**STATE OF CALIFORNIA**
**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**CENTRAL COAST REGION**
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

# ATTACHMENT 4
# STORM WATER MANAGEMENT PROGRAM REVISION REQUIREMENTS

**ORDER R3-2004-0135**
**NPDES NO. CA0049981**

Proposed for Consideration at the February 11, 2005 Regional Board Hearing

**FOR**

**THE CITY OF SALINAS**
MUNICIPAL STORM WATER DISCHARGES
Monterey County

## I. GENERAL

a. This attachment to Order R3-2004-0135 describes the revision requirements for the City of Salinas (the Permittee) Storm Water Management Program (SWMP)). The Permittee shall review and modify its SWMP to address the requirements herein, and submit the revised SWMP within 180 days of permit adoption for approval by the RWQCB or its Executive Officer. Interested persons shall have 30 days to comment on the revised SWMP prior to RWQCB or Executive Officer approval.

b. This attachment requires the Permittee to revise the current SWMP to update and/or include the following major program elements:

   i. Construction Site Management Component
   ii. Development Standards Component
   iii. Commercial/Industrial Facilities Component
   iv. Municipal Maintenance Component
   v. Illicit Discharge Detection and Elimination Component
   vi. Public Education and Participation Component
   vii. Program Effectiveness
   viii. Legal Authority

c. The Permittee is required to continue implementing the current SWMP during this revision process.

d. The Permittee's Storm Water Pollution Prevention Program may need to be modified, revised, or amended from time to time to respond to a change in conditions and to incorporate more effective approaches to pollutant control. Proposed SWMP revisions will be part of the annual review process and

incorporated in the Annual Reports. In addition, the Permittee shall revise the SWMP to comply with regional or watershed-specific requirements, and/or waste load allocations developed and approved pursuant to the process for the designation and implementation of TMDLs for impaired water bodies. Significant SWMP revisions shall be brought before the Regional Board for approval. Minor SWMP revisions may be approved by the Executive Officer following a 30-day public comment period.

## II. Construction Site Management Component

The Permittee shall develop and implement a construction site management program to reduce to the MEP the discharge of pollutants from both private and public construction sites that fall within the City's jurisdiction. Should a site outside of Permitee's regulatory jurisdiction be discovered to be illicitly discharging into the MS4, the Permitee shall notify the RWQCB. The construction site management program shall include the following elements:

a. **Minimum Requirements.** For construction sites one acre or greater, the Permittee shall require construction permittees to submit a State Water Resources Control Board (SWRCB) "WDID number" (Waste Discharge Identification number) as proof of application for coverage pursuant to the SWRCB General Construction Storm Water Permit. Construction permittees must also submit a SWPPP to the City for approval prior to commencing construction. The City shall implement a program to control runoff from applicable construction sites within its jurisdiction. The program shall ensure that the following minimum requirements are effectively implemented at applicable construction sites:

   i) Sediments generated at the project site shall be controlled using adequate source control and/or structural BMPs;

   ii Construction-related materials and wastes shall be retained at the project site to avoid discharge to the MS4 and waters of the state;

   iii) Unauthorized non-storm water runoff shall be contained at the project site; and

   iv) Erosion from slopes and channels shall be controlled by implementing an effective combination of erosion control (source control) and other BMPs as described in the San Francisco Regional Water Quality Control Board's Erosion and Sediment Control Field Manual, the California Stormwater Quality Association's Construction Stormwater BMP Handbook, or equivalent manual.

b. **Inventory of active construction projects.** The Permittee shall develop and implement an effective system to track grading permits and active construction projects. The system shall identify basic site information (e.g. owner, location,

contractor, etc.), status (active, complete), size in acres, proximity to natural and man-made hydrologic features, required inspection frequency, project start and anticipated completion dates. The Permittee shall develop the inventory within one year of permit adoption and update this inventory as new projects within its jurisdiction are initiated or on a monthly basis. Outputs from the system shall be available to Regional Board upon request.

c. **Minimum construction BMPs.** All construction projects shall implement the following BMPs unless the BMP is not practicable. If a BMP is not practicable, a detailed justification shall be included with the approved SWPPP.
   - Stabilized construction entrance
   - Scheduling of grading activities to minimize bare graded areas during the rainy season
   - Downslope sediment controls (e.g., sediment logs)
   - Concrete truck washouts
   - Storm drain inlet protection
   - Protection of slopes and channels
   - Good housekeeping practices (e.g., trash management, proper material storage, etc.).

   The Permittee may designate additional BMPs as minimum BMPs at construction sites. The Permittee shall revise and distribute within 1 year of permit adoption a brochure describing the minimum construction BMPs to be implemented at construction sites. This brochure shall be distributed during the SWPPP review stage and during inspections, if necessary.

d. **Verification of permits and plans.** Prior to issuing a grading or building permit for a construction site one acre or more, the Permittee shall
   i. Require proof that a Notice of Intent (NOI) for coverage under the General Construction Permit has been submitted, if applicable.

   ii. Require submittal of a storm water pollution prevention program (SWPPP) to the Permittee that contains, at a minimum, the following:

      1) A vicinity map showing nearby roadways, the construction site perimeter, and the geographic features and general topography surrounding the site;

      2) A site map showing the construction project in detail, including the existing and planned paved areas and buildings; general topography both before and after construction; drainage patterns across the project area; and anticipated storm water discharge locations (i.e., the receiving water, a conduit to receiving water, and/or drain inlets);

3) A detailed, site-specific listing of the potential sources of storm water pollution;

4) A description of the type and location of erosion and sediment control BMPs to be employed at the site;

5) The name and telephone number of the qualified person responsible for implementing the SWPPP; and

6) Certification/signature by the landowner or an authorized representative.

iii. Review the SWPPP for compliance with the Permittee's ordinances and this Order.

e. **Inspections.** The Permittee shall inspect all active construction sites within City jurisdiction, a minimum of once a month during the wet season (1 October to 30 April) to ensure compliance with local ordinances and this Order. During the remainder of the year, the Permittee shall inspect all active construction sites a minimum of once every other month. The Permittee shall inspect high priority construction sites a minimum of once a week during the wet season. These inspections shall commence within the first permit year. The Permittee shall establish criteria for high priority sites in the SWMP, which at a minimum shall consider the following factors:

- Project size
- Soil erosion potential
- Proximity to waters of the State and 303(d) listed water bodies
- Previous violations of City of Salinas storm water ordinances.

At a minimum, all projects greater than five acres shall be considered high priority.

The inspections shall include a review of site erosion and sediment controls, BMP implementation plans, and/or SWPPPs. Records of the inspection shall be maintained. The inspectors shall use an inspection checklist, or equivalent, to document site conditions and deficiencies.

f. **Enforcement of construction site management program.** The Permittee shall enforce appropriate ordinances and permits at all construction sites as necessary to maintain compliance with this Order. The Permittee shall develop and implement a written escalating enforcement policy to ensure construction sites are brought into compliance. The Permittee's ordinances or other regulatory mechanisms shall contain sanctions to ensure compliance. Sanctions may include the following or their equivalent: Non-monetary penalties, stop work orders, fines, bonding requirements, and/or permit denials or suspension for non-compliance.

g. **Process to Refer Noncompliance and Non-filers to the Regional Board.** In the advent the Permittee has exhausted their use of sanctions and cannot bring a construction site or construction operator into compliance with their ordinances or this Order, or otherwise deems the site to pose an immediate and significant threat to water quality, the Permittee shall provide oral notification to the Regional Board within five (5) business days of such determination. Such oral notification shall be followed by written notification within ten (10) business days of the incident.

For construction sites requiring coverage under the General Construction Permit, the Permittee shall refer non-filers (i.e., those projects that cannot demonstrate that they have submitted an NOI or received a WDID number) to the Regional Board within ten (10) business days of discovery. In making such referrals, the Permittee shall include, at a minimum, the following information:

- Project location;
- Developer;
- Estimated project size; and
- Records of communication with the developer regarding filing requirements.

h. **Training.** The Permittee shall provide annual training for employees in targeted positions (whose jobs or activities are engaged in construction activities including construction inspection and plan review staff) regarding the requirements of this Order. This training shall include erosion and sediment control installation and maintenance techniques, inspection procedures, enforcement procedures, and information on the requirements in the General Construction Permit including elements in an effective SWPPP.

## III. Development Standards Component

a. The Permittee shall minimize the short and long-term impacts on receiving water quality from new development and significant redevelopment. In order to reduce pollutants in runoff flows from these sources to the MEP, the Permittee shall review and update its existing program, which shall, at a minimum, address the following:

i. The Permittee shall incorporate water quality and watershed protection principles into planning procedures and policies such as: the General Plan or equivalent plans (e.g., Comprehensive, Master, Community, and/or Specific Plans) to direct land use decisions and require implementation of consistent water quality protection measures for all development projects. Such water quality and watershed protection principles and policies shall consider the following:

1. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and use on-site infiltration of runoff in areas with appropriate soils where the

infiltration of storm water would not pose a potential threat to groundwater quality.

2. Implement pollution prevention methods supplemented by pollutant source controls, and if source controls are not practicable, by treatment controls. Where practical, use strategies that control the sources of pollutants or constituents to minimize the transport of storm water and pollutants offsite and into MS4s.

3. Preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones.

4. Limit disturbances of natural water bodies and natural drainage systems caused by development within Permittee's jurisdictional authority, including roads, highways, and bridges.

5. Require developers to prepare and submit studies analyzing pre- and post-project pollutant loads (including sediment) and flows resulting from projected future development. Require incorporation of structural and non-structural BMPs to mitigate the projected increases in pollutant loads in runoff.

6. Identify, minimize, and regulate development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion and sediment loss.

7. Implement source and/or treatment controls as necessary to protect downstream receiving water quality from increased pollutant loads in runoff flows from new development and significant redevelopment.

8. Control the post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

ii. Prior to project approval and issuance of local permits for new development and significant redevelopment, the Permittee shall review the proposed project plan and require measures to ensure that all development is in compliance with the Permittee's storm water ordinances, local permits, and other applicable requirements.

b. **Development Standards Plan**. Within 1 year of permit adoption, the Permittee shall develop and submit for public review and comment and Executive Officer approval, a Development Standards Plan (DSP) that describes measures to reduce pollutant discharges to the MEP from all new development and significant redevelopment

projects. The DSP must be consistent with the applicable portions of State Board Order WQ 2000-11. To ensure consistency with Order WQ 2000-11, the DSP shall provide the following information:

i. A description of existing Development Standards, if any, including project categories, BMP requirements and numeric sizing criteria;

ii. A comparison of existing development standards to the requirements established under State Board Order WQ 2000-11 and/or other applicable directives; and

iii. A description of the proposed modifications to the Development Standards to ensure that, at a minimum, they are consistent with the requirements of State Board Order WQ 2000-11 and this Order.

Within one year of approval of the DSP, the Permittee shall amend, or adopt if needed, its own local Development Standards, including amendment of ordinances as needed.

c. **Review of Plans**. Upon amendment or adoption of local Development Standards, the Permittee shall ensure that all new development and significant redevelopment projects falling under the priority project categories listed below are reviewed and conditioned for compliance with the Development Standards. The local Development Standards shall apply to all priority projects or phases of priority projects that do not have approval by the City Engineer, permit for development or construction, an approved special permit, or an approved tentative map by the adoption date for the local Development Standards. Development Standards shall apply as follows:

i. *Priority Development Project Categories*: Development Standards requirements shall apply to all new development and significant redevelopment projects within the Permittee's jurisdictional authority and falling under the priority project categories listed below. The term "significant redevelopment" is defined as the creation or addition of at least 5,000 square feet of impervious surfaces on an already developed site. Significant redevelopment includes, but is not limited to expansion of a building footprint, or replacement of a structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities related to structural or impervious surfaces. Where significant redevelopment results in an increase of less than 50 percent of the impervious surfaces of a previously existing development, and the existing development was not subject to Development Standards, the BMP design standards discussed below apply only to the addition, and not to the entire development. Priority Development Project Categories are listed below.

1. Home subdivisions with ten housing units or more. This category includes single-family homes, multi-family homes, condominiums, and apartments.

2. Commercial developments. This category is defined as any development on private land that is not for heavy industrial or residential uses where the impervious land area for development is 100,000 square-feet or more. The category includes, but is not limited to hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, commercial nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses, and other light industrial facilities.

3. Automotive repair shops. This category is defined as a facility that is categorized by one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539, where the total impervious area for development is 5,000 square feet or more.

4. Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812) and has 5,000 or more feet of impervious area.

5. Hillside developments 5,000 square feet or more of impervious area. This category is defined as any development that creates 5,000 square feet of impervious surface in an area with known erosive soil located in an area with natural slopes having a twenty-five percent or greater grade.

6. Parking lots exposed to rainfall that are 5,000 square feet or more, or with 25 or more parking spaces. This category is defined as an uncovered impervious area for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

7. Street, roads, highways, and freeways. This category includes any paved surface five acres or greater used by automobiles, trucks, motorcycles, and other vehicles.

8. Retail Gasoline Outlets. "Retail Gasoline Outlet" is defined as any facility engaged in selling gasoline with 5,000 square feet or more of impervious surface area.

ii. *BMP Requirements*: The Development Standards Plan shall include a list of recommended source and/or structural treatment control BMPs for all new development and significant redevelopment projects falling under the above priority project categories or locations. At a minimum, Retail Gasoline Outlets shall be required to use the BMPs listed in the California Storm Water Quality Task Force, March 1997 BMP Guide for Retail Gasoline Outlets.

iii. *Numeric Sizing Criteria*: As a part of the DSP, the Permittee shall review their existing numeric sizing criteria for structural treatment BMPs and ensure that it is comparable to the following numeric sizing criteria:

1. Volume-based BMPs shall be designed to mitigate (infiltrate or treat) either:

   a) The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record; or

   b) The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

   c) The volume of annual runoff based on unit basin storage volume, to achieve 80 percent or more volume treatment by the method recommended in the California Stormwater Best Management Practices Handbook – New Development and Redevelopment, (2003).

2. Flow-based BMPs shall be designed to mitigate (infiltrate or treat) either:

   a) The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or

   b) The maximum flow rate of runoff, as determined from local historical rainfall records, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

iv. *Equivalent Numeric Sizing Criteria*: The Permittee may develop or use any equivalent numeric sizing criteria or performance-based standard for post-construction structural treatment BMPs as part of these requirements. Such equivalent sizing criteria may be authorized for use in place of the above criteria. In the absence of an equivalent numeric sizing criteria, the criteria contained above shall be implemented.

v. *Pollutants and Activities of Concern*: The DSP shall consider pollutants of concern or activities of concern in identifying appropriate BMPs for new development or significant redevelopment projects. In selecting BMPs, the following shall be considered: (1) the target pollutants; (2) land use and pollutants associated with that land use type; (3) pollutants expected to be present on site at

concentrations that would pose potential water quality concerns; and (4) changes in flow rates and volumes resulting from the development project and sensitivity of receiving waters to changes in flow rates and volumes.

vi. *Implementation Process*: The DSP shall describe the process used to implement the Development Standards and all proposed modifications to the process. The process shall also include identification of the roles and responsibilities of various municipal departments in implementing these standards, as well as any other measures necessary for the implementation of these standards.

vii. *Infiltration and Groundwater Protection*: To protect groundwater quality, the Permittee shall apply restrictions to the use of structural BMPs designed to primarily function as infiltration devices (such as infiltration trenches and infiltration basins). Such restrictions shall ensure that the use of such infiltration structural treatment BMPs shall not cause a violation of applicable groundwater quality standards.

viii. *Downstream Erosion*: The DSP shall include any existing criteria or proposed modifications to ensure that discharges from new development and significant redevelopment address the potential for downstream erosion and protect stream habitat. At a minimum, the Permittees' Development Standards process shall consider the need for measures to control peak storm water discharge rates and velocities in order to protect downstream erosion and stream habitat. Storm water discharge volumes and durations should also be considered in the Development Standards.

ix. *Waiver Provision*: The Permittee may provide for a project to be waived from the requirement of implementing structural treatment BMPs if infeasibility can be established as described below.

x. *Conflicts with Local Practices*: The DSP shall include a description of necessary modifications to existing codes and ordinances and an implementation schedule for these modifications.

d. **Regional Storm Water Mitigation Program**: The Permittee may apply to the Regional Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly for Development Standard requirements. Upon review and a determination by the Executive Officer that the proposal is technically valid and appropriate, the Regional Board may consider for approval such a program if its implementation will:

i. Result in equivalent or improved storm water quality;
ii. Protect stream habitat;
iii. Promote cooperative problem solving by diverse interests;

iv. Be fiscally sustainable via secured funding; and
v. Be completed in five years, including the construction and start-up of treatment facilities.

Nothing in this provision shall be construed as to delay the implementation of Development Standard requirements as required by this Order.

e. **Waiver Program**: Anytime during the term of the Order, the Permittee may propose a waiver program that would require any developers receiving waivers to transfer the savings in cost, as determined by the Permittee, to a storm water mitigation fund. Any proposed waiver program shall be subject to the approval of the Executive Officer. The Permittee may consider a waiver for projects where structural treatment BMPs are infeasible. The Permittee shall only grant a waiver when all appropriate structural treatment BMPs have been considered and rejected as infeasible. The Permittee shall notify the Regional Board within one month of each waiver issued and shall include the name of the person granting each waiver. Funds may be used for projects to improve urban runoff quality within the watershed of the waived project. At a minimum, a proposed waiver program shall identify the following:

i. The entity or entities that will manage (i.e., assume full responsibility for) the storm water mitigation fund;

ii. The range and types of acceptable projects for which mitigation funds may be expended;

iii. The entity or entities that will assume full responsibility for each mitigation project, including its successful completion; and

iv. How the dollar amount of fund contributions will be determined and managed.

f. **Maintenance Agreement and Transfer**: The Permittee shall require that all developments subject to Development Standards and site specific plan requirements provide verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following as applicable:

i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or

ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or

iii. Written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner’s association,

or other appropriate group, for maintenance of structural and treatment control BMPs; or

iv. Any other legally enforceable agreement that assigns responsibility for maintenance of structural or treatment control BMPs.

g. **California Environmental Quality Act Document Update**: The Permittee shall incorporate into its CEQA process, within one year of the effective date of this Order, procedures for considering potential storm water quality impacts and providing for appropriate mitigation when preparing and reviewing CEQA documents. The procedures shall require consideration of the following:

i. Potential impact of project construction on storm water runoff;
ii. Potential impact of project post-construction activity on storm water runoff;
iii. Potential for discharge of storm water from material storage areas, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas;
iv. Potential for discharge of storm water to impair the beneficial uses of the receiving waters or areas that provide water quality benefit;
v. Potential for the discharge of storm water to cause significant harm on the biological integrity of the waterways and water bodies;
vi. Potential for significant changes in the flow velocity or volume of storm water runoff that can cause environmental harm; and
vii. Potential for significant increases in erosion of the project site or surrounding areas.

h. **General Plan Update**: The Permittee shall do the following:

i. Evaluate and amend, revise, or update as necessary, its General Plan to include watershed and storm water quality and quantity management considerations and policies when any of the following General Plan elements are updated or amended: land use, housing, conservation, and open space.

ii. Provide the Regional Board with the draft amendment or revision when a listed General Plan element or the General Plan is noticed for comment in accordance with California Government Code § 65350 et seq.

i. **Targeted Employee Training**: The Permittee shall provide annual training for its employees in targeted positions (whose jobs or activities are engaged in development planning), regarding the requirements of this Order that affect development planning.

j. **Technical Guidance and Information for Developers**

i. The Permittee shall make Development Standards available to developers as they are adopted/approved.

ii. Within one year of adopting Development Standards, the Permittee shall make available in hardcopy and in addition may post on its website, new or amended technical guidance materials to the development community in the Permittee's jurisdiction for the siting and design of storm water quality BMPs. The technical material(s) shall at a minimum include:

1. Source and treatment control BMP design criteria for BMPs acceptable for use in the local area;

2. Peak flow control criteria to control peak discharge rates, velocities and duration in conformance with the numeric sizing criteria selected under C.5.c.iii above;

3. Expected pollutant removal performance ranges for the BMPs (or references to national databases, technical reports and/or scientific literature); and

4. Maintenance considerations.

## IV. Commercial/Industrial Facilities Component

The Permittee shall develop and implement a commercial/industrial discharge management program to reduce to the MEP the discharge of pollutants from certain commercial and industrial operations within its jurisdiction. At a minimum, the program shall include:

a. **Identify and inventory all *industrial* facilities and activities**. By the end of the first year of the permit, the Permittee shall develop an inventory of all industrial facilities and activities that discharge to its MS4. The inventory shall include the facility name, address, nature of business or activity, SIC code(s) that best reflect the principal facility product or service, principle storm water contact, and whether statewide General Industrial Permit coverage has been obtained. At a minimum, the inventory shall include:
   - Municipal landfills (open and closed)
   - Hazardous waste recovery, treatment, storage and disposal facilities
   - Facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023
   - Facilities subject to the statewide General Industrial Permit
   - Industrial facilities tributary to a Clean Water Act Section 303(d) impaired water body, where a facility generates pollutants for which the water body is impaired;

- And any other industrial facility that either the Permittee or the Regional Board determines is contributing a substantial pollutant loading to the MS4.

The inventory shall be updated annually. The update may be accomplished through collection of new information obtained during field activities or though other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits).

b. **Identify and inventory all *commercial* facilities and activities**. By the end of the first year of the permit, the Permittee shall develop an inventory of high risk commercial facilities and activities that discharge to its MS4. The inventory shall include the facility name, address, nature of business or activity, SIC code(s) that best reflect the principal facility product or service, and principle contact. At a minimum, the inventory shall include:
   - Restaurants
   - Retail Gasoline Outlets
   - Automotive Repair Facilities
   - Carpet Cleaners
   - Commercial Car Washes
   - Agricultural chemical dealers
   - And any other industrial facility that either the Permittee or the Regional Board determines is contributing a substantial pollutant loading to the MS4.

   The inventory shall be updated by the end of the third year of the new permit term, and annually thereafter. The update may be accomplished through collection of new information obtained during field activities or though other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits).

c. **Establishment of minimum BMPs**. The Permittee shall designate a set of minimum BMPs designed to reduce the discharge of pollutants to the MEP. The minimum BMPs shall be industry or activity specific as appropriate. At a minimum, BMPs shall be developed for fuel storage and delivery, vehicle fueling and maintenance, equipment maintenance and washing. The minimum BMPs shall be produced within the second year of the permit.

d. **Requiring BMPs for all commercial/industrial facilities and activities**. The Permittee shall implement, or require the implementation of, the designated minimum BMPs on all sites within the inventory identified in 3.a above. If particular minimum BMPs are infeasible at a specific site, the Permittee shall implement, or require the implementation of, other equivalent BMPs. All minimum BMPs shall be fully implemented at each site within four ( years of permit adoption. The Permittee shall also implement or require any additional site specific BMPs as necessary to comply with this permit including BMPs that are more stringent than those required under the

General Industrial Permit. The minimum BMPs shall be disseminated to the storm water contact for each industrial or commercial facility by the end of the third permit year and every other year thereafter.

e. **Inspecting *industrial* facilities and activities**. The Permittee shall inspect all industrial facilities and activities identified in IV.b to ensure compliance with ordinances and this Order, including a review of BMP implementation plans and/or SWPPPs. All industrial facilities, shall be inspected once each year, commencing in the first permit year. Inspectors shall be trained to readily identify deficiencies, assess potential impacts to receiving waters, and evaluate the appropriateness and effectiveness of deployed BMPs and SWPPPs, if applicable. At a minimum, the inspectors shall ensure compliance with all local ordinances. Inspectors shall use a checklist, or equivalent, and photographs to document the site and BMP conditions. Records of all inspections shall be maintained a minimum of three years.

   The Permittee need not inspect facilities that have been inspected by the Regional Board within the past 12 months.

f. **Inspecting *commercial* facilities and activities**. The Permittee shall prioritize a commercial facilities inspection list (taken from commercial facilities identified in II.A.3.b) by the end of the second year of the permit term. Inspection priority shall be based on facility type, location, compliance or compliant history, or other factors. The Permittee shall inspect a minimum of 20% of these facilities each year, commencing in the third year of the permit term. Inspectors shall be trained to readily identify deficiencies, assess potential impacts to receiving waters, and evaluate the appropriateness and effectiveness of deployed BMPs and SWPPPs, if applicable. At a minimum, the inspectors shall ensure compliance with all local ordinances. Inspectors shall use a checklist, or equivalent, and photographs to document the site and BMP conditions. Records of all inspections shall be maintained a minimum of three years.

g. **Facilities with no exposure to storm water runoff**. The Permittee may remove facilities from the industrial and commercial inventory if an inspection conducted under Part C.6.e or C.6.f reveals the facility's industrial or commercial processes are meet the requirements for a conditional exclusion for "no exposure" under 40 CFR §122.26(g), other than the requirements to complete, sign and submit a "no exposure" certification. The Permittee may not remove any facility from the industrial and commercial inventory if the Regional Board or State Board has determined that the facility causes, or has a reasonable potential to cause or contribute to, an in-stream excursion above an applicable WATER QUALITY STANDARDS, including beneficial uses.

g. **Enforcement of commercial/industrial discharge management program**. The Permittee shall enforce appropriate ordinances and permits at all commercial and

industrial facilities as necessary to maintain compliance with this Order. The Permittee shall develop and implement a written progressive enforcement policy to ensure facilities are brought into compliance. The Permittee's ordinances or other regulatory mechanisms shall contain sanctions to ensure compliance. Sanctions may include the following or their equivalent: Non-monetary penalties, fines, bonding requirements, and/or permit denials or suspension for non-compliance. A copy of the progressive enforcement policy shall be included with the SWMP.

h. **Process to refer non-filers and noncompliance to Regional Board**. In the advent the Permittee has exhausted their use of sanctions and cannot bring a facility or activity compliance with their ordinances or this Order, or otherwise deems the facility or activity to pose an immediate and significant threat to water quality, the Permittee shall provide oral notification to the Regional Board within five (5) business days of such determination. Such oral notification shall be followed by written notification within 10 business days of the incident.

For industrial facilities requiring coverage under the General Industrial Permit, the Permittee shall refer non-filers (i.e., those projects that cannot demonstrate that they have submitted an NOI or received a WDID number) to the Regional Board within ten (10) business days of discovery. In making such referrals, the Permittee shall include, at a minimum, the following information:

- Facility name and location;
- Facility contact;
- Facility SIC code; and
- Records of communication with the facility regarding filing requirements.

i. **Training**. The Permittee shall provide annual training for employees in targeted positions (whose jobs or activities are engaged in industrial or commerical inspections) regarding the requirements of this Order. This training shall include storm water BMP installation and maintenance techniques, good housekeeping measures, inspection procedures, enforcement procedures, and information on the requirements in the General Industrial Permit including elements in an effective SWPPP.

## V. Municipal Maintenance Component

Within the second year of the permit, the Permittee shall develop and implement a municipal maintenance program to reduce to the MEP the discharge of pollutants from all Permittee-owned facilities, roads, parking lots, municipal waste facilities, and the storm water collection system. The program shall include:

a. **Storm Water Collection System Inventory and Maintenance Schedules**. The Permittee shall develop a comprehensive inventory and map of all inlets to the MS4 and outlets (or outfalls) to receiving waters. Although not required, the Permittee is

encouraged to establish the inventory in a GIS. The inventory shall include the location, type, maintenance requirements and maintenance schedules for:

i. Each inlet to the MS4.
ii. Each existing structural treatment control.
iii. Each outfall to receiving waters.
iv. The collection system pipes

The inventory shall be developed and submitted to the Regional Board for review within 2 years of permit adoption.

b. **Ensure the storm drain system is properly operated and maintained**. Maintenance requirements include:

i. All catch basins, inlets, structural controls and outlets shall be inspected and cleaned as necessary as per the maintenance schedules identified under a.i above, but in no case less than once per year.
ii. The storm drain "hot spots" (to be defined in the City's Storm Water Management Plan) shall be inspected and cleaned as per the identified maintenance schedules.
iii. Wastes, debris, and water removed during normal and emergency maintenance activities shall not be placed into the MS4. Decant from vactor trucks shall be discharged to the sanitary sewer or an appropriately designed dewatering facility.

c. **Inventory and maintenance of Permittee owned facilities, roads, and parking lots**. The Permittee shall develop a comprehensive inventory and establish maintenance requirements and schedules and for all such areas. The inventory shall be developed within 180 days of permit adoption. This shall include:
i. The development and implementation of minimum designated BMPs for Permittee-owned vehicle maintenance facilities, material storage facilities, and maintenance yards. The minimum designated BMPs shall be designated and fully implemented within one year of permit adoption.
ii. The sweeping of all Permittee-owned roads quarterly. Permittee shall develop a maintenance schedule for cleaning trash, sediment, oil and other applicable pollutants from municipally-owned parking lots. The parking lot maintenance schedule shall be submitted with the Storm Water Management Program. Removed material, debris, and decant water shall be disposed of in such a manner as to eliminate the potential for storm water pollution.

d. **BMPs for municipal maintenance activities**. The Permittee shall designate and ensure the implementation of minimum BMPs for all municipal maintenance activities. Examples of such activities include, but are not limited to: paving and road repairs, saw cutting, concrete work, curb and gutter replacement, buried utility repairs and installation, vegetation removal, street and parking lot striping, flood channel cleaning, etc. The BMPs should be combined into a manual, or equivalent, so as to facilitate use by field staff. The minimum designated maintenance and housekeeping

BMPs shall be developed and implemented within one year 90 days of permit adoption.

e. **Implement appropriate requirements for pesticide, herbicide, and fertilizer applications**. The Permittee shall implement BMPs to reduce the contribution of pollutants associated with the application, storage and disposal of pesticides, herbicides and fertilizers from municipal areas and activities to the MS4. Municipal areas and activities include, at a minimum, municipal facilities, public right-of-ways, parks, recreational facilities, golf courses, and landscaped areas.

Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) schedules for irrigation and chemical application; and (5) the collection and proper disposal of unused pesticides, herbicides and fertilizers. The minimum designated BMPs shall be developed and implemented within one year of permit adoption. By the fifth year of the permit term, the Permittee will eliminate all use of pesticides listed on the State Water Resources Control Board 303(d) list for the lower Salinas River section.

All Permittee employees or contractors applying restricted use pesticides shall be supervised by certified applicators. All Permittee employees applying non-registered pesticides, herbicides or fertilizers shall receive training on the BMPs annually. All Permittee employees and Permittee contractors shall verify that they have received, understand, and will abide by the Permittee's BMPs for pesticide, herbicide and/or fertilizer application guidelines.

f. **Develop and implement storm water pollution prevention plans**. The Permittee shall develop and implement storm water pollution prevention plans for all municipally-owned facilities within 18 months of permit adoption. At a minimum, SWPPPs shall be developed for facilities involved in vehicle or equipment maintenance, vehicle or equipment fueling, or chemical storage. If required, such facilities will apply for coverage under the statewide General Industrial Permit.

g. **Municipal Inspections**. Inspections of all Permittee-owned municipal facilities and activities shall occur on an annual basis. Inspectors shall be trained to readily identify deficiencies and shall also evaluate the appropriateness and effectiveness of deployed BMPs and SWPPPs, if applicable. At a minimum, the inspectors shall ensure compliance with local ordinances and this permit. Inspectors shall use a checklist, or equivalent, and photographs to document site and BMP conditions. Records of all inspections shall be maintained. Inspections shall commence within year 2 of permit adoption.

h. **Annual Review**. The Permittee shall review their municipal maintenance facility inventory, maintenance procedures and schedules, lists of minimum BMPs, and inspection frequencies on an annual basis and revise any item determined to be less than satisfactory in reducing storm water pollution. All revisions shall be implemented within 90 days and reported in the next annual report.

i. **Training**. The Permittees shall provide annual training for employees in targeted positions (whose jobs or activities are engaged in municipal maintenance activities) regarding the requirements of this Order. The training shall include information on maintenance BMPs for typical maintenance activities, maintenance schedules, and record keeping. The training shall also include illicit discharge investigation, remediation and spill response procedures as described in Provision C.8.

## VI. Illicit Discharge Detection and Elimination Component

The Permittee shall implement an ongoing program to investigate and remove illicit discharges and improper disposal into the MS4. The Permittee shall prohibit non-storm water discharges to the MS4, other than those authorized under a separate NPDES permit.

Discharges and flows from emergency fire fighting activities need not be addressed by the Permittee's illicit discharge management program unless such discharges and flows are determined by the Permittee, or the Regional Board, as significant source of pollutants to waters of the State.

The Permittee shall develop and implement an illicit discharge management program to reduce to the MEP the unauthorized and illegal discharge of pollutants to the MS4. The program shall include:

a. **Collection System Inventory and Map**. The Permittee shall use the map developed under C.7.a to identify priority areas for illicit discharge screening, including concentrated areas of industrial and commercial facilities. This shall include the mapping of industrial facilities identified in Part C.6.a. If feasible, the map should designate locations where illicit discharges or spills can be contained within the MS4 (e.g., locations where plugs or other diversions could be inserted). The map shall be of sufficient detail so as to assist the Permittee with tracing illicit discharges. The collection system inventory and map shall be submitted to the Regional Board for review within the third year permit term.

b. **Illicit Discharge Reporting System**. The Permittee shall continue to operate a hotline telephone number to be used for all illicit discharge reporting. The telephone number shall be printed on all education, training, and public participation materials required under Part C.9, and clearly listed in the telephone book and listed as spill reporting or equivalent. The Permittee shall maintain a log of illicit discharge and

spill calls. In all cases, individuals designated to answer calls shall be trained in proper emergency and non-emergency procedures.

c. **Illicit Discharge Identification**. The Permittee shall conduct drive-by inspections of the priority areas for illicit discharge screening at least quarterly. Records of the drive-by inspections shall be maintained along with information describing all observed or believed discharges, their cause or responsible party, and actions taken to eliminate. In each subsequent year, the Permittee shall review this information determine if specific areas and/or facilities require drive-by inspections at an increased frequency. If so determined, the Permittee shall increase the frequency of inspections at the designated locations. Drive-by inspections shall commence within 180 days of permit adoption.

d. **Dry weather screening**. The Permittee shall develop written procedures for dry weather analytical and field screening monitoring (consistent with 40 CFR part 136), including field observations, monitoring, and analyses to be conducted during the dry season. The dry weather analytical and field monitoring program shall be designed to emphasize frequent, geographically widespread monitoring to detect illicit discharges and illegal connections. At a minimum, the procedures must be based on the following guidelines and criteria:

   i. Collect samples for analysis according to the Monitoring and Reporting Plan, Attachment 5 of Order R3-2004-0135

   ii. Dry weather analytical and field screening monitoring shall be conducted at each identified (Attachment 5) station four times per year during dry weather, including at least once between May 1st and September 30th of each year.

   iii. If flow or ponded runoff is observed at a dry weather analytical monitoring station and there has been at least seventy-two (72) hours of dry weather, make observations and conduct the required field sampling (Attachment 5). Record general information such as time since last rain, quantity of last rain, site descriptions (i.e., conveyance type, dominant watershed land uses), flow estimation (i.e., width of water surface, approximate depth of water, approximate flow velocity, flow rate), and visual observations (i.e., odor, color, clarity, floatables, deposits/stains, vegetation condition, structural condition, and biology).

   v. The Permittee shall develop threshold levels for monitoring results whereby exceedance of the threshold will require follow-up investigations to be conducted to identify the source causing the exceedance.

   vi. If the station is dry (no flowing or ponded runoff), the Permittee shall make and record all applicable observations.

e. **Contain, Control and Respond to Spills to the MS4**. The Permittee shall respond to, contain and clean up all sewage and other spills that are discharged into their MS4 from any source (including private laterals and failing sewage systems). Spill response teams shall contain and control entry of spills into the MS4 and contamination of surface water, ground water and soil to the maximum extent practicable. The Permittee shall coordinate spill prevention, containment and response activities throughout all appropriate departments, programs and agencies to ensure maximum water quality protection at all times.

   The Permittee shall develop and implement a mechanism whereby they are notified of all sewage spills from private laterals and failing sewage systems that reach the MS4 (gutters, storm drains). The Permittee shall respond to, contain and clean up sewage from any such notification.

f. **Facilitate Disposal of Used Oil and Toxic Materials**. The Permittee shall coordinate with the Salinas Valley Solid Waste Authority (SVSWA) or other designate disposal company, who currently implements program(s) to facilitate the proper management and disposal of all used oil, vehicle fluids, toxic materials, and other household hazardous wastes. The Permittee shall, through its Public Education and Participation Component (described below) include educational activities, public information activities, and establishment of collection sites operated by the Permittee or a private entity. The program(s) shall be implemented <u>within one year of permit adoption</u>.

g. **Enforce the local ordinance to eliminate illicit discharges**. The Permittee shall use the progressive enforcement policy developed under Part C.4.f above with the intent to eliminate all known illicit discharges within the Permittee's jurisdiction, and enforce against all known responsible party(s). The Permittee shall use all appropriate sanctions to ensure compliance including, but not limited to, non-monetary penalties, and fines. The Permittee shall review the existing municipal ordinances and other regulations to ensure proper authority exists to implement the requirements listed in this part. If needed, all revisions must be made and adopted <u>within two (2) years of permit adoption</u>.

## VII. Public Education and Participation Component

The Permittee shall implement a Public Outreach Program using any media appropriate to increase the knowledge of target businesses and communities regarding MS4s, impacts of urban runoff on receiving waters, and potential BMP solutions for the target audience. The intended outcome of public outreach is a change in the behavior of targeted groups to reduce pollutant discharges in storm water runoff to the MS4 to the MEP. The Permittee shall incorporate a mechanism for public participation in the implementation of the

SWMP (e.g., programs that engage the public in cleaning up creeks, removal of litter in river embankments, and storm drain stenciling). The Public Outreach Program, as presented in the SWMP, shall include at least the following components:

- Advertising;
- Media relations;
- Public service announcements;
- "How To" instructional material distributed in a targeted and activity-related manner;
- Business, community association, and environmental organization tie-ins; and
- Events targeted to specific activities and population subgroups.

To meet the SWMP objectives and requirements of this Order, at a minimum, public outreach shall include the following:

a. **Target Groups**. The Public Outreach Program shall target at least the following groups:

   i. Municipal departments and personnel
   ii. Construction site contractors, developers and landowners
   iii. Industrial owners and operators
   iv. Commercial owners and operators
   v. Residential community, general public, and school children
   vi. Communities and businesses with primary languages other than English
   vii. Quasi-governmental agencies and districts (e.g., educational institutions, water districts, and sanitation districts).

b. **Residential activities**. For residential communities, public outreach shall include the following activities:

   i. Automobile repair and maintenance;
   ii. Automobile washing;
   iii. Home and garden care and product use;
   iv. Disposal of household hazardous waste (e.g., paints and cleaning products);
   v. Disposal of pet waste;
   vi. Disposal of green waste; and
   vii. Any other residential source that the Permittee determines may contribute a significant pollutant load to the MS4.

c. **Stenciling and signage**. The Permittee shall install signs and stencil storm drain inlets at selected high use public access points to creeks, channels and other relevant water bodies, particularly areas with a history of dumping problems <u>within two years of permit adoption</u>. Sign and stencil messages shall use language discouraging or prohibiting illegal dumping. Storm water protection postings shall be legible and maintained as necessary during the term of this Order.

d. **Media impressions**. The Permittee shall ensure that a minimum of 525,000 impressions per year are made on the general public about storm water quality issues via print, local TV access, local radio, or other appropriate media. Media outreach will commence in the second permit year.

e. **Classroom education**. The Permittee shall offer educational opportunities to a minimum of 75 percent of all school children in the third through sixth grades every two years on storm water pollution prevention through classroom presentations or other activities. Classroom education will begin the second year of the permit term.

f. **Business outreach**. The Permittee shall continue to implement a business outreach program to educate and inform business owners and operators about storm water regulations and BMPs. Business outreach shall be conducted not less than twice during the five-year term of this Order, with the first outreach contact for appropriate businesses to begin no later than one year after permit adoption.

   Businesses targeted for outreach shall include those identified in the Commercial/Industrial Element. At a minimum, the business outreach program shall include (1) educating owners and operators about storm water regulations; (2) distributing and discussing educational materials regarding storm water pollution and BMPs; (3) providing owners and operators with suggestions to facilitate compliance with storm water regulations; and (4) explaining penalties for noncompliance.

g. **Small Construction Outreach**. The Permittee shall conduct outreach to residential and commercial builders with construction sites smaller than one acre. This program shall, at a minimum, educate this group of builders on (1) statutes and regulations prohibiting discharge of sediment and other pollutants from their sites and into MS4s; (2) guidance documents available for selecting and installing BMPs; and (3) penalties for noncompliance.

h. **Public Awareness Survey**. To monitor the effectiveness of the Public Outreach Program in increasing public awareness and changing attitudes about storm water pollution, the Permittee shall conduct public awareness surveys at a minimum frequency of twice during the five-year term of this Order. Survey results and analysis of program effectiveness shall be presented in the Annual Reports.

   The survey shall measure a respondent's knowledge regarding, at a minimum: 1) where storm water goes, 2) level of treatment provided, 3) types of pollutants and their causes, 4) the respondents activities that potentially affect water quality, and 5) practices available to the respondents to reduce pollution. The results of the survey shall be used to measure the effectiveness of the Permittee's SWMP and identify needed revisions and/or additional targeting of education and training.

i. **Annual Meetings**. Annually the Permittee shall conduct a publicly noticed presentation of the information to be included in the Annual Report and to report on the next year's activities.

## VIII. Program Effectiveness

The Permittee shall assess the effectiveness of its SWMP in the Annual Reports. The assessment shall address specific direct and indirect measurements that the Permittee will use to track the long-term progress of its SWMP towards achieving improvements in receiving water quality. Direct and indirect measures of effectiveness shall include, but are not limited to, conformance with established performance standards, quantitative monitoring to assess the effectiveness of control measures, measurements or estimates of pollutant load reductions or increases, detailed accounting of SWMP accomplishments including a justification or reason for the level of accomplishment achieved, and funds expended or staff hours used.

At a minimum, the Permittee shall include measures to assess the effectiveness of the overall storm water management program and measures to assess each of the major program areas required in the SWMP.

The Permittee shall include proposed performance and effectiveness measures in the Revised SWMP submitted to the Regional Board for review (180 days after the effective date of this Order).

Annual Reports shall also include a compliance status update that summarizes the Permittee's compliance with the elements in this Order and the elements in the SWMP.

## IX. Legal Authority

The Permittee shall include with the first Annual Report, due after the effective date of this Order, a verification that it possesses legal authority that satisfies the criteria listed above. The Permittee shall provide as evidence of authority, a list of all statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements that they contend demonstrate the adequacy of their legal authority.

a. The Permittee shall establish, maintain, and enforce adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means. This legal authority must, at a minimum, authorize the Permittee to:

(1) Prohibit the contribution of pollutants in discharges of runoff associated with industrial and construction activity to its MS4 and regulate the quality of runoff from industrial and construction sites. This requirement applies both to industrial and construction sites which have coverage under the statewide general industrial or construction storm water permits,

as well as to those sites which do not. Grading ordinances shall be upgraded and enforced as necessary to comply with this Order.

(2) Prohibit unauthorized non-storm water discharges, including but not limited to the following:

i. Sanitary sewage overflows except as authorized or in compliance with Waste Discharge Requirements, General Permits or their equivalent that may be established by the Regional Board, the State Board, or USEPA;

ii. Discharges of wash water resulting from the hosing off or cleaning of gas stations, vehicle repair services, or other types of automotive service facilities;

iii. Discharges resulting from the storage, cleaning, repair, or maintenance of any type of equipment, machinery, or facility including, but not limited to, motor vehicles, cement-related equipment, and portable toilet servicing;

iv. Discharges of wash water from mobile operations including, but not limited to, mobile vehicle washing, steam cleaning, power washing, and carpet cleaning;

v. Discharges of wash water from the cleaning of impervious surfaces in municipal, industrial and commercial areas including, but not limited to, parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas;

vi. Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;

vii. Discharges of pool or fountain water containing chlorine, biocides, or other chemicals and discharges of pool or fountain filter backwash water;

viii. Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes;

ix. Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water);

x. Discharge of runoff from washing toxic materials from paved or unpaved areas; and

xi. Discharge of materials such as litter, landscape debris, construction debris, or any state or federally banned pesticides.

(3) Prohibit illicit connections to the MS4;

(4) Prohibit the discharge of spills, dumping, or disposal of materials other than storm water to its MS4;

(5) Use escalating enforcement mechanisms, including monetary fines, to obtain compliance with the Permittees' storm water ordinances, permits, contracts and orders;

(6) Prohibit the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other local, state and federal agencies such as Caltrans. The RWQCB may assist in developing and negotiating interagency agreements to ensure that proximate MS4 communities are not discharging or allowing the discharge of pollutants into neighboring communities;

(7) Carry out inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with this Order, local ordinances, and permits, including the prohibition of illegal discharges to the MS4. The Permittee must have authority to enter, sample, inspect, review records, and require regular reports and, as needed, relevant operational information from industrial facilities and construction sites discharging into its MS4;

(8) Require the use of BMPs to prevent or reduce the discharge of pollutants to MS4s; and

(9) Require that treatment control BMPs be properly operated and maintained.