CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND WASTE DISCHARGE REQUIREMENTS NPDES NO. CAS618036 ORDER NO. 96-32 FOR THE SAN BERNARDINO COUNTY TRANSPORTATION/FLOOD CONTROL DEPARTMENT, THE COUNTY OF SAN BERNARDINO, AND THE INCORPORATED CITIES OF SAN BERNARDINO COUNTY WITHIN THE SANTA ANA REGION AREAWIDE URBAN STORM WATER RUN-OFF

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. On April 4, 1995, the San Bernardino County Transportation/Flood Control Department (SBCFCD), in cooperation with the County of San Bernardino, and the incorporated cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa (hereinafter collectively referred to as "permittees") jointly submitted National Pollutant Discharge Elimination System (NPDES) Application No. CAS618036 to renew their areawide NPDES permit for urban storm water run-off.

2. The 1987 amendments to the Clean Water Act required the United States Environmental Protection Agency (EPA) to develop permitting regulations for storm water discharges from municipal separate storm sewer systems serving a population of 100,000 or more and for storm water discharges associated with industrial activities including construction sites. The EPA published proposed storm water regulations on December 7, 1988 and promulgated the final regulations on November 16, 1990. Prior to the EPA's promulgation of the final storm water regulations, the three counties (Orange, Riverside, and San Bernardino) and the incorporated cities within the jurisdiction of the Santa Ana Regional Board requested early areawide NPDES permits for urban storm water run-off.

3. On October 19, 1990, the Regional Board adopted Order No. 90-136 for urban storm water run-off from urban areas in San Bernardino County within the Santa Ana Region. Order No. 90-136 expires on October 1, 1995. The San Bernardino County Transportation/Flood Control Department was named as the principal permittee and San Bernardino County and the incorporated cities were named as

the co-permittees. In order to more effectively carry out the requirements of this order, the permittees have agreed that the SBCFCD will continue as principal permittee and San Bernardino County and the incorporated cities will continue as co-permittees. However, the Regional Board, in exercising its enforcement discretion, will take action only against the individual permittee responsible for specific violations of this order, whenever possible.

4. San Bernardino County Municipal Permit required the permittees to develop and implement a Drainage Area Management Plan (DAMP), a receiving and storm water monitoring program, reconnaissance survey program, a plan for prosecution of illegal dischargers, and to establish legal authority to effectively prohibit illegal/illicit discharges. The overall goal of these requirements was to effectively reduce the pollutant loadings to surface waters from urban run-off to the maximum extent practicable (MEP).

5. The Report of Waste Discharge (the permit renewal application) included the following components:

   a. A Municipal Storm Water Management Program which is an extension of the October, 1993 Drainage Area Management Plan.
   b. Letters of intent for compliance with San Bernardino County Municipal Storm Water Permit by all the co-permittees.

6. Within the Santa Ana Region, the permittees serve a population of approximately 1.11 million, occupying an area of approximately 985 square miles. The latest figures obtained from the Reconnaissance Progress Report estimated 384 miles of above-ground and 334 miles of below-ground storm drain channels in the project area. Approximately seven percent (7%) of the San Bernardino County area drains into water bodies within this Regional Board's jurisdiction. The project area is shown on Attachment 1. This order regulates storm water run-off from areas under the jurisdiction of the permittees. The term storm water as used in this order includes storm water run-off, snow melt run-off, and surface run-off and drainage. The permittees have jurisdiction over and/or maintenance responsibility for storm water conveyance systems within San Bernardino County. Approximately 50% of the remaining San Bernardino County drainage areas is within the jurisdiction of the Lahonton Regional Board and the other 43% is within the jurisdiction of the Colorado River Basin Regional Board. However, urbanization in these areas is minimal compared to areas within the Santa Ana Regional Board's jurisdiction.

7. The Santa Ana River Basin is the major watershed within this Region. This watershed is divided into the upper and lower Santa Ana watersheds. The lower Santa Ana River Basin (downstream from Prado Dam) includes the Orange County

drainage areas and the Upper Santa Ana River Basin includes the San Bernardino County and the Riverside County drainage areas. The San Bernardino County drainage areas are generally upstream of the Riverside County drainage areas.

8. The three county areas within this Region are regulated under three areawide permits for urban storm water run-off. These areawide NPDES permits are:

   a. Orange County, NPDES No. CA 8000180, Order No. 90-71 (upon renewal Order No. 96-31, NPDES No. CAS618030)

   b. Riverside County, NPDES No. CA 8000192, Order No. 90-104 (upon renewal Order No. 96-30, NPDES No. CAS618033)

   c. San Bernardino County, NPDES No. CA 8000200, Order No. 90-136 (upon renewal Order No. 96-32, NPDES No. CAS618036)

9. Surface Water bodies in San Bernardino County within the jurisdiction of Santa Ana Region are listed in Attachment 2.

10. Run-off from the San Bernardino County drainage areas is generally conveyed to the Riverside County drainage areas through the Santa Ana River or other drainage channels tributary to the Santa Ana River. These flows are then discharged to Reach 2 of the Santa Ana River through Prado Basin (Reach 3 of the Santa Ana River). Most of the flow in Reach 2 is recharged in Orange County. During wet weather, some of the flow is discharged to the Pacific Ocean through Reach 1 of the Santa Ana River.

11. The entities listed in Attachment 3 are considered as potential dischargers of storm water to the San Bernardino County drainage areas. It is expected that these entities will also work cooperatively with the permittees to manage urban run-off. The Regional Board has the discretion and authority to require non-cooperating entities to participate in this areawide permit or obtain individual storm water permits, pursuant to 40 CFR 122.26(a).

12. The 1989, 1991, and 1994 Water Quality Assessments by the Regional Board identified apparent impairment of a number of water bodies within the permitted area. The beneficial uses of these water bodies are thought to be threatened or impaired in part due to urban storm water run-off and non-storm water flows from urbanized areas. Preliminary results from urban storm water monitoring programs within the Region indicate that major pollutants of concern in urban run-off are certain heavy metals, sediment, coliform bacteria, pesticides, and nutrients. Municipal storm water run-off is a source of pollutants to waters of the U.S. that

may be causing or contributing to water quality impairment. It is recognized that instream or end-of-channel treatment of storm water is difficult and expensive. Therefore, it is critical to identify the sources and to develop management practices necessary to reduce pollutant loading to storm water. The quality of these discharges varies considerably and is affected by land use activities, basin hydrology and geology, season, the frequency and duration of storm events and point source discharges permitted by the Regional Board under individual permits.

13. Studies conducted by the EPA, the states, flood control districts and other entities indicate the following major sources for urban storm water pollution:

    a. Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,

    b. Construction sites where erosion and siltation controls and BMPs are not implemented, and

    c. Urban run-off where the drainage area is not properly managed.

14. To address the industrial and construction sites, the State Board issued two statewide general NPDES permits: one for storm water run-off from industrial sites (NPDES No. CAS000001, General Industrial Activities Storm Water Permit) and the second one for storm water run-off from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit). In addition, the Regional Board adopted Order No. 94-005, NPDES NO. CA 8000279, for storm water run-off from facilities owned and/or operated by Caltrans, which includes freeways and highways, and Order No. 94-7, NPDES No. CA 8000336, for concentrated animal feeding operations, including dairies (General Dairy permit). The Regional Board has and continues to issue individual storm water permits for industrial facilities within the Region.

15. One of the major components of these statewide permits, the Caltrans permit, and the General Dairy Permit is the development and implementation of a storm water pollution prevention plan (SWPPP).

16. Most industrial activities (some light industrial activities are exempt) and construction activities on five acres or more are required to get individual NPDES permits for storm water discharges or get coverage under these statewide general permits.

17. The Regional Board is the enforcing authority for the two statewide general permits. However, in most cases, the industrial and construction sites discharge

directly into storm drains and/or flood control facilities owned and operated by the permittees. These industrial and construction sites are also regulated under local laws and regulations. Therefore, a coordinated effort between the permittees and the Regional Board staff is critical to avoid duplicative storm water regulatory activities. A memorandum of understanding between the permittees and the Regional Board may be appropriate to efficiently implement the storm water regulations for industries and construction sites at the local level.

18. The permittees or other agencies generally conduct inspections of most industrial and commercial facilities and construction sites within their jurisdiction to determine compliance with local storm water ordinances and regulations, as well as for other regulatory purposes. The permittees have agreed to notify Regional Board staff when conditions are observed during such inspections which result in threat or potential threat to water quality. This also includes failure to obtain coverage under the general storm water permits.

19. The permittees have agreed not to issue grading and/or building permits without proof of filing for a Notice of Intent (NOI) for sites subject to State's General Construction Activity Storm Water Permit.

20. The permittees own/operate facilities where industrial or related activities take place that may have an impact on storm water quality. Some of the permittees also enter into contracts with outside parties to carry out municipal related activities that may also have an impact on storm water quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, storm drain system maintenance activities and the application of herbicides, algaecides and pesticides. As part of this order, the permittees will assess public agency activities and facilities for potential impact to storm water quality and develop and implement best management practices to reduce pollutant discharges from those activities that are found to be pollutant sources. Non-storm water discharges from these facilities and/or activities also affect water quality. This order prohibits non-storm water discharges from public facilities unless the discharges are exempt under Section III., Discharge Limitations, 5., of this order or are permitted by the Regional Board under an individual NPDES permit.

21. The major focus of storm water pollution prevention is the development and implementation of an appropriate drainage area management plan (DAMP) including best management practices (BMPs). The ultimate goal of the urban storm water management program is to attain water quality consistent with the

water quality objectives for the receiving waters in order to protect beneficial uses. The permittees developed and submitted a DAMP, which was approved on May 2, 1994. The Municipal Storm Water Management Program (MSWMP) is an extension of the DAMP.

22. The MSWMP provides a framework for continuing the implementation of DAMP elements for the term of the renewed permit.

23. There is some contribution of pollutants in urban run-off from privately owned and operated facilities such as residences, businesses and commercial establishments and public and private institutions. Therefore, a successful storm water management plan should include the participation and cooperation of the public, businesses, the permittees and the regulators. Therefore, the DAMP has a strong emphasis on public education.

24. The MSWMP included numerous BMPs under nine major program elements and a time schedule for implementation. These BMPs are organized into various components such as BMPs for existing residential, commercial and industrial areas; BMPs for construction sites; BMPs for new developments, etc. These components include regulatory activities, public education programs and operations and maintenance activities.

25. In order to characterize storm water discharges, to identify problem areas, and to determine the effectiveness of the various BMPs, an effective monitoring program is critical. San Bernardino County monitoring program commenced in January of 1994 which included storm water monitoring, receiving water monitoring, dry weather monitoring and sediment monitoring. The Report of Waste Discharge included a Consolidated Program for Water Quality Monitoring.

26. In addition to the Regional Board, a number of other stakeholders are involved in the management of these water resources which includes, but is not limited to, the incorporated cities in the Region, publicly owned treatment works, the three counties, Santa Ana Watershed Project Authority and its member agencies. The cooperation and coordination between all the stakeholder are critical for an efficient and most economical management of the watershed. The Regional Board will coordinate the activities within the watershed and seek participation of the permittees.

27. The permittees have agreed to revise the implementation agreement that was developed in 1990 as required under Order No. 90-136.

28. Illegal dumping and illicit/illegal connections and discharges to the storm drains are

contributors to storm water and other surface water contamination. Most of the cities have completed their reconnaissance survey of the municipal storm drain systems (open channels and underground storm drains) and the remaining cities have scheduled the completion prior to expiration of their municipal permit (October 1, 1995). The permittees were required to detect, identify and eliminate illicit/illegal discharges. Additionally, the permittees are also required to develop a program to prohibit any future illegal/illicit connections to their storm drains and flood control facilities.

29. As part of Order No. 90-136, the permittees were required to develop and implement a plan to eliminate the illicit connections and to prosecute the illegal dischargers. This order requires the permittees to continue the implementation and enforcement required under this plan.

30. This order requires the permittees to continue to implement the BMPs listed in the ROWD and to effectively prohibit illegal and illicit discharges to the storm drain system. One of the major elements of the DAMP was the establishment of legal authority. The permittees within San Bernardino County have already adopted ordinances to establish their legal authority. This task was completed as of April 1995.

31. Successful implementation of the provisions and limitations in this order will require the cooperation of all the involved agencies and organizations within San Bernardino County (e.g. Fire Department, Department of Environmental Health, Planning Department, Building and Safety, Code Enforcement, etc.). As such, these agencies and organizations are expected to actively participate in implementing this areawide storm water program. Early identification of potential storm water impacts and mitigation measures can significantly reduce storm water pollution problems. The permittees should consider these impacts and appropriate mitigation measures in the planning procedures, in the California Environmental Quality Act (CEQA) review process for specific projects, Master Plans, etc.

32. The permittees may lack legal jurisdiction over storm water discharges into their systems from some of the State and federal facilities, agricultural land, utilities and special districts, and Native American tribal lands. The Regional Board recognizes that the permittees should not be held responsible for such facilities and/or discharges.

33. The permittees may petition the Regional Board to issue a separate NPDES permit to any discharger of non-storm water into storm drain systems that they own or operate.

34. A revised Water Quality Control Plan (Basin Plan) was adopted by the Regional Board and became effective on January 24, 1995. The Basin Plan contains water quality objectives and beneficial uses for water bodies in the Santa Ana Region.

35. The requirements contained in this order are necessary to implement the Basin Plan.

36. In accordance with the Clean Water Act and it's implementing regulations, this order requires the permittees to develop and implement programs and policies necessary to control the discharge of pollutants to waters of the U.S. to the maximum extent practicable.

37. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the U.S. EPA were aware of the difficulties in regulating urban storm water run-off solely through traditional end-of-pipe treatment. However, the U.S. EPA and State Water Resources Control Board have determined that the NPDES permits for urban storm water run-off must contain effluent limitations based on water quality standards (beneficial uses and water quality objectives). The development and implementation of best management practices (BMPs), which will achieve compliance with applicable standards, are generally considered to be acceptable as effluent limitations. In accordance with Section 402 (p) of the Clean Water Act, this order requires the permittees to develop controls to reduce the discharge of pollutants to the maximum extent practicable. If urban storm water discharges cause an exceedance of the water quality standards in the receiving waters, the BMPs will be reevaluated, revised, and implemented, as appropriate, to address any exceedance of receiving water quality standards. Numeric and narrative water quality objectives are contained in the Basin Plan for the water bodies in this Region. This order does not contain numeric effluent limitations for any constituents because the impact of the storm water discharges on the water quality of the receiving waters has not yet been fully determined. Extensive water quality monitoring and analysis of the data are essential to make that determination. Due to the high cost associated with monitoring, and due to the variability that exists in the current storm water monitoring efforts being conducted by the permittees and other municipal permittees in Orange and Riverside Counties under their municipal storm water permits, a tri-county monitoring program will be considered to develop and implement effective monitoring procedures and strategies.

38. It is the Regional Board's intent that this order shall achieve attainment and protection of the beneficial uses of receiving waters. This order therefore, includes Receiving Water Limitations required to implement water quality objectives and to prevent nuisance and water quality impairment in receiving waters. This order

requires implementation of control measures in accordance with the approved MSWMP that will reduce pollutants in storm water discharges to the maximum extent practicable. The Receiving Water Limitations require the implementation of control measures that are technically and economically feasible as necessary to protect beneficial uses and attain water quality objectives of the receiving waters.

The Regional Board finds that the unique aspects of the regulation of storm water discharges through municipal storm sewer systems, including intermittent discharges, difficulties in monitoring and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of best management practices and to determine whether they will adequately protect receiving waters. Therefore, the permit includes a procedure for determining whether storm water discharges are causing continuing or recurring exceedances of receiving water limitations and for evaluating whether the approved MSWMP must be revised. The permittees will be in compliance with the Receiving Water Limitations so long as the permittees comply with that procedure.

39. The storm water regulations require public participation in the storm water management program development and implementation. As such the permittees are required to solicit and consider all comments received from the public and submit copies of the comments to the Executive Officer of the Regional Board. In considering the public comments, the permittees may modify reports, plans, or schedules prior to submittal to the Regional Board.

40. In accordance with California Water Code Section 13389, the issuance of waste discharge requirements for this discharge is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.

41. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, for this discharge. The Regional Board finds that the storm water discharges are consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary.

42. The Regional Board has notified the permittees and interested parties of its intent to issue waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

43. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the permittees, 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 the regulations and guidelines adopted thereunder, shall comply with the following:

I. RESPONSIBILITIES OF THE PRINCIPAL PERMITTEE

The principal permittee shall be responsible for managing the overall storm water program and shall:

1. Conduct water quality and hydrographic monitoring of the municipal separate storm sewer system outfalls as agreed upon by the Executive Officer of the Regional Board.

2. Develop uniform criteria to inspect the municipal storm drain systems.

3. Develop minimum criteria for inspections at industrial facilities and construction sites, and reporting to the Regional Board of observed non-compliance discharges, as well as non-compliance with local ordinances at sites which fall under the general construction or industrial storm water permits.

4. Conduct inspections of the storm drain systems owned and operated by the SBCFCD.

5. Implement management programs, monitoring programs, and related plans as required by this order.

6. Prepare and submit to the Executive Officer of the Regional Board, unified reports, plans, and programs necessary to comply with this order.

7. Enact and revise policies and ordinances necessary to establish and maintain adequate legal authority within the scope of the San Bernardino County Transportation/Flood Control Department Act, as required by the Federal Storm Water Regulations.

8. Respond and/or arrange for responding to emergency situations such as accidental spills, leaks, illicit discharges/illegal connections, etc., to prevent or to reduce the discharge of pollutants to the municipal separate storm sewer systems and to waters of the U.S.

In addition, the activities of the principal permittee should, at a minimum, include the following:

9. Coordinate permit activities and participate in any subcommittees formed as necessary, to coordinate compliance activities with this order.

10. Provide technical and administrative support and inform the co-permittees of the progress of other pertinent municipal programs, pilot projects, research studies, etc.

11. Coordinate the implementation of areawide storm water quality management activities such as monitoring program, public education, pollution prevention, household hazardous waste collection, etc.

12. Gather and disseminate information on the progress of statewide municipal storm water programs and evaluate the information for potential use in the execution of this order.

13. Monitor the implementation of the plans and programs required by this order and determine their effectiveness in attaining water quality standards.

14. Coordinate activities pertaining to implementation of this order with the Regional Board.

15. Solicit and coordinate public input for any major proposed storm water management programs and implementation plans.

16. Develop and implement mechanisms, performance standards, etc., to promote consistent implementation of BMPs among the permittees.

17. In conjunction with the other permittees, implement the BMPs listed in the approved DAMP, as amended by the Report of Waste Discharge (ROWD).

18. Participate with other counties (Orange and Riverside counties) in the development and implementation of a tri-county monitoring program coordinated by the Regional Board.

II. RESPONSIBILITIES OF THE CO-PERMITTEES

The co-permittees shall be responsible for managing the storm water program within their jurisdiction and shall:

1. Enact and revise policies and ordinances necessary to establish and maintain adequate legal authority as stated in Section V(10) of this order and required by the Federal Storm Water Regulations.

2. Conduct storm drain system inspections in accordance with the uniform criteria developed by the principal permittee.

3. Submit to the principal permittee any information necessary to develop unified report submittal to the Executive Officer of the Regional Board.

4. In conjunction with the principal permittee, implement the BMPs listed in the approved DAMP, as amended by the ROWD.

Co-permittees activities should, at a minimum, include the following:

5. Administer the storm water and erosion control ordinances.

6. Conduct and coordinate with the principal permittee any surveys and characterizations needed to identify the pollutant sources and drainage areas.

7. Review and comment on all plans, strategies, management programs, monitoring programs, as developed by the principal permittee or any subcommittee to comply with this order.

8. Participate in committees or subcommittees formed to address storm water related issues to comply with this order.

III. DISCHARGE LIMITATIONS

1. The permittees shall prohibit illicit discharges from entering into the municipal separate storm sewer systems (municipal storm drain systems) and require controls to reduce the discharge of pollutants to the maximum extent practicable.
2. This order authorizes storm water discharges to waters of the U.S. from the permittees' existing municipal separate storm drain systems provided that the permittees implement the BMPs (structural and/or non-structural control measures) necessary to reduce the pollutants in the discharge to the maximum extent practicable. Discharges other than those listed under Item 5., below, and those for which the Regional Board has issued individual permits are prohibited.

3. The following discharges need not be prohibited by the permittees unless identified by the permittees as a source of pollutants to the receiving waters.

   a. Discharges for which an approval has been issued by the Regional Board office or State Board, including discharges authorized under NPDES permits issued by the State or Regional Boards,

   b. Discharges from potable water line flushing and other potable water sources,

   c. Discharges from fire fighting and fire hydrant testing and flushing,

   d. Discharges from landscape irrigation, lawn watering and other irrigation activities,

   e. Diverted stream flows,

   f. Rising ground waters and natural springs,

   g. Uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) and uncontaminated pumped groundwater,

   h. Passive foundation drains,

   i. Air conditioning condensate,

   j. Water from crawl space pumps,

   k. Passive footing drains,

   l. Discharges from individual residential vehicle washing (not including discharges from mobile sources such as automobile/equipment detailing or washing),

   m. Flows from riparian habitats and wetlands,

   n. Dechlorinated swimming pool discharges,

   o. Waters not otherwise containing wastes as defined in California Water Code Section 13050 (d) and,

   p. Other types of discharges identified and recommended by the permittees and approved by the Regional Board.

For purposes of this order, a discharge may include storm water and other types of discharges as indicated above.

4. The permittees shall take necessary steps to ensure that non-storm water discharges to the municipal storm drain system do not cause or contribute to violations of water quality standards or degrade the waters of the U.S.

5. Non-storm water discharges from permittee's activities into waters of the U.S. are prohibited unless the non-storm water discharges are permitted by an NPDES permit or are included in Item 3., above. If permitting or immediate elimination of the non-storm water discharges is impractical, the permittees shall include in the storm water pollution prevention strategy, required under Section V. Provision 19., of this order, a proposed plan to address the non-storm water discharges.

6. The MSWMP, as outlined in the ROWD, is hereby made an enforceable component of this order.

IV. RECEIVING WATER LIMITATIONS

1. Receiving Water Limitations are based upon beneficial uses, water quality objectives and water quality standards contained in the Basin Plan, and amendments thereto, and on ambient water quality. They are intended to protect the beneficial uses and attain the water quality objectives contained in the Basin Plan. The discharge of urban storm water, or non-storm water, from a municipal storm sewer system for which the permittees are responsible under the terms of this permit shall not cause continuing or recurring impairment of beneficial uses or exceedances of water quality objectives. The permittees will not be in violation of this provision so long as they are in compliance with the requirements set forth in 1.a.

   a. If the Executive Officer determines that a continuing or recurring impairment of beneficial uses or exceedance of water quality objectives has been caused by urban storm water discharges from the municipal storm sewer system, the following steps shall be taken:

      i. The Executive Officer will evaluate the adequacy of permittees' implementation of the approved MSWMP based on the permittees' submitted reports and other relevant information. The Executive Officer will determine if implementation of the approved MSWMP has a reasonable

likelihood of preventing future continuing or recurring impairment of beneficial uses or exceedances of water quality objectives resulting from urban storm water discharges. If the Executive Officer makes this determination, the permittees are required to continue implementing the approved MSWMP.

ii. If the Executive Officer determines that implementation of the approved MSWMP will not have a reasonable likelihood of preventing future impairment of beneficial uses or exceedances of water quality objectives, the permittees shall, upon notice from the Executive Officer, do the following:

A. Submit a report that includes an evaluation of the relative contribution of the urban storm water discharges to the impairment of beneficial uses or the exceedance of water quality objectives. The report shall address the persistence, the significance, and to the extent feasible, the causes of the impairment or exceedance, and the technical and economic feasibility of control actions available to the permittees to reduce or eliminate the impairment or exceedance.

B. Submit a report reviewing the approved MSWMP to determine whether it should be revised so that there will be a reasonable likelihood of preventing future continuing or recurring beneficial use impairment or exceedances of water quality objectives, or whether revisions to achieve protection of beneficial uses or attainment of water quality objectives are technically or economically infeasible. If the report recommends revision of the approved MSWMP, the report shall include a work plan to revise the MSWMP so that it will have a reasonable likelihood of preventing future continuing or recurring beneficial use impairment or exceedances of water quality objectives. If the report concludes that no revisions are necessary to achieve protection of beneficial uses or attainment of water quality objectives, the report shall explain how implementation of the approved MSWMP will achieve compliance. If the report determines that revisions to achieve protection of beneficial uses or attainment of water quality objectives are technically or economically

infeasible, the permittees shall continue to comply with the approved MSWMP, shall fully document this determination, and shall make recommendations for actions to achieve compliance, including, for example, commencement of a total maximum daily load report or revision of the Basin Plan or mitigation projects to protect beneficial uses, and identification of possible funding sources for such actions.

C. The permittees shall implement the work plan and the revised MSWMP as approved by the Executive Officer.

2. The Executive Officer shall review and approve or disapprove the reports required under Receiving Water Limitation 1. The reports may be submitted as part of the next Annual Report, or at some other time designated by the Executive Officer. So long as the permittees have complied with the procedures set forth in the Receiving Water Limitation 1, they do not have to repeat the procedure for continuing or recurring exceedances of the same receiving water limitations. As appropriate, any determinations under this part or revisions to the approved MSWMP may be considered by the Regional Board in a public meeting."

V. PROVISIONS

GENERAL

1. Permittees shall demonstrate compliance with all the requirements in this order.

2. The Report of Waste Discharge, including the MSWMP, submitted as application for renewal of the NPDES permit is hereby made a part of this order.

3. Permittees shall implement all elements of the approved DAMP, as amended by the ROWD (MSWMP). Any proposed revisions to the MSWMP shall be submitted to the Executive Officer of the Regional Board or included in the Annual Report for review and approval. All revisions to the MSWMP, approved by the Executive Officer, shall be implemented in a timely manner.

4. The permittees shall comply with Monitoring and Reporting Program No. 96-32, which is hereby made a part of this order and any revisions thereto.

The Executive Officer is authorized to revise the Monitoring and Reporting Program and also to allow the permittees to participate in regional, statewide, national, or other monitoring programs in lieu of Monitoring and Reporting program for Order No. 96-32.

5. Upon approval by the Executive Officer of the Regional Board, all plans and reports required by this order, including any subsequent amendments, shall be implemented and shall become an enforceable part of this order.

6. The permittees shall report to the Executive Officer of the Regional Board:

   a. Any enforcement actions and discharges of storm or wastewaters, known to the permittees, which may have an impact on human health or the environment;

   b. Any industrial or construction facilities observed to potentially be not in compliance with the storm water regulations or where the activities may be contributing pollutants to the waters of the U.S.; and

   c. Any observed activities on federal, state, or other lands or facilities, where the permittees do not have any jurisdiction, and where the observed activities may be contributing pollutants to waters of the U.S.

7. The permittees shall not issue occupancy permits unless the applicant is informed of his obligation under the State's NPDES industrial general permits. The permittees shall not issue grading or building permits to developments on 5 acres or more unless the applicant shows proof of filing a Notice of Intent in accordance with the State's General Construction Activities Storm Water Permit. The proof of filing may include a letter from the Regional Board office, a copy of the Notice of Intent or other acceptable proof of coverage under the general permit. The permittees shall coordinate the activities of the various departments/sections within each permittee's jurisdiction to ensure consistent implementation of storm water program.

8. Permit application and special NPDES program requirements contained in 40 CFR 122.21(a), (b), (d)(2), (f), and (p); 122.41(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l); and 112.42(c) are incorporated into this order by reference.

IMPLEMENTATION AGREEMENT

9. No later than June 1, 1996, the permittees shall submit to the Executive Officer of the Regional Board an updated copy of an implementation agreement with authorized signatures of each of the permittees. Any subsequent revisions to the implementation agreement shall be forwarded to the Executive Officer of the Regional Board within 30 days of approval by the permittees. At a minimum, the implementation agreement should include all the essential elements of the existing agreement and a mechanism for active participation of all permittees in the committees and subcommittees to ensure uniform co-operation and involvement of the permittees in the decision making process.

LEGAL AUTHORITY

10. The permittees adopted the Storm Water Run-off Management Ordinance. This task was completed as of April, 1995. The permittees shall establish a mechanism for periodic review and update of their ordinances to ensure compliance with the requirements of 40 CFR Section 122.26(d)(2)(i)(A-F).

ENFORCEMENT STRATEGY

11. Permittees have developed an enforcement strategy as outlined in the ROWD (submitted on April 4, 1995) to enforce storm water and erosion control ordinances. The permittees shall implement the enforcement strategy which includes a mechanism for the inspection of industrial facilities and construction sites, notification to the Executive Officer of any observations of non-compliance with the storm water regulations and any proposed local enforcement action.

12. The enforcement strategy shall include enforcement and control of discharges from facilities not covered under the State's existing General Storm Water Permits.

13. Permittees have completed the reconnaissance survey of their storm drain conveyance systems as of October 1, 1995 and will eliminate all illegal and/or illicit connections by December 1, 1996. Permittees shall submit a report of the findings by April 30, 1997 and each year thereafter (including the detection, elimination and prosecution of illegal dischargers).

PUBLIC EDUCATION AND OUTREACH

14. The permittees shall continue to implement the public education efforts already underway and shall implement all of the proposed efforts contained in the Report of Waste Discharge. Any proposed changes shall be submitted to the Executive Officer of the Regional Board for approval.

15. When feasible, the permittees shall participate in joint outreach with other programs including, but not limited to, other municipal storm water programs to ensure that a consistent message on storm water pollution prevention is brought to the public.

16. The permittees shall develop public education materials to encourage the public to report illegal dumping from residential, industrial, construction and commercial sites into public streets, storm drains and other water bodies.

17. The permittees shall develop a public education program geared toward the industrial facilities and construction sites through active participation of the county and city departments.

18. Permittees shall develop an educational program targeted toward educating the staff at the county and city departments/agencies under their jurisdiction about storm water program and utilize their assistance in enforcing the requirements of this order. Example of these departments/agencies include Fire Department, Department of Health and Safety, Pre-treatment Programs, Hazardous Waste Collection, Building and Safety, etc.

MUNICIPAL FACILITIES

19. The permittees have developed a pollution prevention strategy to address their public agency facilities and activities not currently required to obtain coverage under the State's general storm water permits. The pollution prevention strategy is to ensure that the public agency facilities and/or activities that are currently not required to obtain coverage under the State's general storm water permits are not sources of pollutants into the waters of the U.S. The pollution prevention strategy shall be implemented in accordance with the time schedule proposed in the ROWD.

MUNICIPAL CONSTRUCTION PROJECTS/ACTIVITIES

20. This order authorizes the discharge of storm water run-off from construction projects that may result in land disturbance of five (5) acres or more (or less than five acres, if it is part of a larger common plan of development or sale which is five acres or more) that are under ownership and/or direct responsibility of any of the permittees.

21. Prior to commencement of construction activities, the permittees shall notify the Executive Officer of the Regional Board of the proposed construction project. Upon completion of the construction activities, the Executive Officer shall be notified of the completion of the construction project.

22. The permittees shall develop and implement a storm water pollution prevention plan and a monitoring program that is specific for the construction project prior to the commencement of any of the construction activities. The SWPPP and the monitoring program shall be implemented throughout the duration of the construction activities on site. The SWPPP shall be kept at the construction site and released to the public and/or Regional Board Staff upon request.

23. The SWPPP and the monitoring program for the construction projects shall be consistent with the requirements of the most recent version of the State's General Permit for Storm Water Discharges Associated with Construction Activities.

24. The permittees shall give advance notice to the Executive Officer of the Regional Board of any planned changes in the construction activities which may result in non-compliance with the current version of the State's General Permit for Storm Water Discharges Associated with Construction Activities.

NEW DEVELOPMENTS (INCLUDING RE-DEVELOPMENT)

25. The permittees shall begin implementation of the new development BMPs as described in Section 4 of the ROWD in accordance with the schedule provided in the ROWD.

26. By April 30, 1997, the permittees shall update their General Plan and CEQA document preparation processes to ensure that storm water-related issues are properly considered. If necessary, these processes shall be revised to include requirements for evaluation of storm water-related impacts and identification of appropriate mitigation measures.

27. The permittees shall establish a mechanism to ensure proper maintenance and operation of all permanent flood control structures. For new developments, the parties responsible for the maintenance of the flood control structures and funding sources for maintenance and operation of the facilities shall be identified prior to issuance of grading permits.

FISCAL RESOURCES

28. The permittees shall prepare and submit a unified fiscal analyses report to the Executive Officer of the Regional Board. The fiscal analysis report shall be submitted no later than August 31 of each year and shall, at a minimum, include the following:

    a. Each permittee's expenditures for the previous fiscal year;
    b. Each permittee's budget for the current fiscal year;
    c. A description of the source of funds.

PERMIT EXPIRATION AND RENEWAL

29. This order expires on March 1, 2001 and the permittees must file a Report of Waste Discharge (permit application) no later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements. The Report of Waste Discharge shall, at a minimum, include the following:

    a. Any revisions to the Municipal Storm Water Management Program including, but not limited to, all the activities the permittees propose to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, any proposed pilot studies, etc.;

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

    c. Any significant changes to the storm drain systems, outfalls, detention or retention basins or dams, and other controls including map updates of the storm drain systems.

30. This order may be modified, revoked or reissued prior to its expiration date for the following reasons:

a. To address significant changes in 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 and policies adopted by the State Water Resources Control Board or any amendments to the Basin Plan approved by the Regional Board, the State Board, and, if necessary, by the Office of Administrative Law; or

c. To comply with any applicable requirements, guidelines, or regulations issued or approved under the Clean Water Act, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this order.

31. This order shall serve as a National Pollutant Discharge Elimination System (NPDES) permit pursuant to Section 402 (p) of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator of the U. S. EPA has no objections. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

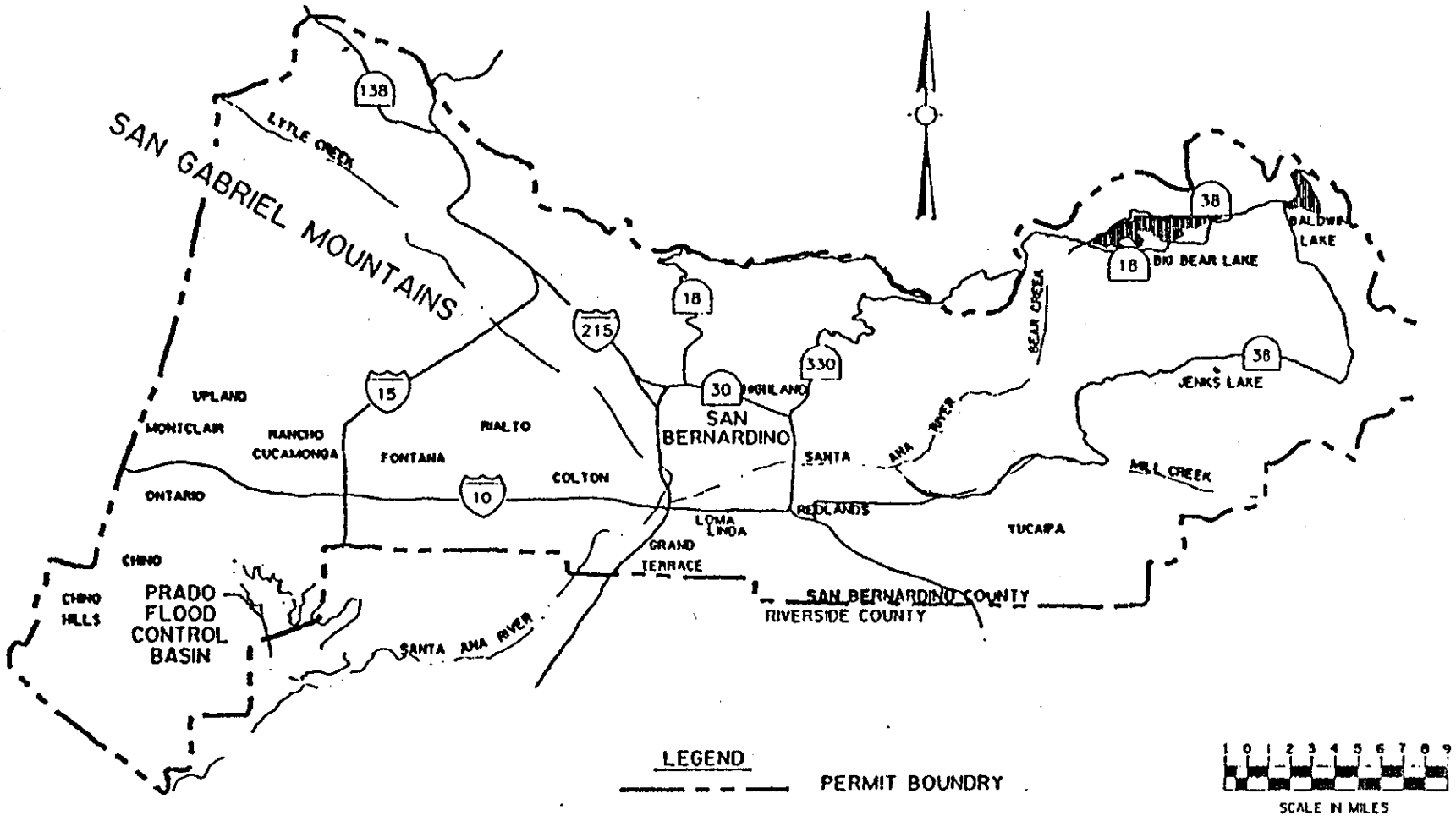
32. Order No. 90-136 is hereby rescinded.

I, Gerard Thibeault, 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, Santa Ana Region, on March 8, 1996.

Gerard J. Thibeault
Executive Officer

Attachment 1

PROJECT AREA



Attachment 2

Inland Surface Streams

A. Santa Ana River
Santa Ana River, Reaches 4, 5, and 6

B. San Bernardino Mountain Streams

Mill Creek Drainage

Mill Creek, Reaches 1 and 2
Mountain Home Creek
Mountain Home Creek, East Fork
Monkey Face Creek
Alger Creek
Falls Creek
Vivian Creek
High Creek
Other Tributaries: Lost, Oak Cove, Green, Skinner, Momyer and Glen Martin Creeks, and other Tributaries to these Creeks

Bear Creek Drainage
Bear Creek
Siberia Creek
Slide Creek
All Other Tributaries to these Creeks

Big Bear Lake Tributaries
North Creek
Metcalf Creek
Grout Creek
Rathbone (Rathbun) Creek
Other Tributaries to Big Bear Lake: Johnson, Minnelusa, Polique, and Red Ant Creeks, and other Tributaries to these Creeks

Baldwin Lake Drainage
Shay Creek
Other Tributaries to Baldwin Lake: Sawmill, Green, and Caribou Canyons and other Tributaries to these Creeks.

C. Other Streams Draining to Santa Ana River (Mountain Reaches)
Cajon Creek
City Creek
Devil Canyon Creek
East Twin and Strawberry Creeks
Waterman Canyon Creek
Fish Creek
Forsee Creek
Plunge Creek
Barton Creek
Bailey Canyon Creek
Kimbark Canyon, East Fork Kimbark Canyon, Ames Canyon and West Fork Cable Canyon Creeks
Valley Reaches of Above Streams
Other Tributaries (Mountain Reach): Alder, Badger Canyon, Bledsoe Gulch, Borea Canyon, Breakneck, Cable Canyon, Cienega Seca, Cold, Converse, Coon, Crystal, Deer, Elder, Fredalba, Frog, Government, Hamilton, Heart Bar, Hemlock, Keller, Kilpecker, Little Mill, Little Sand Canyon, Lost, Meyer Canyon, Mile, Monroe Canyon, Oak, Rattlesnake, Round Cienega, Sand, Schneider, Staircase, Warm Springs Canyon and Wild Horse Creeks, and other tributary to these Creeks.

D. San Gabriel Mountain Streams (Mountain Reaches)
San Antonio Creek
Lytle Creek (South, Middle, and North Forks) and Coldwater Canyon Creek
Day and East Etiwanda Creeks
Valley Reaches of Above Streams
Cucamonga Creek (Mountain Reach)
Cucamonga Creek (Valley Reach)
Other Tributaries (Mountain Reaches): San Sevaine, Deer, Duncan Canyon, Henderson Canyon, Stoddard Canyon, Icehouse Canyon, Cascade Canyon, Cedar, Falling Rock, Kerkhoff and Cherry Creeks, and other Tributaries to these Creeks.

E. San Timoteo Area Streams
San Timoteo Creek, Reaches 1 and 2
Oak Glen, Potato Canyon and Birch Creeks
Yucaipa Creek

F. Prado Area Streams
Chino Creek

G. Lake and Reservoirs
Baldwin Lake
Big Bear Lake
Jenks Lake

Attachment 3

LIST OF OTHER ENTITIES WITH THE POTENTIAL TO DISCHARGE POLLUTANTS TO THE SAN BERNARDINO COUNTY STORM WATER CONVEYANCE SYSTEM

Government Agencies

U.S. Army Corps of Engineers
U.S. Department of Agriculture - Forest Services, San Bernardino County National Forest
California Department of Transportation (Cal Trans)
California Department of Parks and Recreation - Chino Hills State Park
Inland Valley Development Agency, San Bernardino International Trade Center And Airport

Hospitals

Bear Valley Community Hospital
Chino Community Hospital
Doctors Hospital
Kaiser Foundation Hospital
Loma Linda Community Hospital
Loma Linda University Medical Center
Mountains Community Hospital
Ontario Community Hospital
Patton State Hospital
U.S. Department of Veterans Affair - Jerry L. Pettis Memorial Veterans Medical Center
Redlands Community Hospital
St. Bernardine Medical Center
San Antonio Community Hospital
San Bernardino Community Hospital
San Bernardino County Hospital

Railroads

AT&SF Railway Company
Southern Pacific Railroad Company

School Districts

Alta Loma Elementary School District
Bear Valley Unified School District
Central Elementary School District
Chaffey Joint Union High School District
Chino Unified School District

Colton Joint Unified School District
Cucamonga Elementary School District
Etiwanda Elementary School District
Fontana Unified School District
Mountain View Elementary School District
Mt. Baldy joint Elementary School District
Ontario-Montclair Elementary School District
Rialto Unified School District
Rim of the World Unified School District
Redlands Unified School District
San Bernardino City Unified School District
Upland Unified School District
Yucaipa Joint Unified School District

Universities and Colleges

California State University - California State University San Bernardino
San Bernardino Community College District - Chaffey College Campus
San Bernardino Community College District - Crafton Hills College Campus
San Bernardino Community College District - San Bernardino Valley College Campus
University of Redlands
Loma Linda University

Water Districts

Big Bear Municipal Water District
Chino Basin Municipal Water District
Cucamonga County Water District
East Valley Water District
Monte Vista Water District
San Bernardino Valley Municipal Water District
West San Bernardino County Water District
Yucaipa Valley Water District

Transportation

Omnitrans
Metrolink (Fontana, Montclair, Ontario, Rancho Cucamonga, Rialto, San Bernardino)
Redlands Municipal Airport
Rialto Municipal Airport
Chino Airport
Cable Airport

Other Potential Dischargers

United States Postal Service
California National Guard

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

MONITORING AND REPORTING PROGRAM NO. 96-32
NPDES NO. CAS618036
FOR
THE SAN BERNARDINO COUNTY TRANSPORTATION/FLOOD CONTROL DEPARTMENT, THE COUNTY OF SAN BERNARDINO, AND THE INCORPORATED CITIES OF SAN BERNARDINO COUNTY WITHIN THE SANTA ANA REGION
AREAWIDE URBAN STORM WATER RUN-OFF

I. GENERAL

1. Revisions of the monitoring and reporting program may be necessary to ensure that the discharger is in compliance with requirements and provisions contained in this order. Revisions may be made by the Executive Officer at any time during the term of this order, and may include a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, or the number and size of samples collected.

2. All sample collection, handling, storage, and analyses shall be in accordance with 40 CFR Part 136.

3. The permittees are authorized to complement monitoring data from other sources provided those sources are identical to sources in the Santa Ana Watershed.

4. The permittees shall implement the Consolidated Program for Water Quality Monitoring (submitted as part of the Report of Waste Discharge) until development and implementation of an acceptable watershed monitoring program.

II. OBJECTIVES

The overall goal of this monitoring program is to develop and support an effective watershed management program. The following are the major objectives:

1. To define water quality status, trends, and pollutants of concern.

2. To characterize pollutants and to assess the influence of land use on water quality.

3. To identify significant water quality problems related to storm water discharges within the watershed.

4. To identify other sources of pollutants in storm water run-off to the extent possible (e.g., atmospheric deposition, contaminated sediments, other nonpoint sources, etc.).

5. To verify and to control illicit discharges.

6. To identify those waters which without additional action to control pollution from storm water discharges cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of the Basin Plan.

7. To evaluate the effectiveness of existing management programs, including an estimate of pollutant reductions achieved by the structural and nonstructural BMPs.

8. To evaluate costs and benefits to the stakeholder including the public.

The Regional Board recognizes that these objectives may not be attainable during this permit period and authorizes the Executive Officer to evaluate and determine adequate progress toward meeting each objective.

III. MONITORING PROGRAM REQUIREMENTS

The permittees shall develop and submit for approval of the Executive Officer an integrated monitoring program geared towards achieving the above stated objectives. In developing this program, the principal permittee is encouraged to seek cooperation with the permittees from the Riverside and Orange counties. The Executive Officer or his/her designated representative(s) shall facilitate the coordination meetings or subcommittees formed to achieve this goal. The development and implementation of the monitoring program shall be in accordance with the time schedules prescribed by the Executive Officer. At a minimum, the program shall include the following:

1. Uniform guidelines for quality control, quality assurance, data collection and data analyses.

2. A mechanism for the collection, analyses and interpretation of existing data from Orange, Riverside, and San Bernardino County monitoring programs. These and other data from local, regional or national sources should be utilized to characterize different storm water sources; to determine pollutant generation, transport and fate; to develop a relationship between land use, development size, storm size and the event mean concentration of pollutants; to determine spatial and temporal variances in storm water quality and seasonal and other bias in the collected data; and to identify any unique features of the Santa Ana Watershed. The permittees are encouraged to use data from similar studies, if available.

3. A description of the monitoring program including:

   a. The number of monitoring stations;
   b. Environmental indicators (e. g., ecosystem, biological, habitat, chemical, sediment, stream health, etc.) chosen for monitoring;
   c. Parameters selected for field screening and for laboratory work; and

d. Total number of samples to be collected from each station, receiving water and major outfall monitoring, frequency of sampling during wet and dry weather, short duration or long duration storm events, type of samples (grab, 24-hour composite, etc.), and the type of sampling equipment.

4. A mechanism for analyzing the collected data and interpreting the results including an evaluation of the effectiveness of the management practices, and need for any refinement of the management practices.

5. A description of the responsibilities of all the participants in this program including estimated cost.

IV. REPORTING

1. All progress reports and proposed strategies and plans required by this order shall be signed by the principal permittee and copies shall be submitted to the Executive Officer of the Regional Board under penalty of perjury.

2. The permittees shall submit an **ANNUAL PROGRESS REPORT** to the Executive Officer of the Regional Board and to the Regional Administrator of U.S. EPA, Region 9, no later than November 30, of each year. This progress report may be submitted in a mutually agreed upon electronic format. At a minimum, the annual progress report shall include the following:

   a. A review of the status of program implementation and compliance (or non-compliance) with the schedules contained in this order.

   b. An assessment of the effectiveness of control measures established under the illicit discharge elimination program and the MSWMP. The effectiveness may be measured in terms of how successful the program has been in eliminating illicit/illegal discharges and in reducing pollutant loads in storm water discharges.

   c. An assessment of any storm water management program modifications made to comply with Clean Water Act requirements to reduce the discharge of pollutants to the maximum extent practicable.

   d. An analysis and discussion on the monitoring results and any impacts on the receiving waters. Also, recommendations for corrective actions during the upcoming year of MSWMP implementation and monitoring.

e. An analysis and the effectiveness of the overall storm water management program. The permittees identification of proposed programs which will result in the attainment of the water quality standards, and a time schedule to implement the new programs.

f. An assessment of the public education program (including industrial facilities and construction sites) and educational activities proposed for the upcoming year.

g. A progress report on the prosecution of illegal dischargers and reduction or elimination of illegal discharges.

3. Permittees shall be responsible for the submittal of all required information/materials needed to comply with this order in a timely manner to the principal permittee. All such submittal shall be signed by a duly authorized representative of the permittee under penalty of perjury.

V. REPORTING SCHEDULE

All reports required by this order shall be submitted to the Executive Officer of the Regional Board in accordance with the following schedule:

ITEM	***DUE DATE***
Revised Implementation Agreement	June 1, 1996
Municipal Activities Pollution Prevention Strategy	December 1, 1996
Report on illegal/illicit connections	April 30, 1997
Fiscal Analyses Report	August 31 of each year
Report on Illicit/Illegal Discharges	April 30 of each year
Annual Report	November 30 of each year

Ordered by _____

Gerard J. Thibeault
Executive Officer

March 8, 1996