APPENDIX B

Proposed Draft Basin Plan Amendment Language:

Revisions to the Action Plan for Storm Water Discharges

Strikeout / underline version – (indicating changes to existing Storm Water Action Plan found on pages 4-9.00 of the *Water Quality Control Plan for the North Coast Region*)

~~Although, s~~Storm water runoff is part of the natural hydrologic cycle; however, human activities, particularly industrialization and urbanization, can result in significant and problematic changes to the natural hydrology of an area. As a result, when rain falls, pollutants may become dissolved in or eroded into, and carried by runoff, without treatment, into surface waters. These pollutants, unless controlled, may degrade the beneficial uses of surface waters. In addition to having direct effects on water quality, industrialization and urbanization of watersheds often alter natural runoff patterns. Storm water that would infiltrate into soils or get captured by vegetation and natural topography can get intercepted by impervious surfaces or compacted soils. Storm drain systems collect this runoff and discharge it directly into waterways. Increased runoff amounts and alteration of peak discharge rates can result in stream bank erosion, modification of natural habitat conditions and increased downstream flooding.

To address the recognized storm water problems, the U.S. Congress added Section 402(p) to the federal Clean Water Act in 1987. This section, and the federal regulations which implement it (40 CFR 122, 123, 124, November 1990), require NPDES permits for storm water discharges from municipalities and industries, including construction. The 1987 Clean Water Act amendments require municipalities to reduce pollutant discharges to the maximum extent practicable, and industries, including construction, to implement Best Available Technology and Best Conventional Pollutant Control Technology to reduce pollutants.

As a result of Section 402(p), the State of California developed a program for the implementation of four types of storm water permits:

- Phase I ~~areawide~~ municipal storm water permits for municipalities serving greater than 100, 000 people,
- Phase II municipal storm water permits for urbanized areas serving less than 100,000 people,
- ~~site-specific~~ ~~i~~Industrial ~~or construction~~ storm water permits for facilities that discharge storm water associated with industrial activities requiring a general permit pursuant to 40 Code of Federal Regulations, Section 122.26(b)(14), and ~~or~~
- Construction storm water permits for sites that create land disturbance of one (1) acre or more. ~~and general construction.~~

Within ~~that framework~~ the storm water permitting program, ~~the regional water boards issue the municipal areawide permits and site-specific industrial – construction site permits, and~~ the State Water Resources Control Board (State

Water Board) ~~issues~~ has issued statewide general permits for the regulation of storm water ~~resulting~~ from Phase II municipalities, and industrial and construction activities. In addition, the State Water Board has issued a statewide storm water permit to the California Department of Transportation (CalTrans) in order to regulate municipal and construction storm water discharges from the state highway system and associated facilities. Enforcement of all categories of storm water permits is the responsibility of the Regional Water Board.–The Regional Water Board is also responsible for adopting Phase I municipal permits and may elect to adopt site-specific or region-wide municipal, industrial and construction site permits. In addition, provisions of the Clean Water Act allow the Regional Water Board to issue NPDES storm water permits to other construction, industrial or municipal sources based on a finding that these discharges are significant sources of pollutants to surface waters.

The statewide general Phase II municipal permit and the Phase I municipal permit for the Santa Rosa area require storm water dischargers to implement a Storm Water Management Program (SWMP) to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, and to eliminate or minimize non-storm water discharges. The SWMP must include the following elements: public education and outreach; public involvement in development and implementation of the SWMP, inspections of commercial and industrial sites, inspections of storm water infrastructure and facilities, including construction sites, that may discharge storm water or non-storm water flows to the storm water infrastructure; monitoring of the storm water infrastructure (visual, water quality samples, other environmental indicators), including a program to detect and eliminate illicit discharges; pollution prevention and good housekeeping program for municipal operations; complaint response, and enforcement of violators. The Phase I and II municipal permits also require special programs aimed at construction sites, including the development and implementation of construction site storm water runoff control programs and post-construction storm water management programs. The post-construction storm water management program should include measures to implement low-impact design features on an individual site and area-wide basis. The goal of the program is to minimize the impact of new development on storm water quality and quantity. The statewide general industrial and construction storm water permits ("statewide general storm water permits") also require the implementation of best management practices (BMPs), including structural and non-structural controls to prevent and minimize pollutants in storm water and authorized non-storm water discharges.

The statewide general storm water permits, CalTrans permit and the Regional Water Board's Phase I permit all acknowledge that municipal and industrial storm water conveyance systems may receive certain de minimis categories of non-storm water discharges, including, but not limited to, flows from water line flushing, irrigation, air conditioning condensate, dechlorinated swimming pool discharges, and fire hydrant flow testing, that are not expected to be sources of

pollutants as determined by studies conducted or approved by the State and regional water boards. The storm water permits do not prohibit certain types of low-threat non-storm water discharges from entering the storm drain system, provided that they are not significant contributors of pollutants to the municipal storm water conveyance system and do not result in violation of water quality standards. Although these discharges may individually pose little threat to water quality, the storm water permittee is required to implement certain control measures to ensure that these discharges, individually and cumulatively do not adversely impact water quality.

The allowable low-threat non-storm water discharges fall into two categories: (1) intentional discharges that are planned, routine and occur on an on-going basis and (2) incidental discharges that are unanticipated, accidental, and infrequent. Examples of intentional low-threat non-storm water discharge categories, include, but are not limited to discharges from foundation, footing and crawl space drains, residential swimming pool draining, air-conditioning condensate, and residential car washing. Examples of incidental low-threat non-storm water discharge categories include, but are not limited to, accidental discharges from potable water sources due to unexpected line breaks, incidental runoff of potable or recycled water from landscape irrigation due to an unexpected break in irrigation line or sprinkler head, and flows from emergency fire-fighting activities. The intentional discharges, by nature, are expected to have a lower risk of containing pollutants or causing other water quality problems such as erosion, because they are subject to planning to minimize pollutants and to control the rate, volume and timing of the discharge. Although the intentional discharge categories may cause nuisance, they require a lesser BMP program than the incidental discharges. Due to the unplanned nature of incidental discharges, this category of non-storm water discharges poses a slightly greater risk to water quality due to the potential for higher levels of pollutants and less opportunity to control the rate, volume, and timing of the discharge.

Discharges of storm water and certain categories of low-threat non-storm water flows (identified in paragraph 6 above and in individual and general storm water permits) from permitted storm water conveyance systems shall not be subject to the Basin Plan's point source waste discharge prohibitions provided that the following conditions are met:

1. The discharge and the activities which affect the discharge are managed in conformance with the provisions of the applicable NPDES permit.

2. The discharge does not cause adverse effects on the beneficial uses of the receiving water.

3. The permittee shall implement a general management program to eliminate or minimize non-storm water discharges into surface waters. The program shall be submitted to the Regional Water Board for approval

and include implementation of BMPs, outreach and education, inspections, monitoring, reporting and enforcement provisions.

In addition, incidental discharges of low threat non-storm water flows from permitted storm water conveyance systems shall not be subject to the Basin Plan's point source waste discharge prohibitions provided that the following additional conditions are met:

1. The incidental discharge event is not due to negligent maintenance or poor design of infrastructure, or failure to oversee the activity that resulted in incidental runoff.

2. There were no feasible alternatives to the incidental discharge event, such as retention of the incidental runoff. This condition is not satisfied if measures for capturing the incidental discharge should have been installed to prevent incidental runoff, in the exercise of reasonable engineering judgment.

3. The permit holder and/or potable/recycled water user has a management plan, approved by the Regional Water Board Executive Officer, that identifies best management practices designed to avoid, minimize, and where appropriate mitigate incidental runoff incidents. The management plan must include education/outreach, inspection, monitoring, and enforcement components.

The Regional Water Board will continue to implement Section 402(p) of the Clean Water Act by permitting discharges of storm water from municipalities which own and operate storm water sewer systems, and discharges associated with industrial and construction activity (as defined in 40 CFR Part 122), to surface waters of the North Coast Region. ~~provided the following conditions are met.~~

~~1. The discharge and the activities which affect the discharge are described in a Notice of Intent or Application for NPDES Permit filed with the State or Regional Water Board; and/or~~

~~2. The discharge and the activities which affect the discharge are managed in conformance with the provisions of the applicable NPDES permit.~~