

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**SANTA CLARA VALLEY URBAN RUNOFF
POLLUTION PREVENTION PROGRAM
NPDES PERMIT MODIFICATION**

**ORDER NO. 99-050
NPDES PERMIT NO. CAS029718**

MODIFICATION OF WASTE DISCHARGE REQUIREMENTS, ORDER NO. 95-180

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

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter called the Regional Board, finds that:

1. The Regional Board adopted Order 95-180 reissuing waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) for the Santa Clara County Urban Runoff Pollution Prevention Program for the discharge of storm water to the South San Francisco Bay and its tributaries.
2. Pursuant to the terms of the Stipulation and Order for Dismissal in San Francisco BayKeeper, et al. v. California State Water Resources Control Board, Santa Clara County Superior Court, No. CV 761669, the Board agreed that this modification is an appropriate provision to be included in this permit. The permit is therefore modified.
3. This action to modify an NPDES Permit is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code [California Environmental Quality Act (CEQA)] pursuant to Section 13389 of the California Water Code.
4. The Dischargers and interested agencies and persons have been notified of the Board's intent to modify waste discharge requirements for the existing discharge and have been provided an opportunity for a public hearing and the opportunity to submit their written views and recommendations.

5. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, that Order No. 95-180 is modified to delete Provision C.1 and to replace that language with the following:

The permittees shall comply with Discharge Prohibition A.1 and A.2. and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures and other actions to reduce pollutants in the discharge in accordance with Provisions C.2 through C.9 and their Storm Water Management Plan and any of its modifications, revisions, or amendments developed pursuant to this Order (Plan); the Plan shall be designed to achieve compliance with Discharge Prohibition A.1 and A.2 and Receiving Water Limitations B.1 and B.2; If exceedance(s) of water quality objectives or water quality standards (collectively, WQSs) persist notwithstanding implementation of Provisions C.2 through C.9 and the Plan, a permittee shall assure compliance with Discharge Prohibition A.1 and A.2 and Receiving Water Limitations B.1 and B.2 by complying with the following procedure:

- a. Upon a determination by either the permittee or the Regional Board that discharges are causing or contributing to an exceedance of an applicable WQS, the permittee shall promptly notify and thereafter submit a report to the Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. The report may be incorporated in the annual update to the Plan unless the Regional Board directs an earlier submittal. The report shall include an implementation schedule. The Regional Board may require modifications to the report;
- b. Submit any modifications to the report required by the Regional Board within 30 days of notification;
- c. Within 30 days following approval of the report described above by the Regional Board, the permittee shall revise its Plan and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;
- d. Implement the revised Plan and monitoring program in accordance with the approved schedule.

So long as the permittees have complied with the procedures set forth above and are implementing the revised Plan, they do not have to repeat the same procedure for continuing or recurring exceedances of the same WQS unless directed by the Regional Board to develop additional BMPs.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 21, 1999.


LORETTA K. BARSAMIAN
Executive Officer