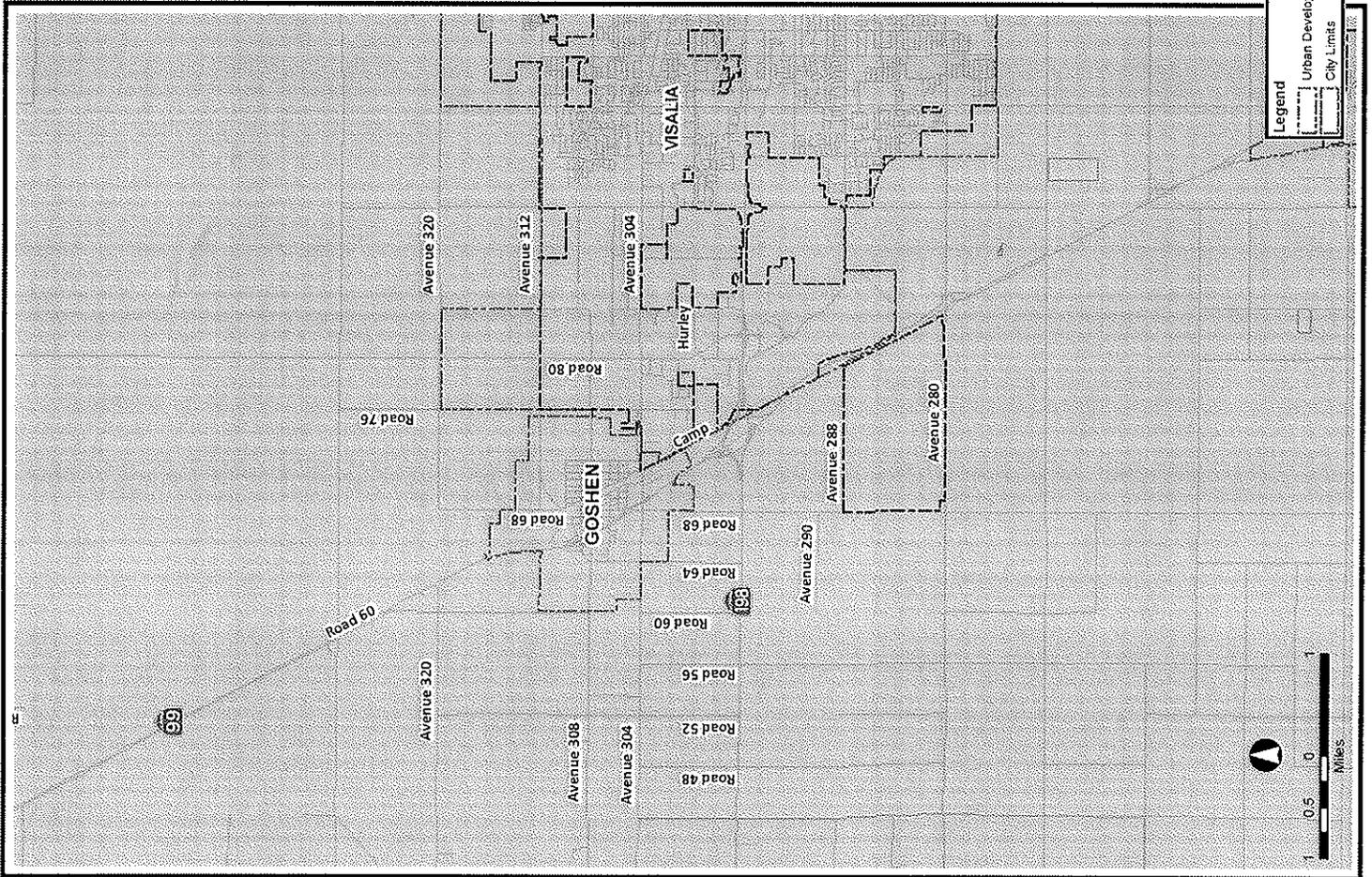
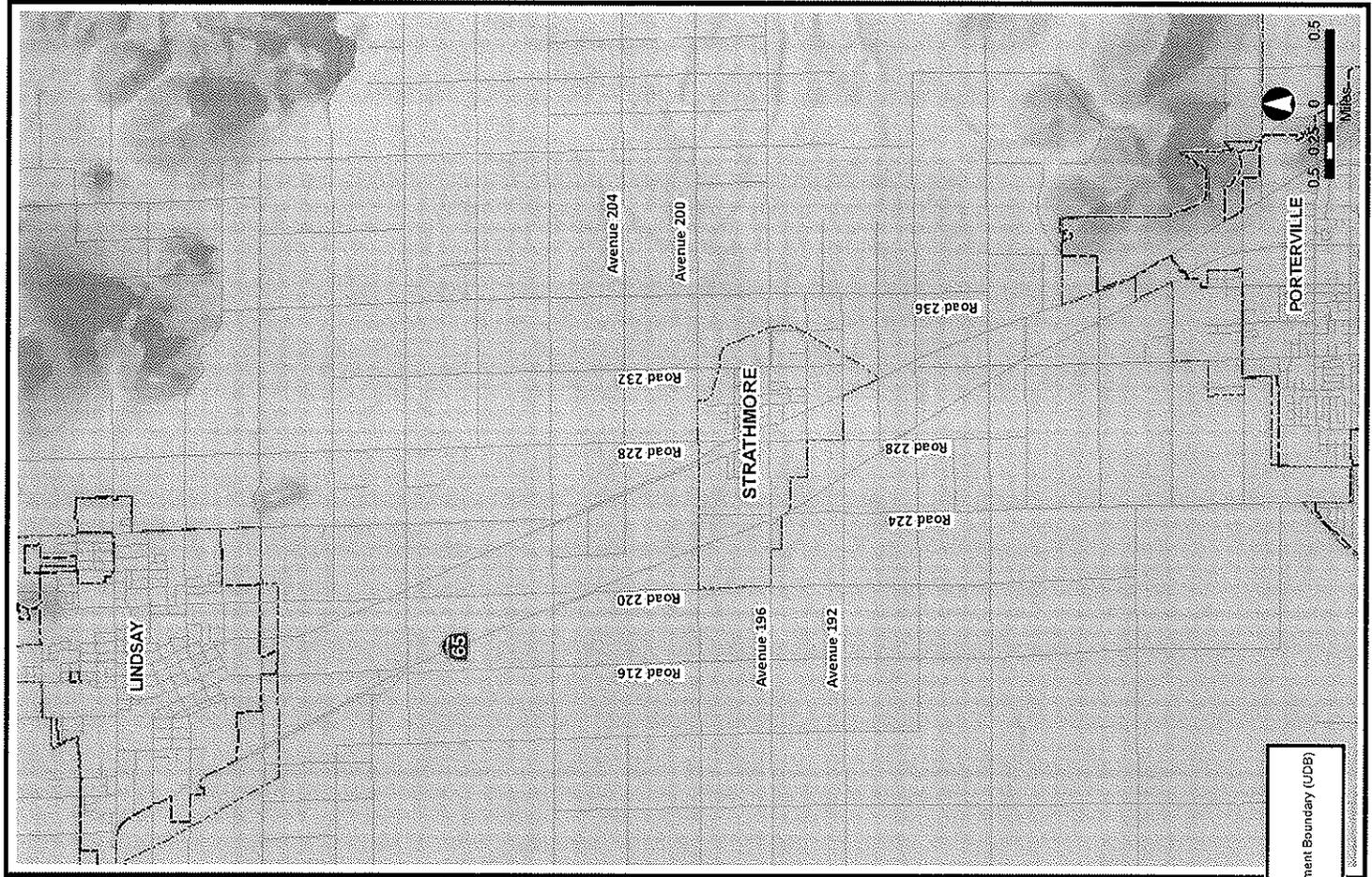


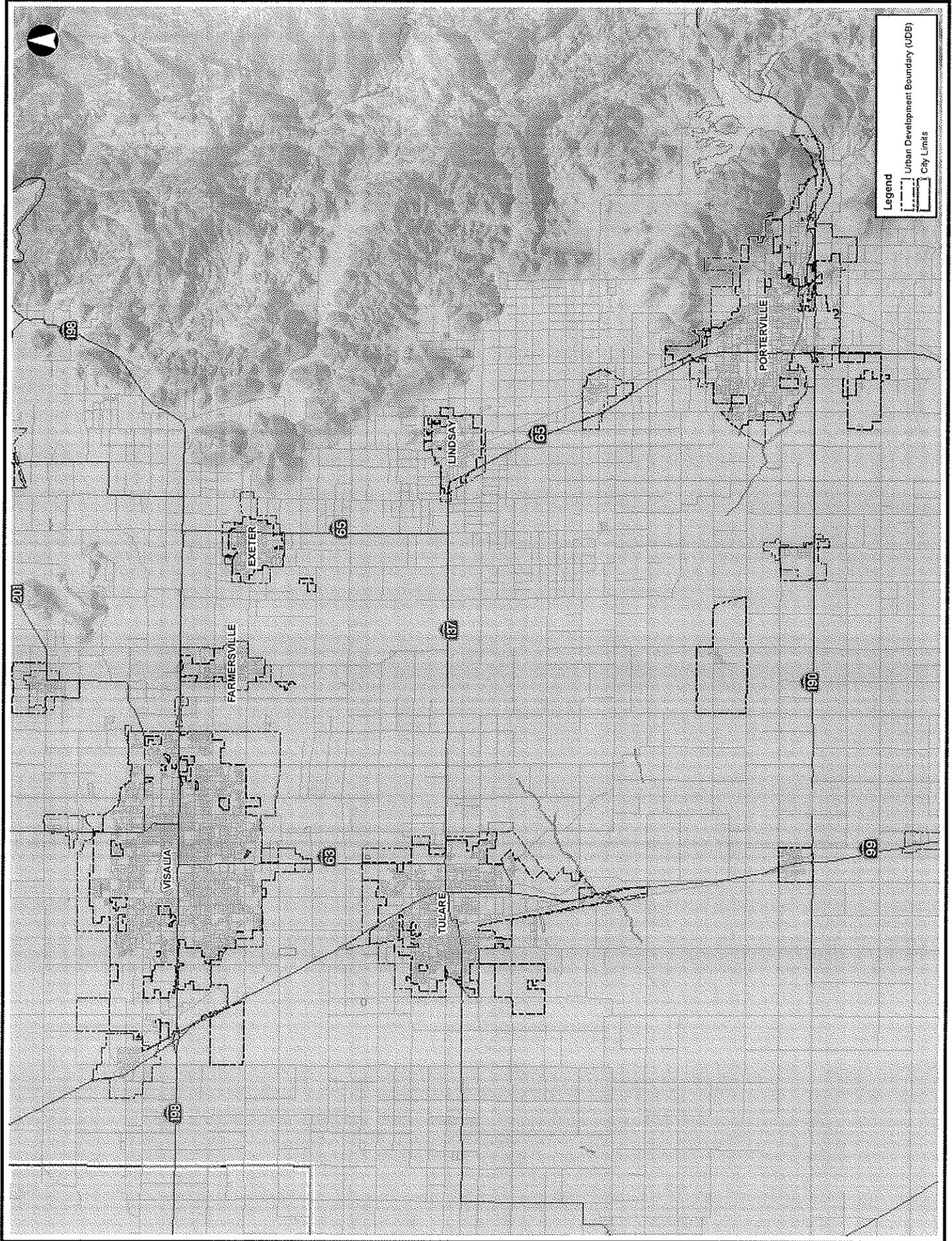
APPENDICES

APPENDIX A

APPENDIX B



APPENDIX C



Legend

- Urban Development Boundary (UDB)
- City Limits

198

201

65

67

68

69

198

190

99

VISALIA

FARMERSVILLE

EXETER

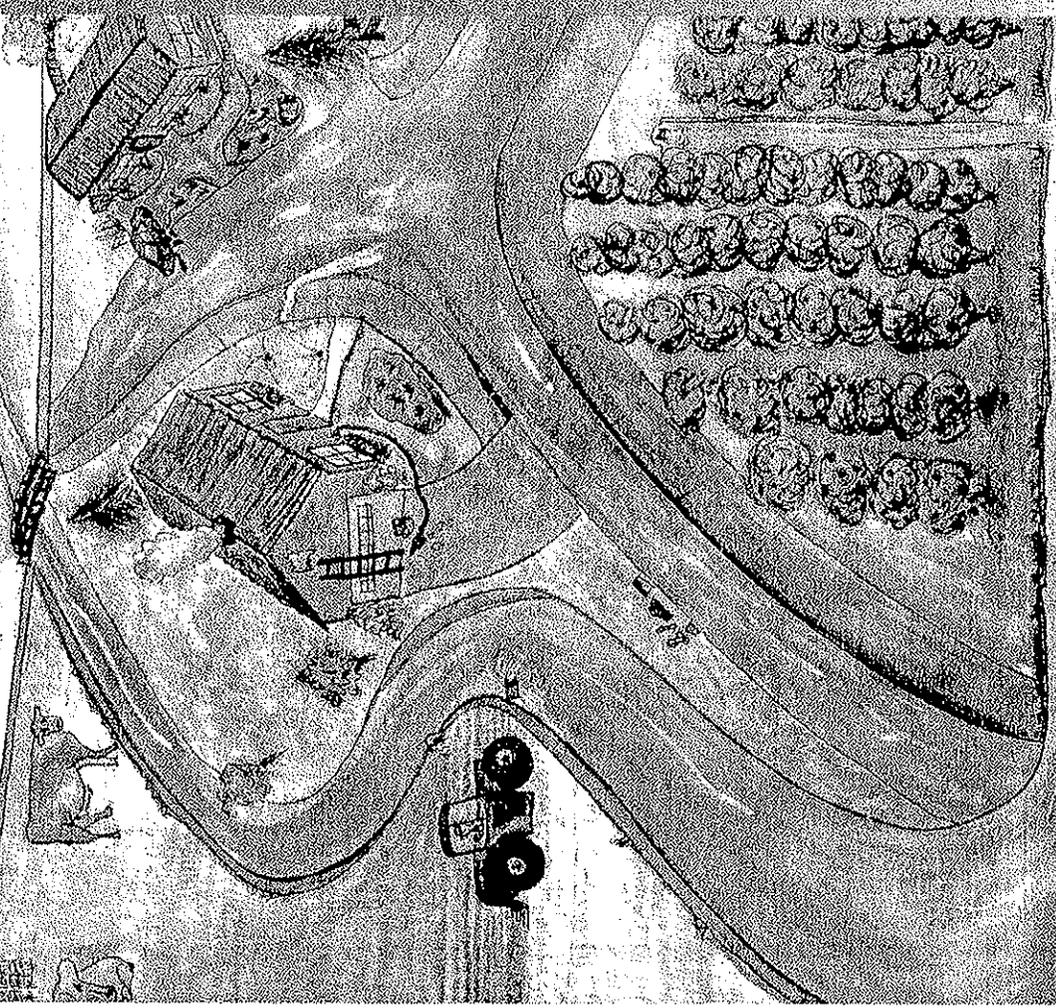
LINDSAY

TULARE

PORTERVILLE

APPENDIX D

Protect Your Water



It's just beneath your feet.

Tulare County Clean Storm Water Program

Water is the most vital resource in the Valley. If you think about it, water has an effect on everything we do in our day-to-day lives. From keeping our lawns green to washing our dishes, we depend on water. Water plays an important role throughout our community.

For Agriculture

Water is delivered through a network of canals that is managed by individual water districts. Water from rivers flows through our community - providing water for food that feeds a nation.

For Industry

Businesses in our community depend on clean water for food processing, manufacturing, health care and other related industries. A clean and reliable water source is necessary to support a healthy economy.

For Home

Every day we need clean water for drinking and bathing. Our communities depend on water that is supplied primarily from groundwater. Protecting groundwater is essential to protecting public health.

For Wildlife

Our urban environment needs clean water in streams, lakes and ponds to provide nesting habitat for birds and other wildlife.

How Can You Help?

We're all responsible for keeping our water clean - for the future of the Valley, our communities and our children. And it starts at home. By doing a few simple things, you can help protect the water beneath our feet. Look inside to find out what you can do.

Bag, seal and throw away pet waste - it keeps runoff and streets clean.

Put litter in trash cans. It keeps our storm drains and community clean.

Carpool to reduce air pollution, so it also helps reduce water pollution.

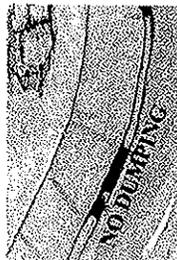
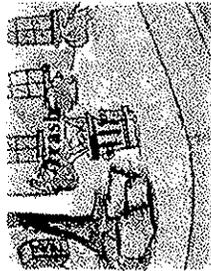
Set sprinkler timers to reduce contamination of runoff water from pesticides and fertilizers and help maintain a clean water supply. Use a shutoff nozzle to avoid unnecessary runoff.

Volunteer to help label storm drains with "No Dumping!" signs.

Recycle waste to keep litter off our streets and ease the strain on our landfills.

Instead of hosing, sweep driveways and sidewalks. This prevents storm water pollution and conserves water.

Take unused paint, pesticides, fertilizers and other hazardous items to a Household Hazardous Waste drop-off center. For information, call 733-6441.



It's up to us!

We need clean water today and for future generations. Preventing storm water pollution is important and will help keep our communities clean.



Accidental Spills

Cover a hazardous material spill (such as used motor oil or antifreeze) with kitty litter, then sweep it up and take it to a Household Hazardous Waste drop-off center. Never hose spills into the gutter!

Car Fluids

Inspect your car regularly to Don't dump motor oil or anti drains! Recycle motor oil and

How Does Storm Water Become Polluted?

When it rains, storm water flows across driveways, streets and lawns. As it flows, it can pick up pollutants such as oil, pesticides, cigarette butts and trash. This runoff carries these pollutants through the storm drain system. The pollutants then can affect wildlife habitats, outdoor recreation and our water supply.

Even when it's not raining, water from sprinklers, car washing, pool draining and other sources can carry pollutants into the storm drain system.

Rain gathers oil and other toxic fluids from leaky cars.

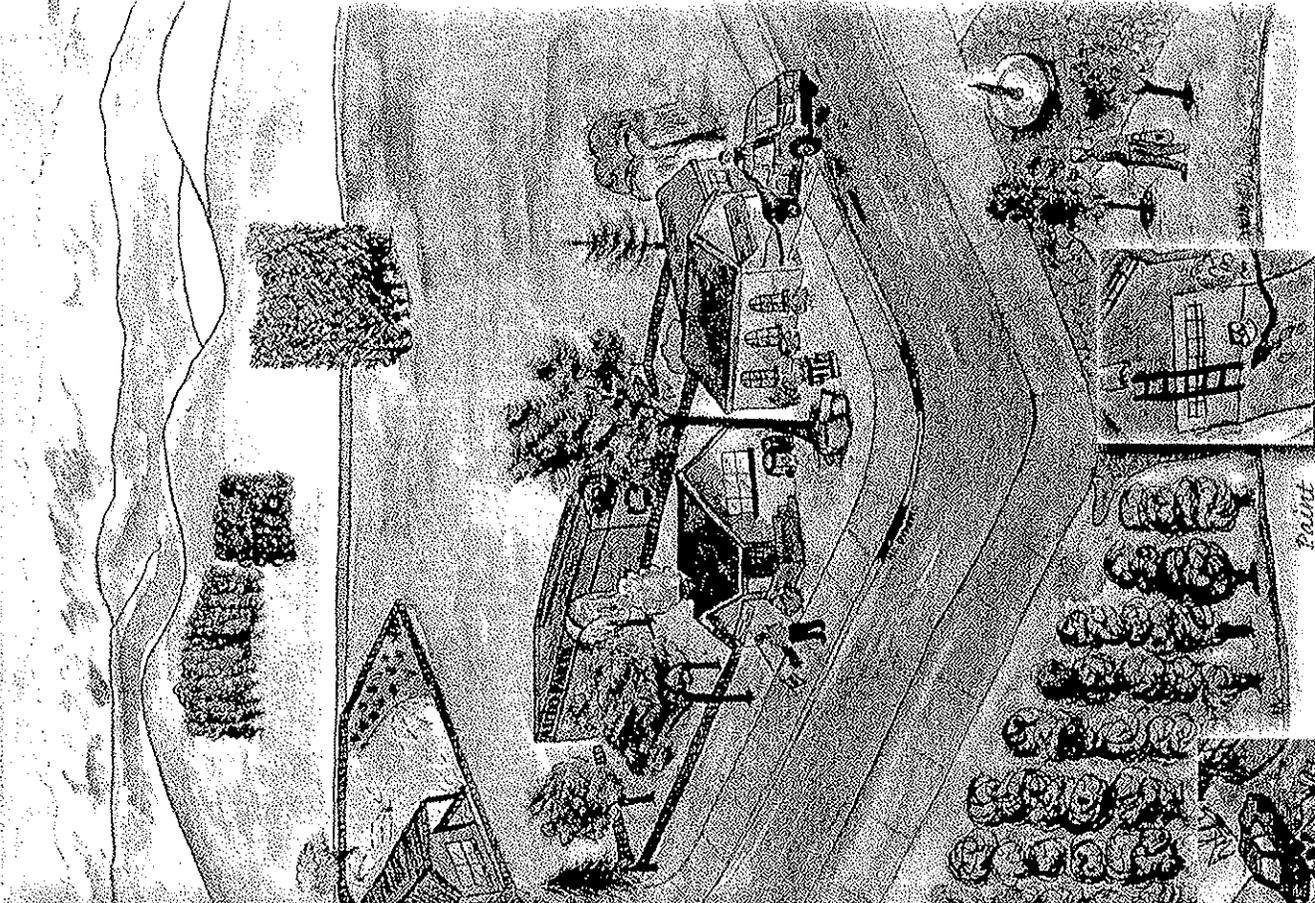
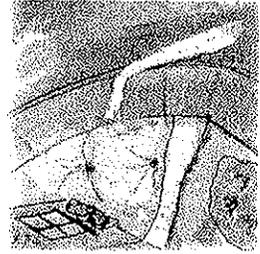
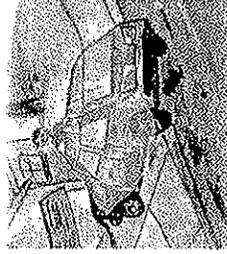
Runoff collects litter and yard waste.

Rain turns air pollution into storm water pollution.

Runoff picks up detergent and grime from car washing.

Overusing pesticides means money and pollutants down the drain. (The storm drain, that is!)

Overwatering creates runoff that can carry fertilizers and pesticides into the storm drain system.



Paint

Paint keeps our homes looking beautiful, but it has an ugly effect on our water. Never wash paint into the gutter! Rinse water-based paintbrushes in sinks. Avoid oil-based paints and varnishes.

Do not prevent and repair leaks. Use antifreeze down storm drains and auto fluids.

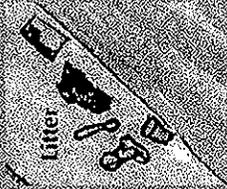
Tulare County Clean Storm Water Program

Where Does the Storm Water Go?

Rain and excess water from your home flows into storm drains. This water flows down streets through gutters into pipes to porcing basins, canals, creeks and rivers. In these basins and waterways, runoff runs through the soil and into groundwater – our drinking water supply. That's why it's important to keep storm drains and runoff clean.

Loose Litter

Litter hurts our community. It contaminates our water resources and clogs storm drains – causing floods in our neighborhoods. Be sure to properly dispose of garbage, pet waste and cigarette butts! For more information on litter control, go to www.dostmashcalifornia.info



Home and Garden

Maintaining our homes and gardens is necessary, but overusing chemicals is not. Buy household and garden products only in the amount needed and read and follow the label directions. Better yet, use alternative products. Avoid using lawn and garden products when rain is forecast. Take all unused products to a Household Hazardous Waste drop-off center. For information, call (733-6441).



Tulare County Clean Storm Water Program

Contracts

City of Mendota Public Works

7579 Avenue 28W
Visalia, CA 93277
(559) 733-4466

City of Lindsay Public Works

150 N. Mirale, P.O. Box 369
Lindsay, CA 93247
(559) 562-7119

County of Tulare - Streets Maintenance Agency

5061 S. Mooney Blvd. and
Visalia, CA 93277
(559) 733-6291

City of Exeter Public Works

3981 South K. Street
Exeter, CA 93224
(559) 684-4318

City of Hanford Public Works

350 N. Valmont Avenue
Woodlake, CA 93286
(559) 564-2317

City of Arvin Public Works

107 N. Main Street
Pottsville, CA 93257
(559) 782-7462

City of Firebaugh Streets Division

Quadrant Engineering
3910 W. Cypress Avenue
Visalia, CA 93276
(559) 733-0440

Firebaugh Wastewater Treatment

FEAG
300 S. Mooney Boulevard
Visalia, CA 93277
(559) 733-6291



TCAG

5961 S. Mooney Blvd.
Visalia, Ca 93277
(559) 733-6291
www.tularecog.org

Handwritten signatures and notes.

APPENDIX E



CONSTRUCTION & DEMOLITION (C&D)
DEBRIS ORDINANCE OVERVIEW
ORDINANCE EFFECTIVE 03/01/06

Pursuant to Tulare County Ordinance Code Chapter 3 Part IV, Article 10 and Section 7-15-1036, a Construction & Demolition (C&D) Debris Ordinance establishes regulations for the recycling and diversion of C&D debris. The ordinance establishes the following:

- projects that are covered
- diversion requirements
- projects exempt from the ordinance
- required contents of a C&D Debris Recycling and Reuse Plan
- the evidence of compliance with the C&D Debris Recycling and Reuse Plan
- provisions for an exemption from the ordinance
- required on-site practices
- reporting and enforcement requirements
- penalties for violations of the ordinance
- appeal process

Prior to the issuance of a permit, every Applicant for building or demolition permits involving any Covered Project shall complete and submit a properly completed C&D Debris Recycling and Reuse Plan to the Building Official, unless a C&D Debris Recycling and Reuse Plan for the project is already on file with the Resource Management Agency (RMA) and within 30 days following project completion.

PLEASE KEEP ALL RECYCLING AND C&D LANDFILL RECEIPTS! These receipts will be necessary for the mandatory C&D Debris Recycling and Reuse Plan report which must be submitted to the Building Official within 30 days of project completion. **NOTE: Drivers MUST advise the landfill gate attendant that they are disposing of C&D material to receive the required C&D debris tonnage receipt.**

Covered C&D Materials Include:

- Used or commonly discarded materials generally considered to be not water soluble and non-hazardous in nature, including but are not limited to, steel, cooper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project; or
- Remnants of new materials, including but are not limited to, cardboard, paper, plastic, wood and metal scraps from any construction, demolition and/or landscape project.

Covered Project Includes any project which consists of one or more of the following:

- Demolition projects that are 500 square feet or greater.
- Any project involving renovation of a kitchen and/or bath facility irrespective of total square footage or value.
- The renovation, remodel or addition to an existing residential structure that is equal to or greater than 500 square feet and/or projects that exceed \$20,000.
- The renovation, remodel or addition to an existing commercial or multi-family residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
- Residential development and any new residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
- Commercial or multi-family residential development and any new structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
- All County sponsored construction, demolition and renovation projects that are equal to or greater than 1,000 square feet.
- All County public works and constructions projects which are awarded pursuant to the competitive bid procedures.

Diversion Requirements

- ④ 100% of inert solids and at least 50% by weight of the remaining construction and demolition debris resulting from the project shall be diverted to an approved facility or by salvage.
- ④ For each Covered Project, the diversion requirements of this Chapter shall be met by submitting and following a C&D Debris Recycling and Reuse Plan that includes the following:
 - ④ Deconstructing and salvaging all or part of the structure as practicable.
 - ④ Directing 100% of inert solids to reuse or to recycling facilities approved by the County.
 - ④ Collecting (source separated or commingled) and directing non-inert materials, such as cardboard and paper, wood, metals, green waste, new gypsum wallboard, tile, porcelain fixtures and other easily recycled materials to recycling facilities approved by the County and taking the remainder (but no more than 50% by weight) to a facility for disposal.
- ④ The Applicant for any Covered Project shall make reasonable efforts to ensure that all construction and demolition waste diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales that are in compliance with the regulatory requirements for accuracy and maintenance.
- ④ Although it may not be an explicit condition of the building permit, Contractors working on Non-Covered Projects are encouraged to divert material from construction and demolition projects to the maximum extent practicable in accordance with this Chapter.

This ordinance will assist Tulare County in reaching the 50% waste diversion mandate required by the California Integrated Waste Management Board. Materials diverted from the C&D projects can be commingled or source separated and discarded at the following locations:

VISALIA LANDFILL

- Location:** On Road 80 (a.k.a. Plaza Drive in Visalia or Alta Drive in Dinuba) north of Avenue 328. It is approximately 10 miles south of Dinuba and four miles northwest of Visalia.
- Hours:** Monday through Friday 7:00 a.m. to 4:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m. Closed Sundays and the holidays listed below.
- Holidays:** Closed New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

WOODVILLE LANDFILL

- Location:** On Road 152, approximately 5 miles south of SR 137 near Avenue 200. It is approximately 7 miles southeast of Tulare.
- Hours:** Monday through Friday, 6:00 a.m. to 4:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m. Closed Sundays and the holidays listed below.
- Holidays:** Closed New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

TEAPOT DOME LANDFILL

- Location:** On Avenue 128 (a.k.a. Teapot Dome Avenue) east of Road 208. It is approximately 5 miles southwest of the City of Porterville.
- Hours:** Monday through Friday, 7:00 a.m. to 4:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m. Closed Sundays and the holidays listed below.
- Holidays:** Closed New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

REMINDER: DRIVERS MUST ADVISE THE LANDFILL GATE ATTENDANT THEY ARE DISPOSING OF C&D DEBRIS.

Source separated C&D material can be transported to the appropriate recycling or reuse facilities.

For additional information and landfill fees please see www.tularecountyrecycles.com or <http://www.co.tulare.ca.us/government/resource/current/default.asp>.

APPENDIX F

ORDINANCE NO. 3321

**AN ORDINANCE ADDING ARTICLE 10 TO CHAPTER 3 PART IV OF
THE COUNTY OF TULARE ORDINANCE CODE
ESTABLISHING RECYCLING AND DIVERSION OF CONSTRUCTION AND
DEMOLITION DEBRIS REQUIREMENTS AND ADDING SECTION 7-15-1036
PERTAINING TO THE C&D DEBRIS RECYCLING AND REUSE PLAN**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, CALIFORNIA,
ORDAINS AS FOLLOWS:**

Section 1. Article 10 is added to the County of Tulare's Ordinance Code Chapter 3 Part IV to read as follows:

Article 10

RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

SECTION: 4-03-1500. DEFINITIONS:

For the purposes of this Article, the following words and phrases shall have the following meanings unless the context otherwise requires:

- (a) **"ACCESSORY STRUCTURE"**: means a structure containing no kitchen or bathroom and located upon the same lot or parcel as the principal use or structure to which it is an accessory. The structure is customary, incidental and subordinate to the use of the principal building or the principal use of the land. All accessory structures shall be constructed with, or subsequent to, the construction of the principal structure or activation of the principal use.
- (b) **"APPLICANT"**: means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County for the applicable permits to undertake any construction, demolition or renovation project within the County, as defined in this Chapter, and who is, therefore, responsible for meeting the requirements of this Chapter.
- (c) **"BUILDING OFFICIAL"**: means the Officer or other designated authority charged with the administration and enforcement of this Chapter, or the Building Official's duly authorized representative.
- (d) **"CONSTRUCTION"**: means all building, landscaping, remodeling, including the addition, removal or destruction of buildings and landscaping.
- (e) **"CONSTRUCTION AND DEMOLITION DEBRIS"**: means and includes
 - (1) Used or commonly discarded materials generally considered to be not water soluble and non-hazardous in nature, including but are not limited to, steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land

clearing, landscaping and development operations for a construction project; or

- (2) Remnants of new materials, including but are not limited to, cardboard, paper, plastic, wood and metal scraps from any construction, demolition and/or landscape project.
- (f) **“CONTRACTOR”**: means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor, owner-builder, or otherwise) any construction, demolition, remodeling, renovation or landscaping service relating to buildings or accessory structures in the unincorporated area of Tulare County.
- (g) **“COVERED PROJECT”**: means and includes any project which consists of one or more of the following:
- (1) Demolition projects that are 500 square feet or greater.
 - (2) Any project involving renovation of a kitchen and/or bath facility irrespective of total square footage or value.
 - (3) The renovation, remodel or addition to an existing residential structure that is equal to or greater than 500 square feet and/or projects that exceed \$20,000.
 - (4) The renovation, remodel or addition to an existing commercial or multi-family residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
 - (5) Residential development and any new residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
 - (6) Commercial or multi-family residential development, and any new structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
 - (7) All County sponsored construction, demolition and renovation projects that are equal to or greater than 1,000 square feet.
 - (8) All County public works and construction projects which are awarded pursuant to the competitive bid procedures.
- (h) **“DECONSTRUCTION”**: means a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.
- (i) **“DEMOLITION”**: means the deconstructing, razing, ruining, tearing down or wrecking of any structure, wall, fence or paving, whether in whole or in part, whether interior or exterior. Demolition needs to be done by a contractor or owner-builder.
- (j) **“DESIGNATED RECYCLABLE AND REUSABLE MATERIALS”**: means and includes:
- (1) Inert solids, asphalt and masonry building materials generally used in

construction including, but are not limited to, concrete, rock, stone and brick.

- (2) Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
 - (3) Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use. The following materials are excluded as the materials are not recyclable and should be landfilled: bamboo, palm fronds and yucca.
 - (4) Metals including all metal scrap such as, but are not limited to, pipes, siding, window frames, door frames and fences.
 - (5) Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material.
 - (6) Salvageable materials and structures including, but are not limited to, doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances.
 - (7) Any other materials that the Building Official determines can be diverted due to the identification of a recycling facility, reuse facility or market accessible from the County.
- (k) **“DIRECTOR OF RESOURCE MANAGEMENT AGENCY”**: means the Resource Management Agency Director of Tulare County or his authorized representative.
- (l) **“DIVERT” and “DIVERSION”**: means to use material for any lawful purpose other than disposal in a landfill, transformation facility or alternative daily cover. Methods to divert materials from landfills include Reuse, Salvage and Recycling. Diversion does not include illegal dumping.
- (m) **“EMERGENCY DEMOLITION”**: means an emergency demolition can be performed only when a facility is determined to be structurally unsound and in danger of imminent collapse *and* a state or local government agency has issued an immediate demolition order. The order for emergency demolition only applies to the part of the building that is unsound; attached buildings may not be demolished under this order and must be treated as a regular demolition.
- (n) **“FACILITIES”**: means recycling, salvage and reuse establishments and landfills.
- (o) **“INERT SOLIDS”**: includes asphalt, concrete, rock, stone, brick, sand, soil and fines.
- (p) **“NON-COVERED PROJECTS”**: Construction, demolition and renovation projects within the County that do not meet the established thresholds for Covered Projects.
- (q) **“OWNER-BUILDER”**: see “CONTRACTOR”.
- (r) **“PERMIT”**: means an official document or certificate issued by the Building Official authorizing performance of a specified activity.

- (s) **“PROJECT”**: means any activity involving construction, demolition or renovation, and which requires issuance of a permit from the County of Tulare.
- (t) **“RECYCLABLES”**: means materials which would otherwise become solid waste but which are capable of or suitable for recycling.
- (u) **“RECYCLING”**: means the process of collecting, sorting, cleansing, treating and reconstituting or converting construction and demolition debris that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace or in the form of useable energy. Recycling does not include transformation.
- (v) **“RECYCLING AND REUSE PLAN”**: means a form provided by the County for the purpose of compliance with this Chapter that must be submitted by the Applicant for any Covered Project.
- (w) **“RENOVATION”**: means any change, addition or modification to an existing structure.
- (x) **“REUSE”**: means further or repeated use of Construction and Demolition Debris.
- (y) **“SALVAGE”**: means the controlled removal of materials from a Covered Project for the purpose of recycling, reuse or storage for later reuse.
- (z) **“SOURCE SEPARATED”**: means recyclables that have been segregated from solid waste by or for the generator thereof on the premises at which they were generated for handling different from that of solid waste.
- (aa) **“STRUCTURE”**: means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SECTION 4-03-1505. DECONSTRUCTION AND SALVAGE AND RECOVERY:

- (a) Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall be counted towards the diversion requirements of this Chapter.

SECTION 4-03-1510. DIVERSION REQUIREMENTS:

- (a) One hundred percent (100%) of inert solids and at least fifty percent (50%) by weight of the remaining construction and demolition debris resulting from the project shall be diverted to an approved facility or by salvage.
- (b) For each Covered Project, the diversion requirements of this Chapter shall be met by submitting and following a C&D Debris Recycling and Reuse Plan that includes the following:
 - (1) Deconstructing and salvaging all or part of the structure as practicable, and
 - (2) Directing one hundred percent (100%) of inert solids to reuse or recycling facilities approved by the County, and
 - (3) Collecting (source separated or commingled) non-inert materials, such as cardboard and paper, wood, metals, green waste, new gypsum wallboard,

tile, porcelain fixtures, and other easily recycled materials, and directing them to recycling facilities approved by the County and taking the remainder (but no more than 50% by weight) to a facility for disposal.

- (c) The Applicant for any Covered Project shall make reasonable efforts to ensure that all construction and demolition waste diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales that are in compliance with all regulatory requirements for accuracy and maintenance.
- (d) Although it may not be an explicit condition of the building permit, Contractors working on Non-Covered Projects are encouraged to divert material from construction and demolition projects to the maximum extent practicable in accordance with this Chapter.

SECTION 4-03-1515. PROJECTS EXEMPT FROM THIS CHAPTER.

- (a) Emergency demolition required to protect the public health, safety or welfare.
- (b) County-sponsored demolition of a substandard structure or construction required to protect public health or safety in an emergency.
- (c) Projects in any single-family residential district, which consist solely of a swimming pool.
- (d) Projects for which only a plumbing permit, electrical permit or mechanical permit is required.
- (e) A project for which a valid building permit has been lawfully issued by the County prior to the effective date of this Chapter.
- (f) A project of County public construction for which the notice inviting bids has been published prior to the effective date of this Chapter.

SECTION 4-03-1520. SUBMISSION AND REQUIRED CONTENTS OF C&D DEBRIS RECYCLING AND REUSE PLAN

- (a) Prior to issuance of permit, every Applicant for building or demolition permits involving any Covered Project shall complete and submit a properly completed C&D Debris Recycling and Reuse Plan to the Building Official, unless an C&D Debris Recycling and Reuse Plan for the project is already on file with the Resource Management Agency, and within 30 days following project completion.
- (b) A C&D Debris Recycling and Reuse Plan must contain all of the following information:
 - (1) The name and address of the person applying for the permit.
 - (2) Unless waived by the Building Official or designee, evidence that the owner or owners of the subject property acknowledge that they are aware of and understand that a violation of any provision of this Chapter may result in the imposition of penalties and that any unpaid penalties imposed may be declared a lien on the subject property.

- (3) A description of the project, including location, scope, required permit(s) and estimated timeline for completion of the project.
- (4) The intended salvage, reuse and recycling facilities, chosen from a list of facilities approved by the County, to use, collect or receive all construction and/or demolition debris from the project.
- (5) The names and addresses of all vendors and facilities proposed to be used to collect, receive, dispose, recycle, reuse or salvage the project C&D debris.
- (6) The recycling or reuse percentage rate, as applicable, of each vendor and facility proposed to be used to recycle or reuse the project C&D debris.

SECTION 4-03-1525. EVIDENCE OF COMPLIANCE WITH C&D DEBRIS RECYCLING AND REUSE PLAN:

- (a) A C&D Debris Recycling and Reuse Plan shall be approved or denied no later than thirty (30) days after a complete application is made.
- (b) Notwithstanding any other provision of this Chapter, no permit shall be issued for any Covered Project unless and until the C&D Debris Recycling and Reuse Plan has been approved.
 - (1) All of the information has been remitted on the C&D Debris Recycling and Reuse Plan.
 - (2) The C&D Debris Recycling and Reuse Plan establishes a mechanism such that the diversion requirement shall be met.
- (c) If the Solid Waste Manager determines that the C&D Debris Recycling and Reuse Plan application is incomplete or fails to indicate that one hundred percent (100%) of inert solids and at least fifty percent (50%) by weight of all construction and demolition debris generated by the Project will be reused or recycled, he or she shall either:
 - (1) Return the C&D Debris Recycling and Reuse Plan application to the Building Official marked "Denied", including a statement of reasons, which shall then immediately stop processing the building or demolition permit application, or
 - (2) Return the C&D Debris Recycling and Reuse Plan to the Building Official marked "Further Explanation Required".
- (d) Within 30 days following project completion, a final compliance report containing the following information and documentation must be submitted to the Building Official, listing every vendor or facility that collected, transported or received any C&D debris.
 - (1) Copies of receipts from every vendor or facility that collected, transported or received any project C&D debris. Each receipt must specify the weight of any project C&D debris handled by the vendor or facility and must clearly demonstrate that all such C&D debris originated from the project site.

- (2) A calculation of the actual percentage, determined by weight, of project C&D debris that was recycled or reused for each vendor or facility that collected, transported or received material.
- (3) A description of the manner in which the project C&D debris was recycled or reused and the name and address of all vendors and facilities employed in the recycling or reuse of project C&D debris, including the recycling or reuse rate of each vendor or facility, as applicable.
- (e) Failure to accurately account for and submit the required documentation for all project C&D debris in the final compliance report constitutes a violation of this Chapter.

SECTION 4-03-1530. DIVERSION REQUIREMENT EXEMPTION.

- (a) Application: If an Applicant for a Covered Project experiences circumstances that the Applicant believes make it infeasible to comply with established Diversion Requirements, the Applicant may request, in writing, an exemption from one or all of the waste diversion requirements during the building permit process.
- (b) Meeting with Solid Waste Manager: The Solid Waste Manager, or designee, shall review all exemption request information supplied by the Applicant and may meet with the Applicant to assess alternative ways of meeting waste diversion requirements. Based on the information supplied by the Applicant, the Solid Waste Manager, or designee, shall determine whether it is possible for the Applicant to meet any or all of the Diversion Requirements of the project.
- (c) Granting of Exemption: If it is determined that it is infeasible for the Applicant to meet all of the diversion requirements specified herein, the Solid Waste Manager, or designee, shall determine alternate permit conditions and the Building Official will inform the Applicant, in writing, of any such alternative requirements.

SECTION 4-03-1535. ON-SITE PRACTICES:

During the term of the Covered Project, the Applicant shall according to the Applicant's C&D Debris Recycling and Reuse Plan recycle, reuse or divert the required percentages of waste, and keep records of the tonnage. To the maximum extent feasible, project waste shall be source separated on-site to increase diversion.

SECTION 4-03-1540. REPORTING:

- (a) Progress reports during construction may be required.
- (b) All documentation is subject to verification by the County.
- (c) It is unlawful for any person to submit documentation to the County under this Chapter which that person knows to contain any false statements, including but not limited to, false statements regarding tonnage of materials recycled or diverted.

SECTION 4-03-1545. ENFORCEMENT:

The Resource Management Agency Director or his designee shall administer this Chapter and shall enforce the requirements of this Chapter, including but not limited to, the authority to order that work be stopped where any work is being done contrary to the provisions of this Chapter.

SECTION 4-03-1550. VIOLATIONS AND PENALTIES:

Any person violating any of the provisions of this Chapter shall be guilty of an infraction and shall be punishable as provided in section 125 of this Ordinance Code. Each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any such provision of this Chapter is committed, permitted or continued by such person, and shall be punishable therefore as provided herein above.

SECTION 4-03-1555. APPEAL:

- (a) Except as herein provided, all appeals of decisions made by the Building Official or the Solid Waste Manager, or designee, on matters set forth in this Chapter shall be subject to the provisions of section 165 of this Ordinance Code.
- (b) Within ten (10) calendar days after the date on which written notice of the decision is mailed or delivered to the owner, applicant or other interested party, the owner, applicant, other interested party or his authorized agent may appeal to the Board of Supervisors for review of the decision. The decision shall be final unless such an appeal is filed within ten (10) calendar days of the mailing or delivery of notices to the applicant.
- (c) At the time of filing the appeal, the appellant shall pay a fee in an amount adequate to cover the cost of processing and hearing the appeal as established from time to time by resolution of the Board of Supervisors.

Section 2. Section 7-15-1036 is here added to the Tulare County Ordinance Code to read as follows:

SECTION 07-15-1036. C&D DEBRIS RECYCLING AND REUSE PLAN:

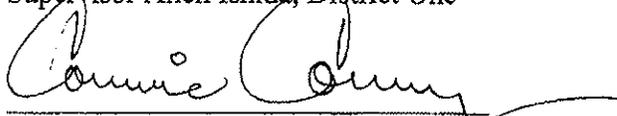
Applicants must comply with Tulare County Ordinance Code sections 4-03-1500 et. seq. prior to any permit being issued under this Chapter.

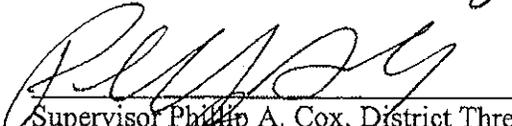
Section 3. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the *Visalia Times-Delta*, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

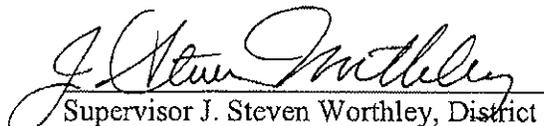
THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 24th day of January, 2006, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

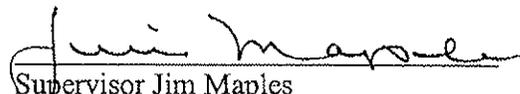
AYES:


Supervisor Allen Ishida, District One


Supervisor Connie Conway, District Two

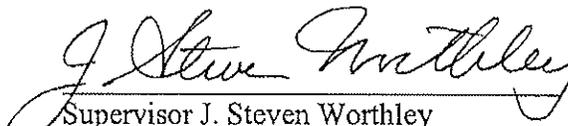

Supervisor Phillip A. Cox, District Three


Supervisor J. Steven Worthley, District Four


Supervisor Jim Maples

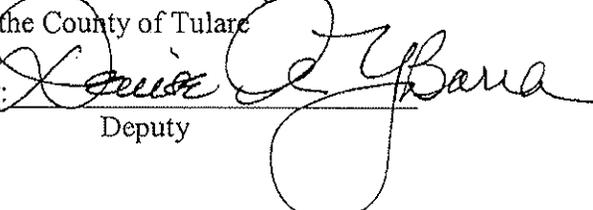
NOES: None

ABSENT: None


Supervisor J. Steven Worthley
Chairman, Board of Supervisors

ATTEST: C. BRIAN HADDIX
County Administrative Officer/
Clerk of the Board of Supervisors
of the County of Tulare

By:


Deputy

APPENDIX G

GOT C&D RECYCLING ON YOUR MIND?

The Problem

State law (AB 939) requires all counties and cities to reduce their waste by 50 percent.

Help us cut our trash in half! Tulare County's Construction and Demolition (C&D) Debris Ordinance (No. 3321) was created to do just that!

What is the C&D Debris Ordinance?

It is a County law that requires 50% of construction and demolition debris and 100% of inert materials (e.g. cement, brick, asphalt, etc.) be recycled or reused.

What is Required?

1. All applicants will be given a form (C&D Debris Recycling and Reuse Plan) to complete with the permit application.
2. A completed form must be submitted to the Permit Center with the permit application.
3. Once approved, the form will be returned to the applicant with their permit.

Note: A C&D recycling program is available at County landfills. When using this program, advise the gate attendant that the material is C&D debris to ensure the proper receipt is received.

Upon Project Completion

Applicants must attach all receipts to the form and fill out the Recycling and/or Reuse Final Report section. The permit number must be written on all recycling and disposal receipts. The completed form, with receipts, must be submitted to the Permit Center.

What if I Don't Comply?

A penalty may be imposed if the requirements of the C&D Debris Ordinance are not met or an applicant knowingly submits false documentation. A lien may be placed on the subject property for any unpaid penalties.

What Can Be Recycled?

Metal, glass, brick, concrete, asphalt, pipe, gypsum, wallboard, lumber, wood, wire, plastic, paper, cardboard, plant material, etc. See the C&D Ordinance for a full description.

Additional Information

Informational flyers and the required form for recycling C&D debris are available at the Permit Center or online at www.tularecountyrecycles.com. For more information, you may contact the Solid Waste Division at (559) 733-6291, Monday through Thursday 7:30 a.m. - 5 p.m., and Friday 8 a.m. - 12 p.m.

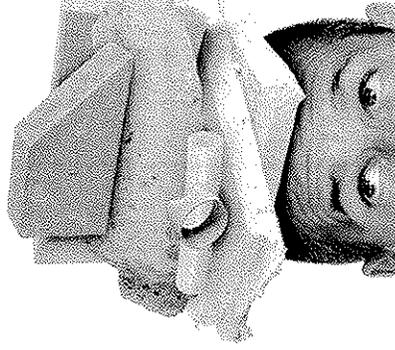
Remember the Four R's

Reduce – create less trash by purchasing products with the least amount of packaging.

Reuse – buy items that can be used over and over again.

Recycle – turn old things into new products.

Rebuy – complete the cycle by purchasing products made from recycled materials.



Tulare County Resource Management Agency

The Solid Waste Division of the Tulare County Resource Management Agency is responsible for cost-effective management of solid waste using environmentally sound methods. We are dedicated to providing quality service and to protecting the welfare of our community. For more information, please call or visit us on the Web.

559.733.6291

www.tularecountyrecycles.com



Printed on recycled paper.

¿TIENES RECICLAJE MENTE?

El Problema

La ley estatal (AB 939) requiere que todos los condados y ciudades reduzcan desperdicios en un 50 por ciento. ¡Ayúdenos a disminuir los desperdicios a la mitad! La Ordenanza de Residuos de Construcción y Demolición (Núm. 3321) del Condado de Tulare fue creada para hacer justamente eso!

¿Qué es la Ordenanza de Residuos de Construcción y Demolición?

Es una ley del Condado que requiere que por lo menos 50% de los residuos de proyectos de construcción o demolición y 100% de los materiales inertes (ejemplo: cemento, ladrillos, asfalto, etc.) sean reciclados o se vuelvan a usar.

¿Qué se requiere?

1. A todos los que apliquen se les dará un formulario (C&D Debris Recycling and Reuse Plan) para llenarlo junto a la aplicación para el permiso.
2. El formulario debe ser completado y sometido al Centro de Permisos junto con la aplicación para el permiso.
3. Una vez aprobado, el formulario será devuelto al aplicante junto con el permiso.

Nota: El programa de reciclaje C&D está disponible en los lugares para desechos del Condado. Cuando use este programa, avísele al encargado en la entrada que el material es residuo de construcción y demolición para asegurarse que obtenga el recibo apropiado.

Después de Completarse el Proyecto

Los que apliquen deberán sujetar todos los recibos al formulario y llenar la sección Recycling and/or Reuse Final Report (Reporte Final de Reciclaje y/o Reuso). El número del permiso debe escribirse en todos los recibos de reciclaje y desecho. El formulario completado y los recibos deben ser sometidos al Centro de Permisos.

¿Qué Puede Reciclarse?

Metal, vidrio, ladrillos, concreto, asfalto, pipas, yeso, tablas de yeso, madera, alambre, plástico, papel, cartón y materiales de plantas. Vea la Ordenanza de Construcción y Demolición para una descripción completa.

¿Que tal si no cumplo con la Ordenanza?

Se podría imponer una penalidad si no se cumple con los requisitos de la Ordenanza para Desechos de Construcción y Demolición o si alguien que aplica somete documentación falsa a sabiendas, pudiera imponerse un impuesto en la propiedad del sujeto por cualquier penalidad que no haya sido pagada.

Información Adicional

Hay folletos de información y formularios para reciclaje de desechos de Construcción y Demolición disponibles en el Centro de Permisos o en la red cibernética en www.tularecountyrecycles.com. Para más información, comuníquese con la División de Desperdicios Sólidos al (559)733-6291, de Lunes a Jueves de las 7:30 a.m. y 5 p.m. y los Viernes de las 8 a.m. y 12 p.m.

Recuerde los Cuatro R's

- Reduzca**-logre reducir la basura por medio de comprar productos con menos envoltura.
- Reuse**-compre artículos que puedan usarse una y otra vez.
- Recicla**-convierta asuntos viejos en productos nuevos.
- Recompense**-complete el ciclo por medio de comprar productos hechos de materiales reciclados.



La Agencia de Manejo de Recursos del Condado de Tulare

La División de Desperdicios Sólidos de la Agencia de Manejo de Recursos del Condado de Tulare es responsable por el manejo efectivo de los gastos para los desperdicios sólidos usando métodos ambientales que sean seguros. Estamos dedicados a proteger el bienestar de nuestra comunidad a la vez que proveemos servicios de calidad.

559.733.6291

www.tularecountyrecycles.com



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APPENDIX H



RESOURCE MANAGEMENT AGENCY

BUILDER'S GUIDE FOR
CONSTRUCTION & DEMOLITION DEBRIS

C & D DEBRIS RECYCLERS

DEMOLITION CONTRACTORS	
COMPANY	Address
Bowen Engineering 233-7464	4664 S Cedar Ave Fresno CA
Bryan Company 732-3516	P O Box 2565 Visalia, CA
Kroeker Inc. (Demolition & Recycling) 237-3764 www.kroekerinc.com	4627 S Chestnut Fresno, CA
Vollmer Excavation LP 568-0178	P O Box 1239 Strathmore, CA
Wise Engineering 732-7333 www.wiseengineeringinc.com	P O Box 709 Visalia, CA

DIRT			
FACILITY	Clean Fill Dirt	Dirt with Gravel & Rock	Address
Teapot Dome Landfill 733-6291 www.tularecountyrecycles.com <i>No Fee if Clean Fill Dirt</i>	X		21063 Ave 128 E of Road 208 Porterville, CA
Visalia Landfill 733-6291 www.tularecountyrecycles.com <i>No Fee if Clean Fill Dirt</i>	X		33466 Road 80 N of Avenue 328 Visalia, CA
Woodville Landfill 733-6291 www.tularecountyrecycles.com <i>No Fee if Clean Fill Dirt</i>	X		19800 Road 152 S of Avenue 200 Woodville, CA
J V Recycling 685-0504		X	3345 S "K" ST Tulare, CA
Porterville Rock & Recycle (formerly Mitch Brown Engineering) 781-6389 <i>Material must be clean.</i>	X	X	14200 Road 284 Porterville, CA
Wood Industries Co. 625-9426 www.woodindustries.com	X	X	7715 Avenue 296 Visalia, CA

C & D DEBRIS RECYCLERS

DRY WALL RECYCLING FACILITY				
FACILITY	Dry Wall	Gypsum	Sheet Rock	Address
Wood Industries Co. 625-9426 www.woodindustries.com	X	X	X	7715 Avenue 296 Visalia, CA

INERT MATERIALS RECYCLING FACILITIES											
---	--	--	--	--	--	--	--	--	--	--	--

The following facilities recycle inert material. Mixed inerts means the mixing of more than one material such as concrete with asphalt. The types of mixed materials accepted vary from facility to facility. The services offered by each facility are outlined; however, the Contractor must **call before taking a mixed load of inert materials to a facility to confirm that it will be accepted.**

FACILITY	Asphalt	Brick	Ceramic Tile	Concrete	Concrete & Rebar	Cinder Block	Mixed Inerts	Porcelain	Rock	Stucco	Stucco w/Wire	Address
Glen Wells 625-0695 <i>Ad in "Construction News" or www.tkcb.com, if member Call ahead for scales</i>	X	X	X	X		X	X	X	X			30486 Road 64 Goshen, CA
J V Recycling 685-0504	X		X	X	X	X	X	X	X	X	X	3345 S "K" ST Tulare, CA
Porterville Rock & Recycle (formerly Mitch Brown Engineering) 781-6389	X	X	X	X	X	X	X		*			14200 Road 284 Porterville, CA *Call for info on rocks
Wood Industries Co. 625-9426 www.woodindustries.com	X	*	*	X	X	*	X	*	*	*	*	7715 Avenue 296 Visalia, CA *Call for more info
The Recycle Depot 651-2642 therecycledepot@sbcglobal.net	X	X	X	X	X	X	X	X	X	X	*	8461 Avenue 304 Visalia, CA 93291

C & D DEBRIS RECYCLERS

MIXED DEBRIS RECYCLING FACILITIES

The following is a list of mixed debris recycling facilities. The three Tulare County landfills offer C&D debris recycling in order to assist contractors in recycling this debris. See appropriate recycling or reuse sections for source separated C&D material.

FACILITY	Rents Debris Box Truck and Self Haul		Address
	No	Yes	
Teapot Dome Landfill 733-6291 www.tularecountyrecycles.com	No	Yes	21063 Ave. 128 E of Road 208 Porterville, CA
Visalia Landfill 733-6291 www.tularecountyrecycles.com	No	Yes	33466 Rd. 80 N of Avenue 328 Visalia, CA
Woodville Landfill 733-6291 www.tularecountyrecycles.com	No	Yes	19800 Rd. 152 S of Avenue 200 Woodville, CA
Cedar Avenue Recycling & Transfer Station (CARTS) 233-1158 www.cartsinc.net	No	Yes	3457 S. Cedar Fresno, CA
Peña's Disposal 528-6997	Yes	Yes	12056 Ave. 408 Orosi, CA
Kroeker Inc. 237-3764 www.kroekerinc.com	Yes	Yes	4627 S. Chestnut Fresno, CA

PALLET RECYCLING FACILITIES

FACILITY	Pallets	Address
Pallet Depot Inc. 562-3173 (800) 821-8832	X	19049 Avenue 242 Lindsay, CA
Peña's Disposal 528-6997	X	12056 Ave. 408 Orosi, CA
United Wholesale Lumber 651-2037 <i>Only accepts 48 x 40 pallets</i>	X	8009 W Doe Ave Visalia, CA

C & D DEBRIS RECYCLERS

PAPER PRODUCT RECYCLING FACILITIES				
FACILITY	Cardboard	Mixed Paper	Newspaper	Address
Peña's Disposal 528-6997	X	X	X	12056 Ave. 408 Orosi, CA
Sunset Waste System 739-1595 www.sunsetwastesystems.com	X	X	X	1707 E. Goshen Ave. Visalia, CA
Tulare County Recycling / RAA / Waste Mgmt 741-1766 www.wm.com/Templates/FAC5404/services.asp	X	X	X	26951 Rd. 140 Visalia, CA

SCRAP METAL RECYCLING FACILITIES									
FACILITY	Aluminum	Appliances	Brass	Copper	Iron	Stainless Steel	Tin	Non-Ferrous Metals	Address
Central Iron & Metal 784-0387	X	X	X	X	X	X	X	X	81 E. Gibbons Porterville, CA
Peña's Disposal 528-1661	X	X	X	X	X	X	X	X	12056 Ave. 408 Cutler, CA
Recycle Depot 651-2642	X	X	X	X	X	X	X	X	8461 Ave. 304 Visalia, CA
Tulare Iron & Metal 686-6616 www.tulareironman.com	X	X	X	X	X	X	X	X	3615 S. K Tulare, CA
Tulare County Recycling / RAA / Waste Mgmt 741-1766 www.wm.com/Templates/FAC5404/services.asp	X	X	X	X	X	X	X	X	26951 Rd. 140 Visalia, CA

C & D DEBRIS RECYCLERS

USED BUILDING MATERIALS THRIFT STORE												
FACILITY	Bath Tubs & Showers	Cabinetry	Carpet (new only)	Doors	Fittings	Fixtures	Hardware	Lumber	PVC Pipe	Windows	Wiring	Address
Habitat for Humanity ReStore 734-4056 http://www.hfhvisalia.org/restore.php4 Call for additional information.	X	X	X	X	X	X	X	X	X	X	X	715 S. Bridge Visalia

WOOD/ GREEN WASTE				
FACILITY	Lumber (not painted or treated)	Green Waste (no palm, yucca or bamboo)	Brush	Address
Teapot Dome Landfill 733-6291 www.tularecountyrecycles.com	X	X	X	21063 Ave. 128 E of Road 208 Porterville, CA
Visalia Landfill 733-6291 www.tularecountyrecycles.com	X	X	X	33466 Rd. 80 N of Avenue 328 Visalia, CA
Woodville Landfill 733-6291 www.tularecountyrecycles.com	X	X	X	19800 Rd. 152 S of Avenue 200 Woodville, CA
Peña's Disposal 528-1661	X	X	X	12056 Ave. 408 Cutler, CA
Tulare County Compost & Biomass 686-1622	X	X	X	24478 Rd. 140 Tulare, CA
Wood Industries 625-9426 www.woodindustries.com	X	X	X	7715 Avenue 296 Visalia, CA

APPENDIX I



County of Tulare
Resource Management Agency
**CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING AND REUSE PLAN**

Today's Date _____

Permit # _____

Complete and Submit with Building Permit Application
County of Tulare, Permit Center
5961 S. Mooney Blvd., Visalia, CA 93277
Telephone: (559) 733-6291 Fax: (559) 740-4448
Office Hours: 7:30 AM – 5:30 PM, Monday – Thursday
8:00 AM – 12:00 PM, Friday

APPLICANT'S INFORMATION		
Name:		
Mailing Address:		
City	State	Zip Code
Phone: ()		
Fax: ()		
Email:		
Relation to Project: <input type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Authorized Representative		
PROPERTY OWNER'S INFORMATION (if different from above)		
Name:		
Address:		
City:	Zip Code:	Phone: ()

PROJECT INFORMATION
Name:
Site Address:
Assessor's Parcel Number: _____ - _____ - _____
Expected Project Start Date: _____ End Date: _____
Type of Project: <input type="checkbox"/> Non-Residential <input type="checkbox"/> Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Grading <input type="checkbox"/> Renovation, Remodel or Addition
<input type="checkbox"/> Residential <input type="checkbox"/> Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Grading <input type="checkbox"/> Renovation, Remodel or Addition
Is this project exempt? <input type="checkbox"/> Yes <input type="checkbox"/> No
Reason: <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Square Footage _____ <input type="checkbox"/> Value _____ <input type="checkbox"/> Other If other, please explain: _____
Does this project consist of a re-roof? Type of roof being replaced: <input type="checkbox"/> Composition/Asphalt <input type="checkbox"/> Wood <input type="checkbox"/> Tile
Project Description: _____ _____ _____

RECYCLING AND/OR REUSE PRE PLAN <i>SUBMIT Pre-Plan to the Permit Center • 5961 S. Mooney Blvd., Visalia</i>				
Material Type	Who will haul material?	Material will be (Circle one)	Recycling/ Reuse Facility Name (Where debris will be taken)	Estimated Recycling / Reuse Rate (%)
		Recycled/ Reused		

RECYCLING AND/OR REUSE FINAL REPORT <i>Submit at project completion (include weigh tickets and/or receipts), to the Permit Center 5961 S. Mooney Blvd., Visalia</i>				
Material Type	Who hauled material?	Material was (Circle one)	Recycling/ Reuse Facility Name (Where debris was taken)	Actual Tonnage Delivered to Facility (Attach supporting receipts)
		Recycled/ Reused		

Please sign below if you are the owner(s) or legal representative(s): Note that any violation of the provisions of Chapter 3, Part IV, of the County of Tulare Ordinance Code will be subject to a penalty, enforcement, and collection proceedings, as set forth in this Chapter and authorized by Section 53069.4 of the California Government Code. The Building Official or Designee may withhold approval of any and all C&D Debris Recycling and Reuse Plans submitted by the responsible person on any project(s) until the applicable penalty has been paid. In addition, the amount of any unpaid penalty may be declared a lien on any real property on which the project took place, as provided in Section 4-03-1520 of the County of Tulare Ordinance Code.

The undersigned fully acknowledges the requirements of Chapter 3 Part IV, Article 10-Recycling and Diversion of Construction and Demolition Debris. This form must be signed by owner(s) or a legal representative (documentation may be required).

PROPERTY OWNER or LEGAL REPRESENTATIVE (please circle)

Signature _____ Print Name _____ Date _____
Signature _____ Print Name _____ Date _____

County of Tulare, Solid Waste Official Use Only	
Recycling Reuse Pre-Plan Approval:	
Solid Waste Manager's or Designee's Signature	_____ Jeff Monaco Print Name Date
Recycling & Reuse FINAL Approval:	
Meets 50% Requirement: <input type="checkbox"/> Yes <input type="checkbox"/> No Approval % if Lower Than 50%: _____ % Reason: _____	
Recycling & Reuse Final Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Solid Waste Manager's or Designee's Signature	_____ Jeff Monaco Print Name Date

Please Submit Original and Two Copies

APPENDIX J

eARTH Day

Recreation Park

335 N. Jacob St. Visalia, California

Saturday, April 19, 2008

10:00 am - 2:00 pm



Opening Presentation 10:15 am

Environmental, solar and recycled products demonstrations

Display of electric, hybrid and natural gas vehicles

Food & Beverages

E-Waste Collection

Raffle Prizes & Live Music

Discover City and local environmental programs and resources

Free Compost to Tulare County Residents - bring your own shovel, bag and gloves



Poster Contest

Bounce House

Imagine U Children's Museum

Learn fire safety tips and view a fire truck

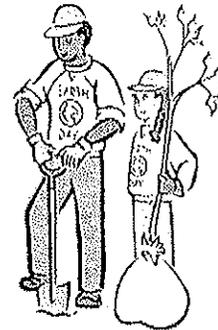
Visalia P.D. will provide FREE childrens Photo I.D. cards

FREE youth activity books & more...



Native tree & shrub planting along Mill Creek 8:00am

All volunteers are invited to participate in a guided tour at Kaweah Oaks Preserve following the Earth Day event



Wood
Industries
Company



Tulare
County
Compost &
Biomass



California
Water
Service
Company



Groppetti
Automotive
Group

comcast®

APPENDIX K

ITEMS NOT ACCEPTED

The following items are NOT accepted at the Visalia Household Hazardous Waste Collection Center:

- Ammunition - Call (559) 713-4250
- Appliances - (See Appliance information below)
- Compressed Gas (Butane, lighters, propane cylinders, etc.)
Propane tanks - exchange for new or take to propane company for disposal.
- Electronic Waste - (See E-Waste information below)
- Explosives (ammunition and fireworks). Call...713-4250
- Hypodermic Needles/Dispose USED hypodermics...Syringe Safekeeper Program, Call...624-6087.
- Radioactive Waste (smoke detectors)
- Televisions (See E-Waste information below.)

APPLIANCES

Appliances such as hair dryers, clothes dryers, curling irons, irons, ovens, microwaves, washers, etc., and scrap metals are accepted at:

- Sunset Waste Systems - 739-1595...1707 E. Goshen Ave. - Visalia
OPEN: Mon. - Fri. 8am - 5pm, and Sat. 8am - 4pm
Accepts all items with an electric cord at no charge
- Tulare County Recycling - 741-1766 26951 Rd. 140
(On Lovers Lane, 1 mile south of Caldwell)
OPEN: Monday-Saturday...8am to 4pm
Some items may require a small fee.

CELL PHONES



- City of Visalia Offices
- Visalia Household Hazardous Waste
- CSET E-Recycling Solutions
- Sunset Waste Systems
- Tulare County Recycling

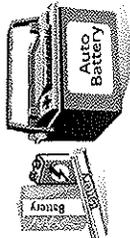
E-WASTE

Computers, Monitors, and Televisions as well as Cell & House Phones, Fax Machines, Laptops, Networking Accessories, PDAs & i-Pods, Printers, Radios, Scanners, Stereos, VCRs/DVD players, Video Cameras, Video Game & accessories are accepted:

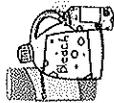
- CSET's E-Recycling Solutions - 651-1032
312 NW 3rd Ave. - Visalia...OPEN: M-F 8-5
30498 Diagonal 69, Goshen... (Frontage road next to 99)
OPEN: Mon. - Fri...8am - 5pm & Sat. 8am - 3:30pm
Fees for large copiers, printers, servers, etc.
Pick Up Service Available.
- Goodwill Industries - 732-7922
2240 S. Mooney Blvd - Visalia
OPEN: M-F 9-9, Sunday 10-7
- Sunset Waste Systems - 739-1595...1707 E. Goshen - Visalia
OPEN: Mon. - Fri. 8am - 5pm, & Sat. 8am - 4pm
- Tulare County Recycling - 741-1766
26951 Road 140 (On Lovers Lane, 1 mile south of Caldwell)
Fees for large copiers, printers, servers, etc.
OPEN: Mon. - Sat...8am to 4pm

ACCEPTED ITEMS

- Acids (water spot remover, etc.)
- Aerosol Cans
- Automotive Products
 - anti-freeze
 - batteries
 - brake fluid
 - carburetor cleaners
 - diesel fuel
- Batteries
 - Automotive
 - Household
 - (AA, AAA, C, D, 9-volt, etc.)
- Cell Phones & Toner Cartridge



- Hobby Supplies
 - adhesives
 - clay and glazes
 - metal cleaners
- Household Products
 - cleaners
 - drain cleaners
 - grease solvents
 - lighter fluid
 - oven cleaners
 - polishes
 - rust solvents



NEW

- Light Bulbs
 - fluorescent tubes
 - compact fluorescent
 - u-bend tubes
 - circular
 - high intensity discharge
 - mercury vapor
 - low & high pressure sodium
 - broken lamps

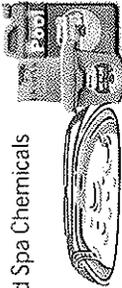
- Paint Products
 - enamel (oil-based paints)
 - lacquers
 - latex (water-based paints)
 - paint strippers
 - paint thinners
 - varnish
 - wood preservatives
 - wood stains



- Pesticides
 - disinfectants
 - fertilizer
 - fungicides
 - herbicides
 - insecticides
 - nematocides
 - rat poison
 - snail bait
 - termiticides



- Pool and Spa Chemicals



Thermometers

HAZARDOUS WASTE GUIDELINES

Please adhere to the following guidelines when bringing household hazardous waste:

- Make sure all products are in the original container, sealed, labeled, and not leaking.
- Do NOT mix products.
- Limit your load to 5 gallons or 50 pounds per visit.
- State of California limits the quantities to 5 gals. or 50 lbs. per visit.
- Do NOT Bring:
 - agricultural waste
 - asbestos
 - bio waste
 - commercial waste
 - compressed gas cylinders or tanks - exchange for new or take to propane company for disposal.
 - Tulare County Residential Waste ONLY -
 - Commercial waste is not accepted

REUSABLE ITEMS

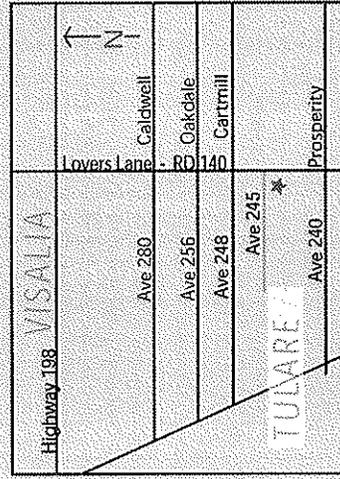
Send your Working Appliances, Bathtubs & Showers, Ceramic Tile, Copper Fittings, Doors, Drywall & Electrical Materials, Bathroom & Kitchen Faucets, Hand & Power & Lawn Tools, Lights, Lumber, Full Paint Cans, Roofing Material, etc. to

ReStore - A Building Materials Thrift Store
715 S. Bridge • Visalia CA 93292
OPEN: Thursday Friday & Saturday
10:00 a.m. to 6:00 p.m.
(559) 734-4056

GREEN WASTE DISPOSAL

Tulare County Compost & Biomass accepts green waste. There is a disposal fee. The following yard waste is NOT accepted:

- cactus
- lumber
- palm
- yucca



Tulare County Compost & Biomass
24487 Road 140 • Tulare, CA 93274
Monday - Friday • 7:00 a.m. to 4:30 p.m.
Saturday • 8:00 a.m. to 4:00 p.m.
(559) 686-1622

HOUSEHOLD HAZARDOUS WASTE COLLECTION CENTER

What is Household Hazardous Waste?

Most of us use household cleaning products, paint, motor oil and pesticides at one time or another, and may have these items stored in our cupboards or garages. All of these products and others like them have been classified by the State of California as hazardous products because they are corrosive, flammable, reactive, or toxic.

The Tulare County Hazardous Waste Management Plan identified that 1,500 tons of hazardous waste material are disposed of by homeowners every year in Tulare County. The City of Visalia Household Hazardous Waste Element indicates that nearly 500 tons of household hazardous waste is thrown away each year by Visalians alone.

Improper use of hazardous materials can contaminate our water supplies and pollute the environment.

You can protect your health and our natural resources by reducing, recycling, and properly disposing of hazardous household products.

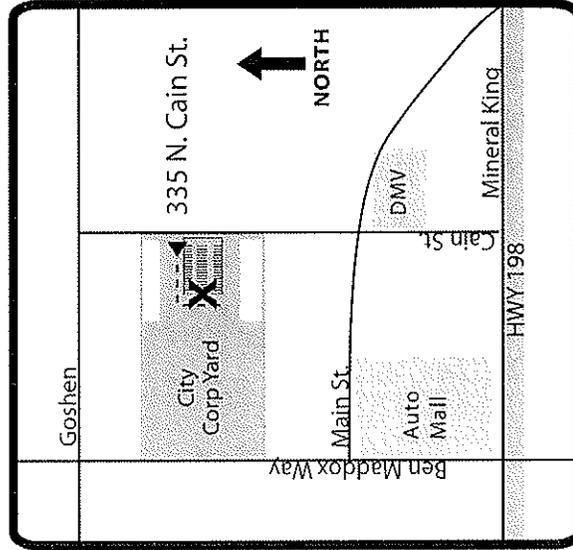
How to safely dispose hazardous materials?

There are many effective and safe alternatives to hazardous household cleaners, such as baking soda, lemon juice, and household ammonia. If a non-hazardous alternative is not available, please follow these guidelines when disposing of hazardous

- Donate any unused portions of hazardous products such as paint, fertilizer, or cleaners to a local community group, church, or neighbor who may have use for them.
- Do not throw away the unused hazardous material into your trash container or pour it down the drain.
- Take your unused hazardous materials to the FREE Visalia Household Hazardous Waste Collection Center.

HOUSEHOLD
HAZARDOUS WASTE
COLLECTION CENTER
335 N. Cain Street
Visalia, CA 93292

OPEN
Saturdays ONLY
8:00 a.m. - 1:00 p.m.



CITY OF VISALIA
www.ci.visalia.ca.us
(559) 713-4531

TULARE COUNTY
HEALTH & HUMAN SERVICE AGENCY
www.tularehhsa.org
(559) 733-6441

HOUSEHOLD
HAZARDOUS
WASTE
COLLECTION
CENTER

OPEN
SATURDAYS

8:00 am - 1:00 pm

APPENDIX L

City of Visalia

Dump-On-Us

Hazardous Waste
Will Not be Accepted at this Event.
Please take Residential Household Hazardous Waste to
335 N. Cain
Open Saturdays - 8am- 1pm

Sound of His Voice

525 S. Atwood

Saturday

July 12, 2008

7:00 a.m. - 11:00 a.m.

Information: 713-4500



ACCEPTED ITEMS

- Air Conditioning/Heating Units
- Bamboo
- Cactus
- Cell Phones
- Dryers
- Fencing Material
- Furniture
- Mattress
- Palm Fronds
- Scrap Metal
- Small Appliances
- Tires - Rims MUST be REMOVED
- Printer Toner Cartridges
- Washers
- Yucca Trees

GREEN WASTE ACCEPTED

- Branches
- Grass Clippings
- Leaves
- Lumber
- Prunings
- Yard Trimmings
- Wood

E-Waste ACCEPTED

- Cell & House Phones
- Computers & Monitors
- Computer Accessories
- Fax Machines
- Printers
- Scanners
- Televisions
- VCR/DVD players/writers
- Video games & accessories

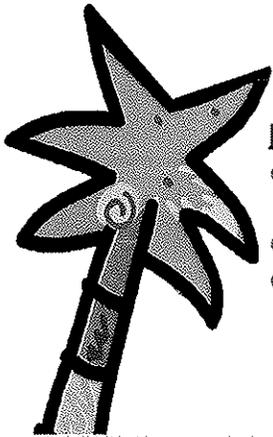
NOT ACCEPTED AS GREEN WASTE

These items are accepted as refuse.
Please keep separate from green waste.

- Palm Fronds
- Treated Wood
- Yucca Leaves

REFUSE ITEMS NOT ACCEPTED

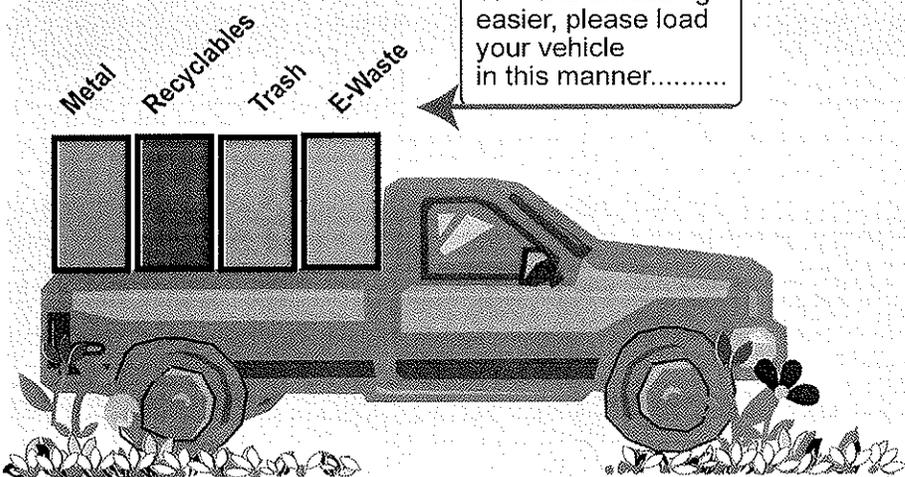
- Concrete - Take to
Glen Wells, Goshen, 625-0695
- Tires with Rims
- Fluorescent Tubes & Bulbs
LIMIT of 20 - Drop off at Hazardous Waste



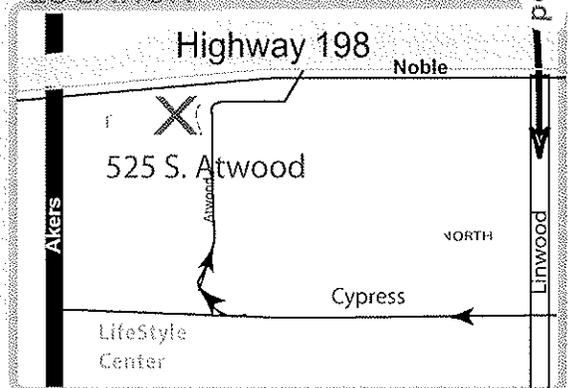
Dump On Us Requirements

- Limited to City of Visalia Residents
- Proof of Visalia Residency is Required
- Doors MUST be REMOVED from all Large Appliances
- Limited to One Visit
- Limited to One Small Truck and/or Small Trailer per Event
- Commercial Waste is NOT accepted
- Limit to 4 Tires without Rims per Event

To make unloading easier, please load your vehicle in this manner.....



LOCATION



APPENDIX M

GET RID OF YOUR ELECTRONIC WASTE!

The Visalia Solid Waste Department Invites You to Drop Off Electronic Waste at the Following Locations:

DROP OFF LOCATIONS

■ **CSET's E-Recycling Solutions - 732-4194 ext. 618**

312 NW 3rd Ave - Visalia...more locations available.

30498 Diagonal 69, Goshen...(Frontage road next to 99)

Please call for information on other drop off locations, pick-up services, and fees for larger items.

OPEN: Monday-Friday...8am-5pm, Saturday 8am-3:30pm

■ **Goodwill Industries - 732-7922**

2240 S. Mooney Blvd. - Visalia

FREE...All Electronic Waste Drop Off. Appliances are NOT accepted.

OPEN: Monday - Saturday...9am-9pm, Sunday...10am-7pm

■ **Sunset Waste Systems - 739-1595**

1707 E. Goshen - Visalia

FREE...All Electronic Waste Drop Off. Free collection services available for school districts and larger volume businesses.

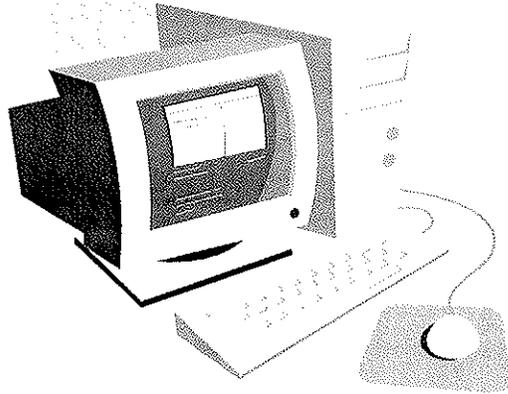
OPEN: Monday-Friday 8am-5pm. & Saturday 8am-4pm

■ **Tulare County Recycling - 741-1766**

26951 Road 140 (On Lovers Lane, 1 mile south of Caldwell)

FREE...All Electronic Waste and All Appliance Waste Drop Off

OPEN: Monday-Saturday...8am-4pm



ACCEPTED ELECTRONIC WASTE:

Computers, Monitors, Televisions, Cell & House Phones, Fax Machines, Laptops, Networking Accessories, PDAs, I-Pods, Printers, Radios, Scanners, Stereos, VCRs/DVD players, Video Cameras, Video Game, and Accessories are accepted unless otherwise specified.

Dump On Us Events

In addition to the locations listed above, the Visalia Solid Waste Department makes it convenient for you by accepting Electronic Waste at all of the Dump On Us events:

January...Corporation Yard

April...Corporation Yard

July...Sound of His Voice Church

October...Sound of His Voice Church

For more Dump On Us information, please visit our website: www.ci.visalia.ca.us or call Visalia Solid Waste (559) 713-4500.

¡Deshágase de Su Basura Electrónica!

El departamento de Solid Waste de Visalia le Invita A Usted A Dejar Su Basura Electrónica en las Siguietes Localidades::

LOCALIDADES:

- **CSET's E-Recycling Solutions - 732-4194 ext. 618**
312 NW 3rd Ave – Visalia... más localidades disponibles.
30498 Diagonal 69, Goshen...(al lado del 99)
Llame para mas información sobre otras localidades, para servicios de coleccion, y cobros para artículos más grandes.
ABIERTO: Lunes-Viernes ...8am 5pm, Sábado 8am-3:30pm
- **Goodwill Industries - 732-7922**
GRATIS.. Toda Basura Electrónica
Aparatos electrodomesticos no son aceptados.
ABIERTO: Lunes-Sabado...9am-9pm, Domingo...10am-7pm
- **Sunset Waste Systems - 739-1595**
1707 E. Goshen - Visalia
GRATIS...Toda Basura Electrónica. Colección gratis disponible a distritos escolares y negocios de volumen más grandes.
ABIERTO: Lunes-Viernes 8am-5pm y Sábado 8am-4pm
- **Tulare County Recycling - 741-1766**
26951 Road 140 (En Lovers Lane, Una milla al sur de Caldwell)
GRATIS...Toda Basura Electrónica y Aparatos Electrodomesticos
ABIERTO: Lunes-Sabado...8am-4pm

BASURA ELECTRÓNICA ACEPTADA:

Las computadoras, los Monitores, las Televisiones, Telefonos celulares y Teléfonos de Casa, los Facsímiles, los Ordenadores portátiles, PDAs, I-Pods, Impresoras, Radios, VCRs/DVD, Cámaras de Vídeo, Juegos de Vídeo, y otros Accesorios son aceptados a menos que por otra razon especificado.

Eventos de "Dump On Us"

Además de las localidades en esta lista, el Departamento de Solid Waste de Visalia tambien acepta Basura Electrónica en todo los eventos de "Dump On Us" cuales localidades son:

Enero	Corporation Yard
Abril	Corporation Yard
Julio	Sound of His Voice Church
Octubre	Sound of His Voice Church

Para más informacion sobre el "Dump On Us" por favor visite nuestro sitio del Web: www.ci.visalia.ca.us o llame al (559) 713-4500 Visalia Solid Waste... *Se Habla Espanol*

APPENDIX N

SWMP
STORM WATER QUALITY CONTROL DATA ENTRY

Entered By: (designate employee) Date: (recv'd) Source: Call
 Inspection
 Review

Call into: Hotline
Department (Dept title) Received by: (person)

Information:

Name of caller: (not required)
Address: (not required)
Phone: (not required)

Follow up date: _____ Issue corrected date: _____ Violation issued: _____

- Type of Issue:
- | | |
|--|---|
| <input type="checkbox"/> Illegal Dumping – Trash | <input type="checkbox"/> Construction Site |
| <input type="checkbox"/> Illicit Discharge - Residential | <input type="checkbox"/> Public Parks / Areas |
| <input type="checkbox"/> Illicit Discharge - Commercial | <input type="checkbox"/> City Maintenance |
| <input type="checkbox"/> Household Hazardous Waste | <input type="checkbox"/> Public Utilities |
| <input type="checkbox"/> Water Conservation (Runoff) | <input type="checkbox"/> |

General Description:

Identify, per SWMP, the MCM that best describes this topic: box

Public Participation	Illicit Discharge	Construction	Pollution Prevention
<input type="checkbox"/> Fall Drop Off	<input type="checkbox"/> Mapping GIS	<input type="checkbox"/> Planning & Site	<input type="checkbox"/> Street Sweeping
<input type="checkbox"/> Flyers	<input type="checkbox"/> Restaurants	<input type="checkbox"/> Permit	<input type="checkbox"/> Basins
<input type="checkbox"/> Signage	<input type="checkbox"/> Auto Repair	<input type="checkbox"/> Developer	<input type="checkbox"/> Sewer System
<input type="checkbox"/> Events	<input type="checkbox"/> Auto Supply	<input type="checkbox"/> Tradesmen	<input type="checkbox"/> Septic
<input type="checkbox"/> Stenciling	<input type="checkbox"/> Hotline	<input type="checkbox"/> Stenciling	<input type="checkbox"/> Waste Management
<input type="checkbox"/> Bark Parks		<input type="checkbox"/> Homeowner	<input type="checkbox"/> Ditches, Creeks or Rivers
<input type="checkbox"/> Household Haz Mat		<input type="checkbox"/> Hotline call	
<input type="checkbox"/> Water Conservation			
<input type="checkbox"/> Illegal Dumping – Trash			

APPENDIX O

FACT SHEET
FOR
STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 2003 – 0005 – DWQ

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000004

WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
STORM WATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (GENERAL PERMIT)

BACKGROUND

In 1972, the federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a NPDES permit. The 1987 amendments to CWA added section 402(p), which established a framework for regulating storm water discharges under the NPDES Program. Subsequently, in 1990, the U.S. Environmental Protection Agency (U.S. EPA) promulgated regulations for permitting storm water discharges from industrial sites (including construction sites that disturb five acres or more) and from municipal separate storm sewer systems (MS4s) serving a population of 100,000 people or more. These regulations, known as the Phase I regulations, require operators of medium and large MS4s to obtain storm water permits. On December 8, 1999, U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from Small MS4s and from construction sites disturbing between one and five acres of land. This General Permit regulates storm water discharges from Small MS4s.

An “MS4” is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying storm water; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works (POTW). [See Title 40, Code of Federal Regulations (40 CFR) §122.26(b)(8).]

A “Small MS4” is an MS4 that is not permitted under the municipal Phase I regulations, and which is “owned or operated by the United States, 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....” (40 CFR §122.26(b)(16)). Small MS4s *include systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares, but do not include separate storm sewers in*

very discrete areas, such as individual buildings. This permit refers to MS4s that operate throughout a community as “traditional MS4s” and MS4s that are similar to traditional MS4s but operated at a separate campus or facility as “non-traditional MS4s.”

Federal regulations allow two permitting options for storm water discharges (individual permits and general permits). SWRCB elected to adopt a statewide general permit for Small MS4s in order to efficiently regulate numerous storm water discharges under a single permit. In certain situations a storm water discharge may be more appropriately and effectively regulated by an individual permit, a region-specific general permit, or by inclusion in an existing Phase I permit. In these situations, the Regional Water Quality Control Board (RWQCB) Executive Officer will direct the Small MS4 operator to submit the appropriate application, in lieu of a Notice of Intent (NOI) to comply with the terms of this General Permit. In these situations, the individual or regional permits will govern, rather than this General Permit.

NINTH CIRCUIT COURT RULING

On January 14, 2003, the Ninth Circuit Court issued its decision in *Environmental Defense Center v. EPA*. This ruling upheld the Phase II regulations on all but three of the 20 issues contested. In summary, the court determined that applications for general permit coverage (including the NOI and Storm Water Management Program [SWMP]) must be made available to the public, the applications must be reviewed and determined to meet the Maximum Extent Practicable standard by the permitting authority before coverage commences, and there must be a process to accommodate public hearings. This General Permit is consistent with the ruling. Should the ruling be revised or vacated in the future, SWRCB may modify the General Permit.

ENTITIES SUBJECT TO THIS GENERAL PERMIT

This General Permit regulates discharges of storm water from “regulated Small MS4s.” A “regulated Small MS4” is defined as a Small MS4 that discharges to a water of the United States (U.S.) or to another MS4 regulated by an NPDES permit, and which is designated in one of the following ways:

1. Automatically designated by U.S. EPA pursuant to 40 CFR section 122.32(a)(1) because it is located within an urbanized area defined by the Bureau of the Census (see Attachment 1); or
2. Traditional Small MS4s that serve cities, counties, and unincorporated areas that are designated by SWRCB or RWQCB after consideration of the following factors:
 - a. High population density – High population density means an area with greater than 1,000 residents per square mile. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.
 - b. High growth or growth potential – If an area grew by more than 25 percent between 1990 and 2000, it is a high growth area. If an area anticipates a growth rate of more than 25 percent over a 10-year period ending prior to the end of the first permit term, it has high growth potential.

- c. Significant contributor of pollutants to an interconnected permitted MS4 – A Small MS4 is interconnected with a separately permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than 10 percent of its storm water to the permitted MS4, or its discharge makes up more than 10 percent of the other permitted MS4's total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the 10 percent threshold is inappropriate for the MS4 in question.
- d. Discharge to sensitive water bodies – Sensitive water bodies are receiving waters, which are a priority to protect. They include the following:
- those listed as providing or known to provide habitat for threatened or endangered species;
 - those used for recreation that are subject to beach closings or health warnings; or
 - those listed as impaired pursuant to CWA section 303(d) due to constituents of concern in urban runoff (these include biochemical oxygen demand [BOD], sediment, pathogens, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons [PAHs], trash, and other constituents that are found in the MS4 discharge).

Additional criteria to qualify as a sensitive water body may exist and may be determined by SWRCB or RWQCB on a case-by-case basis.

- e. Significant contributor of pollutants to waters of the U.S. – Specific conditions presented by the MS4 may lead to significant pollutant loading to waters of the U.S. that are otherwise unregulated or inadequately regulated. An example of such a condition may be the presence of a large transportation industry.

These factors are to be considered when evaluating whether a Small MS4 should be regulated pursuant to this General Permit. An MS4 and the population that it serves need not meet all of the factors to be designated. SWRCB designates a number of Small MS4s according to these criteria through this General Permit (see Attachment 2).

Non-traditional Small MS4s may also be designated to seek permit coverage. These include non-traditional MS4s that are located within or discharge to a permitted MS4 and those that pose significant water quality threats. In general, these are storm water systems serving public campuses (including universities, community colleges, primary schools, and other publicly owned learning institutions with campuses), military bases, and prison and hospital complexes within or adjacent to other regulated MS4s, or which pose significant water quality threats. SWRCB considered designating non-traditional Small MS4s when adopting this General Permit. However, the *Environmental Defense Center* ruling requires that SWRCB and RWQCBs change their procedures for implementing this General Permit. In compliance with that decision, each

NOI and SWMP must be reviewed and approved, and in some cases considered in a public hearing, prior to the Small MS4 obtaining coverage under the General Permit. Therefore, SWRCB is delaying making these designations and the General Permit does not designate any non-traditional MS4s. A list of non-traditional MS4s that are anticipated to be designated within this permit term is included in Attachment 3 of this General Permit. These or other non-traditional MS4s may be designated by SWRCB or RWQCB at any time subsequent to the adoption of this General Permit.

The criteria selected to designate Small MS4s to be regulated are based on the potential to impact water quality due to conditions influencing discharges into their system or due to where they discharge. Some of the definitions provide “cut-off numbers.” Although there is no regulatory standard that mandates which numbers to use, dividing lines must be established in order to effectively use them as criteria.

Specifically, the high growth factor uses 25 percent growth over ten years. The average growth (based on county data from the Census) in California between 1990 and 2000 was 15.8 percent. The standard deviation was 9.9. Growth rates outside one standard deviation are more than 25.7 percent. The standard deviation is generally an indication of the spread of data. In defining the high growth factor, the standard deviation was used because it sets the limits within which most areas of California fall. County data was used because it was consistently available, whereas 1990 populations for several of the cities and places were not readily available. Additionally, county data gives a broader picture of the growth dynamics in California. Because the data is not normally distributed, 68 percent of the data points do not necessarily fall within one standard deviation of the mean. It does, however, provide a number in which to compare city and place growth rates to the average growth rate of California. The number was rounded to 25 percent for ease of application and with the understanding that it is an approximation.

The significant contributor of pollutants to an interconnected permitted MS4 definition uses a volume value of 10 percent, with the assumption that storm water contains pollutants. This is meant to capture flows that may affect water quality or the permit compliance status of another MS4, but exclude incidental flows between communities.

APPLICATION REQUIREMENTS

Regulated Small MS4s, automatically designated because they are within an urbanized area (Attachment 1), must submit to the appropriate RWQCB by August 8, 2003 a complete application package. A complete package includes an NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and an appropriate fee.

The August 8, 2003 deadline is an administrative deadline to comply with the General Permit. Section 122.33(c)(1) of 40 CFR required automatically designated Small MS4s to submit an application by March 10, 2003. Those applications received from Small MS4s that submitted applications to comply with the federal deadline will be considered as an application to meet the requirements of this General Permit. If the application package is deemed complete by the RWQCB staff, it will be posted on the internet and made available for public review and public hearing if requested subsequent to permit adoption.

Regulated Small MS4s that are traditional MS4s designated by the SWRCB or RWQCB must submit to the appropriate RWQCB, within 180 days of notification of designation (or at a later

date stated by SWRCB or RWQCB), an NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and an appropriate fee. Those traditional MS4s identified in Attachment 2 of this General Permit are being notified of their designation by SWRCB upon adoption of this General Permit. They must, therefore, submit their NOI and SWMP by October 27, 2003.

Regulated Small MS4s that are non-traditional MS4s designated by SWRCB or RWQCB, including those in Attachment 3, must submit to the appropriate RWQCB, within 180 days of notification of designation (or at a later date stated by SWRCB or RWQCB), an NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and an appropriate fee.

Regulated Small MS4s relying entirely on Separate Implementing Entities (SIEs) that are also permitted, to implement their entire storm water programs are not required to submit a SWMP if the SIE being relied on has an approved SWMP. Proof of SWMP approval, such as a copy of the RWQCB letter, must be submitted to the RWQCB by the applying Small MS4, along with the NOI and an appropriate fee.

Regulated Small MS4s that fail to obtain coverage under this General Permit or another NPDES permit for storm water discharges will be in violation of the CWA and the Porter-Cologne Water Quality Control Act.

Receipt of applications deemed complete by RWQCB staff will be acknowledged on SWRCB's website at <http://www.waterboards.ca.gov/stormwtr/index.html> for a minimum of 60 days. When a SWMP is received by an RWQCB, those members of the public that have indicated they would like to receive notice, will receive an email from RWQCB staff that a SWMP has been received. During this 60-day public review period, a member of the public may request a copy of the SWMP and request that a public hearing be held by RWQCB. If a public hearing is requested, the hearing itself will be public noticed for a minimum of 30 days. If no hearing is requested, the RWQCB Executive Officer will notify the regulated MS4 that it has obtained permit coverage only after RWQCB staff has reviewed the SWMP and has determined that the SWMP meets the MEP standard established in this permit.

Attachment 8 lists RWQCB contact information for questions and submittals.

GENERAL PERMIT REQUIREMENTS

Prohibitions

This General Permit effectively prohibits the discharge of materials other than storm water that are not "authorized non-storm water discharges" (see General Permit § D.2.c) or authorized by a separate NPDES permit. This General Permit also incorporates discharge prohibitions contained in Statewide Water Quality Control Plans and Regional Water Quality Control Plans (Basin Plans).

Effluent Limitations

Permittees must implement Best Management Practices (BMPs) that reduce pollutants in storm water runoff to the technology-based standard of Maximum Extent Practicable (MEP) to protect water quality. In accordance with 40 CFR section 122.44(k)(2), the inclusion of BMPs in lieu of numeric effluent limitations is appropriate in storm water permits.

Discharges shall not contain reportable quantities of hazardous substance as established at 40 CFR section 117.3 or 40 CFR section 302.4.

Preparation of SWMP

This General Permit requires regulated Small MS4s to:

1. Develop and implement a SWMP that describes BMPs, measurable goals, and timetables for implementation in the following six program areas (Minimum Control Measures):

Public Education

The Permittee must educate the public in its permitted jurisdiction about the importance of the storm water program and the public's role in the program.

Public Participation

The Permittee must comply with all State and local notice requirements when implementing a public involvement/participation program.

Illicit Discharge Detection and Elimination

The Permittee must adopt and enforce ordinances or take equivalent measures that prohibit illicit discharges. The Permittee must also implement a program to detect illicit discharges.

Construction Site Storm Water Runoff Control

The Permittee must develop a program to control the discharge of pollutants from construction sites greater than or equal to one acre in size within its permitted jurisdiction. The program must include inspections of construction sites and enforcement actions against violators.

Post Construction Storm Water Management

The Permittee must require long-term post-construction BMPs that protect water quality and control runoff flow, to be incorporated into development and significant redevelopment projects. Post-construction programs are most efficient when they stress (i) low impact design; (ii) source controls; and (iii) treatment controls.

For non-traditional MS4s that seek coverage under this Permit, implementation of this

control measure will not require redesign of projects under active construction at the time of designation or for K-12 school or community college facilities that have been submitted to the Department of General Services, Division of the State Architect before adoption of the permit, and which receive final approval from the State Allocation Board or the Public Works Board, as appropriate on or before December 31, 2004. SWMP must, however, specify how the control measure will be implemented within five years of designation.

Pollution Prevention/Good Housekeeping for Municipal Operations

The Permittee must examine its own activities and develop a program to prevent the discharge of pollutants from these activities. At a minimum, the program must educate staff on pollution prevention, and minimize pollutant sources.

2. Reduce its discharge of pollutants to the MEP.
3. Annually report on the progress of SWMP implementation.

Development and Implementation of SWMP

SWMP must describe how pollutants in storm water runoff will be controlled and describe BMPs that address the six Minimum Control Measures. Each BMP must have accompanying measurable goals that will be achieved during the permit term, or within five years of designation if designated subsequent to permit adoption, as a means of determining program compliance and accomplishments and as an indicator of potential program effectiveness. The measurable goals should be definable tasks such as number of outreach presentations to make, number of radio spots to purchase, or percentage of pollutant loading to reduce (other examples of measurable goals can be found on U.S. EPA's web-site at <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm>). This approach provides the flexibility to target an MS4's problem areas while working within the existing organization.

It is not anticipated that the SWMP be fully implemented upon submittal with the NOI. It is the intent of this General Permit that SWMPs submitted with the NOI contain sufficient information such that RWQCB staff and interested parties understand the BMPs that will be implemented or will be developed and implemented over the course of the General Permit term or, for Small MS4s designated subsequent to permit adoption, over a five-year period from designation. It is also expected that SWMPs will protect water quality, contain measurable goals and schedules, and assign responsible parties for each BMP. It is anticipated that the SWMP initially submitted may be revised or modified based on review of RWQCB staff or on comments provided by interested parties in accordance with Provisions G and H.19 of the General Permit.

For example, it may be proposed that a storm water logo be developed (or an existing one modified) by the end of the first year; an ordinance prohibiting non-storm water discharges be adopted by the end of the second year; a survey of non-storm water discharges throughout the city be completed by the end of the second year; a brochure targeting the restaurant community regarding proper practices to eliminate non-storm water discharges be developed or obtained by the end of the fourth year; and the brochure be distributed to 25 percent of the restaurants

within the city during health department inspections by the end of the fifth year. (This example mentions only one activity each year. In fact, numerous activities will occur throughout the permit term that ensure that a SWMP addressing all six Minimum Control Measures is implemented by the end of the permit term, or within five years of designation for Small MS4s designated subsequent to adoption of the Permit.)

The main goal of this General Permit is to protect water quality from the impacts of storm water runoff from Small MS4s. The intent is that storm water quality impacts will be considered in all aspects of a municipality's activities and that multiple departments within the municipality will work together to implement storm water BMPs. For instance, the planning department may work with the public works department when considering projects and their potential storm water impacts. Also, the health department can work with public works in a complementary manner to spread a consistent message about illicit discharges.

Many of the activities that a municipality already does can be recognized as a benefit to storm water or can be modified to add a storm water quality twist. A critical element of SWMP development is an assessment of activities already being conducted. For example, many communities already have a household hazardous waste program, which can be assumed to reduce illicit discharges to the MS4. Likewise, they examine potential flooding impacts of new development. This process can be modified to also examine water quality impacts as well as quantity.

Similarly, the Minimum Control Measures emphasize working with the public to prevent pollution during their everyday activities as well as to gain support for program funding. The MS4 has the flexibility to target specific segments of its residential or employee population in ways that are most appropriate for that particular segment. Taken together, the suite of public education approaches an MS4 takes can create a robust multimedia campaign that has a single message, which is threaded throughout the community through implementation of BMPs in the six program areas.

For links to information on how to implement each of the Minimum Control Measures, including sample ordinances that address the respective Minimum Control Measures, please see SWRCB's internet site at <http://www.waterboards.ca.gov/stormwtr/municipal.html>. Additionally, in accordance with 40 CFR section 122.34(d)(2), SWRCB provides U.S. EPA's menu of BMPs to consider when developing a SWMP. This menu is available on U.S. EPA's internet site at http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6. The menu provides examples of BMPs and associated measurable goals; however, other BMPs and measurable goals may be used.

MEP

MEP is the technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve. MEP is generally a result of emphasizing pollution prevention and source control BMPs as the first lines of defense in

combination with structural and treatment methods where appropriate serving as additional lines of defense. The MEP approach is an ever evolving, flexible, and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. The individual and collective activities elucidated in the MS4's SWMP become its proposal for reducing or eliminating pollutants in storm water to the MEP. The way in which MEP is met may vary between communities.

The MEP standard applies to all regulated MS4s, including those in Phase I and Small MS4s regulated by this General Permit. Consistent with U.S. EPA guidance, the MEP standard in California is applied so that a first-round storm water permit requires BMPs that will be expanded or better-tailored in subsequent permits. In choosing BMPs, the major focus is on technical feasibility, but cost, effectiveness, and public acceptance are also relevant. If a Permittee chooses only the most inexpensive BMPs, it is likely that MEP has not been met. If a Permittee employs all applicable BMPs except those that are not technically feasible in the locality, or whose cost exceeds any benefit to be derived, it would meet the MEP standard. MEP requires Permittees to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs are not technically feasible, or the cost is prohibitive. (See SWRCB Order WQ 2000-11, <http://www.waterboards.ca.gov/resdec/wqorders/2000/00wqo.html>.)

Generally, in order to meet MEP, communities that have greater water quality impacts must put forth a greater level of effort. Alternatively, for similar water quality conditions, communities should put forth an equivalent level of effort. However, because larger communities have greater resources (both financial resources as well as existing related programs that can help in implementing storm water quality programs), it may appear that they have more robust storm water programs. Additionally, because storm water programs are locally driven and local conditions vary, some BMPs may be more effective in one community than in another. A community that has a high growth rate would derive more benefit on focusing on construction and post-construction programs than on an illicit connection program because illicit connections are more prevalent in older communities.

In accordance with the Ninth Circuit Court ruling, prior to obtaining permit coverage, SWMPs will be evaluated for compliance with the MEP standard by the RWQCB Executive Officer or, if requested, considered for approval in a public hearing conducted by RWQCB.

Many Phase I MS4s have been permitted under storm water regulations for more than ten years and have had that time to develop programs intended to reduce pollutants in their storm water discharge to MEP. It is understood that storm water quality programs and regulations are new to the entities that will be regulated under this General Permit. Therefore, it is anticipated that this General Permit term will serve as a "ramping-up" period and that programs implemented by Phase II communities will not necessarily conform to programs implemented by Phase I communities. Despite this understanding, however, many of the lessons learned and information developed by Phase I communities is available to smaller communities as a guide and may be used by Phase II communities.

Supplemental Provisions for Larger and Fast Growing Regulated Small MS4s

By the expiration date of this General Permit, traditional and non-traditional Small MS4s serving a population of 50,000 people or more, or that are subject to high growth, must require specific design standards as part of their post-construction program (as outlined in Attachment 4 of this General Permit, or a functionally equivalent program that is acceptable to the appropriate RWQCB), and they must comply with water quality standards through implementing better-tailored BMPs in an iterative process. These more stringent requirements are applied to communities that are larger and, therefore, capable of a more extensive storm water program, and to communities that are fast growing, and therefore may have greater impacts on storm water runoff associated with construction and the loss of pervious lands. Studies have found the amount of impervious surface in a community is strongly correlated with the community's water quality. New development and redevelopment result in increased impervious surfaces in a community. The design standards in Attachment 4 focus on mitigating the impacts caused by increased impervious surfaces through establishing minimum BMP requirements that stress (i) low impact design; (ii) source controls; and (iii) treatment controls. The design standards include minimum sizing criteria for treatment controls and establish maintenance requirements.

BMPs that may be used to comply with the design standards can be found in U.S. EPA's Toolbox of BMPs at http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6. Additionally, some RWQCBs may have lists of approved references and resources.

Small MS4s designated subsequent to permit adoption have five years from designation to achieve compliance with the Supplemental Provisions. Attachment 5 provides a list of communities that SWRCB anticipates being subject to the provisions in Attachment 4.

Receiving Water Limitations

Attachment 4 establishes receiving water limitations that apply to larger and fast-growing regulated Small MS4s that are required to comply with Supplemental Provisions of this General Permit. This permit allows regulated Small MS4s up to five years to fully implement their SWMPs. Therefore, regulated Small MS4s must begin to comply with the receiving water limitations iterative process once their plans are fully implemented. The receiving water limitation language provided in this General Permit is identical to the language established in SWRCB Water Quality Order WQ-99-05 adopted by SWRCB on June 17, 1999. As interpreted in SWRCB Water Quality Order WQ-2001-15, adopted by SWRCB on November 15, 2001, the receiving water limitations in this General Permit do not require strict compliance with water quality standards. SWRCB language requires that SWMPs be designed to achieve compliance with water quality standards over time, through an iterative approach requiring improved BMPs. Upon full implementation of the SWMP, exceedances of water quality standards must be addressed through the iterative process.

Reporting Requirements

The Permittee must track and assess its program to ensure BMP effectiveness and must conform to other monitoring requirements that may be imposed by RWQCB.

The Permittee is required to submit annual reports to the appropriate RWQCB by September 15th of each year (for Small MS4s designated with the adoption of this permit, the first annual report is to be submitted in 2004), or as otherwise required by the RWQCB Executive Officer. Among other things, the Permittee shall evaluate its compliance with permit conditions, evaluate and assess the effectiveness of its BMPs, summarize the results of any monitoring performed, summarize the activities planned for the next reporting cycle, and, if necessary, propose changes to SWMP.

Monitoring

Inspections, as a form of visual monitoring, are important to a storm water program. Inspections of storm water runoff and infrastructure (such as drop inlets, basins, and gutters) can say a lot about the effectiveness and needs of a storm water program. Through inspections, non-storm water discharges can be discovered and subsequently stopped, maintenance needs can be identified, and visual pollutants and erosion problems can be detected. Inspections of facilities are also important for public education and outreach, to ensure proper BMP implementation and maintenance, and to detect non-storm water discharges. Additionally, chemical monitoring can be used to involve the public through citizen monitoring groups, detect pollutants, identify and target pollutants of concern, illustrate water quality improvements and permit compliance, and participate in total maximum daily load (TMDL) development and implementation.

Monitoring environmental indicators through bio-assessments or other less technical methods may also be a key component of a program. Although it may be more challenging, it is also very valuable because it is the “final product,” not just for a storm water program but for the broader environmental health of a community.

More specifically, the objectives of a monitoring program may include:

- Assessing compliance with this General Permit;
- Measuring and improving the effectiveness of SWMP;
- Assessing the chemical, physical, and biological impacts on receiving waters resulting from urban runoff;
- Characterizing storm water discharges;
- Identifying sources of pollutants; and
- Assessing the overall health and evaluating long-term trends in receiving water quality.

While only inspections of construction sites, as part of the Construction Site Storm Water Runoff Control Minimum Control Measure, are specifically required, as elucidated above, other monitoring tasks may be appropriate in a storm water program. Also, the RWQCB can require additional monitoring.

Termination of Coverage

A Permittee may terminate coverage if: a new operator has assumed responsibility for the regulated Small MS4; the Permittee has ceased operation of its MS4; or all discharge of runoff from the Small MS4 has been eliminated. To terminate coverage, the Permittee must submit to RWQCB a written request for permit termination.

Reliance on a SIE

A Permittee may rely on a separate entity to implement one or more of the six Minimum Control Measures, if the separate entity can appropriately and adequately address the storm water issues of the Permittee. To do this, both entities must agree to the arrangement, and the Permittee must comply with the applicable parts of the SIE's program. The arrangement is subject to the approval of the RWQCB Executive Officer.

In accordance with section 122.35(a)(3), the Permittee remains responsible for compliance with its permit obligations if SIE fails to implement the control measure(s) (or component thereof). Therefore, the entities are encouraged to enter into a legally binding agreement to minimize any uncertainty about compliance with the permit.

If the Permittee relies on an SIE to implement all six Minimum Control Measures and SIE also has a storm water permit, the Permittee relying on SIE must still submit an NOI, appropriate fee, proof that SIE's SWMP has been approved by RWQCB or its staff, and certification of the arrangement. However, the Permittee is not required to develop or submit a SWMP or annual reports, unless requested to do so by the RWQCB Executive Officer. The arrangement is subject to the approval of the RWQCB Executive Officer.

School districts present an example of where an SIE arrangement may be appropriate, either by forming an agreement with a city or with an umbrella agency, such as the County Office of Education. Because schools provide a large audience for storm water education, as part of the agreement, the two entities may coordinate an education program. An individual school or a school district may agree to provide a one-hour slot for all the second and fifth grade classes during which the city would bring in its own storm water presentation. Alternatively, the school could agree to teach a lesson in conjunction with an outdoor education science project, which may also incorporate a public involvement component. Additionally, the school and the city or Office of Education may arrange to have the school's maintenance staff attend the other entity's training sessions.

Retention of Records

The Permittee is required to retain records of all monitoring information and copies of all reports required by this General Permit for a period of at least five years from the date generated. This period may be extended by request of SWRCB or RWQCB.

Role of RWQCBs

RWQCBs and their staff will review and decide whether to approve SWMPs and, where requested, conduct public hearings on NOIs and SWMPs. Upon approval, they will notify Permittees that they have obtained permit coverage. They will also oversee implementation and compliance with this General Permit. As appropriate, they will review reports, require modification to SWMPs and other submissions, impose region-specific monitoring requirements, conduct inspections, take enforcement actions against violators of this General Permit, and make additional designations of regulated Small MS4s pursuant to this General Permit. They may also issue individual permits to regulated Small MS4s, and alternative general permits to categories of regulated Small MS4s. Upon issuance of such permits by an RWQCB, this General Permit shall no longer regulate the affected Small MS4s.

The Permittee and RWQCB are encouraged to work together to accomplish the goals of the storm water program. Specifically, they can coordinate the oversight of construction and industrial sites. For example, Permittees are required to implement a construction program. This program must include procedures for construction site inspection and enforcement. Construction sites disturbing an acre of land or more are also subject to inspections by RWQCB under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity. U.S. EPA intended to provide a structure that requires permitting through the federal CWA while at the same time achieving local oversight of construction projects. A structured plan review process and field enforcement at the local level, which is also required by this General Permit, were cited in the preamble to the Phase II regulations as the most effective components of a construction program.

Similarly, as part of the illicit discharge detection and elimination program, the Permittee may inspect facilities that are permitted by the Statewide General Permit for Discharges of Storm Water Associated with Industrial Activity and subject to RWQCB inspections.

The Small MS4 and RWQCB are encouraged to coordinate efforts and use each of their enforcement tools in the most effective manner. For instance, the Small MS4 may identify a construction site operator that is not in compliance with the local requirements and the Construction General Permit. The Small MS4 may establish a fee for re-inspection if a site is out of compliance. If education efforts and the inspection fee fail to bring the site into compliance, the Small MS4 may contact RWQCB and arrange a dual inspection and start enforcement procedures under the CWA if compliance is not achieved.

Relationship Between the Small MS4 Permit and the General Permit for Discharges of Storm Water Associated with Industrial Activity (Industrial Permit)

Some MS4 operators may also have facilities that are subject to the Industrial Permit. While the intent of both of these permits is to reduce pollutants in storm water, neither permit's requirements totally encompass the other. This General Permit requires that MS4 operators address six Minimum Control Measures, while the Industrial Permit requires the development and implementation of Storm Water Pollution Prevention Plans (SWPPP) for certain "industrial" activities as well as requiring specific visual and chemical monitoring. In the Preamble to the Phase II regulations, U.S. EPA notes that for a combination permit to be acceptable, it must contain all of the requirements for each permit. Further, "when viewed in its entirety, a

combination permit, which by necessity would need to contain all elements of otherwise separate industrial and MS4 permit requirements, and require NOI information for each separate industrial activity, may have few advantages when compared to obtaining separate MS4 and industrial general permit coverage.”

Where the permits do overlap, one program may reference the other. More specifically, the Good Housekeeping for Municipal Operations Minimum Control Measure requires evaluation of municipal operations, some of which may be covered under the Industrial Permit. The development and implementation of SWPPP under the Industrial Permit will likely satisfy the Good Housekeeping requirements for those industrial activities. SWMP may incorporate by reference the appropriate SWPPP.

There may be instances where a non-traditional MS4 has, under the Industrial Permit, obtained coverage for the entire facility (rather than only those areas where industrial activities occur) and has developed a SWPPP that addresses the six Minimum Control Measures required by this General Permit. In these instances, the non-traditional Small MS4 is not required to obtain coverage under this General Permit. The entity should, in such cases, provide to the appropriate RWQCB documentation that its SWPPP addresses the six Minimum Control Measures.

**STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 2003 - 0005 – DWQ**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000004**

**WASTE DISCHARGE REQUIREMENTS (WDRs)
FOR
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM
SEWER SYSTEMS (MS4s) (GENERAL PERMIT)**

SWRCB finds that:

1. Urban runoff is a leading cause of pollution throughout California.
2. Pollutants of concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides.
3. During urban development, two important changes occur. First, where no urban development has previously occurred, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants providing a very effective purification process. Because pavement and concrete can neither absorb water nor remove pollutants, the natural purification characteristics of the land are lost. Second, urban development creates new pollutant sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc., which can be washed into the MS4. As a result of these two changes, the runoff leaving a developed urban area may be significantly greater in volume, velocity, and/or pollutant load than pre-development runoff from the same area.
4. A higher percentage of impervious area correlates to a greater pollutant loading, resulting in turbid water, nutrient enrichment, bacterial contamination, organic matter loads, toxic compounds, temperature increases, and increases of trash or debris.
5. Pollutants present in storm water can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of storm water discharged from impervious surfaces resulting from development can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels.

6. When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality.
7. On December 8, 1999, the U.S. Environmental Protection Agency (EPA) promulgated regulations under authority of the Clean Water Act (CWA) section 402(p)(6). These regulations require SWRCB to issue NPDES storm water permits to operators of small municipal separate storm sewer systems (Small MS4s) that discharge to waters of the U.S.
8. Of the Small MS4s defined by federal regulations, only “regulated Small MS4s” must obtain a permit. Title 40 of the Code of Federal Regulations (40 CFR) section 122.32(a) describes regulated Small MS4s as those traditional Small MS4s located within an urbanized area as determined by the latest Decennial Census by the Bureau of the Census and other Small MS4s that are designated by the permitting authority in accordance with designation criteria in Findings 10 and 11 below. Traditional Small MS4s within urbanized areas (Attachment 1) are automatically designated and are not subject to the designation criteria provided in Finding 10.
9. Section 123.35(b) of 40 CFR requires SWRCB to develop a process, as well as criteria, to designate Small MS4s as regulated Small MS4s.
10. In developing the designation criteria, factors were chosen to include parameters that may affect water quality. The following criteria will be considered in designating Small MS4s operated within a city or county as regulated Small MS4s.
 - a. High population density – High population density means an area with greater than 1,000 residents per square mile. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.
 - b. High growth or growth potential – If an area grew by more than 25 percent between 1990 and 2000, it is a high growth area. If an area anticipates a growth rate of more than 25 percent over a 10-year period ending prior to the end of the first permit term, it has high growth potential.
 - c. Significant contributor of pollutants to an interconnected permitted MS4 – A Small MS4 is interconnected with a separately permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than 10 percent of its storm water to the permitted MS4, or its discharge makes up more than 10 percent of the other permitted MS4’s total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the 10 percent threshold is inappropriate for the MS4 in question.
 - d. Discharge to sensitive water bodies – Sensitive water bodies are receiving waters, which are a priority to protect. They include the following:

- those listed as providing or known to provide habitat for threatened or endangered species;
- those used for recreation that are subject to beach closings or health warnings; or
- those listed as impaired pursuant to CWA section 303(d) due to constituents of concern in urban runoff (these include biochemical oxygen demand (BOD), sediment, pathogens, oil and grease, and other constituents that are found in the MS4 discharge).

Additional criteria to qualify as a sensitive water body may exist and may be used by SWRCB or RWQCB on a case-by-case basis.

- e. Significant contributor of pollutants to waters of the United States (U.S.) – Specific conditions presented by the MS4 may lead to significant pollutant loading to waters of the U.S. that are otherwise unregulated or inadequately regulated. An example of such a condition may be the presence of a large transportation industry.

This General Permit serves as notice to those Small MS4s on Attachment 2 that they are designated as regulated Small MS4s by the SWRCB at the time of permit adoption.

11. Section 122.26(b)(16)(iii) of 40 CFR defines systems that are similar to separate storm sewer systems in cities and counties, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares as Small MS4s. In this General Permit these types of Small MS4s are referred to as non-traditional MS4s that may be designated as regulated Small MS4s and required to seek coverage under this General Permit or coverage under a separate permit. Non-traditional MS4s often operate storm sewers that are similar to traditional MS4s operated by cities or counties and discharge the same types of pollutants that are typically associated with urban runoff.
12. This permit does not designate any non-traditional MS4s. SWRCB or RWQCB may designate non-traditional MS4s at any time subsequent to the adoption of this General Permit. Non-traditional MS4s that may be designated at a future date include, but are not limited to, those listed in Attachment 3 of this General Permit.
13. Non-traditional Small MS4 entities that are designated, but whose entire facilities are subject to the NPDES General Permit for the Discharge of Storm Water Associated with Industrial Activities and whose Storm Water Pollution Prevention Plan (SWPPP) addresses all six Minimum Control Measures described in this General Permit, are not required to obtain coverage under this General Permit. Such entities must present documentation to the appropriate RWQCB, showing that they meet the requirements for exclusion from coverage.
14. This General Permit requires regulated Small MS4s (Permittees) to develop a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and to protect water quality. Upon approval of SWMP by the Regional Water Quality Control Board (RWQCB) or its Executive Officer,

the Permittees obtain coverage under this General Permit. This General Permit requires implementation of SWMP.

15. SWMP will be available for public review and comment and may be subject to a public hearing if requested prior to approval.
16. Permittees can satisfy the requirements through effective implementation of a SWMP, which must contain Best Management Practices (BMPs) that address six Minimum Control Measures. SWMP must incorporate measurable goals and time schedules of implementation.
17. The MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. Reducing the discharge of storm water pollutants to MEP in order to protect beneficial uses requires review and improvement, which includes seeking new opportunities. To do this, the Permittee must conduct and document evaluation and assessment of each relevant element of its program and revise activities, control measures, BMPs, and measurable goals, as necessary to meet MEP.
18. This General Permit includes Supplemental Provisions that apply to traditional and non-traditional Small MS4s serving a population of 50,000 people or more, or that are subject to high growth. These requirements address post-construction requirements and compliance with water quality standards. These Supplemental Provisions are similar to requirements for Medium and Large MS4s (Phase I), and are appropriate because larger Small MS4s are able to have more robust storm water programs and fast-growing Small MS4s may cause greater impacts to water quality.
19. The Receiving Water Limitations language contained in Attachment 4 is identical to the language established in SWRCB Water Quality Order WQ-99-05 adopted by the SWRCB on June 17, 1999. As interpreted in SWRCB Water Quality Order WQ-2001-15, adopted by the SWRCB on November 15, 2001, the receiving water limitations in this General Permit do not require strict compliance with water quality standards, but instead require compliance with water quality standards over time, through an iterative approach requiring improved BMPs.
20. The post-construction requirements, or Design Standards, contained in Attachment 4 are consistent with Order WQ-2000-11 adopted by SWRCB on October 5, 2000.
21. The purpose of the annual performance review is to evaluate (1) SWMP's effectiveness; (2) the implementation of SWMP (3) status of measurable goals; (4) effectiveness of BMPs; and (5) improvement opportunities to achieve MEP.
22. To apply for permit coverage authorizing storm water discharges to surface waters pursuant to this General Permit, the Permittees must submit a complete application package to the appropriate RWQCB. An application package includes a Notice of Intent

(NOI) to comply with the terms of this General Permit, appropriate fee (in accordance with the most recent fee schedule¹), and SWMP. Permittees relying entirely on separately permitted Separate Implementing Entities (SIEs) to implement their entire programs are not required to submit a SWMP if the SIE being relied on has an approved SWMP. Attachment 8 gives contact information for each RWQCB.

23. Upon receipt of a complete permit application, the application will be public noticed for thirty days on SWRCB's website. During the public notice period, a member of the public may request that a public hearing be conducted by RWQCB. If no public hearing is requested, the application may be approved by the RWQCB Executive Officer. Permittees obtain coverage under the General Permit only after the SWMP has been approved.
24. Each Permittee is individually responsible for adoption and enforcement of ordinances and/or policies, implementation of identified control measures/BMPs needed to prevent or reduce pollutants in storm water, and for allocation of funds for the capital, operation and maintenance, and enforcement expenditures necessary to implement and enforce such control measures/BMPs within its jurisdiction. Enforcement actions concerning this General Permit will be pursued only against the individual Permittee responsible for specific violations of this General Permit.
25. In accordance with 40 CFR section 122.28(b)(3), a RWQCB may issue an individual MS4 NPDES Permit to a Permittee otherwise subject to this General Permit, or adopt an alternative general permit that covers storm water discharges regulated by this General Permit. The applicability of this General Permit is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit.
26. Certain BMPs implemented or required by Permittees for urban runoff management may create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperative effort between the Permittees, local vector control agencies, RWQCB staff, and the State Department of Health Services is necessary to identify and implement appropriate vector control measures that minimize potential nuisances and public health impacts resulting from vector breeding.
27. This General Permit may be reopened and modified if the decision in *Environmental Defense Center v. EPA* is revised or vacated.
28. This NPDES Permit is consistent with the antidegradation policies of 40 CFR section 131.12, SWRCB Resolution 68-16, and RWQCBs' individual Basin Plans. Implementing storm water quality programs that address the six Minimum Control Measures in previously unregulated areas will decrease the pollutant loading to the receiving waters and improve water quality.

¹ California Code of Regulations. Title 23. Division 3. Chapter 9 Waste Discharge Reports and Requirements. Article 1 Fees.

29. Following public notice in accordance with State and federal laws and regulations, SWRCB, in public hearings on December 2, 2002 and April 30, 2003, heard and considered all comments. SWRCB has prepared written responses to all significant comments.
30. This action to adopt an NPDES Permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21100, et seq.) in accordance with section 13389 of the Porter-Cologne Water Quality Control Act (Porter-Cologne) (Division 7 of the California Water Code).
31. This NPDES Permit is in compliance with Part 402 of CWA and shall take effect 100 days after adoption by SWRCB. Once in effect, RWQCBs shall enforce the provisions herein.

IT IS HEREBY ORDERED that operators of Small MS4s subject to this General Permit shall comply with the following:

A. APPLICATION REQUIREMENTS

1. Deadlines for Application

- a. By August 8, 2003, all Permittees automatically designated (see Attachment 1) must either apply for coverage under this General Permit (either individually or as a co-permittee), submit an application for an individual or alternative general Small MS4 permit (if applicable), or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(1)).

Permittees that submitted complete application packages prior to the adoption of this General Permit to meet the federal regulation March 10, 2003 deadline have complied with this requirement and are not required to submit a duplicate application package.

- b. By October 27, 2003, traditional Small MS4s designated according to Finding 10 (see Attachment 2), must either apply for coverage under this General Permit (either individually or as a co-permittee), submit an application for an individual or alternative general Small MS4 permit, or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(2)). Written notices will be sent to designated parties subsequent to adoption of this General Permit.
- c. Non-traditional Small MS4s, or other Small MS4s, which are designated by RWQCB or SWRCB after adoption of this General Permit must apply for coverage under this General Permit (either individually or as a co-

permittee), submit a complete application for an individual or alternative general Small MS4 permit, or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(2)). Applications must be submitted within 180 days of designation unless a later date is provided in the designation letter.

2. General Permit Application

To obtain coverage under this General Permit, submit to the appropriate RWQCB a completed NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and appropriate fee. SWMP shall meet all the requirements of Section D of this General Permit. Permittees relying entirely on SIEs pursuant to Provision D.6 and permitted under the NPDES program are not required to submit a SWMP.

3. General Permit Coverage

Permit coverage will be in effect upon the completion of the following:

- a. The Permittee has submitted a complete permit application to the appropriate RWQCB,
- b. Receipt of a complete application is noticed for a minimum of 60 days and copies provided to the public for review and comment upon request,
- c. The proposed SWMP has been reviewed by RWQCB staff, and
- d. SWMP has been approved by the RWQCB Executive Officer, or approved by RWQCB in a public hearing, if requested.

B. DISCHARGE PROHIBITIONS

1. Discharges of waste that are prohibited by Statewide Water Quality Control Plans or applicable Regional Water Quality Control Plans (Basin Plans) are prohibited.
2. Discharges from the MS4s regulated under this General Permit that cause or threaten to cause nuisance are prohibited.
3. Discharges of material other than storm water to waters of the U.S. or another permitted MS4 must be effectively prohibited, except as allowed under Provision D.2.c, or as otherwise authorized by a separate NPDES permit.

C. EFFLUENT LIMITATIONS

1. Permittees must implement BMPs that reduce pollutants in storm water to the technology-based standard of MEP.
2. Storm water discharges regulated by this General Permit shall not contain a hazardous substance in amounts equal to or in excess of a reportable quantity listed in 40 CFR Part 117 or 40 CFR Part 302.

D. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

The Permittee shall maintain, implement, and enforce an effective SWMP, and develop adequate legal authority to implement and enforce the SWMP, designed to reduce the discharge of pollutants from the permitted MS4 to MEP and to protect water quality. SWMP shall serve as the framework for identification, assignment, and implementation of control measures/BMPs. The Permittee shall implement SWMP and shall subsequently demonstrate its effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in storm water discharges to the MEP. SWMP shall be fully implemented by the expiration of this General Permit, or within five years of designation for Small MS4s designated subsequent to Permit adoption, with reasonable progress made towards implementation throughout the term of the General Permit. Existing programs that have storm water quality benefits can be identified in the SWMP and be a part of a Permittee's storm water program.

SWMP shall be revised to incorporate any new or modified BMPs or measurable goals developed through the Permittee's annual reporting process. The Permittee shall incorporate changes required by or acceptable to the RWQCB Executive Officer into applicable annual revisions to SWMP and adhere to its implementation.

1. The Permittee shall maintain, implement, and enforce an effective SWMP designed to reduce the discharge of pollutants from the regulated Small MS4 to the MEP and to protect water quality.
2. SWMP must describe BMPs, and associated measurable goals, that will fulfill the requirements of the following six Minimum Control Measures.
 - a. **Public Education and Outreach on Storm Water Impacts**
The Permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff. For non-traditional Permittees, the employee/user population may serve as "the public" to target for outreach and involvement.

Non-traditional Small MS4s that discharge into medium and large MS4 may integrate public education and outreach program with the existing MS4 public education and outreach programs.

b. **Public Involvement/Participation**

The Permittee must at a minimum comply with State and local public notice requirements when implementing a public involvement/participation program.

c. **Illicit Discharge Detection and Elimination**

The Permittee must:

- 1) Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR §122.26(b)(2)) into the regulated Small MS4;
- 2) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and locations of all waters of the U.S. that receive discharges from those outfalls;
- 3) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the MS4 and implement appropriate enforcement procedures and actions;
- 4) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system that are not authorized by a separate NPDES permit;
- 5) Inform public employees, businesses, and the general public of the hazards that are generally associated with illegal discharges and improper disposal of waste; and
- 6) Address the following categories of non-storm water discharges or flows (i.e., authorized non-storm water discharges) only where they are identified as significant contributors of pollutants to the Small MS4:

1. water line flushing;
2. landscape irrigation;
3. diverted stream flows;
4. rising ground waters;
5. uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)) to separate storm sewers;
6. uncontaminated pumped ground water;
7. discharges from potable water sources;
8. foundation drains;
9. air conditioning condensation;
10. irrigation water;
11. springs;
12. water from crawl space pumps;
13. footing drains;
14. lawn watering;
15. individual residential car washing;
16. flows from riparian habitats and wetlands; and
17. dechlorinated swimming pool discharges.

Discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the U.S.

If a RWQCB Executive Officer determines that any individual or class of non-storm water discharge(s) listed above may be a significant source of pollutants to waters of the U.S. or physically interconnected MS4, or poses a threat to water quality standards (beneficial uses), the RWQCB Executive Officer may require the appropriate Permittee(s) to monitor and submit a report and to implement BMPs on the discharge.

d. **Construction Site Storm Water Runoff Control**

The Permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the Small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the development and implementation of, at a minimum:

- 1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State, or local law;

- 2) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;
 - 3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - 4) Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - 5) Procedures for receipt and consideration of information submitted by the public; and
 - 6) Procedures for site inspection and enforcement of control measures.
- e. **Post-Construction Storm Water Management in New Development and Redevelopment**
The Permittee must:
- 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the Small MS4 by ensuring that controls are in place that would prevent or minimize water quality impacts;
 - 2) Develop and implement strategies, which include a combination of structural and/or non-structural BMPs appropriate for your community;
 - 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. For those Small MS4s described in Supplemental Provision E below, the requirements must at least include the design standards contained in Attachment 4 of this General Permit or a functionally equivalent program that is acceptable to the appropriate RWQCB; and
 - 4) Ensure adequate long-term operation and maintenance of BMPs.

The General Permit does not require redesign of K-12 school or community college facilities that have been submitted to the Department of General Services, Division of the State Architect before adoption of the permit, and which receive final approval from the State Allocation Board or the Public Works Board, as appropriate, on or before December 31, 2004.

f. **Pollution Prevention/Good Housekeeping for Municipal Operations**

The Permittee must:

- 1) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
 - 2) Using training materials that are available from U.S. EPA, the State, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet building maintenance, new construction and land disturbances, and storm water system maintenance.
3. SWMP must identify the measurable goals for each of the BMPs, including, as appropriate, the months and years for scheduled actions, including interim milestones and the frequency of the action.
 4. SWMP must identify the person or persons who will implement or coordinate SWMP, as well as each Minimum Control Measure.
 5. Termination of coverage

A Permittee may terminate coverage if a new operator has assumed responsibility for the MS4, the Permittee has ceased operation of the MS4, or the Permittees has eliminated discharges from the MS4. To terminate coverage, the Permittee must submit a written request to the RWQCB.

6. Reliance on a SIE

The Permittee may rely on a SIE to satisfy one or more of the permit obligations, if the separate entity can appropriately and adequately address the storm water issues of the Permittee. The Permittee must describe the arrangement in the SWMP and the arrangement is subject to the approval of the RWQCB Executive Officer. The other entity must agree to implement the control measure(s), or components thereof, to achieve compliance with the General Permit. The Permittee remains responsible for compliance with this General Permit if the SIE fails to implement the control measure(s).

If the Permittee relies on an SIE to implement all six Minimum Control Measures and the SIE also has a storm water permit issued by SWRCB or RWQCB, the Permittee relying on the SIE must still submit an NOI, appropriate fee, and certification of the arrangement. The Permittee must note this fact in the NOI and provide proof that the SIE has an approved SWMP, but is not required to maintain a SWMP nor submit annual reports.

7. Outfalls not identified in the storm sewer system map required by Provision D.2.c.2), but constructed within the permitted area during the term of this General Permit to receiving waters identified in the NOI, shall not be considered a material change in character, location, or volume of the permitted discharge, and shall be allowed under the terms of this General Permit without permit application or permit modification, provided that the following information be provided in the subsequent annual report:
 - a. Receiving water name;
 - b. Storm sewer system map of added area;
 - c. Certification that SWMP shall be amended to include the drainage area.

E. SUPPLEMENTAL PROVISIONS

Those regulated traditional and non-traditional Small MS4s serving a population over 50,000 or that are subject to high growth (at least 25 percent over ten years) must comply with the requirements in Attachment 4 of this General Permit. Compliance is required upon full implementation of the Small MS4s' storm water management plan.

Attachment 5 provides a list of communities that SWRCB anticipates being subject to the provisions in Attachment 4.

F. REPORTING REQUIREMENTS AND MONITORING

1. Reporting

The Permittee must submit annual reports to the appropriate RWQCB by September 15th of each year (for Small MS4s designated with the adoption of this permit, the first annual report is to be submitted in 2004), or as otherwise required by the RWQCB Executive Officer, unless exempted under Provision D.6. The report shall summarize the activities performed throughout the reporting period (July 1 through June 30) and must include:

- a. The status of compliance with permit conditions;
- b. An assessment of the appropriateness and effectiveness of the identified BMPs;
- c. Status of the identified measurable goals;
- d. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

- e. A summary of the storm water activities the Permittee plans to undertake during the next reporting cycle;
 - f. Any proposed change(s) to SWMP along with a justification of why the change(s) are necessary; and
 - g. A change in the person or persons implementing and coordinating SWMP.
- 2. RWQCB may impose additional monitoring requirements, which may include a reporting component. RWQCBs may adopt such requirements on an individual or group basis.
 - 3. Recordkeeping

The Permittee must keep records required by this General Permit for at least five years or the duration of the General Permit if continued. The RWQCB Executive Officer may specify a longer time for record retention. The Permittee must submit the records to the RWQCB Executive Officer upon request. The Permittee must make the records, including the permit and SWMP, available to the public during regular business hours.

G. RWQCB AUTHORITIES

RWQCBs will review and approve SWMPs prior to permit coverage being in effect and will conduct public hearings of individual permit applications upon request. Where there is no hearing, the Executive Officer may approve the SWMP. RWQCBs will also oversee compliance with this General Permit. Oversight may include, but is not limited to, reviewing reports, requiring modification to SWMPs and other submissions, imposing region-specific monitoring requirements, conducting inspections, taking enforcement actions against violators of this General Permit, and making additional designations of Permittees pursuant with the criteria described in this General Permit and Fact Sheet. The RWQCBs may also issue individual permits to regulated Small MS4s, and alternative general permits to categories of regulated Small MS4s. Upon issuance of such permits by an RWQCB, this General Permit shall no longer regulate the affected Small MS4(s).

H. STANDARD PROVISIONS

1. General Authority

Three of the minimum control measures (illicit discharge detection and elimination, and the two construction-related measures) require enforceable controls on third party activities to ensure successful implementation of the measure. Some non-traditional operators, however, may not have the necessary legal regulatory authority to adopt these enforceable controls. As in the case of

local governments that lack such authority, non-traditional MS4s are expected to utilize the authority they do possess and to seek cooperative arrangements.

2. Duty to Comply

The Permittee must comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of CWA and the Porter-Cologne and is grounds for enforcement action and/or removal from General Permit coverage. In the event that the Permittee is removed from coverage under the General Permit, the Permittee will be required to seek coverage under an individual or alternative general permit.

3. General Permit Actions

This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not nullify any General Permit condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and Permittee so notified.

4. Noncompliance Reporting

Permittees who cannot certify compliance and/or who have had other instances of noncompliance shall notify the appropriate RWQCB within 30 days. Instances of noncompliance resulting in emergencies (i.e., that endanger human health or the environment) shall be reported orally to the RWQCB within 24 hours from the time the discharger becomes aware of the circumstance and in writing to the RWQCB within five days of the occurrence. The notification shall identify the noncompliance event and an initial assessment of any impact caused by the event, describe the actions necessary to achieve compliance, and include a time schedule indicating when compliance will be achieved. The time schedule and corrective measures are subject to modification by the RWQCB Executive Officer.

5. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

6. Duty to Mitigate

The Permittee shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment.

7. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this General Permit and with the requirements of SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by the Permittee when necessary to achieve compliance with the conditions of this General Permit.

8. Property Rights

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of federal, State, or local laws or regulations.

9. Duty to Provide Information

The Permittee shall furnish RWQCB, SWRCB, or U.S. EPA, during normal business hours, any requested information to determine compliance with this General Permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this General Permit.

10. Inspection and Entry

The Permittee shall allow RWQCB, SWRCB, U.S. EPA, or an authorized representative of RWQCB, SWRCB, or U.S. EPA, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the Permittee's premises during normal business hours where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit;
- b. Access and copy, during normal business hours, any records that must be kept under the conditions of this General Permit within a reasonable time from notification;

- c. Inspect during normal business hours any municipal facilities; and
- d. Sample or monitor at reasonable times for the purpose of assuring General Permit compliance.

11. Signatory Requirements

All NOIs, SWMPs, certifications, reports, or other information prepared in accordance with this General Permit submitted to SWRCB or RWQCB shall be signed by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of U.S. EPA).

12. Certification

Any person signing documents under Section H.11 above shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

13. Anticipated Noncompliance

The Permittee will give advance notice to the RWQCB and local storm water management agency of any planned changes in the regulated Small MS4 activity that may result in noncompliance with General Permit requirements.

14. Penalties for Falsification of Reports

Section 309(c)(4) of CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

15. Penalties for Violations of Permit Conditions

- a. Part 309 of CWA provides significant penalties for any person who violates a permit condition implementing Parts 301, 302, 306, 307, 308, 318, or 405 of CWA or any permit condition or limitation implementing any such section in a permit issued under Part 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$27,500 per calendar day of such violation, as well as any other appropriate sanction provided by Part 309 of CWA.
- b. Porter-Cologne also provides for administrative, civil, and criminal penalties, which in some cases are greater than those under CWA.

16. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action against the Permittee or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Part 311 of CWA.

17. Severability

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

18. Reopener Clause

This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, or otherwise in accordance with 40 CFR sections 122.62, 122.63, 122.64, and 124.5.

19. Availability

A copy of this General Permit and SWMP shall be made available for public review.

20. Transfers

This General Permit is not transferable. A Permittee must submit written notification to the appropriate RWQCB to terminate coverage of this General Permit.

21. Continuation of Expired Permit

This General Permit expires five years from the date of adoption. This General Permit continues in force and in effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those Small MS4s authorized to discharge under the expiring General Permit are covered by the continued General Permit.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of SWRCB held on April 30, 2003.

AYE: Arthur G. Baggett, Jr.
Peter S. Silva
Richard Katz
Gary M. Carlton

NO: None

ABSENT: None

ABSTAIN: None

Maureen Marché
Clerk to the Board