CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 95-180
NPDES PERMIT NO. CAS029718

REISSUING WASTE DISCHARGE REQUIREMENTS FOR:

SANTA CLARA VALLEY WATER DISTRICT, COUNTY OF SANTA CLARA, CITY OF CAMPBELL, CITY OF CUPERTINO, CITY OF LOS ALTOS, TOWN OF LOS ALTOS HILLS, TOWN OF LOS GATOS, CITY OF MILPITAS, CITY OF MONTE SERENO, CITY OF MOUNTAIN VIEW, CITY OF PALO ALTO, CITY OF SAN JOSE, CITY OF SANTA CLARA, CITY OF SARATOGA, AND CITY OF SUNNYVALE, which have joined together to form the SANTA CLARA VALLEY NONPOINT SOURCE POLLUTION CONTROL PROGRAM

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter referred to as the Regional Board) finds that:

1. The Santa Clara Valley Water District (hereinafter District), County of Santa Clara, City of Campbell, City of Cupertino, City of Los Altos, Town of Los Altos Hills, Town of Los Gatos, City of Milpitas, City of Monte Sereno, City of Mountain View, City of Palo Alto, City of San Jose, City of Santa Clara, City of Saratoga, and City of Sunnyvale (hereinafter referred to as the Dischargers) have joined together to form the Santa Clara Valley Nonpoint Source Pollution Control Program (hereinafter referred to as the Program) and have submitted a permit application (Report of Waste Discharge), dated December 20, 1994, and revised June 30, 1995, for re-issuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) to discharge storm water runoff from storm drains and watercourses within the Dischargers' jurisdictions.

2. The Dischargers are currently subject to NPDES Permit No.CA0029718 issued by Order No. 90-094 on June 20, 1990, and amended by Order No. 92-021 on February 19, 1992.

3. The Dischargers each have jurisdiction over and/or maintenance responsibility for their respective municipal separate storm drain systems and/or watercourses in the Santa Clara Valley basin. (See attached location and political jurisdiction map.) The basin can be divided into eleven subbasins or watersheds including the Coyote Creek watershed on the east side of the valley, the Guadalupe River watershed which drains the south-central portion of the valley, and a series of small, relatively urbanized watersheds that drain the west side of the valley. (See attached basin watersheds map.) Discharge consists of the surface runoff generated from various land uses in all the hydrologic subbasins in the basin which discharge into watercourses which in turn flow into South San Francisco Bay. The quality and quantity of these discharges varies considerably and is affected by hydrologic, geologic, land use, season, and sequence and duration of hydrologic event. Pollutants of concern in these discharges are certain heavy metals, sediment from erosion due to anthropogenic activities, petroleum hydrocarbons from sources such as used motor oil, microbial pathogens of domestic sewage origin from illicit discharges, certain pesticides associated with in stream acute toxicity, and other pollutants which may cause aquatic toxicity in the receiving waters.

4. Section 402(p) of the federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from separate municipal storm drain systems, storm water discharges associated with industrial activity (including construction activities), and designated storm water discharges which are considered significant contributors of pollutants to waters of the United States. On November 16, 1990, the United States Environmental Protection Agency (hereinafter US EPA) published regulations (40 CFR Part 122) which prescribe permit application requirements for municipal separate storm drain systems pursuant to Section 402(p) of the CWA. On April 7, 1995, USEPA published regulations announcing its intent to develop permit application requirements for municipal separate storm drain systems that have previously been permitted under the CWA.

   The application requirements that the Regional Board has determined to be applicable to the Dischargers include submittal of a proposed storm water management plan to reduce the discharge of pollutants in storm water to the maximum extent practicable and to effectively prohibit non-storm water discharges into municipal storm drain systems and watercourses within the Dischargers' jurisdictions.

5. The permit application submitted by the Dischargers includes the Program's Storm Water Management Plan, which describes a framework for management of storm water discharges during the term of this permit. The title page and table of contents of the Storm Water Management Plan are attached to this Order. The Storm Water Management Plan describes the Program's Goals and Objectives, Legal Authorities, Institutional Arrangements and Funding, the Annual Reporting and Program Evaluation Process, Monitoring Strategy, an Implementation Plan which summarizes major activities to be accomplished during the five-year term of this permit, and detailed Workplans of activities to be implemented by the Program and each of the Dischargers during Fiscal Year 1995-1996. Workplans for subsequent fiscal years will be prepared by the Program and each of the Dischargers and submitted to the Regional Board by the Program as part of the Annual Reporting and Program Evaluation Process.

   The Implementation Plan chapter of the Storm Water Management Plan consists of the following elements:

   - Program Management
   - Annual Reporting and Evaluation
   - Monitoring
   - Public Agency Activities
   - Public Information and Participation
   - Metals Control Measures
   - Watershed Management Measures
   - Illicit Connection / Illegal Dumping Elimination
   - Industrial and Commercial Discharges
   - New Development and Construction

   The Program's Storm Water Management Plan fulfills the Regional Board's permit application requirements subject to the condition that it will be improved and revised in

accordance with the provisions of this Order to resolve deficiencies in it in terms of scope and detail of proposed actions and time frame for implementation.

6. The Storm Water Management Plan (Plan) and modifications or revisions to the Plan that are approved in accordance with Provision C.3 of this Order, and future fiscal year Workplans to be submitted in accordance with the Plan and Provision C.3 of this Order are incorporated into this Order by reference and are an integral and enforceable component of this Order.

7. The Program is organized, coordinated, and implemented based upon a Memorandum of Agreement signed by the Dischargers, which defines roles and responsibilities of the Dischargers. The roles and responsibilities of the Dischargers are, in part, as follows:

   a. The Management Committee, which includes representatives from all of the Dischargers, is the decision making body of the Program. It operates within the budget and policies established by the Dischargers' governing boards and councils to decide matters of budget and policy necessary to implement the Storm Water Management Plan, and provides direction to the Program Manager and staff. The Management Committee has established subcommittees to assist in planning and implementation of the Storm Water Management Plan, and may add, modify, or delete subcommittees as deemed necessary.

   b. The District's representative serves as the Chair of the Management Committee and is responsible for implementation of the Program's self-monitoring activities and preparation and submittal of Program components of the Annual Report and Workplans. In acting as the Program's NPDES Permit coordinator, the District does not assume responsibility for the obligations assigned to other Dischargers by this Order.

   c. Each of the Dischargers is individually responsible for adoption and enforcement of ordinances, implementation of assigned control measures needed to prevent or reduce pollutants in storm water, and providing funds for the capital, operation, and maintenance expenditures necessary to implement such control measures within their jurisdiction. Enforcement actions concerning this Order will, wherever possible, be pursued only against the individual Discharger(s) responsible for specific violations of this Order.

8. The Regional Board amended its Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region on September 16, 1992 and June 21, 1995. The State Water Resources Control Board (hereinafter the State Board) approved the Basin Plan amendments on April 27, 1993 and July 20, 1995 respectively. The provisions of this permit are consistent with the amended Basin Plan.

9. The beneficial uses of South San Francisco Bay, its tributary streams and contiguous water bodies, and other water bodies within the drainage basin are listed in the Basin Plan.

10. The Regional Board considers storm water discharges from the urban and developing areas in the San Francisco Bay Region, such as the Santa Clara Valley basin, to be significant sources of pollutants in waters of the Region that may be causing or threatening to cause or contribute to water quality impairment.

11. The San Francisco Estuary Project, established pursuant to CWA Section 320, culminated in June of 1993 with completion of its Comprehensive Conservation and Management Plan (CCMP) for the preservation, restoration, and enhancement of the San Francisco Bay-Delta Estuary. The CCMP includes recommended actions in the areas of aquatic resources, wildlife, wetlands, water use, pollution prevention and reduction, dredging and waterway modification, land use, public involvement and education, and research and monitoring. Recommended actions which may, in part, be addressed through implementation of the Dischargers' Storm Water Management Plan include, but are not limited to, the following:

    a. Action PO-2.1: Pursue a mass emissions strategy to reduce pollutant discharges into the Estuary from point and nonpoint sources and to address the accumulation of pollutants in estuarine organisms and sediments.

    b. Action PO-2.4: Improve the management and control of urban runoff from public and private sources.

    c. Action PO-2.5: Develop control measures to reduce pollutant loadings from energy and transportation systems.

    d. Action LU-1.1: Local General Plans should incorporate watershed protection plans to protect wetlands and stream environments and reduce pollutants in runoff.

    e. Action LU-3.1: Prepare and implement Watershed Management Plans that include the following complementary elements: 1) wetlands protection; 2) stream environment protection; and 3) reduction of pollutants in runoff.

    f. Action LU-3.2: Develop and implement guidelines for site planning and Best Management Practices.

12. On February 1, 1989, pursuant to Section 304(l) of the Clean Water Act, as amended by the Water Quality Act of 1987, the State Water Resources Control Board included South San Francisco Bay, below the Dumbarton Bridge (South Bay), on the 304(l)(1)(B) list of impaired waters for the pollutants cadmium, chromium, copper, lead, mercury, nickel, silver, selenium, and zinc (304(l) metals) and included the Dischargers on the 304(l)(1)(C) list of point sources discharging the listed pollutants. Order No. 90-094 served as an Individual Control Strategy required by Section 304(l) for point sources on the 304(l)(1)(C) list. The Individual Control Strategy was designed to produce a reduction in the discharge of toxic pollutants from storm water discharges sufficient, in combination with controls on point and nonpoint sources of pollutants, to achieve applicable water quality standards no later than three years after the date of the establishment of the Individual Control Strategy.

The Regional Board reviewed reports submitted by the Dischargers between June of 1990 and September of 1993 and Regional Monitoring Program data and found that the Dischargers made considerable progress in reducing the discharge of pollutants, including 304(l) metals, but that the South Bay remained impaired and applicable water quality objectives had not been achieved. Consequently, on December 15, 1993, the Regional Board adopted Cease and Desist Order No. 93-164 which required the Dischargers to submit a plan identifying measures for further control of the 304(l) metals and assigning responsibilities and time schedules for implementation of such control measures. The Dischargers' Storm Water Management Plan includes an implementation plan for Metals Control Measures. This Order requires implementation of the Storm Water Management Plan and the Metals Control Measures and their annual evaluation and update and serves as a continuation of the Individual Control Strategy.

13. It is the Regional Board's intent that this Order shall ensure attainment of applicable water quality objectives and protection of the beneficial uses of receiving waters. This Order therefore includes standard requirements to the effect that discharges shall not cause violations of water quality objectives nor shall they cause certain conditions to occur which create a condition of nuisance or water quality impairment in receiving waters. Accordingly, the Regional Board is requiring that these standard requirements be addressed through the implementation of technically and economically feasible control measures to reduce pollutants in storm water discharges to the maximum extent practicable as provided in Provisions C.1 through C.9 of this Order. Compliance with Provisions C.1 through C.9 is deemed compliance with the requirements of this Order. If these measures, in combination with controls on other point and nonpoint sources of pollutants, do not result in attainment of applicable water quality objectives, the Regional Board will reopen this permit pursuant to Provisions C.1, C.9, and C.10 of this Order to impose additional conditions which require implementation of additional control measures.

14. The Regional Board considers the Program's Storm Water Management Plan (Plan) an essential component of an urban watershed management plan for the Santa Clara Valley basin and its eleven subbasins or watersheds. The Plan is intended to provide a framework for protection and restoration of the Santa Clara Valley watersheds and the South Bay in part through effective and efficient implementation of appropriate control measures for the most important sources of pollutants within the watersheds.

15. The Regional Board has issued a NPDES general permit for the regulation of storm water discharges associated with industrial activities in the Santa Clara Valley basin, and the State Board has issued a NPDES general permit for the regulation of storm water discharges associated with construction activities throughout the entire state. To effectively implement the Industrial and Commercial Dischargers and New Development and Construction elements of the Plan, the Dischargers will conduct investigations and local regulatory activities at industries or construction sites covered by these general permits. However, under the CWA, the Regional Board cannot delegate to the Dischargers its own authority to enforce these general permits. Therefore, Regional Board staff intend to work cooperatively with the Dischargers to ensure that industries and construction sites within the Discharger's jurisdiction are in compliance with applicable

general permit requirements and are not subject to uncoordinated storm water regulatory activities.

16. Federal, state, or regional entities within the Dischargers' boundaries, not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Dischargers may lack legal jurisdiction over these entities under the state and federal constitutions. Consequently, the Regional Board recognizes that the Dischargers should not be held responsible for such facilities and/or discharges. The California Department of Transportation (Caltrans) is a state agency that is currently, among others, such an entity. The Regional Board issued a separate storm water permit (NPDES Permit No. CAS029998), to Caltrans in August of 1994, and will consider issuing separate NPDES permits for storm water discharges to other federal, state, or regional entities within the Dischargers' boundaries.

17. The action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act; Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.

18. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules, including Annual Reports, Work Plans, Performance Standards, and proposed Storm Water Management Plan revisions, submitted in response to requirements of this Order and will provide them with an opportunity for a public hearing and/or an opportunity to submit their written views and recommendations. The Regional Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order in accordance with the NPDES permit regulations. All submittals required by this Order conditioned with acceptance by the Executive Officer will be subject to these notification, comment, and public hearing procedures.

19. The Regional Board has notified the Dischargers and interested agencies and interested persons of its intent to prescribe waste discharge requirements and an NPDES permit for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

20. The Regional Board, at a properly noticed public meeting, heard and considered all comments pertaining to the discharge.

21. It is the intention of the Regional Board that this Order supersedes Order Nos. 90-094, 92-021, and 93-164.

22. This Order serves as a NPDES permit, pursuant to CWA Section 402, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator, US EPA, Region IX, has no objections.

IT IS HEREBY ORDERED that the Dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITION

1. The Dischargers shall, within their respective jurisdictions, effectively prohibit the discharge of non-storm water (materials other than storm water) into their storm drain systems and watercourses. NPDES permitted discharges are exempt from this prohibition. Compliance with this prohibition shall be demonstrated in accordance with Provisions C.1 and C.5 of this Order.

2. The discharge of stormwater from a facility or activity that causes or contributes to the violation of Receiving Water Limitations is prohibited.

B. RECEIVING WATER LIMITATIONS

1. The discharge shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:
   a. Floating, suspended, or deposited macroscopic particulate matter, or foam;
   b. Bottom deposits or aquatic growths;
   c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
   d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and/or
   e. Toxic or deleterious substances present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

2. The discharge shall not cause a violation of any applicable water quality objective for receiving waters. If applicable water quality objectives are adopted and approved by the State Board after the date of the adoption of this Order, the Regional Board may revise and modify this Order as appropriate.

C. PROVISIONS

1. The Dischargers shall comply with Discharge Prohibition A.1 and A.2 and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures and other actions to reduce pollutants in the discharge in accordance with Provisions C.2 through C.9 and their Storm Water Management Plan (Plan) and any of its modifications, revisions, or amendments developed pursuant to this Order. If adverse impacts to beneficial uses of receiving waters persist following implementation of Provisions C.2 through C.9 and the Plan, this Order will be reopened to require the Dischargers to identify, assign, and implement additional control measures and revise the Plan, forthwith,

to ensure compliance with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations B.1 and B.2.

2. **Storm Water Management Plan and Performance Standards**

a. The Dischargers shall implement control measures and best management practices to reduce pollutants in storm water discharges to the maximum extent practicable. The Program's Storm Water Management Plan shall serve as the framework for identification, assignment, and implementation of such control measures. The Dischargers shall begin implementing forthwith the Program's Storm Water Management Plan as submitted on December 20, 1994 and revised on June 30, 1995, and shall subsequently demonstrate its effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in storm water discharges to the maximum extent practicable and as required by Provisions C.1 through C.9 of this Order.

b. The Storm Water Management Plan shall be revised to adopt and incorporate Performance Standards developed by the Dischargers. Performance Standards are defined as the level of implementation necessary to demonstrate the control of pollutants in storm water to the maximum extent practicable. Performance Standards shall be established for implementing control measures and best management practices contained in the Implementation Plan chapter of the Storm Water Management Plan. Performance Standards shall be developed through a process which includes opportunities for public participation and include appropriate criteria for the applicability, economic feasibility, design, operation, and maintenance or otherwise implementation of a control measure or best management practice so as to achieve pollutant reduction or pollution prevention benefits to the maximum extent practicable. Performance Standards may be based upon special studies or other activities conducted by the Dischargers, literature review, or special studies conducted by other programs or dischargers. Performance Standards shall include the baseline components to be accomplished and the method to be used to verify that the Performance Standard has been achieved. Following the addition of a Performance Standard, acceptable to the Executive Officer, to the Storm Water Management Plan, all Dischargers for which the Performance Standard is applicable shall adhere to its implementation.

i. The following Performance Standards shall be the highest priority and shall be developed during Fiscal Year 1995-1996 or otherwise in accordance with the stated schedule:

a) Industrial/Commercial Discharger Inspection Program -

A Performance Standard for conducting the Industrial/Commercial Inspection Program shall be developed and submitted to the Executive Officer by January 1, 1996. The Performance Standard shall include the baseline activities and items of an inspection check list.

b) Municipal Separate Storm Drain System Operations and Maintenance -

A Performance Standard for conducting routine operations and maintenance of the Dischargers' municipal storm drain systems to reduce pollutants in discharges, including inlet and line maintenance, solid waste management, and opportunities for structural retrofit shall be developed and submitted to the Executive Officer by March 1, 1996.

c) Water Utility Operations and Maintenance -

A Performance Standard for discharges associated with water utility operations, including management of chlorine, biocides, and algaecides and prevention of erosion and sedimentation, shall be developed and submitted to the Executive Officer by July 1, 1996.

Discharges associated with water utility operations owned or operated by the Dischargers are authorized and permitted by this Order, to the extent they are in accordance with the conditions of this provision and Provision C.5 of this Order and the Dischargers' Storm Water Management Plan.

d) New Development and Construction -

Performance Standards for planning procedures and construction inspections shall be developed and submitted to the Executive Officer by September 1, 1996.

e) Public Streets, Roads, and Highways

Performance Standards for control measures and practices for operating and maintaining public streets, roads, and highways identified in the Storm Water Management Plan for reducing pollutants in discharges from municipal storm drain systems shall be developed and submitted to the Executive Officer by December 1, 1996.

f) Public Information and Participation

A Public Information and Participation strategy and plan, addressing general outreach, targeted outreach, education programs, and citizens participation, including Performance Standards for their implementation, shall be developed and submitted to the Executive Officer by March 1, 1996.

g) Illicit Connection and Illegal Dumping Identification and Elimination Activities

Performance Standards for implementing Illicit Connection and Illegal Dumping Identification and Elimination Activities, including residential illegal discharge elimination, illegal discharge elimination for commercial and light industrial facilities, and illegal discharge elimination for older businesses and

heavy industrial areas shall be developed and submitted to the Executive Officer by January 1, 1996.

ii. Beginning in September of 1996, the Dischargers shall incorporate newly developed or updated Performance Standards, acceptable to the Executive Officer, in each annual revision to the Storm Water Management Plan. The draft Annual Workplan required in Provision C.3 shall identify those Performance Standards which will be developed for the upcoming fiscal year. Performance Standards shall be established for all appropriate control measures or best management practices identified in the Storm Water Management Plan by September 1, 1997, or otherwise, a proposed schedule for completing or omitting the establishment of Performance Standards with justification acceptable to the Executive Officer must be submitted by September 1, 1997. Such time schedules shall not extend beyond the term of this permit.

c. The Dischargers shall revise the Storm Water Management Plan (Plan) by September 1, 1997 for approval by the Regional Board. This approval shall be done in accordance with the NPDES permit regulations.

i. The revised Storm Water Management Plan shall be developed through a process which includes opportunities for public participation, and shall provide clear and concise identification, assignment, and time schedule for implementation of appropriate control measures and best management practices, including performance standards for their implementation, sufficient to demonstrate the reduction of pollutants in storm water discharges to the maximum extent practicable.

ii. The revised Storm Water Management Plan shall include a summary or checklist of all actions, activities, and tasks and time schedules pertinent to implementation of control measures and best management practices, which shall be presented in a concise format suitable for incorporation or attachment to this permit.

iii. The revised Storm Water Management Plan shall include consideration of comments received from the Executive Officer, and other interested parties, on the current Plan submitted on December 20, 1994 and revised on June 30, 1995 and any subsequent revisions to the Plan in the interim.

iv. The submittal of annual workplans on March 1, 1996 and March 1, 1997 and an annual report on September 1, 1996, and any interim revisions to the Storm Water Management Plan, as required and described by Provisions C.3 or C.9 of this Order, shall be considered demonstrations of progress towards compliance with this provision, and may be used in fulfillment of this Provision.

v. The Regional Board will consider amendment of this permit subsequent to submittal of the revised Storm Water Management Plan on September 1, 1997 to include specific requirements for implementation of control measures and best management practices and further revisions to the Storm Water Management Plan

necessary to ensure reduction of pollutants in storm water discharges to the maximum extent practicable.

3. **Annual Reports and Work Plans**

a. The Dischargers shall submit an Annual Report, by September 1 of each year, beginning in 1996, documenting the status of the Program's and the Dischargers' activities, including the results of a qualitative field level assessment of activities implemented by the Dischargers, and the performance of tasks contained in the Storm Water Management Plan.

The Annual Report shall include a compilation of deliverables and milestones completed as described in the Storm Water Management Plan. As part of the Annual Report process, each of the Dischargers shall conduct an overall evaluation of the effectiveness of its applicable activities described in the Storm Water Management Plan. Direct and indirect measures of effectiveness may include, but are not limited to, conformance with established Performance Standards, quantitative monitoring to assess the effectiveness of control measures, measurements or estimates of pollutant load reductions, detailed accounting of Program accomplishments, funds expended, or staff hours utilized. Methods to improve effectiveness in the implementation of tasks and activities including development of new, or modification of existing, Performance Standards, shall be identified where appropriate.

In each Annual Report, the Dischargers shall propose pertinent updates, improvements, or revisions to the Storm Water Management Plan, which shall be deemed to be incorporated into this Order unless disapproved of by the Executive Officer or acted on in accordance with Provision C.9.

b. The Dischargers shall submit draft Workplans by March 1 of the year following the submission of each Annual Report which describes the proposed implementation of the Storm Water Management Plan for the next fiscal year.

The Workplans shall consider the status of implementation of current year activities and actions of the Dischargers, problems encountered, and proposed solutions, and shall address any comments received from the Executive Officer on their previous year Annual Report. The Workplans shall include clearly defined tasks, responsibilities, and schedules for implementation of Program and Discharger actions for the next fiscal year. The Workplans shall also include a proposal for development of new, or modification of existing, Performance Standards in accordance with Provision C.2.b and alternative monitoring activities as required in Provision C.4.

The Workplans shall be deemed to be final and incorporated into the Storm Water Management Plan and this Order as of July 1 unless determined to be unacceptable by the Executive Officer. The Dischargers shall address any comments or conditions of acceptability received from the Executive Officer on their draft Workplans prior to the submission of their Annual Report on September 1, at which time the Workplans shall

be deemed to be incorporated into the Storm Water Management Plan and this Order unless disapproved of by the Executive Officer.

4. **Monitoring Program**

The Dischargers shall submit by September 1 of each year, an Annual Monitoring Program Plan acceptable to the Executive Officer, that supports the development and implementation and assesses the effectiveness of the Storm Water Management Plan. The Monitoring Program Plan shall be designed to achieve the following objectives and objectives presented in the Storm Water Management Plan:

- Characterization of representative drainage areas and storm water discharges, including land use characteristics, pollutant concentrations, and mass loadings;
- Assessment of existing or potential adverse impacts on beneficial uses caused by pollutants of concern in storm water discharges, including an evaluation of representative receiving waters;
- Identification of potential sources of pollutants of concern found in storm water discharges; and
- Evaluation of effectiveness of representative storm water pollution prevention or control measures.

The Monitoring Program shall include the following:

a. Provisions for conducting and reporting the results of special studies conducted by the Program or Dischargers which are designed to determine effectiveness of best management practice or control measures, define a Performance Standard in accordance with Provision C.2, or assess the adverse impact of a pollutant or pollutants on beneficial uses.

b. Provisions for conducting watershed monitoring activities including; identification of major sources of pollutants of concern; evaluation of the effectiveness of control measures and best management practices; and use of physical, chemical, and biological parameters and indicators as appropriate; and

c Identification and justification of representative sampling locations, frequencies and methods, suite of pollutants to be analyzed, analytical methods, and quality assurance procedures. Alternative monitoring methods in place of these (special projects, financial participation in regional, state, or national special projects or research, literature review, visual observations, use of indicator parameters, recognition and reliance on special studies conducted by other programs, etc.) may be proposed with justification. Such proposed alternative monitoring methods shall be included as a component of the Program draft Workplan as required in Provision C.3.

5. **Non-Storm Water Discharges**

a. Exempted Discharges

In carrying out Discharge Prohibition A.1 of this Order, the following non-storm water discharges need not be prohibited unless they are identified by the Dischargers or the Executive Officer as sources of pollutants to receiving waters:

i. flows from riparian habitats or wetlands;
ii. diverted stream flows;
iii. springs;
iv. rising ground waters; and
v. uncontaminated groundwater infiltration.

If the any of the above categories of discharges, or sources of such discharges, are identified as sources of pollutants to receiving waters, then such categories or sources shall be addressed as conditionally exempted discharges in accordance with Provision C.5.b.

b. Conditionally Exempted Discharges

The following non-storm water discharges need not be prohibited if are either identified by the Dischargers or the Executive Officer as not being sources of pollutants to receiving waters or if appropriate control measures to minimize the adverse impacts of such sources are developed and implemented under the Storm Water Management Plan in accordance with Provision C.5.c.:

i. uncontaminated pumped groundwater;
ii. foundation drains;
iii. water from crawl space pumps;
iv. footing drains;
v. air conditioning condensate;
vi. irrigation water;
vii. landscape irrigation;
viii. lawn or garden watering;
ix. planned and unplanned discharges from potable water sources;
x. water line and hydrant flushing;
xi. individual residential car washing; and
xii. discharges or flows from emergency fire fighting activities.

c. The Dischargers shall identify and describe the categories of discharges b.i through b.xii which they wish to exempt from Prohibition A.1 in periodic submissions to the Executive Officer. For each such category, the Dischargers shall identify and describe as necessary and appropriate to the category either documentation that the discharges are not sources of pollutants to receiving waters or circumstances in which they are not found to be sources of pollutants to receiving waters. Otherwise, the Dischargers shall describe control measures to reduce pollutants to the maximum extent practicable

and minimize the adverse impacts of such sources, procedures and Performance Standards for their implementation, procedures for notifying the Regional Board of these discharges, and procedures for monitoring and record management. Such submissions shall be deemed to be incorporated into the Storm Water Mangement Plan unless disapproved by the Executive Officer or acted on in accordance with Provision C.9 and the NPDES permit regulations.

d. Permit Authorization for Exempted Discharges

i. Discharges of non-storm water from sources owned or operated by the Dischargers are authorized and permitted by this Order, if they are in accordance with the conditions of this provision and the Dischargers' Storm Water Management Plan.

ii. The Regional Board may require dischargers of non-storm water other than the Dischargers to apply for and obtain coverage under a NPDES permit and comply with the control measures developed by the Dischargers pursuant to this Provision. Non-storm water discharges that are in compliance with such control measures may be accepted by the Dischargers and are not subject to Prohibition A.

iii. The Dischargers may propose, as part of their annual updates to the Storm Water Management Plan under Provision C.3 of this Order, additional categories of non-storm water discharges to be included in the exemption to Discharge Prohibition A. Such proposals are subject to approval by the Regional Board in accordance with the NPDES permit regulations.

6. **Metals Control Measures**

The Discharges shall submit a workplan on March 1, 1996 and a revised Metals Control Measures Plan to the Regional Board by September 1, 1996 acceptable to the Executive Officer which assigns responsibilities and establishes time schedules to define and implement short term and long term copper reduction measures and control measures for the other 304(l) metals. The Metals Control Measures Plan shall provide for implementation of control measures beginning in fiscal year 1996-97 and include provisions for conducting an annual evaluation of progress towards implementing control measures and an evaluation of their effectiveness. Upon approval by the Executive Officer the revised Metals Control Measures Plan shall be incorporated into the in accordance with Provision C.9.

In lieu of a revised Metals Control Measures Plan for certain 304(l) metals, the Dischargers may submit a report by September 1, 1996 that provides evidence that a 304(l) metal has no controllable sources associated with storm water discharges or does not result in adverse impacts to beneficial uses and justifies its removal from the Metals Control Measures Plan. The Dischargers shall notify the Executive Officer by June 1, 1996 of their intent to submit such a report including identification of the specific 304(l) metals which will be included in the report.

7. **Watershed Management Measures**

The Dischargers shall submit to the Regional Board, as part of their revision of their Storm Water Management Plan pursuant to Provision C.2.c a revised Watershed Management Measures element acceptable to the Executive Officer. Watershed Management Measures embrace many of the programmatic areas of activity within the Storm Water Management Plan, such as Metals Control Measures and New Development and Construction, and are designed to coordinate and integrate the goals and tasks of these activities in a way that recognizes that there may be unique values, problems, goals, and strategies specific to individual watersheds. Watershed Management Measures also seek to develop and implement the most cost effective approaches to solving identified problems and to coordinate these activities with other related programs.

The revised Watershed Management Measures element shall include provisions for development of an area-wide watershed management strategy in fiscal year 1996-97 and implementation of the strategy beginning in fiscal year 1997-98. The scope of the Watershed Management Measures may be limited to procedures for identifying appropriate watershed characteristics, identification of control measures and other actions in the Storm Water Management Plan that are appropriately implemented on a watershed basis, and procedures for implementation of such control measures and other actions on a watershed basis. Upon approval by the Executive Officer the revised Watershed Management Measures element shall be incorporated into the Storm Water Management Plan in accordance with Provisions C.9 and C.2.c.v.

8. **Storm Water Discharges Associated With Construction Activity**

Pursuant to Provisions C.2 and C.3 of this Order, the Dischargers may submit to the Executive Officer, proposed amendments to the Storm Water Management Plan which define Best Management Practices and Performance Standards and procedures for notifying the Regional Board for Construction Activities conducted by the Dischargers. Following incorporation into the Storm Water Management Plan, the applicable Dischargers shall implement such Construction Best Management Practices in accordance with established Performance Standards pursuant to site specific Storm Water Pollution Prevention Plans to be developed pursuant to and accordance with Appendix B of this Order for all construction sites involving the disturbance of five or more acres of total land area.

Discharges of storm water from construction sites owned or operated by the Dischargers are authorized and permitted by this Order, if they are in accordance with the conditions of this provision and the Dischargers' Storm Water Management Plan.

9. It is anticipated that the Storm Water Management Plan may need to be modified, revised, or amended from time to time to respond to changed conditions and to incorporate more effective approaches to pollutant control. Requests for changes may be initiated by the Executive Officer or by the Dischargers. Minor changes may be made with the Executive Officer's approval and will be brought to the Regional Board as information items and the Dischargers and interested parties will be notified accordingly. If proposed changes imply

a major revision of the Program, the Executive Officer shall bring such changes before the Regional Board as permit amendments and notify the Dischargers and interested parties accordingly.

10. This Order may be modified, or alternatively, revoked or reissued, prior to the expiration date as follows:

    a. to address significant changed conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this Order;

    b. to incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan approved by the State Board; or

    c. to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable.

11. Each of the Dischargers shall comply with all parts of the Standard Provisions contained in Appendix A of this Order.

12. This Order expires on June 21, 2000. The Dischargers must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements.

13. Order Nos. 90-094, 92-021, and 93-164 are hereby rescinded.

I, Stephen I. Morse, Acting Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 23, 1995.

Stephen I. Morse
Acting Executive Officer

APPENDIX A - STANDARD PROVISIONS

APPENDIX B - CONSTRUCTION PROJECT STORM WATER POLLUTION PREVENTION PLAN PROVISIONS

ATTACHMENTS - Location and Political Jurisdiction Map
Basin Watersheds Map
Storm Water Management Plan - Title Page and Table of Contents

APPENDIX A

STANDARD PROVISIONS

1. Duty to Comply

   The Dischargers must comply with all of the conditions of this Permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act (Water Code) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

2. Permit Actions

   This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Dischargers for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

   If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified, or revoked and reissued to conform to the toxic effluent standard or prohibition, and the Dischargers so notified.

3. Need to Halt or Reduce Activity Not a Defense

   It shall not be a defense for the Dischargers 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 Permit.

4. Duty to Mitigate

   The Dischargers shall take all responsible steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

   The Dischargers shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Dischargers to achieve compliance with the conditions of this Permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary

facilities or similar systems, installed by the Dischargers when necessary to achieve compliance with the conditions of this Permit.

6. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The Dischargers shall furnish the Regional Board, State Board, USEPA, or local storm water management agency within a reasonable time specified by the agencies, any requested information to determine compliance with this Permit. The Dischargers shall also furnish, upon request, copies of records required to be kept by this Permit.

8. Inspection and Entry

The Dischargers shall allow the Regional Board, State Board, and USEPA, upon the presentation of credentials and other documents as may be required by law, to:

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

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

c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge.

d. Sample or monitor at reasonable times for the purpose of ensuring permit compliance.

9. Signatory Requirements

All reports, certification, or other information required by the Permit or requested by the Regional Board, State Board, USEPA shall be signed by a principal executive officer or by a duly authorized representative. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and retained as part of the Storm Water Management Plan.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company.

c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be reported to the Regional Board and attached to the Storm Water Management Plan prior to submittal of any reports, certifications, or information signed by the authorized representative.

10. Certification

Any person signing documents under Provision 9 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 ensure 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."

11. Reporting Requirements

a. Planned changes: The Dischargers shall give written notice to the Regional Board as soon as possible of any planned physical alteration or additions to its right-of-way and facilities, or change in its Storm Water Management Plan. Notice is required under this provision only when the alteration, addition, or change could significantly change the nature or increase the quantity of pollutants discharged.

b. Anticipated noncompliance: The Dischargers will give advance notice to the Regional Board of any planned changes in its right-of-way and facilities, Storm Water Management Plan, or an activity which may result in noncompliance with permit requirements.

c. Noncompliance reporting: The Dischargers shall report any noncompliance at the time reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance 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.

12. Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Dischargers from any responsibilities, liabilities, or penalties to which the Dischargers are or may be subject under Section 311 of the CWA.

13. Severability

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

14. Penalties for Violations of Permit Conditions.

a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this permit is subject to a civil penalty not to exceed $25,000 per day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.

b. The Water Code also provides for civil and criminal penalties, in some cases greater than those under the CWA.

State of California

M E M O R A N D U M

To : Cheryl Thomas
Accounting Branch
Division of Administrative Services
State Water Resources Control Board

August 22, 1995

From : Bruce H. Wolfe, Senior WRCE
San Francisco Bay Regional Board
2101 Webster St., Suite 500, Oakland, CA 94612

Subject: August 1995 Transit Pass Program for Region 2

Attached are the following items for August pass sales:

- Original recap sheets with tape of discounted amount - 20 pages
- Two copies of Regional Transit Connenction's invoice
- Report of Deposit for $439.00 in employee checks
- Report of Collections for above deposit, with copies of checks attached.
- Expense Advance Request for $3290.00.
- Signed disbursement voucher for $3290.00.

Employee checks were $439.00, and the discounted amount was $3290.00, for a total invoice of $3729.00 due to Regional Transit Connection.

APPENDIX B

CONSTRUCTION PROJECT
STORM WATER POLLUTION PREVENTION PLAN PROVISIONS

1. **Objectives.** The Storm Water Pollution Prevention Plan (SWPP Plan) shall be developed and amended, when necessary, to meet the following objectives:

   a. To identify pollutant sources that may affect the quality of discharges of storm water associated with construction activity (storm water discharges) from the construction sites, and

   b. To identify, construct, and implement storm water pollution prevention measures (control practices) to reduce pollutants in storm water discharges from the construction site both during construction and after construction is completed.

2. **Availability.** The SWPP Plan shall be kept on site during construction activity and made available upon request of a representative of the Regional Board.

3. **Required Changes.**

   a. The Discharger shall amend the SWPP Plan whenever there is a change in construction or operations which may affect the discharge of significant quantities of pollutants to surface waters, ground water, or a municipal separate storm sewer system. The SWPP Plan should also be amended if it is in violation of any condition of this general permit or has not achieved the general objective of reducing pollutants in storm water discharges.

   b. The Regional Board may require the Discharger to amend the SWPP Plan.

4. **Project Description.** The SWPP Plan shall provide a description of the project, including type and stages of the project and time frame for implementation and a description of potential sources which are likely to add significant quantities of pollutants to storm water discharges or which may result in non-storm water discharges from the construction site. The SWPP Plan shall include, at a minimum, the following items:

   a. A map extending approximately one-quarter mile beyond the property boundaries of the construction site showing: the construction site, surface water bodies (including known springs and wetlands[1/]), known wells, an outline of off-site drainage areas that discharge into the construction site, general topography, and the anticipated discharge location(s) where the construction site's storm water discharges to a municipal storm sewer system or other water body. The requirements of this paragraph may be included in the site map required under the following paragraph if appropriate.

1/ The determination of whether wetlands exist shall be made by the person who prepares the SWPP Plan and shall not be binding upon any other person.

b. A site map(s) showing:

i. Location of control practices used during construction;
ii. Areas used to store soils and wastes;
iii. Areas of cut and fill;
iv. Drainage patterns and slopes anticipated after major grading activities are completed;
v. Areas of soil disturbance;
vi. Surface water locations;
vii. Areas of potential soil erosion where control practices will be used during construction;
viii. Existing and planned paved areas and buildings;
ix. Locations of post-construction control practices;
x. An outline of the drainage area for each on-site storm water discharge point;
xi. Vehicle storage and service areas; and
xii. Areas of existing vegetation.

c. A narrative description of the following:

i. Toxic materials that are known to have been treated, stored, disposed, spilled, or leaked in significant quantities onto the construction site;

ii. Practices to minimize contact of construction materials, equipment, and vehicles with storm water;

iii. Construction material loading, unloading, and access areas;

iv. Preconstruction control practices (if any) to reduce sediment and other pollutants in storm water discharges;

v. Equipment storage, cleaning, and maintenance areas;

vi. Methods of on-site storage and disposal of construction materials; and

vii. The nature of fill material and existing data describing the soil and the construction site.

d. A list of pollutants (other than sediment) that are likely to be present in storm water discharges in significant quantities. Describe the control practices (if different from Item 6 below) appropriate to reduce these pollutants in the storm water discharges.

e. An estimate of the size of the construction site (in acres or square feet), an estimate of the runoff coefficient of the construction site before and after construction, and an estimate of the percentage of the area of the construction site that is impervious (e.g., pavement, buildings, etc.) before and after construction.

5. **Minimum Construction Control Measures.** The following minimum construction control measures, or their equivalent, shall be considered in the SWPP Plan:

   a. Limiting construction access routes and stabilizing access points;

   b. Stabilizing areas denuded due to construction (prior to the wet season, October 1 through May 1) by using suitable practices including, but not limited to, temporary or permanent seeding, mulching, sod stabilization, erosion control blankets and nets, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved;

   c. Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate measures;

   d. Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field;

   e. Stabilizing and preventing erosion from temporary conveyance channels and outlets;

   f. Using sediment controls and filtration to remove sediment from water generated by dewatering;

   g. Using proper construction material and construction waste storage, handling and disposal practices;

   h. Using proper vehicle and equipment cleaning, fueling and maintenance practices;

   i. Controlling and preventing discharge of all potential pollutants, including, but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on-site during construction; and

   j. Preparing a contingency plan in the event of unexpected rain or control measure failure including, but not limited to, an immediate response plan, storing extra or alternative control materials on-site (stakes, fences, bales, sheeting, filter cloth, seed, mulch, sod), and notifying the Regional Board and local municipality and other agencies.

6. **Erosion and Sediment Control.** The SWPP Plan shall include:

   a. A description of soil stabilization practices. These practices shall be designed to preserve existing vegetation where feasible and to revegetate open areas as soon as feasible after grading or construction. In developing these practices, the discharger shall consider: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other soil stabilization practices. At a minimum, the operator must implement these practices on all disturbed areas during the rainy season.

b. A description or illustration of control practices which, to the extent feasible, will prevent a net increase of sediment load in storm water discharge. In developing control practices, the discharger shall consider a full range of erosion and sediment controls such as detention basins, straw bale dikes, silt fences, earth dikes, brush barriers, velocity dissipation devices, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, temporary sediment basins, or other controls. At a minimum, sandbag dikes, silt fences, straw bale dikes, or equivalent controls practices are required for all significant sideslope and downslope boundaries of the construction area. The discharger must consider site-specific and seasonal conditions when designing the control practices.

c. Control practices to reduce the tracking of sediment onto public or private roads. These public and private roads shall be inspected and cleaned as necessary.

d. Control practices to reduce wind erosion.

7. **Non-Storm Water Management.** The SWPP Plan shall include provisions which eliminate or reduce to the extent feasible the discharge of materials other than storm water to the storm sewer system and/or receiving waters. Such provisions shall ensure, to the extent feasible, that no materials are discharged in quantities which will have an adverse effect on receiving waters. Materials other than storm water that are discharged shall be listed along with the estimated quantity of the discharged material.

8. **Post-Construction Storm Water Management.** The SWPP Plan shall describe the control practices to reduce pollutants in storm water discharges after all construction phases have been completed at the site. These must be consistent with all local post-construction storm water management requirements, policies, and guidelines. The discharger must consider site-specific and seasonal conditions when designing the control practices. Operation and maintenance of control practices after construction is completed shall be addressed, including short- and long-term funding sources and the responsible party.

9. **Waste Management and Disposal.** All wastes (including equipment maintenance waste) disposed at the site or removed from the site for disposal shall be disposed of in compliance with Federal, State, and local laws, regulations, and ordinances.

10. **Maintenance, Inspection, and Repair.** The SWPP Plan shall include maintenance, inspections, and repair procedures to ensure that all grade surfaces, walls, dams and structures, vegetation, erosion and sediment control measures, and other protective devices identified in the site plan are maintained in good and effective condition and are promptly repaired or restored.

11. **Monitoring.** The SWPP Plan shall describe procedures for conducting inspections of the construction site prior to anticipated storm events and after actual storm events to identify areas contributing to a discharge associated with construction activity. These inspections shall evaluate whether control measures to reduce to pollutants in discharges are effective and properly implemented or whether additional control measures are needed. A record of the inspections must include the date of the

inspection, the individual(s) who performed the inspection, inspection observations, and inspection evaluation.

12. **Reports.** An annual report for the construction project shall be prepared and submitted as part of the Annual Report required by this Permit. The annual report shall include a description of the status of the project and expected completion date; a summary of monitoring results, and certification that the project is in compliance with its SWPP Plan and the conditions of this Permit.

    If certification of compliance is not possible, then the report shall identify the type(s) of non-compliance, describe actions necessary to achieve compliance, and include a time schedule, acceptable to the Executive Officer, for achieving compliance.

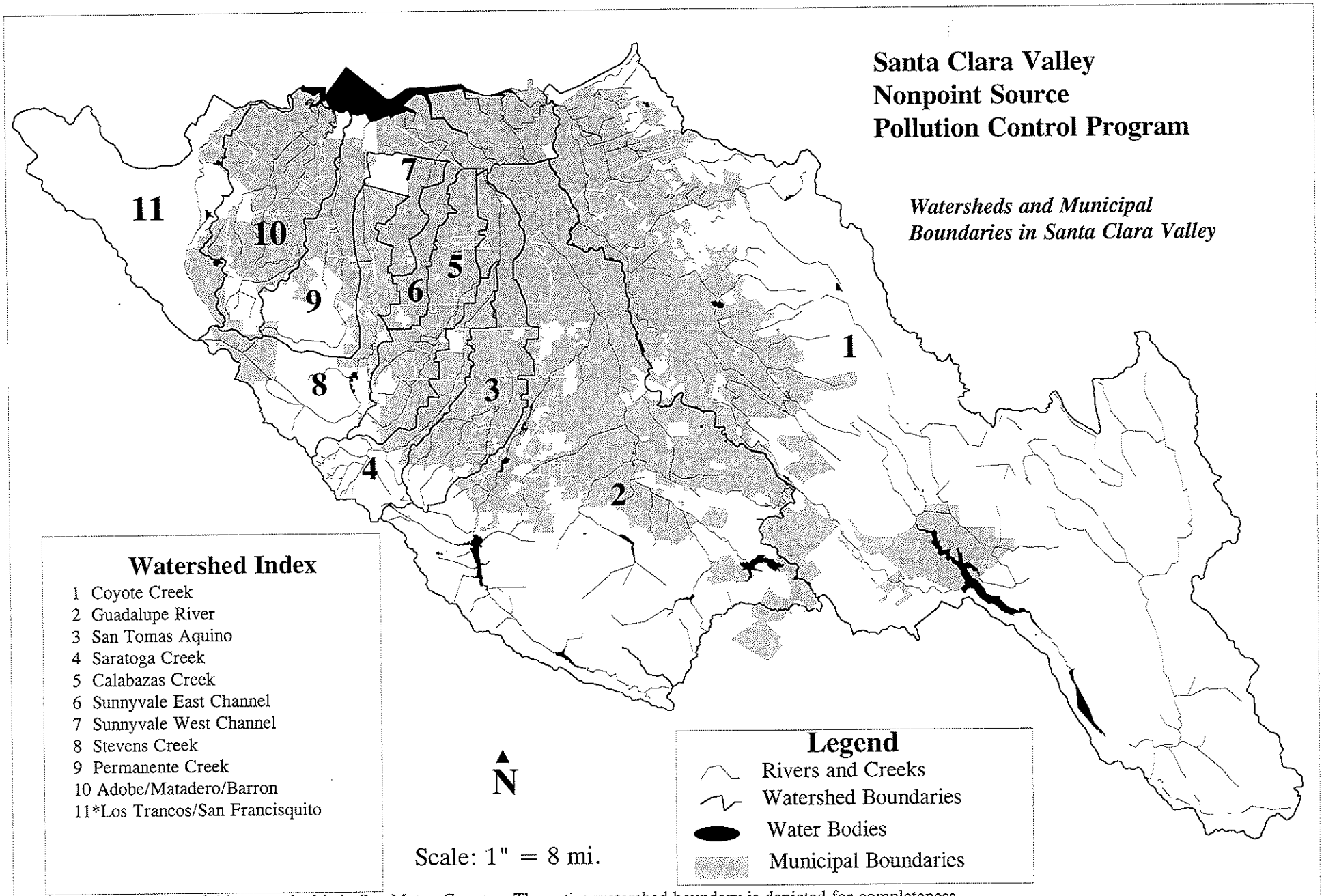
13. **Training.** The SWPP Plan shall include procedures to ensure that all construction project personnel are properly trained on construction storm water pollution prevention actions and understand the terms and conditions of these provisions.

14. **List of Contractors/Subcontractors.** The SWPP Plan shall include a list of all contractors (or subcontractors) responsible for implementing the SWPP Plan.

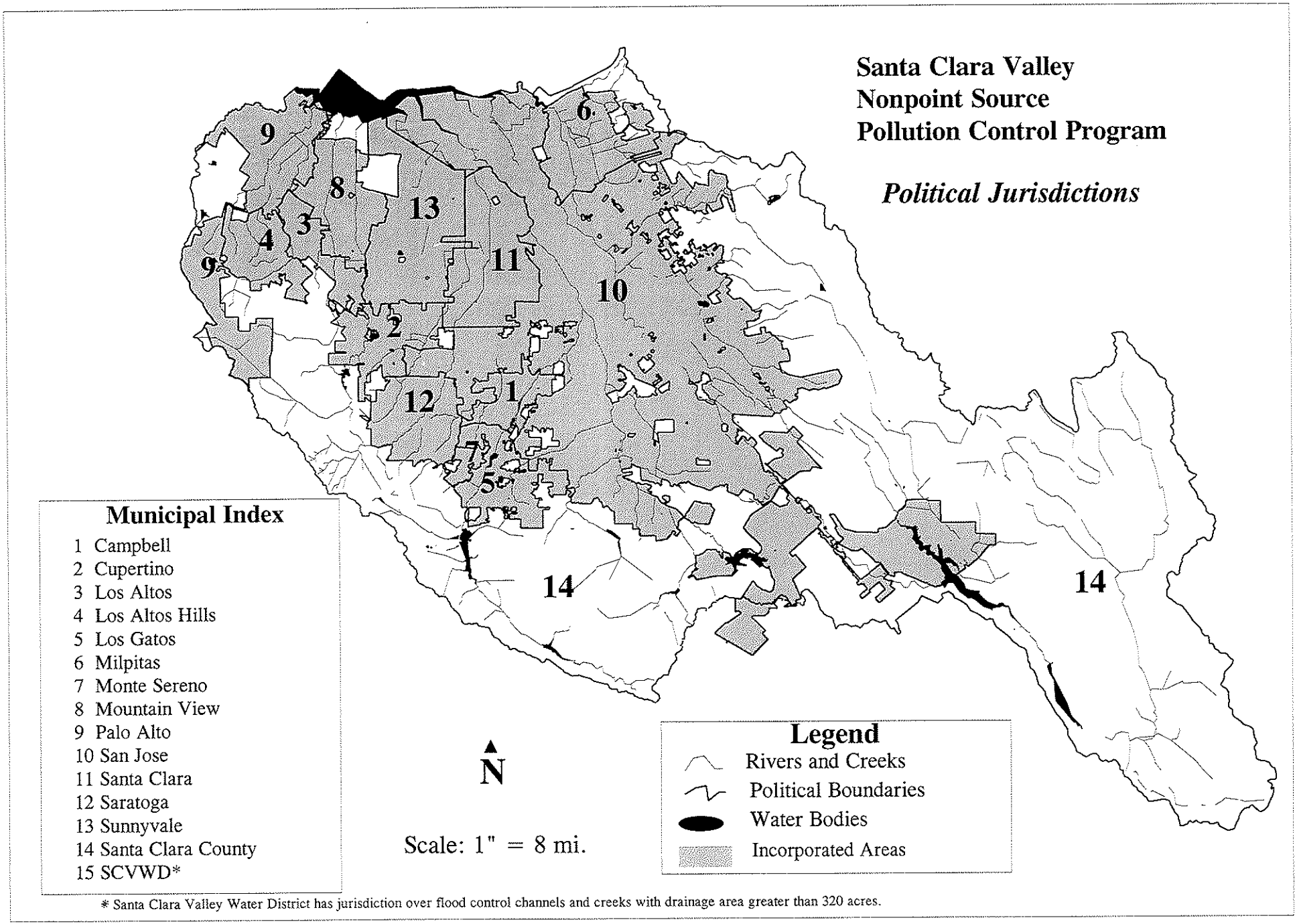
15. **Other Plans.** The SWPP Plan may incorporate, by reference, the appropriate elements of other plans required by local, State, or Federal agencies. A copy of any requirements incorporated by reference shall be kept at the construction site.

16. **Public Access.** The SWPP Plan is considered a report that shall be available to the public under Section 308(b) of the CWA. Upon request by members of the public, the Discharger shall make available for review a copy of the SWPP Plan either to the Regional Board or directly to the requestor.

17. **Preparer.** The SWPP Plan shall include the signature and title of the person responsible for preparation of the SWPP Plan and include the date of initial preparation and each amendment, thereto.



* The major portion of this watershed is in San Mateo County. The entire watershed boundary is depicted for completeness.
The Santa Clara Valley Water District has jurisdiction over flood control channels and creeks with drainage area greater than 320 acres.


Santa Clara Valley
Nonpoint Source
Pollution Control Program
Political Jurisdictions
Municipal Index
1 Campbell
2 Cupertino
3 Los Altos
4 Los Altos Hills
5 Los Gatos
6 Milpitas
7 Monte Sereno
8 Mountain View
9 Palo Alto
10 San Jose
11 Santa Clara
12 Saratoga
13 Sunnyvale
14 Santa Clara County
15 SCVWD*
N
Scale: 1" = 8 mi.
Legend
Rivers and Creeks
Political Boundaries
Water Bodies
Incorporated Areas
* Santa Clara Valley Water District has jurisdiction over flood control channels and creeks with drainage area greater than 320 acres.

Santa Clara Valley
Nonpoint Source
Pollution Control Program

Proposed

Storm Water Management Plan

For NPDES Permit Period 1995-2000

June 30, 1995
Revisions

TABLE OF CONTENTS

ABSTRACT v

PREFACE vi

1.0 INTRODUCTION 1-1
- 1.1 Purpose of the Program 1-1
- 1.2 Purpose of the SWMP 1-2
- 1.3 Goals and Objectives of the SWMP 1-2
- 1.4 Organization of the SWMP 1-8
- 1.5 Basis of the SWMP 1-9

2.0 BACKGROUND 2-1
- 2.1 History of Regulatory Actions Specific to the Program 2-1
- 2.2 Other Related Actions and Programs 2-2

3.0 PROGRAM GOALS AND POLICIES 3-1
- 3.1 Coordination and Consistency With Other Programs 3-1
- 3.2 Priority Pollutants of Concern 3-2
- 3.3 Program Goals 3-3
  - 3.3.1 Long Term Program Goals 3-3
  - 3.3.2 Short Term Program Goals 3-5
- 3.4 Program and Externally-Generated Policies 3-8
  - 3.4.2 Externally-Generated Policies 3-9

4.0 PROBLEM DEFINITION, SOURCE, AND RESOURCE IDENTIFICATION . . 4-1
- 4.1 Decision Flow Chart for Identifying and Prioritizing Problem Pollutants and Source Types 4-1
- 4.2 Application of Decision Flow Chart 4-4
- 4.3 Specific Urban Pollutant Sources 4-6
- 4.4 Resource Inventory 4-8

5.0 CONTROL MEASURE ACTIVITIES 5-1
- 5.1 Program-Wide Control Measures 5-1
  - 5.1.1 Legal Authority 5-1
  - 5.1.2 Public Information 5-17
  - 5.1.3 Watershed Management Measures 5-19
  - 5.1.4 Metals Control Measures 5-20
- 5.2 Program Control Measures and Demonstration/Pilot Projects 5-20
  - 5.2.1 Control Measures 5-20
  - 5.2.2 Demonstration/Pilot Projects 5-23

6.0 INSTITUTIONAL ARRANGEMENTS AND FUNDING 6-1
6.1 Overview of Program Administration and Management 6-1
6.2 Coordination and Institutional Arrangements 6-5
6.2.1 Internal Coordination and Institutional Arrangements 6-5
6.2.2 External Coordination and Arrangements 6-12
6.3 Funding, Budgeting, and Implementation Cost Sharing 6-14

7.0 ANNUAL REPORTING AND PERFORMANCE EVALUATION 7-1
7.1 Purpose of Annual Reporting 7-3
7.2 Linkage and Relationship of Annual Reporting to the SWMP 7-4
7.3 Annual Reporting/Planning/Budgeting/Implementation Cycle 7-5
Program Roles and Responsibilities 7-7
7.5 Evaluation of Performance 7-8

8.0 MONITORING RESULTS AND MONITORING PLAN SUMMARY 8-1
8.1 Monitoring Results 8-4
8.2 Monitoring Plan Summary 8-12

9.0 SWMP IMPLEMENTATION PLAN 9-1
9.1 Program Commitment to SWMP Implementation 9-1
9.2 Ongoing Coordination with Regional Board and Interested Citizens 9-2
9.3 Program Management, Roles, and Responsibilities 9-2
9.4 Annual Reporting, Evaluation, and SWMP Update 9-2
9.5 Implementation Plan Elements and Time Schedules 9-2
9.6 Demonstration/Pilot Projects and Control Measure Activities 9-4
9.7 Format of SWMP Implementation Plan 9-7

TABLES

TABLE 1.3
Goals of the Program and the Storm Water Management Plan 1-3
TABLE 3.1
Outline of Issue Areas and Goals of SWMP and Related Programs 3-2
TABLE 5.1-1
Summary of Statutes and Mechanisms Enabling Regulation of Storm Water Discharges 5-2
TABLE 5.1-2
Summary of Co-permittees Legal Authority 5-16
TABLE 5.2-1
Control Measures By Program Element 5-22
TABLE 5.2-2
Demonstration and Pilot Projects Underway or Planned 5-25
TABLE 6.2.1-1
Summary of Internal Institutional Arrangements 6-6
TABLE 6.2.1-2
Outline of the Watershed Approach in the Storm Water Management Plan 6-11
TABLE 6.3-1
Program Cost Sharing Formula in 1990 MOA 6-15
TABLE 6.3-2
Summary of Estimated Average Annual Program Budget SWMP Period 1995-2000 6-16
TABLE 8-1
Summary of Water Quality Objectives Exceedances for Waterway Stations 8-18
TABLE 9.6-1
Relationship Between Demonstration/Pilot Projects and Control Measure Activities 9-6
TABLE 9.7-1
PM Roles and Responsibilities and Schedule (Program Management) 9-11
TABLE 9.7-2
RPT Roles and Responsibilities and Schedule (Annual Reporting and Evaluation) 9-13
TABLE 9.7-3
MON Roles and Responsibilities and Schedule 9-16
TABLE 9.7-4
PAA Roles, Responsibilities, and Schedule (Public Agency Activities) 9-20
TABLE 9.7-5
PIP Roles, Responsibilities, and Schedule (Public Information and Participation) 9-30
TABLE 9.7-6
MET Roles, Responsibilities, and Implementation Schedule (Metals Control Measures) 9-38

TABLE 9.7-7
WMM Roles, Responsibilities, and Schedule (Watershed Management Measures) . 9-42
TABLE 9.7-8
ICID Roles, Responsibilities, and Implementation Schedule (Illicit Connection/ Illegal Dumping) 9-49
TABLE 9.7-9
IND Roles, Responsibilities, and Implementation Schedule (Industrial and Commercial Dischargers) 9-56
TABLE 9.7-10
NDC Roles, Responsibilities, and Schedule (New Development and Construction) 9-62

FIGURES

FIGURE 4-1
Flowchart for Categorizing Problem Pollutants & Sources 4-3
FIGURE 6.1.1
Program Organization 6-4
FIGURE 7.3-1
Storm Water Management Plan Reporting, Planning, Budgeting, Implementation . 7-6
FIGURE 8-1
Comparison of Total Copper Concentrations 8-14
FIGURE 8-2
Comparison of Total Leak Concentrations 8-15
FIGURE 8-3
Comparison of Total Zinc Concentrations 8-16
FIGURE 8-4
Comparison of Total and Dissolved Zinc 8-17

APPENDICES

APPENDIX A Co-Permittee Community Characteristics: Basis of Allocation of Responsibility

APPENDIX B Assessment/Certification of Legal Authority

APPENDIX C Glossary of Acronyms and Abbreviations

APPENDIX D Detailed Work Plans