending to the upstream channel reach located one-quarter mile west of the Monroe Street crossing near the City of Indio. The majority of the urban area in the ***Whitewater***

[14] Report of Waste Discharge, November 23, 2012. Whitewater River Region Permittees.

[15] U.S. Geological Survey National Streamflow Information Program; California Regional Water Quality Control Board, Colorado River Basin, ***Basin Plan***, Table 2-3; Coachella Valley Final Water Management Plan, September 2002; Coachella Valley Water Management Plan 2010 Update, Draft Report, December 2010.

[16] Whitewater River Basin Feasibility Report for Flood Control and Allied Purposes, San Bernardino and Riverside Counties, California. Appendix 1, Hydrology. U. S. Army Corps of Engineers, May 1980.

[17] Flow in the CVSC decreases over distance travelled towards the Salton Sea due to infiltration in the unlined channel

River Region drains into this reach of the Whitewater River. The ***Permittee's MS4*** facilities drain into the following ***Washes***:

- Smith Creek
- Montgomery Creek
- West Cathedral Canyon Channel
- East Cathedral Canyon Channel
- West Magnesia Canyon Channel
- East Magnesia Canyon Channel
- Palm Valley Storm Water Channel
- Deep Canyon Storm Water Channel
- Bear Creek
- La Quinta Resort Channel
- La Quinta Evacuation Channel
- Whitewater River from Whitewater recharge basins to the ***CVSC***

The designated ***Beneficial Uses*** for the aforementioned ***Washes*** are Freshwater Replenishment (***FRSH***), Groundwater Recharge (***GRW***), Non-contact Water Recreation (***REC 2***) and Wildlife Habitat (***WILD***). Each of the uses in these ***Washes*** are identified as being intermittent, meaning that they are only applicable if flows are sufficient to support those uses.

33. The ***Permittees*** also own and operate ***MS4*** facilities that discharge ***Urban Runoff*** into the following surface water bodies, which have additional designated ***Beneficial Uses***:
    a. Mission Creek
    b. San Gorgonio River
    c. Whitewater River
    d. Tahquitz Creek
    e. Palm Canyon Creek
    f. Little Morongo Creek
    g. ***CVSC***

Beneficial Uses for these specific water bodies are identified and summarized in the following table. In addition to the ***Beneficial Uses*** described above, these include Municipal and Domestic Supply (***MUN***), Agriculture Supply (***AGR***), Aquaculture (***AQUA***), Industrial Service Supply (***IND***), Water Contact Recreation (***REC 1***), Warm Freshwater Habitat (***WARM***), Cold Freshwater Habitat (***COLD***), Hydropower Generation (***POW***) and Preservation of Rare, Threatened or Endangered Species (***RARE***). Note that existing ***Beneficial Uses*** are designated by X; potential ***Beneficial Uses*** are designated by P, and intermittent uses by I:

Waterbody	*MUN*	*AGR*	*AQUA*	*FRSH*	*IND*	GWR	*REC1*	*REC2*	*WARM*	*COLD*	*WILD*	*POW*	*RARE*	Location

A. FINDINGS

CVSC[18]				X			X[19]	X[20]	X		X		X[21]	Perennial reach from approx. Dillon Road to Salton Sea
Little Morongo Creek	P	X				X	X	X	X		X			
Palm Canyon Creek	P	X				X	X	X	X		X			
San Gorgonio River	P	X				X	X	X		X	X			
Tahquitz Creek	P					X	X	X		X	X			
Whitewater River[22]	X	X				X	X	X	I	X	X	X		From headwaters to Whitewater Recharge Basins
Washes[23] (***Ephemeral Streams***)				I[24]		I		I	[25]		I			Whitewater River and ***CVSC*** from Indian Canyon Dr. to approximately ¼ mile west of Monroe Street crossing.

34. Numeric and narrative ***WQOs*** exist for the ***Receiving Waters*** in the ***Whitewater River Region***. It is not feasible or appropriate at this time to establish ***Numeric Effluent Limitations*** due to the variability in the quality, quantity, and complexity of ***Urban Runoff***. Moreover, the impact of ***Urban Runoff*** discharges on the quality of ***Receiving Waters*** has not been fully determined.

35. Therefore, the ***Effluent Limitations*** contained in this ***MS4 Permit*** are narrative and include the ***SWMP***'s requirement to implement appropriate ***BMPs***. The narrative ***Effluent Limitations*** constitute compliance with the requirements of the ***CWA*** and can be found in Section B. DISCHARGE PROHIBITIONS, Section D. ***RECEIVING WATER LIMITATIONS*** and Section G. IMPLEMENTATION OF ***TOTAL MAXIMUM DAILY LOAD***s of this ***MS4 Permit***.

CWA Section 303(d) Listed Waterbodies and Total Maximum Daily Loads (TMDLs)

36. Section 305(b) of the ***CWA*** requires ***USEPA*** and each state that has been delegated ***NPDES*** Permitting authority to routinely monitor and asses the quality of waters in their respective regions. If this assessment indicates that ***Beneficial Uses*** are not met, then the waterbody must be listed under Section 303(d) of the ***CWA*** as an ***Impaired Waterbody***.

[18] Section of perennial flow from approximately Indio to the Salton Sea.
[19] Unauthorized use.
[20] Unauthorized use.
[21] Rare, endangered or threatened wildlife exists or utilizes these waterway(s). If the ***RARE Beneficial Use*** may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the ***Regional Water Board***; and such substantiation must be provided within a reasonable time frame as approved by the Regional Water Board.
[22] Includes the section of flow from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near Indian Avenue crossing in Palm Springs.
[23] Washes – Intermittent or ***Ephemeral Streams***, including the section of ephemeral flow in the Whitewater River and the ***CVSC*** from Indian Canyon Drive to approximately ½ mile west of Monroe Street crossing.
[24] Applies only to tributaries to Salton Sea.
[25] Use, if any, to be determined on a case-by-case basis.

37. On October 11, 2011 the ***USEPA*** issued its final decision regarding the water bodies and pollutants added to the California 303(d) List. Within the ***MS4 Permit*** area, the ***CVSC*** has been identified as impaired for pathogens in that portion from Dillon Road to the Salton Sea. The source of these pollutants is unknown.

38. Federal regulations require that a ***TMDL*** be established for each 303(d) listed waterbody for each of the ***Pollutant***s causing ***Impairment***. The ***TMDL*** is the total amount of a ***Pollutant*** that can be discharged to a subject waterbody, while still enabling the waterbody to attain ***Water Quality Standards (WQS***s) in the ***Receiving Water***. Attaining ***WQS***s means that the receiving waterbody's ***Water Quality Objectives (WQOs)*** are met and its ***Beneficial Uses*** are protected. The ***TMDL*** is the sum of the individual ***Waste Load Allocations (WLA***s) for point source inputs, ***Load Allocations*** (***LA***s) for ***Non-Point Source*** inputs and natural background, and a margin of safety. The ***TMDL***s are one of the bases for limitations established in ***Waste Discharge Requirements*** (***WDR***s).

39. The ***Regional Water Board*** adopted a ***Basin Plan*** amendment incorporating the ***CVSC*** Bacterial Indicators ***TMDL*** of Escherichia coli (E. coli) on May 16, 2007, and as further modified on June 17, 2010. The ***TMDL*** was subsequently approved by the ***State Board*** on July 19, 2011, approved by the Office of Administrative Law on February 2, 2012 and approved by ***USEPA*** on April 27, 2012. The ***USEPA*** approved the ***TMDL*** on the condition that the ***Basin Plan*** would be subsequently amended to reduce the number of bacterial indicators from three (fecal coliform, enterococci, and E. coli) to just the single indicator of E. coli to be consistent with the approved ***CVSC*** Bacterial Indicators ***TMDL***.

40. The ***Regional Water Board*** satisfied that ***USEPA*** condition by amending the ***Basin Plan*** to specify E. coli as the sole bacterial indicator for the ***CVSC***. This amendment was approved by the ***Regional Water Board*** on June 17, 2010, the ***State Board*** on July 19, 2011, the Office of Administrative Law on February 2, 2012 and the ***USEPA*** on April 27, 2012.

41. The ***CVSC*** Bacterial Indicators ***TMDL*** established limits for bacterial source indicators for the ***CVSC*** from Dillon Road to the Salton Sea. The ***CVSC*** Bacterial Indicators ***TMDL*** Source Analysis identified ***MS4*** operated by the City of Coachella as a potential source of bacterial indicators.

42. The ***CVSC*** Bacterial Indicators ***TMDL*** specifies ***WLA***s for ***Point Sources*** including the City of Coachella's ***MS4***, ***CalTrans***, Valley Sanitary District wastewater treatment plant, Coachella Sanitary District wastewater treatment plant, and Mid-Valley Water Reclamation Plant; as well as ***LA***s for agricultural runoff, federal lands, tribal lands and septic systems. To protect ***REC-I Beneficial Uses***, the ***TMDL*** has specified a ***WLA*** for E. coli.

43. The ***CVSC*** Bacterial Indicators ***TMDL*** specifies that if it is to be implemented in the Whitewater River Watershed ***MS4 Permit***, Water Quality Based Effluent Limits (***WQBEL***s) are to be expressed as narrative management practices rather than direct application of ***Numeric Effluent Limitations***.

A. FINDINGS

44. The City of Coachella has proactively implemented structural ***Best Management Practices*** (***BMP***s) to effectively infiltrate all ***Dry Weather Urban Runoff*** prior to reaching ***MS4 Outfalls*** regulated by the ***CVSC*** Bacterial Indicators ***TMDL***. These structural ***BMP***s were completed in 2011 with additional modifications planned to improve the effectiveness of the Avenue 52 outfall controls. These ***BMP***s ensure that there are no discharges from the City's ***MS4*** during ***Dry Weather***.

45. The ***CVSC*** Bacterial Indicators ***TMDL*** Implementation Plan is divided into two phases. Phase I actions will take three years to complete and focus on monitoring and addressing bacterial indicators associated with wastewater discharges from ***MS4*** and other ***NPDES*** facilities. If E. coli ***WQO***s are not achieved by the end of Phase I, ***Regional Water Board*** staff will implement additional actions to control E. coli sources in Phase II (within seven years after the end of Phase I). Section 2.3 of the ***CVSC*** Bacterial Indicators ***TMDL*** states:

> "If monitoring and assessment in Phase I indicate that waste discharges to the ***CVSC*** from anthropogenic activities violate this ***TMDL***, and that violations persist despite recommended operation and maintenance procedures and control measures in existing permits, the ***Regional Water Board*** shall require the implementation of additional actions to control anthropogenic sources of bacteria in Phase II. The ***Regional Water Board*** will require the responsible parties to select and implement new/additional management practices for Phase II, following characterization of these sources and a determination of whether these sources can be controlled. This determination shall take into consideration background conditions and cost factors. The ***Regional Water Board*** may revise ***MS4*** permit water quality based effluent limitations, which may be expressed in terms of narrative management practice (MP) requirements. The ***Regional Water Board*** may also consider revising ***WQO***s for ***CVSC*** to address natural background sources of bacteria…."

Water Quality Based Effluent Limitations (*WQBEL*s) and *TMDL WLA*

46. In *Defenders of Wildlife, et al v. Browner*, 191 F .3d 1159 (9th Cir. 1999), the court held, based on principles of statutory interpretation, that the 1987 Water Quality Act amendments to the ***CWA*** does not require municipal storm-sewer discharges to comply strictly with State ***WQSs*** for ***MS4*** permits under section 301(b)(1)(C), but that such compliance may be included at the discretion of the permitting agency (id., 191 F.3d at 1165). The Court explained that the language in section 402(p)(3)(A), which addresses discharges of storm water associated with industrial activity, and section 402(p)(3)(A), which addresses discharges from municipal storm-sewers, was unambiguous and showed Congress' intent to apply different requirements for these two types of storm water discharges. In particular, the Court noted that section 402(p)(3)(A) requires industrial storm water discharges to comply with all requirements of section 402(p) and section 301, which includes the requirement that such discharges "shall ... achiev[e] ... any more stringent limitation, including those necessary to meet water quality standards" (id., 191 F.3d at 1165). In contrast, the Court observed that section 402(p)(3)(B) requires municipal storm-sewer discharges

to comply with a completely different set of standards, which does not include a specific reference to section 301. Thus, the Court held that the language in section 402(p)(3)(B)(iii), which requires "controls to reduce the discharge of pollutants to the ***Maximum Extent Practicable*** [***MEP***], including management practices, ..., and such other provisions as the [***EPA***] Administrator ... determines appropriate for the control of such pollutants," unambiguously showed that Congress gave the ***EPA*** Administrator discretion to determine what pollution controls are appropriate (id., 191 F.3d at 1166). The Court commented that the EPA has exercised that discretion for municipal storm-sewer discharges by adopting an interim approach, which uses ***BMP***s to provide for the attainment of water quality standards (id., 191 F.3d at 1166). Federal implementing regulations at 40 CFR 122.44(k)(3) specifically allow the use of ***BMP***s to control or abate the discharge of ***Pollutants*** when ***Numeric Effluent Limitations*** are infeasible or when practices are reasonably necessary to achieve ***Effluent Limitations*** and standards or to carry out the purposes and intent of the ***CWA***. The legislative history and the preamble to the federal storm water regulations indicate that Congress and ***USEPA*** were aware of the difficulties in regulating ***Urban Runoff*** solely through traditional end-of-pipe treatment. It is the ***Regional Water Board***'s intent to require the ***Permittees*** to implement ***BMPs*** consistent with the ***MEP*** standard in order to support attainment of ***WQSs***. This ***MS4 Permit*** includes ***Receiving Water Limitations*** based on ***WQOs***; it prohibits causing a condition of ***Nuisance*** and requires the reduction of ***WQSs*** impairment in ***Receiving Waters***. This ***MS4 Permit*** includes a procedure for evaluating whether the ***SWMP*** must be revised to include additional or more effective ***BMPs*** designed to meet ***WQSs***. ***This MS4 Permit*** establishes an iterative process to determine compliance with ***Receiving Water Limitations***.

47. Federal regulations (40 CFR 122.44(d)(1)(vii)(B)), to the extent applicable to municipal ***Stormwater*** permits, require inclusion of ***Effluent Limitations*** that are "consistent with the assumptions and requirements of any available ***WLA*** for the discharge prepared by the State and approved by ***USEPA***." Consistent with this requirement, this ***MS4 Permit*** includes ***BMP***-based interim ***WQBELs***. This ***MS4 Permit*** additionally includes ***BMP***-based final ***WQBELs*** which are based on the ***WLA*** for the ***CVSC*** Bacterial Indicators ***TMDL***. This ***MS4 Permit*** includes requirements to develop and implement control measures necessary to achieve ***WLAs*** by the deadlines specified in the ***CVSC*** Bacterial Indicators ***TMDL***.

48. Consistent with the ***CVSC*** Bacterial Indicators ***TMDL*** Implementation Plan, the City of Coachella submitted a monitoring program to the ***Regional Water Board*** on January 6, 2013. The ***CVSC*** Bacterial Indicators ***TMDL*** requires the City of Coachella to implement the monitoring program, upon approval, and submit a report on January 31, 2016 (with ***Permittee Annual Reports***) indicating whether ***Urban Runoff*** violates the City of Coachella's ***WLA***, whether the sources of violation are controllable and recommendations for additional ***BMPs*** that are appropriate given background conditions, cost factors and the status of ***Regional Water Board*** efforts to revise ***WQOs*** for the ***CVSC*** to address the City of Coachella's ***WLA*** (the 2016 QAPP).

49. These ***WQBEL***s are consistent with the assumptions and requirements identified in the ***TMDL*** Implementation Plans adopted with the ***TMDL***s because the ***BMPs*** are

expected to be sufficient to meet the ***WLAs*** by the compliance dates. The ***CVSC*** Bacterial Indicators ***TMDL,*** relies on this ***MS4 Permit*** to implement the ***WLA*** for the City of Coachella.

Compliance Schedules and Interim Requirements

50. Consistent with the ***State Board***'s Compliance Schedule Policy (Resolution No. 2008-0025), this ***MS4 Permit*** incorporates interim and final ***Effluent Limits***, where applicable. Additionally, since the ***TMDL*** compliance dates are outside the term of this ***MS4 Permit***, it is also appropriate to require ***Permittees*** subject to ***TMDL*** compliance dates that are outside the term of this ***MS4 Permit*** to monitor and report the effectiveness of ***BMP***s implemented in the ***MS4 Permit*** area to evaluate progress towards attainment of ***WLA*** by the time schedules specified in the adopted ***TMDL***. This ***MS4 Permit*** includes the schedules for deliverables as part of the ***TMDL*** Implementation Plan as well as a requirement to monitor the effectiveness of ***BMP***s in the ***MS4 Permit*** area in reducing ***Pollutant*** discharges and to report progress towards compliance with the ***TMDL WLA*** by the compliance dates.

Whitewater River Region Water Quality

51. Neither the Whitewater River nor its tributaries are ***CWA 303(d)*** listed as ***Impaired Waterbodies*** for any ***Pollutant*** within the ***Whitewater River Region***. Most of the waterbodies assessed within the ***Whitewater River Region*** for inclusion into ***USEPA***'s most current ***305(b) Report*** have been identified as having good water quality. Waterbodies listed as threatened or impaired do not identify ***Urban Runoff*** as a source.

Table A.2. *305(b) Report* Information for the Whitewater River Region[26]

Waterbody Name	Type of Waterbody	Size	Units	Water Quality Status
Whitewater River	River	25	Miles	Good
Big Morongo Creek	River	15	Miles	Good
Little Morongo Creek	River	15	Miles	Good
CVSC	River	17	Miles	Impaired (Cause: Pathogens; Probable Source: Unknown)
Falls Creek	River	5.74	Miles	Good
Millard Canyon Creek	River	5	Miles	Good
Mission Creek	River	15	Miles	Good
Snow Creek (Riverside County)	River	3.3	Miles	Good
Tahquitz Creek	River	13.21	Miles	Threatened (Cause: Pathogens; Probable Source: Agriculture)

[26]United States Environmental Protection Agency. "Watershed Quality Assessment Report." http://ofmpub.epa.gov/tmdl_waters10/attains_watershed.control?p_huc=18100200&p_state=CA&p_cycle=2004&p_report_type=A

Twin Pines Creek	River	3	Miles	Threatened (Cause: Pathogens; Probable Source: Agriculture)

52. ***Permittee Outfall*** and ***Receiving Water*** monitoring data gathered during ***Wet*** and ***Dry Weather*** events during the past two ***MS4 Permit*** terms show that most conventional pollutants, including but not limited to nutrients, oil and grease, detergents, ammonia and nitrates, were not observed in exceedance of ***Receiving Water Quality Objectives*** listed in the ***Basin Plan***.

53. As required by the 2001 and 2008 ***MS4 Permit***s, the ***Permittee***s performed water quality monitoring at the Upper Whitewater River ***Receiving Water*** monitoring station to "assist with determination of natural background concentrations of field parameters and constituents of concern that may also be found in ***Urban Runoff***." Monitoring data from this location revealed elevated levels of Lead and Chromium, in amounts which exceed ***Water Quality Objectives***, during ***Wet Weather*** conditions only. These constituents have also been found to be present in natural deposits and groundwater throughout the ***Whitewater River Region***.[27,28]

54. ***Permittee MS4 Outfall*** and ***Receiving Water*** monitoring data gathered over three ***MS4 Permit*** terms show that ***Priority Pollutant*** constituents have either never been detected, or have rarely been detected in the ***Whitewater River Region***. Therefore, the requirement for analyses of ***Priority Pollutants*** has been eliminated from this ***MS4 Permit.***

Objectives of this MS4 Permit

55. Consistent with ***State Board*** orders, this ***MS4 Permit*** requires the ***Permittees*** to comply with applicable ***WQS***s through an iterative approach, requiring the implementation of increasingly more effective ***BMP***s until ***WQS***s are being met. Aside from issues relating to the lower reach of the ***CVSC***, which is being addressed through a ***TMDL***, ***Beneficial Use***s in ***Whitewater River Region Receiving Waters*** have been protected since ***MS4 Permit*** program inception. Therefore, the objectives of this ***MS4 Permit*** are to:

    a. Renew Board Order No. R7-2008-0001 ***NPDES*** No. CAS617002, which regulates ***Urban Runoff*** within the ***Whitewater River Watershed***;

    b. Regulate the discharge of ***Potential Pollutant***s in ***Urban Runoff*** that discharge to surface waters in the ***Whitewater River Region***.

    c. Implement regulatory requirements prescribed in the Water Quality Control Plan for the Colorado River Basin Region of California (***Basin Plan***), and requirements of Section 402(p) of the ***CWA*** and Title 40 Code of Federal Regulations (40 CFR) Part 122; and

    d. Require implementation of preventative measures to assure maintenance of existing ***Receiving Water*** quality within the ***Whitewater River Region***.

[27] Coachella Valley Water District. 2011 Domestic Water Quality Report. 2011.

[28] Presser, Theresa, Sylvester, Marc, and Low, Walton. Bioaccumulation of Selenium from Natural Geologic Sources in Western States and Its Potential Consequences. Environmental Management Vol. 18, No. 3, pp.423-436. Springer-Verlag, 1994.

Federal NPDES Storm Water Regulations

56. Federal regulations for Phase I ***MS4 Storm Water*** discharges were promulgated by the ***USEPA*** on November 16, 1990 (40 CFR Parts 122, 123, and 124) and apply to the discharge regulated by this ***MS4 Permit***.

57. Pursuant to Section 402 of the ***CWA*** and Section 13370 of the ***CWC***, the ***USEPA*** approved the California State Program to issue and enforce ***NPDES*** permits for discharges to surface ***Waters of the State***. Section 405 of the Water Quality Act of 1987 added Section 402(p) to the ***CWA***, which requires the ***USEPA*** to develop a phased approach to regulate ***Storm Water*** discharges under the ***NPDES*** program.

58. Section 402(p)(2)(C) of the ***CWA*** requires the issuance of ***NPDES*** permits for ***Storm Water*** discharges from ***MS4s*** serving a population of 250,000 or more or serving populations between 100,000 to 250,000.

59. Section 402(p) of the ***CWA*** and the Phase 1 rule require ***NPDES*** permits for ***MS4***s to include a requirement to effectively prohibit ***Non-Storm Water*** discharges into ***MS4***s unless such discharges are either authorized by a separate ***NPDES*** permit or not prohibited in accordance with Section C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES of this ***MS4 Permit***. The requirement in the ***CWA*** to reduce ***Pollutant***s to the ***MEP*** provides a minimum level of water quality protection. The State may develop ***WQS*** more stringent than those required by the ***CWA***.

60. Title 40 CFR Section 122.26 requires a proposed management program that covers the duration of this ***MS4 Permit***. It must include a comprehensive planning process that involves public participation and, where necessary, intergovernmental coordination to reduce the discharge of ***Pollutant***s to the ***MEP*** using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate. The proposed management program is described in the ***Whitewater River Region SWMP***. The proposed management program shall include a description of ***Structural*** and ***Source Control BMPs*** to reduce ***Pollutant***s discharged from ***Urban Runoff*** into the ***MS4*** that are to be implemented during the term of this ***MS4 Permit***.

Mitigation of Urban Runoff

61. ***Pollutant***s may be reduced in ***Urban Runoff*** by the appropriate application of ***Pollution Prevention***, ***Source Control***, and ***Treatment Control BMPs*** to the ***MEP***.

62. This ***MS4 Permit*** provides flexibility for ***Permittees*** to request approval by the ***Executive Officer*** to substitute a ***BMP*** under this ***MS4 Permit*** with an alternative ***BMP***, if they can provide information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed ***BMP*** in meeting the objectives of this ***MS4 Permit***.

New Development/Redevelopment

63. ***Permittees*** with land use authority authorize urbanization and land uses that may generate ***Pollutant***s and runoff, which can contribute to the impairment of

Receiving Waters. Therefore, the ***Permittees*** can also exercise their legal authority to require implementation of ***BMP***s to the ***MEP,*** such that ***New Development***/***Redevelopment*** projects do not result in increases in ***Pollutant*** loads, and flows do not further degrade ***Receiving Waters***.

64. Urban development has three major phases: (1) land use planning for ***New Development***; (2) construction; and (3) the current land use or existing development phase. Because the ***Permittees*** with land use authority authorize each of these phases, they have commensurate responsibilities to protect ***Receiving Water*** quality to the ***MEP*** during each phase.

65. On October 5, 2000, the ***State Water Board*** adopted Order No. WQ-2000-11, Standard Urban Storm Water Mitigation Plans (SUSMPs), which is a precedential order. Order No. WQ-2000-11 determined that requiring ***Urban Runoff*** generated by the 85th percentile storm events from specific types of development categories be infiltrated, filtered or treated was consistent with ***MEP***. The essential elements of this precedential order were incorporated into the 2008 ***MS4 Permit***, and are incorporated herein. In accordance with the requirements specified in the 2008 ***MS4 Permit***, the ***Permittee***s developed a model ***Water Quality Management Plan (WQMP)*** and template.

66. Requirements for post-construction ***Stormwater*** controls have been implemented in the ***Whitewater River Region*** for many years. As detailed in Table A-3 below, through ordinance or municipal code, the cities of Cathedral City, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage have required specified ***New Development***s to retain and infiltrate runoff on-site to mitigate increased runoff and downstream impacts many years prior to development and implementation of the post-construction requirements found in the 2008 ***MS4 Permit.***

Table A.3. *Permittee*s with Ordinances for On-site Retention Adopted Prior to Implementation of 2008 *MS4 Permit* Post-Construction Requirements

Permittee	**Ordinance**	**Description**	**Storm Event (Required *Design Capture Volume*)**
Cathedral City	Title 8, Sec. 8.24.070	Applies to development of all land within the City, with certain exceptions.	100% retention of the 100-year, 3-hr event
Indio	Title XV: Land Usage, Sec.162.140	Projects one-acre or greater	100% retention of the 100-year, 24-hr event
La Quinta	Title 13, Sec. 13.24.120	Applies to development of all land within the City, with certain exceptions.	100% retention of the 100-year, 24-hr event
Palm Desert	Ordinance #1247	Development and Re-development projects one acre or greater	100% retention of the 100-year, 24-hr event
Palm Springs	Ordinance #1768	Hillside residences and commercial projects over 2 acres, in drainage areas that are less than 70% developed.	Retain the difference between most conservative 100-year storm in the developed condition and the pre-development condition

Rancho Mirage	Title 15, Sec. 15.64.140	Properties one-acre or greater located north of Whitewater River	100% retention of the 100-year, 24-hr event

67. Since development of the ***Whitewater River Region WQMP***, more ***Permittee***s (in addition to those listed in Table A.3 above) have implemented ordinances that require developments to retain ***Stormwater*** volumes or flows in excess of the 85th percentile storm event required by the ***WQMP***.

Table A.4. *Permittee*s with Ordinances Requiring On-Site Retention of Stormwater Volumes/Flows Greater than *WQMP* Requirements

Permittee	**Ordinance**	**Description**	**Storm Event (Required *Design Capture Volume*)**
Banning	Ordinance #1415	Requirement for all ***Priority Development Projects***	100% retention of the 100-year, 3-hr event
Coachella	Ordinance #1014	Requirement for all ***Priority Development Projects***	100% retention of the 100-year, 24-hr event
Desert Hot Springs	Ordinance No. 1997-03, Section 13.08.100	Applies to New Development and Redevelopment, with certain exceptions	100% retention of post-development runoff, based on the 100-year, 24 hour event

68. Location of urbanized areas on alluvial fans comprised of pervious soils, low annual rainfall, low density of development, minimal vegetative cover, constructed flood control improvements, ***Permittee*** requirements for on-site retention, and ***WQMP*** requirements for ***New Development*** and ***Redevelopment*** all combine to limit potential impacts of ***Urban Runoff*** on the ***Whitewater River Region*** natural drainage system. The ***WQMP*** requires identification of ***Hydrologic Conditions of Concern (HCOC)***. An ***HCOC*** may exist when a ***New Development*** or ***Re-development*** site's hydrologic regime is altered and results in significant impacts on downstream channels and, where they may exist, aquatic habitats. Currently, ***New Development*** and ***Redevelopment*** projects are required to perform this assessment and incorporate appropriate ***BMPs*** to the ***MEP*** to ensure existing hydrologic conditions are maintained.

69. ***LID*** techniques promote the reduction of impervious areas which may achieve multiple environmental and economic benefits. This ***MS4 Permit*** requires ***Permittee***s to continue to implement the per project measurable goal of addressing 100% of the ***WQMP Treatment Control BMP*** requirement through implementation of ***Site Design/LID BMP***s.

70. Some ***LID*** concepts are not compatible with water efficient landscape ordinances adopted throughout the ***Whitewater River Region***. Such ordinances include requirements for xeriscaping, and implementation of water budgets and desert tolerant landscape standards.

71. Certain ***BMPs*** implemented or required by ***Permittees*** for urban runoff management may create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperation among the Permittees, local vector control agencies, ***Regional Water Board*** staff, and the California

Department of Public Health is necessary to identify and implement appropriate vector control measures that minimize potential nuisances and public health impacts resulting from vector breeding.

72. This ***MS4 Permit*** requires the ***Permittee***s to review and approve covenants, conditions and restrictions (CC&Rs) or other mechanisms to ensure proper long-term operation and maintenance of post-construction ***BMP***s.

Illicit Connection/Illegal Discharge (IC/ID)

73. This ***MS4 Permit*** requires the ***Permittees*** to continue to implement the ***BMPs*** listed in the approved ***SWMP,*** and to continue to effectively prohibit ***IC/IDs*** to the ***MS4***. One of the major elements of the ***SWMP*** is a ***Storm Water***/***Urban Runoff*** Management and Discharge Control Ordinance. The ***Permittees*** with land use authority have adopted such an ordinance as well as ordinances addressing ***Grading*** and ***Erosion*** control (collectively, the "***Storm Water Ordinance***"). The purpose of each ***Storm Water Ordinance*** is to prohibit ***Pollutant*** discharges in the ***MS4*** and to regulate ***IC/IDs*** and ***Non-Storm Water*** discharges to the ***MS4***.

74. The ***Permittees*** have implemented programs to control litter, trash, and other anthropogenic-sourced materials from ***Urban Runoff***. In addition to municipal ordinances prohibiting littering, the ***Permittees*** will continue to implement these programs, and continue organizing and implementing other programs to reduce litter and ***IC/IDs***, such as solid waste collection programs, ***Household Hazardous Waste*** (***HHW***) collections, ***Hazardous Material*** spill response, catch basin ***Cleaning***, street sweeping, and recycling programs. These programs are intended to work together to address urban sources and reduce ***Pollutant***s in ***Urban Runoff*** to the ***MEP***. This ***MS4 Permit*** includes requirements for the continued implementation of programs for litter, trash, and debris control.

75. This ***MS4 Permit*** requires the ***Permittees*** to continue to implement routine inspection and monitoring and reporting programs for ***IC/IDs*** to their ***MS4*** facilities. Due to the ephemeral nature of the ***Whitewater River Region*** during ***Dry Weather*** conditions, ***IC/IDs*** to ***Receiving Water***s from ***MS4*** outfalls can be identified by field inspections. Therefore, this ***MS4 permit*** also requires, in part, that the ***Permittees***' ***Dry Weather*** monitoring program focus on field identification and elimination of ***IC/IDs***.

76. There are several local, regional and watershed-wide efforts underway to reduce ***Dry Weather*** discharges to ***Whitewater River Region MS4*** facilities, of which the ***Permittees*** are active participants. These efforts include, but are not limited to:

- The ***County***, and all water suppliers within the ***Whitewater River Region***, including ***CVWD***, Desert Water Agency (DWA), Mission Springs Water District (MSWD), Coachella Water Authority (CWA), Indio Water Agency (IWA), and the City of Banning Water Utility, have adopted water efficient landscape ordinances which are either as stringent as, or are more stringent than, the State's model water efficient landscape ordinance.

Development projects within the ***Whitewater River Region*** must demonstrate compliance with the landscape standards described in respective ordinances to receive water service. The standards include, but are not limited to: site plan check/approval for compliance with water allowances and requirements for drought tolerant plants, water budget components which establish the amount of water that can be used on particular landscapes, and encouraging retention of ***Stormwater*** and prevention of runoff.

- ***CVWD***, CWA, and the City of Banning Water Utility have implemented tiered water usage rates.

- DWA, IWA and the City of Banning Water Utility have implemented water waste prohibitions, conduct water use audits, and/or enforce against negligent water usage.

- ***CVWD***, CWA, DWA, MSWD, and the IWA offer water conservation incentive programs, including offering rebates for: turf removal, sprinkler upgrades, and other water efficient irrigation measures.

- The ***Coachella Valley Regional Water Management Group (CVRWMG)*** is a collaborative effort led by the five water purveyors of the Coachella Valley (***CVWD***, CWA, DWA, IWA, and MSWD) to develop an Integrated Regional Water Management Plan (IRWMP) to address the water resources planning needs of the Valley; each of the Coachella Valley ***Permittees*** were planning partners in development of the IRWMP. The IRWMP, which was finalized in December 2010, enables the ***CVRWMG*** to apply for grants related to the IRWMP program led by the California Department of Water Resources.

  In July 2012, the ***CVRWMG*** was awarded a $4,000,000 Proposition 84 grant to use towards implementation of a Regional Water Conservation Program. Program features include: implementation of a water auditing program, workshops for landscape professionals, incentives for turf replacement, subsidies for irrigation clocks, increased public education and outreach, subsidization of residential sprinkler upgrades and a residential leak detection program. The term for this program will end on December 31, 2017.

Private Construction Activities

77. Construction activities may be a significant cause of ***Receiving Water*** impairment in California. ***Sediment*** runoff rates from construction sites exceed natural ***Erosion*** rates of undisturbed lands, causing siltation and impairment of ***Receiving Waters***. However, siltation has not been identified by the ***Regional Water Board*** as a cause of ***Receiving Water*** impairment in the ***Whitewater River Region***. In addition to requiring implementation of ***BMPs***, an effective construction runoff program must include local plan review, permit conditions, field inspections, and enforcement.

78. One method to reduce ***Potential Pollutants*** in ***Urban Runoff*** is to incorporate ***BMPs*** as early in the planning phase of a project as possible. The implementation

of ***BMPs*** is necessary to prevent ***Erosion*** and sedimentation in storm and non-storm ***Urban Runoff*** discharges.

Commercial/Industrial

79. Enforcement of local ***Urban Runoff*** related ordinances, permits, and plans are an essential component of the ***SWMP***. Routine inspections provide an effective means by which ***Permittees*** can evaluate compliance. Inspections are especially important in areas with increased potential for ***Pollutant*** discharges, such as at industrial and construction sites.

Public Education/Outreach

80. Education is the foundation of the ***SWMP***. Education of the ***Permittee's*** planning, inspection, and maintenance department staff is critical. The Public Education Program contained in the ***SWMP*** incorporates a well-developed approach to education and outreach. The program, entitled "Only Rain Down The Storm Drain ***Pollution Prevention*** Program", combines resources and efforts from the three ***County MS4*** permit programs to effectively communicate responsible ***Urban Runoff*** management. Public participation is necessary to ensure that all stakeholder interests, and a variety of creative solutions, are considered. Public participation is important in the development of a complete ***Urban Runoff*** management program. The ***Permittees*** propose to continue to emphasize the public participation component of this program.

Monitoring

81. An effective monitoring program characterizes ***Urban Runoff*** discharges, identifies problem areas, and determines the impact of ***Urban Runoff*** on ***Receiving Waters***. However, due to the limited annual rainfall and the ephemeral nature of most ***Receiving Waters*** within the ***Whitewater River Region***, collecting sufficient wet and dry weather data to characterize discharges and assess improvement or degradation in water quality due to ***Urban Runoff*** quality control program implementation is challenging at best. Under normal hydrologic conditions in the ***Whitewater River Region***, there are limited flowing ***Receiving Waters*** impacted by ***Urban Runoff***.

82. Although local climate and hydrology make consistent sample collection difficult, it is feasible to safely collect data from ***MS4*** outfalls and certain ***Receiving Waters*** during daylight hours of those wet weather events that do not result in flash flood warnings and/or watches. The ***Permittees*** should continue to take efforts to collect data for the ultimate purpose of characterizing ***Urban Runoff*** discharges, effectiveness of implemented ***BMPs,*** and determining the impacts of those discharges on ***Receiving Waters***, where applicable and feasible.

Compliance with CEQA and Other Requirements

83. The ***Permittees*** will be required to comply with amendments to ***WQS*** or ***WDRs***, which may be imposed by the ***USEPA*** or the State of California prior to the expiration of this ***MS4 Permit***. This ***MS4 Permit*** may be reopened to include ***WLAs*** to address

Pollutants in ***Urban Runoff*** causing or contributing to the impairments in ***Receiving Water***s and/or other requirements developed and adopted by the ***Regional Water Board***. The ***MS4 Permit*** also includes language requiring the ***Permittees*** to amend the ***SWMP*** to address ***TMDL Basin Plan*** Amendments, including incorporation of ***WLA*** requirements.

84. ***CWC*** Section 13243 provides that a Regional Water Board, in a water quality control plan or in ***WDRs***, may specify certain conditions or areas where the discharge of ***Waste*** or certain types of ***Waste*** is not permitted.

85. The issuance of an ***NPDES*** permit for this discharge is exempt from the provisions of the California Environmental Quality Act (***CEQA***), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, in accordance with ***CWC*** Section 13389.

86. The ***Regional Water Board*** has considered state and federal anti-degradation requirements pursuant to 40 CFR 131.12 and ***State Board*** Resolution No. 68-16. This ***MS4 Permit*** does not allow degradation of surface ***Waters of the State***. Therefore, compliance with the ***MS4 Permit*** will satisfy these anti-degradation requirements.

87. The ***State Board*** issued one state-wide general permit to address ***Storm Water*** discharges from construction activities: the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities 2009-0009-DWQ as amended by 2010-0014-DWQ (***NPDES*** No. CAS000002) (***Construction General Permit***). Construction activities that qualify are required by federal regulations to obtain permit coverage under either an individual ***NPDES*** permit or the statewide ***Construction General Permit*** by filing a ***Notice of Intent*** (***NOI***) with the ***State Board***. Therefore, separate coverage under the ***Construction General Permit*** is necessary for ***Permittee*** construction projects within or outside of the ***Whitewater River Region***.

88. The ***Regional Water Board*** has notified the ***Permittees*** and other interested agencies and ***Persons*** of its intent to re-issue this ***MS4 Permit*** for discharges of ***Urban Runoff*** into the ***Whitewater River Region***.

    The ***Regional Water Board***, in a public hearing, heard and considered all comments pertaining to this ***MS4 Permit***. The ***Regional Water Board*** reserves the right to reopen this ***MS4 Permit*** after proper notice and an opportunity to be heard, is given to all concerned parties.

THEREFORE, IT IS HEREBY ORDERED that this ***MS4 Permit*** supersedes Order No. R7-2008-0001 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the ***CWC*** (commencing with section 13000) and regulations adopted thereunder, and the provisions of the ***CWA*** and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this ***MS4 Permit***. This action does not prevent the ***Colorado River Basin Regional Water Board*** from taking enforcement action for past violations of the previous ***MS4 Permit***. If any part of this ***MS4 Permit*** is subject to a temporary stay of enforcement, unless

otherwise specified, the Discharger shall comply with the analogous portions of the previous ***MS4 Permit***, which shall remain in effect for all purposes during the pendency of the stay.

B. DISCHARGE PROHIBITIONS

1. The discharge of ***Urban Runoff*** from the ***Permittees***' ***MS4*** to ***Waters of the United States*** containing ***Pollutant***s, which have not been reduced to the ***MEP***, is prohibited.

2. The ***Permittees*** shall continue to prohibit ***IC/ID***s to the ***MS4*** through their ***Storm Water Ordinances***.

3. The following discharge prohibitions are applicable to any ***Person***, as defined by Section 13050(c) of the ***CWC***, who is a citizen, domiciliary, or political agency or entity of California and whose activities in California could affect the quality of ***Waters of the State*** within the boundaries of the Colorado River Basin Region:

    a. The discharge of ***Waste*** to ***Waters of the State*** in a manner causing, or threatening to cause, a condition of ***Pollution***, ***Contamination***, or ***Nuisance***, as defined in ***CWC*** Section 13050, except in compliance with the terms and conditions of Section D, below.

    b. The discharge of ***Pollutant***s or dredged or fill material to ***Waters of the United States***, except as authorized by an ***NPDES*** permit or a dredged or fill material permit subject to the exemption described in ***CWC*** Section 13376.

    c. Any discharge to the ***MS4*** that is not composed entirely of "***Storm Water***" is prohibited, unless authorized by Section C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES.

    d. The unauthorized discharge of treated or untreated sewage to ***Waters of the State*** or to the ***MS4***.

    e. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative or any toxic chemical or ***Hazardous Waste*** into the ***MS4***.

C. ALLOWABLE *NON-STORM WATER* DISCHARGES

1. Each ***Permittee*** shall effectively prohibit all types of ***Non-Storm Water*** discharges into the ***MS4*** unless such discharges are authorized in accordance with Item No. 2 of this Section.

2. The following discharges are not prohibited, unless identified by the ***Permittees*** as a significant source of ***Pollutant***s to the ***Receiving Waters***:

   a. Discharges covered by ***NPDES*** permits or written clearances issued by the ***Regional Water Board*** or ***State Board***;

   b. Air conditioning condensation

   c. Potable water line flushing and other potable water sources;

   d. Passive foundation drains;

   e. Passive footing drains;

   f. Water from crawl space pumps;

   g. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters;

   h. Dechlorinated swimming pool discharges;

   i. Non-commercial vehicle washing; (e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organizations);

   j. Diverted stream flows;

   k. Rising ground waters and natural springs;

   l. Groundwater infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;

   m. Flows from riparian habitats and wetlands;

   n. Street wash water;

   o. Emergency water flows (i.e., firefighting flows and other flows necessary for the protection of life and property) do not require ***BMPs*** and need not be prohibited. However, appropriate ***BMPs*** shall be considered where practicable when not interfering with emergency public health and safety issues;

   p. Waters not otherwise containing ***Waste***s, as defined in ***CWC*** Section 13050 (d); and

   q. Other types of discharges identified and recommended by the ***Permittees*** and approved by the ***Regional Water Board***.

3. For purposes of this ***MS4 Permit***, a discharge may include ***Storm Water*** and other types of discharges as indicated in Section C.2. If the ***Permittee*** identifies an allowable discharge category from Section C.2 that causes or contributes to an exceedance of ***WQS*** or is a significant contributor of ***Pollutant***s to ***Waters of the United States***, a ***Permittee*** shall either:

Prohibit the discharge category from entering its ***MS4*** or ensure that appropriate ***BMPs*** are implemented to the ***MEP*** to reduce or eliminate ***Pollutant***s resulting from the discharge. The ***Permittees*** shall also provide a report to the ***Regional Water Board*** per Section D. ***RECEIVING WATER*** LIMITATIONS, Item No. 2.

C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES

D. *RECEIVING WATER* LIMITATIONS

1. The ***SWMP*** and its components shall be updated to achieve compliance with ***Receiving Water Limitations*** associated with discharges of ***Urban Runoff***. It is expected that compliance with ***Receiving Water Limitations*** will be achieved through an iterative process and the application of ***BMPs*** to the ***MEP***.

2. A ***Permittee*** shall be considered in compliance with the Discharge Prohibitions, Allowable ***Non-Storm Water*** Discharges, and ***Receiving Water Limitations***, so long as it is timely implementing control measures and other actions to reduce ***Pollutant***s in the discharges in accordance with the ***SWMP*** and other requirements of this ***MS4 Permit***, including any modifications. If exceedance(s) of ***WQS*** persist, notwithstanding implementation of the ***SWMP*** and other requirements of this ***MS4 Permit***, a ***Permittee*** shall continue to be considered in compliance with Discharge Prohibitions, Allowable ***Non-Storm Water*** Discharges, and ***Receiving Water Limitations*** by complying with the following procedure:

   a. Upon a determination by the ***Permittee*** or ***Regional Water Board*** that discharges of ***Urban Runoff*** from the ***MS4*** are causing or exceeding or contributing to an exceedance of an applicable ***WQS***, the ***Permittee*** shall promptly notify ***Regional Water Board*** staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter submit within 30 days a report to the ***Regional Water Board*** that describes ***BMPs*** that are currently being implemented and additional ***BMPs*** that will be implemented to prevent or reduce any ***Pollutants*** that are causing or contributing to the exceedance of ***WQSs***. The report shall include an implementation schedule. The ***Regional Water Board*** may require modifications to the report;

   b. Alternatively, if the exceedances of the applicable ***WQS***s are due to discharges to the ***MS4*** from activities or areas not under the jurisdiction of the ***Permittee***, the ***Permittee*** shall promptly notify ***Regional Water Board*** staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter shall provide documentation of these discharges and submit a report within 30 days to the ***Regional Water Board***. The ***Permittee*** shall trace the source of the discharge upstream by contacting the appropriate neighboring ***MS4*** facility that does have jurisdiction to locate the source of the ***Pollution***;

   c. Submit any modifications to the above reports (either D.2.a. or D.2b., as appropriate) within 30 days when required by the ***Regional Water Board***;

   d. Within 30 days following approval by the ***Regional Water Board*** of the report described above in Section D., 2.a., the ***Permittee*** shall revise the ***SWMP*** and monitoring program to incorporate the approved modified ***BMPs*** that will be implemented, the implementation schedule, and any additional monitoring required; and

   e. Implement the revised ***SWMP*** and monitoring program in accordance with the approved implementation schedule.

As long as a ***Permittee*** has complied with the procedures set forth above and is implementing the revised ***SWMP***, the ***Permittee*** does not have to repeat the same procedure for continuing or recurring exceedances of the same ***Receiving Water Limitations***, unless directed in writing by the ***Regional Water Board*** or ***Executive Officer*** to develop and implement additional ***BMPs***, including ***Source*** and ***Treatment Controls BMPs***.

D. ***RECEIVING WATER*** LIMITATIONS

E. SPECIFIC *PERMITTEE* REQUIREMENTS

1. The ***Permittee***s shall revise the ***SWMP*** to address the requirements found within this ***MS4 Permit***. The revised ***SWMP*** shall be submitted for approval by the ***Executive Officer*** within 12 months of adoption of this ***MS4 Permit***. Until such time that the ***Executive Officer*** provides approval of the revised ***SWMP***, the ***Permittees*** shall continue to implement the requirements described in Order No. R7-2008-0011 and the 2011 ***SWMP***. Upon approval by the ***Executive Officer***, the ***Permittee***s shall be required to implement the revised ***SWMP***, and the requirements of this ***MS4 Permit***.

2. The ***Principal Permittees*** shall:
    a. Coordinate ***MS4 Permit*** compliance activities;
    b. Establish a uniform data submittal format for use by all ***Permittees***;
    c. Prepare the ***Annual Report***;
    d. Forward information received from the ***Regional Water Board*** to the ***Permittees***;
    e. Implement ***MS4 Permit*** activities of common interest;
    f. Inform ***Permittees*** on ***USEPA*** and ***Regional Water Board*** regulations pertaining to the ***MS4***;
    g. Convene all ***Desert Task Force*** meetings that are held at least quarterly and consist of one or more representatives from each ***Permittee***. The ***Desert Task Force*** shall direct the maintenance and update of the ***SWMP*** and coordinate the implementation of the overall ***Urban Runoff*** program, as described in the ***ROWD***; and
    h. Maintain and update the ***Whitewater River Region*** map.

3. Each ***Permittee*** shall:
    a. Comply with the requirements of this ***MS4 Permit*** within its jurisdiction, and to the extent of its authority;
    b. Provide certification for all reports and other information requested by the ***Regional Water Board*** as specified in Section I.9 of this ***MS4 Permit***;
    c. Annually review the ***Whitewater River Region*** map to ensure that it encompasses urbanized areas within the jurisdiction of the ***Permittee***[29]. If additional urbanized areas (or non-urbanized areas are incorrectly identified as urbanized) within the jurisdiction of the ***Permittee*** are identified, the ***Permittee*** shall submit an amendment to the ***Whitewater River Region*** map to the ***Principal Permittees*** as part of the ***Annual Report***;

[29] The District and CVWD do not govern as municipal authorities over any land areas; therefore, this provision is not applicable to them.

d. Prepare and provide documents required by the ***MS4 Permit*** to the ***Principal Permittees*** in a timely manner;

e. Implement the ***Whitewater River Region SWMP*** consistent with this ***MS4 Permit*** to:

i. Reduce ***Potential Pollutant***s in ***Urban Runoff*** from municipal, commercial, industrial, and residential areas to the ***MEP***;

ii. Reduce ***Potential Pollutant***s in ***Urban Runoff*** from land development and construction sites to the ***MEP*** through the use of ***Structural*** and/or ***Non-Structural BMPs***;

iii. Reduce ***Potential Pollutant***s in ***Urban Runoff*** from ***Permittee's*** maintenance activities to the ***MEP***;

iv. Eliminate ***IC/ID***s to the ***MEP***;

v. Encourage spill prevention and containment as well as provide appropriate spill response plan for ***Permittees***' maintenance facilities to the ***MEP***;

vi. Increase public awareness to the ***MEP***;

vii. Continue to provide ***MS4 Permit*** compliance related training for ***Permittee's*** staff to the ***MEP***; and

viii. Control increases in ***Urban Runoff*** flows within the ***Permittees***' jurisdictional boundaries to the ***MEP,*** so as not to potentially cause ***Erosion*** or sedimentation problems downstream.

f. Designate at least one representative to the ***Desert Task Force*** as described in Section E.2.g. The ***Principal Permittees*** shall be notified immediately, of changes to the designated representative. The designated representative shall attend the ***Desert Task Force*** meetings.

4. Each ***Permittee*** shall establish and maintain adequate legal authority through statute, ordinance, or series of contracts, which authorizes or enables the ***Permittee*** to implement and enforce, at a minimum, each of the following requirements contained in 40 CFR Section 122.26(d)(2)(i)(A-F):

a. Control through ordinance, permit, contract, order or similar means, the contribution of ***Pollutant***s to the ***MS4*** by ***Urban Runoff*** associated with industrial activity and the quality of ***Urban Runoff*** discharged from sites of industrial activity;

b. Prohibit through ordinance, order or similar means, ***IDs*** to the ***MS4***, including, but not limited to, discharges:

i. Of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;

ii. Resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing:

iii. Of wash water from mobile operations such as oily or greasy discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.;

iv. Of runoff from material storage areas containing chemicals, fuels, grease, oil, or other ***Hazardous Materials***; and

v. Of food-related ***Wastes*** (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).

c. Control through ordinance, order or similar means the discharge to the ***MS4*** of spills, dumping or disposal of materials other than ***Urban Runoff***.

d. Control through interagency agreements among ***Permittees*** the contribution of ***Pollutant***s from one portion of the ***MS4*** to another portion of the ***MS4***;

e. Require compliance with conditions in ***Permittee*** ordinances, permits, contracts or orders consistent with the Enforcement and Compliance Strategy described in Section 1.7 of the ***SWMP***;

f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with ***MS4 Permit*** conditions, including the prohibition on ***IDs*** to the ***MS4***, and

g. Require that ***Urban Runoff*** collection, transport, and storage facilities shall be in good working condition at all times to effectuate compliance with this ***MS4 Permit***.

Because the ***RCFC&WCD*** and ***CVWD*** are not general purpose local government entities and only operate facilities that may convey ***Urban Runoff***, these ***Permittees*** lack the authority to adopt and enforce ordinances to regulate development and other authorities and abilities of general purpose government entities. The ***RCFC&WCD*** and ***CVWD*** shall therefore comply with this Provision as well as other aspects of this ***MS4 Permit*** only to the extent of their statutory authority and within the constraints imposed by the California Constitution.

5. Each ***Permittee*** shall review its ordinances, contracts and/or agreements to ensure that they continue to have adequate authority to implement and enforce applicable provisions of this ***MS4 Permit***. Each ***Permittee*** shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce the applicable provisions of this ***MS4 Permit*** as part of its Fiscal Year 2014-2015 ***Annual Report***. If a ***Permittee*** determines that such legal authority does not exist, that ***Permittee*** shall provide an implementation schedule identifying the legal changes necessary to adopt a new ordinance, amend an existing ordinance, or create and/or amend any agreement(s) that would enable the ***Permittee*** to obtain the requisite legal authority to fully implement and enforce the applicable provisions of this ***MS4 Permit***. The implementation schedule shall be provided to ***Regional Water Board*** staff for its approval as part of the Fiscal Year 2014-2015 ***Annual Report***. Upon the final date of the approved implementation schedule, the ***Permittee*** shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce the applicable provisions of this ***MS4 Permit***. If a ***Permittee*** determines that legal authority does not exist or is insufficient at any time after submittal of the

Fiscal Year 2014-2015 ***Annual Report***, that ***Permittee*** shall implement appropriate measures to ensure that it has obtained adequate legal authority, and submit the required statement certifying legal authority as part of its ***Annual Report***.

6. ***Permittees*** that have entered into land use agreements with Tribal entities, as described in Finding #17 of this ***MS4 Permit***, shall periodically inform the ***Regional Water Board*** on implementation of the ***SWMP*** on Tribal Lands.

7. ***Permittee*** Construction Activities:

   The ***Permittees*** will be required to file a ***Notice of Intent*** (***NOI)*** for coverage under the ***Construction General Permit*** for ***Permittee*** construction projects which create a ***Land Disturbance*** greater than or equal to one acre, or less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

   The Construction General Permit defines routine maintenance activities that are exempt from coverage under the ***Construction General Permit***. Specific maintenance activities, which include ***BMPs*** implemented as part of a ***Permittee***'s Municipal Facility/Activities ***Pollution Prevention*** Plan or model municipal maintenance ***BMP*** fact sheets, can be considered as meeting "routine maintenance activities", as defined in the ***Construction General Permit***.

F. BEST MANAGEMENT PRACTICES

1. Each ***Permittee*** shall implement the following programs and ***BMPs*** to the ***MEP*** as described in the ***SWMP*** and this ***MS4 Permit***. These programs and ***BMPs*** include the following:

   a. *IC/ID*, Litter, Debris, and Trash Control Program:

   i. The ***Permittees*** shall continue to reduce the discharge of ***Pollutant***s, including trash and debris, from their respective ***MS4***s to ***Receiving Water***s to the ***MEP***.

   ii. The ***Permittees*** shall document the observations of field personnel of unauthorized dumping or spills so that the information can be used to help locate the source of ***Pollutants***. The ***Permittees*** shall continue to utilize standardized ***IC/ID*** reporting forms to document, track and report ***IC/ID*** incidents.

   iii. The ***Permittees*** shall maintain a database of ***IC/ID*** investigations. The database shall track case specifics, including description, cause, duration, the outcome of the case (spill/connection was terminated and cleaned up, source owner/operator educational visit, warning letter, referral to an enforcement agency, etc.), and the enforcement actions issued/taken (e.g., notice of non-compliance, notice of violation and order to comply, referral to District Attorney for prosecution).

   iv. The ***Permittees*** shall continue to provide, collect, and maintain litter receptacles in strategic public areas and during public events.

   v. The ***Permittees*** shall assess and modify, if necessary, existing field programs to detect and prevent dumping or routine discharge of ***Pollutant***s into ***MS4*** facilities.

   vi. The ***Permittees*** shall continue to implement and enforce leash laws and other pet laws (i.e., pet waste clean-up, no pets in public areas) in selected public-use areas.

   Field Screening/System Surveillance

   vii. The ***Permittees*** shall continue to implement routine field inspections for their ***MS4*** facilities, and the ***Dry Weather*** monitoring and reporting program (as detailed in Section L.10.A. of this ***MS4 Permit***), to assist with identification and elimination of ***IC/IDs***.

   viii. ***Permittee***s may utilize existing ***MS4*** maintenance programs, business/construction inspection programs and/or complaint reports to facilitate field screening. ***Permittee*** field staff shall utilize visual or olfactory indicators for determining ***IC/ID***s during field screening.

   ix. If routine field inspections or the ***Dry Weather*** monitoring and reporting program indicate ***IC/IDs***, they shall be investigated and eliminated, or

regulated by the ***Regional Water Board***, as soon as possible after detection.

x. ***IC/ID*** elimination measures may include an escalating series of enforcement actions for those ***IC/ID***s that do not endanger public health or the environment. ***IC/ID***s that endanger public health or the environment (as defined in the Reporting Section F.1.a.xi.2. below) shall be eliminated as soon as possible. A summary of elimination measures taken shall be maintained by the ***Permittees*** as part of the ***IC/ID*** database.

Reporting

xi. The ***Permittee***s shall immediately (within 24 hours of receipt of notice) initiate an investigation of all spills, leaks, and/or ***IC/ID***s to the ***MS4*** upon being put on notice by staff or a third party. Based upon their assessment and as specified below, the ***Permittees*** with jurisdiction for the spill shall report all discharges that endanger human health or the environment as follows:

1. By phone to the California Emergency Management Agency ("***Cal EMA***") at (800-852-7550) and to the ***Regional Water Board*** at (760-346-7491).

2. At a minimum, any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any ***Hazardous Material*** spill where residents are evacuated, any spill of reportable quantities of ***Hazardous Waste*** (as defined in 40 CFR Part 117 and 40 CFR Part 302), or any other spill or discharge that is reportable to ***Cal EMA*** (collectively, an "***Emergency Situation***") shall be reported within twenty four (24) hours of becoming aware of the circumstances. Additional reporting requirements shall be per Section I. REPORTING REQUIREMENTS, Item No. 6.a.

xii. Other spill incidents, including any unauthorized discharge, that are not incidents reportable to the ***Cal EMA*** shall be documented; documentation shall include a description of the spill, its cause(s), duration, actual or anticipated time for achieving compliance, and the enforcement steps that the ***Permittee*** has taken, or intends to take. These incidents shall be included in the ***IC/ID*** database, and be available upon request;

xiii. ***Permittees*** with jurisdiction over incidents described by Section F.1.a.xi. shall submit a report for each incident to the ***Executive Officer*** as an attachment to their ***Annual Report***, if not already done by another responsible agency, per Section F.1.a.xv, below. This report shall contain a description of the non-compliance, its causes, duration, and the actual or anticipated time for the violator to achieve compliance. The report shall include the enforcement steps that the ***Permittee*** has taken, or intends to take;

xiv. The ***Permittees*** may propose an alternative reporting program, including reportable incidents and quantities, jointly with other agencies such as the ***County*** Department of Environmental Health (***DEH***), subject to approval by the ***Executive Officer***.

xv. In cases where an incident is reportable to ***Cal EMA*** and/or ***Executive Officer*** and that incident has been reported to ***Cal EMA*** and/or ***Executive Officer***, as applicable, by another responsible agency, the ***Permittee*** with jurisdiction is not required to duplicate the report.

Incident Response, Investigation, and Clean Up

xvi. Continue to support the existing ***Hazardous Materials*** incident response programs implemented jointly by the ***County DEH*** and the ***County*** Fire Department ***HAZMAT*** Team;

Program Data Tracking

xvii. The ***Permittee***s shall maintain the following records:

1. ***IC/ID*** reporting forms used to document, track and report ***IC/ID*** incidents;

2. An up-to-date ***IC/ID*** database, including information specified in Attachment B of this ***MS4 Permit***; and

3. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access to similar trackable data, such a system may be used in lieu of the ***IC/ID*** database requirements in Attachment B of this ***MS4 Permit***.

Annual Reporting

xviii. In its ***Annual Report***, each ***Permittee*** shall include the following information:

1. Total number of ***IC/ID*** complaints received during the reporting year;
2. Total number of ***IC/ID*** complaints requiring response during the reporting year;
3. Total number and type of enforcement actions resulting from ***IC/ID*** complaints during the reporting year;
4. Report(s) for incident(s) reportable to ***Cal EMA,*** as required in Section F.1.a.xiii. of this ***MS4 Permit***;
5. A narrative summary of ***IC/ID*** program accomplishments or issues encountered during the reporting year;
6. A summary of trash and debris removal activities conducted; and

7. A summary of ***MS4*** facilities inspected (by ***MS4*** facility type) during the reporting year pursuant to Sections F.1.a.vii through F.1.a.ix. (above).

xix. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access pursuant to Section F.1.a.xvii.3 (above), the ***Annual Report*** requirements listed in section F.1.a.xviii (above) are waived.

Annual Program Evaluation and Assessment

xx. Each ***Permittee*** shall evaluate in its ***Annual Report*** whether the ***IC/ID*** program goals listed below have been achieved:

1. Reduce the discharge of trash and debris from respective ***MS4***s to ***Receiving Water***s;
2. Confirm that ***IC/ID*** reports are reviewed and responded to in a timely manner;
3. Ensure that confirmed ***IC/ID*** events are expeditiously eliminated.

xxi. If a ***Permittee*** finds that the above stated program goals have not been achieved, that ***Permittee*** shall review its applicable activities and ***BMP***s to identify any modifications which may be needed to improve ***IC/ID*** program effectiveness, as necessary to comply with this ***MS4 Permit***. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable ***Annual Report***.

b. Commercial/Industrial Facilities Program

Source Identification, Inspection and Enforcement

i. The ***Permittees*** shall continue to coordinate with ***County DEH***, ***Regional Water Board*** staff, and others as necessary to maintain a commercial and industrial facility database;

ii. The ***Permittees*** shall maintain an implementation schedule for conducting inspections of the targeted list of facilities listed in the database, as detailed in Section 3.1 of the ***SWMP***;

iii. The existing Compliance/Assistance Program (***CAP***) described in Section 3 of the ***SWMP*** meets the intent of this section; however, individual ***Permittees*** may propose an alternative inspection program for ***Regional Water Board*** approval as part of their ***Annual Reports***;

iv. Each ***Permittee*** shall continue to enforce its ordinances, including its ***Storm Water Ordinance***, at industrial and commercial facilities as necessary to maintain compliance with this ***MS4 Permit***. Where ***CAP*** Industrial/Commercial surveys indicate that a facility is out of compliance with a ***Permittee's Storm Water Ordinance***, ***Permittee*** staff shall perform a re-inspection. Sanctions for non-compliance may include: verbal or written warnings, issuance of notices of violation or non-

compliance, obtaining an administrative compliance, stop work, or cease and desist order, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor);

v. Each ***Permittee*** shall implement and enforce its ordinances that require all new industrial facilities subject to the General Industrial Activities ***Storm Water*** Permit (***General Industrial Permit***) to show proof of compliance (such as a waste discharge identification (***WDID***) number from submittal of a ***NOI***) prior to: 1) issuance of a business license (applicable only to those ***Permittees*** which require business licenses) or 2) issuance of a certificate of occupancy for ***New Development***;

vi. Upon referral of an industrial facility to ***Regional Water Board*** staff for failure to obtain coverage under the ***General Industrial Permit***, failure to keep a ***SWPPP*** at the industrial facility, or an observed act or omission that suggests failure to comply with either, the ***Permittee*** will take no further action at the industrial facility with regard to securing compliance with the ***General Industrial Permit***. It is understood by the ***Permittees*** and ***Regional Water Board*** staff that this will ensure that consistent direction is provided to the facility owner/manager as to what is required to bring the facility into compliance with the ***General Industrial Permit***. Each ***Permittee*** shall take appropriate actions to bring an industrial facility into compliance with its local ordinances, rules, regulations, and the Water Quality Management Plan (***WQMP)***, where applicable;

Program Data Tracking

vii. The ***Permittees*** shall maintain the following records:

1. An up-to-date commercial and industrial facility database, which includes the categories of facilities named in Section 3.4 of the ***SWMP***, and information specified in Attachment B of this ***MS4 Permit***; and

2. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access to similar trackable data, such a system may be used in lieu of the commercial and industrial facility database requirements in Attachment B of this ***MS4 Permit***.

Annual Reporting

viii. In its ***Annual Report***, each ***Permittee*** shall include the following information:

1. Total number of commercial and industrial facilities inspected during the reporting year;

2. Total number of commercial and industrial facilities requiring re-inspection during the reporting year;

3. Total number and type of enforcement actions issued to commercial and/or industrial facilities during the reporting year.

F. BEST MANAGEMENT PRACTICES

ix. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access pursuant to Section F.1.b.vii.2. (above), the ***Annual Report*** requirements listed in Section F.1.b.viii (above) are waived.

Annual Program Evaluation and Assessment

x. Each ***Permittee*** shall evaluate in its ***Annual Report*** whether the following commercial and industrial facilities program goals have been achieved:

1. Maintain an updated database of commercial and industrial facilities;
2. Confirm that industrial and commercial facilities described in Section F.1.b.ii (above) have implemented ***BMP***s that comply with ***Permittee Stormwater Ordinances***; and
3. Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of ***Permittee Stormwater Ordinances*** from industrial and commercial facilities.

xi. If a ***Permittee*** finds that the above stated program goals have not been achieved, that ***Permittee*** shall review its applicable activities and ***BMP***s to identify any modifications which may be needed to improve commercial/industrial program effectiveness as necessary to comply with this ***MS4 Permit***. A work plan and schedule to address program modifications shall be developed and implemented, and will be provided and/or updated with the applicable ***Annual Report***.

c. *New Development*/Redevelopment Program

Permittees shall:

i. Make information available to architects, engineers, building department personnel, and local government officials on water quality problems associated with ***Urban Runoff*** and the requirements for meeting ***NPDES*** regulatory requirements and program goals for properly managing the quality of ***Urban Runoff***.

Provide information on upcoming training workshops and distribute educational materials as appropriate;

ii. The ***Permittees*** shall continue to implement the existing development and approval review procedures outlined in the ***SWMP***. The ***Permittees*** must:

1. Implement and enforce a program to address ***Urban Runoff*** from ***New Development*** and ***Redevelopment Projects*** that disturb areas equal to or greater than 1 acre, including projects less than 1 acre that are part of a larger common plan of development or sale, that discharge into the ***MS4*** (herein referred to as ***Other Development Projects***) by ensuring that ***Source Control BMP***s specified in Item No. F.1.c.v.3 of this Section (below) are in place that would prevent or minimize water quality impacts to the ***MEP***;

2. As necessary, revise the ***Whitewater BMP Design Manual***, which includes a combination of ***Structural*** and/or ***Non-Structural BMPs***, to reflect updated ***BMP*** technologies that the ***Permittee***s determine to be appropriate and feasible for the ***Whitewater River Region***;
3. Use an ordinance or other regulatory mechanism to address post-construction ***Urban Runoff*** from ***New Development*** and ***Redevelopment Projects*** to the extent allowable under state or local law. The requirements must include the design standards specified in Item No. F.1.c.v, of this Section (below) or a functionally equivalent program that is acceptable to the ***Regional Water Board***; and
4. Require mechanisms to ensure adequate long-term operation and maintenance of post-construction ***BMPs*** on ***Priority Development Project*** sites.

iii. All discretionary ***New Development*** and ***Redevelopment Projects*** that fall into one of the following categories (herein referred to as ***Priority Development Projects***) are subject to the ***WQMP*** design standards specified in Item No. F.1.c.v. of this Section (below):

1. Single-family hillside residences that create 10,000 square feet, or more, of impervious area where the natural slope is twenty-five percent (25%) or greater, including single-family hillside residences that create 10,000 square feet of impervious area where the natural slope is ten percent (10%) or greater where erosive soil conditions are known;
2. 100,000 square foot commercial and industrial developments;
3. Automotive repair shops (with Standard Industrial Classification ("***SIC***") codes 5013, 7532, 7533, 7534, 7537, 7438, and 7539);
4. Retail gasoline outlets disturbing greater than 5,000 square feet;
5. Restaurants disturbing greater than 5,000 square feet;
6. Home subdivisions with 10 or more housing units; and
7. Parking Lots 5,000 square feet or larger in size, or with 25 or more parking spaces and potentially exposed to ***Urban Runoff***.

iv. Where a ***Priority Redevelopment Project*** replaces less than 50% of the impervious surfaces on an existing developed site, and the site was not previously subject to ***Priority Development Project*** requirements, the ***WQMP*** design standards specified in Section F.1.c.v. (below) apply only to the addition or replacement, and not to the entire developed site. Where a ***Priority Redevelopment Project*** replaces 50% or more of the impervious surfaces on an existing developed site, the ***WQMP*** design standards specified in Section F.1.c.v. (below) apply to the entire development.

v. ***WQMP*** Design Standards. Discretionary development specified in Section F.1.c.iii. (above) must implement the following ***BMPs***:

1. Peak-***Urban Runoff*** Discharge Rates.

   Post development peak ***Urban Runoff*** discharge rates shall not exceed pre-development rates for developments where the increased peak ***Urban Runoff*** discharge rate will result in increased potential for downstream ***Erosion***. The ***Permittees*** shall continue implementation of the existing design standard for Peak-***Urban Runoff*** Discharge Rate control as specified in the ***WQMP***.

2. ***Site Design BMPs***.

   Unless infeasible, the following ***Site Design BMPs*** are required and must be implemented in the site layout during the subdivision design and approval process, consistent with applicable General Plan and Local Area Plan policies:

   a. Minimize ***Urban Runoff***, minimize impervious footprint, and conserve natural areas,

   b. Minimize directly connected impervious area; and

   c. The Permittees shall continue to implement the ***Treatment Control BMP*** requirement (specified in Section F.1.c.v.4. below) through implementation of ***Site Design BMP***s, as specified in the ***WQMP***, and Section F.1.c.v.5.b. below.

3. ***Source Control BMPs***.

   The ***Permittees*** shall address ***Pollutants*** in ***Urban Runoff*** through the implementation of ***Source Control BMPs***. ***Urban Runoff*** from a site has the potential to contribute oil and grease, suspended solids, metal, gasoline, pesticides, and pathogens to the ***MS4***. ***Priority Development Projects*** and ***Other Development Projects*** must be designed so as to minimize, to the ***MEP***, the introduction of ***Pollutant***s generated from on-site runoff of directly connected impervious areas to the ***MS4*** as approved by the building official. The ***Permittees*** shall require the following ***Source Control BMPs***:

   a. Protect slopes and channels from eroding;

   b. Include storm drain inlet stenciling and signage;

   c. Include properly designed outdoor material storage areas; and

   d. Include properly designed trash storage areas.

4. ***Treatment Control BMPs***.

The ***WQMP*** shall require ***Treatment Control BMPs*** for all ***Priority Development Projects***. All ***Treatment Control BMPs*** shall be located so as to infiltrate, filter or treat the required runoff volume or flow prior to its discharge to any ***Receiving Water***. Multiple ***Priority Development Projects*** may share ***Treatment Control BMPs*** as long as construction of any shared ***Treatment Control*** BMP is completed prior to the use of any development project from which the ***Treatment Control*** BMP will receive ***Urban Runoff***, and prior to discharge to a ***Receiving Water***. ***Treatment Control BMPs*** shall be designed to address ***Pollutants of Concern***. ***Pollutants of Concern*** consist of any ***Pollutant***s generated by the ***Priority Development***, including ***Pollutant***s that are listed under ***CWA*** Section 303(d) for the ***Receiving Water*** into which the ***Priority Development*** would discharge, ***Pollutant***s associated with the land use type of the ***Priority Development*** and legacy ***Pollutant***s associated with past use of the ***Priority Development*** site that may be exposed to ***Urban Runoff***. ***Treatment Control BMPs*** shall be collectively sized to comply with the following numeric sizing criteria:

a. Volumetric ***Treatment Control*** BMP design criteria.

   i. The 85th percentile 24-hour event determined as the maximized capture ***Storm Water*** volume for the project area, from the formula recommended in Urban Runoff Quality Management, Water Environment Federation Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

   ii. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial (2003); or

   iii. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in ***Pollutant*** loads achieved by the 85th percentile 24-hour runoff event; or

   iv. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the ***Whitewater River Region*** that has been proposed by the ***Permittees*** and is approved by the ***Executive Officer***.

b. Flow-Based ***BMP*** design criteria

i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or

ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of the storm event), as determined from the local historical rainfall record, multiplied by a factor of two; or

iii. The maximum flow rate of runoff for each hour of a storm event, as determined from the local historical rainfall record that achieves approximately the same reduction in ***Pollutant*** loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two; or

iv. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the ***Whitewater River Region*** proposed by the ***Permittees*** and approved by the ***Executive Officer***.

5. ***Treatment Control*** Alternatives and Waivers.

a. Projects that retain and infiltrate 100% of the rainfall conditions specified in Section F.1.c.v.4 are deemed to comply with the ***Treatment Control BMP*** requirements of that Section.

b. The ***Permittees*** have developed, and shall continue to implement a ***Site Design BMP*** substitution program, which has been incorporated into the ***WQMP***, and allows the ***Permittees*** to substitute implementation of ***Low Impact Development (LID) Site Design BMPs*** for implementation of some or all ***Treatment Control BMPs***. The ***Site Design BMP*** substitution program utilizes specific design criteria for each ***LID Site Design BMP*** to be utilized by the ***Site Design BMP*** substitution program.

c. A ***Permittee*** may provide for a ***Priority Development Project*** to be waived from the requirement of implementing ***Treatment Control BMPs***. All waivers, along with documentation justifying the issuance of a waiver, must be submitted to the ***Regional Water Board*** staff in writing within thirty (30) calendar days. If the ***Executive Officer*** determines that waivers are being inappropriately granted, this ***MS4 Permit*** may be reopened to modify these waiver conditions. Waivers may be granted:

i. If infeasibility can be established. A waiver of infeasibility shall only be granted by a ***Permittee*** when all available ***Treatment Control BMPs*** have been considered and rejected as technically infeasible and/or the cost of implementing the ***Treatment Control BMP*** greatly outweighs the ***Pollution*** control benefit; or

ii. For those portions of the ***Whitewater River Region*** that will not result in a discharge to ***Receiving Waters*** under the rainfall conditions specified in Section F.1.c.v.4.

6. Limitation of Use of Infiltration ***BMPs***.

a. Infiltration based ***Treatment Control BMPs*** shall:

i. Be located at least 50 feet horizontally from water supply wells, unless it can be shown that well construction and site geology will provide adequate protection for the domestic water well in which case the minimum distance will be provided on a case by case basis; and

ii. Not cause a ***Nuisance***, including odor, vectors or ***Pollution*** as defined by ***CWC*** Section 13050.

vi. The ***Permittees*** shall revise the 2009 ***WQMP*** to address the requirements described within Section F.1.c. (above); the revised ***WQMP*** shall be submitted for approval by the ***Executive Officer*** within 12 months of adoption of this ***MS4 Permit***. Until such time that the ***Executive Officer*** provides approval of the revised ***WQMP***, the ***Permittees*** shall continue to implement the ***Priority Development Project*** requirements described in Order No. R7-2008-0011 and the 2009 ***WQMP***. Upon approval by the ***Executive Officer***, the ***Permittee***s shall be required to implement the revised ***WQMP***. ***Priority Development Projects*** submitted after the approval date of the revised ***WQMP*** shall be subject to the requirements of the revised ***WQMP***, and the ***Priority Development Project*** requirements of this ***MS4 Permit***.

Program Data Tracking

vii. The ***Permittees*** shall keep the following records:

1. An up-to-date ***WQMP*** tracking database, including information specified in Attachment B of this ***MS4 Permit***;

2. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access

to similar trackable data, such a system may be used in lieu of the ***WQMP*** tracking database requirements in Attachment B of this ***MS4 Permit***.

Annual Reporting

viii. In its ***Annual Report***, each ***Permittee*** shall include the following information:

1. Number of projects conditioned for ***WQMP***s during the reporting year;

2. A summary of ***Other Development Projects*** conditioned to require implementation of ***Source Control BMP***s during the reporting year;

3. Percent of projects requiring ***WQMP***s which met the goal of achieving the ***Treatment Control BMP*** requirement through the use of ***LID Site Design BMP***s during the reporting year.

ix. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access pursuant to Section F.1.c.vi.2. (above), the ***Annual Report*** requirements listed in Section F.1.c.vii. (above) are waived.

Annual Program Evaluation and Assessment

x. Each ***Permittee*** shall evaluate in its ***Annual Report*** whether the following ***New Development/Redevelopment*** program goals have been achieved:

1. Confirm that ***WQMP***s are in place at ***Priority Development/Redevelopment Projects***, to prevent or minimize water quality impacts to the ***MEP***;

2. Encourage the use of ***LID Site Design BMP***s to address the ***Treatment Control BMP*** requirement for ***Priority Development/Redevelopment Projects***; and

3. Confirm that ***Other Development Projects*** are conditioned to require implementation of ***Source Control BMP***s.

xi. If a ***Permittee*** finds that the above stated program goals have not been achieved, that ***Permittee*** shall review its applicable activities and ***BMP***s to identify any modifications which may be needed to improve ***New Development/Redevelopment*** program effectiveness, as necessary to comply with this ***MS4 Permit***. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable ***Annual Report***.

d. Private Construction Activities Program

F. BEST MANAGEMENT PRACTICES

The ***Permittees*** shall:

i. Make information available to developers, contractors, operators, and agency staff about upcoming educational and training workshops on construction site ***Erosion*** and ***Sediment*** control and construction materials management sponsored by industry groups, professional organizations and public agencies.

Make associated public education materials available to the public;

ii. Continue to implement and enforce a program to reduce ***Pollutant***s in ***Urban Runoff*** to the ***MS4*** from construction activities that result in a ***Land Disturbance*** of greater than or equal to one acre. Reduction of ***Pollutant***s in ***Urban Runoff*** discharges to the ***MS4*** from construction activity disturbing less than one acre must be included in a program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must continue to include implementation of, at a minimum:

1. Ordinances or other regulatory mechanisms to require ***Erosion*** and ***Sediment*** controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State or local law;

2. Requirements for construction site operators to control ***Waste*** such as discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary ***Waste*** at the construction site that may cause adverse impacts to water quality;

3. Procedures for site plan review which incorporate consideration of potential water quality impacts; and

4. Procedures for site inspection and enforcement control measures. Each ***Permittee*** shall continue to conduct construction site inspections for compliance with its ordinances, including its ***Stormwater Ordinance***, codes and the ***WQMP***. Sanctions for non-compliance may include: verbal and/or written warnings, issuance of notices of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). Construction site inspections shall at a minimum:

a. Verify coverage under the ***Construction General Permit***, if required;

b. Confirm that a ***SWPPP***, if required, is onsite;

c. Confirm compliance with the ***Permittee's*** ordinances; and

d. Check for active ***Non-Storm Water*** discharges or potential ***IC/IDs*** to the ***MS4***.

F. BEST MANAGEMENT PRACTICES

iii. Identify priorities for inspecting sites and enforcing control measures for construction projects that disturb areas equal to or greater than 1 acre. In establishing priorities for the inspection of construction sites consistent with this ***MS4 Permit***, the ***Permittees*** shall identify sites of high and low threat to ***Receiving Water*** quality. Evaluation of construction sites should be based on such factors as soil ***Erosion*** potential, project size, proximity and sensitivity of ***Receiving Water***s, history of compliance, and other relevant factors. High priority construction sites shall in any event include:

1. Construction sites that disturb an area greater than fifty (50) acres; and
2. Construction sites that disturb greater than one (1) acre and directly discharge to an identified 303 (d) listed waterbody.

Low priority construction sites shall include:

1. Construction sites that disturb an area of one acre or greater and less than fifty (50) acres, and do not discharge directly to an identified ***CWA Section 303 (d)*** listed waterbody; and
2. Construction sites which have a demonstrated history of compliance.

High priority sites may be re-categorized to low priority construction sites during construction. The ***Permittee***s shall establish inspection frequencies for individual construction sites based upon site priority, as detailed in Section 5.3 of the ***SWMP***.

iv. If a ***Permittee*** receives notice by its staff of a possible violation of the ***Construction General Permit***, the ***Permittee*** shall, within two (2) working days, provide oral (Telephone: 760.346.7491) and e-mail notice to ***Regional Water Board*** staff of the location within its jurisdiction where the incident occurred and describe the nature of the incident;

v. Upon referral of a construction site to ***Regional Water Board*** staff for failure to obtain coverage under the ***Construction General Permit***, failure to keep a ***SWPPP*** at the construction site, if applicable, or an observed act or omission that suggests failure to comply with either, the ***Permittee*** will take no further action at the construction site with regard to securing compliance with the ***Construction General Permit***. Each ***Permittee*** shall continue to take appropriate action to bring a construction site into compliance with its local ordinances, rules, and regulations;

vi. Prior to the issuance of a building, ***Grading*** or other construction project permit, the ***Permittees*** shall require proof that the applicant has filed a ***NOI*** for the ***Construction General Permit,*** if such coverage is required.

Program Data Tracking

F. BEST MANAGEMENT PRACTICES

vii. The ***Permittees*** shall keep the following records:

1. An up-to-date construction site inspection database, including information specified in Attachment B of this ***MS4 Permit***;

2. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access to similar trackable data, such a system may be used in lieu of the construction site inspection database required in Attachment B of this ***MS4 Permit***.

Annual Reporting

viii. In its ***Annual Report***, each ***Permittee*** shall include the following information:

1. Total number of construction site inspections conducted, pursuant to Section F.1.d.ii.4 (above), during the reporting year;

2. Total number and type of enforcement action(s), including referrals to the ***Regional Water Board***, issued on construction sites during the reporting year; and

3. Provide confirmation that the construction site inspection database (Attachment B of this ***MS4 Permit***) has been implemented to track inspection activities during the reporting year.

ix. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access pursuant to Section F.1.d.vii.2. (above), the ***Annual Report*** requirements listed in Section F.1.d.viii. (above) are waived.

Annual Program Evaluation and Assessment

x. Each ***Permittee*** shall evaluate in its ***Annual Report*** whether the following Private Construction Activities program goals have been achieved:

1. Maintain an updated database of active construction sites which includes categorization of sites by priority;

2. Perform inspections to confirm construction site compliance with ***Permittee Stormwater Ordinance***; and

3. Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of ***Permittee Stormwater Ordinances***.

xi. If a ***Permittee*** finds that the above stated program goals have not been achieved, that ***Permittee*** shall review its applicable activities and ***BMP***s to identify any modifications which may be needed to improve

Private Construction Activities program effectiveness, as necessary to comply with this ***MS4 Permit***. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable ***Annual Report***.

e. <u>Permittee Activities Program</u>

i. Sewage Systems

1. ***Permittees*** shall provide Sanitary Sewer Operators access to their ***MS4*** facilities for the purposes of allowing control of ***SSO***s, or for the purpose of limiting the impacts to ***Receiving Water***s once a spill has entered the ***MS4***. ***Permittees*** subject to ***State Board*** Water Quality Order No. 2006-0003 (***Sanitary Sewer Order***) shall obtain coverage under that Order.

ii. ***Permittee*** Facilities and Operations

The ***Permittee***s shall continue to maintain an inventory of ***Permittee*** facilities with outdoor materials storage or maintenance areas. Requirements for all ***Permittee*** facilities with outdoor materials storage or maintenance areas:

1. Continue to maintain and implement ***Permittee Municipal Facility/Activity Pollution Prevention Plan***s; and
2. Inspect facilities requiring ***Municipal Facility/Activity Pollution Prevention Plan***s for appropriate ***BMP*** implementation once per year, at a minimum. Re-inspections and/or corrective actions shall be taken if deficiencies are found.

iii. Landscape Maintenance

Each ***Permittee*** shall require that pesticides be applied in conformance with existing state and federal regulations.

iv. ***Permittee*** Streets and Roads

1. Maintain the model fact sheet of ***BMPs*** for common road maintenance activities. Each ***Permittee*** will continue to require road maintenance personnel to review the fact sheet biennially, and implement the ***BMPs*** specified therein; and
2. Each ***Permittee*** will continue to incorporate applicable elements of the model fact sheet of ***BMPs*** for common road maintenance activities into road maintenance contracts.

v. ***MS4*** Facilities

1. A map identifying ***Receiving Waters*** and ***Major MS4 Outfalls*** shall be maintained and updated as required;
2. Continue to implement the existing field program to detect and prevent dumping or ***IDs*** into ***MS4*** facilities; and

3. Continue to implement ***MS4*** maintenance schedules for basins, inlets and open channels.

Program Data Tracking

vi. The ***Permittees*** shall keep the following records:

1. An up-to-date inventory of ***Permittee*** facilities with outdoor materials storage or maintenance areas;

2. Reports from inspections conducted at ***Permittee*** facilities requiring ***Municipal Facility/Activity Pollution Prevention Plan***s;

3. An up-to-date ***MS4*** inspection and maintenance schedule; and

4. An up-to-date list of pesticide application personnel and their certifications.

Annual Reporting

vii. In its ***Annual Report***, each ***Permittee*** shall include the following information:

1. Total percentage of facilities requiring ***Municipal Facility/Activity Pollution Prevention Plan***s that were inspected during the reporting year;

2. Narrative summary of the results of municipal facility inspections conducted pursuant to Section F.1.e.ii. (above), including a summary of deficiencies noted and corrective actions taken, if any; and

3. A summary of ***MS4*** facilities maintained (by ***MS4*** facility type) pursuant to Section F.1.e.v.3. (above) during the reporting year,.

viii. A map of the ***Whitewater River Region*** which identifies the most current ***MS4 Permit*** boundary, ***Receiving Waters*** and ***Major MS4 Outfalls*** shall be submitted by the ***Permittee***s with each ***Annual Report***.

ix. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access to the reportable information listed in Section F.1.e.vii. above, the ***Annual Report*** requirements listed in that Section are waived.

Annual Program Evaluation and Assessment

x. Each ***Permittee*** shall evaluate in its ***Annual Report*** whether the following ***Permittee*** Facilities and Activities program goals have been achieved:

1. Maintain a current map of ***MS4 Outfalls, Receiving Waters***, and the ***MS4 Permit*** boundary;

2. For facilities with outdoor materials storage or maintenance areas: confirm that ***BMP***s described in each facility's ***Municipal Facility Pollution Prevention Plans*** are implemented; and

3. Confirm that basins, inlets and open channels that are part of the ***Permittee's MS4*** are maintained on the schedule developed by the ***Permittee***.

xi. If a ***Permittee*** finds that the above stated program goals have not been achieved, that ***Permittee*** shall review its applicable activities and ***BMP***s to identify any modifications which may be needed to improve ***Permittee*** Facilities and Activities program effectiveness, as necessary to comply with this ***MS4 Permit***. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable ***Annual Report***.

f. <u>Public Education and Outreach Program</u>

i. Illegal Dumping and General Outreach

1. Continue to conduct education/outreach to the general public on impacts to ***Receiving Water***s from:

   a. Littering, illegal dumping and other improper disposal of ***Wastes***; and

   b. Leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

2. Continue to conduct education/outreach to the general public on the impacts of dumping ***Pollutant***s, including ***Pollutant***s from landscaping and home maintenance activities, into ***MS4*** facilities;

3. Continue to support the efforts of the ***County HHW Program***, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals; and

4. Continue to conduct education/outreach to the general public about ***BMPs*** for residential car washing.

ii. Landscaping

1. Continue to conduct education/outreach to the general public on the proper application and management of pesticides, fertilizers and herbicides; and

2. Continue to conduct education/outreach to the general public on the proper management of irrigation systems to prevent runoff to the ***MS4***. Where appropriate, coordinate with the Natural Resources Conservation Service, Resource Conservation Districts and University of California Cooperative Extension.

iii. Pet Ownership

1. Continue to conduct education/outreach to the general public regarding the need to clean-up and properly dispose of pet ***Waste***.

iv. Construction

1. Continue to make information available to contractors, operators, and ***Permittee's*** staff about upcoming educational and training workshops on construction site ***Erosion*** control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available, as appropriate.

v. Industrial/Commercial

1. Continue to conduct education/outreach to landowners, tenants, business owners, and industrial operations regarding the need to implement appropriate ***BMPs*** to control ***Non-Storm Water*** discharges and properly maintain outdoor material storage areas.

vi. Training of ***Permittee*** Staff

The ***Permittees*** shall continue to develop and implement training programs for the following categories of their employees: Maintenance staff, Industrial/Commercial inspectors, ***New Development***/***Redevelopment*** staff, and Construction inspectors. The training program shall cover: a) applicable requirements of this ***MS4 Permit***, the ***General Industrial Permit and Construction General Permit***, b) proper ***BMP*** implementation, and c) identification of ***IC/IDs*** that may be associated with the area of training.

Additionally, for ***Permittee*** Maintenance staff, the training shall continue to educate/inform ***Permittee's*** personnel responsible for ***MS4*** facility, park, golf course, and highway right-of-way maintenance on the proper use and management of pesticides, fertilizers, and herbicides. Alternative methods for controlling insects and weeds such as biological controls and the use of less toxic chemicals should be encouraged. This training may be accomplished through existing mandatory training programs for pesticide, fertilizer and herbicide management.

Program Data Tracking

F. BEST MANAGEMENT PRACTICES

vii. The ***Permittees*** shall keep the following records:

1. Number of regional public education outreach events conducted, by type (construction, industrial, residential, ***New Development***, schools, general public, etc), including approximate attendance where applicable;

2. ***HHW*** Collection Program activities including:

   a. Event dates and number of days per event;

   b. Type and amount of material collected; and

   c. Advertisement impressions by type (newspaper, television, radio, banners, flyers, etc.).

3. Records of ***Permittee*** staff trained, including topic, date and number of staff trained;

4. Usage (call volume) of the "Only Rain Down the Stormdrain" ***Pollution Prevention*** Program hotline;

5. Copies or records of public education materials utilized and/or made available to the general public and target audiences during ***Permittee*** education/outreach activities; and

6. Public surveys and impression counts, to be gathered where feasible;

Annual Reporting

viii. In its ***Annual Report***, each ***Permittee*** shall include the following information:

1. A narrative summary of Public Education and Outreach program accomplishments or issues encountered during the reporting year;

2. The number of public education outreach events conducted during the reporting year, by type (construction, industrial, residential, ***New Development***, schools, general public, etc.), including approximate attendance where applicable;

3. A summary of type(s) and numbers, where feasible, of outreach materials distributed during the reporting year; and

4. Number of ***Permittee*** staff trained during the reporting year; including topic (municipal, industrial/commercial, construction, ***New Development***) and date.

ix. If the ***Permittee***s choose to move to an online recordkeeping and reporting tool that provides the ***Regional Water Board*** with access

to the reportable information listed in Section F.1.f.viii. above, the ***Annual Report*** requirements listed in that Section are waived.

Annual Program Evaluation and Assessment

x. Each ***Permittee*** shall evaluate in its ***Annual Report*** whether the following Public Education and Outreach program goals have been achieved:

1. Conduct education/outreach to the general public on the impacts of improper disposal of pollutants into ***MS4***s;

2. Develop and distribute targeted ***BMP*** guidance for specific pollutants and residential and business activities; and

3. Confirm that ***Permittee*** employees are trained to implement ***MS4 Permit*** compliance programs.

xi. If a ***Permittee*** finds that the above stated program goals have not been achieved, that ***Permittee*** shall review its applicable activities and ***BMP***s to identify any modifications which may be needed to improve Public Education and Outreach program effectiveness, as necessary to comply with this ***MS4 Permit***. A work plan and schedule to address program modifications shall be developed and implemented, be provided and/or updated with the applicable ***Annual Report***.

G. IMPLEMENTATION OF *TOTAL MAXIMUM DAILY LOADS*

CVSC Bacterial Indicators ***TMDL***

1. Interim ***WQBEL*** and Phase 1 Implementation and Compliance
   a. Interim ***WQBEL***. The City of Coachella shall:
      i. Upon approval by the ***Regional Water Board Executive Officer***, implement the monitoring plan submitted on January 6, 2013 and revised on February 13, 2013, for the City of Coachella's outfalls to the ***CVSC*** Bacterial Indicators ***TMDL.***
      ii. Submit by January 31, 2016 a Quality Assurance Project Plan and summary report (2016 QAPP) that addresses:
         1. Whether ***Urban Runoff*** discharges from the City of Coachella's ***MS4*** to the ***CVSC*** are in compliance with the City of Coachella's ***WLA***,
         2. Whether sources of exceedances, if any, are controllable; and
         3. Recommendations for additional ***BMP***s, if required, that are appropriate given background conditions, cost factors and the status of ***Regional Water Board*** efforts to revise ***WQO***s for the ***CVSC*** to address the City of Coachella's ***WLA*** as required by the ***TMDL***. If recommendations for additional ***BMP***s are provided, then the following information should be provided:
            a. The specific additional ***BMP***s implemented to reduce the concentration of Bacterial Indicators from controllable urban sources and the water quality improvements expected to result from these ***BMP***s;
            b. The specific regional treatment facilities and the locations where such facilities will be built to reduce controllable urban bacterial indicators and the water quality improvements to result when the facilities are complete.
            c. The scientific and technical documentation used to conclude that the additional ***BMP***s, once fully implemented, are expected to achieve the City of Coachella's ***WLA***.
            d. A schedule for implementing the additional ***BMP***s including identification of milestones to assess satisfactory progress toward achieving the City of Coachella's ***WLA***.
            e. The specific metrics that will be used to demonstrate the effectiveness of the additional ***BMPs***; and
            f. Identification of additional ***BMP***s that may be required if the initial plan does not achieve the City of Coachella's ***WLA*** as required by the ***TMDL***.

iii. Implementation of the requirements of Section G.1.a. shall constitute compliance with the Interim ***WQBEL*** and Phase 1 of the implementation plan for the ***CVSC*** Bacterial Indicators ***TMDL.***

2. Final ***WQBEL*** Implementation and Compliance

a. Once approved by the ***Regional Water Board Executive Officer***, the City of Coachella's 2016 QAPP shall be incorporated into this ***MS4 Permit*** as the final ***WQBEL*** for the ***CVSC*** Bacterial Indicators ***TMDL***. Implementation of the requirements of the 2016 QAPP shall constitute compliance with the final ***WQBEL*** and Phase 2 of the implementation plan for the ***CVSC*** Bacterial Indicators ***TMDL.***

b. If the ***Regional Water Board Executive Officer*** does not approve the 2016 QAPP prior to June 30, 2016, the ***CVSC*** Bacterial Indicators ***TMDL WLA***s will become the final ***WQBEL***(s), and compliance with the ***WQBEL***(s) will be assessed through implementation of ***BMP***s by the City as approved by the ***Regional Water Board*** consistent with Phase 2 of the implementation plan for the ***CVSC*** Bacterial Indicators ***TMDL***.

H. GENERAL PROVISIONS

1. Duty to Comply [40 CFR 122.41 (a)]

   a. The ***Permittee*** must comply with all of the conditions of this ***MS4 Permit***. Any noncompliance constitutes a violation of the ***CWA*** and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.

   b. The ***Permittee*** shall comply with effluent standards or prohibitions established under section 307(a) of the ***CWA*** toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the ***MS4 Permit*** has not yet been modified to incorporate the requirement.

2. Need to Halt or Reduce Activity not a Defense [40 CFR 122.41 (c)]

   It shall not be a defense for a ***Permittee*** in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this ***MS4 Permit***.

3. Duty to Mitigate [40 CFR 122.41(d)]

   The ***Permittees*** shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this ***MS4 Permit***, which has a reasonable likelihood of adversely affecting human health or the environment.

4. Proper Operation and Maintenance [40 CFR 122.41(e)]

   The ***Permittees*** shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the ***Permittee***s to achieve compliance with the conditions of this ***MS4 Permit***. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by the discharger only when the operation is necessary to achieve compliance with the conditions of this ***MS4 Permit***.

5. Permit Actions [40 CFR 122.41(f)] [***CWC*** § 13381]

   This ***MS4 Permit*** may be modified, revoked and reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 124.5, 125.62, and 125.64. Causes for taking such actions include, but are not limited to:

   a. Endangerment to human health or the environment resulting from the permitted activity, including information that the discharge(s) regulated by this ***MS4 Permit*** may have the potential to cause or contribute to adverse impacts on water quality and/or ***Beneficial Uses***;

b. Acquisition of newly-obtained information that would have justified the application of different conditions if known at the time of ***MS4 Permit*** adoption;

c. To address changed conditions identified in required reports or other sources deemed significant by the ***Regional Water Board***;

d. To incorporate provisions as a result of future amendments to the ***Basin Plan***, such as a new or revised WQO or the adoption or reconsideration of a ***TMDL***, including the program of implementation. Within 18 months of the effective date of a revised ***TMDL*** or as soon as practicable thereafter, where the revisions warrant a change to the provisions of this ***MS4 Permit***, the ***Regional Water Board*** may modify this ***MS4 Permit*** consistent with the assumptions and requirements of the revised ***WLA***(s), including the program of implementation;

e. To incorporate provisions as a result of new or amended statewide water quality control plans or policies adopted by the ***State Board***, or in consideration of any ***State Board*** action regarding the precedential language of State Water Board Order WQ 99-05, Receiving Water Limitations; and/or

f. To incorporate provisions as a result of the promulgation of new or amended federal or state laws or regulations or judicial decisions that becomes effective after adoption of this ***MS4 Permit***.

The filing of a request by the ***Permittee*** for a ***MS4 Permit*** modification, revocation, and reissuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition of this ***MS4 Permit***.

6. Property Rights [40 CFR 122.41(g)]

This ***MS4 Permit*** does not convey any property rights of any sort or any exclusive privilege.

7. Inspection and Entry [40 CFR 122.41(i)] [***CWC*** § 13267(c)]

The ***Permittees*** shall allow an authorized ***Regional Water Board*** representative, or an authorized representative of the ***USEPA*** (including an authorized contractor acting as a representative of the ***Regional Water Board*** or ***USEPA***), upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the ***Permittee's*** premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this ***MS4 Permit***;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this ***MS4 Permit***;

c. Inspect at reasonable times any ***Permittee*** facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this ***MS4 Permit***; and

d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this ***MS4 Permit*** or as otherwise authorized by the ***CWA*** or ***CWC***, any substances or parameters at any location.

8. Records [***40 C.F.R. § 122.41(j)(2)]***

The ***Permittees*** shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this ***MS4 Permit***, and records of all data used to complete the application for this ***MS4 Permit***, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the ***Regional Water Board Executive Officer*** at any time.

9. Bypass [40 CFR 122.41 (m)]

a. Bypass not exceeding limitations - A ***Permittee*** may allow any bypass to occur which does not cause ***Effluent Limitations*** to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Section H.9.b. and H.9.c. (below).

b. Notice – If a ***Permittee*** knows in advance of the need for bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass. A ***Permittee*** shall submit notice of an unanticipated bypass as required in Section I.6. of this ***MS4 Permit***.

c. Prohibition of Bypass - Bypass is prohibited, and the ***Regional Water Board*** may take enforcement action against a ***Permittee*** for bypass, unless:

i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The ***Permittee*** submitted notice as required under Section 9.b. (above).

d. The ***Executive Officer*** may approve an anticipated bypass, after considering its adverse effects, if the ***Executive Officer*** determines that it will meet the three conditions listed in Section H.9.c. (above).

10. Upset [40 CFR 122.41 (n)]

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based effluent limitations because of factors beyond the reasonable control of the ***Permittee***. An upset does not include noncompliance to the extent caused by operational error, improperly designed

treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

a. Effect of an upset - An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Section H.10.b. (below) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. Conditions necessary for a demonstration of upset - A ***Permittee*** who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   i. An upset occurred and that the ***Permittee*** can identify the cause(s) of the upset;

   ii. The permitted facility was at the time being properly operated;

   iii. The ***Permittee*** submitted notice of the upset as required in Section I.6. (below); and

   iv. The ***Permittee*** complied with any remedial measures required under Section H.3. (above).

c. Burden of Proof - In any enforcement proceeding the ***Permittee*** seeking to establish the occurrence of an upset has the burden of proof.

11. The ***Permittees*** shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this ***MS4 Permit***, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.

12. The provisions of this ***MS4 Permit*** are severable, and if any provision of this ***MS4 Permit***, or the application of any provision of this ***MS4 Permit*** to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this ***MS4 Permit***, shall not be affected thereby.

13. The ***Permittees*** shall comply with any interim ***Effluent Limitations*** as established by addendum, enforcement action, or revised ***WDRs*** that have been, or may be, adopted by this ***Regional Water Board***.

14. In cases where ***Urban Runoff*** quality is impacted by discharges of ***Wastes*** from lands or facilities not owned, operated or maintained by, or under the regulatory jurisdiction of the ***Permittee(s)***, or which is under the jurisdiction of the ***Regional Water Board*** by NPDES permit, waste discharge requirement or waiver of waste discharge requirement), the ***Permittee(s)*** may notify the ***Regional Water Board*** of its need to regulate those discharges, to the extent the ***Regional Water Board*** has jurisdiction over such discharges. Such a notice shall include:

a. A written description of the discharge and documentation, if available, of water quality problems caused by the discharge;

b. An 8 ½ inch x 11 inch location map which delineates the location of the discharge; and

c. Documentation that the ***Permittee(s)*** does not have jurisdiction over the discharge and/or is unable to require compliance or that the discharge is under the jurisdiction of the ***Regional Water Board***.

The ***Permittee(s)*** may submit such notice at any time.

I. REPORTING REQUIREMENTS

1. Duty to Reapply [40 CFR 122.41(b)]

   This ***MS4 Permit*** expires on June 20, 2018. If the ***Permittees*** wish to continue any activity regulated by this ***MS4 Permit*** after the expiration date of this ***MS4 Permit***, the ***Permittees*** must apply for and obtain a new ***MS4 Permit***. The ***Permittees*** must file a ***ROWD*** in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the expiration date of this ***MS4 Permit*** as application for issuance of a new ***MS4 Permit***. The ***ROWD*** shall, at a minimum, include:

   a. Proposed revisions to the ***SWMP,*** based on program data gathered throughout the ***MS4 Permit*** term***,*** and analysis required by Section L.11.d of this ***MS4 Permit.*** Proposed ***SWMP*** revisions may include, but not be limited to: activities the ***Permittees*** proposed to undertake during the next ***MS4 Permit*** term, goals and objectives of such activities, an evaluation of the need for additional ***Source Control*** and/or ***Structural BMPs***, proposed pilot studies, etc.;

   b. Any new or revised program elements and compliance schedule(s) necessary to comply with Section D. ***RECEIVING WATER*** LIMITATIONS and Section G. IMPLEMENTATION OF ***TOTAL MAXIMUM DAILY LOAD***S of this ***MS4 Permit***;

   c. Changes in land use and/or population including map updates; and

   d. Significant changes to the ***MS4***s, outfalls, detention or retention basins or dams, and other controls, including map updates of the ***MS4***s.

2. Duty to Provide Information [40 CFR 122.41 [h)]

   The ***Permittees*** shall furnish to the ***Regional Water Board***, ***State Board***, or ***USEPA***, within a reasonable time, any information which the ***Regional Water Board***, ***State Board***, or ***USEPA*** may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this ***MS4 Permit***, or to determine compliance with this Permit. The ***Permittees*** shall also furnish to the ***Regional Water Board***, ***State Board***, or ***USEPA***, upon request, copies of records required to be kept by this ***MS4 Permit***.

3. Anticipated Non-Compliance [40 CFR 122.41 (l)(2)]

   The ***Permittees*** shall give advance notice to the ***Regional Water Board*** of any planned changes in the permitted facility or activity that may result in noncompliance with the requirements of this ***MS4 Permit***.

4. Transfers [40 CFR 122.41(l)(3)]

   This ***MS4 Permit*** is not transferable to any ***Person*** except after notice to the ***Regional Water Board***. The ***Regional Water Board*** may require modification or revocation and reissuance of this ***MS4 Permit*** to change the name of the ***Permittees***

and incorporate such other requirements as may be necessary under the ***CWA*** or the ***CWC*** in accordance with the following:

a. Transfers by Modification [40 CFR 122.61(a)]
This ***MS4 Permit*** may be transferred by the ***Permittees*** to a new owner or operator only if this ***MS4 Permit*** has been modified or revoked and reissued, or a minor modification made to identify the new ***Permittee*** and incorporate such other requirements as may be necessary under the ***CWA*** or ***CWC***.

b. The ***Regional Water Board*** does not notify the existing ***Permittee*** and the proposed new ***Permittee*** of its intent to modify or revoke and reissue this ***MS4 Permit***. A modification under this subparagraph may also be a minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 40 CFR Part 122.63 b. (2) of this reporting requirement.

5. Compliance Schedules [40 CFR 122.41(l)(5)]

Written reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this ***MS4 Permit*** shall be submitted to the ***Regional Water Board*** no later than 14 days following each schedule date.

6. Twenty-four Hour Reporting [40 CFR 122.41 (l)(6)]

a. Each ***Permittee*** shall report any noncompliance that may endanger human health or the environment. Any information shall be provided orally to the ***Regional Water Board*** within 24 hours from the time the ***Permittee*** becomes aware of the circumstances. A written description of any noncompliance shall be submitted to the ***Regional Water Board*** within five business days of such an occurrence and contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

7. Other Non-Compliance [40 CFR 122.41 (l)(7)]

A ***Permittee*** shall report all instances of noncompliance not reported under Sections I.5. and I.6. (above), at the time monitoring reports are submitted. The reports shall contain the information listed in Section I.6. (above).

8. Other Information [40 CFR 122.41 (l)(8)]

Where a ***Permittee*** becomes aware that it failed to submit any relevant facts in a ***ROWD***, or submitted incorrect information in a ***ROWD***, or in any report to the ***Regional Water Board***, it shall promptly submit such facts or information.

9. Signatory Requirements [40 CFR 122.41(k)(1) and 40 CFR 122.22]

   All applications, reports, or information submitted to the ***Regional Water Board*** shall be signed and certified.

   a. All ***ROWD***s shall be signed by either a principal executive officer or ranking elected official.

   b. All reports required by this ***MS4 Permit***, and other information requested by the ***Regional Water Board*** shall be signed by a ***Person*** described in Item No. 9. a. of this reporting requirement, or by a duly authorized representative of that ***Person***. A ***Person*** is a duly authorized representative only if:

      i. The authorization is made in writing by a ***Person*** described in Item No. 9. a. of this reporting requirement;

      ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

      iii. The written authorization is submitted to the ***Regional Water Board***.

   c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of Item No. 9. b. of this reporting requirement must be submitted to ***Regional Water Board*** prior to or together with any reports, information, or applications to be signed by an authorized representative.

   d. Any ***Person*** signing a document under paragraph Item No. 9 a. or b. of this reporting requirement shall make the following certification:

      > I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

10. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this ***MS4 Permit*** shall be available for public inspection at the offices of the ***Regional Water Board***. As required by the ***CWA***, ***ROWDs***, this ***MS4 Permit***, and monitoring data shall not be considered confidential.

11. The discharger shall submit reports and provide notifications as required by this ***MS4 Permit*** to the following:

    Executive Officer
    California Regional Water Quality Control Board Colorado River Basin Region
    73-720 Fred Waring Drive, Suite 100

I. REPORTING REQUIREMENTS

Palm Desert, CA 92260

Eugene Bromley
U.S. Environmental Protection Agency - Region IX Permits Issuance Section (W-5-1)
75 Hawthorne Street
San Francisco, CA 94105

Unless otherwise directed, the discharger shall submit one hard copy and one electronic copy, as a searchable Portable Document Format (PDF), of each report required under this ***MS4 Permit*** to the ***Regional Water Board*** and one electronic copy, as a searchable PDF, to ***USEPA***.

J. NOTIFICATIONS

1. ***CWC*** Section 13263(g)

   No discharge of ***Waste*** into the ***Waters of the State***, whether or not the discharge is made pursuant to ***WDRs***, shall create a vested right to continue the discharge. All discharges of ***Waste*** into ***Waters of the State*** are privileges, not rights.

2. The ***Regional Water Board*** has, in prior years, issued a limited number of individual ***NPDES*** permits for ***Non-Storm Water*** discharges. The ***Regional Water Board*** or ***State Board*** may in the future, upon prior notice to the ***Permittee(s),*** issue an ***NPDES*** permit for any ***Non-Storm Water*** discharge (or class of ***Non-Storm Water*** discharges) to the ***MS4***. ***Permittees*** may prohibit any ***Non-Storm Water*** discharge (or class of ***Non-Storm Water*** discharges) to the ***MS4*** that is authorized under such separate ***NPDES*** permits.

3. Enforcement Provisions [40 CFR 122.41(a)(2)] [***CWC*** Sections 13385 and 13387].

4. The ***CWA*** provides that any ***Person***, who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this ***MS4 Permit***, is subject-to a civil penalty not to exceed $25,000 per day for each violation. The ***CWA*** provides that any ***Person***, who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation of this ***MS4 Permit***, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a ***Person*** shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two years, or both. Any ***Person*** who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a ***Person*** shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both. Any ***Person*** who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this ***MS4 Permit***, and who knows at that time that he or she thereby places another ***Person*** in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a ***Person*** shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the ***CWA*** shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions. Nothing in this ***MS4 Permit*** shall be construed to preclude the institution of any legal action or relieve the ***Permittee*** from any responsibilities, liabilities, or penalties to which the ***Permittees*** are or may be subject to under Section 311 of the ***CWA*** or established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the ***CWA***.

K. GLOSSARY OF TERMS

305(b) Report - Every two years, the ***State Board*** submits a report on the State's water quality to ***USEPA*** pursuant to Section 305(b) of the ***CWA***. The Report provides water quality information to the general public and serves as the basis for ***USEPA***'s National Water Quality Inventory Report to Congress.

AGR – Agriculture Supply

Annual Report – Annual Compliance Report required under this ***MS4 Permit***.

Annual Monitoring Report - Annual Compliance Report required under Section L.11 of this ***MS4 Permit***.

AQUA – Aquaculture

Basin Plan – Water Quality Control Plan developed by the ***Regional Water Board***.

Beneficial Uses – ***Beneficial Uses*** of the ***Waters of the State*** that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves***.***

Best Management Practices **(*BMPs*)** – ***BMPs*** are defined in 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce ***Pollutant*** loading from storm water or non-storm water discharges to ***Receiving Waters***. In the case of ***MS4*** permits, the ***Effluent Limitations*** required is implementation of ***BMPs*** to the ***MEP***.

Cal EMA – California Emergency Management Agency

CalTrans – California Department of Transportation

CAP – Compliance Assistance Program

CASQA – California Stormwater Quality Association

CEQA – California Environmental Quality Act (Section 21000 et seq. of the California Public Resources Code)

Chronic Water Quality Concern- A constituent for which a given water body frequently experiences exceedances of ***Receiving Water WQO***s, or for which there is an established ***TMDL*** for a particular water body. The term ***Chronic Water Quality Concern*** does not relate water quality and water toxicity.

Cleaning – The removal of litter or debris that can impact ***Receiving Waters***.

CMP – Consolidated Program for Water Quality Monitoring

Coachella Valley Regional Water Management Group (CVRWMG) - A collaborative effort led by the five water purveyors of the Coachella Valley to develop and implement an Integrated Regional Water Management Plan to address the water resources planning needs of the Coachella Valley. The ***CVRWMG*** Region is located in central ***Riverside County***, within the Colorado River Funding Area, as defined by the Department of Water Resources. The boundary for the ***CVRWMG*** Management Region is chiefly the same boundary as the Whitewater River Basin.

COLD – Cold and Freshwater Habitat ***Beneficial Use***

Contamination – As defined in the Porter-Cologne Water Quality Control Act, ***Contamination*** is "an impairment of the quality of ***Waters of the State*** by ***Waste*** to a degree which creates a hazard to the public health through poisoning or through the spread of disease." '***Contamination***' includes any equivalent effect resulting from the disposal of ***Waste*** whether or not ***Waters of the State*** are affected.

Connectivity – As used in this ***MS4 Permit***, contiguous flow between two or more surface waters.

Constituents of Concern - Water quality constituents, not including field parameters, which have been detected in ***Whitewater River Region*** monitoring results more than once during the last two ***MS4 Permit*** terms, at concentrations higher than respective minimum reporting limits. In the ***Whitewater River Region***, ***Constituents of Concern*** include: Antimony, Arsenic, Barium, Beryllium, Cadmium, Copper, Chromium, Chromium^{6+}, Lead, Mercury, Nickel, Selenium, Silver, Thallium, Zinc, Nitrite, Nitrate, Total Kjeldahl Nitrogen, Total Nitrogen, Ammonia, ***TSS***, ***TDS***, Total Phosphorous, Ortho Phosphorous, Total Petroleum Hydrocarbons (TPH), Methylene-blue activated substances (MBAS), Ethylene-Glycol, Oil and Grease and E. coli.

Co-Permittees – ***CVWD*** and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage are identified as the ***Co-Permittees*** of this ***MS4 Permit***.

County – County of Riverside, a legal subdivision of the State of California.

Construction General Permit (CGP) – General Permit for ***Storm Water*** Discharges Associated with Construction Activity; ***State Board*** Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ (***NPDES*** No. CAS000002).

CVSC – Coachella Valley Stormwater Channel

CVWD – Coachella Valley Water District

CWA – Federal Clean Water Act

CWA Section 402(p) – [33 USC 1342(p)] is the federal statute requiring discharges of ***Storm Water*** from ***MS4*** and industrial facilities and activities to obtain ***NPDES*** permits.

CWA Section 303(d) Water Bodies – A "section 303(d) water body" is designated by the ***State Board*** and ***USEPA*** as an Impaired Water body where water quality does not meet applicable ***WQS***, even after the application of technology based ***Pollution*** controls required by the ***CWA***.

CWC – California Water Code

DEH – ***County*** Department of Environmental Health

Desert Task Force – A technical committee, consisting of representatives from each ***Permittee,*** which directs the development or revision of the program elements comprising the ***SWMP*** and coordinates implementation of the ***Whitewater River Region MS4*** program. Per requirements of this ***MS4 Permit***, the ***Desert Task Force*** meets quarterly, at a minimum.

Dry Weather – Dry Weather for the purposes of monitoring must be preceded by at least 72 hours of dry conditions (less than 0.1 inch of precipitation).

Effluent Limitations – ***Effluent Limitations,*** or ***Effluent Limits,*** means any restriction imposed by the ***Regional Water Board*** on quantities, discharge rates, and concentrations of ***Pollutants*** which are discharged from ***Point Sources*** into ***Waters of the United States***. The ***Effluent Limitations*** contained in this ***MS4 Permit*** are narrative, and include the ***SWMP***'s requirement to implement appropriate ***BMPs*** to the ***MEP***.

Emergency Situation – Any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any ***Hazardous Material*** spill where residents are evacuated, any spill of reportable quantities of ***Hazardous Waste*** (as defined in 40 CFR 117 and 40 CFR 302), or any other spill or discharge that is reportable to the ***Cal EMA***.

Ephemeral Streams – Surface waters without perennial or intermittent flow. Table 2-3 of the ***Basin Plan*** defines ***Beneficial Uses*** for ***Receiving Water***s within the Western Colorado River Basin. Table 2-3 broadly categorizes all surface waters not specifically named as either ***Washes*** or "Unlisted Perennial and Intermittent Streams". ***Ephemeral Streams*** include the section of ephemeral flow in the Whitewater River and ***CVSC*** from Indian Canyon Drive to approximately ¼ mile west of Monroe Street crossing.

Erosion – When land is diminished or worn away due to wind, water, or glacial ice.

Executive Officer – The ***Executive Officer*** of the ***Regional Water Board***

FRSH – Freshwater Replenishment Beneficial Use

General Industrial Permit – General Permit for ***Storm Water*** Discharges Associated with Industrial Activities; ***State Board*** Order No. 97-03-DWQ (***NPDES*** No. CAS000001)

General Storm Water Permits – ***General Industrial Permit*** and ***General Construction Permit***.

Grading – The cutting and/or filling of the land surface to a desired slope or elevation.

GRW – Groundwater Recharge ***Beneficial Use***

Hazardous Material – Any substance that poses a threat to human health or the environment due to its ***Toxicity***, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by the ***USEPA*** to be reported if a designated quantity of the material is spilled into the ***Waters of the United States*** or emitted into the environment.

Hazardous Waste – ***Hazardous Waste*** is defined as "any ***Waste***, which, under Section 600 of Title 22 of this code, is required to be managed according to Chapter 30 of Division 4.5 of Title 22 of this code." [CCR Title 22, Division 4.5, Chapter 11, Article 1]

HAZMAT – ***Hazardous Materials***

HHW – Household ***Hazardous Waste***

Hydrologic Condition of Concern (HCOC) – Changes caused by a ***New Development*** or ***Redevelopment Project*** to ***Urban Runoff*** flow rates, velocities, durations and/or volumes that cause significant downstream erosion beyond the pre-development condition or cause significant adverse impacts to stream habitat.

K. GLOSSARY OF TERMS

IC/ID – ***Illicit Connection***/***Illegal Discharge***

IC/ID Database – Database of IC/ID incidents and investigations, required by Section F.1.a.iii. of this ***MS4 Permit.***

Illegal Discharge **(*ID*) -** Defined at 40 CFR 122.26(b)(2) as any discharge to a ***MS4*** that is not composed entirely of ***Storm Water*** except discharges pursuant to a separate ***NPDES*** permit and discharges resulting from emergency fire fighting activities. The term excludes discharges that are identified as not prohibited in Section C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES of this ***MS4 Permit***, and discharges authorized by the ***Executive Officer***.

Illicit Connection **(*IC*)** – Any connection to the ***MS4*** that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations.

Impaired Waterbody – See ***CWA Section 303(d)Water Bodies.***

Impairment – A waterbody condition where ***WQSs*** are not attained.

Implementation Agreement – Establishes the responsibilities of the ***Permittees*** and provides for funding of "umbrella" activities related to compliance with this ***MS4 Permit***.

IND – Industrial water supply ***Beneficial Use***.

Intermittent Beneficial Use – ***Beneficial Uses***, which occur only seasonally because of limiting environmental conditions (e.g., provide habitat for trout during colder months of the year) and uses which are dependent on and occur only when sufficient flow exists.

Land Disturbance – The clearing, ***Grading***, excavation, stockpiling, or other construction activity that result in the possible mobilization of soils or other ***Pollutant***s into the ***MS4***s. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety. The ***Permittees*** should first confirm with ***Regional Water Board*** staff if they believe that a particular routine maintenance activity is exempt under this definition from any ***General Storm Water Permits*** or other Orders (i.e., 401 Water Quality Certifications) issued by the ***State*** or ***Regional Water Board***.

Load Allocation (LA) – Distribution or assignment of ***TMDL Pollutant*** loads to entities or sources for existing and future ***Non-Point Sources***, including background loads.

Low Impact Development (LID) – Comprises a set of approaches to ***Stormwater*** management and land development that combines a hydrologically functional ***Site Design*** with ***Pollution Prevention*** measures to compensate for potential land development impacts on hydrology and water quality.

MEP **(*Maximum Extent Practicable*)** – ***MEP*** is the technology-based standard established by Congress in ***CWA Section 402(p)***(3)(B)(iii) that ***MS4*** dischargers must meet. Technology-based standards establish the level of ***Pollutant*** reductions that dischargers must achieve, typically by treatment or by a combination of treatment and ***BMPs***. The ***MEP*** approach generally emphasizes ***Pollution Prevention*** and ***Source Control BMPs*** primarily (as the first line of defense) in combination with treatment methods serving as a backup (additional line of defense). In selecting ***BMPs*** which will achieve ***MEP,*** the following factors may be useful to consider:

a. *Effectiveness: Will the **BMPs** address a **Pollutant** of concern?*

b. *Regulatory Compliance: Is the **BMP** in compliance with **Storm Water** regulations as well as other environmental regulations?*

c. *Public Acceptance: Does the **BMP** have public support?*

d. *Cost: Will the cost of implementing the **BMP** have a reasonable relationship to the* pollution *control benefits to be achieved?*

e. *Technical Feasibility: Is the **BMP** technically feasible considering soils, geography, water resources, etc.?*

MS4 Outfall – Includes ***Outfall***, ***Major Outfall*** and ***Major MS4 Outfall***, and means a ***MS4*** outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for ***MS4***s that receive ***Stormwater*** from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

MS4 Permit – ORDER NO. R7-2013-0011 ***NPDES*** No. CAS617002

MS4 Permit Area – The ***Whitewater River Region,*** as identified in ATTACHMENT A - SITE MAP.

MUN – Municipal and Domestic Supply ***Beneficial Use***

Municipal Facility/Activity Pollution Prevention Plan – Site-specific plan required by this ***MS4 Permit*** to minimize and manage ***Pollutants*** from entering the ***MS4*** from ***Permittee*** facilities which feature outdoor materials storage or maintenance areas.

Municipal Separate Storm Sewer System (***MS4***) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, ***Storm Water***, or other ***Wastes***, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the ***CWA*** that discharges to ***Waters of the United States***; (ii) Designated or used for collecting of conveying ***Storm Water***; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (***POTW)*** as defined at 40 CFR 122.2.

National Pollution Discharge Elimination System (***NPDES***) – Federal permits authorizing the discharge of ***Waste*** to ***Waters of the United States***. All ***NPDES*** permits issued by the State of California are also ***WDRs***.

Natural Slope – The natural grade of a slope prior to grading activity.

New Development – New construction on a previously undisturbed parcel. ***New Development***s does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency new

development required to protect public health and safety. Dischargers should confirm with ***Regional Water Board*** staff whether or not a particular routine maintenance activity is subject to this ***MS4 Permit***.

NOI **(*Notice of Intent*)** – A ***NOI*** is an application for coverage under either of the ***General Storm Water Permits***.

Non-Point Source – Diffuse, widespread sources of ***Pollution,*** and which do not qualify as a ***Point Source***. These sources may be large or small, but are generally numerous throughout a ***Watershed***. ***Non-Point Sources***, include but are not limited to urban, agricultural or industrial areas, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation.

Non-Storm Water – ***Non-Storm Water*** consists of all discharges to and from a ***MS4*** that do not originate from precipitation events (i.e., all discharges from a ***MS4*** other than storm water). ***Non-Storm Water*** includes ***IDs***, non-prohibited discharges, and ***NPDES*** permitted discharges.

Nuisance – As defined in the Porter-Cologne Water Quality Control Act, "anything which meets all of the following requirements: 1) Is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. 2) Affects at the same time an entire community or neighborhood, or any considerable number of ***Persons***, although the extent of the annoyance or damage inflicted upon individuals may be unequal. 3) Occurs during, or as a result of, the treatment or disposal of ***Wastes***."

Numeric Effluent Limitations – A quantitative limitation on ***Pollutant*** concentrations or levels to protect ***Beneficial Uses*** and ***Water Quality Objectives*** of a water body.

Open Space – Any parcel or are of land or water that is essentially unimproved or devoted to an open-space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety. (Riverside County General Plan, adopted October 7, 2003. Technical Appendix A, Glossary)

"Only Rain Down The Storm Drain" Pollution Prevention Program – ***County Urban Runoff*** public education program.

Other Development Projects – Development projects that disturb areas equal to or greater than 1 acre, including projects that disturb less than 1 acre, but are part of a larger common plan of development or sale, that discharge into the ***MS4,*** as specified by Section F.1.c.ii.1 of this ***MS4 Permit***

Permittees – ***County***, ***RCFC&WCD***, ***CVWD*** and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage. A ***Permittee*** to the ***Whitewater River Region*** is only responsible for permit conditions relating to the discharge of ***Urban Runoff*** from ***MS4*** facilities located within the ***Whitewater River Region***, and for which the ***Permittee*** is the operator.

Person - A ***Person*** is defined as an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof. [40 CFR 122.2].

Point Source – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which ***Pollutant***s are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural ***Stormwater*** runoff.

Pollutants of Concern - Any ***Pollutant***s generated by the development, including ***Pollutants*** that are listed under CWA Section 303(d), ***Pollutant***s associated with the land use type of the development and legacy ***Pollutants*** associated with past use of the development site that may be exposed to ***Urban Runoff***.

Pollutant – As defined at 40 CFR 122.2, ***Pollutant*** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

a. Sewage from vessels; or

b. Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources; or

c. Those discharged substances that are specifically excluded from coverage under ***NPDES*** permits pursuant to 40 CRF 122.3.

Pollution Prevention - Practices and processes which reduce or eliminate the generation of ***Pollutant***s, in contrast to ***Source Control***, ***Pollution*** control, ***Treatment Control BMP***s, or disposal.

Pollution Prevention BMPs – In general, activities or programs that aim to educate the public in order to reduce or eliminate the generation of ***Pollutant***s.

Post-Construction BMPs - Subsets of ***BMPs*** including ***Source Control*** and structural treatment that detain, retain, filter, or educate to prevent the release of ***Pollutant***s to surface waters during the final functional life of development.

POTW – Publicly owned treatment works

POW – Hydropower Generation ***Beneficial Use***

Pre-Development Runoff Conditions - The runoff conditions existing onsite immediately before the planned development activities occur. ***Pre-Development Runoff Conditions*** are not intended to be interpreted as those conditions that existed before any human-induced land activities occurred. This pertains to redevelopment as well as initial development.

Principal Permittees – ***RCFC&WCD*** and the ***County***

Priority Development Projects – Discretionary ***New Development*** and ***Redevelopment Projects*** that fall into any of the categories listed in Section F.1.c.iii of this ***MS4 Permit***.

Priority Pollutants – ***USEPA Priority Pollutants***.

Rainy Season – Not defined for the ***Whitewater River Region***. Per the ***General Industrial Permit***, defined as October 1st through May 30th.

RCFC&WCD – Riverside County Flood Control and Water Conservation District

RARE – Rare, Threatened or Endangered Species ***Beneficial Use***

RCWMD – ***County*** Waste Management Department

Receiving Water(s) – ***Waters of the United States*** within the ***Whitewater River Region***.

Receiving Water Limitations - Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the ***Receiving Water*** as contained in the ***Basin Plan,*** water quality control plans or policies adopted by the ***State Board***, or federal regulations applicable to ***Receiving Waters.***

Receiving Water Quality Objectives – ***WQOs*** specified in the ***Basin Plan*** for ***Receiving Water***s.

REC-I – Water contact recreation ***Beneficial Use***

REC-II – Non-contact water recreation ***Beneficial Use***

Redevelopment Project - New development on a previously disturbed parcel. Emergency redevelopment activities required to protect public health and safety, and routine maintenance activities conducted to maintain original line and grade, hydraulic capacity, or restore original purpose of the facility are not included.

Regional Water Board – California Regional Water Quality Control Board, Colorado River Basin

Riverside County – Territory within the geographical boundaries of the ***County***.

ROWD – Report of Waste Discharge.

Sanitary Sewer Overflow (SSO) – Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

Sediment – Soil, sand, and minerals washed from land into water. This ***MS4 Permit*** regulates only the discharges of ***Sediment*** from anthropogenic sources and does not regulate naturally occurring sources of ***Sediment***.

SIC – Standard Industrial Classification

Site Design BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed at reducing ***Urban Runoff***, increasing infiltration, reducing ***Pollutant*** transport mechanisms, minimizing the difference between pre- and post-development ***Urban Runoff***. ***Redevelopment Projects*** that are undertaken to remove Pollutant sources (such as existing surface parking lots and other impervious surfaces), or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low density ***New Development***) by incorporating

higher densities and/or mixed land uses into the project design, are also considered ***Site Design BMP***s.

Source Control BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed to limit the contact between ***Pollutant*** sources and ***Storm Water*** or authorized ***Non-Storm Water***. Examples include: activity schedules, prohibitions of practices, street sweeping, facility maintenance, detection and elimination of ***IC/ID***, and other non-structural measures. Facility design (structural) examples include providing attached lids to trash containers, or roof or awning over material and trash storage areas to prevent direct contact between water and ***Pollutant***s. Additional examples are provided in Section F.1.c.v.3 of this ***MS4 Permit***.

Southern California Monitoring Coalition (SMC) - A regional group working to improve monitoring program design, parameter test methods, calibrate labs, evaluate the effectiveness of ***BMPs***, and/or advance the science and understanding of ***Urban Runoff*** impacts on ***Receiving Waters***.

State Water Resources Control Board – ***State Board*** or ***SWRCB***

Storm Water - "***Storm Water***" is ***Storm Water*** runoff, snow melt runoff and surface runoff and drainage. 40 CFR 122.26(b)(13).

Storm Water Management Plan (***SWMP***) – A programmatic document which describes the activities and programs that have been developed and implemented by the ***Permittees*** to manage ***Urban Runoff*** to comply with the requirements of this ***MS4 Permit*** for the ***Whitewater River Region***.

Storm Water Ordinance – The ***Storm Water***/***Urban Runoff*** Management and Discharge Control Ordinances and ordinances addressing ***Grading*** and ***Erosion*** control adopted by each of the ***Co-Permittees***

Structural BMPs – Physical facilities or controls which may include secondary containment, treatment measures, (e.g. first flush diversion, detention/retention basins, and oil/grease separators), run-off controls (e.g., grass swales, infiltration trenches/basins, etc.), and engineering and design modification of existing structures.

SWPPP – Storm Water ***Pollution Prevention*** Plan

TDS – Total dissolved solids.

TLMA – ***County*** Transportation and Land Management Agency.

Total Maximum Daily Load (***TMDL***) **-** The ***TMDL*** is the maximum amount of a ***Pollutant*** that can be discharged into a water body from all sources (point and non-point) and still maintain ***WQS***. Under ***CWA*** section 303(d), ***TMDL***s must be developed for all water bodies that do not meet ***WQS***s after application of technology-based controls.

Toxicity – Adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies.

Treatment Control BMPs – Any engineered system designed and constructed to remove ***Pollutant***s from ***Urban Runoff***. ***Pollutant*** removal is achieved by simple gravity settling of particulate ***Pollutant***s, filtration, biological uptake, media absorption or other physical, biological or chemical process.

K. GLOSSARY OF TERMS

TSS – Total suspended solids.

Urban Runoff - ***Urban Runoff*** includes those discharges from residential, commercial, industrial, and construction areas within the ***Whitewater River Region MS4 Permit Area*** and excludes discharges from feedlots, dairies, farms, agricultural fields, ***POTW***s, and ***Open Space***. ***Urban Runoff*** discharges consist of ***Storm Water*** and ***Non-Storm Water*** surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the ***Waters of the United States***. In addition to ***Urban Runoff***, the ***MS4***s regulated by this ***MS4 Permit*** receive flows from agricultural activities, ***Open Space***, state and federal properties and other non-urban land uses not under the control of the ***Permittees***. The quality of the discharges from the ***MS4s*** varies considerably and is affected by, among other things, past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed disposal practices and ***IC***. The ***Permittees*** lack legal jurisdiction over discharges into their respective ***MS4s*** facilities from agricultural activities, California and federal facilities, utilities and special districts, Native American tribal lands, wastewater management agencies and other point and ***Non-Point Source*** discharges otherwise permitted by or under the jurisdiction of the ***Regional Water Board***. The ***Regional Water Board*** recognizes that the ***Permittees*** should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate ***Pollutants*** present in ***Urban Runoff*** are beyond the ability of the ***Permittees*** to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, bacteria from wildlife (including feral dogs and cats) or from bacterial resuscitation or reactivation from treated waters or growth of bacteria in the environment (such as in sediments, surface water, or other substrate), and leaching of naturally occurring nutrients and minerals from local soils, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geology.

USEPA – United States Environmental Protection Agency

WARM – Warm freshwater habitat ***Beneficial Use***

Wash – Intermittent or ***Ephemeral Stream*** as specified in the ***Basin Plan***.

Waste – As defined in ***CWC*** 13050(d), "***Waste*** includes sewage and any and all other ***Waste*** substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including ***Waste*** placed within containers of whatever nature prior to, and for purposes of, disposal."

Waste Discharge Requirements **(*WDRs*)** – As defined in Section 13374 of the ***CWC***, the term "***Waste Discharge Requirements***" is the equivalent of the term "permits" as used in the Federal Water ***Pollution*** Control Act, as amended. ***Waste Load Allocation (WLA)*** – Maximum quantity of ***Pollutants*** a ***Point Source*** discharger of waste is allowed to release into a particular waterway, as set pursuant to a ***TMDL***.

Waters of the United States – As set forth in 40 CFR 122.2, the ***Waters of the United States*** are defined as: (a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate "wetlands;" (c) All other waters such as intrastate lakes, rivers, streams (including

intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as ***Waters of the United States*** under this definition**;** (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the ***CWA*** (other than cooling ponds as defined in 40 CFR 423.22(m), which also meet the criteria of this definition) are not ***Waters of the United States.*** This exclusion applies only to man-made bodies of water, which neither were originally created in ***Waters of the United States*** (such as disposal area in wetlands) nor resulted from the impoundment of ***Waters of the United States. Waters of the United States*** do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the ***CWA***, the final authority regarding ***CWA*** jurisdiction remains with the ***USEPA***.

Water Quality Objective **(*WQO*)** – Numeric or narrative limits or levels of water quality constituents or characteristics which are established for the reasonable protection of ***Beneficial Uses*** of water or the prevention of ***Nuisance*** within a specific area [***CWC*** 13050 (h)]. California's ***WQOs*** are established by the State and Regional Water Boards in the ***Basin Plans***.

Water Quality Standards **(*WQS*)** – The water quality goals of a waterbody (or a portion of the waterbody) designating ***Beneficial Uses*** to be made of the water and the ***WQOs*** necessary to protect those uses. These standards also include California's anti-degradation policy.

Waters of the State – Any water, surface or underground, including saline waters within the boundaries of the State [***CWC*** Section 13050 (e)]

Watershed - That geographical area which drains to a specified point on a watercourse, usually a confluence of streams or rivers (also known as drainage area, catchment, or river basin).

WDID – Waste discharge identification number.

Wet Weather - As described in ***USEPA***'s ***NPDES Stormwater*** Guidance Document (***USEPA*** 833-B-92-001[1]), a qualifying ***Wet Weather*** event meets the following criteria:

- The depth of the storm must be greater than 0.1 inch accumulation;
- The storm must be preceded by at least 72 hours of ***Dry Weather***;
- Where feasible, the depth of rain and duration of the event should not vary by more than 50 percent from the average depth and duration.

Whitewater BMP Design Manual – A handbook developed by the ***Permittees*** to provide design procedures for structural ***BMP***s for ***Priority New Development*** and ***Redevelopment Projects*** within the ***Whitewater River Region*** of ***Riverside County.***

K. GLOSSARY OF TERMS

Whitewater River Region - The urbanized area of the ***Whitewater River Watershed*** under the jurisdiction of the ***Permittees*** and covered by this ***MS4 Permit,*** as identified in ATTACHMENT A – SITE MAP.

Whitewater River Watershed – ***Watershed*** tributary to the Whitewater River.

Whitewater River Watershed Benefit Assessment Area (WWBAA) - the ***RCFC&WCD***'s funding source for ***MS4 Permit*** compliance program activities. The WWBAA covers the northwesterly portion of the ***Watershed*** including ***County*** and city jurisdictions that lie within the ***RCFC&WCD***'s service area. WWBAA revenues fund both area-wide ***MS4*** program and the ***RCFC&WCD***'s individual ***MS4 Permit*** compliance activities.

WILD – Wildlife habitat ***Beneficial Use***

WQBEL – Water quality based effluent limitations

WQMP – The ***Whitewater River Region*** Water Quality Management Plan.

L. MONITORING AND REPORTING

1. Pursuant to Section 13267 of the ***CWC***, the ***Permittees*** shall comply with Monitoring and Reporting Program No. R7-2013-0011 and with the "General Monitoring and Reporting Provisions."

2. The ***Permittees*** shall monitor the ***Receiving Water*** and ***MS4*** for ***Pollutants***, as described by this ***MS4 Permit***, during the fiscal year (July 1 to June 30), beginning July 1, 2014. This monitoring will assist the ***Permittees*** with characterizing of ***Urban Runoff***, assessing effectiveness of implemented ***BMPs***, and determining the impact of ***Urban Runoff*** on the ***Beneficial Uses*** of ***Receiving Waters*** in the ***Whitewater River Region***. Specifically, the ***Permittees*** shall monitor in accordance with the specified monitoring schedule and ***Constituents of Concern*** listed in this section of this ***MS4 Permit***.

3. The ***Permittees*** may propose alternative or additional monitoring locations for approval by the ***Executive Officer***, pursuant to Section N.8. of this ***MS4 Permit***.
4. The collection, preservation and holding times of all samples shall be in accordance with ***USEPA***-approved procedures. Unless otherwise approved by the ***Executive Officer***, all analyses shall be conducted by a laboratory certified for such analysis by the California Department of Public Health. All analyses shall be conducted in accordance with the latest edition of “Guidelines Establishing Test Procedures for Analysis of ***Pollutants***” (40 CFR 136), promulgated by the ***USEPA***.
5. The timing of sample collection will be contingent on the sample holding time and the normal working hours of the contract laboratory.
6. Due to the hazard of flash flooding that exists in waterbodies within the ***Whitewater River Region MS4 Permit*** area, sample collection shall occur only when there is enough sunlight to safely collect a monitoring sample from an ***MS4 Outfall*** or ***Receiving Water Wet Weather*** monitoring event. Sampling shall not take place when it is unsafe and/or there is a flash flood warning and/or watch.
7. ***Permittee*** records of monitoring information shall include:
    a. The date, exact place, and time of sampling or measurement(s);
    b. The individual(s) who performed the sampling or measurement(s);
    c. For ***Dry Weather IC/ID*** and ***Wet Weather MS4 Outfall*** monitoring, recorded visual observations of:
        i. Presence or absence of discharge from the ***MS4 Outfall*** being monitored;
        ii. Presence or absence of surface flow in the ***Receiving Water*** being discharged to;
        iii. Presence or absence of ***Connectivity*** of surface flow from the ***MS4 Outfall*** being monitored to its associated ***Receiving Water***; and,

iv. If applicable, and conditions are safe enough to gather the information, estimations of surface flows of both the ***MS4 Outfall*** being monitored and the associated ***Receiving Water***.

d. The date(s) analyses were performed;

e. The analytical techniques or method used; and

f. The results of such analyses.

8. The ***Permittees*** shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this ***MS4 Permit***, and records of all data used to complete the application for this ***MS4 Permit***, for the time period specified in Section H.8. (above) of this ***MS4 Permit.***

9. The ***Permittees*** shall conduct monitoring for field parameters and ***Constituents of Concern*** as described in the appropriate sections below. Field measurements shall be taken and samples collected only where there is sufficient depth and volume of water to appropriately obtain representative data and samples, as determined by ***Permittee*** field monitoring staff.

Field Parameters

Field Parameters to be monitored shall include: water temperature, pH, Electrical Conductivity (EC), Turbidity, and Dissolved Oxygen (DO). Additional parameters may be collected if necessary to characterize or document a suspected ***IC/ID*** (e.g. oil and grease, etc.) or for use in follow up enforcement actions against sources of an ***IC/ID***. Field parameters shall be monitored at the appropriate minimum levels and units for comparison with applicable ***Water Quality Objectives.***

Constituents of Concern

The following table consists of ***Constituents of Concern*** that are commonly associated with ***Urban Runoff*** throughout the State. Minimum levels of analysis for the metals in this table shall be as listed on ATTACHMENT C – ***STATE BOARD*** MINIMUM LEVELS; all other constituents shall be monitored at the appropriate minimum levels and units for comparison with applicable ***WQOs***.

Table L-1 Constituents of Concern

Total Metals	Bacterial Indicator	Nutrients & Other
Antimony	E. coli	Nitrite as Nitrogen
Arsenic		Nitrate as Nitrogen
Barium		Total Kjeldahl Nitrogen
Beryllium		Total Nitrogen
Cadmium		Ammonia as Nitrogen
Chromium		Total Suspended Solids (***TSS***)
Chromium^{6+}		Total Dissolved Solids (***TDS***)
Copper		Total Phosphorus
Lead		Ortho Phosphorous
Mercury		Total Petroleum Hydrocarbons (TPH)
Nickel		Methylene-blue activated substances (MBAS)
Selenium		Ethylene-glycol
Silver		Oil and Grease
Thallium		
Zinc		

L. MONITORING AND REPORTING

10. The ***Permittees*** shall conduct monitoring at the following types of locations:
    a. ***Dry Weather IC/ID MS4 Outfall*** Monitoring;
    b. ***Wet Weather MS4 Outfall*** Monitoring;
    c. ***Dry Weather Receiving Water*** Monitoring; and
    d. ***Wet Weather Receiving Water*** Monitoring.

A. *Dry Weather IC/ID MS4 Outfall* Monitoring

Dry Weather MS4 Outfall IC/ID monitoring shall consist of visiting the ***Dry Weather IC/ID MS4 Outfall*** locations as shown in Table L-2 ***Dry Weather IC/ID MS4 Outfall*** Monitoring Locations, quarterly to look for evidence of non-typical flow and water quality conditions for each site.

The ***Permittees*** shall monitor for field parameters at the ***Dry Weather IC/ID MS4 Outfall*** monitoring locations as shown in the Table L-2 ***Dry Weather IC/ID MS4 Outfall*** Monitoring Locations.

When there is evidence of irregular flow or water quality conditions suspected to be caused by an ***IC/ID*** activity, the ***Permittees*** with jurisdiction over the tributary area to the ***MS4 Outfall*** shall be notified of the potential ***IC/ID,*** and be requested to conduct a follow-up ***IC/ID*** investigation. ***IC/ID*** investigations and results shall be tracked in the ***Permittees' IC/ID Database***.

Table L-2 *Dry Weather IC/ID MS4 Outfall* Monitoring Locations

Monitoring Location Lat/Long	Minimum No. of Events/Year	Type of Sample	Constituents
Ramsey Street Storm Drain 33°48'35.0", -116°51'31.5"	4	Grab	Field Parameters and E. Coli
Portola Ave Outfall 33°44'16.8", -116°22'24.6"	4	Grab	Field Parameters and E. Coli

B. *Wet Weather MS4 Outfall* Monitoring

Wet Weather MS4 Outfall Monitoring shall be conducted[30] for the purposes of evaluating long term trends in ***Whitewater River Region Urban Runoff***.

The ***Permittees*** shall monitor for field parameters and ***Constituents of Concern*** at the ***Wet Weather MS4 Outfall*** monitoring locations as shown in the Table L-3 ***Wet Weather Outfall MS4*** Monitoring Locations.

[30] QA/QC procedures and monitoring protocols are presented in ***Permittee Annual Monitoring Reports***, as required by Section L.11.b. of this ***MS4 Permit.***

Table L-3 *Wet Weather MS4 Outfall* Monitoring Locations

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
Ramsey Street Storm Drain 33°48'35.0", -116°51'31.5"	2*	Grab	Field parameters and ***Constituents of Concern.***
Portola Avenue Outfall 33°44'16.8", -116°22'24.6"	2*	Grab	Field parameters and ***Constituents of Concern.***

* Note: The ***Permittees*** shall only conduct ***Wet Weather MS4 Outfall*** monitoring during qualifying ***Wet Weather*** events.

C. *Dry Weather Receiving Water* Monitoring

Dry Weather ***Receiving Water*** Monitoring shall be conducted for the purposes of evaluating the health of the perennial portion of the ***CVSC*** during ***Dry Weather*** conditions.

The ***Permittees*** shall monitor for field parameters and ***Constituents of Concern*** at the ***Dry Weather Receiving Water*** monitoring location as shown in the Table L-4 ***Dry Weather Receiving Water*** Monitoring Location.

Table L-4 *Dry Weather Receiving Water* Monitoring Location

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
CVSC at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	2	Grab	Field parameters and ***Constituents of Concern***

D. *Wet Weather Receiving Water* Monitoring

The ***Permittees*** shall monitor the ***CVSC*** for the purposes of evaluating the health of the perennial portion of the ***CVSC*** during ***Wet Weather*** conditions.

The ***Permittees*** shall monitor for field parameters and ***Constituents of Concern*** at the ***Wet Weather Receiving Water*** monitoring locations as shown in the Table L-5 Wet Weather ***Receiving Water*** Monitoring Locations.

Table L-5 Wet Weather *Receiving Water* Monitoring Locations

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
CVSC at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	1	Grab	Field parameters and ***Constituents of Concern.***

***CVSC TMDL* Phase 1 Monitoring**

Consistent with the ***CVSC*** Bacterial Indicators ***TMDL*** Implementation Plan, the City of Coachella submitted a monitoring program plan and quality assurance program plan (QAPP) to the ***Regional Water Board*** on January 6, 2013; a revised plan was subsequently submitted on February 13, 2013. Upon approval by the ***Regional***

Water Board Executive Officer, the City of Coachella shall implement the monitoring program plan (or future ***Executive Officer*** approved revisions to the monitoring plan), for the City's outfalls to the ***CVSC*** Bacterial Indicators ***TMDL.***

Data collected by the City of Coachella as part of ***TMDL*** Phase 1 Implementation shall be incorporated by reference into ***Whitewater River Region Annual Monitoring Report*****s.** This data will be addressed by the ***Regional Water Board TMDL*** analysis**.**

Special Studies

The ***Permittees***, individually or collectively, shall continue to participate in regional monitoring and scientific studies conducted by the Southern California Monitoring Coalition (***SMC***) and or the California Stormwater Quality Association (***CASQA***), and/or other regional groups or efforts necessary to improve monitoring program design, parameter test methods, calibrate labs, evaluate the effectiveness of ***BMPs***, and/or advance the science and understanding of ***Urban Runoff*** impacts on ***Receiving Waters***.

11. Reporting

    a. An ***Annual Report*** shall be submitted to the ***Executive Officer*** stating the results of monitoring and other reportable activities. This report shall be submitted to the ***Regional Water Board*** by March 1 of each year.

    b. The ***Annual Monitoring Report*** shall describe monitoring station locations, provide reference to quality assurance/quality control procedures and sampling and analysis protocols, summarize the data/results, identify methods of evaluating the data, and provide graphical summaries of the data.

    c. In addition, ***Annual Monitoring Reports*** shall include an analysis and interpretation of the findings of each monitoring year. Analysis of the data shall identify water quality parameters measured outside of normal ranges for that parameter based on historic water quality data.

    d. The Fiscal Year 2015-2016 ***Annual Monitoring Report*** shall include identification and analysis of long-term trends in ***Storm Water*** or ***Receiving Water*** quality. The ***Permittees*** shall analyze long term trends for signs of ***Chronic Water Quality Concerns***, if it is determined that any exist. The analysis shall include identification of potential urban sources of chronic problems, effectiveness of existing ***BMP*** control measures, and recommend necessary next steps. Next steps may include allowing for additional time to statistically confirm a chronic water quality problem, additional data collection necessary to examine urban sources, potential revisions to the ***SWMP*** to address urban sources found to be contributing to the chronic condition, or other similar measures necessary to confirm and/or address the condition. The analysis provided in the Fiscal Year 2015-2016 ***Annual Monitoring Report*** shall be used to facilitate preparation of the December 2017 ***ROWD***.

    e. All ***Annual Monitoring Report***s shall use a standard report format and shall include the following:

i. An introduction;
ii. Summary of Special Studies participated in during the reporting period;
iii. Comprehensive interpretations and conclusions; and
iv. Recommendations for necessary future actions.

M. ADMINISTRATIVE PROVISIONS

1. These requirements do not exempt the ***Permittees*** from compliance with any other laws, regulations, or ordinances which may be applicable, do not legalize land treatment and disposal facilities, and leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.
2. This ***MS4 Permit*** shall become the ***NPDES*** permit pursuant to Section 402 of the federal ***CWA***, as amended from time to time, upon adoption by the ***Regional Water Board*** provided no objections from the ***USEPA*** Regional Administrator have been received. If the Regional Administrator objects to the issuance, this ***MS4 Permit*** shall not become effective until such objection is withdrawn.

N. *ANNUAL REPORT* AND SUBMITTAL REQUIREMENTS

1. Each ***Permittee*** shall submit information for inclusion into the ***Annual Report***, as required by Section F. of this ***MS4 Permit***, utilizing the ***Annual Report*** forms included in Attachment D, ***Annual Report*** Forms.
2. The ***Permittees*** shall include in the ***Annual Report*** a brief narrative summary describing significant regional ***Urban Runoff*** management program accomplishments or issues encountered during the reporting year.
3. Each ***Permittee*** shall submit ***Annual Reports*** and ***Annual Monitoring Reports*** as described by this ***MS4 Permit*** beginning with the fiscal year 2014-2015 ***Annual Report***. The ***Permittees*** shall submit each fiscal year's ***Annual Report*** by March 1 the following year.
4. The ***Permittees*** may amend the ***Annual Report*** forms included in Attachment D as needed to reflect changes in compliance programs, facilitate more accurate reporting of compliance programs, or to improve the effectiveness and/or clarity of program reporting.
5. Each ***Permittee's Annual Reporting*** form shall contain a transmittal page signed by a duly authorized representative of the ***Permittee***. The transmittal page must contain the following statement:

   > "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6. ***Annual Reports*** and ***Annual Monitoring Reports*** shall be submitted according to the requirements detailed in Sections I.9 and I.11 of this ***MS4 Permit.***
7. Approval process for ***SWMP*** revision
   i. Upon approval by the ***Executive Officer***, the ***SWMP*** will be made available for public review and comment for 30 days.
   ii. Any person seeking changes in the ***SWMP*** must file with the ***Executive Officer*** a written request for hearing within the 30-day public review and comment period and which sets forth the reasons why the ***SWMP*** must be revised (Hearing Request). If no timely and adequate Hearing Request is filed, the ***Executive Officer*** will issue an authorization letter to the ***Permittee*** making the approved ***SWMP*** an enforceable part of the ***MS4 Permit*** (Authorization Letter).
   iii. If a timely and adequate Hearing Request is filed, the ***SWMP*** will be placed on the next available ***Regional Water Board*** meeting agenda, consistent with public notice requirements and any additional time necessary to follow the administrative procedures involved in preparing for the hearing. At the hearing,

the ***Regional Water Board*** will consider only those items in the ***SWMP*** that are requested for revision in the Hearing Request. The ***Regional Water Board*** may adopt the ***SWMP*** as proposed or return the ***SWMP*** to the ***Regional Water Board*** staff for consideration of some or all of the changes requested in the Hearing Request.

iv. Prior to the hearing, ***Regional Water Board*** staff will attempt to resolve the issues raised in the Hearing Request by arranging a meeting with the ***Permittees*** and the person(s) filing the Hearing Request. If no resolution of the issues is reached, the hearing on the ***SWMP*** will proceed as scheduled. If resolution is reached that does not require significant changes to the ***SWMP***, any non-significant changes will be made to the ***SWMP*** and the ***Executive Officer*** will issue an Authorization Letter. If the agreement reached requires significant changes to be made to the ***SWMP***, a new 30-day public review and comment period will be provided on the revised ***SWMP***.

8. Approval process for other items required by this ***MS4 Permit***

i. Other document and/or program revisions set forth in this ***MS4 Permit*** to be submitted by the ***Permittees*** for approval by the ***Executive Officer*** shall become effective once the ***Executive Officer*** provides notification of approval.

N. ***ANNUAL REPORT*** AND SUBMITTAL REQUIREMENTS

O. FACT SHEET

1. Fact Sheet Format:

   This Fact Sheet briefly sets forth the principal facts and the significant factual, legal, methodological, and policy questions that the ***Regional Water Board*** considered in preparing Order No. R7-2013-0011. In accordance with the Code of Federal Regulations (CFR), Title 40, parts 124.8 and 124.56, this Fact Sheet includes, but is not limited to, the following information:

   - Contact Information;
   - Public process and notification procedures;
   - A brief description of the type of facility or activity that is being regulated by the ***MS4 Permit***;
   - The type and quantity of ***Pollutants*** discharged;
   - A brief summary of the basis for the requirements in the ***MS4 Permit***; including references to the applicable statutory or regulatory provisions; and
   - A discussion of the requirements in the ***MS4 Permit***.

2. Project Description and ***Permittees*** Information:

   The following pages contain information concerning an application for renewal of ***WDRs*** and ***NPDES*** Permit, Board Order No. R7-2008-0001, ***NPDES*** No. CAS617002. This ***MS4 Permit*** prescribes ***WDR***s for ***Urban Runoff*** from the Cities and the unincorporated areas in the ***County*** within the jurisdiction of the ***Regional Water Board***.

   On November 21, 2012, the ***Count***y and the ***RCFC&WCD***, in cooperation with the ***CVWD*** and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the ***Permittees***), jointly submitted ***NPDES*** Application No. CAS617002 and a ***ROWD*** for re-issuance of a ***MS4 Permit***.

   For the purposes of this ***MS4 Permit*****, the following two *Permittees* are identified as** the ***Principal Permittees***:

   County of Riverside, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and

   Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, California 92501

   The ***CVWD*** and each of the Cities is identified as a ***Co-Permittee***. Collectively, the ***Principal Permittees*** and ***Co-Permittees*** comprise the ***Permittees.*** Under this organizational framework, the ***Principal Permittees*** are responsible for coordinating collective ***Permittee*** activities required by the ***MS4 Permit***, including report preparation and submittals to the ***Regional Water Board***. Other specific duties and

obligations of the ***Principal Permittees*** and the ***Co-Permittees*** imposed by this ***MS4 Permit*** are specified in further detail in the ***Implementation Agreement***, which is described in Finding No. 12 of this ***MS4 Permit***.

3. Project Area:

   This ***MS4 Permit*** applies to the urbanized areas that lie approximately between the San Gorgonio Pass area to the northwest and the northern shore of the Salton Sea to the southeast referred to as the ***Whitewater River Region***. The majority of the ***Whitewater River Region*** is in the Coachella Valley and is identified in ATTACHMENT A – SITE MAP. The generally northwest-southeast trending Coachella Valley is in the northern portion of a large low area in the Colorado Desert known as the Salton Basin with major drainage to the Salton Sea. The San Jacinto Mountains bound the Coachella Valley on the southwest, and the San Gorgonio Mountains, Indio Hills and Mecca Hills bound the Coachella Valley on the northeast side. Major drainage is through the Whitewater River, and its tributaries, which reach the northern end of the Salton Sea. The headwaters of the Whitewater River originate from Mt. San Gorgonio. The valley surface is characterized as being wide and blanketed by bouldery alluvial fans and sand dunes.

4. Exclusions to the Permitted Area:

   The ***Permittees*** lack legal jurisdiction over storm water discharges into their respective ***MS4***s facilities from certain facilities, entities, properties, and other ***Point*** and ***Non-Point Source*** discharges otherwise permitted by or under the jurisdiction of the ***Regional Water Board***. The ***Regional Water Board*** finds that the ***Permittees*** should not be held responsible for such discharges. Similarly, certain activities that generate ***Pollutants*** present in ***Urban Runoff*** are beyond the ability of the ***Permittees*** to eliminate. Examples may include: operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, bacteria from wildlife (including feral dogs and cats) and transient encampments, or from bacterial resuscitation or reactivation from treated waters or growth of bacteria in the environment (such as in sediments, surface water, or other substrate), and leaching of naturally occurring nutrients and minerals from local soils, residues from lawful application of pesticides, nutrient runoff from landscape activities, and leaching of naturally occurring minerals from local geology. This ***MS4 Permit*** is not intended to address background or naturally occurring pollutants or flows. Additionally, certain areas and facilities in the ***Whitewater River Watershed*** are excluded from coverage under this ***MS4 Permit*** because such areas and facilities are being addressed through other regulatory programs, including programs administered by the ***Regional Water Board*** and other federal, state and local regulatory agencies***.*** Excluded areas include:

   - Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
   - Native American tribal lands;
   - Open space and rural (non-urbanized) areas;
   - Agricultural lands (exempted under the ***CWA***); and

O. FACT SHEET

- Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities, etc.).

These areas in the ***Whitewater River Region*** for which coverage under the ***MS4 NPDES Permit*** is excluded, are detailed in ATTACHMENT A – SITE MAP.

5. ***CWA*** Requirements:

   The ***CWA*** (33 U.S.C. § 1251 et seq.) established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the ***CWA*** established the ***NPDES*** permit program to regulate the discharge of ***Pollutants*** from ***Point Sources*** to ***Waters of the United States***. From 1972 to 1987, the main focus of the ***NPDES*** program was to regulate conventional ***Pollutant*** sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, ***Non-Point Source***s, including agricultural and ***Storm Water*** runoff, now contribute a larger portion of many kinds of ***Pollutant***s than the more regulated sewage treatment plants and industrial facilities.

   The National ***Urban Runoff*** Program (NURP) final report to Congress (***USEPA***, 1983) concluded that the goals of the ***CWA*** could not be achieved without addressing ***Storm Water*** discharges. The 1987 ***CWA*** amendments established a framework for regulating ***Urban Runoff***. Pursuant to these amendments, the ***Regional Water Board*** began regulating municipal ***Storm Water*** runoff in 1996.

   The ***CWA*** allows the ***USEPA*** to delegate its ***NPDES*** permitting authority to states with an approved environmental regulatory program. The State of California is one of the delegated states. The Porter-Cologne Water Quality Control Act (***CWC***, Section 13000 et seq.) authorizes the ***State Board***, through its Regional Water Boards, to regulate and control the discharge of ***Pollutants*** into ***Waters of the State*** and tributaries thereto. Section 405 of the Water Quality Act (WQA) of 1987 added Section 402(p) to the ***CWA***. Pursuant to Section 402(p)(4) of the ***CWA***, the ***USEPA*** promulgated regulations for ***Storm Water*** permit applications for ***Storm Water*** discharges associated with industrial activities and ***MS4***s serving a population of 100,000 or more. This ***MS4 Permit*** governing ***Urban Runoff*** meets the statutory requirements of Section 402(p)(3)(B).

6. Regulatory Background and ***CWA Storm Water*** Requirements:

   The ***CWA*** prohibits the discharge of any ***Pollutant*** to navigable waters from a ***Point*** **Source** unless an ***NPDES*** permit authorizes the discharge. The 1987 amendments to the ***CWA*** required ***MS4***s and industrial facilities, including construction sites, to obtain ***NPDES*** permits for ***Storm Water*** runoff from their facilities. On November 16, 1990, the ***USEPA*** promulgated the final Phase 1 ***Storm Water*** regulations. The ***Storm Water*** regulations are contained in 40 CFR Parts 122, 123, and 124.

   On June 22, 1996, the ***Regional Water Board*** issued Order No. 96-015 to the ***Permittees*** (first term permit). On September 5, 2001, the ***Regional Water Board*** adopted Order No. 01-077 (second term permit). On May 21, 2008, the ***Regional Water Board*** adopted Order No. R7-2008-0001 (third term permit). R7-2008-0001 is administratively extended in accordance with Title 23, Division 3, Chapter 9, Article 3, Section 2235.4 of the California Code of Regulations.

O. FACT SHEET

7. Area-Wide ***MS4 Permit***:

   To regulate and control ***Urban Runoff*** from the ***Whitewater River Region*** to the ***MS4***, an area-wide approach is essential. The ***MS4*** is not controlled by a single entity, but rather the ***County***, several Cities, and other entities (i.e. ***CVWD, RCFC&WCD***) manage the systems. The management and control of the entire ***MS4*** cannot be effectively carried out without the cooperation and efforts of all these entities. Also, it would not be meaningful to issue a separate ***MS4 Permit*** to each of the entities within the ***Whitewater River Region*** whose land/facilities drain into the ***MS4*** operated by the ***Permittees***. The ***Regional Water Board*** has concluded that the best management option for the ***Whitewater River Region*** is to issue an area-wide ***MS4 Permit*** to the ***RCFC&WCD***, ***County***, ***CVWD*** and the Cities within ***Whitewater River Region***. The ***State Board*** has issued a separate ***MS4 Permit*** to ***Caltrans***. ***Urban Runoff*** from other state, federal, utility, or special district facilities and state or federal lands will be permitted separately.

   This area-wide ***NPDES*** permit for the ***Whitewater River Region MS4 Permit Area*** is being considered for renewal in accordance with Section 402(p) of the ***CWA*** and all requirements applicable to an ***NPDES*** permit issued under the issuing authority's discretionary authority. The requirements included in this ***MS4 Permit*** are consistent with the ***CWA***, the federal regulations governing urban ***Storm Water*** discharges, the ***Basin Plan***, the ***CWC***, and the ***State Board***'s Plans and Policies.

8. Coordination with Other Regional Agencies:

   In developing ***BMPs*** and monitoring programs, consultation/coordination with other drainage management entities and other Regional Water Boards is essential. ***Regional Water Board*** staff will coordinate the program with other Regional Water Boards and other flood control entities/cities on an "as needed" basis. The ***MS4 permit***/program process is at approximately the same stage of development in both the Santa Ana and San Diego Regional Water Board areas of the ***County***. Common programs, reports, implementation schedules and efforts are desirable and will be utilized to the ***MEP***.

9. Existing Facilities and Programs:

   Storm Water discharges from urbanized areas consist mainly of surface runoff from residential, commercial, and industrial developments. State-wide, ***Constituents of Concern*** and significance in ***Storm Water*** discharges can include: total suspended solids (***TSS***), biochemical oxygen demand (BOD), chemical oxygen demand (COD), oil and grease (O&G), heavy metals, nutrients and organic chemicals such as base/neutral and acid extractables, pesticides and herbicides, and petroleum hydrocarbon components. However, ***Whitewater River Region*** monitoring data shows that many of these constituents have not been found to be of concern***.***

   To protect the ***Beneficial Uses*** of ***Waters of the State***, ***Pollutant***s that would cause such ***Beneficial Uses*** to not be met need to be controlled. Recognizing this, and the fact that ***Urban Runoff*** may contain ***Pollutants***, the ***Permittees*** and the ***Regional Water Board*** have all agreed that an area-wide ***MS4 Permit*** is the most effective way to develop and implement a comprehensive ***Storm Water*** management program in a timely manner. This ***MS4 Permit*** contains requirements with time schedules that will allow the ***Permittees*** to continue to address water

quality problems potentially caused by ***Urban Runoff*** through their management programs to reduce ***Pollutants*** in ***Urban Runoff*** to the ***MEP***.

10. ***MS4 Permit*** Requirements:

    In accordance with ***CWA*** Section 402(p)(3), as part of a program to reduce the ***Pollutant***s in ***Urban Runoff*** to the ***MEP***, the ***Permittees*** have been required to submit existing management plans and programs being implemented or developed in the previous ***MS4 Permit*** to reduce ***Pollutant***s in ***Urban Runoff***. The ***Permittees*** will be required to report, review and/or revise the management programs and control measures in accordance with the provisions specified in this ***MS4 Permit***.

    If existing management programs are not effective in controlling ***Pollutant*** loading and in achieving the ***WQOs*** of ***Whitewater River Region Receiving Waters***, additional programs shall be developed and implemented upon consultation and approval of the ***Executive Officer***.

    This ***MS4 Permit*** also requires the development and implementation of management programs and/or ***BMPs*** during the life of the ***MS4 Permit*** such that the quality of ***Urban Runoff*** discharged can ensure that the ***WQO***s of ***Whitewater River Region Receiving Waters*** can continue to be met. It is also expected that through implementation of these programs and/or ***BMPs,*** the ***Beneficial Uses*** of the ***Receiving Waters*** will continue to be protected.

11. ***Basin Plan*** and ***Beneficial Uses***:

    The ***Basin Plan*** is the basis for the ***Regional Water Board***'s regulatory programs. The ***Basin Plan*** was developed and is periodically reviewed and updated in accordance with relevant federal and state law and regulation, including the ***CWA*** and the ***CWC***. As required, the ***Basin Plan*** designates the ***Beneficial Uses*** of the ***Waters of the State*** within the ***Whitewater River Region*** and specifies ***WQOs*** intended to protect those uses. (Beneficial uses and ***WQOs***, together with an anti-degradation policy, comprise federal ***WQSs***). The ***Basin Plan*** also specifies an implementation plan, which includes certain discharge prohibitions. In general, the ***Basin Plan*** makes no distinction between wet and dry weather conditions in designating ***Beneficial Uses*** and setting ***WQOs***, i.e., the ***Beneficial Uses***, and correspondingly, the ***WQOs*** are assumed to apply year-round. (Note: In some cases, ***Beneficial Uses*** for certain surface waters are designated as "I", or intermittent, in recognition of the fact that surface flows (and ***Beneficial Uses***) may be present only during wet weather.)

    Storm Water flows which are discharged to the ***CVSC*** in the ***Whitewater River Region*** are tributary to the Salton Sea. The ***Beneficial Uses*** of Salton Sea and its tributaries include ***MUN***, ***AGR***, ***IND***, GWR, ***REC-1***, REC-2, ***WARM***, ***COLD***, ***WILD***, and ***RARE***. The ultimate goal of this ***Urban Runoff*** management program is to protect the ***Beneficial Uses*** of the ***Receiving Waters***.

12. ***CWA*** Section 303(d) List and ***TMDL***S:

    Pursuant to Section 303(d) of the ***CWA***, the 2010 water quality assessment conducted by the ***Regional Water Board*** listed one water body within the ***Whitewater River Region*** under Section 303(d) of the ***CWA*** as an ***Impaired***

Waterbody. This is a water body where the designated ***Beneficial Uses*** are not being met and ***WQOs*** are being violated. The sources of the impairments may include ***POTW*** discharges, and runoff from agricultural, ***Caltrans*** outfalls, Native American Tribal Lands, ***Open Space,*** and ***Non-Point Source*** discharges including wildlife, transients and urban land uses. The ***Impaired Waterbody*** within this ***MS4 Permit*** is listed for pathogens.

Federal regulations require that a ***TMDL*** be established for each 303(d) listed waterbody for each of the ***Pollutant***s causing impairment. The ***TMDL*** is the total amount of the problem ***Pollutant*** that can be discharged while ***WQSs*** in the ***Receiving Water*** attained, i.e., ***WQOs*** are met and the ***Beneficial Uses*** are protected. It is the sum of the individual ***WLAs*** for ***Point Source*** inputs, ***LAs*** for ***Non-Point Source*** inputs and natural background, with a margin of safety. The ***TMDL***s are the basis for limitations established in ***WDRs***.

13. Permit Requirements and Provisions:

The legislative history of ***Storm Water*** statutes (1987 ***CWA*** Amendments), ***USEPA*** regulations (40 CFR Parts 122, 123, and 124), and clarifications issued by the ***State Board*** (***State Board*** Orders No. WQ 91-03 and WQ 92-04) indicate that a non-traditional ***NPDES*** permitting strategy was anticipated for regulating ***Urban Runoff***. Due to the economic and technical infeasibility of full-scale end-of-pipe treatments and complexity of ***Urban Runoff*** quality and quantity, ***MS4*** permits generally include narrative requirements for the implementation of ***BMPs*** in place of ***Numeric Effluent Limits***.

The requirements in this ***MS4 Permit*** are meant to specify those management practices, control techniques and system design and engineering methods that will result in ***MEP*** protection of the ***Beneficial Uses*** of the ***Receiving Water***s. ***State Board*** Order Nos. WQ 98-01 and WQ 99-05 concluded that ***MS4s*** must meet the technology–based ***MEP*** standard and ***WQSs*** (***WQOs*** and ***Beneficial Uses***). The U.S. Court of Appeals for the Ninth Circuit, in *Defenders of Wildlife v. Browner,* 191 F.3d 1159 (9th Cir. 1999), subsequently held that strict compliance with ***WQSs*** in ***MS4*** permits is not required by the ***CWA***, but that such compliance may be included at the discretion of the permitting agency. Any requirements included in the ***MS4 Permit*** that are more stringent than the federal ***Storm Water*** regulations are in accordance with ***CWC*** Section 13377.

The ***ROWD*** included a discussion of the current status of the ***County Urban Runoff*** management program and the proposed ***Urban Runoff*** management programs and policies proposed for the next five years (fourth permit term). This ***MS4 Permit*** incorporates these documents and specifies performance commitments for specific elements to the ***Permittees Urban Runoff*** management program.

The essential components of the ***Urban Runoff*** management program, as established by federal regulations [40CFR122.26(d)] are (i) Adequate Legal Authority, (ii) Fiscal Resources, (iii) ***Storm Water Management Plan (SWMP)*** – (Public Information and Participation Program, Industrial/Commercial Facilities Program, Development Planning Program, Development Construction Program,

Public Agency Activities Program, ***IC/ID*** Elimination Program), and (iv) Monitoring and Reporting Program. The major sections in this Order include A. Findings, B. Discharge Prohibitions, C. Allowable ***Non-Storm Water*** Discharges, D. ***Receiving Water Limitations***, E. Specific ***Permittee*** Requirements, F. ***Best Management Practices***, G. Implementation of ***Total Maximum Daily Load***s, H. General Provisions, I. Reporting Requirements, J. Notifications, K. Glossary of Terms, L. Monitoring and Reporting, M. Administrative Provisions, and N. Annual Report Form and Submittal Requirements. These programs and policies are intended to improve ***Urban Runoff*** quality and protect the ***Beneficial Uses*** of ***Receiving Waters*** of the ***Whitewater River Region***.

14. Rationale for Requirements

    a. Discharge Prohibitions – In accordance with ***CWA Section 402(p)***(3)(B)(ii), this ***MS4 Permit*** prohibits the discharge of ***Non-Storm Water*** to the ***MS4***s, with few exceptions;

    b. Allowable ***Non-Storm Water*** Discharges – The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the ***Permittees*** determine that any of the exempted ***Non-Storm Water*** discharges is a significant source of ***Pollutants***, the ***Permittees*** shall prohibit the discharge category from entering the ***MS4,*** or ensure that appropriate ***BMPs*** are implemented to the ***MEP*** to reduce or eliminate ***Pollutant***s resulting from the discharge. The ***Permittees*** shall also provide a report to the ***Regional Water Board*** per Section D. ***RECEIVING WATER*** LIMITATIONS, Item No. 2.;***Receiving Water Limitations*** – ***Receiving Water Limitations*** are included to ensure that discharges of ***Urban Runoff*** from ***MS4*** systems do not exceed, cause or contribute to violations of applicable ***WQSs*** in ***Receiving Waters***. The compliance requirements for ***Receiving Water Limitations***, as well as for Discharge Prohibitions and Allowable ***Non-Storm Water*** Discharges, involve timely implementation of control measures and other actions, as set forth in Part D.2.of this ***MS4 Permit.*** Such requirements are consistent with applicable ***State Board*** Orders, and recognize the complexity of ***Urban Runoff*** management.

    c. Specific ***Permittee*** Requirements – This section contains specific language on the responsibilities of the Principal and ***Co-Permittees***.

        1. The ***Principal Permittees*** are required to coordinate the overall ***Urban Runoff*** management program and the ***Co-Permittees*** are responsible for managing the ***Urban Runoff*** Program within their jurisdictions as detailed in the ***ROWD***, the ***Annual Reports*** and Order No. R7-2013-0011.

        2. Each ***Permittee*** is required to obtain adequate legal authority, which authorizes or enables them to implement and enforce the applicable provisions of this ***MS4 Permit***. Each ***Permittee*** has adopted a number of ordinances, to establish legal authority to control discharges to the

MS4s, and enforces these ordinances[31] as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The ***Permittees*** are required to enforce these ordinances, and take enforcement actions against violators (40 CFR 122.26(d)(2)(iv.)(A-D).

d. ***Best Management Practices*** – The federal regulations at 40 CFR 122.26(d)(2)(iv)(A-D) set forth the responsibility of municipalities for control of ***Urban Runoff*** from third party activities and land uses to their ***MS4***. Under the ***CWA Section 402(p)***, municipalities are required to reduce the discharge of ***Pollutants*** from their ***MS4s*** facilities to the ***MEP***. ***MEP*** is the critical technology-based performance standard that municipalities must attain in order to comply with their ***MS4*** permits. The ***MEP*** standard establishes the level of ***Pollutant*** reductions the municipality must achieve. The ***MEP*** standard can be achieved by means of implementing ***Pollution Prevention*** and ***Source Control BMPs*** (as the first line of defense), subject to the requirement that the ***BMP***s be "practicable." Each ***Permittee*** is required to implement the programs and ***BMPs*** to the ***MEP*** as described in the ***SWMP*** and this ***MS4 Permit***. These programs and ***BMPs*** include as follows:

1. ***IC/ID***, Litter, Debris and Trash Control Program - The ***Permittees*** have established a program to address ***IC/IDs*** and a mechanism to respond to spills, leaks and other incidents of discharges to the ***MS4***. The ***Permittees*** are required to continue these programs to ensure that such discharges, if discharged from the ***MS4s*** do not become a source of ***Pollutants*** in ***Receiving Waters***.

2. Commercial/Industrial Program – This ***MS4 Permit*** requires the ***Permittees*** to continue to identify commercial and industrial facilities within their jurisdiction which have potential to contribute substantial ***Pollutant*** load to ***MS4***s. The ***Permittees*** will continue to maintain the Commercial/Industrial facilities database, and perform inspections at targeted facilities to confirm compliance with respective ***Permittee Stormwater Ordinances***. The existing ***CAP*** program described in Section 3 of the ***SWMP*** meets the intent of Section F.1.b of this ***MS4 Permit***. The ***CAP*** is an area-wide program, implemented by ***DEH*** as an extension of its oversight and inspection of industrial and commercial sources for other regulatory programs. Prioritization and inspection frequencies are established by the requirements of ***County*** environmental health regulations and codes. Where ***CAP*** Industrial/Commercial inspections indicate that a facility is out of compliance with a ***Permittee's Storm Water Ordinance***, ***Permittee*** staff are required to perform a re-inspection.

3. ***New Development***/***Redevelopment*** and Construction Activities Program – The ***Permittees*** are required to develop and implement strategies to ensure that controls are in place to prevent or minimize water quality impacts to the ***MEP*** for these activities.

[31]The District and CVWD do not govern as municipal authorities over any land areas; therefore, this provision is not applicable to them.

4. Private Construction Activities Program – The ***Permittees*** shall continue to implement and enforce a program to reduce ***Pollutant***s in ***Urban Runoff*** to the ***MS4*** from construction activities that result in a ***Land Disturbance*** of greater than or equal to one acre.

5. ***Permittee*** Activities Program – The ***Permittees*** are required to continue to address discharges of ***Pollutant***s from public agency activities and facilities and inspect and maintain their ***MS4*** facilities on a developed schedule to ensure protection of ***Receiving Waters***; and

6. Public Education and Outreach Program – The ***Permittees*** have committed to implement a strategic and comprehensive public education program to maintain the integrity of the ***Receiving Waters*** to sustain ***Beneficial Uses***.

e. ***Total Maximum Daily Load***s – This ***MS4 Permit*** incorporates the ***TMDL*** that was adopted for Bacterial Indicators in the ***CVSC.*** The ***Regional Water Board*** adopted a ***Basin Plan*** amendment incorporating the ***CVSC*** Bacterial Indicators ***TMDL*** on May 16, 2007, and as modified on June 17, 2010. The ***TMDL*** was subsequently approved by the ***State Board*** on July 19, 2011, approved by the Office of Administrative Law on February 2, 2012 and approved by ***USEPA*** on April 27, 2012.

   This ***MS4 Permit*** includes conditions necessary to implement the ***TMDL***s already approved by the ***Regional Water Board*** consistent with federal regulations at 40 CFR 122.44(d)(vii)(B).

f. General Provisions – These general provisions were included as part of the previous ***MS4 Permit***.

g. Reporting Requirements – These reporting requirements were included as part of the previous ***MS4 Permit***.

h. Notifications – These notification requirements were included as part of the previous ***MS4 Permit***.

i. Glossary of Terms – The glossary was revised to provide clarity on terms used in this ***MS4 Permit***.

j. Monitoring and Reporting – The key focus of the monitoring and reporting program is to collect data and develop methodologies and assessment tools to more effectively understand ***Urban Runoff*** impacts, if any, to ***Whitewater River Region Receiving Waters***.

k. Administrative Provisions – These administrative provisions were included as part of the previous ***MS4 Permit***.

l. ***Annual Report*** and Submittal Requirements – These requirements were included as part of the previous permit and reflect new ***MS4 Permit*** requirements.

O. FACT SHEET

15. Anti-degradation Analysis:

The ***Regional Water Board*** has considered whether a complete anti-degradation analysis, pursuant to 40 CFR 131.12 and ***State Board*** Resolution No. 68-16, is required for these ***Urban Runoff*** discharges. The ***Regional Water Board*** finds that ***Pollutant*** loading rates to ***Receiving Waters*** will be reduced with the implementation of the requirements in this ***MS4 Permit***. As a result, the quality of ***Storm Water*** discharges and ***Receiving Waters*** will be improved, thereby protecting the ***Beneficial Uses*** of ***Waters of the United States***. This is consistent with the federal and state anti-degradation requirements and thus a complete anti-degradation analysis is not necessary.

16. Public Participation:

The ***Regional Water Board*** is considering the issuance of ***WDRs*** that will serve as an ***NPDES*** Permit for ***MS4 Permittees***. As a step in the ***WDRs*** adoption process, the ***Regional Water Board*** staff has developed tentative ***WDRs***. The ***Regional Water Board*** encourages public participation in the ***WDRs*** adoption process.

17. Notification of Interested Parties:

The ***Regional Water Board*** has notified the Dischargers and interested agencies and ***Persons*** of its intent to prescribe ***WDRs*** for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the following newspaper: Desert Sun.

18. Public Workshop:

The ***Regional Water Board*** recognizes the significance of the ***County***'s ***"Only Rain Down The Storm Drain" Pollution Prevention*** Program and will conduct, participate, and/or assist with at least one workshop every year during the term of this ***MS4 Permit*** to promote and discuss the progress of the ***Urban Runoff*** management program. The details of the annual workshop will be published in local newspapers and mailed to interested parties. ***Persons*** wishing to be included in the mailing list for any of the items related to this ***MS4 Permit*** may register their name, mailing address and phone number with the ***Regional Water Board*** office at the address given below.

19. Written Comments:

The staff determinations are tentative. Interested ***Persons*** and agencies are invited to submit written comments concerning these tentative ***WDRs***. Comments must be submitted either in person or by mail to the ***Executive Officer***.

Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

O. FACT SHEET

To be fully responded to by staff and considered by the ***Regional Water Board***, written comments should be received at the ***Regional Water Board*** office by 5:00 p.m., June 4, 2013.

20. Information and Copying:

    The ***ROWD***, related documents, tentative ***WDRs***, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the ***Regional Water Board*** by calling (760) 346-7491.

21. Register of Interested Persons:

    Any ***Person*** interested in being placed on the mailing list for information regarding the ***WDRs*** and ***NPDES MS4 permit*** should contact the ***Regional Water Board***, reference this facility, and provide a name, address, and phone number.

22. Public Hearing:

    The ***Regional Water Board*** will hold a public hearing on the tentative ***WDRs*** during its regular Board meeting on the following date and time and at the following location:

    Date: June 20, 2013

    Time: 10:00 a.m.

    Location: Town of Yucca Valley Community Center- Yucca Room
    57090 Twentynine Palms Hwy
    Yucca Valley, CA 92284

    Interested ***Persons*** are invited to attend. At the public hearing, the ***Regional Water Board*** will hear testimony, if any, pertinent to the discharge, ***WDRs***, and ***MS4 Permit***. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

    Please be aware that dates and venues may change. Our Web address is www.waterboards.ca.gov/coloradoriver where you can access the current agenda for changes in dates and locations.

23. ***WDRs*** Petitions:

    Any aggrieved person may petition the ***State Board*** to review the decision of the ***Regional Water Board*** regarding the final ***WDRs***. The petition must be submitted within 30 days of the ***Regional Water Board's*** decision to the following address:

    State Water Resources Control Board
    Office of Chief Counsel
    P.O. Box 100
    Sacramento, CA 95812-0100

24. Additional Information

O. FACT SHEET

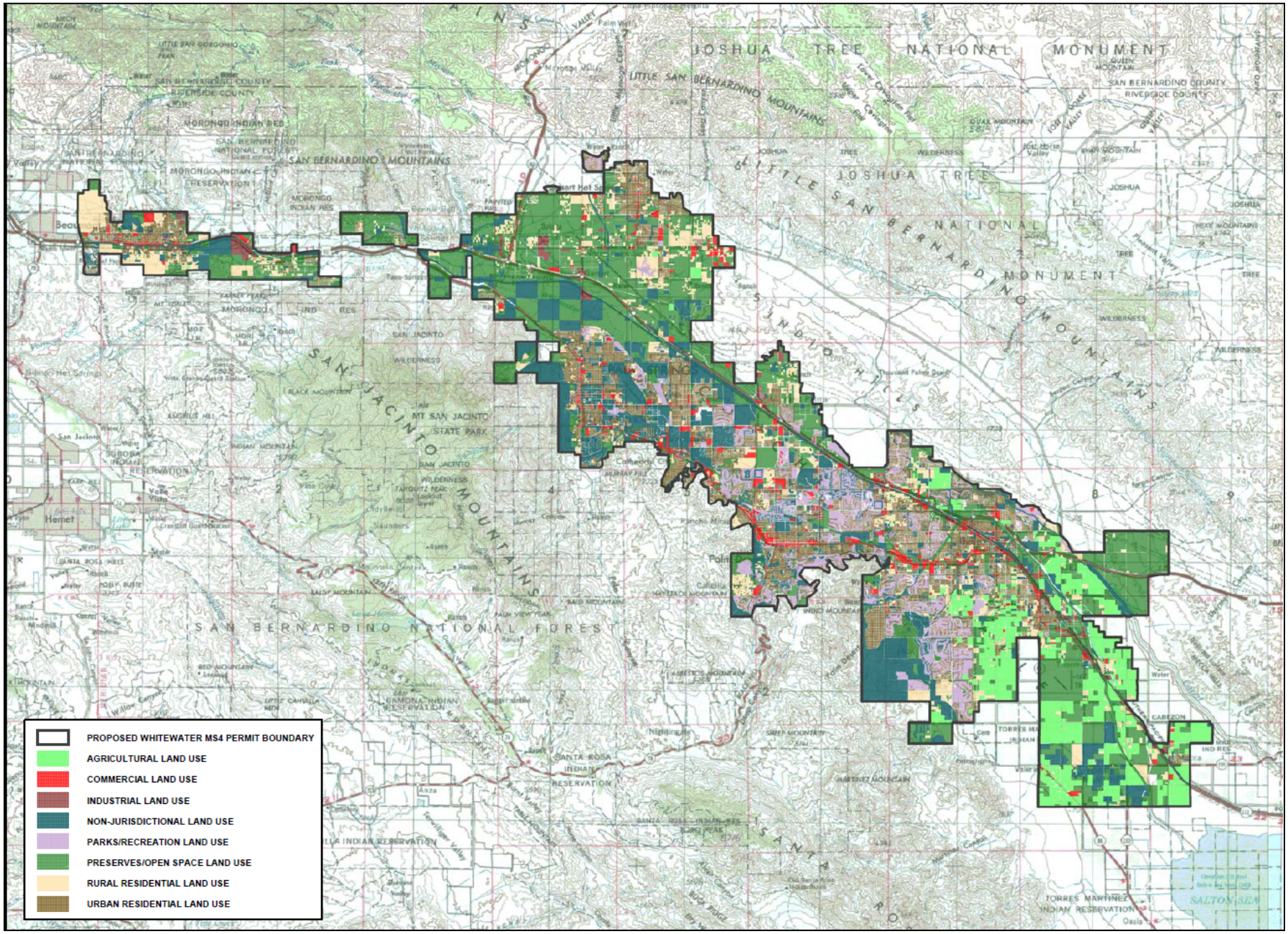
Requests for additional information or questions regarding this ***MS4 Permit*** should be directed to Anders Wistrom at (760) 776-8964.

Persons wishing further information may also write to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
or call the ***Regional Water Board*** at (760) 346-7491

O. FACT SHEET

ATTACHMENT A – SITE MAP



ATTACHMENT B – PROGRAM DATABASES

ATTACHMENT C – STATE BOARD MINIMUM LEVELS

SWRCB Minimum Levels in ppb (μ g/L)

The Minimum Levels (MLs) in this appendix are for use in reporting and compliance determination purposes in accordance with section 2.4 of the State Implementation Policy. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the SWRCB and become effective. The following table presents MLs for one major chemical grouping: inorganics.

Table C-1 Inorganics

Table C-3 – INORGANICS*	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAA	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1,000
Arsenic		2	10	2	2	1		20	1,000
Beryllium	20	0.5	2	0.5	1				1,000
Cadmium	10	0.5	10	0.25	0.5				1,000
Chromium (total)	50	2	10	0.5	1				1,000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1,000
Cyanide								5	
Lead	20	5	5	0.5	2				10,000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1,000
Selenium		5	10	2	5	1			1,000
Silver	10	1	10	0.25	2				1,000
Thallium	10	2	10	1	5				1,000
Zinc	20		20	1	10				1,000

* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Techniques:

GC - Gas Chromatography
GCMS - Gas Chromatography/Mass Spectrometry
HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)
LC - High Pressure Liquid Chromatography
FAA - Flame Atomic Absorption
GFAA - Graphite Furnace Atomic Absorption
HYDRIDE - Gaseous Hydride Atomic Absorption
CVAA - Cold Vapor Atomic Absorption
ICP - Inductively Coupled Plasma
ICPMS - Inductively Coupled Plasma/Mass Spectrometry
SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)
DCP - Direct Current Plasma
COLOR – Colorimetric

ATTACHMENT D – ANNUAL REPORT FORMS