On page 10 of the Draft Order, change Finding 32 as follows:

32. The State Water Board recognizes that in some instances Renewal Permittees' existing SWMPs that were approved under the prior General Permit, Order 2003-0005-DWQ have incorporated BMPs designed to address locality-specific storm water issues and that in some cases these BMPs may, because of locality-specific factors, be more protective of water quality than the minimum requirements established by this Order. Renewal Permittees will additionally include in the guidance document the following: identification and brief description of each BMP and associated measurable goal included in the Permittee's mest current previously approved SWMP under the prior General Permit, Order 2003-0005-DWQ, that constitutes a more specific local or tailored level of implementation that may be more protective of water quality than the minimum requirements of this Order; and identification of whether the Permittee proposes to maintain, reduce, or cease implementation for each more protective, locally-tailored BMP. In no instance may a BMP be reduced or ceased if it is required by the minimum standards set by this Order.

On page 12 of the Draft Order, change Finding 39 as follows:

39. Non-storm water discharges to ASBS are prohibited except as specified in the General Exception. Certain enumerated non-storm water discharges are allowed under the General Exception if essential for emergency response purposes, structural stability, slope stability, or if occur naturally. In addition, an NPDES permitting authority may authorize non-storm water discharges to an MS4 with a direct discharge to an ASBS to the extent the NPDES permitting authority finds that the discharge does not alter natural ocean water quality in the ASBS. This Order allows utility vault discharges to an MS4 with a direct discharge to an ASBS, provided the discharge is authorized by the General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Surface Water, NPDES No. CAG 990002. The State Water Board is in the process of reissuing the General NPDES Permit for Utility Vaults. As part of the renewal, the State Water Board will require a study to characterize representative utility vault discharges to an MS4 with a direct discharge to an ASBS and will impose conditions on such discharges to ensure the discharges do not alter natural ocean water quality in the ASBS. Given the limited number and intermittent nature of utility vault discharges to MS4s that discharge directly to an ASBS, the State Water Board finds that discharges from utility vaults and underground structures to an MS4 with a direct discharge to an ASBS are not expected to result in a substantial alteration of natural ocean water quality in the ASBS in the interim period while the General NPDES Permit for Discharges from Utility Vaults is renewed and the study is completed. Other short-duration, intermittent non-storm water discharges related to utilities (e.g. groundwater dewatering, potable water system flushing, hydrotest discharges) are regulated under NPDES permits issued by the Regional Water Boards. Although such discharges are not specifically enumerated in the General Exception as essential for emergency response purposes, structural stability, or slope stability, in many instances the discharges are they may be required to ensure the safety and stability of the utility systems or for operations and maintenance and for extending these essential services. For this reason, and because the short-duration and intermittent nature of these discharges renders them unlikely to result in substantial alteration of natural ocean water quality in the ASBS, this Order permits such discharges to a segment of the MS4 with a direct discharge to an ASBS provided they are authorized by an NPDES permit issued by the **State Water Board or** relevant Regional Water Board. However, if a Regional Water Board determines a specific discharge from a utility vault or underground structure does alter the natural ocean water quality in an ASBS, the Regional Water Board may prohibit the discharge as specified in this Order.

On page 16 of the Draft Order, change A.1.b.4) Renewal Permittees (e) as follows:

(e) For any more protective, locally-tailored BMP and associated measurable goal for which the Renewal Permittee will reduce or cease implementation, the Renewal Permittee shall demonstrate to the Executive Officer of the relevant Regional Water Board that the reduction or cessation is in compliance with this Order and the maximum extent practicable standard, and will not result in increased pollutant discharges. The demonstration by the Permittee will be subject to public comment before any approval by the Executive Officer of reduction or cessation of BMPs. In no instance may the Renewal Permittee reduce or cease a BMP if it is required by the minimum standards set by this Order.

On page 24 of the Draft Order, change E.6.a.(ii)(a) as follows:

(a) Effectively prohibit non-storm water discharges through the MS4. Exceptions to this prohibition mayare NPDES-permitted discharges of non-storm water and include the non-storm water discharges in B.3, only if theythat are considered non-significant contributors of pollutants. Where the non-storm water discharge is to a segment of an MS4 that discharges directly to an ASBS, exceptions to the non-storm water prohibition are specified in Attachment C.

On page 26 of the Draft Order, change Section E.6.b.(iii) as follows:

(iii) **Reporting** – All Permittees shall submit in the **first**- **second** year online Annual Report, a statement signed by an authorized signatory certifying the Permittee has adequate legal authority to comply with all Order requirements.

On page 34 of the Draft Order, change Section E.7.b.3.(ii)(a) and (b) as follows:

- (a) Biennial training for all employees implementing this program element. This *biea*nnual training shall include a general storm water education component, any new technologies, operations, or responsibilities that arise during the year, and the permit requirements that apply to the staff being trained. Employees shall receive clear guidance on appropriate storm water BMPs to use at municipal facilities and during typical O&M activities.
- (b) An abiennual assessment of trained staff's knowledge of pollution prevention and good housekeeping and shall revise the training as needed.

On page 41 of the Draft Order, change Section E.10., second paragraph, as follows:

Projects that disturb one acre or more of soil or disturb less than one acre but are part of a larger common plan or development or sale are subject to the CGP in addition to the construction site storm water runoff control ordinance. The Permittee shall use their discretion to provide project oversight to projects subject to the CGP that may pose a threat to water quality.

On page 55 of the Draft Order, change Section E.12.b.(i) last sentence as follows:

Site design measures as specified in this section are not applicable to linear *underground/overhead* utility projects (LUPs).

On page 56 of the Draft Order, change Section E.12.c.(ii) (4th bullet), first sentence as follows:

LUPs - Unless the LUP has a discrete location that has 5,000 square feet or more of new*ly constructed* contiguous impervious surface.

On page 56 of the Draft Order, change Section E.12.c.(ii) first paragraph under the bullets as follows:

Redevelopment does not include trenching, excavation and resurfacing associated with **utilityLUPswork**; pavement grinding and resurfacing of existing roadways; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway. The following (a-c) describe specific Regulated Project requirements for redevelopment **and** road **and utility-projects and LUPs**.

On page 57 of the Draft Order, change Section E.12.c.(ii)(c) first sentence as follows:

Road **and Utility** Projects **and LUPs**- Any of the following types of road projects and **utility projects** *LUPs* that create 5,000 square feet or more of newly constructed contiguous impervious surface and that are public road projects and/or fall under the building and planning authority of a Permittee shall comply with Section E.12.e. Low Impact Development Standards except that treatment of runoff of the 85th percentile that cannot be infiltrated onsite shall follow U.S. EPA guidance regarding green infrastructure to the extent feasible.

On page 57 of the Draft Order, change Section E.12.c.(ii)(c)4.e. as follows:

Trenching, excavation and resurfacing associated with *LUPs* utility work; pavement grinding and resurfacing of existing roadways and parking lots; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway.

On page 62 of the Draft Order, change Section E.12.e(ii)(g) first sentence as follows:

(g) Alternative Designs — Facilities, or a combination of facilities, of a different design than in Section E.12.e.(ii)(f) may be permitted if **all of** the following measures of equivalent effectiveness are demonstrated:

On page 63 of the Draft Order, change Section E.12.e.(ii)(j) as follows and move to Section E.12.e(ii)(i) as follows:

(i) Exceptions to Requirements for Bioretention Facilities - Contingent on a demonstration that use of bioretention or a facility of equivalent effectiveness is infeasible, other types of biotreatment or media filters (such as tree-box-type biofilters or in-vault media filters) may be used for the following categories of Regulated Projects:

- Projects creating or replacing an acre or less of impervious area, and located in a designated pedestrian-oriented commercial district (i.e., Smart growth projects), and having at least 85% of the entire project site covered by permanent structures;
- 2) Facilities receiving runoff solely from existing (pre-project) impervious areas;,
- 3) Historic sites, structures or landscapes that cannot alter their original configuration in order to maintain their historic integrity.

By the second year of the effective date of the permit, each Permittee shall adopt or reference appropriate performance criteria for such biotreatment and media filters.

(i) Alternative Compliance to Requirements for Bioretention and Biotreatment Facilities -

Smart growth projects (high density, pedestrian-oriented and/or transit-oriented development projects) that can effectively demonstrate a reduction in per capita runoff volume, are exempt from Section E.12.e.(ii)(f) requirements.

On page 64 of the Draft Order, change E.12.f.(ii)(b) as follows:

(b) Post-project runoff shall not exceed estimated pre-project flow rate for the **10 5**-year, 24-hour storm in the following geomorphic provinces (Figure 1):

On page 70 the Draft Order, change Section E.12.I.as follows:

A Permittee may propose alternative post-construction measures in lieu of some or all of Section E.12. requirements for multiple benefit projects. Multiple-benefit projects include projects that *may* address *any of the following, in addition to water quality*: water quality, water supply, flood control, habitat enhancement, open space preservation, recreation, climate change. Multiple-benefit projects may be applied at various scales including project site, municipal or sub-watershed level. Multiple-benefit projects may include, but are not limited to, projects developed under Watershed Improvement Plans (Water Code §16100 et seq.), IRWMP implementation and green infrastructure projects. *Multiple benefit projects must be equally or more protective of water quality than Section E.12. requirements.*

The Regional Water Board *or the Executive Officer* may approve alternative post-construction measures for multiple-benefit projects, as described above, after a public process *an opportunity for public comment*, if it *the Regional Water Board or Executive Officer* finds that the alternative measures are consistent with the MEP standard.

On page 77 of the Draft Order, change SWAMP Quality Assurance Program Plan (2008) link as follows:

http://www.waterboards.ca_gov/water_issues/programs/swamp/docs/qapp/qaprp082209 .pdf

On page 86 of the Draft Order, change Section F.5.a.1.(ii) as follows:

(i) **Implementation Level** – Within the second year of the effective date of the permit, the Permittee shall review, revise or adopt new relevant policies, contractual provisions,

base orders, resolutions or other regulatory mechanisms, to the extent allowable under state or local law, to ensure it has at a minimum the legal authority to:

On page 86 of the Draft Order, change F.5.a.1.(ii)(a) as follows:

(a) Effectively prohibit non-storm water discharges through the MS4. Exceptions to this prohibition mayare NPDES-permitted discharges of non-storm water and include the non-storm water discharges in B.3, only if theythat are considered non-significant contributors of pollutants. Where the non-storm water discharge is to a segment of an MS4 that discharges directly to an ASBS, exceptions to the non-storm water prohibition are specified in Attachment C.

On page 111 of the Draft Order, change Section F.5.g.2.d.c. as follows:

- a) Exceptions to Requirements for Bioretention Facilities Contingent on a demonstration that use of bioretention or a facility of equivalent effectiveness is infeasible, other types of biotreatment or media filters (such as tree-box-type biofilters or in-vault media filters) may be used for the following:
 - Projects creating or replacing an acre or less of impervious area, and located in a designated pedestrian-oriented commercial district (i.e., Smart growth projects), and having at least 85% of the entire project site covered by permanent structures;
 - (2) Facilities receiving runoff solely from existing (pre-project) impervious areas;

Smart growth projects; and

- (3) Historic sites, structures, or landscapes that cannot alter their original configuration in order to maintain their historic integrity.
- b) Alternative Compliance to Requirements for Bioretention and Biotreatment Facilities -

Smart growth projects (high density, pedestrian-oriented and/or transit-oriented development projects) that can effectively demonstrate a reduction in per capita runoff volume, are exempt from Section F.5.g.2.d. requirements.

On page 111 the Draft Order, change Section F.5.g.3.as follows:

A Permittee may propose alternative post-construction measures in lieu of some or all of Section E.12. requirements for multiple benefit projects. Multiple-benefit projects include projects that *may* address *any of the following, in addition to water quality*: water quality, water supply, flood control, habitat enhancement, open space preservation, recreation, climate change. Multiple-benefit projects may be applied at various scales including project site, municipal or sub-watershed level. Multiple-benefit projects may include, but are not limited to, projects developed under Watershed Improvement Plans (Water Code §16100 et seq.), IRWMP implementation and green infrastructure projects. *Multiple benefit projects must be equally or more protective of water quality than Section E.12. requirements.*

The Regional Water Board *or the Executive Officer* may approve alternative postconstruction measures for multiple-benefit projects, as described above, after a public

process an opportunity for public comment, if # the Regional Water Board or Executive Officer finds that the alternative measures are consistent with the MEP standard.

On page 116 of the Draft Order, change Section F.5.i.1. as follows:

F.5.i.1. The Permittee shall comply with all applicable TMDLs approved pursuant to 40 **C.F.R.** Code of Federal Regulations section§ 130.7 for which the Permittee has been that assigned a Waste Load Allocation to the Permittee andorthat haves been identified in Attachment G.

On page 119 of the Draft Permit, change Section H. DISPUTE RESOLUTION as follows:

In the event of a disagreement between a Permittee *or other interested party* and a Regional Water Board over the interpretation or implementation of any provision of this Order, a Permittee *or interested party* shall first attempt to resolve the issue with the Executive Officer of the Regional Water Board. If a satisfactory resolution is not obtained at the Regional Water Board level, a Permittee *or interested party* may submit the issue in writing to the Executive Director of the State Water Board or his designee for resolution, with a copy to the Executive Officer of the Regional Water Board. The issue must be submitted to the Executive Director within thirty days of any final determination by the Executive Officer of the Regional Water Board; after thirty days the Permittee *or interested party* will be deemed to have accepted the Regional Water Board Executive Officer's determination. The Executive Officer of the Regional Water Board will be provided an opportunity to respond. Determinations of the Regional Water Board Executive Officers in interpreting and implementing this permit are considered actions of the State Water Board except where the Regional Water Board itself acts or the Executive Officer acts under Water Code Sections 13300, 13304, or 13383.

On page 1 of Attachment A, remove Kerman City as follows:

Kerman	Freeno	5F	Now	13 5//	Kerman, CA Urban	High
City	FICSHO	JF	New	10,044	Cluster	Population/Density

On page 3 of Attachment A, change "Monitoring Type" as follows:

Novato City	Marin 2	Renewal 51,904	λΩ	San Francisco Oakland, CA Urbanized Area	Renewal
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On page 3 of Attachment A, change "Monitoring Type" as follows:

San Rafael City	Marin 2 Renev	/al 57,713 λ Ω	San Francisco Oakland, CA Urbanized Area	Renewal
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On page 5 of Attachment A, add City of Barstow as follows:

Barstow City	San Bernardino	6V	New	22,639	Bernar	ideSan rdino, CA	Within Urbanized
					Urbani	zed Area	Area

On page 5 of Attachment A, remove Bloomington CDP as follows:

Bloomington	San	6V	New	23,851	RiversideSan Bernardino, CA	Within Urbanized
CDP	Bernardino			, , , ,	Urbanized Area	Area

On page 7 of Attachment A, change "Permittee Type" as follows:

	Anderson City	Shasta	5R	New Renewal	9,932	λ	Redding, CA Urbanized Area	Renewal	
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On page 7 of Attachment A, change "Permittee Type" as follows:

Redding City Shas	5R	New Renewal	89,861	Ωλ	Redding, CA Urbanized Area	Renewal
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On page 7 of Attachment A, change "Permittee Type" as follows:

Shasta			New		
County	Shasta	5R	Renewal	λ	Renewal

On page 7 of Attachment A, change "Permittee Type" as follows:

Shasta Lake			New	10,164	Redding, CA Urbanized	
City	Shasta	5R	Renewal		Area	Renewal

On page 1 of Attachment B, remove Santa Rosa Community College as follows:

1 Santa Rosa Junior Community College	Regional Board Designation	New	
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On page 4 of Attachment B, remove VA Palo Alto Health Care System as follows:

2	VA Palo Alto Health Care System	Veteran Affairs	Within Urbanized Area	New	
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On page 6 of Attachment B, remove Channel Island Air National Guard Base as follows:

Ī	4	Channel Island Air	California Air National	Regional Board	Now	
	4	National Guard Base	Guard	Designation	New	

On page 6 of Attachment B, remove Fresno Air National Guard Base as follows:

SE.	Fresno Air National	California Air National	Within Urbanized	Now	
3F	Guard Base	Guard	Area	New	

On page 8 of Attachment B, remove Heman G. Stark Youth Correctional Facility as follows:

8	Heman G. Stark Youth Correctional Facility	Corrections and Rehabilitation, Dept of	Within Urbanized Area	New	
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On page 9 of Attachment B, change as follows:

		March Joint Powers Commission			
	March Joint Powers	Department of	Regional Board		
8	Authority	Defense	Designation	New	

On page 3 of Attachment C, change the last sentence of I.A.1.e.(3) as follows:

This provision does not supersede the authority of the MS4 to effectively prohibit a non-storm water discharge *that has been found to alter natural ocean water quality in the ASBS.*

On page 4 of Attachment I, add the definition of Linear Underground/overhead Project (LUP) as follows:

Linear Underground/Overhead Projects (LUPs) include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquiescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio, or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, (a) those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, and associated ancillary facilities); and include, but are not limited to, (b) underground utility markout, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.

On page 7 of Attachment I, change the definition of Redevelopment as follows:

Redevelopment - Land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. **Redevelopment does not include trenching, excavation and resurfacing associated with**

LUPs; pavement grinding and resurfacing of existing roadways; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway.

On page 83 of the Fact Sheet, second row of the table, change as follows:

Santa Rosa Junior	Community	1	Urbanized area interconnected
College	College	+	storm drain system

On page 84 of the Fact Sheet, middle of the table, change as follows:

Channel Island Air	California Air	4	Within urbanized area
National Guard Base	National Guard	4	vvitiiii ui Danizeu ai ea

On page 84 of the Fact Sheet, last row of the table, change as follows:

- 1 - 3	Uniout, last row or tr	- · · · · · · · · · · · · · · · · · · ·	
			The former March Air Reserve
			Force Base was downsized and
			became known as March ARB.
			March ARB is an active military
			base that covers 2,300 acres.
			Activities in the base proper
			includes military activities such as
			air refueling, air cargo, air
			reconnaissance, military
			interceptors, military housing,
			recreational and dining facilities,
			commercial air cargo, training
			facilities, schools, operations
			centers for troop transport and
	Defense, Department of		industrial, including airport
March Air Reserve		8	operations. Land use activities are
Force Base			under Base commander authority.
			The base is currently covered
			under an individual industrial storm
			water permit for their industrial
			operations and is a stakeholder
			under the Lake Elsinore/Canyon
			Lake TMDL. In addition to
			industrial permit monitoring, the
			Base monitors their compliance
			with the TMDL. We believe Phase
			Il permit coverage is an appropriate
			permit to address the pollutants
			and flows generated from Base
			operations. Development and
			redevelopment post construction
			controls are of particular

importance to be incorporated into
the base's storm water program
through Phase II permit coverage.

On page 85 of the Fact Sheet, change as follows:

March Joint Powers Authority	March Joint Powers Commission Defense, Department of	8	The March JPA is a federally recognized reuse authority for the former March Air Force base. It encompasses most of the 6, 500 acres of the former active duty March Air Force Base area and approximately 450 acres adjacent to the base in the industrial area of the City of Moreno Valley. March JPA also assumed the following authorities: 1 - Land Use Authority - Land use authority was transferred to March JPA from the County of Riverside, City of Riverside, and City of Moreno Valley. The March JPA has adopted development and building codes and standards. The March JPA General Plan has been developed by the March JPA in accordance with state statutes, as well as the associated Master Environmental Impact Report. The March JPA General Plan is designed to implement the March Final Reuse Plan and related activities. 2 - Airport Authority - March Inland Port Airport Authority (MIPAA), is a governing body under the governance umbrella of the March JPA. MIPAA is responsible for the development and operation of the March Inland Port (MIP), a joint use aviation facility targeted for air cargo operations. The developments approved by the March JPA to date included residential, commercial and industrial sources of pollutants. About 1/8th of the area has been developed. March JPA has the

authority to develop its own MS4s
within their jurisdiction and connect
to MS4s owned/operated by Phase
1 permittees. Many of the
functions resemble that of a local
agency. Therefore, March JPA
should be subject to the Phase II
(or they can join our Phase 1).

On page 86 of the Fact Sheet, change as follows:

Mesa Community College	Community College	9	As one of the largest and most successful of California's 110 community colleges, and is the largest college in the San Diego Community College District. It has a maximum enrollment of approximately 25,000 students, and the campus occupies approximately 104 acres and is sited on a mesa bluff in the Kearny Mesa area of San Diego.
San Diego City College	Community College	9	San Diego City College is a public, two-year community college administered by the San Diego Community College District. Serving as the educational cornerstone of downtown San Diego, the college offers more than 100 majors, 100 certificate programs and 1,500 classes each semester to 18,000 students.