**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**SANTA ANA REGION**

**ORDER NO. R8-2002-0011**
**NPDES NO. CAS 618033**

# WASTE DISCHARGE REQUIREMENTS

**FOR**
**THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE COUNTY OF RIVERSIDE, AND THE INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE SANTA ANA REGION**
**AREAWIDE URBAN RUNOFF**

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

1. On August 30, 2000, the Riverside County Flood Control and Water Conservation District (hereinafter referred to as "RCFC&WCD" or "Principal Permittee", as context indicates), in cooperation with the County of Riverside, (the "County") and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto (hereinafter with the County, collectively referred to as the "Co-Permittees", and collectively with the Principal Permittee, the "Permittees"), jointly submitted a National Pollutant Discharge Elimination System (NPDES) Application No. CAS 618033, a Report of Waste Discharge (the "ROWD"), to renew the municipal separate storm sewer system ("MS4") NPDES permit for the Santa Ana River Watershed (the "Region") within Riverside County (the "Order") dealing with urban storm water runoff (hereinafter as defined and qualified in Findings 13 and 14, below, "Urban Runoff") in the "Permit Area" that includes the "Urban Area" as shown in Appendix 1 and those portions of "Agriculture" and "Open Space" as shown on Appendix 1 that convert to industrial, commercial or residential use during the term of this Order. To more effectively carry out the requirements of this Order, the Permittees have agreed that the RCFC&WCD will continue as the Principal Permittee and the County and the incorporated cities will continue as the Co-Permittees.

2. On February 16, 1999, the City of Murrieta annexed 1,124 acres, increasing the land area of the City to 18,273 acres. Of the acreage annexed, approximately 375 acres (or 2% of the City's land area) was in the unincorporated area of Riverside County within the Region. The Regional Board's construction database shows that approximately 247 acres out of 375 acres are proposed for development based on Notice of Intent ("NOI") submittals. The City of Murrieta has expressed its intent to be a Co-Permittee in this Order and for the purposes of this Order shall be considered as such.

3. On July 13, 1990, the Regional Board adopted the original Riverside County regional MS4 permit, Order No. 90-104 (NPDES No. CA 8000192), for Urban Runoff from areas in Riverside County within the Permit Area. On March 8, 1996, the Regional Board renewed Order No. 90-104 by adopting the second regional MS4 permit, Order No. 96-30, (NPDES No. CAS618033). Order No. 96-30 expired on March 1, 2001, and on March 2, 2001; Order No. 96-30 was administratively extended in accordance with 40CFR Part 122.6 and Title 23, Division 3, Chapter 9, Section 2235.4 of the California Code of Regulations.

4. This Order renews Order No. 96-30 (NPDES No. CAS618033), and regulates discharges of Urban Runoff from MS4s within Riverside County under the jurisdiction of and/or maintenance responsibility of the Permittees. This Order is intended to regulate the discharge of "pollutants" (as defined in Appendix 4, Glossary) in Urban Runoff from anthropogenic (generated from non-agricultural human activities) sources under the control of the Permittees and is not intended to address background or naturally occurring pollutants or flows.

5. The federal Clean Water Act (the "CWA") established a national policy designed to help maintain and restore the physical, chemical and "biological integrity" (as defined in Appendix 4, Glossary) of the nation's waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of pollutants from "point sources" (as defined in Appendix 4, Glossary) to waters of the nation (the "Waters of the U. S."). From 1972 to 1987, the main focus of the NPDES program was to regulate conventional pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, "non-point sources" (as defined in Appendix 4, Glossary), including agricultural runoff and Urban Runoff, now contribute a larger portion of many kinds of pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities.

6. Studies conducted by the United States Environmental Protection Agency (the "USEPA"), the states, counties, cities, flood control districts and other political entities dealing with urban "storm water" (as defined in Appendix 4, Glossary) runoff indicate the following major sources of Urban Runoff "pollution" (as defined in Appendix 4, Glossary) nationwide:

   a. Industrial sites where appropriate pollution control and best management practices ("BMPs")[1] are not implemented;

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

   c. Runoff from urbanized areas.

7. The 1987 amendments to the CWA added Section 402(p) that required the USEPA to develop permitting regulations for storm water discharges from MS4s and from industrial facilities, including construction sites. The USEPA promulgated the final Phase I storm water regulations on November 16, 1990. Neither the 1987 amendments to the CWA nor the Phase I storm water regulations (40 CFR Part 122) have been amended since their effective dates.

8. Section 402 (p) of the CWA establishes two different performance standards for storm water discharges. NPDES MS4 permits require controls to reduce the discharge of pollutants to the Maximum Extent Practicable (the "MEP") [See discussion of this term in the Glossary, Appendix 4]. NPDES permits issued for industrial storm water discharges (including construction activities) must meet Best Available Technology ("BAT") and Best Conventional Pollutant Control Technology ("BCT") standards. The CWA and the USEPA regulations promulgated pursuant thereto allow each state the flexibility to decide what constitutes the MEP.

[1] Best Management Practices (BMPs) are water quality management practices that are maximized in efficiency for the control of storm water runoff pollution.

9. Prior to the USEPA's promulgation of the final storm water regulations, three counties (Orange, Riverside, and San Bernardino) and their incorporated cities located within the Regional Board's jurisdiction requested area-wide NPDES MS4 permits. These area-wide MS4 NPDES permits are:

   a. Orange County, NPDES No. CAS 618030

   b. Riverside County, NPDES No. CAS 618033

   c. San Bernardino County, NPDES No. CAS 618036

10. Consistent with the CWA and the USEPA regulations promulgated pursuant thereto, the State Water Resources Control Board (the "State Board") and the Regional Board have adopted a number of permits to address pollution from the sources identified in Finding 6, above. Industrial activities (as defined in 40 CFR 122.26(b)(14)) and construction sites of five acres or more are to be covered under one of the following permits and those individuals or entities that engage in such activities are required to secure permission to engage in such identified activities pursuant to the provisions of one of the following permits:

    a. State Board Order No. 97-03-DWQ, for storm water runoff from industrial activities (NPDES No. CAS000001), (the "General Industrial Activities Storm Water Permit")

    b. State Board Order No. 99-08-DWQ, for storm water runoff from construction activities (NPDES No. CAS000002), (the "General Construction Activity Storm Water Permit"). Order No. 99-08- DWQ was amended by State Board Resolution No. 2001-046 on April 26, 2001, to incorporate monitoring provisions as directed by the Superior Court, County of Sacramento.

    c. State Board Order No. 99-06-DWQ (NPDES No. CAS000003) for storm water runoff from facilities (including freeways and highways) owned and/or operated by the California Department of Transportation ("Caltrans").

    d. Regional Board Order No. 01-34, adopted on January 19, 2001, for storm water discharges associated with new development (construction) to surface waters in the San Jacinto sub-watershed ("San Jacinto Watershed Construction Activities Permit").

    e. The Regional Board also issues individual storm water permits for certain industrial facilities within the Santa Ana River Watershed. Currently there is one industrial storm water NPDES permit that has been issued by the Regional Board for a facility (March Air Reserve Base) located within the Permit Area. Additionally, the Regional Board has issued NPDES permits for a number of facilities that discharge process wastewater and storm water; storm water discharge requirements are included in such a facility's NPDES permit.

11. The San Bernardino County Flood Control District and RCFC&WCD, in cooperation with local affected municipalities, are coordinating an effort to construct flood control facilities in the Chino-Corona Agricultural Preserve area (the "Preserve Area") located on the border of San Bernardino and Riverside Counties. The Preserve Area has the highest concentration of dairy

animals in the nation. The ground and surface water quality in the Preserve Area have been adversely impacted by these dairy operations. The dairies within the Permit Area are regulated under the Regional Board's "General Dairy Permit" (Order No. 99-11, NPDES No. CAG018001). The General Dairy Permit allows discharge of storm water from dairies only for storms exceeding a 24-hour, 25-year frequency. The portion of the Preserve Area within San Bernardino County lacks appropriate flood control facilities, and runoff from upstream urbanized areas within San Bernardino County often inundates some of the dairies in the Preserve Area, even during light or moderate storm and runoff events. This causes dairy waste containment facilities to fail and overflow into surface drainage facilities. This overflow causes nutrient, total dissolved solids (TDS), total suspended solids (TSS), and microbial problems in the "receiving waters" (as defined in Appendix 4, Glossary). However, there are only small areas of urbanized development in Riverside County upstream of the dairies subject to flooding. The RCFC&WCD is the lead agency responsible for engineering, design, contract administration, environmental review, and overall project management of the County Line Channel whose construction is intended to address this problem.

12. Section 13225 of the California Water Code (the "Water Code") identifies the Regional Board as being the enforcement authority for NPDES permits, including the General Industrial Activities Storm Water Permit (referenced in Finding 10.a., above) and the Construction Activity Storm Water Permits (referenced in Finding 10.b. and 10.d, above) (collectively, the "General Storm Water Permits"). However, in many areas, the industrial and construction sites discharge directly into MS4s owned and operated by the Permittees. These industrial and construction sites are also regulated under local ordinances and regulations. The Co-Permittees review plans for developments in accordance with the "Subdivision Map Act" (Section 66400 et seq. of the California Government Code), the California Environmental Quality Act ("CEQA") (Section 21000 et seq. of the California Public Resources Code), and local general plans and implementing ordinances and regulations to assure that new developments proceed in an orderly, and safe manner, consistent with each Co-Permittee's general plan. This Order establishes a responsibility of the Permittees to manage Urban Runoff. A coordinated effort between the Permittees and the Regional Board staff is critical to avoid duplicative and overlapping efforts when overseeing the compliance of dischargers covered under the General Storm Water Permits. As part of this coordination, the Permittees have been notifying Regional Board staff when they observe, during their routine activities, conditions that result in a threat or potential threat to water quality, or when a required industrial facility or construction activity fails to obtain coverage under the appropriate General Storm Water Permit. To more effectively coordinate these activities, the Regional Board staff intends to post their inspection activities related to administration of the General Storm Water Permits on the Regional Board website.

13. Urban Runoff includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from feedlots, dairies, farms, and open space (also see Finding 14, below). Urban Runoff discharges consist of storm water and "non-storm water" (as defined in Appendix 4, Glossary) surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the Waters of the U. S. In addition to Urban Runoff, the MS4s regulated by this Order receive flows from agricultural activities, open space, state and federal properties and other non-urban land uses not under the control of the Permittees. The quality of the discharges from the MS4s varies considerably and is affected by, among other things,

past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed discharges[2] and illicit connections[3].

14. The Permittees lack legal jurisdiction over storm water discharges into their respective MS4s from agricultural activities, California and federal facilities, utilities and special districts, Native American tribal lands, wastewater management agencies and other point and non-point source discharges otherwise permitted by or under the jurisdiction of the Regional Board. The Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate pollutants present in Urban Runoff are beyond the ability of the Permittees to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geography.

15. Urban Runoff may contain elevated levels of pathogens (bacteria, protozoa, viruses), “sediment” (as defined in Appendix 4, Glossary), trash, fertilizers (nutrients, compounds of nitrogen and phosphorus), pesticides (DDT, Chlordane, Diazinon, Chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). Urban Runoff can carry these pollutants to rivers, streams, and lakes within the Permit Area (collectively the “Receiving Waters”). In addition, although infrequently, Urban Runoff from the Permit Area can carry these pollutants to other receiving waters such as the Pacific Ocean. These pollutants can then impact the beneficial uses of the receiving waters and can cause or threaten to cause a condition of pollution or “nuisance” (as defined in Appendix 4).

16. Pathogens (from sanitary sewer overflows, septic system leaks, and spills and leaks from portable toilets, pets, wildlife and human activities) can impact water contact recreation and non-contact water recreation. “Floatables” (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors. Oil and grease can coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components can cause “toxicity” (as defined in Appendix 4, Glossary) to aquatic organisms and can impact human health. Suspended and settleable solids (from sediment, trash, and industrial activities) can be deleterious to benthic organisms and may cause anaerobic conditions to form. Sediments and other suspended particulates can cause turbidity, clog fish gills and interfere with respiration in aquatic fauna. They can also screen out light, hindering photosynthesis and normal aquatic plant growth and development. However, it is recognized that storm flows from non-urbanized areas such as "National Forest," "State Park," "Wilderness," and "Agriculture", as shown on Appendix 1, naturally exhibit high levels of

[2] Illegal discharge means any disposal, either intentionally or unintentionally, of material or waste to land or MS4s that can pollute storm water or create a nuisance. The term illegal discharge includes any discharge to the MS4 that is not composed entirely of storm water, except discharges pursuant to an NPDES permit, discharges that are identified in Section II. C. of this Order, and discharges authorized by the Executive Officer.

[3] Illicit Connection means any connection to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit connection includes all non storm-water discharges and connections except discharges pursuant to an NPDES permit, discharges that are identified in Section II, Discharge Limitations/Prohibitions, of this Order, and discharges authorized by the Executive Officer.

suspended solids due to climate, hydrology, geology and geography.[4] Toxic substances (from pesticides, petroleum products, metals, and industrial "wastes" (as defined in Appendix 4, Glossary)) can cause acute and/or chronic toxicity, and can bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, fire fighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) can cause excessive algal blooms. These blooms can lead to problems with taste, odor, color and increased turbidity, and can depress the dissolved oxygen content, leading to fish kills.

17. The water quality assessment conducted by Regional Board staff has identified a number of beneficial use impairments due, in part, to agricultural and Urban Runoff. Section 303(b) of the CWA requires each of California's Regional Water Quality Control Boards to routinely monitor and assess the quality of waters of their respective regions. If this assessment indicates that beneficial uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an impaired waterbody ("Impaired Waterbody"). The 1998 water quality assessment listed a number of water bodies within the Permit Area as impaired pursuant to Section 303(d). In the Permit Area, these include: Canyon Lake (for nutrients and pathogens); Lake Elsinore (for nutrients, organic enrichment/low D.O., unknown toxicity and sedimentation); Lake Fulmor (for pathogens); Santa Ana River, Reach 3 (for nutrients, pathogens, salinity, TDS, and chlorides); and Santa Ana River, Reach 4 (for pathogens). However, the Regional Board now recognizes that Reach 3 of the Santa Ana River is meeting the standards for nutrients, salinity, TDS and chlorides and has requested that this Reach be de-listed for these constituents in the 2002 CWA 303(d) list.

18. Federal regulations require that a total maximum daily load ("TMDL") be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged and still attain "water quality standards" (as defined in Appendix 4, Glossary) in the receiving water, i.e., Receiving Water quality objectives are met and the beneficial uses are protected. The TMDL is the sum of the individual Waste Load Allocations ("WLA") for point source inputs, Load Allocations ("LA") for non-point source inputs and natural background, with a margin of safety. The TMDLs are one of the bases for limitations established in waste discharge requirements ("Waste Discharge Requirements" and defined in Appendix 4, Glossary). TMDLs are being developed for sediment, pathogens, and nutrients for Lake Elsinore and Canyon Lake. The Permittees are providing assistance and cooperating with Regional Board staff in the TMDL efforts. The Permittees shall revise their Drainage Area Management Plan ("DAMP," and defined in Appendix 4, Glossary), at the direction of the Regional Board Executive Officer (the "Executive Officer"), to incorporate program implementation amendments so as to comply with Regional, "watershed" (as defined in Appendix 4, Glossary) specific requirements, and/or WLAs developed and approved pursuant to the process for the designation and implementation of TMDLs for Impaired Waterbodies.

19. The area shown on Appendix 1 contains 1,293 square miles (or 17.7% of the 7,300 square miles within Riverside County) and includes 11 of the 24 municipalities within Riverside

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

County. The California Department of Finance estimates that as of January 1, 2002, the population of Riverside County is 1,644,341 of which 759,877 persons reside within the 11 municipalities and an additional 338,630 persons reside in the unincorporated area that is within the area shown on Appendix 1 (or a total of 1,098,507 persons or 66.8% of Riverside County's population). Five of the municipalities (Beaumont, Calimesa, Canyon Lake, Norco, and San Jacinto) have populations of 25,000 or less; three municipalities (Hemet, Lake Elsinore, and Perris) have populations between 25,001 and 62,000, Corona has a population of 133,966, Moreno Valley's population is 146,435 and Riverside has 269,402 residents. [Population figures for the city of Murrieta have been omitted because only 375 acres (2%) of the City's Land Area is within the area shown on Appendix 1. (See Finding No. 2.)] Of the total territory within the area shown on Appendix 1, 346.7 square miles are within the 11 incorporated areas and 944.6 square miles are unincorporated. General land uses within the 1,293.3 square miles comprising the area shown on Appendix 1 are identified, based on Riverside County Assessor's Roll for Fiscal Year 2001-2002, as follows: 109.3 square miles are used or zoned for commercial/industrial purposes (8.5%), 198.7 square miles for residential purposes (15.4%), 70.1 square miles are utilized for improved roadways (including roadways owned by Caltrans) (5.4%), 753.9 square miles are vacant or utilized for open space (58.3%), and 161.3 square miles are used for agricultural purposes (12.5%). The federal government owns 310.7 square miles (24%) of the territory within the area shown on Appendix 1.

20. Some portions of Riverside County within the Permit Area have been developed or zoned for residential, commercial and industrial uses. Urban development generally increases the area of impervious surfaces and storm water runoff volume and velocity; and decreases the area of previously vegetated surfaces available for infiltration of storm water, depending on soils, topography, climate, precipitation volume and patterns, and other factors. Based on the procedures in Section D of the Hydrology Manual of RCFC&WCD, dated April 1978, it is feasible that, in semi-arid regions, development may result in the creation of a net increase in absorption. Increases in runoff volume and velocity may cause scour, erosion (sheet, rill and/or gully), aggradation (raising of a streambed from sediment deposition), changes in fluvial geomorphology, hydrology, and changes in aquatic ecosystem (collectively, "Conditions of Concern"). The Permittees are the owners and operators of MS4s and have authority (except as qualified in Finding 14, above) to control most of the discharges of Urban Runoff to these systems. The Permittees have established appropriate legal authority to address their respective MS4s exposure to pollutant loads from discharges of Urban Runoff and have enhanced the design requirements for MS4s to address these potential discharges from new development. Co-Permittees have adopted grading and/or erosion control ordinances, guidelines and BMPs for municipal, commercial, and industrial activities, and along with RCFC&WCD, have approved and begun implementation of the DAMP. The Permittees have implemented most of the programs and policies that they developed. They must continue to implement an effective combination of these programs, policies, and legal authority, modify and enhance such programs and policies, and other additional requirements as identified herein, to ensure that pollutant loads resulting from Urban Runoff are properly controlled and managed to the MEP."

21. The Permittees own and/or operate MS4s through which Urban Runoff is discharged into the Waters of the U. S. The Permittees have identified major outfalls (with a pipe diameter of 36 inches or greater or drainage areas draining 50 acres or more) and have submitted maps of

existing MS4s. The Co-Permittees reported having approximately 153.3 miles of underground storm drains, and 21.3 miles of channels. The RCFC&WCD reported having 135 miles in underground storm drains and 133 miles of channels.

22. The MS4s generally contain non-storm water flows that may include runoff from agriculture and landscape irrigation, residential car washing, miscellaneous washing and cleaning operations, and other nuisance flows. In addition, these facilities are used to convey water produced from the Arlington Desalter and deliveries of other water for water conservation. During normal dry weather conditions, very little Urban Runoff reaches Receiving Waters[5]. Non-storm water discharges into the MS4s and to the Waters of the U. S. containing pollutants are prohibited, unless they are regulated under a separate NPDES permit; certain types of non-storm water containing insignificant amount of pollutants are exempt as indicated in Discharge Limitations/Prohibitions, Section II. C. of this Order.

23. Order No. 90-104 and Order No. 96-30 required the Permittees to: (1) develop and implement the DAMP and Urban Runoff and Receiving Water monitoring and reporting programs; (2) eliminate illegal discharges and illicit connections to the MS4s; and (3) enact the necessary legal authority to effectively prohibit such illegal discharges and illicit connections. The overall goal of these requirements was to reduce pollutant loading to surface waters from Urban Runoff to the MEP. The DAMP outlines the major programs and policies for controlling pollutants in Urban Runoff and the DAMP was approved by the Executive Officer on January 18, 1994. Since then, the Urban Runoff monitoring program has been expanded and the DAMP continues to be a dynamic document. This Order requires the Permittees to continue to implement the BMPs listed in the DAMP, and update or modify the DAMP, when appropriate, consistent with the MEP and other applicable standards; and to continue to effectively prohibit illegal discharges and illicit connections to their respective MS4s.

24. A revised Water Quality Control Plan (the "Basin Plan") was adopted by the Regional Board and became effective on January 24, 1995. The Basin Plan defines the numeric and narrative water quality objectives and beneficial uses of the receiving waters in the Region. These beneficial uses include municipal and domestic supply, agricultural supply, industrial service supply, groundwater recharge, hydropower generation, water contact recreation, non-contact water recreation and sportfishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat and preservation of rare, threatened, or endangered species. The Basin Plan also incorporates by reference all State Board water quality control plans and policies.

25. The ultimate goal of the MS4 permit is to protect these beneficial uses of the Receiving Waters by ensuring that the flows from MS4s do not cause or contribute to an exceedance of "water quality objectives" (as defined in Appendix 4, Glossary) for the Receiving Waters. The DAMP identifies programs and policies, including BMPs, to achieve this goal. These BMPs are organized into two components: BMPs for existing facilities and BMPs for new development. Both components include regulatory activities, public education programs, solid waste management, and operations and maintenance activities.

[5] Based upon a field investigation report of the Storm Drain Outlets into the Santa Ana River conducted by the RCFCD&WCD and dated May 28, 2002.

26. There are pollutants in Urban Runoff from privately owned and operated facilities such as residences, businesses and commercial establishments and public and private institutions. A successful NPDES MS4 permit program should include the participation and cooperation of public entities, private businesses, and public and private institutions. Therefore, public education is a critical element of the DAMP. As the population increases in the Permit Area, it will be even more important to continue to educate the public regarding the impact of human activities on the quality of Urban Runoff.

27. The Co-Permittees have developed conditions of approval for projects requiring coverage under the Construction Activity Permits for maps or permits requiring discretionary approval that are to be satisfied prior to issuing a grading or building permit for construction sites of five acres or more. After March 10, 2003, these conditions of approval will be extended to construction sites on one (1) acre or more, consistent with the acreage criteria of the current Construction Activity Permits.

28. This Order requires the Permittees to continue to implement the BMPs listed in the approved DAMP and to continue to effectively prohibit illegal discharges and illicit connections to their respective MS4s. One of the major elements of the DAMP is a Storm Water/Urban Runoff Management and Discharge Control Ordinance and each of the Co-Permittees has adopted such an ordinance and ordinances addressing grading and erosion control (collectively, the "Storm Water Ordinance"). The purpose of each Storm Water Ordinance is to prohibit pollutant discharges in the Permittees respective MS4s and to regulate illicit connections and non-storm water discharges to said MS4s.

29. The California Constitution and Government Code create in the Co-Permittees planning police powers that mandate that the Co-Permittees review and condition new development consistent with the Subdivision Map Act, CEQA, and their respective general plans, ordinances, and resolutions to ensure the general public's health and safety. If these constitutional and statutory mandates are not properly implemented and local ordinances and resolutions are not properly enforced, there is a creditable potential that new development could result in the discharge of pollutants to the Receiving Waters within the Permit Area from Urban Runoff.

30. This Order requires the Permittees to examine the source of pollutants in Urban Runoff from those activities that the Permittees conduct, approve, regulate and/or for which they issue a license or permit. This Order also requires the implementation of control measures to protect beneficial uses and attain "Receiving Water Quality Objectives", as defined in the Basin Plan.

31. Each Co-Permittee conducts inspections of those construction sites for which it has issued either a grading or building permit to determine compliance with its ordinances, regulations, and codes, including its Storm Water Ordinance. Each Co-Permittee, consistent with its ordinances, rules and regulations, inspect each site for which a grading or building permit has been issued for compliance with the conditions of approval governing the permit. These inspections have been expanded by several of the Co-Permittees to survey and address issues related to prevention of Urban Runoff and to determine that a site has secured coverage under the General Construction Activity Storm Water Permit. Once a certificate of occupancy has been issued, the Co-Permittees have limited jurisdiction to inspect the site on an ongoing basis. The Permittees have established the "Enforcement/Compliance Strategy," dated December 20, 2001 (the "E/CS") that addresses compliance strategies with regard to

industrial, and commercial facilities and construction sites. In addition, as part of their Urban Runoff management activities, the Principal Permittee and the County entered into an agreement, dated August 10, 1999 by which they have developed and funded, in cooperation with the Riverside County Environmental Health Department, the "Compliance Assistance Program" (the "CAP") which includes a storm water survey component as part of existing inspections of hazardous material handlers and retail food service activities. The initial phase of the CAP consisted primarily of educational outreach to the inspected facilities. The CAP has entered a second phase, which involves a detailed storm water compliance survey for each facility that must secure a "hazardous materials" (as defined in Appendix 4, Glossary) permit for either storing, handling or generating such materials (there are approximately 5,500 facilities of which approximately 2,300 are inspected annually, and all facilities are inspected at least once during a two year cycle) and retail food facilities (there are approximately 6,750 facilities, all of which are inspected 1 to 3 times annually). The type of industrial/commercial establishment that is inspected includes, but is not limited to, automobile mechanical repair, maintenance, fueling, or cleaning operation, automobile or other vehicle body repair or painting operations, and painting or coating operations. Any completed surveys that indicate non-compliance are forwarded to the appropriate jurisdiction's code enforcement division. In addition, the cities of Corona and Riverside, which operate publicly owned treatment works ("POTW"), in combination conduct annually on average, approximately 4,400 wastewater pre-treatment inspections, on a variety of industrial and commercial establishments, including, but not limited to, retail food establishments, car washes, and carpet, drape & furniture cleaning establishments. The Permittees have agreed to notify Regional Board staff when conditions are observed during such inspections that appear to be in violation of either the General Storm Water Permits or a permit issued by the Regional Board.

32. The Permittees own/operate facilities where industrial or related activities take place that may have an impact on Urban Runoff quality. Some of the Permittees also enter into contracts with outside parties to carry out activities that may also have an impact on Urban Runoff quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, MS4 maintenance activities and the application of herbicides, algaecides and pesticides. As part of Order 96-30, the Permittees were required to assess public agency activities and facilities for potential impact to Urban Runoff quality and develop their agency-specific "Municipal Facility Strategy". This Order requires the Permittees to continue to implement BMPs that are reducing pollutant discharges from those activities/facilities found to be significant sources of pollutants in Urban Runoff. This Order prohibits non-storm water discharges from facilities owned or operated on behalf of the Permittees unless the discharges are exempt under the Discharge Limitations/Prohibitions Section II. C. of this Order or are permitted by the Regional Board under an individual NPDES permit.

33. An effective monitoring program characterizes Urban Runoff discharges, identifies problem areas, and determines the impact of Urban Runoff on Receiving Waters and the effectiveness of BMPs. The Principal Permittee administers the Consolidated Program for Water Quality Monitoring[6] (the "CMP") for the Permittees. The CMP includes wet and dry weather monitoring

[6] Consolidated Program for Water Quality Monitoring, Riverside County Flood Control and Water Conservation District, March 1994.

of MS4 outfalls and Receiving Waters. The DAMP (at page 2-4, 1993) indicates that lead, copper, manganese, zinc, BOD, hardness, and nitrates for some of the dry weather samples analyzed exceeded the water quality objectives in samples collected prior to the DAMP. These and other water quality indicators are tabulated on page 2-6 of the DAMP.

34. The Permittee's 2000 Annual Report (Pursuant to each NPDES MS4 permit issued by the Regional Board to the Permittees, there is a requirement that an annual report (the "Annual Report") be filed with the Regional Board on or before each November 30th) summarized wet weather monitoring data collected between July 1990 and July 2000. This summary shows that the average concentration values for a wide array of pollutants do not exceed the Receiving Water Quality Objectives. However, for numerous constituents, the summary contains several maximum-recorded concentrations that exceed these Receiving Water Quality Objectives. The summary also includes data from the period prior to implementation of the DAMP approved by the Executive Officer in January 1994.

35. In general, the data as presented in the 2000 Annual Report are inconclusive in regard to identification of the pollutant trends and compliance or non-compliance with "Receiving Water Limitations"[7] in various drainage areas represented by the monitoring stations. Consequently, this Order requires the Permittees, in consultation with Regional Board staff, to re-evaluate prior monitoring data to identify the areas with elevated pollutant concentrations to focus their source reduction efforts. Also, this Order requires the Permittees to revise the CMP to provide more effective data to support Urban Runoff management. The Permittees will continue their current monitoring efforts on those priority areas pending development and approval of the revised CMP.

36. This Order requires the Permittees to make all necessary revisions to an agreement entitled "NPDES Stormwater Discharge Permit – Implementation Agreement" dated November 12, 1996 (the "Implementation Agreement"). The Implementation Agreement establishes the responsibilities of each party and a funding procedure for the shared costs.

37. By January 1, 2003, the State Board is required by Water Code Section 13383.5 (Stats. 2001, c. 492 (S.B. 72)) to develop a statewide municipal storm water (Urban Runoff) monitoring and reporting program. Once this statewide program has been developed, the Permittees will be required to develop a revised monitoring and reporting program as specified in this Order and consistent with new requirements developed by the State Board.

38. In addition to the Regional Board, a number of other stakeholders are involved in the management of the water resources of the Region. These include, but are not limited to, the incorporated cities in the Region, POTWs, the three counties, and the Santa Ana Watershed Project Authority and its member agencies. The entities listed in Appendix 2 are considered as potential dischargers of Urban Runoff in the Permit Area. It is expected that these entities will also work cooperatively with the Permittees to manage Urban Runoff. The Regional Board, pursuant to 40 CFR 122.26(a), has the discretion and authority to require non-cooperating entities to participate in this Order or to issue individual storm water permits.

[7] Receiving Water Limitations are requirements included in this Order issued by the Board to assure that the regulated discharge does not violate water quality standards established in the Basin Plan at the point of discharge to waters of the State.

39. Cooperation and coordination among the stakeholders (regulators, Permittees, the public, and other entities) are critical to optimize the use of limited resources and ensure economical management of the watershed. Recognizing this fact, this Order focuses on watershed management and seeks to integrate the programs of the stakeholders, especially the holders of the three MS4 permits within the Region.

40. The Regional Board recognizes that a watershed management program should integrate related programs, including the Urban Runoff program and TMDL processes.

41. Illegal discharges to the MS4s can contribute to "contamination" (as defined in Appendix 4, Glossary) of Urban Runoff and other surface waters. The RCFC&WCD was required by Order No. 90-104 to conduct an inspection of underground storm drains and only one illicit connection could be identified. Open channels and other aboveground elements of the MS4s are inspected for evidence of illegal discharges as an element of routine maintenance by the Permittees. The Permittees also developed a program to prohibit illegal discharges and illicit connections to their MS4s. Continued surveillance and enforcement of these programs are required to eliminate illicit connections and illegal discharges. The Permittees have a number of procedures in place to eliminate illicit connections and illegal discharges to the MS4s, including construction, commercial, and industrial facility inspections, drainage facility inspections, water quality monitoring and reporting programs, and public education.

42. The Permittees have the authority to control pollutants in Urban Runoff discharges, to prohibit illicit connections and illegal discharges, to control spills, and to require compliance and carry out inspections of the MS4s within their respective jurisdictions. The Co-Permittees have been extended necessary legal authority through California statutes and local charters. Consistent with this statutory authority, each of the Co-Permittees have adopted their respective Storm Water Ordinances. The Co-Permittees are required by this Order to review their respective Storm Water Ordinances and other ordinances, regulations, and codes adopted by them to determine whether the language of said ordinances, regulations, and codes needs to be modified or expanded to allow for enforcement actions, including civil and/or criminal penalties, to be brought by each Co-Permittee consistent with the provisions of this Order.

43. "Pollution prevention" (as defined in Appendix 4, Glossary) techniques implemented to the MEP, appropriate planning review procedures, early identification of potential Urban Runoff impacts and mitigation measures may reduce pollution associated with Urban Runoff. The Co-Permittees consider these impacts and appropriate mitigation measures in their respective, land use approval processes and CEQA review processes for development projects to insure consistency with their respective general plans. This Order requires the Co-Permittees to review their respective CEQA review processes, general plans, zoning ordinances, and related regulations and codes to determine the need for any revisions.

44. The legislative history and the preamble to the federal storm water regulations indicate that Congress and the USEPA were aware of the difficulties in regulating Urban Runoff solely through traditional end-of-pipe treatment. However, it is the Regional Board's intent that this Order requires the implementation of BMPs to reduce, to the MEP, the discharge of pollutants in Urban Runoff from the MS4s in order to support attainment of water quality standards. This Order, therefore, includes Receiving Water Limitations based upon water quality objectives, prohibiting the creation of nuisances and requiring the reduction of water

quality impairment in the Receiving Waters. In accordance with Section 402 (p) of the CWA, this Order requires the Permittees to implement control measures that will reduce pollutants in Urban Runoff discharges to the MEP. The Receiving Water Limitations similarly require the implementation of control measures to protect beneficial uses and attain water quality objectives of the Receiving Waters.

45. The Regional Board finds that the unique aspects of the regulation of Urban Runoff discharges through MS4s, including, but not limited to, the intermittent nature of discharges, difficulties in monitoring and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of BMPs. Therefore, this Order includes a procedure for determining whether Urban Runoff discharges are causing or contributing to exceedances of Receiving Water Limitations and for evaluating whether the DAMP must be revised in order to comply with this aspect of this Order. This Order establishes an iterative process to achieve compliance with the Receiving Water Limitations.

46. Less than one fifth (1/5) of the entire acreage within Riverside County drains into water bodies within the Permit Area. Sixty-seven percent of Riverside County's population resides within the Permit Area. The San Diego and the Colorado River Basin Regional Water Quality Control Boards regulate Urban Runoff from those portions of Riverside County outside of the Permit Area.

47. The Santa Ana Watershed is one of the major watersheds within Southern California. This watershed is divided into three sub-watersheds: the "Lower Santa Ana," the "Upper Santa Ana", and the "San Jacinto". The Lower Santa Ana sub-watershed (downstream from Prado Basin) includes the north half of Orange County and the Upper Santa Ana sub-watershed includes the southwestern corner of San Bernardino County and the northwestern corner of Riverside County. The San Jacinto sub-watershed includes the northwest corner of Riverside County south of the Upper Santa Ana sub-watershed.

48. The Santa Ana River is the major receiving water in the Permit Area. During non-storm periods the flow in the River is dominated by effluent from POTWs. POTW discharges are regulated under permits issued by the Regional Board. In addition, the quality of the Santa Ana River within the Upper Santa Ana sub-watershed is greatly influenced by agricultural activities. Urban Runoff from the Permit Area constitutes a minor component of the dry weather flow in the Upper Santa Ana and San Jacinto sub-watersheds of the Santa Ana River.

49. Generally, the portion of the Upper Santa Ana sub-watershed located within San Bernardino County drains to the portion of the Upper Santa Ana sub-watershed within Riverside County and the portion of the Upper Santa Ana sub-watershed located within Riverside County and the San Jacinto sub-watershed drain to Orange County through the Prado Basin and Dam. Prado Dam detains the flows of the Upper Santa Ana and San Jacinto sub-watersheds, specifically Reaches 3 and 4 of the Santa Ana River, and supports an extensive man-made wetlands system, that provides treatment of the detained water. Most of the flow in the Santa Ana River is released from Prado Dam and recharged into the ground water in Orange County. However, as a result of infrequent heavy storm events, flows leaving Prado Dam may continue to coastal waters of the Pacific Ocean.

50. Water from rainfall, snow melt runoff, and surfacing ground water from various areas within the Permit Area either discharge directly to the Santa Ana River or to watercourses tributary to the Santa Ana River. Other major rivers within the Permit Area include the San Jacinto River and Temescal Creek. The San Jacinto Mountain areas drain into the San Jacinto River, which discharges into Canyon Lake and thence into Lake Elsinore. Any overflow from Lake Elsinore is tributary to Temescal Creek, which flows into the Santa Ana River at the Prado Basin. Overflow from Lake Elsinore occurs infrequently, only once every 12 to 15 years.

51. The requirements contained in this Order are necessary to implement the Basin Plan. This Order does not contain "numeric effluent limitations" (as defined in Appendix 4, Glossary) for any constituent because the impact of the Urban Runoff discharges on the water quality of the Receiving Waters has not yet been fully determined and because the State Board and the USEPA have determined that numeric effluent limits are not required in the MS4 permits. Continuation of water quality/biota monitoring and analysis of the data are essential to make that determination. The Basin Plan or amendments thereto, may be grounds for the Permittees to revise the DAMP.

52. The Permittees will be required to comply with future water quality standards or discharge requirements, which may be imposed by the USEPA or State of California prior to the expiration of this Order. This Order may be reopened to include WLAs or LAs to address pollutants in Urban Runoff causing or contributing to the impairments in Receiving Waters and/or other requirements developed and adopted by the Regional Board.

53. The Permittees may petition the Regional Board to issue a separate NPDES permit to any discharger of non-storm water into MS4s that they own or operate.

54. The Permittees have implemented programs to control litter, trash, and other anthropogenic materials in Urban Runoff. In addition to the municipal ordinances prohibiting litter, the Permittees should continue to participate or organize a number of other programs such as solid waste collection programs, household hazardous waste collections, hazardous material spill response, catch basin cleaning, additional street sweeping, and recycling programs to reduce litter and illegal discharges. These programs should effectively address urban sources of these materials. This Order includes requirements for continued implementation of these programs for litter, trash, and debris control.

55. The Regional Board recognizes the importance of watershed management initiatives and regional planning and coordination in the development and implementation of programs and policies related to Receiving Water quality protection. A number of such efforts are underway in which the Permittees are active participants. This Order encourages continued participation in such programs and policies. The Regional Board also recognizes that in certain cases, diversion of funds targeted for certain monitoring and reporting programs to regional monitoring programs may be necessary. The Executive Officer is authorized to approve, after proper public notification and consideration of comments received, the watershed management initiatives and regional planning and coordination programs and regional monitoring programs. The Permittees are required to submit all documents, where appropriate, in an electronic format acceptable to the Executive Officer. These documents will be posted at the Regional Board's website and interested parties will be notified. In

addition, the website will include the administrative and civil procedures to appeal any decision made by the Executive Officer.

56. The storm water regulations require public participation in the development and implementation of the Urban Runoff management program. As such, the Permittees are required to solicit and consider all comments received from the public and submit copies of the comments to the Executive Officer with the Annual Reports due each November 30th. In response to public comments, the Permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.

57. In accordance with Water Code Section 13389, the issuance of Waste Discharge Requirements for this discharge is exempt from those provisions of CEQA contained in Chapter 3 (commencing with Section 21100), Division 13 of the California Public Resources Code.

58. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, for this discharge. The Regional Board finds that the Urban Runoff discharges regulated under this Order are consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary. This Order requires the continued implementation of programs and policies to reduce the discharge of pollutants in Urban Runoff. This Order includes additional requirements to control the discharge of pollutants in Urban Runoff from ”Significant Redevelopment”, as defined in Section VIII.B.1.a., and “New Development”, as defined in Section VIII.B.1.b.

59. The Regional Board has notified the Permittees and interested parties of its intent to issue Waste Discharge Requirements for Urban Runoff and has provided them with an opportunity to submit their written views and recommendations.

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

**IT IS HEREBY ORDERED** that the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, and the provisions of the CWA, as amended, and the regulations and guidelines adopted there under, shall comply with the following:

## I. RESPONSIBILITIES:

A. Responsibilities of the Principal Permittee:

1. The Principal Permittee shall be responsible for managing the overall Urban Runoff program and shall:

   a. Coordinate revisions to the DAMP.

b. Implement management programs, monitoring and reporting programs, and related plans as required by this Order.

c. Conduct chemical and biological water quality monitoring and hydrographic monitoring as required by the Executive Officer.

d. Conduct inspections and maintain the MS4s over which it has jurisdiction.

e. Review and revise, if necessary, those agreements to which it is a party and those regulations and policies it deems necessary to provide adequate legal authority to maintain the MS4s for which it has jurisdiction and to take those actions required of it by this Order and the Federal Storm Water Regulations (see Section V "Legal Authority/Enforcement", below);

f. To cause appropriate enforcement actions against illegal discharges to the MS4 for which it has jurisdiction be taken and pursued as necessary to ensure compliance with storm water management programs, implementation plans, and regulations and policies, including physical elimination of undocumented connections and illegal discharges (see Section V - "Legal Authority/Enforcement", below);

g. Respond or cause the appropriate entity or agency to respond to emergency situations such as accidental spills, leaks, and illegal discharges/illicit connections to prevent or reduce the discharge of pollutants to its MS4s and to the Waters of the U. S.

h. Prepare, coordinate the preparation of, and submit to the Executive Officer, those reports and programs necessary to comply with this Order.

2. The activities of the Principal Permittee should also include, but not be limited to, the following:

a. Establish a Management Steering Committee (the "Management Steering Committee") as described in the ROWD to address Urban Runoff management policies for the Permit Area and coordinate the review, and necessary revisions to the DAMP and Implementation Agreement. The Management Steering Committee will meet at least quarterly or more frequently as determined by the chairperson.

b. Coordinate and conduct Technical Committee (the "Technical Committee") meetings, at least ten times per year. The Technical Committee shall direct the development of the DAMP, and coordinate the implementation of the overall Urban Runoff program, as described in the ROWD. The Technical Committee will consist of one or more representatives from each Permittee.

c. Will take the lead role in initiating and developing area-wide programs and activities necessary to comply with this Order.

d. Coordinate activities and participate in committees/subcommittees formed to comply with this Order.

e. Coordinate with the Regional Board and Co-Permittees the implementation of this Order, including the submittal of all reports, plans, and programs as required under this Order.

f. Provide technical and administrative support to the Co-Permittees, including informing them of the status of known pertinent municipal programs, pilot projects, and research studies.

g. Coordinate with the Co-Permittees the implementation of Urban Runoff quality management programs, monitoring and reporting programs, implementation plans, public education, other pollution prevention measures, household hazardous waste collection, and all BMPs outlined in the DAMP and take other actions as may be necessary to meet the MEP.

h. Gather and disseminate information on the status of statewide Urban Runoff programs and evaluate the information for potential use in the execution of this Order. Hold workshops focused on Urban Runoff regulatory requirements, BMPs, and other related topics.

i. Compile information provided by the Co-Permittees and determine their effectiveness in attaining Receiving Water quality standards. This determination shall include a comparative analysis of monitoring data to the applicable water quality objectives for Receiving Waters as specified in Chapter 4 of the Basin Plan. A pollutant source investigation and control plan shall be performed when elevated pollutant levels are identified.

j. Solicit and coordinate public input for major changes to the Urban Runoff management programs and the implementation thereof.

k. Coordinate the development and implementation of procedures, and performance standards, to assist in the consistent implementation of BMPs, as well as Urban Runoff management programs, among the Co-Permittees.

l. Participate in watershed management programs and regional and/or statewide monitoring and reporting programs.

B. Responsibilities of the Co-Permittees:

1. Each Co-Permittee shall be responsible for managing the Urban Runoff program within its jurisdiction and shall:

a. Continue to maintain adequate legal authority to control the contribution of pollutants to their MS4s and enforce those authorities.

b. Conduct inspections of and maintain its MS4s in accordance with the criteria developed pursuant to Section XI.D, below.

c. Continue to implement management programs, monitoring and reporting programs, all BMPs listed in the DAMP, and related plans as required by this Order and take such other actions as may be necessary to meet the MEP standard.

d. Continue to seek sufficient funding for the area-wide Urban Runoff management plan, local Urban Runoff program management, Urban Runoff enforcement, public outreach and education activities and other Urban Runoff related program implementation.

e. Continue to coordinate among their internal departments and agencies, as appropriate, to facilitate the implementation of this Order and the DAMP.

f. Continue to pursue enforcement actions as necessary within its jurisdiction for violations of Storm Water Ordinances, and other elements of its Urban Runoff management program.

g. Respond to or arrange for the appropriate entity or agency to respond to emergency situations such as accidental spills, leaks, illegal discharges/illicit connections, etc. to prevent or reduce the discharge of pollutants to their MS4s and the Waters of the U.S.

2. The Co-Permittees' activities should include, but not be limited to, the following:

a. Participate in the Management Steering Committee and the Technical Committee in accordance with Section XIII.D. of this Order.

b. Conduct and coordinate with the Principal Permittee surveys and monitoring needed to identify pollutant sources and drainage area characteristics.

c. Prepare and submit reports to the Principal Permittee and/or the Regional Board in a timely manner.

d. Review, comment, approve, and implement plans, strategies, management programs, monitoring and reporting programs, as developed by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.

e. Participate in subcommittees formed by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.

f. Submit up-to-date MS4 maps to the Principal Permittee. If necessary, these maps should be revised on an annual basis and the revised maps should be submitted to the Principal Permittee with the information required for preparation of the Annual Report.

g. Prepare and submit to the Principal Permittee in a timely manner specific reports/information, related to the Co-Permittees' Urban Runoff program, necessary to develop an Annual Report for submittal to the Executive Officer.

## II. DISCHARGE LIMITATIONS/PROHIBITIONS:

A. In accordance with the requirements of 40 CFR 122.26(d)(2)(i)(B) and 40 CFR 122.26(d)(2)(i)(F), the Permittees shall continue to prohibit illicit connections and illegal discharges (non-storm water) from entering their respective MS4s.

B. The discharge of Urban Runoff from each Permitee's MS4s to the Waters of the U. S. containing pollutants that have not been reduced to the MEP is prohibited.

C. The Permittees shall continue to effectively prohibit the discharge of non-storm water, including those from public agency activities, into their respective MS4s and to the Waters of the U. S. unless such discharge is authorized by a separate NPDES permit or specifically allowed by the following provisions. The Permittees need not prohibit the discharges identified below. If, however, any of the following discharges are identified by either a Permittee or the Executive Officer as a significant source of pollutants, coverage under an NPDES permit or waste discharge requirements may be required.

1. Discharges covered by a NPDES permit, Waste Discharge Requirements, or waivers issued by the Regional or State Board. Unless a Permittee is the discharger, the Permittees shall not be responsible for any exceedances of Receiving Water Limitations associated with such discharges;

2. Discharges from potable water line flushing and other potable water sources;

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

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

5. Air conditioning condensate;

6. Diverted stream flows;

7. Rising ground waters and natural springs;

8. Groundwater infiltration (as defined in 40 CFR 35.2005(20)) and "uncontaminated pumped groundwater" (as defined in Appendix 4, Glossary);

9. Passive foundation drains;

10. Passive footing drains;

11. Water from crawl space pumps;

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

13. Flows from riparian habitats and wetlands;

14. Dechlorinated swimming pool discharges;

15. Waters not otherwise containing wastes as defined in Water Code Section 13050 (d); and

16. Other types of discharges identified and recommended by the Permittees and approved by the Regional Board.

D. The Regional Board may issue Waste Discharge Requirements for discharges exempted from NPDES requirements, such as agricultural irrigation waters, if identified to be a significant source of pollutants.

E. The Regional Board may add categories of non-Urban Runoff discharges that are not significant sources of pollutants or remove categories of non-Urban Runoff discharges listed in Section II.C. above, based upon a finding that the discharges are a significant source of pollutants.

F. When types of discharges listed in Subsections II.C.2-16, above, are identified as a significant source of pollutants to the Waters of the U.S., a Permittee shall either: prohibit the discharge category from entering its MS4 or ensure that “structural” and “source control BMPs” (as defined in Appendix 4, Glossary) are implemented to reduce or eliminate pollutants resulting from the discharge. The Permittees shall evaluate the permitted discharges, as listed in Subsection II.C.1., above, to their MS4s to determine if any are a significant source of pollutants to their MS4s and notify the Executive Officer if any are a significant source of pollutants to their MS4s.

G. The Permittees shall continue to reduce the discharge of pollutants, including trash and debris, from their respective MS4s to Receiving Waters to the MEP.

H. Discharges from the MS4s shall be in compliance with the discharge prohibitions contained in Chapter 5 of the Basin Plan.

I. Discharge of Urban Runoff from a Permittee’s MS4 shall not cause or contribute to a condition of nuisance as the term is defined in Section 13050 of the Water Code.

## III. RECEIVING WATER LIMITATIONS

A. Urban Runoff discharges from the Permittees’ MS4s shall not cause or contribute to exceedances of Receiving Water quality standards (as defined by “beneficial uses” and

"water quality objectives" in the Basin Plan and amendments thereto) for surface waters or ground waters.

B. The DAMP and its components shall be designed to achieve compliance with Receiving Water Limitations associated with discharges of Urban Runoff. It is expected that compliance with Receiving Water Limitations will be achieved through an iterative process and the application of increasingly more effective BMPs.

C. The Permittees shall comply with Sections II and III of this Order through timely implementation of control measures and other actions to reduce pollutants in Urban Runoff in accordance with the DAMP and other requirements of this Order, including modifications thereto.

D. If exceedance(s) of water quality standards due to Urban Runoff discharges persist, notwithstanding implementation of the DAMP and other requirements of this Order, the Permittees shall assure compliance with Sections II.B and III of this Order by complying with the following procedure:

1. Upon a determination by either the Permittees or the Executive Officer that the discharges from the MS4 systems are causing or contributing to an exceedance of an applicable Water Quality Standard, the Permittees shall within two (2) working days, provide oral or e-mail notice to Regional Board staff of the location within its jurisdiction where the exceedance occurred and describe the nature of the exceedance. Following oral or e-mail notification, a written report must be submitted to the Executive Officer within thirty (30) calendar days of becoming aware of the situation. The report submitted for review and approval shall, at a minimum, describe the BMPs that are currently being implemented and the additional BMPs that will be implemented to prevent or reduce those pollutants that are causing or contributing to the exceedance of the applicable water quality standards. Alternatively, if the exceedances are due to discharges to the MS4 from activities or areas not under the jurisdiction of the Permittees, the Permittees shall provide documentation of these discharges in the subject report, consistent with Subsection D.6., below.

2. Determination of the effect of Urban Runoff discharges from the MS4s on Receiving Water quality standards shall include a comparative analysis of the Permittees' monitoring data to the applicable water quality objectives for the Receiving Waters specified in Chapter 4 of the Basin Plan.

3. The Executive Officer may by written notice require modifications to the report, required by Subsection D.1., above. If required, such modifications shall be submitted within thirty (30) calendar days of receipt of said written notice.

4. Within ninety (90) calendar days following approval by the Executive Officer of the report required by Subsection D.1., above, the Permittees shall revise the DAMP and their monitoring and reporting programs to incorporate the approved modified or additional BMPs that have been or are to be implemented, and the implementation schedule.

5. The revised DAMP and monitoring program are to be implemented in accordance with the approved schedule.

6. If the exceedances are solely due to discharges to the MS4 that are outside the Permittees jurisdiction or control, the Permittees shall, within two (2) working days of becoming aware of the situation, provide oral or e-mail notice to Regional Board staff of the determination of the exceedance and provide written documentation of these discharges to the Executive Officer within ten (10) calendar days of becoming aware of the situation.

7. So long as the Permittees have complied with the procedures set forth above and are implementing the revised DAMP, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same Receiving Water Limitations unless the Executive Officer determines it is necessary to develop additional BMP's and provides written notice to the Permittees of this determination.

## IV. IMPLEMENTATION AGREEMENT

A. Within six (6) months of this Order's adoption, the existing Implementation Agreement shall be revised to include the city of Murrieta. A copy of the signature page and revisions to the Agreement shall be included in the Annual Report.

B. No later than November 30th of each year, the Permittees shall evaluate their Urban Runoff management programs and the Implementation Agreement and determine the need, if any, for revision. The Annual Report shall include the findings of this review and a schedule for any necessary revision(s).

## V. LEGAL AUTHORITY/ENFORCEMENT:

A. The Permittees shall continue to maintain and enforce adequate legal authority to control the contribution of pollutants to the MS4s and enforce those authorities.

B. The Permittees shall continue to take appropriate enforcement actions against violators of their Storm Water Ordinances, in accordance with the Federal Storm Water Regulations (40CFR, Part 122.26(d)(2)(I)(A-F)), and adopted/established guidelines and procedures in the E/CS.

C. Within six (6) months of this Order's adoption, the Permittees shall evaluate their ordinances, regulations, rules and codes to determine if it has provided its staff authority to impose administrative fines for violations of its Storm Water Ordinance.

D. Co-Permittees' ordinances or other local regulatory procedures shall include sanctions to ensure compliance. Sanctions shall include but shall not be limited to: verbal and/or written warnings, notice of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). If

the Co-Permittee's current ordinances or codes do not provide for the imposition of these civil or criminal penalties for violations of its Storm Water Ordinances, the Co-Permittee shall enact such ordinances within eighteen (18) months of this Order's adoption.

E. The Permittees shall continue to provide notification to Regional Board staff regarding Urban Runoff related information gathered during site inspections of construction, and industrial sites regulated by the General Storm Water Permits or San Jacinto Watershed Construction Activities Permit and at sites that should be regulated under these Permits. The notification should include observed violations of these permits, prior history of violations, enforcement actions taken by the Permittee, and other relevant information. In addition, Sections IX, X, and XII of this Order address additional notification requirements for construction, industrial and commercial sites not covered under the General Storm Water Permits.

F. Within twelve (12) months of this Order's adoption, and annually thereafter in November, the Permittees shall provide a report containing a review of their Storm Water Ordinances and their ordinance enforcement practices to assess their effectiveness in prohibiting non-exempt, non-storm water discharges to the MS4s (the Permittees may propose appropriate control measures in lieu of prohibiting these discharges, where the Permittees are responsible for ensuring that dischargers adequately maintain those control measures). At a minimum, the following types of non-exempt, non-storm water discharges and wastes shall be considered:

1. Sewage, where a Co-Permittee operates a POTW and associated sewage collection system;

2. Wash water resulting from the hosing or cleaning of gas stations, and other types of automobile service stations;

3. Discharges resulting from the cleaning, repair, or maintenance of equipment, machinery, or facilities, including motor vehicles, concrete mixing equipment, portable toilet servicing, etc.;

4. Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet cleaning, etc.;

5. Water from cleaning of municipal, industrial, and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, containing chemicals or detergents, and without prior sweeping, etc;

6. Runoff from material storage areas or uncovered receptacles that contain chemicals, fuels, grease, oil, or other hazardous materials;

7. Discharges of runoff from the washing of toxic materials from paved or unpaved areas;

8. Discharges from pool or fountain water containing chlorine, biocides, or other chemicals; pool filter backwash containing debris and chlorine;

9. Pet waste, yard waste, debris, sediment, etc;

10. Restaurant or food processing facility wastes such as grease, floor mat and trash bin wash water, food waste;

G. Within eighteen (18) months of this Order's adoption, each Permittee shall submit a statement (signed by its legal counsel) that the Permittee has obtained all necessary legal authority to comply with this Order through adoption of ordinances and/or municipal code modifications.

## VI. ILLICIT CONNECTIONS/ILLEGAL DISCHARGES; LITTER, DEBRIS AND TRASH CONTROL

A. The Co-Permittees shall continue to prohibit illicit connections and illegal discharges to the MS4s through their Storm Water Ordinances and the Principal Permittee shall do so through its statutory authority. In addition, the Permitees shall continue to implement and improve routine inspection and monitoring and reporting programs for their MS4s. If routine inspections or dry weather monitoring indicate illicit connections or illegal discharges, they shall be investigated and eliminated or permitted within sixty (60) calendar days of receipt of notice by its staff or from a third party. A summary of these actions shall be submitted annually beginning with the 2003-2004 Annual Report.

B. The Permittees upon being put on notice by staff or a third party shall immediately upon becoming aware of the circumstances (within 24 hours of receipt of notice by its staff or from a third party) investigate all spills, leaks, and/or illegal discharges to the MS4s. Based upon their assessment and as specified below, the Permittees shall report as follows:

1. All discharges that endanger human health or the environment:

a. By phone to the Office of Emergency Services (the "OES") at (800-852-7550) and to the Executive Officer at (909-782-3238). Alternatively, the report to the Executive Officer may be done by e-mail at (sw@rb8.swrcb.ca.gov).

b. At a minimum, any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any hazardous material spill where residents are evacuated, any spill of reportable quantities of hazardous waste (as defined in 40CFR 117 and 40 CFR 302), or any other spill or discharge that is reportable to the OES (collectively, an "Emergency Situation") shall be reported within twenty-four (24) hours of becoming aware of the circumstances.

2. Other spill incidents, including any unauthorized discharge, that are not incidents reportable to the OES shall be reported to the Executive Officer within two (2) business days of becoming aware of the circumstances.

3. A written report of the discharge or incident described in this subsection shall be submitted to the Executive Officer within ten (10) calendar days of becoming aware of the circumstances.

4. The Permittees may propose a reporting program, including reportable incidents and quantities, jointly with other agencies such as the County Health Department for approval by the Executive Officer.

C. The Permittees shall continue to implement control measures to reduce and/or to eliminate the discharge of pollutants, including trash and debris, from MS4s to the Receiving Water. These control measures shall be reported in the Annual Report.

D. Within eighteen (18) months of this Order's adoption, the Technical Committee shall provide a written assessment of the relative efficiency and cost effectiveness of the available BMPs and the BMPs currently implemented for the control of anthropogenic litter (e.g. street sweeping, catch basin cleaning, deployment of trash receptacles, public education, etc.) and develop recommendations for improving the effectiveness of the currently implemented measures, and implement appropriate BMPs to control trash in Urban Runoff. The Permittees are required to establish a system to record visual observation information regarding the materials collected from the MS4 (e.g. paper, plastic, wood, glass, vegetative litter, and other similar debris), descriptions of its main source(s) (e.g. office, residential, commercial, and industrial waste), and problem areas. The findings of this review, along with supporting field data, shall be included in the Annual Report for 2004-2005.

E. Within eighteen (18) months of this Order's adoption, the Permittees shall review their litter/trash control ordinances to determine the need for revision to improve the effectiveness of these ordinances. The findings of this review shall be included in the Annual Report for 2003-2004.

## VII. SEWAGE SPILLS, INFILTRATION INTO MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES

A. The Executive Officer will request the local sewering agencies to take the lead and develop unified response guidance, in cooperation with the Principal Permittee. The Principal Permittee shall collaborate with the local sewering agencies to develop a unified response procedure to respond to sewage spills that may have an impact on Receiving Water quality. The Permittees shall provide local sanitation districts 24-hour access to the MS4s to address sewage spills. The Permittees shall continue to work cooperatively with the local sewering agencies to determine and control the impact of infiltration from leaking sanitary sewer systems on Urban Runoff quality.

B. Within twelve (12) months of this Order's adoption, the Permittees, whose jurisdictions have 50 or more septic tank sub-surface disposal systems in use, shall identify with the appropriate governing agency a procedure to control septic system failures to prevent impacts on Urban Runoff quality and continue to follow procedures established by the State Health Department to address such failures.

C. Within twelve (12) months of this Order's adoption, the Principal Permittee shall review the Permittees' current oversight programs for portable toilets to determine the need for revisions.

## VIII. NEW DEVELOPMENT (INCLUDING SIGNIFICANT REDEVELOPMENT)

A. GENERAL REQUIREMENTS:

1. Each Co-Permittee shall, consistent with the DAMP and its Storm Water Ordinance, and any revisions thereto as required by this Order, when considering any map or permit for which discretionary approval is sought require that said map or permit contain a condition requiring the applicant to obtain coverage under the General Construction Activity Storm Water Permit or the San Jacinto Watershed Construction Activities Permit, if applicable (collectively the "Construction Activity Permits"), by filing a Notice of Intent ("NOI") with either the State or Regional Board, as applicable. Verification that said condition has been satisfied may be established, as to the General Construction Activity Storm Water Permit, by presentation of a letter from the State Board indicating that the required fees have been paid and a waste discharge identification number ("WDID No.") has been issued or determining from the State Board's web-site that the WDID No. has been issued, and, as to the San Jacinto Watershed Construction Activities Permit, that the required Storm Water Pollution Prevention Plan ("SWPPP") has been approved, fees have been paid and the Regional Board has issued a WDID No. Within six (6) months of this Order's adoption, each Co-Permittee shall review and revise as needed its land use approval process to include a procedure to ensure that coverage has been secured under the appropriate Construction Activity Permit for each map or permit that it has approved.

2. Each Co-Permittee shall continue to implement those BMPs identified in the "New Development Guidelines", and the attachment thereto entitled "Selection and Design of Storm Water Quality Controls," that constitute Supplement A ("Supplement A") to the DAMP in its review of any map or permit for which discretionary approval is sought. The land use approval process of each Co-Permitee shall continue to require source control and address the need for structural treatment BMP's, identify their location, and identify how long-term maintenance responsibilities are to be met.

3. The Permittees shall review and revise, as necessary, the DAMP, including Supplement A, in order to effect the implementation of new or enhanced BMPs that more effectively reduce pollutants in runoff from construction sites during all phases of construction, including post-construction. At a minimum, the DAMP shall continue to:

a. Discuss possible amendments to the Co-Permittees' ordinances, regulations, and codes that would enhance grading and erosion control and public education,

b. Propose review criteria to be applied in land use review processes to better address issues regarding Urban Runoff; and

c. Identify BMPs or regional or sub-regional Urban Runoff treatment/infiltration BMPs that would enhance pollution prevention measures and address post construction Urban Runoff issues.

4. The Permittees shall review and revise, as necessary, the DAMP, including Supplement A, in order to develop and effect the implementation of new or enhanced BMPs that reduce pollutants in Urban Runoff from commercial and industrial sites both during and after site construction. Appropriate BMPs will be required for industrial/commercial land uses that are identified during the land use approval process. For industrial/commercial land uses that are identified subsequent to the issuance of a discretionary map or permit, appropriate BMPs will be addressed through the E/CS. At a minimum the DAMP shall continue to address:

   a. The identification of those characteristics of the development of a commercial or industrial site that are likely to be a source of pollutants in Urban Runoff that should be addressed and considered during the land use approval process, and

   b. The identification of regional or sub-regional Urban Runoff treatment/infiltration BMPs that would address post construction Urban Runoff issues.

5. Each Co-Permittee shall continue to reduce the short and long-term impacts on Receiving Water quality from New Developments, as defined in Subsection B.1, below, and Significant Redevelopment, as defined in Subsection B.1., below, as required in Subsection B., below. In order to reduce pollutants and runoff flows from New Development and Significant Redevelopment to the MEP, the Co-Permittees shall at a minimum:

   a. Review their respective land use approval and CEQA review processes to insure that each addresses Urban Runoff issues consistent with provisions of this Order and make appropriate revisions to each, and

   b. Develop and implement a public/business education program as specified in Section IX.C.4., below.

6. Each Co-Permittee shall provide the Regional Board with any draft general plan or any draft general plan amendments for comment in accordance with Government Code Section 65350 et. seq.

7. Each Co-Permittee shall, through its conditions of approval, continue to address the maintenance and operation of structural BMPs required to be constructed to ensure Urban Runoff quality from New Development. The parties responsible for the maintenance and operation of such structural BMPs and an appropriate funding mechanism shall be identified in said conditions of approval.

8. Within twelve (12) months of this Order's adoption, the Co-Permittees shall review their respective land use approval and CEQA processes to ensure that Urban Runoff issues are properly considered and addressed. If necessary, these processes should be revised to consider and mitigate impacts to Urban Runoff quality. These changes may include amending the general plan, modifying the land use approval process or the environmental assessment form, which may include adding a section on Urban Runoff quality issues. The findings of this review and the actions taken by the Co-Permittees shall be reported to the Regional Board in the Annual Report for the corresponding year in which the review is completed. The following shall be considered in a Co-Permittee's environmental assessment form:

    a. Potential impact that construction of the project may have on Urban Runoff.

    b. Potential impact that operation of the project may have on Urban Runoff.

    c. Potential for discharge of pollutants in Urban Runoff from areas identified within the project site to be used for material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.

    d. Potential for pollutants in Urban Runoff discharged from a project site that may affect the beneficial uses of the Receiving Waters.

    e. Potential for significant changes in the flow velocity or volume of Urban Runoff from a project site that would result in environmental harm.

    f. Potential for significant increases in erosion of a project site or surrounding areas.

9. Within twenty-six (26) months of this Order's adoption, each Co-Permittee shall review its general plan and related land use ordinances and land use approval process (including, but not limited to, its approved development standards, zoning ordinances, standard conditions of approval, or project development guidelines) to ensure that the principles and policies enumerated below are properly considered and are incorporated into the land use approval process. The findings of this review and the actions taken by each Co-Permittee shall be reported to the Regional Board in the Annual Report for the year in which the review is completed. Said principles and policies should include, but not be limited to, the following:

a. Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; minimize impacts from Urban Runoff on the biological integrity of natural drainage systems and water bodies;

b. Minimize changes in hydrology and pollutant loading; require incorporation of source control and structural BMPs[8] to mitigate the projected increases in pollutant loads and flows; ensure that post-construction runoff rates and velocities from a site do not result in significant adverse impact on downstream erosion and stream habitat; limit the quantity of Urban Runoff directed to impermeable surfaces and the MS4s; and maximize the percentage of permeable surfaces to allow more percolation of Urban Runoff into the ground;

c. Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site;

d. Encourage the use of BMPs to manage Urban Runoff quality and quantity;

e. Provide for appropriate permanent measures to reduce pollutant loads in Urban Runoff from the development site; and,

f. Establish development guidelines for areas particularly susceptible to erosion and sediment loss.

10. Within sixteen (16) months of this Order's adoption, each Co-Permittee shall review and, as necessary, revise its grading/erosion control ordinances in order to reduce erosion caused by New Development or Significant Redevelopment.

11. Within eighteen (18) months of this Order's adoption, the Permittees shall identify a listing of erosion control BMPs appropriate for use during site construction in the Permit Area. The proposed and final BMP listing shall be approved, in writing, by the Executive Officer.

12. The Co-Permittees shall continue to implement the BMPs described in Supplement A and the "Municipal Facilities Strategy" dated 1997, prepared for and approved by the Permittees.

[8] In lieu of site specific structural BMPs, a regional treatment system that provides equivalent or superior treatment of Urban Runoff is acceptable.

B. WATER QUALITY MANAGEMENT PLAN FOR URBAN RUNOFF (FOR NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT)

Within twenty (20) months of this Order's adoption, the Permittees shall develop a Water Quality Management Plan (the "WQMP") identifying BMPs, including design standards for source control and structural BMPs[9], that are to be applied when considering any map or permit for which discretionary approval is sought. The WQMP is intended to address regional and sub-regional source control and structural BMPs and to provide guidelines for site specific, "post-construction BMPs" (as defined in Appendix 4, Glossary) to address management of Urban Runoff quantity and quality. The WQMP is to be submitted to the Executive Officer for his review and approval, consistent with the criteria identified in Subsections B.1., 2., and 3., below:

1. The WQMP shall address management of Urban Runoff quality from a project site, represented by a map or permit for which discretionary approval is sought from a Co-Permittee, in one of the categories of development identified below:

   a. "Significant Redevelopment" is defined as the addition or creation of 5,000, or more, square feet of impervious surface on an existing developed site. This includes, but is not limited to, construction of additional buildings and/or structures, extension of the existing footprint of a building, construction of impervious or compacted soil parking lots. Where Significant Redevelopment results in an increase of less than fifty percent of the existing impervious surfaces of an existing developed site, and the existing developed site received its discretionary land use approvals prior to the adoption of the WQMP, the WQMP would apply only to the addition, and not the existing development. Significant Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, the original purpose of the constructed facility or emergency actions required to protect public health and safety;

   b. For purposes of this Order, the categories of development identified below, shall be collectively referred to as "New Development":

      (1.) Residential development of 10 dwelling units, or more, including single family and multi-family dwelling units, condominiums, or apartments.
      (2.) Industrial and commercial development where the land area represented by the proposed map or permit is 100,000 square feet, or more, including, but not limited to, non-residential developments such as hospitals, educational institutions, recreational facilities, mini-malls, hotels, office buildings, warehouses, light industrial, and heavy industrial facilities;
      (3.) Automotive repair shops (with standard industrial classification ("SIC") codes 5013, 7532, 7533, 7534, 7537, 7538, and 7539).
      (4.) Restaurants (SIC Code 5812) where the project site is 5,000 square feet, or more.

(5.) Hillside development that creates 10,000 square feet, or more, of impervious surface(s), including developments located on areas with known erosive soil conditions or where the natural slope is twenty-five percent or more.
(6.) Developments creating 2,500 square feet, or more, of impervious surface that is adjacent to (within 200 feet) or discharging directly into areas designated in the Basin Plan as waters supporting habitats necessary for the survival and successful maintenance of plant or animal species designated under state or federal law as rare, threatened, or endangered species (defined in the Basin Plan as "RARE") or waterbodies listed on the CWA Section 303(d) list of Impaired Waterbodies within the Permit Area.
(7.) Parking lots of 5,000 square feet or more of impervious surface exposed to storm water. Parking lot is defined as a site or facility for the temporary storage of motor vehicles.

2. The primary objective of the WQMP, by addressing source control and structural BMPs[9], applied on a regional, sub-regional or site specific basis, is to ensure that the land use approval process of each Co-Permittee will minimize pollutant loads in Urban Runoff from project sites for a map or permit for which discretionary approval is given. This objective may be achieved through source control and structural BMPs. In developing the WQMP, the Permittees are to consider and address the following:

a. Pollutants of Concern/Conditions of Concern. The WQMP is to include a protocol by which Pollutants of Concern and/or Conditions of Concern are identified and their potential impact on Urban Runoff from a project site that is to be developed by one or more of the categories specified in Section VIII.B.1., above. The protocol shall include, at a minimum, consideration of the following:

(1) The quality of the Receiving Waters in proximity to the project site (including pollutants for which a waterbody within the Permit Area that has been listed as impaired under CWA Section 303(d));
(2) The category of development and the type of pollutants associated with that development category;
(3) Pollutants expected to be present on the project site; and
(4) Sensitivity of the Receiving Waters in proximity to the project site to changes in storm water discharge flow rates, velocities, durations, and volumes.

b. Implementation Process. The WQMP shall specify at which point in the land use approval process the provisions of the WQMP should be considered. The WQMP shall generally describe the type of municipal departments or related agencies that are best equipped to evaluate the project site and draft the conditions of approval that will identify the types of BMPs required to address the specified concerns indicated by the protocol developed consistent with Subsection B.2.a, above, and incorporated into the WQMP.

c. If the draft condition of approval identifies the need for source control or structural BMPs[9], the WQMP will require the proposed condition of approval to identify the operation and maintenance requirements for the identified structural source and/or treatment control and identify the funding source(s) and the parties responsible for the ongoing operation, maintenance, repair, rehabilitation and/or replacement of the source control and/or structural BMPs[9].

3. The WQMP shall include a list of recommended source control and structural BMPs[9] and a protocol, developed pursuant to Subsection B.2., above, that will identify those applications that would be most effective for a project site that is to be developed by one or more of the categories specified in Section VIII.B.1., above. The source control and structural BMPs included in said list shall, at a minimum:

   a. Control the post--construction peak storm water runoff discharge rates and velocities to avoid increasing downstream erosion beyond pre-construction conditions;

   b. Conserve natural areas and protect stream habitat, where feasible;

   c. Minimize the introduction of Pollutants of Concern into Urban Runoff;

   d. Remove Pollutants of Concern from Urban Runoff to the MEP;

   e. Protect slopes and channels from eroding;

   f. Require storm drain inlet stenciling and signage;

   g. Require properly designed outdoor material storage areas;

   h. Require properly designed trash storage areas; and

   i. Be located as close to pollutant sources, as appropriate and economically/ technologically feasible, and before the Urban Runoff is discharged into Receiving Waters.

4. If by January 1, 2005, the Permittees have not developed the WQMP and/or the WQMP has not been approved by the Executive Officer, then each Co-Permittee shall cause to be placed on any proposed project submitted to it after said January 1st that requires discretionary approval of a map or permit that proposes to develop a site consistent with one or more of the categories specified in Subsection B.1., above, conditions of approval that will require source control and/or structural BMPs that are to meet design standards consistent with those specified in Subsection B. 5, below.

5. Source control and structural BMPs for any proposed project submitted to a Co-Permittee that requires discretionary approval of a map or permit that proposes to develop a site consistent with one or more of the categories specified in Subsection B.1., above, are to be sized to comply with one of the following numeric sizing

criteria or be determined by the Co-Permittee to provide equivalent or superior treatment of Urban Runoff, on a site basis:

**a. Volume.** Volume–based BMPs shall be designed to treat urban pollutants (including, but not limited to, sediments, copper, lead, arsenic, zinc, and pesticides), or infiltrate either:

1) The volume of Urban Runoff produced from a 24-hour, 85th percentile storm event, as determined from the local historical rainfall record; or
2) The volume of annual Urban Runoff produced from a 24-hour, 85th percentile rainfall event, determined as the maximized capture Urban Runoff 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
3) The volume of annual Urban Runoff based on unit basin storage volume, to achieve 80% or more volume treatment by the method recommended in *California Storm Water Best Management Practices Handbook – Industrial/Commercial (1993)*; or
4) The volume of Urban 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 Urban Runoff produced from a 24-hour, 85th percentile storm event;

**Or,**

**b. Flow.** Flow-based BMPs shall be designed to treat urban pollutants (including, but not limited to, sediments, copper, lead, arsenic, zinc, and pesticides), or infiltrate either:

1) The maximum flow rate of Urban Runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
2) The maximum flow rate of Urban Runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
3) The maximum flow rate of Urban 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 hourly rainfall intensity multiplied by a factor of two.

6. Implementation of Subsections B.1. through B.5., above shall include consideration of the following:

a. Each Co-Permittee may propose equivalent sizing criteria for structural BMPs that will achieve greater or substantially similar pollution control benefits. In the absence of approved equivalent sizing criteria, the Co-Permittee shall implement the above stated sizing criteria.

b. Waiver Provisions. A Co-Permittee may provide for a project to be waived from the requirement of implementing structural BMPs (Section VIII. B. 5). All waivers, along with documentation justifying the issuance of the waiver, must be submitted to Regional Board staff in writing within thirty (30) calendar days. If the Executive Officer determines that waivers are being inappropriately granted, this Order may be reopened to modify these waiver conditions:

(1). If infeasibility can be established. A waiver of infeasibility shall only be granted by a Co-Permittee when all available structural BMPs have been considered and rejected as technically infeasible and/or the cost of implementing the structural treatment BMP greatly outweighs the pollution control benefit.

(2.) For those portions of the Permit Area that will not result in a discharge to the Receiving Waters under the rainfall conditions specified in Subsections B.5., above.

c. If a particular BMP is not technically feasible, other BMPs should be implemented to achieve the same level of pollution control or if the cost of implementing a technically feasible BMP greatly outweighs the pollution control benefits, the Co-Permittees may grant a waiver of the numeric sizing criteria for said BMP as set forth in the WQMP.

d. The Principal Permittee and the Co-Permittees, individually or jointly, as appropriate, may develop and implement regional and sub-regional watershed management BMPs that address Urban Runoff from New Development and Significant Redevelopment.

e. The obligation to install structural BMPs for New Development will be satisfied if, for a specific plan, multiple subdivisions, or a regional area, structural BMPs are constructed with the requisite capacity to serve the specific plan, multiple subdivisions, or regional area, even if certain phases of the specific plan or the subdivision do not have structural treatment BMP located within the boundaries of the particular phase, provided, however, the structural BMPs are designed and implemented to intercept Urban Runoff prior to it reaching the Receiving Waters and said BMPs meet the sizing criteria set forth in the WQMP or as specified in Subsection B.5, above.

7. Structural BMPs utilizing infiltration shall comply with the following:

a. Infiltration shall not cause or contribute to an exceedance of groundwater quality objectives.

b. Protect groundwater quality.

c. Should not be used in high vehicular traffic areas (25,000 or greater average vehicles daily) unless necessary to mitigate peak storm flows for the protection of real and personal property, or for the protection of public health and safety. A sampling and analysis plan shall be implemented for such sites.

d. Shall be located at least 500 feet horizontally from water supply wells.

e. Shall not cause a nuisance, including odor, vectors or pollution as defined by Water Code Section 13050.

## IX. MUNICIPAL INSPECTION PROGRAM

The municipal inspection program is outlined in the E/CS, prepared by the Permittees. The E/CS describes minimum inspection and enforcement procedures utilizing existing inspection programs, provides criteria for characterizing the significance of violations, criteria for prioritizing violations, appropriate response actions corresponding to the priority of violations and identifies the hierarchy of enforcement/compliance responses. The E/CS comprises a framework to standardize the implementation and enforcement by the Co-Permittees of their respective Storm Water Ordinances. As part of the E/CS, the Principal Permittee and the County have implemented the CAP that, through the Riverside County Environmental Health Department, specifically addresses storm water compliance survey/inspections of each facility that must secure a hazardous materials permit for either storing, handling or generating hazardous materials and restaurants. The Co-Permittees shall continue to enforce their respective Storm Water Ordinances consistent with the E/CS and shall revise the E/CS, within twelve (12) months of the adoption of this Order, and their respective Storm Water Ordinances consistent with the program elements described below. The revision of the E/CS is to be submitted for approval, in writing, by the Executive Officer.

A. Construction Sites

1. Each Co-Permittee shall develop within twelve (12) months of this Order's adoption, an inventory of active construction sites within its jurisdiction for projects for which a building or grading permit has been issued for a site that is 1-acre or larger. As written in the "Storm Water Phase II Final Rule – Small Construction Program Overview" (EPA 833-f-00-013, January 2000, Fact Sheet 3.0), smaller parcels that are part of a larger development will also be required to comply with the Phase II rules. A construction site will be included in the inventory regardless of whether the construction site is subject to the Construction Activity Permits, or other individual construction storm water NPDES permits. In addition, beginning thirteen months (13) from the adoption date of this Order, New Development/Redevelopment Sites meeting the criteria defined in Section VIII. B.1, shall also be included in this database. This inventory shall be routinely maintained to reflect additional construction sites as permits are issued and may reflect deletions as occupancy permits are issued or a construction site is abandoned. This inventory shall be maintained in a computer database system. An electronic copy or update of the database, in a format acceptable to the Executive Officer, shall be provided with each Annual

Report or upon request. The database specifics shall at a minimum include the relevant site information as outlined in the E/CS. The revised E/CS should provide for the inclusion of the following information: facility name (dba), address, city, zip code, mailing address (if different), location reference (such as GIS coordinates, cross streets, etc.) facility contact and phone number, site size, Map/Plot Plan No., Grading Permit No., Assessor's Parcel Number ("APN"), and State WDID No. Linking the database to a Geographical Information System ("GIS") is recommended but is not required.

2. Within twelve (12) months of this Order's adoption, the Co-Permittees shall inspect all inventoried construction sites, document relevant site information as outlined in the E/CS, and shall cause said information to be entered into the inventory database. In establishing priorities for inspection of construction sites consistent with this Order, the Co-Permittees shall prioritize construction sites within their jurisdiction as a high, medium, or low threat to Receiving Water quality (consistent with the criteria contained in Section IX.A.3., below). Evaluation of construction sites should be based on such factors as soil erosion potential, project size, proximity and sensitivity of Receiving Waters, history of compliance, and other relevant factors. The priority level assigned to a construction site may change during the construction period, however, at a minimum, the following construction sites shall be given a high priority in the initial inventory:

   a. Sites that disturb an area greater than 50 acres;

   b. Sites that disturb an area greater than one (1) acre and are located adjacent to, within 200 feet, of an identified impaired water body within the Permit Area; and,

   c. Sites that disturb an area greater than one (1) acre and directly discharge to an identified Impaired Waterbody within the Permit Area.

3. Each Co-Permittee shall conduct construction site inspections for compliance with its ordinances, including its Storm Water Ordinance, regulations, codes, and the WQMP, when approved. Construction site inspections shall at a minimum address the following areas as outlined in the E/CS:

   a. Check for submittal of a NOIs in compliance with the Construction Activity Permits, if required;

   b. Confirm a SWPPP, if required, is on-site;

   c. Confirm compliance with the Co-Permittee's Storm Water Ordinance;

   d. Check for active non-stormwater discharges or potential illicit connections or illegal discharges to a MS4; and,

e. The frequency of inspections shall be as follows:

| Site Priority Level | Inspection Frequency |
|---|---|
| High | Once every two weeks |
| Medium | Once each month |
| Low | Once during the wet season |
| Follow-up inspections when Storm Water Ordinance violations are observed | As specified in the E/CS, at least within two weeks, or consistent with a compliance schedule. |

4. Each Co-Permittee shall enforce its Storm Water Ordinance at construction sites as necessary to maintain compliance with the E/CS and this Order. Sanctions for non-compliance may include: verbal and/or written warnings, notice of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor).

5. As described in the E/CS, the Co-Permittees will provide training to staff involved in inspecting construction sites. Staff training will address the requirements of the following:

   a. The Storm Water Ordinances, resolutions, and codes;

   b. This Order, the approved WQMP, and the DAMP;

   c. The Construction Activity Permits;

   d. The E/CS.

6. Construction site inspectors will also receive training regarding SWPPPs, selection and maintenance of appropriate BMPs for construction sites, including erosion and sediment control. Each Co-Permittee shall have arranged for adequate training of its current inspection staff within twelve (12) months of this Order's adoption and on an annual basis thereafter, prior to the start of the "Rainy Season" (October 1 through May 31st). Training programs should be coordinated with Regional Board staff and prior notification of formal classroom training activities shall be provided to Regional Board staff. New hires or transfers that will be performing construction site inspections for a Co-Permittee shall be trained within six (6) months of starting inspection duties.

7. Within twenty-four (24) hours of receipt of notice by its staff or from a third party, each Co-Permittee shall continue to provide oral or e-mail notification to Regional Board staff of sites within its jurisdiction that are determined to be an Emergency Situation. Following oral or e-mail notification, a written report must be submitted to Regional Board Staff within ten (10) calendar days of receipt of notice of the Emergency Situation, detailing the nature thereof, corrective actions taken by the site owner, other relevant information (e.g., past history of

non-compliance, environmental damage resulting from the Emergency Situation, site owner responsiveness) and the type of enforcement, consistent with Table 4 of the E/CS, that has been or will be carried out by the Co-Permittee. Further, incidences of non-compliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident will be included in the database identified in Subsection A.1, above.

8. If a Co-Permittee receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the Construction Activity Permits or other order or permit issued by the State or Regional Board, the Co-Permittee shall, within two (2) working days, provide oral or e-mail notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describing the nature of the incident. Following oral or e-mail notification, a written report must be submitted to Regional Board staff within ten (10) calendar days of becoming aware of the situation.

9. Upon referral of a construction site to Regional Board staff for failure to obtain coverage under the applicable Construction Activity Permit, failure to keep a SWPPP at the construction site, if applicable, or an observed act or omission that suggests failure to comply with either, the Co-Permittee will take no further action at the construction site with regard to securing compliance with the Construction Activity Permits. It is understood by the Co-Permittees and Regional Board staff that this will preclude duplication of effort and insure that consistent direction is provided to the owner/developer and the construction site manager as to what is required to bring the site into compliance with the General Construction Activity Storm Water Permit or San Jacinto Watershed Construction Activities Permit. Each Co-Permittee shall take appropriate actions to bring a construction site into compliance with its local ordinances, rules, regulations, and WQMP, when approved.

10. The number of inspections and the actions taken will be documented by the Co-Permittees and an appropriate summary of said actions will be provided to the Principal Permittee for inclusion in the Annual Report submitted to the Regional Board.

11. The Permittees need not inspect construction sites already inspected by Regional Board staff if the inspection of said site, given its prioritization consistent with the E/CS, was concluded within the time frame specified for said site's prioritization. To facilitate this, Regional Board staff will post a list of facilities inspected on the website or make this information available to the Co-Permittees by other pre-arranged means.

B. Industrial Facilities

1. Each Co-Permittee shall develop within eighteen (18) months of this Order's adoption, an inventory of industrial facilities in the Permit Area within its jurisdiction that has the potential to discharge pollutants to the MS4.

a. Each Co-Permittee that presently has an existing local industrial inspection program (the cities of Corona and Riverside as to their respective POTW pre-treatment inspections and the County through the CAP) shall include in their respective inventory of industrial facilities information derived from existing compliance survey and inspection programs.

b. Each Co-Permittee without an industrial inspection program shall include in their inventory of industrial facilities information from the CAP that is relevant to its jurisdiction and may include information derived from other agencies providing services within its jurisdiction, including, but not limited to, the appropriate Fire Department, health departments, and POTW servicing the Permit Area.

c. An industrial facility will be included in said inventory, regardless of whether the facility is subject to the General Industrial Activities Storm Water Permit, or other individual NPDES permits issued by the State or Regional Boards.

d. The inventory shall be routinely updated, information can be derived from any of the following sources: conditional use permits, plot plans, building permits, business licenses, occupancy permits, hazardous materials permits, and hazardous waste generator permits are approved for the development of a new industrial facility, additional facilities are identified through the CAP, and as compliance surveys and inspections are completed and industrial facilities are identified. This inventory shall be maintained in a computer database system.

e. The Co-Permittees shall not issue an occupancy permit to an industrial facility or other license authorizing the facility to operate, unless the applicant is informed of the General Industrial Activities Storm Water Permit and that it may have to secure coverage thereunder.

f. The database information content may be Co-Permittee specific and shall be developed and maintained in accordance with the E/CS. The database contents shall at a minimum include the relevant site information, outlined in the E/CS. The revised E/CS should provide for the inclusion of the following information: facility name (dba), address, city, zip code, mailing address (if different), location reference (such as, GIS coordinates, cross streets, etc.) facility contact and phone number, SIC Code(s), State WDID No.(if any), APN, and site size. An electronic copy or update of the database, in a format acceptable to the Executive Officer, shall be provided with each Annual Report or upon request. Linking the database to a GIS is recommended but is not required.

2. The frequency and priority of an industrial facility compliance survey or inspection will be based on the most recent facility visit as outlined in the E/CS, as revised, consistent with this Order. The revised E/CS shall prioritize industrial facilities within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of these facilities should be based on such factors as

type of industrial activities (SIC codes), materials or wastes used or stored outside, pollutant discharge potential, facility size, proximity and sensitivity of Receiving Waters, frequency of existing inspections, based upon other California statutes or regulations, or local regulations, ordinances, or codes, and any other relevant factors. At a minimum, a high priority classification shall be assigned to: facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and facilities with a high potential for or history of unauthorized, non-storm water discharges.

3. Once the inventory required by Subsection B.1, above, has been completed and the industrial facilities have been prioritized, consistent with Subsection B.2, above, the Co-Permittees are to determine the frequency with which the inventoried facilities are surveyed or inspected. Unless inspected more frequently pursuant to the existing programs, those industrial facilities given a high priority are to be inspected at least once a year, those industrial facilities given a medium priority are to be inspected at least once biannually, and those industrial facilities given a low priority are to be inspected at least once during the term of this Order. In the event that the industrial facility is found to be in violation of the Co-Permittee's Storm Water Ordinances the frequency of inspection shall be increased consistent with a compliance schedule determined appropriate by the Co-Permittee and as outlined in the revised E/CS to cause said facility to be brought into compliance.

4. Industrial facility compliance surveys and inspections shall at a minimum address the following, as outlined in the E/CS:

   a. Check for submittal of a NOI to comply with the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board to an industrial facility within the Permit Area;

   b. Confirm compliance with the Co-Permittee's Storm Water Ordinance;

   c. Check for active non-storm water discharges, potential illicit connections, and illegal discharges to the MS4;

   d. Potential for discharge of pollutants in Urban Runoff from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas;

   e. Implementation and maintenance of appropriate BMPs for industrial facilities.

5. Each Co-Permittee shall continue to enforce its ordinances, including its Storm Water Ordinance, resolutions and codes at industrial facilities as necessary to maintain compliance with this Order. Sanctions for non-compliance may include: verbal or written warnings, notice of violation or non-compliance,

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

6. Within twenty-four (24) hours, each Co-Permittee shall continue to provide oral or e-mail notification to the Regional Board of facilities within its jurisdiction it perceives to be an illicit connection, illegal discharge, or that is determined to be an Emergency Situation. Following oral or e-mail notification, a written report must be submitted to Regional Board Staff within ten (10) calendar days of the Co-Permittee's receipt of notice of the Emergency Situation, detailing the nature of the Emergency Situation, corrective actions taken by the facility owner, other relevant information (e.g., past history of non-compliance with the Co-Permittee's Storm Water Ordinance, environmental damage resulting from the Emergency Situation, facility owner responsiveness) and the type of enforcement, consistent with Table 4 of the E/CS, that has been or will be carried out by the Co-Permittee. Further, incidences of non-compliance shall be recorded, along with the information noted in the written report and the final outcome/enforcement for the incident shall be included in the database identified in Subsection B.1, above.

7. If a Co-Permittee receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the General Industrial Activity Storm Water Permit or other permit issued by the State or Regional Board to an industrial facility, the Co-Permittee shall, within two (2) working days, provide written notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describing the nature of the incident.

8. Upon referral of an industrial facility to Regional Board staff for failure to obtain coverage under the General Industrial Activities Storm Water Permit, failure to keep a SWPPP at the industrial facility, or an observed act or omission that suggests failure to comply with either, the Co-Permittee will take no further action at the industrial facility with regard to securing compliance with the General Industrial Activities Storm Water Permit. It is understood by the Co-Permittees and Regional Board staff that this will preclude duplication of effort and insure that consistent direction is provided to the facility owner/manager as to what is required to bring the facility into compliance with the General Industrial Activities Storm Water Permit. Each Co-Permittee shall take appropriate actions to bring an industrial facility into compliance with its local ordinances, rules, regulations, and WQMP, when approved.

9. The number of compliance surveys/inspections and the actions taken shall be documented by the Co-Permittees and an appropriate summary of said actions shall be provided to the Principal Permittee for inclusion in the Annual Report submitted to the Regional Board.

10. As described in the E/CS, the Co-Permittees shall provide training to staff that are involved in conducting compliance surveys/inspections of industrial facilities. Staff training will address the requirements of the following:

    a. The Storm Water Ordinance

    b. This Order and the DAMP

    c. The General Industrial Activities Storm Water Permit and any other permit issued to industrial facilities within the Permit Area by the State or Regional Board; and

    d. The E/CS.

11. Each Co-Permittee's staff assigned to conduct the industrial facilities compliance surveys/inspections will also receive training regarding pollution prevention plans and implementation of appropriate BMPs for industrial facilities. Training programs should be coordinated with Regional Board staff and prior notification of formal classroom training activities shall be provided to the Regional Board staff.

12. Each Co-Permittee shall have arranged for adequate training of its staff assigned to conduct the industrial facilities compliance surveys/inspections within eighteen (18) months of this Order's adoption, and on an annual basis thereafter. New hires or transfers that will be performing the industrial facilities compliance surveys/inspections for a Co-Permittee will be trained within six (6) months of starting field duties.

13. The Permittees need not inspect Industrial facilities already inspected by Regional Board staff if the inspection of said site, given its prioritization consistent with the E/CS, was concluded within the time frame specified for said site's prioritization. To facilitate this, Regional Board staff will post a list of facilities inspected on the website or make this information available to the Co-Permittees by other pre-arranged means.

C. Commercial Facilities

Within eighteen (18) months of this Order's adoption, the Permittees shall review the E/CS to reflect the following:

1. Those Co-Permittees that presently have an existing compliance survey/inspection program for commercial facilities (the cities of Corona and Riverside as to their respective POTW pre-treatment inspections and the County through the CAP) shall develop within eighteen (18) months of this Order's adoption, an inventory of the commercial facilities that are surveyed or inspected pursuant to the existing program. The inventory will be updated on a routine basis from such information as conditional use permits, plot plans, building permits, business licenses, occupancy permits, hazardous materials permits, and hazardous waste generator permits are approved for development of a new commercial facility, additional commercial facilities are identified through the CAP and compliance surveys and inspections are completed and new commercial facilities are identified. Each Co-Permittee without a commercial facility inspection program shall include in its inventory of commercial facilities information from the CAP (including automobile mechanical repair, maintenance, fueling, or cleaning; automobile and other vehicle body repair or painting; painting and coating; pool, lake and fountain cleaning (base of operations)) that is relevant to its jurisdiction and may include information derived from other agencies providing services within its jurisdiction, including, but not limited to, the POTW. This inventory shall be maintained in a computer database system. The revised E/CS should provide for the inclusion of the following information: facility name (dba), address, city, zip code, mailing address (if different), location reference (GIS coordinates, cross streets, APN, etc.) facility contact and phone number, SIC code(s), and site size. An electronic copy or update of the database, in a format acceptable to the Executive Officer, shall be provided with each Annual Report or upon request. Linking the database to a GIS is recommended but is not required.

2. In addition, each Permittee shall develop within twenty-four (24) months of this Order's adoption, an inventory of the commercial facilities/companies listed below within its jurisdiction:

   a. Mobile automobile or other vehicle washing (base of operations);

   b. Mobile carpet, drape or furniture cleaning (base of operations);

   c. Mobile high pressure or steam cleaning (base of operations);

   d. Nurseries and greenhouses;

   e. Landscape and hardscape installation (base of operations); and,

   f. Other commercial sites/sources that the Permittee determines may contribute a significant pollutant load to the MS4.

3. Within twelve (12) months of this Order's adoption, the CAP will be revised to cause compliance surveys/inspections of restaurants within Riverside County that, at a minimum, include the following:

    a. Oil and grease disposal to verify that these wastes are not discharged onto a parking lot, street or adjacent catch basin;

    b. Trash bin areas to verify that these areas are clean, the bin lids are closed, the bins are not filled with liquid, and the bins have not been washed out into the MS4;

    c. Parking lot, alley, sidewalk and street areas to verify that floor mats, filters and garbage containers are not washed in those areas and that no wash water is discharged to MS4s from those areas; and,

    d. Parking lot areas to verify that they are cleaned by sweeping, not by hosing down, and that the facility operator uses dry methods for spill cleanup.

4. The revised E/CS shall prioritize commercial facilities within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of these facilities should be based on such factors as type of commercial activities (SIC codes), materials or wastes used or stored outside, pollutant discharge potential, facility size, proximity and sensitivity of Receiving Waters, frequency of existing inspections, based upon other California statutes or regulations, or local regulations, ordinances, or codes, and any other relevant factors. At a minimum, a high priority classification shall be assigned to facilities with a high potential for or history of unauthorized, non-storm water discharges.

5. Once the inventory required by Subsection C.1, above, has been completed and the commercial facilities have been prioritized, consistent with Subsection C.4, above, the Co-Permittees are to determine the frequency with which the inventoried facilities are surveyed or inspected, pursuant to existing programs. Unless inspected more frequently pursuant to the existing programs, those commercial facilities given a high priority are to be inspected at least once a year, those commercial facilities given a medium priority are to be inspected at least once biannually, and those commercial facilities given a low priority are to be inspected at least once during the term of this Order. In the event that the commercial facility is found to be in violation of the Co-Permittee's Storm Water Ordinances the frequency of inspection shall be increased consistent with a compliance schedule determined appropriate by the Co-Permittee and as outlined in the revised E/CS to cause said facility to be brought into compliance.

6. The commercial facility compliance survey/inspection shall, at a minimum, address the following, consistent with the E/CS:

    a. Commercial activity type(s) and SIC code(s);

b. Compliance with each Co-Permittee's Storm Water Ordinances; If applicable, check for submittal of a NOI to comply with the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board; and,

c. The E/CS.

7. The Permittees will expand its existing public educational program to include a concentrated, business-specific element. This expanded education element will be described in detail in the WQMP and the DAMP. This education program will include criteria to provide the commercial facility owner and/or operator with information to encourage compliance with the Co-Permittees' Storm Water Ordinances and the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board, if applicable. If the commercial facility is found to need coverage under the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board, information will be provided and the Regional Board will be notified.

8. Each Co-Permittee shall enforce its Storm Water Ordinance prohibiting non-exempt non-storm water discharges at commercial facilities. Sanctions for non-compliance may include: verbal and/or written warnings, notice of violation or non-compliance, obtaining an administrative compliance, stop work, or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor).

9. The number of compliance surveys/inspections and the actions taken shall be documented by the Co-Permittees and an appropriate summary of said actions will be provided to the Principal Permittee for inclusion in the Annual Report submitted to the Regional Board.

10. Within twenty-four (24) hours of receipt of notice by its staff or from a third party, each Co-Permittee shall continue to provide oral or e-mail notification to the Regional Board of facilities within its jurisdiction that it perceives to have an illicit connection, illegal discharge, or that is determined to be an Emergency Situation. Following oral or e-mail notification, a written report must be submitted to Regional Board Staff within ten (10) calendar days of the Co-Permittee's receipt of notice of the Emergency Situation. All written reports shall detail the nature of the Emergency Situation, identify corrective actions taken by the facility owner, and note other relevant information (e.g., past history of non-compliance, environmental damage resulting from the Emergency Situation, facility owner or manager's responsiveness) and the type of enforcement, consistent with Table 4 of the E/CS, that has been or will be carried out by the Co-Permittee. Further, incidences of non-compliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident will be included in the database identified in Subsection C.1, above.

11. If a Co-Permittee discovers, or receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the General Industrial Activity Storm Water Permit, if applicable to the commercial facility, or other permit issued by the State or Regional Board to a commercial facility, the Co-Permittee shall, within two (2) working days, provide written notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describing the nature of the incident.

12. Not all commercial facilities are required to obtain coverage under the General Industrial Activities Storm Water Permit. However, if required to obtain coverage and upon referral of a commercial facility to Regional Board staff for failure to obtain coverage under the General Industrial Activities Storm Water Permit, failure to keep a SWPPP at the commercial facility, or an observed act or omission that suggests failure to comply with the General Industrial Activities Storm Water Permit, the Co-Permittee will take no further action at the commercial facility with regard to securing compliance with the General Industrial Activities Storm Water Permit. It is understood by the Co-Permittees and Regional Board staff that this will preclude duplication of effort and insure that consistent direction is provided to the facility owner/manager as to what is required to bring the facility into compliance with the General Industrial Activities Storm Water Permit. Each Co-Permittee shall take appropriate actions to bring a commercial facility into compliance with its local ordinances, rules, regulations, and WQMP, when approved.

13. As described in the E/CS, Co-Permittees will provide training to staff that is involved in the compliance surveys/inspections of commercial facilities. Staff training will address the requirements of the following:

    a. The Storm Water Ordinance;

    b. This Order and the DAMP;

    c. The General Industrial Activities Storm Water Permits and any other permit issued to a commercial facility within the Permit Area by the State or Regional Board;

    d. The E/CS;

    e. Pollution prevention plans; and,

    f. Implementation and maintenance of appropriate BMPs for commercial sites.

14. Training programs should be coordinated with Regional Board staff and prior notification of formal classroom training activities shall be provided to Regional Board staff.

15. Each Co-Permittee shall have arranged for adequate training of its current municipal staff assigned to conduct the commercial facility compliance

survey/inspection within eighteen (18) months of this Order's adoption, and on an annual basis thereafter. New hires or transfers that will be performing the commercial facilities compliance surveys/inspections for a Co-Permittees will be trained within six (6) months of starting field duties.

## X. EDUCATION AND OUTREACH

A. The Urban Runoff regulations require public participation in the Urban Runoff management program development and implementation. As such the Permittees shall solicit and consider comments received from the public and submit copies of the comments to the Executive Officer with the Annual Reports due on November 30th, beginning with the report due on November 30, 2003. In response to the public comments, the Permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.

B. The Permittees shall continue to participate in a joint outreach with other programs including, but not limited to, the California Urban Runoff Quality Task Force, Caltrans, and other Urban Runoff programs to disseminate a consistent message on Urban Runoff pollution prevention to the public. The Permittees shall continue to sponsor or staff an Urban Runoff table or booth at community, regional, and/or countywide events to distribute public education materials to the public. Each Permittee shall sponsor at least one event per year that provides a venue for Urban Runoff education outreach.

C. Within six (6) months of this Order's adoption, the Permittees shall establish a Public Education Committee to provide oversight and guidance for the implementation of the public education program. The Public Education Committee shall meet at least twice per year. The Public Education Committee shall make recommendations for changes to the public and business education program. The goal of the public and business education program shall be to target 100% within the Permit Area of the residents, including businesses, commercial and industrial establishments and to measurably increase the awareness of Urban Runoff quality of the targeted groups. Through use of local print, radio and television, the Permittees must ensure that the public and business education program makes a minimum of 5 million "impressions" per year (as defined in Appendix 4, Glossary).

D. Within twelve (12) months of formation, the Public Education Committee shall conduct an evaluation to determine the best method of establishing a procedure(s) for providing educational and General Industrial Activities Storm Water Permit compliance guidance materials to businesses within their jurisdiction. This procedure(s) for distributing educational materials to businesses shall be implemented within six (6) months after conducting said evaluation.

E. The Permittees shall continue to implement the public education efforts already underway and shall implement the most effective elements of the public and business education strategy contained in the Storm Water/Clean Water Protection Program. Within eighteen (18) months of formation, the Public Education Committee shall propose a survey for measuring changes in awareness of Urban Runoff quality as a result of the education program. The findings of this survey will provide information for

the development of a future Public Education action plan. Upon approval by the Executive Officer, the study shall be completed by the end of the permit cycle.

F. Within twelve (12) months of this Order's adoption, the Public Education Committee shall develop BMP guidance for restaurants, automotive service centers, and gasoline service stations, and the discharges listed in Section II.C. of this Order, where appropriate, for the Co-Permittees to distribute to these facilities.

G. Within twelve (12) months of this Order's adoption, the Permittees shall develop public education materials to encourage the public to report (including a hotline line number to report) illegal dumping from residential, industrial, construction and commercial sites into public streets, storm drains and other waterbodies, clogged storm drains, faded or missing catch basin stencils and general Urban Runoff and BMP information. This hotline and website shall continue to be included in the public and business education program and shall be submitted for listing in the governmental pages of all major regional phone books.

H. Within eighteen (18) months of this Order's adoption, the Permittees shall develop BMP guidance for the household use of fertilizers, pesticides, and other chemicals, mobile vehicle maintenance, carpet cleaners, commercial landscape maintenance, and pavement cutting. Additionally, BMP guidance shall be developed for categories of discharges listed in Section II.C, identified to be significant sources of pollutants unless appropriate BMPs are implemented. These guidance documents shall be distributed to the public, trade associations, etc., through participation in community events, trade association meetings, and/or mail.

## XI. MUNICIPAL FACILITIES PROGRAMS AND ACTIVITIES

A. Successful implementation of the provisions and limitations in this Order will require the cooperation of all the public agency organizations within Riverside County having programs/activities that have an impact on Urban Runoff quality. This may include, but not limited to, those listed in Appendix 2. As such, these organizations are expected to actively participate in implementing this area-wide Urban Runoff program. The Permittees shall be responsible for involving the public agency organizations in their Urban Runoff program.

B. Within eighteen (18) months of this Order's adoption, the Permittees, in coordination with the Riverside County Fire Chiefs Association, or equivalent organization, shall develop a list of appropriate BMPs to be implemented to reduce pollutants from fire training activities, fire hydrant/sprinkler testing or flushing, and BMPs feasible for emergency fire fighting flows.

C. Each Permittee shall continue to implement the recommendations in the Municipal Facilities Strategy to ensure that public agency facilities and activities do not cause or contribute to a pollution or nuisance in Receiving Waters, as defined in Section 13050 of the Water Code. By August 1 of each year, the Permittees shall review their activities and facilities to determine the need for revisions to the Municipal Facilities Strategy. The Annual Report shall include the findings of this review and a schedule

for needed revisions. Revisions should consider a pollution prevention strategy to ensure that the public agency facilities and/or activities including those that are currently not required to obtain coverage under the State's General Urban Runoff Permits or the San Jacinto Watershed Construction Activities Permit are not sources of pollutants into the Waters of the U. S. In addition, the Permittees shall evaluate the applicability of the Municipal Facilities Strategy to municipal maintenance contracts, contracts for field maintenance operations, and leases.

D. Within six (6) months of adoption of this Order, the Permittees shall evaluate their established criteria for inspections of the MS4s and establish criteria for regular maintenance thereof.

E. Within twenty (20) months of this Order's adoption, the Permittees shall complete an assessment of their MS4s to evaluate opportunities to configure and/or to reconfigure channel segments to function as pollution control devices and to optimize beneficial uses. These modifications may include in-channel sediment basins, bank stabilization, water treatment wetlands, etc. This shall be reported in the 2004-2005 Annual Report.

F. Within twelve (12) months of this Order's adoption, the Permittees shall develop and distribute model maintenance procedures for public agency activities and MS4s such as street sweeping, catch basin stenciling, MS4 inspection, "cleaning" (see definition in Appendix 4), and maintenance. This shall be included in the 2004-2005 Annual Report.

G. Within twelve (12) months of this Order's adoption, the Permittees shall review, document, and submit for approval by the Executive Officer, their program for cleaning out open channel MS4s, catch basins, retention/detention basins, and wetlands created for Urban Runoff treatment, prioritized on such factors as distance to Receiving Water, Receiving Water beneficial uses and impairments of beneficial uses, historical pollutant types and loads from past inspections/cleanings, regulatory restrictions, cost/benefit, and the presence of downstream regional facilities that would remove the types of pollutants found in the drainage facilities. Using these factors, the Permittees shall propose revised clean out schedules and frequency for the specified MS4s during the wet and dry season to protect Receiving Water quality to the MEP. The Permittees should be prepared to implement the approved clean out program within twenty-four (24) months of this Order's adoption. The inspection and maintenance frequency for all portions of the MS4s shall be evaluated annually to determine the need for increasing the inspection and maintenance frequency. This information shall initially be included in the 2003-2004 Annual Report.

H. If by November 1, 2004, the Permittees have not developed revised clean out schedules and frequencies, required in Subsection G, above, and/or the revised schedules and frequencies have not been approved by the Executive Officer, then each Permittee shall expand existing programs to inspect, clean, and maintain at least 80% of its open channel MS4s, catch basins, retention/detention basins, and wetlands created for Urban Runoff treatment on an annual basis, with 100% of the facilities included in a two-year period, using the model maintenance procedures developed by the Permittees in Subsection F, above. Each Permittee shall clean those open channel

MS4s and retention/detention basins where there is evidence of illegal discharge. In addition, each Permittee shall clean those retention/detention basins where the inspection reveals that the sediment/storage volume is about 25% full or if accumulated sediment or debris impairs the hydraulic capacity of the facility.

I. Contractor training requirements for Urban Runoff management shall be included in new contracts and contracts that come up for renewal. This shall be reported in the 2002-2003 Annual Report.

J. Within eighteen (18) months of this Order's adoption, the Principal Permittee shall develop and distribute BMP guidance for public agency and contract field operations and maintenance staff to provide guidance in appropriate pollution control measures, how to respond to spills and reports of illegal discharges, etc. This shall be reported in the 2004-2005 Annual Report.

K. At least on an annual basis, each Permittee shall provide training to the public agency staff and to contract field operations staff on fertilizer and pesticide management, model maintenance procedures, and other pollution control measures. Permittee staff responsible for application of fertilizer or pesticides shall attend at least three of these training sessions during the five-year term of this Order (from 2002 to 2007).

L. Each Permittee shall identify areas that are not subject to street sweeping due to lack of continuous curb and gutter, and evaluate their potential for impacting Urban Runoff quality. Appropriate BMPs shall be implemented where significant water quality impact is identified associated with lack of street sweeping. This shall be reported in the 2003-2004 Annual Report.

M. Each Permittee shall annually evaluate their street/road sweeping frequency based on land use and historical information to determine the need to revise their sweeping frequency. This information shall be provided in the Annual Report beginning with the 2003-2004 Annual Report.

N. The Permittees shall maintain an updated site-specific Urban Runoff pollution prevention plan for their facilities and activities.

The San Bernardino County Flood Control District and RCFC&WCD, in cooperation with local municipalities, are coordinating an effort to construct flood control facilities in the Chino-Corona Agricultural Preserve area. A status report of this project shall be provided in the Annual Report.

## XII. MUNICIPAL CONSTRUCTION PROJECTS/ACTIVITIES

A. All municipal construction activity shall be in compliance with the latest version of the applicable Construction Activity Permit.

B. This Order authorizes the discharge of storm water runoff from construction projects that may result in land disturbance consistent with the acreage criteria of the current General Construction Activity Storm Water Permit.

C. By March 10, 2003, or as specified in the latest version of the General Construction Activity Storm Water Permit, the Permittees shall comply with the requirements for municipal construction projects that may result in land disturbance consistent with the acreage criteria of the current Construction Activity Permits.

D. Prior to commencement of construction activities, the Permittees shall notify the Executive Officer of the proposed construction project by submitting a Notice of Intent (NOI) provided in Attachment 5. The submittal fees for these NOIs are waived for the Permittees. Upon completion of the construction project, the Executive Officer shall be notified of the completion of the project by submitting a Notice of Termination (NOT), provided in Attachment 5.

E. The Permittees shall develop and implement a SWPPP and a monitoring and reporting program that is specific for the construction project prior to the commencement of construction activities. The SWPPP shall be kept at the construction site and released to the public and/or Regional Board staff upon request.

F. The SWPPP and the monitoring and reporting program for the construction projects shall be consistent with the requirements of the latest version of the Construction Activity Permits, as applicable for the size and location of the site. If the site is within the San Jacinto Watershed then the terms and conditions of the San Jacinto Watershed Construction Activities Permit apply, except with respect to submittal of a fee with the NOI and the requirement for this Regional Board to review and approve the site specific SWPPP. The applicable Permitee shall review and approve the SWPPP prepared by their contractor to insure the SWPPP substantially complies with the San Jacinto Watershed Construction Activities Permit. Upon request, the applicable Permittee shall submit a copy of the approved SWPPP.

G. The Permittees shall give advance notice to the Executive Officer of planned changes in the construction activity, which may result in non-compliance with the latest version of the Construction Activity Permits, as applicable.

H. Emergency public works projects required to protect public health and safety are exempted from compliance with the SWPPP requirements of subsection E, and the requirements of subsections F and G, above.

## XIII. PROGRAM MANAGEMENT/DAMP REVIEW

A. The Permittees shall continue to implement all elements of the approved DAMP. Program elements revised in compliance with the requirements of this Order shall be implemented in conformance with the schedules specified in this Order following approval of the Executive Officer. Within six (6) months of approval of the WQMP by the Executive Officer, or no later than January 1, 2005, whichever comes first, the Permittees shall submit a revised DAMP incorporating the revised program elements and other information as specified by this Order for approval by the Executive Officer. The Permittees shall implement all elements of the approved DAMP.

B. By August 1 of each year, beginning in 2004, the Permittees shall evaluate the DAMP to determine the need for revisions. The Permittees shall modify the DAMP, as necessary, or at the direction of the Executive Officer to incorporate additional provisions. Such provisions may include regional and watershed-specific requirements and/or WLAs developed and approved pursuant to the TMDL process for Impaired Waterbodies. Proposed revisions to the DAMP shall be submitted to the Executive Officer for review and approval. Revisions to the DAMP approved by the Executive Officer shall be implemented in a timely manner. The Annual Report shall include the findings of this review and a schedule for needed revisions.

C. At a minimum, each Annual Report shall include a progress report of:

1. The formal training and coordination meeting needs for the Co-Permittees' staff responsible for performing compliance survey/inspections or educational programs;

2. Source identification and prioritization;

3. Grading and erosion control for construction sites;

4. Verification of coverage under the appropriate General Construction and Industrial Activities Permits;

5. Facility inspection and enforcement consistent with local ordinances, rules, and regulations;

6. Procedures for reporting to the Permittees and this Regional Board non-compliance with each Co-Permittee's Storm Water Ordinance and enhancing current planning review processes to better address issues regarding Urban Runoff;

7. Implementation of new development BMPs, or identification of regional or sub-regional Urban Runoff treatment/infiltration BMPs in which New Development projects could participate.

D. Each Permittee shall designate at least one representative to the Management Steering Committee and Technical Committee as described in Section I.A.2. of this Order. The Principal Permittee shall be notified immediately, in writing of changes to the designated representative to either Committee. The designated representative for each Committee shall attend that Committee's meeting as follows: at least three (3) out of four (4) Management Steering Committee meetings and eight (8) out of ten (10) Technical Committee meetings per year.

## XIV. MONITORING AND REPORTING PROGRAM

The Permittees shall comply with Monitoring and Reporting Program No. R8-2002-0011, located in Appendix 3, and any revisions thereto, which are hereby made a part of this Order. The Executive Officer is hereby authorized to revise the Monitoring and Reporting Program in a manner consistent with this Order to allow the Permittees to participate in regional, statewide, national or other monitoring and reporting programs in lieu of or in

addition to Monitoring and Reporting Program No. R8-2002-0011 located in Appendix 3. In addition, significant completion and implementation dates required by this Order are outlined in Section V of the Monitoring and Reporting Program (Appendix 3).

## XV. PROVISIONS

### A. GENERAL

1. Reports submitted by the Permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Unresolved issues shall be scheduled for a public hearing at a Regional Board meeting prior to approval by the Executive Officer.

2. The purpose of this Order is to require the implementation of BMPs to reduce, to the MEP, the discharge of pollutants from MS4s in order to support further progress towards attainment of water quality objectives.

3. Permittees shall demonstrate compliance with all the requirements in this Order and shall implement their DAMP and modifications, revisions, or amendments thereto, which are developed pursuant to this Order or determined by the Permittees to be necessary to meet the requirements of this Order and approved by the Executive Officer. The DAMP and amendments thereto are hereby made an enforceable part of this Order.

4. Each Permittee shall continue to implement necessary controls, in addition to those specific controls and actions required by (1) the terms of this Order and (2) the DAMP, to reduce the discharge of pollutants in Urban Runoff to the MEP.

5. The Permittees shall complete changes to plans or programs described in this Order no later than twelve (12) months after this Order goes into effect, unless otherwise specified.

6. Certain BMPs implemented or required by the Permittees for Urban Runoff management may create habitat for vectors (e.g., mosquitoes and rodents) if not properly designed and maintained. Close collaboration and cooperative effort between the Permittees and local vector control agencies and the State Department of Health Services during the development and implementation of Urban Runoff management programs are necessary to minimize potential vector habitat and public health impacts resulting from vector breeding. Nothing in this Order is intended to prohibit inspection or abatement of vectors by the State or local vector control agencies in accordance with the Health and Safety Code of the State of California.

7. The Permittees shall report to the Executive Officer:

a. Any enforcement actions and known discharges of Urban Runoff or wastewater to facilities owned or operated by the Permittees which may impair domestic water supply sources (e.g., discharges due to a levee break, illegal discharges to the street, etc.) or which may have an impact on human health or the environment; if the discharge is to Canyon Lake or any tributary to Canyon Lake, Elsinore Valley Municipal Water District shall also be notified immediately;

b. Industrial and/or construction facilities found not to be in compliance with the Construction Activity Permits, or where the activities may be contributing pollutants to the Waters of the U. S.; and,

c. Suspected or reported activities on federal, state, or other entity's land or facilities, where the Permittees do not have any jurisdiction, and where the suspected or reported activities may be contributing pollutants to the Waters of the U. S.

8. The Permittees shall coordinate their activities to promote consistent implementation of Urban Runoff regulations.

9. The permit application and special NPDES program requirements contained in 40 CFR 122.21 (a), (b), (d) (2), (f), and (p), 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l); and 122.42 (c) are incorporated into this Order by reference.

10. The Permittees must comply with all terms, requirements, and conditions of this Order. Any violation of this Order constitutes a violation of the CWA, its regulations and the Water Code, and is grounds for enforcement action, Order termination, Order revocation and re-issuance, denial of an application for re-issuance, Order revisions, or a combination thereof.

11. Permittees shall continue to take reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.

12. Regional Board staff, USEPA, and other authorized representatives shall be allowed to:

    a. Inspect Permittee records associated with compliance of this Order.

    b. Access to and copying of records that are kept under the conditions of this Order.

    c. Photograph and inspect any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge or authorized non-storm water discharge.

d. Conduct sampling, and monitoring activities for the purpose of assuring compliance with this Order, or as otherwise authorized by the CWA and/or the Water Code.

e. Review the Permittee's programs and require modification to their programs to comply with the requirements of this Order.

f. Request copies of data, monitoring reports, and sampling data and copies of the Permittee's conclusions and evaluations of the data.

B. FISCAL RESOURCES

The Permittees shall prepare and submit a unified fiscal analysis report appropriate for implementation of the requirements of this Order to the Executive Officer. The fiscal analysis report shall be submitted no later than November 30, of each year and shall at a minimum include the following:

1. Each Permittee's expenditures for the previous fiscal year;

2. Each Permittee's budget for the current fiscal year;

3. A description of the source of funds;

## XVI. PERMIT EXPIRATION AND RENEWAL

A. This Order expires on October 26, 2007, and the Permittees must file a ROWD no later than one hundred eighty (180) calendar days in advance of such expiration date as application for issuance of new Waste Discharge Requirements. The ROWD shall, at a minimum, include the following:

1. Any revisions to the DAMP including, but not limited to, activities the Permittees propose to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, proposed pilot studies, etc.;

2. Any new or revised program elements and compliance schedule(s) necessary to comply with Section III of this Order.

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

4. Significant changes to the MS4s, outfalls, detention or retention basins or dams, and other controls, including map updates of the MS4s.

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

1. To address significant changes in conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this Order;

2. To incorporate applicable requirements of statewide water quality control plans and policies adopted by the State Board or amendments to the Basin Plan approved by the Regional Board, the State Board, and, if necessary, by the Office of Administrative Law; or

3. To comply with applicable requirements, guidelines, or regulations issued or approved under the CWA, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this Order.

4. To incorporate new or revised program elements and compliance schedule(s) necessary to comply with this Order.

5. To incorporate any requirements imposed upon the Permittees through the TMDL process.

6. Pursuant to Section 13228 of the Water Code, this Regional Board may exercise its option allowing the recently annexed 375 acres to the City of Murrieta that are located within the Region to be regulated by the San Diego Regional Water Quality Control Board's Riverside MS4 Permit once it has been renewed.

C. This Order shall serve as a NPDES permit pursuant to Section 402 (p) of the CWA, or amendments thereto, and shall become effective ten (10) calendar days after the date of its adoption provided the Regional Administrator of the USEPA has no objections. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.

D. Order No. 96-30 is hereby rescinded.

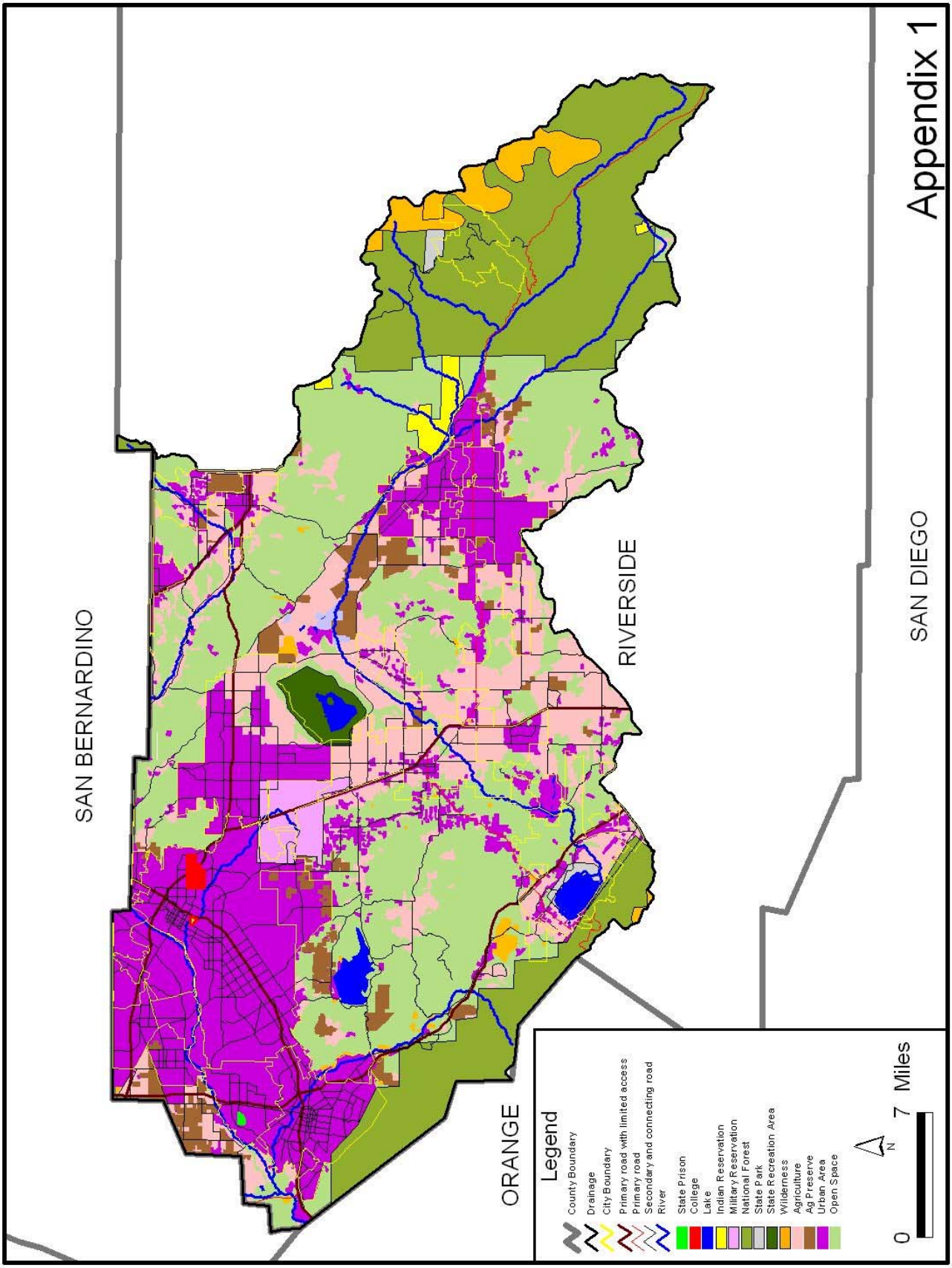
I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on **October 25, 2002.**

Gerard J. Thibeault
Executive Officer

# APPENDIX 1

# Permit Area

# ORDER NO. R8-2002-0011


Appendix 1
SAN BERNARDINO
RIVERSIDE
SAN DIEGO
ORANGE
Legend
County Boundary
Drainage
City Boundary
Primary road with limited access
Primary road
Secondary and connecting road
River
State Prison
College
Lake
Indian Reservation
Military Reservation
National Forest
State Park
State Recreation Area
Wilderness
Agriculture
Ag Preserve
Urban Area
Open Space
N
0
7
Miles

# APPENDIX 2

# OTHER ENTITIES THAT MAY DISCHARGE POLLUTANTS TO MS4s

## ORDER NO. R8-2002-0011

# Appendix 2

## OTHER ENTITIES THAT MAY DISCHARGE POLLUTANTS TO MS4s

Government Agencies

Department of the Air Force,
March Air Force Base – Special Districts
State Parks
U.S. Army Corps of Engineers
Caltrans
Department of Corrections
U.S. Forest Service

Hospitals

Corona Community Hospital
Hemet Valley Medical Center
Kaiser Foundation Hospital – Riverside
Loma Linda Hospital (Sun City)
Parkview Memorial Hospital
Riverside Community Hospital
Riverside County Regional Medical Center
Riverside General Hospital

Railroads

AT&SF Railway Company
Burlington Northern Railroad Company
Southern Pacific Railroad Company
Union Pacific Railroad

Special Districts/ Wastewater Agencies

Edgemont Community Services District
Jurupa Community Services District
Santa Ana Watershed Project Authority
Rubidoux Community Services District
Valley Wide Park and Recreation District

School Districts

Alvord Unified School District
Corona – Norco Unified School District
Hemet Unified School District
Lake Elsinore Unified School District
Menifee Union School District
Moreno Valley Unified School District
Nuview Union School District
Perris Elementary School District
Perris Union High School District
Riverside Unified School District
Romoland School District
San Jacinto Unified School District
Val Verde School District

Universities and Colleges

California Baptist University
La Sierra University
Mt. San Jacinto College
Riverside Community College
University of California, Riverside

Water Districts

Eastern Municipal Water District
Elsinore Valley Municipal Water District
Lake Hemet Municipal Water District
Lee Lake Water District
Metropolitan Water District
Western Municipal Water District

# APPENDIX 3

## MONITORING AND REPORTING PROGRAM

## ORDER NO. R8-2002-0011

**California Regional Water Quality Control Board**
**Santa Ana Region**

**Urban Runoff Monitoring and Reporting Program No. R8-2002-0011**
**NPDES No. CAS618033**

**for**
**Riverside County Flood Control and Water Conservation District,**
**The County of Riverside, and the Cities of Riverside County**
**within the Santa Ana Region**
**Area Wide Urban Runoff**

## I. GENERAL

A. Revisions of the Urban Runoff monitoring and reporting program are appropriate to ensure that the Permittees are in compliance with requirements and provisions contained in this Order. Revisions may be made under the direction of the Executive Officer at any time during the term of the Order, and may include a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, or the number and size of samples collected.

B. The Executive Officer is authorized to allow the Permittees to participate in statewide, national, or other monitoring programs in lieu of this Urban Runoff monitoring program.

C. All sample collection, handling, storage, and analysis shall be in accordance with test procedures under 40 CFR Part 136 (latest edition) "*Guidelines Establishing Test Procedures for the Analysis of Pollutants*," promulgated by the USEPA, the guidance being developed by the State Board pursuant to Water Code Section 133383.5, or other methods which are more sensitive than those specified in 40 CFR 136 and approved by the Executive Officer.

D. The Permittees are authorized to complement their Urban Runoff monitoring data with data from other monitoring sources, provided the monitoring conditions and sources are similar to those in the Santa Ana Watershed.

E. The Principal Permittee has been monitoring Urban Runoff and Receiving Waters since the first permit term. It is recognized that some of the objectives noted in Section II, below, may not have been attained during the previous permit terms. Ongoing long-term Urban Runoff monitoring will help to accomplish these objectives. The Regional Board authorizes the Executive Officer to evaluate and determine adequate progress toward meeting each objective.

F. This Order references three components of the Consolidated Monitoring Program (the “CMP”): (1) The existing CMP shall continue to be implemented until the revised CMP is approved; (2) The CMP will be reviewed and revised under this Order to identify data gaps and to attain the objectives specified in Section II, below and (3) Other regional monitoring efforts where the Permittees participate or contribute resources.

G. Pending approval of the revised CMP, current monitoring efforts will focus on areas with elevated pollutant concentrations. The Principal Permittee, in coordination with Regional Board staff, will identify these monitoring locations within six (6) months of adoption of this Order.

H. The Permittees shall develop and submit, within twelve (12) months of adoption of this Order a revised CMP for approval by the Executive Officer. The revised CMP should reflect an integrated watershed monitoring approach and be capable of attaining the objectives mentioned below. The development and implementation of the monitoring program shall be in accordance with any requirements developed by the State Board and the time schedules prescribed by the Executive Officer.

I. It is highly recommended that the Permittees cooperate, as appropriate, with other MS4 Permittees (including Orange County and San Bernardino County), the Southern California Coastal Water Research Project (SCCWRP), POTW operators, the dairy industry, the Santa Ana Watershed Project Authority (SAWPA), and other public and private organizations in the watershed to develop coordinated surface water quality monitoring programs, databases, and special studies.

## II. OBJECTIVES

The overall goal of the Urban Runoff monitoring program is to support the development of an effective Urban Runoff management program. The following are the major objectives:

A. To identify those Receiving Waters, which, without additional action to control pollution from Urban Runoff that cannot reasonably be expected to achieve or maintain applicable water quality standards required to sustain the beneficial uses, the goals, and the objectives of the Basin Plan.

B. To develop and support an effective MS4 management program.

C. To identify significant water quality problems, related to discharges of Urban Runoff within the Permit Area.

D. To define water quality status, trends, and pollutants of concern associated with urban discharges and their impact on the beneficial uses of the Receiving Waters.

E. To analyze and interpret the collected data to determine the impact of Urban Runoff and/or validate any water quality models.

F. To characterize pollutants associated with Urban Runoff, and to assess the influence of urban land uses on Receiving Water quality and the beneficial uses of Receiving Waters.

G. Identify significant water quality problems related to urban storm water discharges.

H. To identify other sources of pollutants in storm water runoff to the maximum extent possible (e.g., including, but not limited to, atmospheric deposition, and contaminated sediments, other non-point sources, etc.)

I. To identify and prohibit illicit connections.

J. To identify and prohibit illicit discharges.

K. To verify and to identify sources of Urban Runoff pollutants.

L. To identify and prohibit illicit connections.

M. To verify and to control illegal discharges.

N. To evaluate the effectiveness of the DAMP and WQMPs, including an estimate of pollutant reductions achieved by the structural and nonstructural BMPs implemented by the Permittees.

O. To conduct monitoring in cooperation with San Bernardino County for investigation of bacteriological impairments in the upper Santa Ana River due to Urban Runoff.

P. To evaluate the costs and benefits of proposed Urban Runoff management programs to protect Receiving Water quality.

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## III. MONITORING PROGRAM REQUIREMENTS

A. TMDL/303(d) Listed Waterbody Monitoring: The Permittees should continue to participate in the TMDL and Southern California Cooperative Storm Water Research/Monitoring programs as they relate to Urban Runoff. In addition, strategies shall be revised/developed to evaluate the impacts of Urban Runoff on identified impairments within the Santa Ana River watershed and other tributary 303(d) listed waterbodies.

B. The Permittees shall revise their CMP, within twelve (12) months of adoption of this Order. The revised CMP shall consider, at a minimum and include, the following monitoring components or their equivalent:

1. Mass Emissions Monitoring:

   a. An estimate of flow in cubic feet per second (cfs) from the outfall/stream at the time of sampling.

   b. Monitor mass emissions in Urban Runoff to: (a) estimate the total mass emissions from the MS4 to Receiving Waters; (b) assess trends in mass emissions associated with Urban Runoff over time; and (c) to determine if Urban Runoff is contributing to exceedances of water quality objectives or beneficial uses in Receiving Waters by comparing results to the Basin Plan.

   c. Representative samples from the first storm event and two more storm events shall be collected during the rainy season. A minimum of three dry-weather samples shall also be collected. Samples from the first rain event each year shall be analyzed for the entire suite of priority pollutants. All samples must be analyzed for metals, pH, TSS, TOC, pesticides/herbicides, and constituents that are known to have contributed to impairment of local receiving waters. Dry weather samples should also include an analysis for oil and grease. Sediments associated with mass emissions should be analyzed for constituents of concern identified in the water analyses.

2. Microbial Monitoring: A monitoring program to determine the sources of bacteriological contamination in the Upper Santa Ana River, is being developed in collaboration with the MS4 Permittees in San Bernardino County. This program associated with Urban Runoff shall include wet and dry weather monitoring, as appropriate, for bacteriological constituents in the Santa Ana River and its tributaries.

3. Water Column Toxicity Monitoring: Analyses for toxicity to aquatic species shall be performed on Receiving Water samples to determine the impacts of Urban Runoff on toxicity of Receiving Waters. *Ceriodaphnia dubia* fertilization, Fathead Minnow larval survival test, and Selenastrum Capricornutum growth test shall be used to evaluate toxicity on the sample from the first rain event, plus one other wet weather sample. In addition, where applicable collect two dry weather samples or propose equivalent procedures in the CMP. In addition,

criteria shall be identified which will trigger the initiation of Toxicity Identification Evaluations (TIEs) and Toxicity Reduction Evaluations (TREs).

4. Reconnaissance: The Permittees shall review and update their reconnaissance strategies to identify and prohibit illicit discharges. Where possible, the use of GIS to identify geographic areas with a high density of industries associated with gross pollution (e.g. electroplating industries, auto dismantlers) and/or locations subject to maximum sediment loss (e.g. new development) may be used to determine areas for intensive monitoring efforts. Additionally, the Permittees shall coordinate with the Regional Board to develop a comprehensive database to include enforcement actions for storm water violations and unauthorized, non-storm water discharges that can then be used to more effectively target reconnaissance efforts.

5. Land Use Correlations: The Permittees shall develop and implement strategies for determining the effects of urban land use on the quality of Receiving Waters. While it is recognized that a wide range of land uses exist across the region and within each sub-watershed, one relationship that may be determined is the impact of urban development on sediment loading within Receiving Waters, since developed areas contribute relatively little sediment loading compared to areas under construction. Consequently, the Permittees shall, at a minimum, analyze the impacts of increasing development and the conversion of agricultural land to urban land uses to the sediment loading of Canyon Lake, Lake Elsinore, and the Santa Ana River (Reaches 3 and 4).

6. Sources of Data: Where possible and applicable, data shall be obtained from monitoring efforts of other public or private agencies/entities (e.g., Caltrans).

7. Bioassessments: The development of an Index of Biological Integrity for Southern California. This shall include the selection and identification of appropriate bioassessment station locations, sampling scheme(s), and shall also be capable of attaining the objectives mentioned in Section II, above. The Permittees may develop bioassessments in coordination or cooperation with other parties as addressed in Section I.I., above.

C. Within twelve (12) months of adoption of this Order, the Permittees shall develop and submit for approval of the Executive Officer, their revised CMP, which should support the achievement of the above-stated goals. The implementation of the CMP shall be in accordance with the time schedules prescribed by the Executive Officer. At a minimum, the CMP shall address the following and any requirements developed by the State Board in accordance with Water Code Section 13383.5:

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

2. A procedure for the collection, analysis, and interpretation of existing data from local, regional or national monitoring programs. These data sources may be utilized to characterize different sources of pollutants discharged to the MS4; to determine pollutant generation, transport and fate; to develop a relationship between land use, development size, storm size and the event mean

concentration of pollutants; to determine spatial and temporal variances in Urban Runoff quality and seasonal and other bias in the collected data; and to identify any unique features of the Permit Area. The Permittees are encouraged to use data from similar studies, if available.

3. A description of the CMP including:

   a. The number of monitoring stations;

   b. Monitoring locations within MS4s, major outfalls, and Receiving Waters; Environmental indicators (e.g., ecosystem, flow, biological, habitat, chemical, sediment, stream health, etc.) chosen for monitoring;

   c. Total number of samples to be collected from each station, frequency of sampling during wet and dry weather, short duration or long duration storm events, type of samples (grab, 24-hour composite, etc.), justification for composite versus discrete sampling, type of sampling equipment, quality assurance/quality control procedures followed during sampling and analysis, analysis protocols to be followed (including sample preparation and maximum reporting limits), and qualifications of laboratories performing analyses;

   d. A procedure for analyzing the collected data and interpreting the results including an evaluation of the effectiveness of the management practices, and need for any refinement of the WQMPs or the DAMP.

   e. Parameters selected for field screening and for laboratory work; and

   f. A description of the responsibilities of all the participants in this program, including cost sharing.

## IV. REPORTING

A. All progress reports and proposed strategies and plans required by this Order shall be signed by the Principal Permittee, and copies shall be submitted to the Executive Officer under penalty of perjury.

B. The Permittees shall submit an Annual Report to the Executive Officer and to the Regional Administrator of the USEPA, Region 9, no later than November 30th, of each year. This progress report may be submitted in a mutually agreeable electronic format. At a minimum, the Annual Report shall include the following:

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

   2. An assessment of the effectiveness of control measures established under the illicit discharge elimination program and the DAMP. The effectiveness may be measured in terms of how successful the program has been in eliminating illicit connections/illegal discharges and reducing pollutant loads in Urban Runoff;

3. An assessment of any modifications to the WQMPs, or the DAMP made to comply with CWA requirements to reduce the discharge of pollutants to the MEP;

4. A summary, evaluation, and discussion of monitoring results from the previous year and any changes to the monitoring program for the following year;

5. A fiscal analysis progress report as described in Section XV, Provision B., of Order No. R8-2002-0011;

6. A draft work plan that describes the proposed implementation of the WQMPs and the DAMP for next fiscal year. The work plan shall include clearly defined tasks, responsibilities, and schedules for implementation of the storm water program and each Permittee's actions for the next fiscal year;

7. Major changes in any previously submitted plans/policies; and

8. An assessment of the Permittees compliance status with the Receiving Water Limitations, Section III of the Order, including any proposed modifications to the WQMPs or the DAMP if the Receiving Water Limitations are not fully achieved.

C. The Co-Permittees shall be responsible for the submittal of all required information/materials needed to comply with this order in a timely manner to the Principal Permittee. A duly authorized representative of the Co-Permittee under penalty of perjury shall sign all such submittals.

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## REPORTING SCHEDULE

All reports required by this Order shall be submitted to the Executive Officer in accordance with the following schedule:

| REFERENCE | ITEM | COMPLETION TIME AFTER PERMIT ADOPTION/FREQ. | REPORT DUE DATE |
|---|---|---|---|
| I.A.2.a. & I.B.2.a. | Management Steering Committee meetings to discuss permit implementation | Held at least quarterly | Annually on Nov. 30th |
| I.A.2.b. & I.B. .2.b. | Permittee Technical Committee meetings to discuss permit implementation | Held at least 10 times each year | Annually on Nov. 30th |
| I.B.2.a. & XIII.D. | Co-Permittees Participate in Management and Technical Committee meetings to discuss permit implementation | Attend at least 3 out of 4 Management and 8 out of 10 Technical meetings each year | Annually on Nov. 30th |
| III.D.1. | Notify Regional Board if Section III.E. discharges from MS4s cause exceedance of Receiving Water Quality Objectives. | --- | 2 working days Oral or e-mail notice and 30 days written from time of becoming aware of the situation. |
| III.D.4. | Modify DAMP | --- | 90 days after approval by Exec. Officer |
| III.D.6. | Report discovery of exceedances from outside sources. | --- | 2 working days Oral or e-mail notice and 10 days written from time of becoming aware of the situation. |
| IV.A. | Revise existing Implementation Agreement. | 6 Months | Nov. of the year following adoption. |
| IV.B. | Evaluate Urban Runoff Management structure and Implementation Agreement annually. | Annually on Nov. 30th | Annually on Nov. 30th |
| V.C. | Determine if Permittees have provided their staff authority to impose fines. | 6 Months | Nov. of the year following adoption. |
| V.D. | Enact ordinances or other local regulatory mechanisms that include sanctions to ensure compliance | 18 Months. | Nov. of the second year following adoption. |
| V.F. | Provide a report on the effectiveness of their Storm Water Ordinances and their enforcement, in prohibiting illegal discharges to the MS4s | 12 Months | Nov. of the year following adoption. |
| V.G. | Legal Authority & Enforcement Strategy, Certification | 18 months. | Nov. of the second year following adoption. |
| VI.A. | Eliminate or Permit illicit connections | 60 days from receipt of notice. | Nov. of the year received notice. |
| VI.B. | Investigate Spills, Leaks, and/or illegal discharges. | Within 24 hours of receipt of notice. | Nov. of the year received notice. |

| REFERENCE | ITEM | COMPLETION TIME AFTER PERMIT ADOPTION/FREQ. | REPORT DUE DATE |
|---|---|---|---|
| VI.D. | Evaluate available BMPs & recommend any improvements needed. | 18 Months. | Nov. of the second year following adoption. |
| VI.E. | Litter/Trash Control Ordinance review | 18 Months. | Nov. of the second year following adoption. |
| VII.B. | Develop mechanism to address septic system failures | 12 Months. | Nov. of the year following adoption. |
| VII. C. | Review current oversight programs for portable toilets to determine the need for any revision | 12 Months. | Nov. of the year following adoption. |
| VIII. A. 1 | Establish a procedure to ensure local permits for proposed construction sites and industrial facilities are conditioned upon proof of obtaining coverage under the applicable General Storm Water Permit(s)/ San Jacinto Watershed Construction Activities Permit | 6 months | Nov. of the year following adoption. |
| VIII. A.8 | Review planning procedures and CEQA processes | 12 Months | Nov. of the year following adoption. |
| VIII. A.9 | Incorporate watershed protection principles and policies into the General Plan | 26 Months | Nov. of the third year following adoption |
| VIII.A.10 | Review and revise, as necessary, grading/erosion control ordinances to reduce erosion. | 16 Months | Nov. of the second year following adoption. |
| VIII.A.11 | Listing of BMPs for Construction | 18 Months. | Nov. of the second year following adoption. |
| VIII.B. | Develop WQMP | 20 Months. | Nov. of the third year following adoption. |
| VIII.B.4. | In the absence of an approved WQMP, the structural BMPs for all new development and significant redevelopment shall be sized to comply with one of the numeric sizing criteria given in Section VIII.B.5. | January 1, 2005 | Nov. 30, 2005 |
| VIII.B.6.b.(1). | Waiver and justification document submittal. | Within 30 days of issuance of waiver. | Nov. of year granted waiver. |
| IX. | Revise the E/CS | 12 Months. | Nov. of the year following adoption. |
| IX. | Develop and update criteria in E/CS for inspection of Construction, Industrial and Commercial facilities, including site information, priority, and inspection information | 12 Months. | Nov. of the year following adoption. |
| IX.A.1. | Develop and update a construction site database, including site information, priority, and inspection information | 12 Months. | Nov. of the year following adoption. |
| IX.A.1. | Include Section VIII.B.1. criteria sites in database. | 13 Months. | Nov. of the year following adoption. |

| REFERENCE | ITEM | COMPLETION TIME AFTER PERMIT ADOPTION/FREQ. | REPORT DUE DATE |
|---|---|---|---|
| IX.A.2. | Inspect all inventoried construction sites | 12 Months. | Nov. of the year following adoption. |
| IX.A.6. | Public agency staff and contract field operations staff adequately trained for Construction Sites inspections. | 12 Months existing employees, 6 months new employees, and annually thereafter. | Annually on Nov. 30th |
| IX.A.7., IX.B.6., & IX.C.10. | Report Emergency Situations | --- | 24 hours Oral or e-mail notice and 10 days written from time of notice |
| IX.A.8., IX.B.7., & IX.C.11. | Report Non-Emergency Situations | --- | 2 working days Oral or e-mail notice and 10 days written from time of notice |
| IX.B.1. | Develop and update an industrial facilities database, including facility information, priority, and inspection information | 18 Months and annually thereafter. | Nov. of the second year following adoption. |
| IX.B.12, & IX.C.15. | Public agency staff and contract field operations staff adequately trained for inspection of Industrial and Commercial Facilities. | 18 Months existing employees, 6 months new employees, and annually thereafter. | Annually on Nov. 30th |
| IX.C.1. | Develop and update a commercial site database, including facility information, priority, and inspection information | 18 Months. | Nov. of the third year following adoption. |
| IX.C.2. | Update the commercial site database to include additional categories of commercial facilities | 24 Months. | Nov. of the third year following adoption. |
| IX.C.3. | Revise CAP and Develop restaurant inspections program, which includes runoff, grease blockage, and spill reduction aspects. | 12 Months. | Nov. of the year following adoption. |
| X.A. | Submit Public Comments received in response to modifications to reports, plans, or schedules. | Annually | Annually on Nov. 30th |
| X.B. | Sponsor at least one Urban Runoff public outreach. | Annually | Annually on Nov. 30th |
| X. C. | Establish Public Education Committee | 6 Months. | Nov. of the year following adoption. |
| X. D. | Determine the best method to provide educational and General Industrial Activities Storm Water Permit materials to businesses within their jurisdiction | 18 months and begin implementation procedures within 24 months. | Nov. of the third year following adoption. |
| X.E. | Propose and implement a public awareness survey | 24 months | Nov. 2007. |

| REFERENCE | ITEM | COMPLETION TIME AFTER PERMIT ADOPTION/FREQ. | REPORT DUE DATE |
|---|---|---|---|
| X. F. | BMP guidance for restaurants, automotive service centers, and gasoline service stations, developed by Public Education Committee | 12 Months | Nov. of the second year of adoption. |
| X.G. | Develop public education materials including reporting hot line and web site. | 12 Months | Nov. 30, 2003 |
| X. H | BMP guidance for control of potential polluting activities not otherwise regulated | 18 Months. | Nov. of the year following adoption. |
| XI.B. | Develop BMPs for fire fighting training & equipment testing. | 18 Months | Nov. of the year following adoption. |
| XI.C. | Review Municipal Facilities Strategy and evaluate its applicability to municipal maintenance contracts, contract for field maintenance operations, and leases | Annually on August 1st | Nov. 30th |
| XI. D | Evaluate criteria for inspection and maintenance of MS4s. | 6 months and Annually thereafter | Annually on Nov. 30th |
| XI.E. | Review opportunities to configure/reconfigure MS4s | 20 months. | Nov. of the third year following adoption. |
| XI.F. | Develop Model Public Facility Maintenance Program for activities and drainage facilities. | 12 months. | Nov. of the third year following adoption. |
| XI.G. | Implement program to clean out MS4s | 12 Months | Nov. of the second year following adoption. |
| XI.H. | Failsafe Clean out Open Channel MS4s and Retention/Detention Basins schedule | November 1, 2004 | Nov. 2005 |
| XI.J. | Develop and distribute BMP guidance for public agency and contract field operations and maintenance staff | 18 months | Nov. of the year following adoption. |
| XI.K. | Training provided on fertilizer and pesticide management and other pollution control measures | Annually (Staff attend @ least 3 out of 5). | Annually on Nov. 30th |
| XI.L. | Identify areas that are not subject to street sweeping due to lack of continuous curb and gutter, and evaluate their potential for impacting Urban Runoff quality. | Nov. 2004 | Nov. 2004 |
| XI.M. | Evaluate street/road sweeping frequency | Annually | Annually on Nov. 30th |
| XI.O. | Status report on flood control facilities in the Chino-Corona agricultural preserve area. | Annually | Annually on Nov. 30th |
| XII.B. | Comply with the requirements for municipal construction projects that may result in land disturbance greater than one acre. | March 10, 2003 | Nov. of the year following adoption. |
| XIII.A. | Revise the DAMP | 6 months after WQMP approval or Jan. 1, 2005 | Nov. 2005. |
| XIII.B. | Evaluate the DAMP for additional revision. | Annually on August 1st | Nov. 30th |
| XV.A.5 | Unless otherwise specified complete changes to plans or programs in this Order. | 12 Months | Nov. of the year following adoption. |

| REFERENCE | ITEM | COMPLETION TIME AFTER PERMIT ADOPTION/FREQ. | REPORT DUE DATE |
|---|---|---|---|
| XV.B. | Annual Report/Fiscal Analysis | Annually | Nov. 30th |
| XVI.A. | Report of Waste Discharge | 180 days before permit expires | April 27, 2007 |
| Appendix 3 I.G. | Identify monitoring locations for interim monitoring. | 6 Months | Nov. of the year following adoption. |
| Appendix 3 I.H, III.B. & III.C. | Revise CMP | 12 Months | Nov. of the year following adoption. |
| Appendix 3. IV.B. | Summary, evaluation, and discussion of monitoring results and re-evaluate monitoring program priorities based on previous year's data | Annually, Nov.30th | Nov. 30th |

**Ordered by_____**

**Gerard J. Thibeault**
**Executive Officer**
**October 25, 2002**

# APPENDIX 4

## GLOSSARY

## ORDER NO. R8-2002-0011

## APPENDIX 4

## GLOSSARY

**Annual Report** - Pursuant to each NPDES MS4 permit issued by the Regional Board to the Permittees, there is a requirement that an Annual Report be filed with the Regional Board on or before each November 30th.

**APN** - Assessor's parcel number

**Basin Plan** - Water Quality Control Plan developed by the Regional Board for the Santa Ana River Watershed.

**BAT [Best Available Technology]** – BAT is 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 source controls and structural treatment 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 is determined in accordance with regulations issued by the USEPA Administrator. Factors relating to the assessment of BAT 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.

**BCT [Best Conventional Technology]** – BCT is the treatment techniques, processes and procedure innovations, and operating methods that eliminate or reduce chemical, physical, and biological pollutant constituents.

**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" 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 surface or ground water 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. [California Water Code Section 13050(f)].

**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. In the case of MS4 permits, BMPs are typically used in place of numeric effluent limits.

**Caltrans** - California Department of Transportation

**CAP** - Compliance Assistance Program developed and funded by the Permittees.

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

**"cleaning"** - The removal of litter or debris that can impact Receiving Waters.

**CMP** - Consolidated Program for Water Quality Monitoring

**Conditions of Concern** - Scour, erosion (sheet, rill and/or gully), aggradation (raising of a streambed from sediment deposition), changes in fluvial geomorphology, hydrology and changes in aquatic ecosystem.

**Construction Activity Permits** – Collectively, the General Construction Activity Storm Water Permit and the San Jacinto Watershed Construction Activities Permit.

**"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 U.S. are affected.

**Co-Permittees** - County of Riverside and the cities of Beaumont, Calimesa, Canyon Lake Corona Hemet, Lake Elsinore, Murrieta, Moreno Valley Norco, Perris, Riverside, and San Jacinto.

**County** - County of Riverside, legal entity

**CWA** - Federal Clean Water Act

**DAMP [Drainage Area Management Plan]** - The DAMP is a programmatic document developed by the Permittees and approved by the Executive Officer that outlines the major programs and policies that the Permittees individually and/or collectively implement to manage Urban Runoff in the Permit Area.

**E/CS** - Enforcement Compliance Strategy developed by the Permittees dated December 20, 2001.

**"effluent limitations"** – Limitations on the volume of each waste discharge and the quantity and concentrations of pollutants in the discharge. The limitations are designed to ensure that the discharge does not cause water quality objectives to be exceeded in the receiving water and does not adversely affect beneficial uses.

Effluent limitations are limitations of the quantity and concentrations of pollutants in a discharge. The limitations are designed to ensure that the discharge does not cause water quality objectives to be exceeded in the receiving water and does not adversely affect beneficial uses. In other words, an effluent limit is the maximum concentration of a pollutant that a discharge can contain. To meet effluent limitations, the effluent typically must undergo one or more forms of treatment to remove pollutants in order to lower the pollutant concentration below the limit. Effluent limits are typically numeric (e.g., 10 mg/l).

**Emergency Situation** – At a minimum, sewage spills that could impact water contact recreation, all sewage spills above 1,000 gallons, an oil spill that could impact wildlife, a hazardous material spill where residents are evacuated, all reportable quantities of hazardous waste spills as per 40CFR 117 and 302, and any incident reportable to the OES (1-800-852-7550).

**Executive Officer** - The Executive Officer of the Regional Board

**General Construction Activity Storm Water Permit** - State Board Order No. 99-08 DWQ (NPDES No. CAS000002)

**General Dairy Permit** - Regional Board Order No. 99-11 (NPDES No. CAG018001) for concentrated animal feeding operations

**General Industrial Activities Storm Water Permit** - State Board Order No. 97-03 DWQ (NPDES No. CAS000001)

**General Storm Water Permits** - General Industrial Activities Storm Water Permit and General Construction Activity Storm Water Permit.

**GIS** – Geographical Information Systems.

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

**" illegal discharge"** – Illegal discharge means any disposal, either intentionally or unintentionally, of material or waste to land or MS4s that can pollute storm water or create a nuisance. The term illegal discharge includes any discharge to the MS4 that is

not composed entirely of storm water, except discharges pursuant to an NPDES permit, discharges that are identified in Section II. C. of this Order, and discharges authorized by the Executive Officer.

**"illicit connection" -** Illicit Connection means any connection to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit connection includes all non storm-water discharges and connections except discharges pursuant to an NPDES permit, discharges that are identified in Section II, Discharge Limitations/Prohibitions, of this Order, and discharges authorized by the Executive Officer.

**Impaired Waterbody** – Section 303(b) of the CWA requires each of California's Regional Water Quality Control Boards to routinely monitor and assess the quality of waters of their respective regions. If this assessment indicates that beneficial uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an impaired waterbody. The 1998 water quality assessment listed a number of water bodies within the Permit Area as impaired pursuant to Section 303(d). In the Permit Area, these include: Canyon Lake (for nutrients and pathogens); Lake Elsinore (for nutrients, organic enrichment/low D.O., unknown toxicity and sedimentation); Lake Fulmor (for pathogens); Santa Ana River, Reach 3 (for nutrients, pathogens, salinity, TDS, and chlorides); and Santa Ana River, Reach 4 (for pathogens).

**Implementation Agreement** - NPDES Storm Water Discharge Permit - Implementation Agreement dated November 12, 1996 by and among the Permittees.

**"impressions"** - The most common measure is "gross impressions" that includes repetitions. This means if the same person sees an advertisement or hears a radio or sees a TV advertisement a thousand times, that will be counted as 1000 impressions. There are independent auditing agencies (e.g., Nielsen Rating) that perform this task and provide you with the numbers. In most cases, when you buy an advertisement in any media, they will provide you this number.

**LA** - Load allocations

**"land disturbance"** – The clearing, grading, excavation, stockpiling, or other construction activity that results in the possible mobilization of soils or other pollutants into MS4s. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety. The Permittees should first confirm with Regional Board staff if they believe that a particular routine maintenance activity is exempt under this definition from any General Storm Water Permit or other Orders issued by this Regional Board.

**Management Steering Committee -** A committee to address Urban Runoff management policies for the Permit Area and coordinate the review and necessary revisions of the DAMP and Implementation Agreement.

**MEP [Maximum Extent Practicable]** – There is no statutory or regulatory definition for MEP. The CWA section 402(p)(3)(B)(iii) requires that MS4 permits "shall require controls to reduce the discharge of pollutants to the MEP, including management

practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants…" However, there has been several interpretations that have been provided including:

1. MEP means that when considering and choosing BMPs to address an identified pollution problem, the municipality is to consider the following: technical feasibility, effectiveness, compliance with regulatory standards, cost, and public acceptance. The BMP chosen must achieve greater or substantially the same pollution control benefit as identified in the manuals developed by the California Storm Water Quality Task Force (Proposed by Permittees).

2. MEP means to the maximum extent feasible, taking into account considerations of synergistic, additive, and competing factors, including but not limited to, gravity of the problem, technical feasibility fiscal feasibility, public health risks, societal concerns, and social benefits. (Order R8-2001-10 Orange County MS4 Permit)

3. MEP is the technology-based standard established by Congress in CWA Section 402(p)(3)(B)(iii) that municipal dischargers of storm water (MS4s) must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve, typically by treatment or by a combination of treatment and BMPs. 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 Water Quality Management Plan. Their total collective and individual activities conducted pursuant to the Water Quality Management Plan 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 municipal separate storm sewer system maintenance). In the absence of a proposal acceptable to the SARWQCB, the SARWQCB defines MEP.

4. 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] –** An MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, natural drainage features or channels, modified natural channels, 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 U.S.; (ii) Designated or used for collecting of conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of the POTW as defined at 40 CFR 122.2.

Historic and current developments make use of natural drainage patterns and features as conveyances for urban runoff. Urban streams used in this manner are part of the municipalities MS4 regardless of whether they are natural, man-made, or partially modified features. In these cases, the urban stream is both an MS4 and a receiving water.

**Municipal Facilities Strategy -** Each Permittee's plan to address potential impacts to Urban Runoff quality from its facilities and activities as required by Order No. 96-730.

**New Development** – The categories of development identified in subsections VIII.B.1.b. New developments do not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor do they include emergency

new developments required to protect public health and safety. Dischargers should confirm with Regional Board staff whether or not a particular routine maintenance activity is subject to this Order.

**NOI [Notice of Intent] -** A NOI is an application for coverage under either General Stormwater Permits or the San Jacinto Watershed Construction Activities Permit.

**"non-point source"** - Non-point source refers to 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 area, 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. Non-point source 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.

**"non-storm water"** – Non-storm water consists of all discharges to and from a storm water conveyance system that do not originate from precipitation events (i.e., all discharges from a conveyance system other than storm water). Non-storm water includes illicit discharges, non-prohibited discharges and NPDES permitted discharges. An illicit discharge is defined at 40 CFR 122.26(b)(2) as any discharge to a MS4 that is not composed entirely of storm water except discharges pursuant to a separate NPDES permit and discharges resulting from emergency fire fighting activities.

**NPDES [National Pollutant Discharge Elimination System]** – Permits issued under Section 402(p) of the CWA for regulating discharge of pollutants to Waters of the U.S.

**"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."

**"numeric effluent limitations"** – A method by which "effluent limitations," see above, are prescribed for pollutants in waste discharge requirements using concentration based criteria to implement the federal NPDES regulations. When numeric effluent limits are met at the "end-of-pipe," the effluent discharge generally will not cause water quality standards to be exceeded in the receiving waters (i.e., water quality standards will also be met).

**OES** - Office of Emergency Services

**Order** - Order No. R8-2002-0011 (NPDES No. CAS618033)

**Permit Area** - The portion of the Santa Ana River Watershed that is within the County of Riverside and identified on Appendix 1 as "Urban Area" and those portions of

"Agriculture" and "Open Space", as identified on Appendix 1, that do convert to industrial, commercial, or residential use during the term of the Order

**Permittees** - Co-Permittees and the Principal Permittee

**"person"** or **"party"** – 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.

**"pollutant"** – A pollutant is broadly defined as 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.

**Pollutants of Concern –** A list of potential pollutants to be analyzed for in the Monitoring and Reporting Program. This list shall include: TSS, total inorganic nitrogen, total phosphorus, soluble reactive phosphorus, acute toxicity, fecal coliform, total coliform, pH, and chemicals/potential pollutants expected to be present on the project site. In developing this list, consideration should be given to the chemicals and potential pollutants available for storm water to pick-up or transport to Receiving Waters, all pollutants for which a waterbody within the Permit Area that has been listed as impaired under CWA Section 303(d)), the category of development and the type of pollutants associated with that development category.

**"pollution"** – As defined in the Porter-Cologne Water Quality Control Act, pollution is the alteration of the quality of the Waters of the U.S. by waste, to a degree that unreasonably affects either of the following: A) the waters for beneficial uses; or 2) facilities that serve these beneficial uses. Pollution may include contamination.

**"pollution prevention"** – Pollution prevention is defined as practices and processes that reduce or eliminate the generation of pollutants, in contrast to source control, treatment, or disposal.

**"post-construction BMPs"** – A subset of BMPs including source control and structural treatment BMPs which detain, retain, filter or educate to prevent the release of pollutants to surface waters during the final functional life of development.

**POTW** - Publicly owned treatment works

**Preserve Area** - Chino-Corona Agricultural Preserve Area

**Principal Permittee** - Riverside County Flood Control and Water Conservation District.

**Public Education Committee** - A committee to be established by the Permittees pursuant to Section X.C. of this Order to provide oversight and guidance for the implementation of the public education program.

**Rainy Season** – October 1 through May 31st of each year.

**RCFC&WCD** - Riverside County Flood Control and Water Conservation District

**"receiving water(s)"** – The Waters of the U.S. that includes surface and ground waters.

**Receiving Water(s)** - The receiving waters within the Permit Area

**Receiving Water Limitations** – Receiving Water Limitations are requirements included in this Order issued by the Regional Board to assure that the regulated discharges do not violate water quality standards established in the Basin Plan at the point of discharge to Waters of the U.S. Receiving Water Limitations are 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.

**Receiving Water Quality Objectives -** Water quality objectives specified in the Basin Plan for Receiving Waters.

**Region** - Santa Ana River Watershed

**Regional Board** - California Regional Water Quality Control Board, Santa Ana Region

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

**ROWD** - Report of Waste Discharge, Application No. CAS 618033

**San Jacinto Watershed Construction Activities Permit** - Regional Board Order No. 01-34, adopted January 19, 2001

**"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.

**SIC** - Standard Industrial Code

**Significant Redevelopment** - defined in Section VIII.B.1.a.

**"source control BMPs" –** In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed to limit the contact between pollutant sources and stormwater or authorized non-storm water. Examples include: activity schedules, prohibitions of practices, street sweeping, facility maintenance, detection and elimination of illicit connections and illegal dumping, and other non-structural measures. Facility design examples include providing attached lids to trash containers, or roof or awning over material and trash storage areas to

prevent direct contact between water and pollutants. Additional examples are provided in Section 4 of Supplement A to the DAMP dated April 1996.

**State Board** - California Water Resources Control Board

**"storm water"** – Runoff from urban, open space, and agricultural areas consisting only of those discharges that originates from precipitation events. Storm water is that portion of precipitation that flows across a surface to the MS4 or receiving waters. Examples of this phenomenon include: the water that flows off a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). During precipitation events in urban areas, rain water picks up and transports pollutants through storm water conveyance systems, and ultimately to Waters of the U.S.

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

**"structural BMPs" –** Physical facilities or controls which may include secondary containment, treatment measures, (e.g. first flush diversion, detention/retention basins, and oil/grease separators), run-off controls (e.g., grass swales, infiltration trenches/basins, etc.), and engineering and design modification of existing structures. Additional examples are provided in Section 4 of Supplement A to the Riverside County DAMP dated April 1996.

**Subdivision Map Act** - Section 65000 et seq. of the California Government Code

**Supplement A** - Supplement A to the DAMP that is entitled "New Development Guidelines" and the attachment thereto entitled "Selection and Design of Storm Water Quality Controls."

**SWPPP** - Storm Water Pollution Prevention Plan

**TDS -** Total dissolved solids.

**Technical Committee -** A Permittee staff committee to direct the development of the DAMP and direct the implementation of the overall Urban Runoff program as described in the ROWD.

**TMDL [Total Maximum Daily Load]** – TMDL is the maximum amount of a pollutant that can be discharged into a water body from all sources (point and non-point) and still maintain 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.

**TSS -** Total suspended solids.

**Uncontaminated Pumped Groundwater -** Groundwater that meets the surface water quality objectives specified in the Basin Plan to which it is proposed to be discharged.

**Urban Runoff** – Urban Runoff includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from feedlots, dairies, farms, and open space. Urban Runoff discharges consist of storm water and non-storm water surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the Waters of the U. S. In addition to Urban Runoff, the MS4s regulated by this Order receive flows from agricultural activities, open space, state and federal properties and other non-urban land uses not under the control of the Permittees. The quality of the discharges from the MS4s varies considerably and is affected by, among other things, past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed disposal practices and illicit connections.

The Permittees lack legal jurisdiction over storm water discharges into their respective MS4s from agricultural activities, California and federal facilities, utilities and special districts, Native American tribal lands, wastewater management agencies and other point and non-point source discharges otherwise permitted by or under the jurisdiction of the Regional Board. The Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate pollutants present in Urban Runoff are beyond the ability of the Permittees to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geography.

**USEPA** - United States Environmental Protection Agency

**"waste"** – As defined in Water Code 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 that cannot be discharged directly or indirectly to waters 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.

**Waste Discharge Requirements** – As defined in Section 13374 of the California Water Code, the term "waste discharge requirements” is the equivalent of the term "permits" as used in the Federal Water Pollution Control Act, as amended. The Regional Board

usually reserves reference to the term “permit” to Waste Discharge Requirements for discharges to surface Waters of the U.S.

**Water Code** - California Water Code

**Waters of the U.S.** – Waters of the U.S. can be broadly defined as navigable surface waters and all tributary surface waters to navigable surface waters. Groundwater is not considered to be a Waters of the U.S. 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 U.S. 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 U.S. do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the USEPA.

**"water quality objectives"** – Numerical or narrative limits on constituents or characteristics of water designated to protect designated beneficial uses of the water [California Water Code Section 13050 (h)]. California’s water quality objectives are established by the State/Regional Water Boards in the Water Quality Control Plans.
As stated in the Porter-Cologne requirements for discharge (CWC 13263): "(Waste discharge) requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241."

Numeric or narrative limits for pollutants or characteristics of water designed to protect the beneficial uses of the water. In other words, a water quality objective is the maximum concentration of a pollutant that can exist in a Receiving Water and still generally ensure that the beneficial uses of the Receiving Water remain protected (i.e., not impaired). Since water quality objectives are designed specifically to protect the beneficial uses, when the objectives are violated the beneficial uses are, by definition, no longer protected and become impaired. This is a fundamental concept under the Porter Cologne Act. Equally fundamental is Porter Cologne’s definition of pollution. A condition of <u>pollution</u> exists when the water quality needed to support designated beneficial uses has become unreasonably affected or impaired; in other words, when the water quality objectives have been violated. These underlying definitions (regarding beneficial use protection) are the reason why all waste discharge requirements implementing the

federal NPDES regulations require compliance with water quality objectives. (Water quality objectives are also called water quality criteria in the CWA.)

**"water quality standards"** – are defined as the water quality goals of a waterbody (or a portion of the waterbody) designating beneficial uses (e.g., swimming, fishing, municipal drinking water supply, etc.,) to be made of the water and the water quality objectives or criteria necessary to protect those uses.

**"watershed"** – That geographical area which drains to a specified point on a watercourse, usually a confluence of streams or rivers (also known as drainage area, catchments, or river basin).

**WLA** - Waste load allocations

**WQMP** – Water Quality Management Plan as discussed in Section VIII.B. of the Order.

# APPENDIX 5

## NOTICE OF INTENT AND NOTICE OF TERMINATION

## ORDER NO. R8-2002-0011

# Appendix 5

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – SANTA ANA REGION

## NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

**ORDER No. R8-2002-0011 (NPDES No. CAS618033)**

MARK ONLY ONE ITEM 1. ☐ New Construction 2. ☐ Reconstruction 3. ☐ Change of Information for WDID#

### I. OWNER

| | | | |
|---|---|---|---|
| Name | Contact Person | | |
| Mailing Address | Title | | |
| City | State | Zip | Phone ( ) – |

### II. CONTRACTOR INFORMATION

| | | | |
|---|---|---|---|
| Name | Contact Person | | |
| Local Mailing Address | Title | | |
| City | State | Zip | Phone ( ) – |

### III. SITE INFORMATION

| | | | |
|---|---|---|---|
| A. Project Title | Site Address | | |
| City | State | Zip | Phone ( ) – |
| B. Construction commencement date: (Month / Day / Year) | C. Projected construction completion date: (Month / Day / Year) | | |

| | |
|---|---|
| D. Type of Work: ☐ Utility ☐ Flood Control ☐ Transportation ☐ Other (Specify)<br>Description of Work: _____ | E. Total size of site: _____ Acres |

### IV. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):

1. ☐ Indirectly to waters of the U.S.
2. ☐ Storm drain system - Enter owner's name:_____
3. ☐ Directly to waters of U.S. (e.g., river, lake, creek, stream, bay, ocean, etc.)

### V. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

| | |
|---|---|
| A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (mark one)<br>☐ A SWPPP has been prepared for this facility and is available for review<br>☐ A SWPPP will be prepared and ready for review by (date): ___/___/___ | B. MONITORING PROGRAM (MP) (mark one)<br>☐ A MP has been prepared for this facility and is available for review<br>☐ A MP will be prepared and ready for review by (date): ___/___/___ |

### VI. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and 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 or imprisonment. In addition, I certify that Section XII of Order No. R8-2002-0011, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan, will be complied with."

**Printed Name:** _____ **Title:** _____

**Signature:** _____ **Date:** _____

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – SANTA ANA REGION

# NOTICE OF TERMINATION

OF COVERAGE UNDER THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT
FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

**ORDER No. R8-2002-0011 (NPDES No. CAS618033)**

**I. OWNER**

| | | | |
|---|---|---|---|
| Name | Contact Person | | |
| Mailing Address | Title | | |
| City | State | Zip | Phone<br>( ) – |

**II. SITE INFORMATION**

| | | | |
|---|---|---|---|
| A. Project Title | Site Address | | |
| City | State | Zip | Phone<br>( ) – |
| B. Contractor Name | Contact Person | | |
| Local Mailing Address | Title | | |
| City | State | Zip | Phone<br>( ) – |

**III. BASIS OF TERMINATION**

__ 1. The construction project is completed and the following conditions have been met.
- ✓ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ✓ Construction materials and waste have been disposed of properly.
- ✓ The site is in compliance with all local storm water management requirements.
- ✓ A post-construction storm water operation and management plan is in place.

__ 2. Construction activities have been suspended, either temporarily ____ or indefinitely ___ and the following conditions have been met.
- ✓ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ✓ Construction materials and waste have been disposed of properly.
- ✓ An effective combination of erosion and sediment control is in place for all denuded areas and other areas of potential erosion.
- ✓ The site is in compliance with all local storm water management requirements.

Date of suspension ____ / ____ / ____ Expected start up date ____ / ____ / ____

**IV. CERTIFICATION**

I certify under penalty of law that all storm water discharges associated with construction activity from the identified site that are authorized by NPDES General Permit No. CAS000002 have been eliminated or that I am no longer the owner of the site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under the General Permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner of liability for any violation of the General Permit or the Clean Water Act.

**Printed Name:**_____ **Title:**_____

**Signature:** _____ **Date:** _____

**California Regional Water Quality Control Board**

**Santa Ana Region**

**3737 Main Street, Suite 500**

**Riverside, CA 92501- 3348**

**FACT SHEET**
October 25, 2002

**Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside County within the Santa Ana Region, Urban Runoff Management Program, Order No. R8-2002-0011 (NPDES No. CAS 618033)**

# I. INTRODUCTION

## A. PROJECT

The attached pages contain information concerning an application for renewal of waste discharge requirements and a National Pollutant Discharge Elimination System (NPDES) permit, Order No. R8-2002-0011, NPDES No. CAS 618033, which prescribes waste discharge requirements for Urban Runoff from the cities and the unincorporated areas in Riverside County within the jurisdiction of the Regional Board. Specifically, Order No. R8-2002-0011 regulates discharges of Urban Runoff from the "Permit Area" as defined in the Order and shown in Appendix 1.

Urban Runoff includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from feedlots, dairies, farms, and open space. Urban Runoff discharges consist of storm water and non-storm water surface runoff from drainage sub-areas with various, often mixed, land uses within all the hydrologic drainage areas that discharge into the Waters of the U. S. If appropriate pollution control measures are not implemented, Urban Runoff may contain pathogens (bacteria, protozoa, viruses), sediment, trash, fertilizers (nutrients, mostly nitrogen and phosphorus compounds), oxygen-demanding substances (decaying matter), pesticides (DDT, Chlordane, Diazinon, Chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil & grease, PAHs, petroleum hydrocarbons). If not properly managed and controlled, urbanization can change the stream hydrology and increase pollutant loading to receiving waters. As a watershed undergoes urbanization, pervious surface area decreases, runoff volume and velocity increases, riparian habitats and wetland habitats decrease, the frequency and severity of flooding increase, and pollutant loading increases. Most of these impacts occur due to human activities that occur during and/or after urbanization. The pollutants and hydrologic changes can cause declines in aquatic resources, cause toxicity to marine organisms, and impact human health and the environment. Based on the procedures in Section D of the RCFC&WCD Hydrology Manual, it is feasible that, in semi-arid regions, development may result in the creation of a net increase in absorption.

On August 30, 2000, the Riverside County Flood Control and Water Conservation District (hereinafter referred to as "RCFC&WCD" or "Principal Permittee" as context

indicates), in cooperation with the County of Riverside, (the "County") and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto (hereinafter with the County, collectively referred to as the "Co-Permittees" and collectively with the Principal Permitee, the "Permittees"), jointly submitted a National Pollutant Discharge Elimination System (NPDES) Application No. CAS 618033, a Report of Waste Discharge (the "ROWD"), to renew the MS4 NPDES permit for the Santa Ana River Watershed (the "Region") within Riverside County (the "Order") NPDES permit dealing with urban runoff (hereinafter "Urban Runoff" as defined and qualified in Findings 13 and 14) in the "Permit Area" as shown in Appendix 1.

B. PROJECT AREA

The area shown on Appendix 1 contains 1,293 square miles (or 17.7% of the 7,300 square miles within Riverside County) and includes 11 of the 24 municipalities within Riverside County. The California Department of Finance estimates that as of January 1, 2002, the population of Riverside County is 1,644,341 of which 759,877 persons reside within the 11 municipalities and an additional 338,630 persons reside in the unincorporated area that is within the area shown on Appendix 1 (or a total of 1,098,507 persons or 66.8% of Riverside County's population). Five of the municipalities (Beaumont, Calimesa, Canyon Lake, Norco, and San Jacinto) have populations of 25,000 or less; three municipalities (Hemet, Lake Elsinore, and Perris) have populations between 25,001 and 62,000, Corona has a population of 133,966, Moreno Valley's population is 146,435 and Riverside has 269,402 residents. [Population figures for the city of Murrieta have been omitted because only 375 acres (2%) of the City's Land Area is within the area shown on Appendix 1. (See Finding No. 2.)] Of the total territory within the area shown on Appendix 1, 346.7 square miles are within the 11 incorporated areas and 944.6 square miles are unincorporated. General land uses within the 1,293.3 square miles comprising the area shown on Appendix 1 are identified, based on Riverside County Assessor's Roll for Fiscal Year 2001-2002, as follows: 109.3 square miles are used or zoned for commercial/industrial purposes (8.5%), 198.7 square miles for residential purposes (15.4%), 70.1 square miles are utilized for improved roadways (including roadways owned by Caltrans) (5.4%), 753.9 square miles are vacant or utilized for open space (58.3%), and 161.3 square miles are used for agricultural purposes (12.5%). The federal government owns 310.7 square miles (24%) of the territory within the area shown on Appendix 1.

Less than one fifth (1/5) of the entire acreage within Riverside County drains into water bodies within the Permit Area. The Permit Area includes the "Urban Area" as shown in Appendix 1 and those portions of "Agriculture" and "Open Space" as shown on Appendix 1 that do convert to industrial, commercial or residential use during the term of this Order. The Permit Area is delineated by the San Bernardino-Riverside County boundary line on the north and northwest, the Orange Riverside County boundary line on the west, the Santa Ana-San Diego Regional Board boundary line on the south, and the Santa Ana Colorado River Basin Regional Board boundary line on the east. Sixty-seven percent of Riverside County's population resides within the Regional Board's jurisdiction. The San Diego and the Colorado River Basin Regional Water Quality Control Boards regulate Urban Runoff from those portions of Riverside County outside of the Permit Area shown in Appendix 1.

### C. CLEAN WATER ACT REQUIREMENTS

The federal Clean Water Act (the "CWA") established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of pollutants from point sources to waters of the nation (the "Waters of the U. S."). From 1972 to 1987, the main focus of the NPDES program was to regulate conventional pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, non-point sources, including agricultural runoff and urban runoff, now contribute a larger portion of many kinds of pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities.

The National Urban Runoff Program (NURP) final report to the Congress (USEPA, 1983) concluded that the goals of the CWA could not be achieved without addressing urban runoff discharges. The 1987 CWA amendments established a framework for regulating urban runoff. Pursuant to these amendments, the Santa Ana Regional Board began regulating municipal storm water runoff in 1990.

## II. REGULATORY BACKGROUND AND CLEAN WATER REQUIREMENTS

Recent studies [1] conducted in the Southern California area have established storm water runoff from urban areas as significant sources of pollutants in surface waters in Southern California. The Santa Ana River is impacted by agricultural and urban runoff as it flows through the San Bernardino County and Riverside County areas prior to flowing through Orange County and into the Pacific Ocean. If not properly controlled, urban runoff could be a significant source of pollutants in the Waters of the U. S. Table 1 includes a list of pollutants, their sources, and some of the adverse environmental consequences mostly resulting from urbanization.

The CWA prohibits the discharge of any pollutant to navigable waters from a point source unless an NPDES permit authorizes the discharge. Efforts to improve water quality under the NPDES program traditionally and primarily focused on reducing pollutants in discharges of industrial process wastewater and municipal sewage. The 1987 amendments to the CWA required MS4s and industrial facilities, including construction sites, to obtain NPDES permits for storm water runoff from their facilities. On November 16, 1990, the USEPA promulgated the final Phase I storm water regulations. The storm water regulations are contained in 40 CFR Parts 122, 123 and 124.

On July 13, 1990, the Regional Board issued Order No. 90-104 to the Permittees (first term permit). In 1996, the Regional Board adopted Order No. 96-30 (second term permit).

In 2001, to more effectively carry out the requirements of this Order, the Permittees have agreed that the RCFC&WCD will continue as the Principal Permittee and the County and

[1] Bay, S., Jones, B. H. and Schiff, K, 1999, Study of the Impact of Stormwater Discharge on Santa Monica Bay. Sea Grant Program, University of Southern California; and Haile, R.W., et al., 1996, An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay. Southern California Coastal Water Research Project (1992), Surface Runoff to the Southern California Bight.

the incorporated cities will continue as the Co-Permittees. On January 19, 2001, the Regional Board adopted Order No. 01-34, NPDES No. CAG 618005 Watershed-wide Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with New Developments in the San Jacinto Watershed. On March 2, 2001, Order No. 96-30, NPDES No. CAS618033, was administratively extended in accordance with Title 23, Division 3, Chapter 9, §2235.4 of the California Code of Regulations.

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**Table 1[2].**

**Pollutant Sources and Impacts of a Number of Pollutants On Waters of the U.S.**

| Pollutants | Sources | Effects and Trends |
|---|---|---|
| Toxins (e.g., biocides, PCBs, trace metals, heavy metals) | Industrial and municipal wastewater; runoff from farms, forests, urban areas, and landfills; erosion of contaminated soils and sediments; vessels; atmospheric deposition | Poison and cause disease and reproductive failure; fat-soluble toxins may bioconcentrate, particularly in birds and mammals, and pose human health risks. Inputs into U.S. waters have declined, but remaining inputs and contaminated sediments in urban and industrial areas pose threats to living resources. |
| Pesticides (e.g., DDT, diazinon, chlorpyrifos) | Urban runoff, agricultural runoff, commercial, industrial, residential and farm use | The use of legacy pesticides (DDT, chlordane, dieldrin,…) has been banned or restricted; still persists in the environment; some of the other pesticide uses are curtailed or restricted. |
| Biostimulants (organic wastes, plant nutrients) | Sewage and industrial wastes; runoff from farms and urban areas; nitrogen from combustion of fossil fuels | Organic wastes overload bottom habitats and deplete oxygen; nutrient inputs stimulate algal blooms (some harmful), which reduce water clarity, and alter food chains supporting fisheries. While organic waste loading has decreased, nutrient loading has increased (NRC, 1993a, 2000a). |
| Petroleum products (oil, grease, petroleum hydrocarbons, PAHs) | Urban runoff and atmospheric deposition from land activities; accidental spills; oil & gas production activities; natural seepage; and PAHs from internal combustion engines | Petroleum hydrocarbons can affect bottom organisms and larvae; spills affect birds, mammals and aquatic life. While oil pollution from accidental spills, and production activities has decreased, diffuse inputs from land-based activities have not (NRC, 1985). |
| Radioactive isotopes | Atmospheric fallout, industrial and military activities | Bioaccumulation may pose human health risks where contamination is heavy. |
| Sediments | Erosion from farming, construction activities, forestry, mining, development; river diversions; coastal dredging and mining | Reduce water clarity and change bottom habitats; carry toxins and nutrients; clog fish gills and interfere with respiration in aquatic fauna. Sediment delivery by many rivers has decreased, but sedimentation poses problems in some areas. |
| Plastics and other debris | Boats, fishing nets, containers, trash, urban runoff | Entangles aquatic life or is ingested; degrades, lake shores and wetland habitats. Floatables (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors. |
| Thermal | Cooling water from power plants and industry, urban run off from impervious surfaces | Kills some temperature-sensitive species; and displaces others. |
| Pathogens (bacteria, protozoa, viruses) | Sewage, urban runoff, livestock, wildlife, and discharges from boats. | Pose health risks to swimmers and consumers of aquatic life. Sanitation has improved, but standards have been raised (NRC 1999a). |
| Alien species | Fishery stocking, aquarists | Displace native species, introduce new diseases; growing worldwide problem (NRC 1996). |

[2] Adapted from "Marine Pollution in the United States" prepared for the Pew Oceans Commission, 2001.

The area-wide NPDES permit for the Permit Area is being considered for renewal in accordance with Section 402 (p) of the CWA and all requirements applicable to an NPDES permit issued under the issuing authority's discretionary authority. The requirements included in this Order are consistent with the CWA, the federal regulations governing urban storm water discharges, the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), the California Water Code, and the State Board's Plans and Policies.

The Basin Plan is the basis for the Regional Board's regulatory programs. The Plan was developed and is periodically reviewed and updated in accordance with relevant federal and state law and regulation, including the CWA and the California Water Code. As required, the Basin Plan designates the beneficial uses of the waters of the Region and specifies water quality objectives intended to protect those uses. (Beneficial uses and water quality objectives, together with an antidegradation policy, comprise federal "water quality standards"). The Basin Plan also specifies an implementation plan, which includes certain discharge prohibitions. In general, the Basin Plan makes no distinctions between wet and dry weather conditions in designating beneficial uses and setting water quality objectives, i.e., the beneficial uses, and correspondingly, the water quality objectives are assumed to apply year-round. (Note: In some cases, beneficial uses for certain surface waters are designated as "I", or intermittent, in recognition of the fact that surface flows (and beneficial uses) may be present only during wet weather.) Most beneficial uses and water quality objectives were established in the 1971, 1975 and 1983 Basin Plans.

Water Code Section 13241 requires that certain factors be considered, at a minimum, when water quality objectives are established. These include economics and the need for developing housing in the Region. (The latter factor was added to the Water Code in 1987). During this permit development process, the Permittees raised an issue regarding compliance with Section 13241 of the California Water Code with respect to water quality objectives for wet weather conditions, specifically the cost of achieving compliance during wet weather conditions and the need for developing housing within the Region and its impact on Urban Runoff. During the next review of the Basin Plan, staff will recommend that this matter be incorporated on the triennial review list. In the meantime, the provisions of this Order will result in reasonable further progress towards the attainment of the existing water quality objectives, in accordance with the discretion in the permitting authority recognized by the United States Court of Appeals for the Ninth Circuit in Defenders of Wildlife vs. Browner, 191 F.3d 1159, 1164 (9th Cir. 1999).

## III. EXCLUSIONS TO THE PERMITTED AREA

Areas of the County not addressed or which are excluded by the storm water regulations and areas not under the jurisdiction of the Permittees are excluded from the area requested for coverage under this permit application. These include the following areas and activities:

- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
- Native American tribal lands;

- Open space and rural (non-urbanized) areas;
- Agricultural lands; and
- Utilities and special districts.

These areas in the Permit Area for which coverage under a municipal stormwater NPDES permit is excluded, are shown in Appendix I (Western Riverside County NPDES Permit Area).

## IV. BENEFICIAL USES

Stormwater flows which are discharged to MS4s in the Permit Area are tributary to various water bodies (inland surface streams, lakes and reservoirs) of the state. The beneficial uses of these water bodies include municipal and domestic supply, agricultural supply, industrial service and process supply, groundwater recharge, water contact recreation, non-contact water recreation, and sportfishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat and preservation of rare, threatened or endangered species. The ultimate goal of this Order is to protect the beneficial uses and quality of the Receiving Waters.

To protect the beneficial uses of the Receiving Waters, the pollutants from all sources, including Urban Runoff, need to be controlled. Recognizing this, and the fact that Urban Runoff contains pollutants, an area-wide MS4 permit is the most effective way to develop and implement a comprehensive Urban Runoff management program in a timely manner. This area-wide MS4 permit contains requirements with time schedules that will allow the Permittees to continue to address water quality problems caused by Urban Runoff through their management programs to reduce pollutants in storm water discharges to the MEP[See Appendix 4, Glossary].

## V. WATERSHED MANAGEMENT IN THE UPPER SANTA ANA RIVER BASIN

### A. Management Approach

To regulate and control Urban Runoff from the Permit Area to the MS4s, an area-wide approach is essential and a holistic approach is needed to efficiently manage the water resources of the Region. The entire MS4 is not controlled by a single entity; the RCFC&WCD, the County of Riverside, several cities, the State Department of Transportation (Caltrans), and the U.S. Army Corps of Engineers, in addition to other smaller entities, manage the MS4s. In addition to the cities, the County of Riverside and the RCFC&WCD, there are a number of other significant contributors of Urban Runoff to these MS4s. These include: large institutions such as the State university system, prisons, schools, hospitals, etc.; federal facilities such as military sites, etc.; State agencies, such as Caltrans; water and wastewater management agencies such as Eastern and Western Municipal Water District; the National Forest Service and State parks. The State Board has issued a separate NPDES permit to Caltrans. In addition, Caltrans, and the other contributors identified, are not under the jurisdiction of the Permittees. The management and control of the entire MS4 cannot be effectively carried out without the cooperation and efforts of all these entities. Also, it would not be

meaningful to issue a separate MS4 permit to each of the entities within the Permit Area whose land/facilities drain into the MS4s operated by the Permittees. The Regional Board has concluded that the best management option for the Riverside County area is to issue an area-wide Urban Runoff permit to the Permittees.

Although, the Urban Runoff from the Permit Area drains into Orange County, urban runoff from Orange County areas are regulated under NPDES No. CAS 618030. Some areas within Riverside County are within the Colorado River Basin and San Diego Regional Boards' jurisdictions. Permit requirements for storm water runoff from the drainage areas of Riverside County within the jurisdiction of the San Diego and Colorado River Basin Regional Boards are addressed by those Regional Boards.

In developing Urban Runoff management and monitoring programs, consultation/coordination with other drainage management entities and other Regional Boards is essential. Common programs, reports, implementation schedules and efforts are desirable and will be utilized to the MEP.

Cooperation and coordination among all the stakeholders are essential for efficient and economical management of the watershed. It is also critical to manage non-point sources at a level consistent with the management of Urban Runoff in a watershed in Order to successfully prevent or remedy water quality impairment. Regional Board staff will facilitate coordination of monitoring and management programs among the various stakeholders.

An integrated watershed management approach is consistent with the Strategic Plan and Initiatives for the State and Regional Boards. A watershed wide approach is also necessary for implementation of the load and waste load allocations to be developed under the TMDL process. The Permittees and all the affected entities are encouraged to participate in regional or watershed solutions, instead of project-specific and fragmented solutions.

The pollutants in Urban Runoff originate from a multitude of sources and effective control of these pollutants requires a cooperative effort of all the stakeholders and many regulatory agencies. Every stage of urbanization should be considered in developing appropriate Urban Runoff pollution control methodologies. The program's success depends upon consideration of pollution control techniques during planning, construction and post-construction operations. At each stage, appropriate pollution prevention measures, source control measures, and, if necessary, treatment techniques should be considered.

B. SUB-WATERSHEDS AND MAJOR CHALLENGES

The Santa Ana River watershed is the major watershed within this Region. This watershed is divided into three sub-watersheds: the Lower Santa Ana, Upper Santa Ana, and San Jacinto.

1. The lower Santa Ana River sub-watershed (downstream from Prado Basin) includes the north half of Orange County. The Upper Santa Ana River sub-watershed includes the southwestern corner of San Bernardino County and the northwestern corner of Riverside County. The San Jacinto sub-watershed includes the northwest corner of Riverside County south of the Upper Santa Ana River sub-watershed within this Region.

   Generally, the San Bernardino County drainage areas drain to the Riverside County drainage areas, and Riverside County drainage areas discharge to Orange County through Prado Dam on the Santa Ana River. Most of the flow in the Santa Ana River is recharged into the ground water in Orange County but infrequently some of the flow may be discharged to the Pacific Ocean as a result of heavy storm events.

   Water from rainfall and snow melt runoff, and surfacing ground water from various areas either discharge directly to the Santa Ana River or to watercourses tributary to the Santa Ana River. Other major rivers in the Permit Area include the San Jacinto River and Temescal Creek. The San Jacinto Mountain areas drain into the San Jacinto River, which discharges into Canyon Lake and then to Lake Elsinore. Any overflow from Lake Elsinore is tributary to Temescal Creek, which flows into the Santa Ana River at the Prado Flood Control Basin. Overflow from Lake Elsinore occurs infrequently, only once every 12 to 15 years.

2. Upper Santa Ana River Sub-watershed:

   a. Reach 3 of the Santa Ana River (Prado Dam to Mission Boulevard in Riverside): The pollutants of concern for Reach 3 are nutrients, pathogens, salinity, total dissolved solids and chlorides. However, the Board now recognizes that Reach 3 of the Santa Ana River is meeting the standards for nutrients, salinity, TDS and chlorides and has requested the USEPA that this Reach be de-listed for these constituents. Reach 3 of the Santa Ana River has been posted by Riverside County, as it consists largely of POTW effluent, indicating that it is not suitable for body contact recreation due to microbial contamination. On March 23, 2000, the Executive Officer issued a request under Section 13267 of the CWC to the County and the cities that discharge urban runoff into this segment of the River to start an investigation of the microbial contamination of the River. The other problems associated with this segment of the River are addressed through the Regional Board's dairy program and TDS/nitrogen control programs.

   b. Reach 4 of the Santa Ana River: Reach 4 of the Santa Ana River is the portion of the River from Mission Boulevard bridge in Riverside to the San Jacinto fault (Bunker Hill Dike) in San Bernardino. Reach 4 is also listed in the CWA Section 303 (d) as an impaired water body. Most of Reach 4 of the River is under the

San Bernardino County area. The pollutants of concern for Reach 4 are pathogens.

c. San Jacinto Sub-watershed: Canyon Lake and Lake Elsinore are in this watershed and are listed on the 303(d) list for nutrients/pathogens (Canyon Lake) and nutrients, sediment, and unknown toxicity (Lake Elsinore). TMDLs are being developed for these impaired waterbodies. In the interim, the Regional Board adopted a separate watershed-wide construction activity storm water permit to regulate construction activities in this area. This permit may be reopened to include TMDL requirements.

C. *CWA SECTION 303(d) LIST AND TMDLS:*

Pursuant to Section 303(b) of the CWA, the 1998 water quality assessment conducted by the Regional Board listed a number of water bodies within the Region under Section 303(d) of the CWA as impaired water bodies. These are water bodies where the designated beneficial uses are not met and the water quality objectives are being violated. The sources of the impairments include POTW discharges, and runoff from agricultural, open space and urban land uses. The impaired water bodies in Riverside County within the Santa Ana Regional Board's jurisdiction are listed in Table 2.

Federal regulations require that a total maximum daily load (TMDL) be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged while water quality standards in the receiving water are attained, i.e., water quality objectives are met and the beneficial uses are protected. It is the sum of the individual wasteload allocations (WLA) for point source inputs, load allocations (LA) for non-point source inputs and natural background, with a margin of safety. The TMDLs are the basis for limitations established in waste discharge requirements. TMDLs are being developed for all pollutants identified in Table 2. The Permittees shall revise their DAMP, at the direction of the Executive Officer, to incorporate program implementation amendments so as to comply with regional, watershed specific requirements, and/or waste load allocations developed and approved pursuant to the process for the designation and implementation of Total Maximum Daily Loads (TMDLs) for impaired water bodies.

**Table 2**

**CWA Section 303(d) Listed Waterbodies, 1998 List**

| *WATER BODY* | *HYDRO UNIT* | *POLLUTANT/ STRESSOR* | *SOURCE* | *PRIORITY* | *SIZE AFFECTED* |
|---|---|---|---|---|---|
| Canyon Lake | 802.120 | Nutrients<br>Pathogens | Nonpoint Source<br>Nonpoint Source | Medium<br>Medium | 600 Acres<br>600 Acres |
| Lake Elsinore | 802.310 | Nutrients<br>Org. enrichment /low D.O.<br>Sediment / Siltation<br>Unknown Toxicity | Unknown Nonpoint Source<br>Unknown Nonpoint Source<br>Urban Runoff and Storm Drains<br>Unknown Nonpoint Source | Medium<br>Medium<br>Medium<br>Medium | 3300 Acres<br>3300 Acres<br>3300 Acres<br>3300 Acres |
| Lake Fulmor | 802.210 | Pathogens | Unknown Nonpoint Source | Low | 9 Acres |
| Santa Ana River, Reach 3 | 801.200 | Nutrients<br>Pathogens<br>Salinity/TDS/Chlorides | Dairies<br>Dairies<br>Dairies | Medium<br>Medium<br>Medium | 3 Miles<br>3 Miles<br>3 Miles |
| Santa Ana River, Reach 4 | 801.120 | Pathogens | Nonpoint Source | Low | 12 Miles |

## VI. FIRST AND SECOND TERM PERMITS: STORM WATER POLLUTION CONTROL PROGRAMS AND POLICIES

Prior to USEPA's promulgation of the final regulations implementing the storm water requirements of the 1987 CWA amendments, the counties of Orange, Riverside and San Bernardino requested an area-wide NPDES permits for storm water runoff. On July 13, 1990, the Regional Board issued Order No. 90-104 to the Permittees (first term permit). In 1996, the Regional Board adopted Order No. 96-30 (second term permit). First and second term permits included the following requirements:

1. Prohibited non-storm water discharges to the MS4s with certain exceptions.
2. Required the municipalities to develop and implement a DAMP to reduce pollutants in Urban Runoff to the MEP.
3. Required the discharges from the MS4s to meet water quality standards in Receiving Waters.
4. Required the municipalities to identify and eliminate illicit connections and illegal discharges to the MS4s.
5. Required the municipalities to establish legal authority to enforce Storm Water Ordinances.
6. Required monitoring of dry weather flows, storm flows, and receiving water quality, and program assessment.

During the first term permit, the Permittees developed a DAMP which was approved by the Executive Officer on January 18, 1994. The DAMP included five BMP groups: environmental education activities, solid waste activities, road drainage system operations and maintenance, regulatory and enforcement activities, and structural controls. The DAMP will be revised to include program components developed during the term of the 1996 Permit and to address requirements of this Order. The Permittees also indicated that the monitoring program would be revised and incorporated into the revised DAMP.

The RCFC&WCD performs water quality monitoring activities in support of three separate area-wide NPDES MS4 Permits (Santa Ana, San Diego and Colorado River basins) under the Consolidated Monitoring Program (CMP). Water samples and/or sediment samples have been collected at a total of 74 locations over the last nine years. These 74 locations are comprised of 45 storm drain outfalls, 12 receiving water, 15 sediment, and 2 special interest sampling locations. The August 30, 2000, ROWD indicated that in order to assess long-term trends and BMP effectiveness they would need more data points, with at least 5 samples (of similar types) obtained for many years. The ROWD indicated that the CMP would have to be revised. In the future, these monitoring stations and monitoring will be used to identify problem areas and to re-evaluate the monitoring program and the effectiveness of the BMPs. The future direction of some of these program elements will depend upon the results of the ongoing studies and a holistic approach to watershed management.

Other elements of the Urban Runoff management program included identification and elimination of illegal discharges, illicit connections, and establishment of adequate legal authority to control pollutants in storm water discharges. Most of the Permittees have completed a survey of their MS4s to identify illegal/illicit connections and have adopted

appropriate ordinances to establish legal authority. Some of the more specific achievements during the first and second term permits are as follows:

1. During the term of the 1996 Permit, the Permittees have operated under an Implementation Agreement that sets forth the responsibilities of the Permittees as defined in the 1996 Permit. The Permittees have adopted Storm Water Ordinances regarding the management of Urban Runoff. The Storm Water Ordinances provide the Permittees with the legal authority to implement the requirements of the 1996 Permit and the key regulatory requirements contained in 40 CFR Section 122.26(d)(2)(I)(A-F).
2. The Permittees have participated in the CMP.
3. The Permittees administered area-wide programs including: hazardous materials emergency response, household hazardous waste collection, industrial/commercial compliance assistance program and public education and outreach. Some of these programs were coordinated with Caltrans and local agencies.
4. A Municipal Facilities Strategy was established, a New Development Guideline was developed, pet waste brochure, BMP brochure for horse owners, BMP brochure for pool discharges and a general outreach brochure for residents that hire contractors were developed.
5. A Technical Advisory Committee for overall program development and implementation was established.
6. Program Review: A number of existing programs were reviewed to determine their effectiveness in combating urban runoff pollution and to recommend alternatives and or improvements, including public agency activities and facilities, illegal discharges and illicit connections to the MS4 systems, and existing monitoring programs.
7. Public Education: A number of steps were taken to educate the public, businesses, industries, and commercial establishments regarding their role in urban runoff pollution controls. The industrial dischargers were notified of the storm water regulatory requirements. For a number of unregulated activities, BMP guidances were developed and a toll free hotline was established for reporting any suspected water quality problems.
8. Public Agency Training: Training was provided to public agency employees to implement New Development Guidelines and Public Works BMPs.
9. Related Activities: Modified MS4s by channel stabilization and creation of sediment basins; eliminated or permitted and documented illicit connections to the MS4s.

An accurate and quantifiable measurement of the impact of the above stated Urban Runoff management programs is difficult, due to a variety of reasons, such as the variability in chemical water quality data, the incremental nature of BMP implementation, lack of baseline monitoring data, and the existence of some of the programs and policies prior to initiation of formal Urban Runoff management programs. There are generally two accepted methodologies for assessing water quality improvements: (1) conventional monitoring such as chemical-specific water quality monitoring; and (2) non-conventional monitoring, such as monitoring of the amount of household hazardous waste collected and disposed off at appropriate disposal sites, the amount of used oil collected, and the amount of debris removed by the debris boom, etc.

The water quality monitoring data could not be used to indicate any discernible trends or significant changes. It is expected that continuation of these programs and policies will reduce or control pollutants in Urban Runoff.

During the second term permit, there was an increased focus on watershed management initiatives and coordination among the municipal permittees in Orange, Riverside and San Bernardino Counties. These efforts resulted in a number of regional monitoring programs and other coordinated program and policy developments.

It is anticipated that with continued implementation of the revised DAMP and other requirements specified in this Order, the goals and objectives of the storm water regulations will be met, including protection of the beneficial uses of all Receiving Waters.

## VII. FUTURE DIRECTION/2000 ROWD

The ROWD (2000 ROWD) included an overview of the programs and policies the Permittees are proposing to implement during the third term permit. One of the proposed activities is to revise the 1993 DAMP. The 2000 ROWD specified that the revised DAMP will be the principal guidance document for Urban Runoff management programs in the Permit Area. The suggested outline for the revised DAMP include the following major components:

1. Continues a framework for the program management activities and DAMP update.
2. Continues to provide the legal authority to control discharges to the MS4s.
3. Includes a description of land use and population characteristics.
4. Improves current BMPs to achieve further reduction in pollutant loading to the MS4s.
5. Identifies TMDL concerns and an implementation schedule and other tools for addressing those concerns.
6. Identifies pollutants of concern in the regional water bodies.
7. Includes programs and policies to increase public education processes and to seek public support for Urban Runoff pollution prevention BMPs.
8. Continue with Management Steering Committee and other technical/advisory committees.
9. Includes sections on construction sites, development planning, industrial and commercial sources, and public education and outreach.
10. Includes programs and policies to eliminate illegal discharges and illicit connections to the MS4s.
11. Includes a continued and revised monitoring program for Urban Runoff.
12. Includes provisions for any special focus studies and/or control measures.

A combination of these programs and policies and the requirements specified in this Order should ensure control of pollutants in storm water runoff from owned and/or controlled by the Permittees.

## VIII. PERMIT REQUIREMENTS AND PROVISIONS

The legislative history of storm water statutes (1987 CWA Amendments), USEPA regulations (40CFR Parts 122, 123, and 124), and clarifications issued by the State Board (State Board Orders No. WQ 91-03 and WQ 92-04) indicate that a non-traditional NPDES

permitting strategy was anticipated for regulating urban runoff. Due to the economic and technical infeasibility of full-scale end-of-pipe treatments and the complexity of urban runoff quality and quantity, MS4 permits generally include narrative requirements for the implementation of BMPs in place of numeric effluent limits.

The requirements included in this Order are meant to specify those management practices, control techniques and system design and engineering methods that will result in MEP protection of the beneficial uses of the Receiving Waters. The State Board (Orders No. WQ 98-01 and WQ 99-05) concluded that MS4s must meet the technology-based MEP standard and water quality standards (water quality objectives and beneficial uses). The U.S. Court of Appeals for the Ninth Circuit subsequently held that strict compliance with water quality standards in MS4 permits is at the discretion of the local permitting agency. Any requirements included in the Order that are more stringent than the federal storm water regulations are in accordance with the CWA Section 402(p)(3)(iii), and the California Water Code Section 13377 and are consistent with the Regional Board's interpretation of the requisite MEP standard.

The ROWD included a discussion of the current status of Riverside County's Urban Runoff management program and the proposed programs and policies for the next five years (third term permit). This Order incorporates these documents and specifies performance commitments for specific elements of the Permittees Urban Runoff management program.

This Order recognizes the progress made by the Permittees during the first and second term permits in implementing the storm water regulations. The Order also recognizes regional and innovative solutions to such a complex problem. For these reasons, the Order is less prescriptive compared to some of the MS4 NPDES permits for urban runoff issued by other Regional Boards. However, it should achieve the same or better water quality benefits because of the programs and policies already being implemented or proposed for implementation, including regional and watershed wide solutions.

The essential components of the Urban Runoff Management Program, as established by federal regulations [40 CFR 122.26(d)] are: (i) Adequate Legal Authority, (ii) Fiscal Resources, (iii) Storm Water Quality Management Program (SQMP) - (Public Information and Participation Program, Industrial/Commercial Facilities Program, Development Planning Program, Development Construction Program, Public Agency Activities Program, Illicit Connection and Illicit Discharges Elimination Program), and (iv) Monitoring and Reporting Program. The major sections of the requirements in this Order include: I. Responsibilities; II. Discharge Limitations/Prohibitions; III. Receiving Water Limitations; IV. Implementation Agreement; V. Legal Authority/Enforcement; VI. Illegal/Illicit Connections/Illegal Discharges; Litter, Debris and Trash Control; VII. Sewage Spills, Infiltration into MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet Discharges; VIII. New Development (including significant re-development); IX. Municipal Inspection Program; X. Public Education and Outreach; XI. Municipal Facilities Programs and Policies/Activities; XII. Municipal Construction Projects/Activities; XIII. Program Management/Damp Review; XIV. Monitoring and Reporting Requirements; XV. Provisions; XVI. Permit Expiration and Renewal.
These programs and policies are intended to improve urban storm water quality and protect the beneficial uses of receiving waters of the region.

A. RESPONSIBILITIES

The responsibilities of the Principal Permittee is to coordinate the overall Urban Runoff management program and the Co-Permittees are responsible for managing the Urban Runoff Program within their jurisdictions as detailed in the ROWD and Order No. 96-30 and 90-104.

B. DISCHARGE PROHIBITIONS

In accordance with CWA Section 402(p)(3)(B)(ii), this Order prohibits the discharge of non-storm water to the MS4s, with a few exceptions. The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the Permittees or the Executive Officer determines that any of the exempted non-storm water discharges is a significant source of pollutants, a separate NPDES permit or coverage under the Regional Board's De Minimus permit will be required.

C. RECEIVING WATER LIMITATIONS

Receiving water limitations are included to ensure that discharges of Urban Runoff from MS4 systems do not cause or contribute to violations of applicable water quality standards in Receiving Waters. The compliance strategy for receiving water limitations is consistent with the USEPA and State Board guidance and recognizes the complexity of Urban Runoff management.

This Order requires the Permittees to meet water quality standards in Receiving Waters in accordance with USEPA requirements, as specified in State Board Order No. WQ 99-05. If water quality standards are not met by implementation of current BMPs, the Permittees are required to re-evaluate the programs and policies and to propose additional BMPs. Compliance determination will be based on this iterative BMP implementation process.

D. IMPLEMENTATION AGREEMENT

The existing Implementation Agreement needs to be revised to include the cities that were not signatories to this Agreement. This section requires that a copy of the signature page and any revisions to the Agreement shall be included in the Annual Report.

E. LEGAL AUTHORITY/ENFORCEMENT

Each Permittee has adopted a number of ordinances, municipal codes, and other regulations to establish legal authority to control discharges to the MS4s and to enforce these regulations as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The Permittees are required to enforce these ordinances and to take enforcement actions against violators (40 CFR 122.26(d)(2)(iv)(A-D).

The enforcement activities undertaken by a majority of the Permittees have consisted primarily of Notices of Violation, which act to educate the public on the environmental consequences of illegal discharges. In the case of the County, additional action has sometimes included recovery of investigation and clean-up

costs from a responsible party. In the event of egregious or repeated violations, the option exists for a referral to the County District Attorney for possible prosecution or to the Regional Board for enforcement under the State Water Code or the CWA. In order to eliminate unauthorized, non-storm water discharges, reduce the amount of pollutants commingling with Urban Runoff and thereby protect water quality, an additional level of enforcement is required between Notices of Violation and District Attorney referrals. Therefore, within 18 months of the Order's adoption, the Permittees are required to establish the authority and resources to administer either civil or criminal fines and/or penalties for violations of their Storm Water Ordinances. The progress in establishing this program must be fully documented in the Annual Reports submitted by the Permittees and the number, nature and amount of fines and/or penalties levied must be reported, beginning with the 2003/2004 Annual Report.

F. Illicit Connections/Illegal Discharges; Litter, Debris and Trash Control;

Most of the Permittees have completed their survey of the MS4 systems and eliminated or permitted all identified illicit connections. The Permittees have also established a program to address illegal discharges and a mechanism to respond to spills and leaks and other incidents of discharges to the MS4s. The Permittees are required to continue these programs to ensure that the MS4s do not become a source of pollutants in Receiving Waters.

G. Sewage Spills, Infiltration into MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet Discharges;

In recent years, sewage spills/leaks into MS4s that discharge into Waters of the U.S. have become one of the leading causes of beneficial use impairment. To address these concerns, a set of separate waste discharge requirements for local sanitary sewer agencies is being prepared by the Regional Board. Failing septic systems and improper use of portable toilets have also been linked to microbial contamination of urban runoff. The Permittees shall identify, with the appropriate local agency, a mechanism to prevent failure of these septic systems from causing or contributing to pollution of Receiving Waters. The Permittees shall also review their local oversight program for the placement and maintenance of portable toilets to determine the need for any revision.

H. New Development (including Significant Redevelopment);

During the second term permit, the Permittees developed New Development guidelines. The Permittees are required to implement these guidelines. Additionally, this Order requires the Permittees to work towards the goal of maintaining the beneficial uses of Receiving Waters. To accomplish this goal, the Permittees have the option of using a number of methodologies. The Permittees/project proponents may propose BMPs based on a watershed approach, establish other innovative and proven alternatives to address Urban Runoff pollution. Numeric sizing criteria for controls at New and Significant Redevelopment sites are specified in this Order. Any proposed regional or watershed-wide (or sub-watershed) pollution control measure should afford water quality protection equivalent to or better than that from the prescribed numeric

sizing criteria. If a set of measures acceptable to the Executive Officer is not developed and approved by January 1, 2005, the Permittees are required to use the numeric sizing criteria specified in the Order. The numeric criteria are identical to the one used by the San Diego Regional Board in its MS4 permit for permittees within the San Diego County area (Order No. 2001-01).

I. Municipal Inspection Program;

Co-Permittee inspections of construction, industrial, and commercial activities within their jurisdiction will be conducted, in order to control the loading of pollutants entering the MS4. The Co-Permittees will inventory facilities and sites in the above categories, prioritize these facilities based on threat to water quality, and perform regular inspections to insure compliance with local ordinances. While initial observations of non-compliance may result in 'educational' type enforcement, repeated non-compliance will result in more disciplinary forms of enforcement, such as monetary penalties, stop work orders or permit revocation. Chapter four of the Enforcement/Compliance Strategy (the "E/CS") proposes a prioritization scheme and response outline.

J. Public Education and Outreach;

Public outreach is an important element of the overall urban pollution prevention program. The Permittees have committed to implement a strategic and comprehensive public education program to maintain the integrity of the Receiving Waters and their ability to sustain beneficial uses. The Principal Permittee has taken the lead role in the outreach programs and has targeted various groups including businesses, industry, development, utilities, environmental groups, institutions, homeowners, school children, and the general public. The Permittees have developed a number of educational materials, have established a storm water pollution prevention hotline, started an advertising and educational campaign, and distributed public education materials at a number of public events. The Permittees are required to continue these efforts and to expand public participation and education programs.

K. Municipal Facilities Programs and Policies/Activities;

Education of municipal planning, inspection, and maintenance staff is critical to ensure that municipal facilities and activities do not cause or contribute to an exceedance of Receiving Water quality standards. The second term permit required the Permittees to report on an annual basis the actions taken to eliminate the discharge of pollutants from public agency activities and facilities. The Permittees are required to inspect and maintain their MS4s free of waste materials to control pollutants in Urban Runoff flowing through these systems. This Order requires the Permittees to re-evaluate their MS4s annually to see if additional BMPs are needed to ensure protection of Receiving Water quality.

L. Municipal Construction Projects/Activities;

This section addresses the requirements for the construction projects by the Permittees themselves.

M. Program Management/Damp Review;

The DAMP is a management document that needs to be updated with the new requirements of this Order.

N. Monitoring and Reporting Requirements;

During the first term permit and part of the second term permit, the Permittees conducted monitoring of the storm water flows, Receiving Water quality, and sediment quality. The Riverside County monitoring programs, as well as other monitoring programs nationwide, have shown that there is a high degree of uncertainty in the quality of storm water runoff and that there are significant variations in the quality of urban runoff spatially and temporally. However, most of the monitoring programs to date have indicated that there are a number of pollutants in urban runoff. Only in a few cases a definite link between pollutants in urban runoff and beneficial use impairments has been established.

Currently the Permittees are cooperating with the Regional Board in the development and implementation of appropriate monitoring programs to support the development of the Canyon Lake and Lake Elsinore TMDLs. This monitoring program includes sampling stormwater runoff at a variety of sites located throughout the watershed for three storm events per year. Stormwater samples will be collected and analyzed for a variety of constituents, principally nutrients. In addition to these efforts, the Permittees are reevaluating their overall Urban Runoff monitoring program to determine its effectiveness in meeting the following objectives:

1. Assess rates of mass loading
2. Assess influence of land use on water quality
3. Assess compliance with water quality objectives
4. Assess effectiveness of water quality controls
5. Detect illicit connections and illegal discharges
6. Identify problem areas and/or trends
7. Identify pollutants of concern
8. Identify baseline conditions
9. Establish/maintain a water quality database

To accomplish these goals, the following activities are conducted:

1. Collect water quality data
2. Collect rainfall/runoff data
3. Establish quality assurance/control procedures
4. Conduct data analysis and archiving
5. Install and maintain appropriate equipment
6. Prepare an annual report

The RCFC&WCD, in its role as Principal Permitee, participates in the Southern California Cooperative Stormwater Research/Monitoring Program. The key focus of this Cooperative Monitoring Program is to develop methodologies and assessment tools to more effectively understand urban stormwater and non-stormwater impacts to receiving waters. Additionally, some of the municipal permittees in the San Bernardino County and Riverside County have been requested to participate in the investigation of bacteriological water quality impairments in the Upper Santa Ana River.

The Permittees are encouraged to continue their participation in regional and watershed-wide monitoring programs. The Permittees are required to submit a revised water quality monitoring plan for the Executive Officer's approval.

## IX. WATER QUALITY BENEFITS, COST ANALYSIS, AND FISCAL ANALYSIS

There are direct and indirect benefits from clean lake beaches, clean water, and a clean environment. It is difficult to assign a dollar value to the benefits the public derives from fishable and swimmable waters. In 1972, at the start of the NPDES program, only 1/3 of the U.S. waters were swimmable and fishable. In 2001, 2/3 of the U.S. waters meet these criteria. In the 1995 "*Money"* magazine survey of the "Best Places to Live", clean water and air ranked as the most important factors in choosing a place to live. Thus environmental quality has a definite link to property values.

The true magnitude of the urban runoff problem is still elusive and any cost estimate for cleaning up urban runoff would be premature short of end-of-pipe treatments. For urban runoff, end-of-pipe treatments are cost prohibitive and are not generally considered as a technologically feasible option. Over the last decade, the Permittees have attempted to define the problem and implemented BMPs to the MEP to combat the problem.

The costs incurred by the Permittees in implementing these programs and policies can be divided into three broad categories:

1. Shared costs: These are costs that fund activities performed mostly by the Principal Permittee under the Implementation Agreement. These activities include overall storm water program coordination; intergovernmental agreements; representation at the Storm Water Quality Task Force, Regional Board/State Board meetings and other public forums; preparation and submittal of compliance reports and other reports required under the NPDES permits, Water Code Section 13267 requests, budget and other program documentation; coordination of consultant studies, Co-Permittee meetings, and training seminars.

2. Individual Costs for DAMP Implementation: These are costs incurred by each Permittee for implementing the BMPs (drainage facility inspections for illicit connections, drain inlet/catch basin stenciling, public education, etc.) included in the DAMP. A number of programs and policies for non-point and storm water pollution controls existed prior to the urban runoff NPDES program. However, the DAMP that was developed and implemented in response to the urban runoff program required additional programs and policies for pollution control.

3. Individual Costs of Pre-Existing Programs: These are costs incurred by each Permittee for water pollution control measures which were already in existence prior to the urban runoff NPDES program. These programs included recycling, litter control, street sweeping, drainage facility maintenance, and emergency spill response.

Historically, the Permittees have employed four distinct funding methods to finance their NPDES Activities. Many Permittees utilize a combination of these funding sources. The different methods include:

1. Santa Ana Watershed Benefit Assessment Area

In 1991, the RCFC&WCD established the Santa Ana Watershed Benefit Assessment Area (SAWBAA) to fund its NPDES activities. Currently, SAWBAA revenues fund both area-wide NPDES program activities and the RCFC&WCD's individual permit compliance activities.

2. County Service Area 152

In December 1991, the County of Riverside formed County Service Area 152 (CSA 152) to provide funding for compliance activities associated with its NPDES permit activities. Under the laws that govern CSAs, sub-areas may be established within the overall CSA area with different assessment rates set within each sub-area. The cities of Corona, Moreno Valley, Norco, Riverside, Lake Elsinore and San Jacinto elected to participate in CSA 152.

3. Utility Charge

The City of Hemet funds a portion of its NPDES program activities through a utility charge.

4. General Fund /Other Revenues

The remaining Permittees utilize general fund revenue to finance their NPDES activities. Several Permittees also report using general fund and other revenue sources (e.g., gas taxes, developer fees, etc.) to fund a portion of their Urban Runoff management activities.

The Annual Report provides the most recent budgets and expenditures projections available for the costs incurred by the Permittees in implementing these programs and policies.

## X. ANTIDEGRADATION ANALYSIS

The Regional Board has considered whether a complete antidegradation analysis, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, is required for these Urban Runoff discharges. The Regional Board finds that the pollutant loading rates to the Receiving Waters will be reduced with the implementation of the requirements in this Order. As a result, the quality of Urban Runoff discharges and Receiving Waters will be improved, thereby improving protection for the beneficial uses of Waters of the U.S. Since this Order will not result in a lowering of water quality, a complete antidegradation analysis is not necessary, consistent with the federal and state antidegradation requirements.

## XI. PUBLIC WORKSHOP

A number of workshops have been held to discuss the draft MS4 permits for the Orange and San Bernardino counties within the Regional Board's jurisdiction. The details regarding these permits are posted on the Regional Board's website or may be obtained by calling the office at 909-782-4130. Building upon those permits, a workshop for the Order was conducted on May 31, 2002, in Huntington Beach, California and a second workshop was conducted on September 6, 2002, in Loma Linda, California. The Public Hearing for consideration of adoption of the Order is scheduled for the October 25, 2002, Board Meeting in Corona.

The Regional Board recognizes the significance of Riverside County's Storm Water/Clean Water Protection Program and will conduct, participate, and/or assist with at any workshop during the term of this Order to promote and discuss the progress of the Urban Runoff management program. The details of the workshop will be posted on the Regional Board's website, published in local newspapers and mailed to interested parties. Persons wishing to be included in the mailing list for any of the items related to this permit may register their name, mailing address and phone number with the Regional Board office at the address given below.

## XII. PUBLIC HEARING

The Regional Board will hold a public hearing regarding the proposed waste discharge requirements. The public hearing will be scheduled at a later time (tentatively on October 25, 2002, in the City of Corona) and information regarding the public hearing will also be posted on the website. Further information regarding the conduct and nature of the public hearing concerning these waste discharge requirements may be obtained by writing or visiting the Santa Ana Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501.

## XIII. INFORMATION AND COPYING

Persons wishing further information may write to the above address or call Keith Elliott at (909) 782-4925. Copies of the application, proposed waste discharge requirements, and other documents (other than those which the Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying by appointment scheduled between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday (excluding holidays).

## XIV. REGISTER OF INTERESTED PERSONS

Any person interested in a particular application or group for applications may leave his name, address and phone number as part of the file for an application. Copies of tentative waste discharge requirements will be mailed to all interested parties.

## XV. RECOMMENDATION

Adopt the proposed Order.