CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
TENTATIVE ORDER NO. R9-2004-001
NPDES NO. CAS0108766
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES OF URBAN RUNOFF FROM
THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
DRAINING THE COUNTY OF RIVERSIDE,
THE CITY OF MURRIETA, THE CITY OF TEMECULA AND THE
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT WITHIN THE SAN DIEGO REGION

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MONITORING AND REPORTING PROGRAM No. R9-2004-001

FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter SDRWQCB), finds that:

1. The Riverside County Flood Control and Water Conservation District (District), the County of Riverside and the Cities of Murrieta and Temecula (hereinafter called Permittees), own or operate municipal separate storm sewer systems (MS4s), through which urban runoff is discharged into waters of the United States (U.S.) within the Santa Margarita Watershed area of Riverside County in the San Diego Region (hereinafter referred to as the Upper Santa Margarita Watershed).

2. The SDRWQCB has previously issued two MS4 permits for the Upper Santa Margarita Watershed. The first-round MS4 permit was issued on July 16, 1990, and the second-round MS4 permit was issued on May 13, 1998 (Order No. R9-98-02). On May 26, 1998, the United States Environmental Protection Agency (EPA), Region IX, objected to Order No. 98-02 due to concerns regarding the Receiving Water Limitations (RWL) language. The EPA concluded that the RWL language in the permit did not comply with the federal Clean Water Act (CWA) and its implementing regulations. On April 27, 1999, the EPA reissued the MS4 permit, which the SDRWQCB adopted as Addendum No. 1 to Order No. R9-98-02 on November 8, 2000. On May 30, 2003 and in accordance with Order No. R9-98-02, the District, as the Principal Permittee, submitted a Report of Waste Discharge (ROWD) for renewal of their MS4 Permit.

3. The Water Quality Control Plan for the San Diego Basin (Basin Plan), identifies the following beneficial uses for water bodies in the Santa Margarita Watershed: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Process Supply (PROC), Industrial Service Supply (IND), Ground Water Recharge (GWR), Contact Water Recreation (REC1) (potential use), Non-contact Water Recreation (REC2), Warm Freshwater Habitat WARM, Cold Freshwater Habitat (COLD), Wildlife Habitat (WILD), and Rare, Threatened, or Endangered Species (RARE).

4. Urban runoff contains waste, as defined in the California Water Code (CWC), and pollutants that adversely affect the quality of the waters of the State. The discharge of urban runoff from an MS4 is a "discharge of pollutants from a point source" into waters of the U.S. as defined in the CWA.

5. The most common categories of pollutants in urban runoff include total suspended solids, sediment (due to anthropogenic activities); pathogens (e.g., bacteria, viruses, protozoa); heavy metals (e.g., copper, lead, zinc and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, herbicides, and PCBs); nutrients (e.g., nitrogen and phosphorus fertilizers), oxygen-demanding substances (decaying vegetation, animal waste), and trash.

6. The discharge of pollutants and/or increased flows from MS4s may cause or threaten to cause the concentration of pollutants to exceed applicable receiving water quality objectives and impair or threaten to impair designated beneficial uses resulting in a condition of pollution (i.e., unreasonable impairment of water quality for designated beneficial uses), contamination, or nuisance.

7. Pollutants in urban runoff can threaten human health. Human illnesses have been clearly linked to recreating near storm drains flowing to coastal waters. Also, urban runoff pollutants in receiving waters can bioaccumulate in the tissues of invertebrates and fish, which may be eventually consumed by humans.

8. Development and urbanization especially threaten environmentally sensitive areas (ESAs), such as water bodies designated as supporting a RARE beneficial use (supporting rare, threatened or endangered species) and CWA 303(d) impaired water bodies. Such areas have a much lower capacity to withstand pollutant shocks than might be acceptable in the general circumstance. In essence, development that is ordinarily insignificant in its impact on the environment may become significant in a particular sensitive environment. Therefore, additional control to reduce pollutants from new and existing development may be necessary for areas adjacent to or discharging directly to an ESA.

9. Urban runoff often contains pollutants that cause toxicity to aquatic organisms (i.e., adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies). Toxic pollutants impact the overall quality of aquatic systems and beneficial uses of receiving waters.

10. The Final 2002 CWA Section 303(d) List of Water Quality Limited Segments identifies the entire length of Murrieta Creek (12 miles) and the upper portion of the Santa Margarita River (18 miles) as impaired for phosphorus. Potential sources of the phosphorus impairment include urban runoff and unknown point and nonpoint sources. The Santa Margarita Lagoon is listed as impaired for eutrophication.

11. The Permittees' water quality monitoring data submitted to date documents persistent exceedances of Basin Plan water quality objectives for various urban runoff-related pollutants (chlorpyrifos, chromium, diazinon, dissolved oxygen, fecal coliform, MBAS, phosphorus, etc.) at eight different monitoring stations in the Upper Santa Margarita Watershed. The data indicate that urban runoff from activities such as over-application of pesticides and potential illicit discharges from industrial and commercial activities may be contributing to potential water quality impairments. Also, bioassessment monitoring, conducted by the California Department of Fish and Game, and physical assessments, conducted as part of the development of the Draft Operational Guidebook For Referenced Based Assessment of the Functions of Riverine Waters/Wetlands in the Santa Margarita Watershed, indicate that impacts to the biological and physical integrity of receiving waters have occurred as a result of urbanization in the upper watershed.

12. Peak storm water discharges rates, velocities and durations must be controlled to prevent downstream erosion and protect stream habitat. When natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots, the natural absorption and infiltration abilities of the land are lost. Therefore, runoff leaving a developed urban area is significantly greater in volume, velocity, peak flow rate, and pollutant load than pre-development runoff from the same area. The increased volume, velocity, rate, and duration of runoff greatly accelerate the erosion of downstream natural channels.

13. As part of the ROWD, the Permittees proposed to update and modify their existing Drainage Area Management Plan (DAMP), dated March 1993, to incorporate new programs, requirements, and commitments. Direction to the Permittees in revising the DAMP, hereinafter referred to as a Storm Water Management Plan (SWMP), is necessary to ensure that the document provides a written description of the specific urban runoff management measures and programs that each Permittee will implement to fulfill its individual responsibilities and the area-wide and watershed-based activities necessary to meet the maximum extent practicable (MEP) standard. It is practicable for the Permittees to update the SWMP within one year. The SWMP is an integral and enforceable component of this Order.

14. The MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. Reducing the discharge of pollutants in urban runoff to the MEP requires Permittees to conduct and document evaluation and assessment of each program component and revise activities, control measures, best management practices (BMPs), and measurable goals, as necessary to meet MEP. Because MEP is a dynamic performance standard, it is necessary to describe in greater detail, measures that are essential for compliance.

15. Pollutants can be effectively reduced in urban runoff by the application of a combination of pollution prevention, source control, and treatment control BMPs. Pollution prevention is the reduction or elimination of pollutant generation at its source and is the best "first line of defense". Source control BMPs (both structural and non-structural) minimize the contact between pollutants and flows (e.g., rerouting run-on around pollutant sources or keeping pollutants on-site and out of receiving waters). Treatment control BMPs remove pollutants from urban runoff.

16. Developing minimum BMPs and implementing or requiring their implementation at industrial and commercial facilities, construction sites, and residential areas is necessary for the Permittees to ensure that, ultimately, discharges of pollutants into and from its MS4 are reduced to the MEP.

17. Controlling urban runoff pollution by using a combination of onsite source control BMPs augmented with treatment control BMPs before the runoff enters the MS4 is important for the following reasons: (1) Many end-of-pipe BMPs (such as diversion to the sanitary sewer) are typically ineffective during significant storm events. Whereas, onsite source control BMPs can be applied during all runoff conditions; (2) End-of-pipe BMPs are often incapable of capturing and treating the wide range of pollutants which can be generated on a sub-watershed scale; (3) End-of-pipe BMPs are more effective when used as polishing BMPs, rather than the sole BMP to be implemented; (4) End-of-pipe BMPs do not protect the quality or beneficial uses of receiving waters between the source and the BMP; and (5) Offsite end-of-pipe BMPs do not aid in the effort to educate the public regarding sources of pollution and their prevention.

18. Urban runoff treatment and/or mitigation must occur prior to the discharge of urban runoff into a receiving water. Federal regulations at 40 CFR 131.10(a) state that in no case shall a state adopt waste transport or waste assimilation as a designated use for any waters of the U.S. Authorizing the construction of an urban runoff treatment facility within a water of the U.S., or using the water body itself as a treatment system or for conveyance to a treatment system, would be tantamount to accepting waste assimilation as an appropriate use for that water body. Furthermore, the construction, operation, and maintenance of a pollution control facility in a water body can negatively impact the physical, chemical, and biological integrity, as well as the beneficial uses, of the water body. This is consistent with EPA guidance to avoid locating structural controls in natural wetlands.

19. Historic and current developments make use of natural drainage patterns and features as conveyances for urban runoff. Urban streams used in this manner are both MS4s and receiving waters.

20. As operators of the MS4s, the Permittees cannot passively receive and discharge pollutants from third parties. By providing free and open access to an MS4 that conveys discharges to waters of the U.S., the operator essentially accepts responsibility for discharges into the MS4 that it does not prohibit or control. These discharges may cause or contribute to a condition of contamination or exceedances of water quality objectives.

21. In accordance with federal NPDES regulations and to ensure the most effective oversight of industrial and construction site discharges, discharges of runoff from industrial and construction sites are subject to dual (state and local) storm water regulation. Under this dual system, the SDRWQCB is responsible for enforcing the General Construction Activities Storm Water Permit, SWRCB Order 97-03 DWQ, NPDES No. CAS000001 (General Construction Permit) and the General Industrial Activities Storm Water Permit, SWRCB Order 99-08 DWQ, NPDES No. CAS000002 (General Industrial Permit), and each municipal Permittee is responsible for enforcing its local permits, plans, and ordinances, which may require the implementation of additional BMPs than required under the statewide general permits.

22. This Order implements the federal CWA, the Porter-Cologne Water Quality Control Act (Division 7 of the CWC, commencing with section 13000), applicable state and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board (SWRCB), and the Basin Plan.

23. The RWL language specified in this Order is consistent with language recommended by the EPA and established in SWRCB Water Quality Order 99-05, adopted by the SWRCB on June 17, 1999. The RWL in this Order require compliance with water quality standards through an iterative approach requiring the implementation of improved and better-tailored BMPs over time.

24. The Standard Urban Storm Water Management Plan (SUSMP) requirements contained in this Order are consistent with Order WQ-2000-11 adopted by the SWRCB on October 5, 2000. In the precedential order, the SWRCB found that the design standards, which essentially require that urban runoff generated by 85 percent of storm events from specific development categories be infiltrated or treated, reflects the MEP standard. The order also found that the design standards are appropriately applied to the majority of the Priority Development Project categories contained in Section F of this Order. It gave Regional Water Quality Control Boards (RWQCBs) the discretion to include additional categories and locations, such as retail gasoline outlets (RGOs) and ESAs, in future SUSMPs.

25. RGOs are significant sources of pollutants in urban runoff. RGOs are points of convergence for motor vehicles for automotive related services such as repair, refueling, tire inflation, and radiator fill-up and consequently produce significantly higher loadings of hydrocarbons and trace metals (including copper and zinc) than other urban areas. To meet MEP, source control and treatment control BMPs are needed at RGOs that meet the following criteria: (a) 5,000 square feet or more, or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day. These are appropriate thresholds since vehicular development size and volume of traffic are good indicators of potential impacts of urban runoff from RGOs on receiving waters.

26. This Order is in conformance with SWRCB Resolution No. 68-16 and the federal Antidegradation Policy described in 40 CFR 131.12.

27. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address non-point pollution impacting or threatening coastal water quality. CZARA addresses five sources of non-point pollution: agriculture, silviculture, urban, marinas, and hydromodification. This NPDES permit addresses the management measures required for the urban category, with the exception of septic systems. The adoption and implementation of this NPDES permit relieves the Permittee from developing a non-point source plan, for the urban category, under CZARA. The SDRWQCB addresses septic systems through the administration of other programs.

28. Each Permittee is individually responsible for adoption and enforcement of ordinances and/or policies, implementation of identified control measures/BMPs needed to prevent or reduce pollutants in storm water runoff, and for the allocation of funds for the capital, operation and maintenance, and enforcement expenditures necessary to implement and enforce such control measures/BMPs under its jurisdiction.

29. Although dependent on several factors, the risks typically associated with properly managed infiltration of runoff (especially from residential land use areas) are not significant. The risks associated with infiltration can be managed by many techniques, including (1) designing landscape drainage features that promote infiltration of runoff, but do not "inject" runoff (injection bypasses the natural processes of filtering and transformation that occur in the soil); (2) taking reasonable steps to prevent the illegal disposal of wastes; and (3) ensuring that each drainage feature is adequately maintained in perpetuity.

30. If not properly designed or maintained, certain BMPs implemented or required by municipalities for urban runoff management may create a habitat for vectors (e.g. mosquitoes and rodents). However, proper BMP design to avoid standing water can prevent the creation of vector habitat. Nuisances and public health impacts resulting from vector breeding can be prevented with close collaboration and cooperative effort between municipalities and local vector control agencies and the State Department of Health Services during the development and implementation of the SWMP.

31. The issuance of waste discharge requirements and an NPDES permit for the discharge of urban runoff from MS4s to waters of the U.S. is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (CEQA) (Public Resources Code, Division 13, Chapter 3, section 21000 et seq.) in accordance with the CWC section 13389.

32. The SDRWQCB has notified the Permittees, all known interested parties, and the public of its intent to consider adoption of an Order prescribing waste discharge requirements that would serve to renew an NPDES permit for the existing discharge of urban runoff.

33. The SDRWQCB has, at public meetings on February 11, 2004 and April 14, 2004, held public hearings and heard and considered all comments pertaining to the terms and conditions of this Order.

PERMIT PROVISIONS

IT IS HEREBY ORDERED: That the Permittees, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the CWA and regulations adopted thereunder, shall each comply with the following:

A. PROHIBITIONS

1. Discharges into and from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in CWC section 13050), in waters of the State are prohibited.

2. Discharges from MS4s that cause or contribute to exceedances of water quality objectives for surface water or groundwater are prohibited.

3. Discharges from MS4s containing pollutants which have not been reduced to the MEP are prohibited.

4. In addition to the above prohibitions, discharges from MS4s are subject to all Basin Plan prohibitions cited in **Attachment A** to this Order.

B. NON-STORM WATER DISCHARGES

1. Each Permittee shall effectively prohibit all types of non-storm water discharges into its MS4 unless such discharges are either authorized by a separate NPDES permit; or authorized in accordance with Requirements B.2 and B.3 below.

2. The following categories of non-storm water discharges are not prohibited unless a Permittee or the SDRWQCB identifies the discharge category as a source of pollutants to waters of the U.S. For such a discharge category, the Permittee shall either prohibit the discharge category or develop and implement appropriate control measures under the SWMP to reduce pollutants to the MEP and submit the report to the SDRWQCB pursuant to section III.A.1.d of Monitoring and Reporting Program No. R9-2004-001 (hereafter referred to as the MRP).

   a) Diverted stream flows;
   b) Rising ground waters;
   c) Uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)] to MS4s;
   d) Uncontaminated pumped ground water;
   e) Foundation drains;
   f) Springs;
   g) Water from crawl space pumps;
   h) Footing drains;
   i) Air conditioning condensation;
   j) Flows from riparian habitats and wetlands;
   k) Water line flushing;
   l) Landscape irrigation;
   m) Discharges from potable water sources not subject to NPDES Permit No. CAG679001, other than water main breaks;
   n) Irrigation water;
   o) Lawn watering;

p) Individual residential car washing;
q) Non-emergency fire fighting flows; and
r) Dechlorinated swimming pool discharges.

3. Discharges from emergency fire fighting activities are not prohibited. If discharges are determined to be a significant source of pollutants to waters of the U.S., the Permittees shall require the implementation of appropriate BMPs to reduce the discharge of pollutants to the MEP, when not interfering with the protection of health and property.

4. Each Permittee shall examine its Illicit Discharge Monitoring results collected in accordance with Requirement J.3 of this Order and section II.B of the MRP to identify water quality problems which may be the result of any non-prohibited discharge category(ies) listed above in Requirement B.2. Follow-up investigations shall be conducted as necessary to identify and control any non-prohibited discharge category(ies) listed above.

C. RECEIVING WATER LIMITATIONS

1. Discharges from MS4s that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses of receiving waters) are prohibited.

2. Each Permittee shall comply with Requirement C.1, Prohibition A.2, and Prohibition A.4 as it applies to Prohibition No. 5 in **Attachment A** of this Order through timely implementation of control measures and other actions to reduce pollutants in urban runoff discharges in accordance with the SWMP and other requirements of this Order including any modifications. The SWMP shall be designed to achieve compliance with Requirement C.1, Prohibition A.2, and Prohibition A.4 as it applies to Prohibition 5 in **Attachment A** of this Order. If exceedance(s) of water quality standards persist notwithstanding implementation of the SWMP and other requirements of this Order, the Permittee shall assure compliance with Requirement C.1, Prohibition A.2, and Prohibition A.4 as it applies to Prohibition 5 in **Attachment A** of this Order by complying with the following procedure:

   a) Upon a determination by either a Permittee or the SDRWQCB that MS4 discharges are causing or contributing to an exceedance of an applicable water quality standard, the Permittee shall promptly notify and thereafter submit a report to the SDRWQCB that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report may be incorporated in the SWMP Annual Report unless the SDRWQCB directs an earlier submittal. The report shall include an implementation schedule. The SDRWQCB may require modifications to the report;

   b) Submit any modifications to the report required by the SDRWQCB within 30 days of notification;

   c) Within 30 days following SDRWQCB approval of the report described above, the Permittee shall revise its SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;

   d) Implement the revised SWMP and monitoring program in accordance with the approved schedule.

   So long as the Permittee has complied with the procedures set forth above and are implementing

the revised SWMP, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the SDRWQCB to develop additional BMPs.

D. LEGAL AUTHORITY

1. Each Permittee shall establish, maintain, and enforce adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means. This legal authority must, at a minimum, authorize the Permittee to:

   a) Control the contribution of pollutants in discharges of runoff associated with industrial and construction activity to its MS4 and control the quality of runoff from industrial and construction sites. This requirement applies both to industrial and construction sites that have coverage under the General Industrial Permit and General Construction Permit, as well as to those sites that do not. Grading ordinances shall be upgraded and enforced as necessary to comply with this Order.

   b) Prohibit all identified illicit discharges not otherwise allowed pursuant to Requirement B.2 including but not limited to:

      (1) Sewage;

      (2) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;

      (3) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;

      (4) Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning, etc.;

      (5) Discharges of wash water from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, and residential areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.;

      (6) Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;

      (7) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;

      (8) Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and

      (9) Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).

   c) Prohibit and eliminate illicit connections to the MS4;

   d) Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4;

   e) Require compliance with conditions in Permittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows);

f) Require the use of BMPs to prevent or reduce the discharge of pollutants into MS4s to the MEP.

g) Carry out all inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with local ordinances and permits and with this Order, including the prohibition on illicit discharges to the MS4. This means the Permittee must have authority to enter, sample, inspect, review and copy records, and require regular reports from industrial facilities discharging into its MS4, including construction sites;

h) Utilize enforcement mechanisms to require compliance with Permittee storm water ordinances, permits, contracts, or orders; and

i) Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Permittees;

2. Each Permittee shall include as part of its Individual SWMP, which must be submitted within 365 days of adoption of this Order, a statement certified by its chief legal counsel that the Permittee has adequate legal authority to implement and enforce each of the requirements contained in 40 CFR 122.26(d)(2)(i)(A-F) and this Order.

E. STORM WATER MANAGEMENT PLAN (SWMP)

1. Within 365 days from the date of this Order, the Principal Permittee shall submit a SWMP to the SDRWQCB. The SWMP shall describe the various urban runoff management programs that will be implemented to comply with this Order and to reduce pollutants in urban runoff to the MEP for the duration of this Order. The SWMP is an integral and enforceable component of this Order and shall consist of the following:

   a) Individual SWMP - The written description of each Permittee's individual programs that address Sections B through J of this Order. **Attachment D** contains direction for the preparation of the Individual SWMP. Each Permittee shall submit their Individual SWMP to the Principal Permittee by a date determined by the Principal Permittee for inclusion in the SWMP.

   b) Watershed SWMP - The written account of all area-wide and watershed-based programs and activities conducted by the Permittees. The Watershed SWMP shall contain the programs and items required above in Requirements K.1 – K.4 of this Order.

2. Unless otherwise specified, within 365 days of the adoption of this Order, each Permittee shall have completed full implementation of the SWMP and all requirements in this Order. Prior to the implementation of new or revised programs, each Permittee shall, at a minimum, continue implementation of existing programs developed pursuant to Order No. R9-98-02 and described in the 2002-2003 Annual Progress Report.

3. Each Permittee shall incorporate a mechanism for public participation during the development and implementation of its SWMP.

F. DEVELOPMENT PLANNING

Permittees shall implement a program, including but not limited to, the requirements in this section, to reduce pollutants in urban runoff from developments to the MEP.

1. Assess General Plan

Each Permittee's General Plan or equivalent plan (e.g., Comprehensive, Master, or Community Plan) shall include water quality and watershed protection principles and policies to direct land-use decisions and require implementation of consistent water quality protection measures for development projects. As part of its Individual SWMP, each Permittee shall provide a workplan with a time schedule detailing any changes to its General Plan regarding water quality and watershed protection. Examples of water quality and watershed protection principles and policies to be considered include the following:

a) Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of development and, where feasible, slow runoff and maximize on-site infiltration of runoff.

b) Implement pollution prevention methods supplemented by source control and treatment control BMPs. Use small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into an MS4.

c) Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones. Encourage land acquisition of such areas.

d) Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways, and bridges.

e) Prior to making land use decisions, utilize methods available to estimate increases in pollutant loads and flows resulting from projected future development. Require incorporation of appropriate BMPs to mitigate the projected increases in pollutant loads and flows.

f) Avoid development of areas that are particularly susceptible to erosion and sediment loss; or establish development guidance that identifies these areas and protects them from erosion and sediment loss.

g) Reduce pollutants associated with vehicles and increasing traffic resulting from development.

h) Post-development runoff from a site shall not contain pollutant loads that cause or contribute to an exceedance of receiving water quality objectives and which have not been reduced to the MEP.

2. <u>Modify Development Project Approval Processes</u>

a) Requirements for all Development Projects (New Development and Redevelopment)

During the planning process, prior to the issuance of permits, Permittees shall require all proposed development projects to implement BMPs to ensure that the discharge of pollutants from the development will be reduced to the MEP and will comply with this Order and all local ordinances, plans, and permits. Development project requirements shall ensure that water quality objectives are not violated throughout the life of the development. At a minimum, requirements shall:

(1) Require project proponent to implement applicable pollution prevention and source control BMPs for applicable development projects.

(2) Require project proponent to implement site design/landscape characteristics where feasible which maximize infiltration, provide retention, slow runoff, and minimize impervious land coverage for all development projects.

(3) Require project proponent to incorporate buffer zones for natural water bodies, where feasible. Where buffer zones are infeasible, require project proponent to implement other buffers such as trees, access restrictions, etc.

(4) When known, require industrial facility operators subject to the General Industrial Permit to provide evidence of permit coverage prior to occupancy.

(5) Require project proponent to ensure its grading or other construction activities meet the provisions specified in Section G of this Order.

(6) Require project proponent to provide proof of a mechanism which will ensure ongoing long-term maintenance of all structural post-construction BMPs.

b) Standard Urban Storm Water Mitigation Plans (SUSMPs) – Requirements for Priority Development Projects

Within 365 days of adoption of this Order, each Permittee shall develop, adopt, and implement a SUSMP to reduce pollutants to the MEP and to maintain or reduce downstream erosion and protect stream habitat from all Priority Development Projects. Priority Development Projects are: a) all new development projects, and b) those redevelopment projects that create, add or replace at least 5,000 square feet of impervious surfaces on an already developed site, that are listed under the project categories or locations in Requirement F.2.b.(1) below. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. Where redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria discussed in Requirement F.2.b.(3) applies only to the addition, and not to the entire development. Each Permittee shall submit both the adopted SUSMP and amended ordinances to the SDRWQCB no later than 365 days after the adoption of this Order.

Immediately following adoption of its SUSMP, each Permittee shall review and ensure that all Priority Development Projects meet SUSMP requirements. The SUSMP requirements shall apply to all Priority Development Projects or phases of Priority Development Projects that have not yet begun grading or construction activities. If a Permittee determines that lawful prior approval of a project exists, whereby application of SUSMP requirements to the project is infeasible, SUSMP requirements need not apply to the project. Where feasible, the Permittees shall utilize the 12-month SUSMP development and implementation period to ensure that projects undergoing approval processes include application of SUSMP requirements in their plans.

(1) Priority Development Project Categories

(a) *Housing subdivisions of 10 or more dwelling units.* This category includes single-family homes, multi-family homes, condominiums, and apartments.

(b) *Commercial developments greater than 100,000 square feet.* This category is defined as any development on private land that is not for heavy industrial or residential uses where the land area for development is greater than 100,000 square feet. The category includes, but is not limited to: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; municipal facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-

malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; airfields; and other light industrial facilities.

(c) *Automotive repair shops.* This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

(d) *Restaurants.* This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SUSMP requirements except for structural treatment BMP and numeric sizing criteria requirement F.2.b.(3) and peak flow rate requirement F.2.b.(2)(a).

(e) *All hillside development greater than 5,000 square feet.* This category is defined as any development which creates 5,000 square feet of impervious surface which is located in an area with known erosive soil conditions, where the development will grade on any natural slope that is twenty-five percent or greater.

(f) *Environmentally Sensitive Areas (ESAs).* All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.

(g) *Parking lots 5,000 square feet or more.* Parking lot is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

(h) *Street, roads, highways, and freeways.* This category includes any paved surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.

(i) *Retail Gasoline Outlets.* This category includes RGOs that meet the following criteria: (a) 5,000 square feet or more or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day

(2) BMP Requirements – The SUSMP shall include a list of recommended source control and treatment control BMPs. The SUSMP shall require all Priority Development Projects to implement a combination of on-site source control and on-site/shared treatment control BMPs (to treat the runoff specifically generated from each project) selected from the recommended BMP list. The BMPs shall, at a minimum:

(a) Control the post-development urban runoff discharge velocities, volumes, durations, and peak rates to maintain or reduce pre-development downstream erosion, and to protect stream habitat;

(b) Conserve natural areas where feasible;

(c) Minimize storm water pollutants of concern in urban runoff from the Priority Development Projects (through implementation of source control BMPs). Identification of pollutants of concern shall include, at a minimum, all pollutants for which water bodies receiving the development's runoff are listed as impaired under CWA section 303(d), all pollutants associated with the land use type of the development, and all pollutants commonly associated with urban runoff;

(d) Be effective at removing or treating the pollutants of concern associated with the project;

(e) Minimize directly connected impervious areas where feasible;

(f) Protect slopes and channels from eroding;

(g) Include storm drain stenciling and signage;

(h) Include properly designed outdoor material storage areas;

(i) Include properly designed trash storage areas;

(j) Include proof of a mechanism, to be provided by the project proponent or Permittee, which will ensure ongoing long-term BMP maintenance;

(k) Include additional water quality provisions applicable to individual Priority Development Project categories;

(l) Be correctly designed so as to remove pollutants to the MEP;

(m) Be implemented close to pollutant sources, when feasible, and prior to discharging into receiving waters; and

(n) Ensure that post-development runoff does not contain pollutant loads which cause or contribute to an exceedance of water quality objectives and which have not been reduced to the MEP.

Under no circumstances can a BMP be constructed in a receiving water.

(3) Numeric Sizing Criteria – The SUSMP shall require treatment control BMPs to be implemented for all Priority Development Projects. All treatment control BMPs shall be located so as to infiltrate, filter, or treat the required runoff volume or flow prior to its discharge to any receiving water. Treatment control BMPs may be shared by multiple Priority Development Projects as long as construction of any shared treatment control BMPs is completed prior to the use of any development project from which the treatment control BMP will receive runoff, and prior to discharge to a receiving water.

In addition to meeting the BMP requirements listed in Requirement F.2.b.(2) above, all treatment control BMPs for a single Priority Development Project shall collectively be sized to comply with the following numeric sizing criteria:

(a) *Volume* - Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

(i) The volume of runoff produced from a 24-hour 85th percentile rainfall depth, as determined from the local historical rainfall record (0.6 inch approximate average for the Riverside County area)[1]; or

(ii) The volume of runoff produced by the 85th percentile 24-hour runoff event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

(iii) The volume of annual runoff based on unit basin storage volume, to achieve 90% or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook New Development and Redevelopment* (2003)); or

(iv) The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event;2

OR

(b) *Flow* - Flow-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

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

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

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

(4) Equivalent Numeric Sizing Criteria - The Permittees may develop, as part of the SUSMP, any equivalent method for calculating the volume or flow which must be mitigated (i.e., any equivalent method for calculating numeric sizing criteria) by post-construction treatment control BMPs. Such equivalent sizing criteria may be authorized by the SDRWQCB for use in place of the above criteria. In the absence of development and subsequent authorization of such equivalent numeric sizing criteria, the above numeric sizing criteria requirement shall be implemented.

[1] This volume is not a single volume to be applied to all of Riverside County. The size of the 85th percentile storm event is different for various parts of the County. The Permittees are encouraged to calculate the 85th percentile storm event for each of their jurisdictions using local rain data pertinent to their particular jurisdiction (inch standard is a rough average for the County and should only be used where appropriate rain data is not available). In addition, isopluvial maps may be used to extrapolate rainfall data to areas where insufficient data exists in order to determine the volume of the local 85th percentile storm event in such areas. Where the Permittees will use isopluvial maps to determine the 85th percentile storm event in areas lacking rain data, the Permittees shall describe their method for using isopluvial maps in their SUSMPs.

[2] Under this volume criteria, hourly rainfall data may be used to calculate the 85th percentile storm event, where each storm event is identified by its separation from other storm events by at least six hours of no rain. Where the Permittees may use hourly rainfall data to calculate the 85th percentile storm event, the Permittees shall describe their method for using hourly rainfall data to calculate the 85th percentile storm event in their SUSMPs.

(5) Pollutants or Conditions of Concern – As part of the SUSMP, the Permittees shall develop a procedure for pollutants or conditions of concern to be identified for each Priority Development Project. The procedure shall address, at a minimum: (1) Receiving water quality (including pollutants for which receiving waters are listed as impaired under CWA section 303(d)); (2) Land use type of the development project and pollutants associated with that land use type; (3) Pollutants expected to be present on site; (4) Changes in storm water discharge flow rates, velocities, durations, and volumes resulting from the development project; and (5) Sensitivity of receiving waters to changes in storm water discharge flow rates, velocities, durations, and volumes.

(6) Implementation Process – As part of the SUSMP, the Permittees shall develop a process by which SUSMP requirements will be implemented. The process shall identify at what point in the planning process development projects will be required to meet SUSMP requirements. The process shall also include identification of the roles and responsibilities of various municipal departments in implementing the SUSMP requirements, as well as any other measures necessary for the implementation of SUSMP requirements.

(7) Waiver Provision – A Permittee may provide for a project to be waived from the requirement of implementing all treatment control BMPs (Requirements F.2.b.(2) & F.2.b.(3)) if infeasibility can be established. A waiver of infeasibility shall only be granted by a Permittee when all available treatment control BMPs have been considered and rejected as infeasible. Permittees shall notify the SDRWQCB within 5 days of each waiver issued and shall include the following information in the notification:

(a) Name of the person granting each waiver;

(b) Name of developer receiving the waiver;

(c) Site location;

(d) Reason for waiver; and

(e) Description of BMPs required.

As part of the SUSMP, the Permittees may develop a program to require project proponents who have received waivers to transfer the savings in cost, as determined by the Permittee(s), to a storm water mitigation fund. This program may be implemented by all Permittees that choose to provide waivers. Funds may be used on projects to improve urban runoff quality within the watershed of the waived project. The waiver mitigation program should, at a minimum, identify:

(a) The entity or entities that will manage the storm water mitigation fund (i.e., assume full responsibility for);

(b) The range and types of acceptable projects for which mitigation funds may be expended;

(c) The entity or entities that will assume full responsibility for each mitigation project including its successful completion; and

(d) How the dollar amount of fund contributions will be determined.

(8) Infiltration and Groundwater Protection – To protect groundwater quality, each Permittee shall apply restrictions to the use of treatment control BMPs that are designed to primarily function as infiltration devices (such as infiltration trenches and infiltration

basins). Such restrictions shall ensure that the use of such infiltration treatment control BMPs shall not cause or contribute to an exceedance of groundwater quality objectives. At a minimum, use of treatment control BMPs that are designed to primarily function as infiltration devices shall meet the following conditions.[3] As part of the SUSMP, the Permittees may develop alternative restrictions on the use of treatment control BMPs which are designed to primarily function as infiltration devices.

(a) Urban runoff shall undergo pretreatment such as sedimentation or filtration prior to infiltration;

(b) All dry weather flows shall be diverted from infiltration devices;

(c) Pollution prevention and source control BMPs shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration treatment control BMPs are to be used;

(d) Infiltration treatment control BMPs shall be adequately maintained so that they remove pollutants to the MEP;

(e) The vertical distance from the base of any infiltration treatment control BMP to the seasonal high groundwater mark shall be at least 10 feet. Where groundwater basins do not support beneficial uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained;

(f) The soil through which infiltration is to occur shall have physical and chemical characteristics (such as appropriate cation exchange capacity, organic content, clay content, and infiltration rate) which are adequate for proper infiltration durations and treatment of urban runoff for the protection of groundwater beneficial uses;

(g) Infiltration treatment control BMPs shall not be used for areas of industrial or light industrial activity; areas subject to high vehicular traffic (25,000 or greater average daily traffic on main roadway or 15,000 or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc.); nurseries; and other high threat to water quality land uses and activities as designated by each Permittee; and

(h) Infiltration treatment control BMPs shall be located a minimum of 100 feet horizontally from any water supply wells. As part of the SUSMPs, the Permittees may develop alternative restrictions on the use of treatment control BMPs that are designed to primarily function as infiltration devices.

(9) Downstream Erosion – The Permittees shall develop numeric criteria to ensure that discharges from Priority Development Projects maintain or reduce pre-development downstream erosion and protect stream habitat. At a minimum, numeric criteria shall be developed to control urban runoff discharge velocities, volumes, durations, and peak rates in order to maintain or reduce pre-development downstream erosion and protect stream habitat. The Permittees shall propose numeric criteria and a time-schedule for implementation of the criteria on new development projects within 365 days of the identification of the criteria and no later than the fourth-year Annual Report, or the application for permit renewal, to be submitted no later than October 31, 2008.

[3] These conditions do not apply to treatment control BMPs that allow incidental infiltration and are not designed to primarily function as infiltration devices (such as grassy swales, detention basins, vegetated buffer strips, constructed wetlands, etc.).

The Permittees shall be prepared to implement the numeric criteria upon renewal of this Order.

3. Revise Environmental Review Processes

Permittees shall revise their current environmental review processes as necessary to include requirements for evaluation of water quality effects and identification of appropriate mitigation measures for all development projects. The following questions are examples to be considered in addressing increased pollutants and flows from proposed projects:

a) Could the proposed project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).

b) Could the proposed project result in significant alteration of receiving water quality during or following construction?

c) Could the proposed project result in increased impervious surfaces and associated increased runoff?

d) Could the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?

e) Could the proposed project result in increased erosion downstream?

f) Is the project tributary to an already impaired water body, as listed on the CWA section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?

g) Is the project tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?

h) Could the proposed project have a potentially significant environmental impact on surface water quality of marine, fresh, or wetland waters?

i) Could the proposed project have a potentially significant adverse impact on groundwater quality?

j) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

k) Can the project impact aquatic, wetland, or riparian habitat?

4. Conduct Education Efforts Focused on Development

a) Internal: Municipal Staff

Each Permittee shall implement an education program that includes annual training to ensure that planning and development review staffs (and Planning Boards and Elected Officials, if applicable) have an understanding of:

(1) Federal, state, and local water quality laws and regulations applicable to development projects;

(2) The connection between land use decisions and short and long-term water quality impacts (i.e., impacts from land development and urbanization); and

(3) How impacts to receiving water quality resulting from development can be minimized (i.e., through implementation of various source control and treatment control BMPs).

b) External: Project Applicants, Developers, Contractors, Property Owners, Community Planning Groups

As early in the planning and development process as possible, each Permittee shall implement a program to educate project applicants, developers, contractors, property owners, and community planning groups on the following topics:

(1) Federal, state, and local water quality laws and regulations applicable to development projects;

(2) Required federal, state, and local permits pertaining to water quality;

(3) Water quality impacts of urbanization; and

(4) Methods for minimizing the impacts of development on water quality.

G. CONSTRUCTION

Each Permittee shall implement a program to address construction sites to reduce pollutants in runoff to the MEP during all construction phases. At a minimum the construction component shall address:

1. Pollution Prevention

Each Permittee shall implement pollution prevention methods in its Construction Component and shall require its use by construction site owners, developers, contractors, and other responsible parties, where appropriate.

2. Grading Ordinance Update

Within 365 days of adoption of this Order, each Permittee shall review and update its grading ordinances as necessary for compliance with its storm water ordinances and this Order. The updated grading ordinance shall require implementation of BMPs designated by the Permittees pursuant to Requirements G.5 of this Order and other measures during all construction activities.

3. Modify Construction and Grading Approval Process

Each Permittee shall develop and implement a process to ensure that BMPs to reduce the discharge of pollutants to the MEP are applicable to construction and grading permits and plans prior to their approval and issuance. Such BMPs shall include the following requirements or their equivalent:

a) Require project proponent to develop and implement a plan to manage storm water and non-storm water discharges from the site at all times;

b) Require project proponent to minimize grading during the wet season and coincide grading with seasonal dry weather periods to the extent feasible. If grading does occur during the wet season, require project proponent to implement additional BMPs for any rain events which may occur, as necessary for compliance with this Order;

c) Require project proponent to emphasize erosion prevention as the most important measure for keeping sediment on site during construction;

d) Require project proponent to utilize sediment controls as a supplement to erosion prevention for keeping sediment on-site during construction, and never as the single or primary method;

e) Require project proponent to minimize areas that are cleared and graded to only the portion of the site that is necessary for construction;

f) Require project proponent to minimize exposure time of disturbed soil areas;

g) Require project proponent to temporarily stabilize and reseed disturbed soil areas as rapidly as possible;

h) Require project proponent to permanently revegetate or landscape as early as feasible;

i) Require project proponent to stabilize all slopes; and

j) Require project proponents subject to the General Construction Permit to provide evidence of existing permit coverage.

4. Source Identification

Each Permittee shall annually develop and update, prior to the rainy season, an inventory of all construction sites within its jurisdiction regardless of site size or ownership. This requirement is applicable to all construction sites regardless of whether the construction site is subject to the General Construction Permit, or other individual NPDES permit. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended, but not required.

5. BMP Implementation

a) Each Permittee shall designate a set of minimum BMPs that ensure the following at all construction sites:

(1) Erosion prevention;

(2) Slope stabilization;

(3) Phased grading;

(4) Revegetation as early as feasible;

(5) Preservation of natural hydrologic features where feasible;

(6) Preservation of riparian buffers and corridors where feasible;

(7) Maintenance of all source control and treatment control BMPs; and

(8) Retention and proper management of sediment and other construction pollutants on site.

b) Each Permittee shall implement, or require the implementation of, the designated minimum BMPs at each construction site within its jurisdiction year round. If a particular minimum BMP is infeasible at any specific site, each Permittee shall implement, or require the implementation of, other equivalent BMPs. Each Permittee shall also implement or require any additional site specific BMPs as necessary to comply with this Order, including BMPs which are more stringent than those required under the General Construction Permit.

c) Each Permittee shall implement, or require the implementation of, BMPs year round; however, BMP implementation requirements can vary based on wet and dry seasons.

d) Each Permittee shall implement, or require implementation of, additional controls for construction sites tributary to CWA section 303(d) water bodies impaired for sediment as necessary to comply with this Order. Each Permittee shall implement, or require implementation of, additional controls for construction sites within or adjacent to or discharging directly to receiving waters within ESAs as necessary to comply with this Order.

6. Inspection of Construction Sites

a) Each Permittee shall conduct construction site inspections for compliance with its local ordinances (grading, storm water, etc.), permits (construction, grading, etc.), and this Order.

b) During the wet season Permittees shall, at a minimum, inspect the following sites every two weeks[4]:

(1) All sites 50 acres or more in size and grading will occur during the wet season;

(2) All sites 5 acres or more, and tributary to a CWA section 303(d) water body impaired for sediment or within or directly adjacent to or discharging directly to a receiving water within ESA; and

(3) Other sites determined by the Permittees or the SDRWQCB as a significant threat to water quality. In evaluating threat to water quality, the following factors shall be considered: (1) soil erosion potential; (2) site slope; (3) project size and type; (4) sensitivity of receiving water bodies; (5) proximity to receiving water bodies; (6) non-storm water discharges; and (7) any other relevant factors.

c) The Permittees, at a minimum, shall inspect all construction sites that do not meet the criteria specified in Requirement G.6.b above, but encompass 1 acre or more of soil disturbance at least three times during the wet season.

d) The Permittees shall inspect construction sites less than 1 acre in size on as needed basis.

e) Permittees shall inspect all construction sites as needed during the dry season.

f) Based upon site inspection findings, each Permittee shall implement all follow-up actions necessary to comply with this Order.

7. Enforcement of Construction Sites

Each Permittee shall enforce its ordinances (grading, storm water, etc.) and permits (building, grading, etc.) at all construction sites as necessary to maintain compliance with this Order. Permittee ordinances or other regulatory mechanisms shall include sanctions to ensure compliance. Sanctions shall include the following or their equivalent: stop work authority, non-monetary penalties, fines, financial security, and/or permit denials for non-compliance.

8. Education Focused on Construction Activities

a) Internal: Municipal Staff

Each Permittee shall implement an education program that includes annual training to ensure that its construction, building, and grading review staff and inspectors have, at a minimum, an understanding of:

(1) Federal, state, and local water quality laws and regulations applicable to construction and grading activities;

[4] Any site may be inspected on a monthly basis if the responsible Permittee certifies in a written statement to the SDRWQCB ALL of the following (certified statements may be submitted to the SDRWQCB at any time for one or more sites):

- Permittee has record of construction site's WDID number documenting the site's coverage under the General Construction Permit;
- Permittee has reviewed the construction site's SWPPP and finds the SWPPP to be in compliance with all local ordinances, permits, and plans; and
- Permittee finds that the SWPPP is being properly implemented on site.

(2) The connection between construction activities and water quality impacts (i.e., impacts from land development and urbanization);

(3) How erosion can be prevented;

(4) How impacts to receiving water quality resulting from construction activities can be minimized (i.e., through implementation of various source control and treatment control BMPs); and

(5) How to assess construction sites for adequate BMP implementation and compliance with local codes, ordinances, and permits, and this Order.

b) External: Project Applicants, Contractors, Developers, Property Owners, and other Responsible Parties

Each Permittee shall implement an education program to ensure that project applicants, contractors, developers, property owners, and other responsible parties have an understanding of the topics outlined above.

H. EXISTING DEVELOPMENT

Each Permittee shall develop and implement programs to prevent or reduce pollutants in runoff to the MEP from all existing development under its jurisdiction. The Existing Development programs shall address Sections H.1 through H.3 for municipal facilities and activities, industrial and commercial facilities, and residential activities.

1. Municipal Program

a) Pollution Prevention

Each Permittee shall require the use of pollution prevention methods by municipal departments, contractors, and personnel, where appropriate.

b) Source Identification

Each Permittee shall develop, and update annually, an inventory of the name, address (if applicable), and description of all of the Permittee's municipal facilities and activities that generate pollutants. Municipal facilities and activities to be inventoried shall include, but are not limited to, the following:

- Roads, streets, highways, and parking facilities;
- Flood management projects and flood control devices;
- Drainage facilities;
- Active or closed municipal landfills;
- Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;
- Incinerators;
- Solid waste transfer facilities;
- Land application sites;
- Uncontrolled sanitary landfills;
- Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles;
- Sites for disposing and treating sewage sludge;
- Hazardous waste treatment, disposal, and recovery facilities;
- Household hazardous waste collection facilities;

- Municipal airfields;
- Parks and recreational facilities;
- Golf courses;
- Cemeteries;
- Other landscaped areas;
- Channel maintenance activities involving mowing and pesticide/herbicide application;
- Municipal facilities and activities tributary to a CWA section 303(d) impaired water body, where an area or activity generates pollutants for which the water body is impaired. Facilities and activities within or adjacent to or discharging directly to receiving waters within ESAs; and
- Other municipal facilities and activities that the Permittee determines may contribute a significant pollutant load to the MS4.

c) BMP Implementation

(1) Within 365 days from the date of this Order, each Permittee shall implement or require the implementation of BMPs to reduce pollutants in urban runoff to the MEP from all of the Permittee's municipal facilities and activities. The required BMPs shall be facility or activity specific as appropriate.

(2) For facilities and/or activities tributary to CWA section 303(d) impaired water bodies that generate pollutants for which the water body is impaired, each Permittee shall implement or require the implementation of additional BMPs to target that pollutant. Each Permittee shall implement, or require implementation of, additional controls for municipal facilities and activities within or directly adjacent to or discharging directly to receiving waters within ESAs as necessary to comply with this Order.

d) MS4 Maintenance

(1) Each Permittee shall implement a schedule of maintenance activities for its structural source and treatment control BMPs designed to reduce pollutant discharges to or from its MS4s and related drainage structures.

(2) Each Permittee shall implement a schedule of maintenance activities for its MS4. The maintenance activities must, at a minimum, include:

(a) Inspection of all of the Permittee's catch basins and storm drain inlets at least once a year between May 1 and September 30. If accumulated waste is visible, the catch basin, or storm drain inlet, shall be cleaned out. Additional cleaning shall be conducted as necessary;

(b) Removal of anthropogenic litter from the Permittee's open channels at least once a year between May 1 and September 30, with additional removal as necessary;

(c) Record keeping of the Permittee's MS4 cleaning activities;

(d) Proper disposal of waste removed from the Permittee's MS4 pursuant to applicable laws; and

(e) Measures to eliminate waste discharges during MS4 maintenance and cleaning activities.

e) Management of Pesticides, Herbicides, and Fertilizers

The Permittees shall implement BMPs to reduce the contribution of pollutants to the MEP

associated with the application, storage, and disposal of pesticides, herbicides and fertilizers from municipal facilities and activities to MS4s. Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators and distributors; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) schedules for irrigation and chemical application; and (5) the collection and proper disposal of unused pesticides, herbicides, and fertilizers.

f) Inspection of Municipal Facilities and Activities

At a minimum, each Permittee shall inspect all municipal facilities and activities annually. Inspections shall include an assessment of BMP implementation and effectiveness. Based upon site inspection findings, each Permittee shall implement all follow-up actions necessary to comply with this Order.

g) Enforcement of Municipal Facilities and Activities

Each Permittee shall enforce its storm water ordinance at all of its municipal facilities and activities as necessary to maintain compliance with this Order.

2. Industrial/Commercial Facilities Program

a) Pollution Prevention

Each Permittee shall require the use of pollution prevention methods by industrial/commercial facilities, where appropriate.

b) Source Identification

Each Permittee shall develop an inventory or database of all industrial and commercial facilities under its jurisdiction (regardless of site ownership) that could contribute a significant pollutant load to the MS4. At a minimum, the following facilities shall be included:

(1) Commercial Facilities:

- Automobile mechanical repair, maintenance, fueling, or cleaning;
- Airplane mechanical repair, maintenance, fueling, or cleaning;
- Boat mechanical repair, maintenance, fueling, or cleaning;
- Equipment repair, maintenance, fueling, or cleaning;
- Automobile and other vehicle body repair or painting;
- Mobile automobile or other vehicle washing (base of operations);
- Automobile (or other vehicle) parking lots and storage facilities;
- Retail or wholesale fueling;
- Pest control services (base of operations);
- Eating or drinking establishments;
- Mobile carpet, drape or furniture cleaning (base of operations);
- Concrete mixing or cutting (base of operations);
- Masonry (base of operations);
- Painting and coating (base of operations);
- Landscaping (base of operations);
- Nurseries and greenhouses;
- Golf courses, parks and other recreational areas/facilities;

- Cemeteries;
- Pool and fountain cleaning (base of operations);
- Port-a-Potty servicing (base of operations);

(2) Industrial Facilities:

- Industrial facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the General Industrial Permit;
- Operating and closed municipal landfills;
- Facilities subject to SARA Title III;
- Hazardous waste treatment, disposal, storage and recovery facilities;

(3) All other facilities tributary to a CWA section 303(d) impaired water body, where a facility generates pollutants for which the water body is impaired; and

(4) All other facilities that the Permittee determines may contribute a significant pollutant load to the MS4.

The inventory shall include the following minimum information for each facility: name; address; a narrative description that best reflects the principal products or services provided by each facility, and the SIC code for industrial facilities.

Each Permittee shall maintain an up-to-date inventory. New information obtained during inspections or through other intra-agency informational sources (e.g. business licenses, pretreatment permits, sanitary sewer hook-up permits, yellow pages, etc.) shall be used to update the inventory on a regular basis.

c) BMP Implementation

(1) Within 365 days from the date of this Order, each Permittee shall designate a set of minimum BMP requirements for all inventoried industrial/commercial facilities to reduce the discharge of pollutants in runoff to the MEP. Designated BMPs may be specific to facility types or to pollutant-generating activities conducted at the facilities.

(2) For facilities and/or activities tributary to CWA section 303(d) impaired water bodies that generate pollutants for which the water body is impaired, each Permittee shall designate additional BMPs to target that pollutant. Each Permittee shall implement, or require implementation of, additional controls for industrial/commercial facilities and activities within or directly adjacent to or discharging directly to receiving waters within ESAs as necessary to comply with this Order.

(3) Within 365 days from the date of this Order, each Permittee shall notify all inventoried facilities of their applicable minimum BMP requirements, and a description of the local codes or ordinances requiring compliance with reducing the discharge of pollutants in runoff to the MEP.

(4) Each Permittee shall implement, or require the implementation of, the designated minimum BMPs at each inventoried facility within its jurisdiction. If a particular minimum BMP is infeasible at any specific site, each Permittee shall implement, or require implementation of, other equivalent BMPs. Each Permittee shall also implement or require any additional site specific BMPs as necessary to comply with this Order including BMPs which are more stringent than those required under the General Industrial Permit.

d) Inspection of Industrial/Commercial Facilities

(1) To establish priorities for inspections and oversight of industrial/commercial facilities, the Permittees shall prioritize each inventory described in Requirement H.2.b. above by threat to water quality (high, medium, or low). In evaluating threat to water quality, each Permittee shall consider, at a minimum, the following:

- Type of facility (SIC Code);
- Materials used at the facility;
- Wastes generated;
- Exposure of activities and pollutant discharge potential;
- History of non-storm water discharges;
- Size of facility;
- Proximity to receiving water bodies and sensitivity of receiving water bodies;
- Whether the industrial site is subject to the General Industrial Permit;
- Any available source monitoring data; and
- Any other relevant factors.

(2) Each Permittee shall inspect and ensure minimum BMP implementation at all inventoried industrial/commercial facilities in accordance with the following schedule:

(a) High priority facilities shall be inspected annually;

(b) Medium priority facilities shall be inspected biannually (twice during the 5-year term of the permit);

(c) Low priority facilities shall be inspected once during the 5-year term of the permit; and

(d) Mobile operations shall be inspected as needed.

(3) Inspections of industrial facilities shall include, but not be limited to:

(a) Check for coverage under the General Industrial Permit (Notice of Intent (NOI) and/or Waste Discharge Identification No.);

(b) Assessment of compliance with Permittee ordinances and permits related to urban runoff, including the implementation and maintenance of designated minimum BMPs;

(c) Assessment of BMP effectiveness;

(d) Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff; and

(e) Education and outreach on storm water pollution prevention.

(4) Inspections of commercial facilities shall include, but not be limited to:

(a) Assessment of compliance with Permittee ordinances and permits related to urban runoff, including the implementation and maintenance of designated minimum BMPs;

(b) Assessment of BMP effectiveness;

(c) Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff; and

(d) Education and outreach on storm water pollution prevention.

(5) To the extent that the SDRWQCB has conducted an inspection of an industrial facility during a particular year, the requirement for the responsible Permittee to inspect this site during the same year will be satisfied.

(6) Based upon facility inspection findings, each Permittee shall implement all follow-up actions necessary to comply with this Order.

e) Enforcement of Industrial/Commercial Facilities

Each Permittee shall enforce its storm water ordinance at all industrial/commercial facilities as necessary to maintain compliance with this Order. Permittee ordinances or other regulatory mechanisms shall include sanctions to ensure compliance. Sanctions shall include the following or their equivalent: Non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance.

f) Reporting of Industrial Non-Filers

As part of each Annual Report, each Permittee shall report a list of industrial facilities, including the name, address, and SIC code, that may require coverage under the General Industrial Permit for which a NOI has not been filed.

g) Industrial/Commercial Inspection Training

Each Permittee shall train staff responsible for conducting inspections of industrial/commercial facilities at least once a year. Permittees are encouraged to conduct training programs and provide compliance assistance to industrial/commercial facility owners, operators, and employers.

3. Residential Program

a) Pollution Prevention

Each Permittee shall encourage the use of pollution prevention methods by residents, where appropriate.

b) Source Identification

Each Permittee shall identify high priority residential activities that may contribute a significant pollutant load to the MS4. These activities may include:

- Automobile repair and maintenance;
- Automobile washing;
- Automobile parking;
- Home and garden care activities and product use (pesticides, herbicides, and fertilizers);
- Disposal of household hazardous waste;
- Disposal of pet waste;
- Disposal of green waste; and
- Any other residential source that the Permittee determines may contribute a significant pollutant load to the MS4.

c) BMP Implementation

(1) Within 365 days from the date of this Order, each Permittee shall designate a set of minimum BMP requirements for all high priority residential activities to reduce the discharge of pollutants in urban runoff to the MEP.

(2) For residential activities tributary to CWA section 303(d) impaired water bodies that generate pollutants for which the waterbody is impaired, each Permittee shall designate additional BMPs to target that pollutant. Each Permittee shall implement, or require implementation of, additional controls for high priority residential activities within or directly adjacent to or discharging directly to receiving waters within ESAs as necessary to comply with this Order.

(3) Each Permittee shall implement, or require implementation of, the designated minimum BMPs for the high priority residential activities identified pursuant to Requirement H.3.b. above. If a particular minimum BMP is infeasible for any specific site/source, each Permittee shall require implementation of other equivalent BMPs. Each Permittee shall also implement, or require implementation of, any additional BMPs necessary to comply with this Order.

(4) Within 365 days from the date of this Order, each Permittee shall notify residents of the applicable minimum BMP requirements, and a description of the local codes or ordinances requiring compliance with reducing the discharge of pollutants in runoff to the MEP.

d) Enforcement of Residential Areas and Activities

Each Permittee shall enforce its storm water ordinance for residential activities as necessary to maintain compliance with this Order.

I. EDUCATION

Each Permittee shall implement an Education Component using all media as appropriate to (1) measurably increase the knowledge of the target communities regarding MS4s, impacts of urban runoff on receiving waters, and potential BMP solutions for the target audience; and (2) to measurably change the behavior of target communities and thereby reduce pollutant releases to MS4s and the environment. At a minimum the education component shall address the following target communities:

1. Municipal Departments and Personnel
2. Construction Site Owners and Developers
3. Industrial Owners and Operators
4. Commercial Owners and Operators
5. Residential Community, General Public, and School Children
6. Quasi-Governmental Agencies/Districts (i.e., educational institutions, water districts, sanitation districts, etc.)

J. ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

Each Permittee shall implement an Illicit Discharge Detection and Elimination program containing measures to actively seek and eliminate illicit discharges and connections. At a minimum the Illicit Discharge Detection and Elimination program shall address:

1. Illicit Discharges and Connections

Each Permittee shall implement a program to actively seek and eliminate illicit discharges and connections into its MS4. The program shall address all types of illicit discharges and connections excluding those non-storm water discharges not prohibited by the Permittee in accordance with Section B of this Order.

2. Develop/Maintain MS4 Map

Each Permittee shall develop or obtain an up-to-date labeled map of its entire MS4 and the corresponding drainage areas within its jurisdiction. The use of a GIS is highly recommended. The accuracy of the MS4 map shall be confirmed and updated at least annually.

3. Illicit Discharge Monitoring

Each Permittee shall implement the Illicit Discharge Monitoring Program in accordance with Section II.B of the MRP to detect illicit discharges and connections.

4. Investigation/Inspection and Follow-Up

Each Permittee shall investigate and inspect any portion of its MS4 that, based on visual observations, monitoring results or other appropriate information, indicates a reasonable potential for illicit discharges, illicit connections, or other sources of non-storm water (including non-prohibited discharge(s) identified in Section B of this Order). Each Permittee shall develop numeric criteria in accordance with section II.B.3. of the MRP to determine when follow-up actions will be necessary. Numeric criteria and follow-up procedures shall be described in each Permittees' Individual SWMP.

5. Elimination of Illicit Discharges and Connections

Each Permittee shall eliminate all illicit discharges, illicit discharge sources, and illicit connections as soon as possible after detection. Elimination measures may include an escalating series of enforcement actions for those illicit discharges that are not a serious threat to public health or the environment. Illicit discharges that are a serious threat to public health or the environment must be eliminated immediately.

6. Enforce Ordinances

Each Permittee shall implement and enforce its ordinances, orders, or other legal authority to prevent illicit discharges and connections to its MS4. Each Permittee shall also implement and enforce its ordinance, orders, or other legal authority to eliminate detected illicit discharges and connections to it MS4.

7. Sewage Spill Prevention and Response

Each Permittee shall take appropriate actions to prevent, respond to, contain and cleanup sewage spills (including private laterals and failing septic systems) into the MS4 and to prevent the contamination of surface water, ground water and soil to the MEP. Appropriate actions may include the following:

- Develop and implement a mechanism to be notified of all sewage spills from private laterals and failing septic systems into the MS4;
- Coordinate sewage spill prevention, containment and response activities throughout all appropriate departments, programs and agencies to ensure maximum water quality protection at all times;
- Require adequately sized and properly maintained private property sewerage systems, such as at residential and commercial complexes;
- Require proper connections of private laterals to the public sewer main;
- Require adequately-sized, and properly maintained grease control devices at food establishments which otherwise could result in sewer line grease blockages;

- Conduct municipal activities such as street repair or tree plantings in a manner that minimizes sewer line damages or root blockages;
- Identify priority areas, produce maps and other information on systems obtained during development review;
- Educate the public on measures to prevent sewage spills; and
- Ensure that private sewer lines are inspected.

8. Facilitate Public Reporting of Illicit Discharges and Connections - Public Hotline

   Each Permittee shall promote, publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s. Each Permittee shall facilitate public reporting through development and operation of a public hotline. Public hotlines can be Permittee-specific or shared by Permittees. All storm water hotlines shall be capable of receiving reports in both English and Spanish 24 hours per day / seven days per week. Permittees shall respond to and resolve each reported incident. All reported incidents, and how each was resolved, shall be summarized in each Permittee's Individual Annual Report.

9. Facilitate Disposal of Used Oil and Toxic Materials

   Each Permittee shall facilitate the proper management and disposal of used oil, toxic materials, and other household hazardous wastes. Such facilitation shall include educational activities, public information activities, and establishment of collection sites operated by the Permittee or a private entity. Neighborhood collection of household hazardous wastes is encouraged.

K. WATERSHED-BASED ACTIVITIES

1. Each Permittee shall collaborate with other Permittees to identify, address, and mitigate the highest priority water quality issues/pollutants in the Upper Santa Margarita Watershed.

2. Each Permittee shall collaborate with all other Permittees to develop and implement a Watershed SWMP for the Upper Santa Margarita Watershed. The Watershed SWMP shall, at a minimum, contain the following:

   a) An accurate map of the Upper Santa Margarita Watershed (preferably in GIS format) that identifies all receiving waters, all CWA section 303(d) impaired receiving waters, existing and planned land uses, MS4s, major highways, jurisdictional boundaries, and industrial and commercial facilities, municipal sites, and residential areas.

   b) A description of any interagency agreement, or other efforts, with non-Permittee owners of the MS4 (such as Caltrans, Native American Tribes, and school districts) to control the contribution of pollutants from one portion of the shared MS4 to another portion of the shared MS4;

   c) An assessment of the water quality of all receiving waters in the watershed based upon (1) existing water quality data; and (2) results from the Receiving Waters and Illicit Discharge Monitoring Programs described in the MRP;

   d) An identification and prioritization of major water quality problems in the watershed caused or contributed to by MS4 discharges and the likely source(s) of the problem(s);

   e) An implementation time schedule of short and long-term recommended activities (individual and collective) needed to address the highest priority water quality problem(s) identified in Requirement K.2.d. above. For this section, "short-term activities" shall mean those activities

that are to be completed during the life of this Order and "long-term activities" shall mean those activities that are to be completed beyond the life of this Order;

f) A watershed-based education program, which focuses on water quality issues specific to the Santa Margarita watershed;

g) A mechanism to facilitate collaborative "watershed-based" (i.e., natural resource-based) land use planning with neighboring local governments in the watershed.

h) A description of any other urban runoff management programs or activities being conducted collectively by the Permittees to address water quality issues;

i) A description of Permittee responsibilities for implementing the programs described in the Watershed SWMP;

j) The expenditures and funding sources for the area-wide and watershed-based activities and programs;

k) Standardized reporting formats developed collectively by the Permittees, as specified in Requirement M.1;

l) Short-term strategy for assessing the effectiveness of the activities and programs implemented as part of the Watershed SWMP. The short-term assessment strategy shall identify methods to assess program effectiveness and include specific direct and indirect performance measurements that will track the immediate progress and accomplishments of the Watershed SWMP towards improving receiving water quality impacted by urban runoff discharges. The short-term strategy shall also discuss the role of monitoring data collected by the Permittees in substantiating or refining the assessment; and

m) Long-term strategy for assessing the effectiveness of the Watershed SWMP. The long-term assessment strategy shall identify specific direct and indirect performance measurements that will track the long-term progress of the Watershed SWMP towards achieving improvements in receiving water quality impacted by urban runoff discharges. Methods used for assessing effectiveness shall include the following or their equivalent: surveys, pollutant loading estimations, receiving water quality monitoring, and achievement of measurable goals. The long-term strategy shall also discuss the role of monitoring data in substantiating or refining the assessment.

3. Permittees shall, as appropriate, participate in watershed management efforts to address storm water quality issues within the entire Santa Margarita Watershed, including efforts conducted by other entities in the watershed, such as San Diego County, U.S. Marine Corps Base Camp Pendleton, Native American tribes, and other state, federal, and local agencies.

4. At least once a year, all Permittees shall meet to review and assess available water quality data (from the MRP and other reliable sources), assess program effectiveness, and to review and update the Watershed SWMP.

L. MONITORING AND REPORTING PROGRAM

Pursuant to CWC section 13267, the Permittees shall comply with all requirements contained in the **MRP**.

M. PRINCIPAL PERMITTEE RESPONSIBILITIES

The Principal Permittee shall, at a minimum:

1. Coordinate the joint development by all of the Permittees of standardized format(s) for all reports required under this Order (e.g., annual reports, monitoring reports, fiscal analysis reports, and program effectiveness reports, etc.). The standardized reporting format(s) shall be submitted to the SDRWQCB for review as part of the SWMP. The standardized format(s) shall be used by all Permittees and shall include protocols for electronic reporting.

2. Integrate individual Permittee documents and reports required under this Order into single unified documents and reports for submittal to the SDRWQCB as described below. If a reporting date falls on a non-working day or State holiday, then the report is to be submitted on the following working day.

   a) SWMP – The Principal Permittee shall submit the SWMP in its entirety to the SDRWQCB within 365 days of the adoption of this Order. The Principal Permittee shall be responsible for preparing the Watershed SWMP and its Individual SWMP. The Principal Permittee shall also be responsible for collecting and assembling the Individual SWMPs describing the activities and programs to be implemented by each individual Permittee.

   b) MRP - The Principal Permittee shall submit the SWMP Annual Reports and the Monitoring Program Annual Reports in accordance with MRP No. R9-2004-001. The Principal Permittee shall be responsible for producing the Watershed SWMP Annual Report as well as its Individual Annual Report, and for collecting and assembling the Individual SWMP Annual Reports covering the activities conducted by each Permittee. The Principal Permittee shall also be responsible for coordinating the implementation of and reporting on the Receiving Waters Monitoring Program, described in sections II.A and III.B of the MRP.

   c) Interagency Agreement - The Principal Permittee shall submit a copy of the Interagency Agreement to the SDRWQCB, if and when the agreement is updated.

N. STANDARD PROVISIONS

1. Each Permittee shall comply with the standard provisions contained in **Attachment B** of this Order. This includes 24 hour/5day reporting requirements for any instance of non-compliance with this Order as described in Section 1.l.6 of **Attachment B**.

2. All documents submitted to the SDRWQCB pursuant to this Order, including but not limited to SWMP documents, annual reports, monitoring reports, and SUSMPs, shall include an executive summary, introduction, conclusion, recommendations, and signed certified statement.

3. All plans, reports and subsequent amendments submitted in compliance with this Order shall be implemented immediately (or as otherwise specified) and shall be an enforceable part of this Order upon submission to the SDRWQCB. All submittals by Permittees must be adequate to implement the requirements of this Order.

*I, John H.Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on **July 14, 2004.***

John H. Robertus
Executive Officer

ATTACHMENT A

BASIN PLAN PROHIBITIONS

California Water Code (CWC) section 13243 provides that a California Regional Water Quality Control Board (RWQCB), in a water quality control plan, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person, as defined by section 13050(c) of the CWC, who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the SDRWQCB.

1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in CWC section 13050, is prohibited.

2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in CWC section 13264 is prohibited.

3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in CWC section13376) is prohibited.

4. Discharges of recycled water to lakes or reservoirs used for municipal water supply or to inland surface water tributaries thereto are prohibited, unless the SDRWQCB issues a NPDES permit authorizing such a discharge; the proposed discharge has been approved by the State Department of Health Services and the operating agency of the impacted reservoir; and the discharger has an approved fail-safe long-term disposal alternative.

5. The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the SDRWQCB. Consideration would include streamflow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if streamflow provided 100:1 dilution capability.

6. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the RWQCB.

7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the SDRWQCB.

8. Any discharge to a MS4 that is not composed entirely of "*storm water*" is prohibited unless authorized by the SDRWQCB. [The federal regulations, 40 CFR 122.26 (b) (13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40 CFR 122.26 (b) (2) defines an illicit discharge as any discharge to a MS4 that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities. [40 CFR 122.26 amended at 56 FR 56553, November 5, 1991; 57 FR 11412, April 2, 1992].

9. The unauthorized discharge of treated or untreated sewage to waters of the state or to a MS4 is prohibited.

10. The discharge of industrial wastes to conventional septic tank/subsurface disposal systems, except as authorized by the terms described in CWC section 13264, is prohibited.

11. The discharge of radioactive wastes amenable to alternative methods of disposal into the waters of the state is prohibited.

12. The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited.

13. The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the SDRWQCB.

14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

ATTACHMENT B
STANDARD PROVISIONS

1. FEDERAL NPDES STANDARD PROVISIONS [40 CFR 122.41]

(a) *Duty to comply* [40 CFR 122.41(a)]. The permittee must comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the Order has not yet been modified to incorporate the requirement.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the Order has not yet been modified to incorporate the requirement.

(2) The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

(b) *Duty to reapply* [40 CFR 122.41(b)]. If the permittee wishes to continue an activity regulated by this Order after the expiration date of this Order, the permittee must apply for and obtain a new order.

(c) *Need to halt or reduce activity not a defense* [40 CFR 122.41(c)]. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

(d) *Duty to mitigate* [40 CFR 122.41(d)]. The permittee shall take all reasonable steps to minimize or prevent any discharge or prevent any discharge or sludge use or disposal in violation of this Order which has a reasonable likelihood of adversely affecting human health or the environment.

(e) *Proper operation and maintenance* [40 CFR 122.41(e)]. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the discharger only when the operation is necessary to achieve compliance with the conditions of this Order.

(f) *Permit actions* [40 CFR 122.41(f)]. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) *Property rights* [40 CFR 122.41(g)]. This Order does not convey any property rights of any sort or any exclusive privilege.

(h) *Duty to provide information* [40 CFR 122.41(h)]. The permittee shall furnish to the Director, within a reasonable time, any information which the SDRWQCB may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. The permittee shall also furnish to the SDRWQCB upon request, copies of records required to be kept by this Order.

(i) *Inspection and entry* [40 CFR 122.41(i)]. The permittee shall allow the SDRWQCB, or an authorized representative (including an authorized contractor acting as a representative of the SDRWQCB or EPA), upon presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
(4) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the CWA , any substances or parameters at any location.

(k) *Signatory requirement* [40 CFR 122.41(k)]

(1) All applications, reports, or information submitted to the SDRWQCB shall be signed and certified (see 40 CFR 122.22)

(2) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(l) *Reporting requirements* [40 CFR 122.41(l)]

(1) *Planned changes.* The permittee shall give notice to the SDRWQCB as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants, which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing Order, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the SDRWQCB of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the SDRWQCB. The SDRWQCB may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* The applicable provisions from 40 CFR 122.41(l)(4) are contained in the Monitoring and Reporting Program for this Order.

(5) *Compliance schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) *Twenty-four hour reporting.*

i) The permittee shall report any noncompliance, which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
ii) The following shall be included as information, which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the Order (See 40 CFR 122.41(g)).
(B) Any upset which exceeds any effluent limitation in the Order.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the SDRWQCB in the permit to be reported within 24 hours. (See 40 CFR 122.44(g)).

iii) The SDRWQCB may waive the written report on a case-by-case basis for reports under paragraph (l)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the SDRWQCB, it shall promptly submit such facts or information.

(m) *Bypass* [40 CFR 122.41(m)]

(1) Definitions

i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations of this Order or the concentrations of pollutants set forth in Ocean Plan Table A or Table B to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(3) and (m)(4) of this provision.

(3) Notice

i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (1)(6) of this section (24-hour notice).

(4) Prohibition of Bypass

i) Bypass is prohibited, and the SDRWQCB may take enforcement action against the permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

ii) The SDRWQCB may approve an anticipated bypass, after considering its adverse effects, if the SDRWQCB determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

(n) *Upset* [40 CFR 122.41(n)]

(1) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i) An upset occurred and that the permittee can identify the cause(s) of the upset;

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

iii) The permittee submitted notice of the upset as required in section (1)(6)(ii)(B) of this section (24-hour notice); and

iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

(4) Burden of Proof. In any enforcement proceeding the discharger seeking to establish the occurrence of an upset has the burden of proof.

2. SIGNATORY REQUIREMENTS [40 CFR 122.22]

(a) *Applications* [40 CFR 122.22(a)(3)]. All applications shall be signed by either a principal executive officer or ranking elected official.

(b) *Reports* [40 CFR 122.22(b)]. All reports required by this Order, and other information requested by the SDRWQCB shall be signed by a person described in paragraph a. of this reporting requirement, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in section (a) above;

(2) 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 plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,

(3) The written authorization is submitted to the SDRWQCB.

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

(d) *Certification.* Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. ADDITIONAL STANDARD PROVISIONS

(a) *Municipal separate storm sewer systems* [40 CFR 122.42(c)]. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the Director under 40 CFR 122.26(a)(1)(v) must submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include:

(1) The status of implementing the components of the storm water management program that are established as permit conditions;

(2) Proposed changes to the storm water management programs that are established as permit conditions. Such proposed changes shall be consistent with 40 CFR 122.26(d)(2)(iii); and

(3) Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(iv) and 40 CFR 122.26(d)(2)(v);

(4) A summary of data, including monitoring data, that is accumulated throughout the reporting year;

(5) Annual expenditures and budget for year following each annual report;

(6) A summary describing the number and nature of enforcement actions, inspections, and public education programs; and

(7) Identification of water quality improvements or degradation.

(b) *Storm water discharges* [40 CFR 122.42(d)]. The initial permits for discharges composed entirely of storm water issued pursuant to 40 CFR 122.26(e)(7) shall require compliance with the conditions of

the permit as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit.

(c) *Discharge is a privilege* [CWC section 13263(g)]. No discharge of waste into the waters of the State, whether or not such discharge is made pursuant to waste discharge requirements, shall create a vested right to continue such discharge. All discharges of waste into waters of the State are privileges, not rights.

(d) *Review and revision of Order* [CWC section 13263(e)]. Upon application by any affected person, or on its own motion, the SDRWQCB may review and revise this permit.

(e) *Termination or modification of Order* [CWC section13381]. This permit may be terminated or modified for causes, including, but not limited to, all of the following:

(8) Violation of any condition contained in this Order;
(9) Obtaining this Order by misrepresentation, or failure to disclose fully all relevant facts.
(10) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(f) *Transfers.* When this Order is transferred to a new owner or operator, such requirements as may be necessary under the CWC may be incorporated into this Order.

(g) *Conditions not stayed.* The filing of a request by the permittee for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.

(h) *Availability.* A copy of this Order shall be kept at a readily accessible location and shall be available to on-site personnel at all times.

(i) *Duty to minimize or correct adverse impacts.* The permittees shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

(j) *Responsibilities, liabilities, legal action, penalties* [CWC sections 13385 and 13387]. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the CWA.

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws.

Except as provided for in 40CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

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

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA.

(k) *Noncompliance.* Any noncompliance with this Order constitutes violation of the CWC and is grounds for denial of an application for modification of the Order (also see 40 CFR 122.41(a).

(l) *Director.* For purposes of this Order, the term "Director" used in parts of 40 CFR incorporated into this Order by reference and/or applicable to this Order shall have the same meaning as the term "SDRWQCB" used elsewhere in this Order, except that in 40 CFR 122.41(h) and (I), "Director" shall mean "SDRWQCB. SWRCB, and EPA."

(m) The SDRWQCB has, in prior years, issued a limited number of individual NPDES permits for non-storm water discharges to MS4s. The SDRWQCB or SWRCB may in the future, upon prior notice to the Permittee(s), issue an NPDES permit for any non-storm water discharge (or class of non-storm water discharges) to a MS4. Permittees may prohibit any non-storm water discharge (or class of non-storm water discharges) to a MS4 that is authorized under such separate NPDES permits.

(n) *Effective date.* This Order shall become effective on the date of its adoption provided the EPA has no objection. If the EPA objects to its issuance, this Order shall not become effective until such objection is withdrawn. This Order supersedes Order No. R9-98-02 upon the effective date of this Order.

(o) *Expiration.* This Order expires on **July 14, 2009**.

(p) *Continuation of expired order* [23 CCR 2235.4]. After this Order expires, the terms and conditions of this Order are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits (40 CFR 122.6) are complied with.

(q) *Applications.* Any application submitted by a permittee for reissuance or modification of this Order shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the CWC and the CCR.

(r) *Confidentiality.* Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this Order will be considered confidential, and all such information and documents shall be available for review by the public at the SDRWQCB office.

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

(t) *Report submittal.* The discharger shall submit reports and provide notifications as required by this Order to the following:

NORTHERN WATERSHED PROTECTION UNIT
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
9174 SKY PARK COURT, SUITE 100
SAN DIEGO CA 92123-4340
Telephone: (858) 467-2952 Fax: (858) 571-6972

EUGENE BROMLEY
US ENVIRONMENTAL PROTECTION AGENCY
REGION IX
PERMITS ISSUANCE SECTION (W-5-1)

75 HAWTHORNE STREET
SAN FRANCISCO CA 94105

Unless otherwise directed, the discharger shall submit one hard copy for the official record and one electronic copy of each report required under this Order to the SDRWQCB and one hard copy to the EPA.

ATTACHMENT C
DEFINITIONS

Anthropogenic Litter – Trash generated from human activities, not including sediment.

Basin Plan – Water Quality Control Plan, San Diego Basin, Region 9, and amendments, developed by the SDRWQCB.

BAT (Best Available Technology) – The technology-based standard established by congress in CWA section 402(p)(3)(A) for industrial dischargers of storm water. Technology-based standards establish the level of pollutant reductions that dischargers must achieve, typically by treatment or by a combination of treatment and best management practices, or BMPs. For example, secondary treatment (or the removal of 85% suspended solids and BOD) is the BAT for suspended solid and BOD removal from a sewage treatment plant. BAT generally emphasizes treatment methods first and pollution prevention and source control BMPs secondarily.

The best economically achievable technology that will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the EPA Administrator. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the permitting authority deems appropriate.

Beneficial Uses - The uses of water necessary for the survival or well being of man, plants, and wildlife. These uses of water serve to promote the tangible and intangible economic, social, and environmental goals "Beneficial Uses" of the waters of the State that may be protected against include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. Existing beneficial uses are uses that were attained in the waters of the State on or after November 28, 1975; and potential beneficial uses are uses that would probably develop in future years through the implementation of various control measures. "Beneficial Uses" are equivalent to "Designated Uses" under federal law. [CWC section 13050(f)].

Bioaccumulate - The progressive accumulation of contaminants in the tissues of organisms through any route including respiration, ingestion, or direct contact with contaminated water, sediment, pore water, or dredged material to a higher concentration than in the surrounding environment. Bioaccumulation occurs with exposure and is independent of the tropic level.

Bioassessment - The use of biological community information to evaluate the biological integrity of a water body and its watershed. With respect to aquatic ecosystems, bioassessment is the collection and analysis of samples of the benthic macroinvertebrate community together with physical/habitat quality measurements associated with the sampling site and the watershed to evaluate the biological integrity of a water body.

Biological Integrity - Defined in Karr J.R. and D.R. Dudley. 1981. Ecological perspective on water quality goals. Environmental Management 5:55-68 as: "A balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of natural habitat of the region." Also referred to as ecosystem health.

(BMP) Best Management Practices - Defined in 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the U.S. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act Section 303(d) Impaired Water Body - An impaired water body in which water quality does not meet applicable water quality standards and/or is not expected to meet water quality standards, even after the application of technology based pollution controls required by the CWA.

Construction Site – Any project requiring a local grading or building permit, including projects requiring coverage under the General Construction Permit, that involves soil disturbing activities. Soil disturbing activities include clearing, grading, disturbances to ground such as stockpiling, and excavation.

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

CWA – Federal Clean Water Act

CWC – California Water Code

Designated Waste - A "nonhazardous waste which consists of pollutants which, under ambient environmental conditions at the waste management unit, could be released at concentrations in excess of applicable water quality objectives, or which could cause degradation of waters of the State" [CCR Title 27, chapter 3, subchapter 2, article 2, section 20210; CWC section 13173].

Development Projects - New development or redevelopment with land disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

Dry Season – May 1 through September 30 of each year.

Effluent Limitations – any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources into waters of the State.

Erosion – When land is diminished or worn away due to wind, water, or glacial ice. Often the eroded debris (silt or sediment) becomes a pollutant via storm water runoff. Erosion occurs naturally but can be intensified by land clearing activities such as farming, development, road building, and timber harvesting.

ESA (Environmentally Sensitive Area) – Areas "in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would easily be disturbed or degraded by human activities and developments" (California Public Resources Code section 30107.5). ESAs subject to urban runoff requirements include but are not limited to all CWA section 303(d) impaired water bodies, areas designated as Areas of Special Biological Significance by the SWRCB (Basin Plan); water bodies designated with the RARE beneficial use by the SWRCB (Basin Plan); areas within the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) plan area that contain rare or especially valuable plant or animal life or their habitat; and any other equivalent environmentally sensitive areas which the Permittees have identified.

GIS – Geographic Information System

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

Hazardous Material – Any substance that poses a threat to human health or the environment due to its toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by the EPA in 40 CFR 116 to be reported if a designated quantity of the material is spilled into the waters of the U.S. or emitted into the environment.

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

Household Hazardous Waste – Paints, cleaning products, and other wastes generated during home improvement or maintenance activities.

Illicit Connection – Any connection to the MS4 that conveys an illicit discharge.

Illicit Discharge - Any discharge to the MS4 that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities [40 CFR 122.26(b)(2)].

Inert Waste - Material that "does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste" [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20230].

MEP (Maximum Extent Practicable) – The technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii) that operators of MS4s must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve, typically by treatment or by a combination of source control and treatment control BMPs. MEP generally emphasizes pollution prevention and source control BMPs primarily (as the first line of defense) <u>in combination</u> with treatment methods serving as a backup (additional line of defense). MEP considers economics and is generally, but not necessarily, less stringent than BAT. A definition for MEP is not provided either in the statute or in the regulations. Instead the definition of MEP is dynamic and will be defined by the following process over time: municipalities propose their definition of MEP by way of their SWMP. Their total collective and individual activities conducted pursuant to the SWMP becomes their proposal for MEP as it applies both to their overall effort, as well as to specific activities (e.g., MEP for street sweeping, or MEP for MS4 maintenance). In the absence of a proposal acceptable to the SDRWQCB, the SDRWQCB defines MEP.

In a memo dated February 11, 1993, entitled "Definition of Maximum Extent Practicable," Elizabeth Jennings, Senior Staff Counsel, SWRCB addressed the achievement of the MEP standard as follows:

> *"To achieve the MEP standard, municipalities must employ whatever Best Management Practices (BMPs) are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. Reducing pollutants to the MEP means choosing effective BMPs, and rejecting applicable BMPs only where other effective BMPs will serve the same purpose, or the BMPs would not be technically feasible, or the cost would be prohibitive. In selecting BMPs to achieve the MEP standard, the following factors may be useful to consider:*
>
> *a. Effectiveness: Will the BMPs address a pollutant (or pollutant source) of concern?*

b. Regulatory Compliance: Is the BMP in compliance with storm water regulations as well as other environmental regulations?

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

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

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

The final determination regarding whether a municipality has reduced pollutants to the maximum extent practicable can only be made by the Regional or State Water Boards, and not by the municipal discharger. If a municipality reviews a lengthy menu of BMPs and chooses to select only a few of the least expensive, it is likely that MEP has not been met. On the other hand, if a municipal discharger employs all applicable BMPs except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit derived, it would have met the standard. Where a choice may be made between two BMPs that should provide generally comparable effectiveness, the discharger may choose the least expensive alternative and exclude the more expensive BMP. However, it would not be acceptable either to reject all BMPs that would address a pollutant source, or to pick a BMP base solely on cost, which would be clearly less effective. In selecting BMPs the municipality must make a serious attempt to comply and practical solutions may not be lightly rejected. In any case, the burden would be on the municipal discharger to show compliance with its permit. After selecting a menu of BMPs, it is the responsibility of the discharger to ensure that all BMPs are implemented."

MS4 (Municipal Separate Storm Sewer System) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designated or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.26.

NOI – Notice of Intent

Non-hazardous Solid Waste - All putrescible and nonputrescible solid, semi-sold, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-sold wastes and other discarded solid or semi-solid waste; provided that such wastes do not contain wastes which must be managed as hazardous wastes, or wastes which contain soluble pollutants in concentration which exceed applicable water quality objectives or could cause degradation of wasters of the state." [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20220]

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

NPDES (National Pollution Discharge Elimination System) - The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the CWA.

NPS (Nonpoint Source) – Diffuse, widespread sources of pollution. These sources may be large or small, but are generally numerous throughout a watershed. Non Point Sources include but are not limited to urban, agricultural, or industrial areas, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation. NPS pollution can occur year round any time rainfall, snowmelt, irrigation, or any other source of water runs over land or through the ground, picks up pollutants from these numerous, diffuse sources and deposits them into rivers, lakes, and coastal waters or introduces them into ground water.

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

Order – Order No. R9-2004-001 (NPDES No. CAS0108766)

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

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

Pollutant - Any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated.

Pollution - As defined in the Porter-Cologne Water Quality Control Act: "the alteration of the quality of the waters of the State by waste, to a degree that unreasonably affects the either of the following: 1) The waters for beneficial uses; or 2) Facilities that serve these beneficial uses." Pollution may include contamination.

Pollutants of Concern – All pollutants for which water bodies are listed as impaired under CWA section 303(d), all pollutants associated with the land use type of a development, and all pollutants commonly associated with urban runoff. Pollutants commonly associated with urban runoff include total suspended solids; sediment; pathogens (e.g., bacteria, viruses, protozoa); heavy metals (e.g., copper, lead, zinc, and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, herbicides, and PCBs); nutrients (e.g., nitrogen and phosphorus fertilizers); oxygen-demanding substances (decaying vegetation, animal waste, and anthropogenic litter).

Pollution Prevention - Pollution prevention is defined as practices and processes that reduce or eliminate the generation of pollutants, in contrast to source control BMPs, treatment control BMPs, or disposal.

Post-Construction BMPs - A subset of BMPs including structural and non-structural controls which detain, retain, filter, or educate to prevent the release of pollutants to surface waters during the final functional life of developments.

Principal Permittee – Riverside County Flood Control and Water Conservation District

Priority Development Projects – New development and redevelopment projects listed in Requirement F.2.b.(1) of tentative Order No. R9-2004-001.

Receiving Waters – Waters of the U.S.

RWLs (Receiving Water Limitations) - Waste discharge requirements issued by the SDRWQCB typically include both: (1) "Effluent Limitations" (or "Discharge Limitations") that specify the technology-based or water-quality-based effluent limitations; and (2) "Receiving Water Limitations" that specify the water quality objectives in the Basin Plan as well as any other limitations necessary to attain those objectives. In summary, the "Receiving Water Limitations" provision is the provision used to implement the requirement of CWA section 301(b)(1)(C) that NPDES permits must include any more stringent limitations necessary to meet water quality standards.

Sediment - Soil, sand, and minerals washed from land into water. Sediment resulting from anthropogenic sources (i.e. human induced land disturbance activities) is considered a pollutant. This Order regulates only the discharges of sediment from anthropogenic sources and does not regulate naturally occurring sources of sediment. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.

Shared Treatment BMP - BMPs used by multiple developments to infiltrate, filter, or treat the required volume or flow prior to discharge to a receiving water. This could include, for example, a treatment BMP at the end of an enclosed storm drain that collects runoff from several commercial developments.

Source Control BMP – Land use or site planning practices, or structural or nonstructural measures that aim to prevent urban runoff pollution by reducing the potential for contamination at the source of pollution. Source control BMPs minimize the contact between pollutants and urban runoff.

Storm Water – Per 40 CFR 122.26(b)(13), means storm water runoff, snowmelt runoff and surface runoff and drainage.

SUSMP (Standard Urban Storm Water Mitigation Plan) – A plan developed to mitigate the impacts of urban runoff from Priority Development Projects in accordance with Requirement F.2.b. of tentative Order No. R9-2004-001.

SWMP (Storm Water Management Plan) – A written description of the specific urban runoff management measures and programs that each Permittee will implement to reduce the discharge of pollutants in urban runoff to the MEP and to comply with Order No. R9-2004-001.

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

Toxicity - Adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies). The water quality objectives

for toxicity provided in the Basin Plan state in part... *"All waters shall be free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life... The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge."*

Treatment Control BMP – Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

Urban Runoff - All flows in a storm water conveyance system and consists of the following components: (1) storm water (wet weather flows) and (2) non-storm water illicit discharges (dry weather flows).

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

Article 2 of CCR Title 23, Chapter 15 (Chapter 15) contains a waste classification system that applies to solid and semi-solid waste, which cannot be discharged directly or indirectly to water of the state and which therefore must be discharged to land for treatment, storage, or disposal in accordance with Chapter 15. There are four classifications of waste (listed in order of highest to lowest threat to water quality): hazardous waste, designated waste, non-hazardous solid waste, and inert waste.

Water Quality Objective - Numerical or narrative limits on constituents or characteristics of water designated to protect designated beneficial uses of the water. [CWC section 13050 (h)]. California's water quality objectives are established by the SWRCB and RWQCBs in the Water Quality Control Plans.

Water Quality Standards - The beneficial uses (e.g., swimming, fishing, municipal drinking water supply, etc.,) of water and the water quality objectives necessary to protect those uses.

Waters of the State - Any water, surface or underground, including saline waters within the boundaries of the State [CWC section 13050 (e)]. The definition of the Waters of the State is broader than that for the Waters of the United States in that all water in the State is considered to be a Waters of the State regardless of circumstances or condition. Under this definition, a MS4 is always considered to be a Waters of the State.

Waters of the United States - As defined in 40 CFR 122.2, the Waters of the U.S. are defined as: **"(a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;** (b) All interstate waters, including interstate "wetlands;" (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition**: (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;** (f) The territorial seas; and (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this

definition. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA."

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

WDRs – Waste Discharge Requirements

Wet Season – October 1 through April 30 of each year.

ATTACHMENT D

INDIVIDUAL SWMP CONTENTS

Pursuant to Requirement E.1.a. of tentative Order No. R9-2004-001, each Permittee shall develop an Individual SWMP that describes their specific urban runoff management programs and activities that will be implemented to comply with the Order. An individual SWMP that addresses the items listed below would provide a complete description of the programs and activities the Permittee plans to implement to comply with the Order and to reduce pollutants in urban runoff to the MEP. In the event that a specific component is not applicable to a Permittee, the Permittee shall provide an explanation of non-applicable programs with the SWMP submittal and does not need to provide the information requested below in that particular section of their Individual SWMP.

1. Administrative and Legal Procedures

a) Identification of all departments within the jurisdiction that conduct urban runoff related activities, and their roles and responsibilities under the Order. Include an up-to-date organizational chart specifying these departments and key personnel;

b) Citation of urban runoff related ordinances and the reasons they are enforceable;

c) Identification of the local administrative and legal procedures available to mandate compliance with urban runoff related ordinances and therefore with the conditions of the Order;

d) Description of how these ordinances are implemented and appealed; and

e) Description of whether the Permittee can issue administrative orders and injunctions or if it must go through the court system for enforcement actions.

2. Development Planning (Section F)

a) A description of the water quality and watershed protection principles that have been or will be included in the Permittee's General plan, and a time schedule where modifications are planned, if applicable;

b) A description of the development project approval process and how it ensures that urban runoff from new development and redevelopment will be reduced to the MEP, that post-development runoff volumes and velocities will be controlled, and that water quality objectives will not be violated throughout the life of the project;

c) A final SUSMP document that meets the requirements specified in Section F.2.b. of the Order, and a copy of the ordinance (amended or new) that gives the Permittee the authority to implement and enforce the SUSMP. The SUSMP may be submitted under separate cover as an attachment to the SWMP;

d) A description of the Permittee's current environmental review process and how it addresses impacts to water quality and appropriate mitigation measures. If the Permittee plans to modify the process during the permit term, a time schedule for modifications shall be included;

e) A description of education efforts related to development and how they will be implemented; and

f) A description of the measurable goals that will be used to assess the effectiveness of this program component.

3. Construction Component (Section G)

a) A description of which pollution prevention methods will be required for implementation, and the steps that will be taken to ensure implementation;

b) Updated grading ordinances, including adequate enforcement mechanisms;

c) A description of the modified construction and grading approval process;

d) Updated construction and grading project requirements in local grading and construction permits;

e) A completed inventory of all construction sites;

f) A list and description of minimum BMPs that will be implemented, or required to be implemented;

g) A description of the steps that will be taken to ensure the implementation of prescribed BMPs at all construction sites;

h) A description of planned inspection frequencies;

i) A description of inspection procedures;

j) A description of enforcement mechanisms and steps that will be used;

k) A description of the construction education program and how it will be implemented; and

l) A description of the measurable goals that will be used to assess the effectiveness of this program component.

4. Municipal Component (Section H.1)

a) A description of which pollution prevention methods will be required for implementation, and the steps taken to ensure implementation;

b) A completed inventory of all municipal facilities and activities;

c) A description of which BMPs will be implemented, or required to be implemented, for municipal facilities and activities;

d) A description of steps that will be taken to ensure the implementation of prescribed BMPs at municipal facilities and activities;

e) A description of municipal maintenance activities and schedules;

f) A description of the management strategy for pesticides, herbicides, and fertilizer use;

g) A description of inspection procedures;

h) A description of enforcement mechanisms and how they will be used; and

i) A description of the measurable goals that will be used to assess the effectiveness of this program component.

5. Industrial/Commercial Facilities Component (Section H.2)

a) A description of which pollution prevention methods will be required for implementation, and the steps that will be taken to ensure implementation;

b) A completed and prioritized inventory of all industrial/commercial facilities that could contribute a significant pollutant load to the MS4;

c) A list of minimum BMPs that will be implemented, or required to be implemented, for each facility type or pollutant-generating activity;

d) A description of the steps that will be taken to ensure the implementation of prescribed BMPs at industrial/commercial facilities, including notification procedures;

e) A description of inspection procedures;

f) A description of enforcement mechanisms and how they will be used;

g) A description of training efforts; and

h) A description of the measurable goals that will be used to assess the effectiveness of this program component.

6. Residential Component (Section H.3)

a) A description of which pollution prevention methods will be encouraged for implementation, and the steps that will be taken to encourage implementation;

b) A list of residential activities that have been identified as high priority;

c) A list of minimum BMPs that will be implemented, or required to be implemented, for high priority residential activities;

d) A description of the steps that will be taken to ensure the implementation of prescribed BMPs for high priority residential activities;

e) A description of enforcement mechanisms and how they will be used; and

f) A description of the measurable goals that will be used to assess the effectiveness of this program component.

7. Education Component (Section I)

a) A description of the content, form, and frequency of education efforts for each target community; and

b) A description of the measurable goals that will be used to assess the effectiveness of the public education program.

8. Illicit Discharge Detection and Elimination Component (Section J)

a) A description of the program to actively seek and eliminate illicit discharges and illicit connections;

b) An Illicit Discharge Monitoring Program, in accordance with the Monitoring and Reporting Program, to be conducted to detect illicit discharges and illicit connections;

c) A description of investigation and inspection procedures to follow up on dry weather monitoring results or other information which indicate potential for illicit discharges and illicit connections;

d) A description of procedures to promptly eliminate detected illicit discharges and illicit connections;

e) A description of enforcement mechanisms and how they will be used;

f) A description of the mechanism to receive notification of spills;

g) A description of efforts to facilitate public reporting of illicit discharges and connections, including a public hotline;

h) A description of efforts to facilitate proper disposal of used oil and other toxic materials; and

i) A description of measurable goals that will be used to assess the effectiveness of this program component.

9. Public Participation Component (Section E.3)

A description of how public participation will be included in the development and implementation of each Permittee's Individual SWMP.

10. Assessment of Individual SWMP Effectiveness Component

As part of its Individual SWMP, each Permittee shall develop a long-term strategy for assessing the effectiveness of its Individual SWMP. The long-term assessment strategy shall, at a minimum, include the following:

a) An assessment of the progress towards meeting the measurable goals identified in each program component;

b) An assessment of Illicit Discharge and Receiving Water monitoring data; and

c) An assessment of overall program effectiveness.

11. Fiscal Analysis Component

Each Permittee shall secure the resources necessary to meet the requirements of the Order. As part of its Individual SWMP, each Permittee shall describe and analyze the capital and operation and maintenance expenditures necessary to accomplish the activities required in the Order, and a description of the source of funds the Permittee proposes to use to meet those expenditures.

12. Fire Fighting

A description of a program to reduce pollutants from non-emergency fire fighting flows identified by the Permittee to be significant sources of pollutants.