CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION
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ORDER NO. R7-2013-0011
NPDES NO. CAS617002

WASTE DISCHARGE REQUIREMENT
FOR
DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)
WITHIN THE WHITewater RIVER WATERSHED
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,
OWNER/OPERATOR
COUNTY OF RIVERSIDE, OWNER/OPERATOR
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE
WHITewater RIVER BASIN, OWNers/OPERATORS

Table 1. Administrative Information

<table>
<thead>
<tr>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Order was adopted by the Regional Water Quality Control Board on:</td>
<td>June 20, 2013</td>
</tr>
<tr>
<td>This Order shall become effective on:</td>
<td>June 20, 2013</td>
</tr>
<tr>
<td>This Order shall expire on:</td>
<td>June 19, 2018</td>
</tr>
<tr>
<td>The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new Waste Discharge Requirements.</td>
<td></td>
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<tr>
<td>The date for submitting a complete application for reissuance is December 23, 2017.</td>
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</tbody>
</table>

I, Robert Perdue, Executive Officer, do hereby certify that this Order, with all attachments, is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 20, 2013.

ROBERT PERDUE, Executive Officer
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A. FINDINGS

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) finds that:

Background

1. On November 21, 2012, the County of Riverside (County) and the Riverside County Flood Control and Water Conservation District (RCFC&WCD), in cooperation with the Coachella Valley Water District (CVWD) and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the Permittees1), jointly submitted National Pollutant Discharge Elimination System (NPDES) Application No. CAS617002 and a Report of Waste Discharge (ROWD) for re-issuance of the third term MS4 NPDES permit (MS4 Permit).

2. For the purposes of this MS4 Permit, the following two Permittees are identified as the Principal Permittees:

County of Riverside, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and

Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, California 92501

The CVWD and each of the Cities are identified as a Co-Permittee. Collectively, the Principal Permittees and the Co-Permittees comprise the Permittees. Under this organizational framework, the Principal Permittees are responsible for coordinating collective Permittee activities required by the MS4 Permit, including report preparation and submittals to the Regional Water Board.

1 Permittee(s) and discharger(s) are used interchangeably in this MS4 Permit. Also, see Section K. Glossary of Terms for definitions of certain terms used in this MS4 Permit. Defined terms are capitalized and shown in italicized, bold lettering throughout the MS4 Permit.
3. The **County** and the incorporated Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage are general purpose governments with specified land use authorities and code enforcement powers.

4. **RCFC&WCD** and **CVWD** are special purpose districts established by the State Legislature, and are not general purpose governments with land use authorities or code enforcement powers. The **RCFC&WCD** and **CVWD** do not own or operate any public streets, roads, or highways, and have no planning, zoning, development permitting or other land use authority over industrial or commercial facilities, **New Development** or **Redevelopment Projects**, or development construction sites located in any incorporated or unincorporated areas within their service areas.

5. The urbanized area of the **Whitewater River Watershed** under the jurisdiction of the **Permittees** and covered by this **MS4 Permit** is referred to herein as the **Whitewater River Region**. The **MS4 Permit** area referred to as the **Whitewater River Region** is shown in Attachment A – Site Map, incorporated herein, and made a part of this **MS4 Permit** by reference.

6. The **Whitewater River Watershed** is an arid desert region in **Riverside County** encompassing an area of approximately 1,645 square miles. The **Whitewater River Region** accounts for approximately 367 square miles (22%) of the **Whitewater River Watershed**.

7. The **USEPA** Phase I **Storm Water** Final Rule became effective on December 17, 1990. The Phase I rule sets forth **NPDES** application requirements for: **Storm Water** discharges associated with industrial activity; discharges from a **MS4** serving a population of 250,000 or more (defined as Large **MS4s**); and discharges from **MS4s** serving a population of 100,000 or more but less than 250,000 (defined as Medium **MS4s**). On March 14, 1991, the **Executive Officer** designated the **Whitewater River Region** as an area required to have a Phase 1 **NPDES MS4 Permit**. It is estimated that as of January 1, 2012, approximately 483,449 persons resided in the incorporated and unincorporated areas of the **Whitewater River Region**.

8. The City of Banning, although included as a **Permittee** on this **MS4 Permit**, does not share an interconnected **MS4** with the remainder of the **Permittees**. The **MS4** operated by the City of Banning discharges directly into the San Gorgonio River, an ephemeral **Receiving Water**. Most **MS4** discharges from the City of Banning infiltrate. Rarely and only during significant runoff events, storm drainage may flow as far as the **CVWD** infiltration basins near the City of Palm Springs, which are located several miles upstream of **Urban Runoff** discharges from the **MS4s** operated by the other **Permittees**. However, the City of Banning is included in this

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A. FINDINGS
**MS4 Permit** to facilitate coordination with the regional programs implemented by the **Permittees** and to reduce the administrative duties on the **Regional Water Board**.

9. The City of Desert Hot Springs also does not share an interconnected **MS4** with the remainder of the **Permittees**. The **MS4** operated by the City of Desert Hot Springs drains to several washes tributary to the Little and Big Morongo Washes, which are **Receiving Waters**. Most discharges from the City of Desert Hot Springs infiltrate. Rarely, and only during significant storm events, would any storm drainage flow into the Whitewater River. However, the City of Desert Hot Springs is included in this **MS4 Permit** to facilitate coordination with the regional programs implemented by the **Permittees** and to reduce the administrative duties on the **Regional Water Board**.

10. The **Permittees** submitted a revised **Whitewater River Region Storm Water Management Plan (SWMP)** for approval by the **Executive Officer** on June 29, 2009; an errata version of the **SWMP** was subsequently created by the **Permittees** in 2011. The **SWMP** is incorporated by reference as an enforceable element of this **MS4 Permit**. Future **Permittee** revisions of the **SWMP**, once approved by the **Executive Officer**, also become enforceable components of this **MS4 Permit**.

11. This **MS4 Permit** requires the **Permittees** to revise the **SWMP** to incorporate the new requirements described herein.

12. Within the **Whitewater River Region**, it is necessary for the **Permittees** to coordinate their **Urban Runoff** management activities to achieve appropriate protection of **Receiving Water** quality. Establishment of a management structure will assist the **Permittees** subject to this **MS4 Permit** to fund and coordinate those aspects of their joint obligations. Also, this management structure will promote cost-effective implementation of the **SWMP** within the **Whitewater River Region**.

13. The **Permittees** entered into an **Implementation Agreement** to carry out the activities, regional compliance programs and responsibilities prescribed in the previously issued **NPDES Permit**, Order No. R7-2008-0001. The **Implementation Agreement** sets forth the working framework among the multiple **Permittee** agencies. Specific provisions of that agreement include cost sharing for public education activities and water quality monitoring. The **Implementation Agreement** provides non-binding guidance as to the organizational framework of the **Principal Permittees** and **Co-Permittees** and their respective responsibilities, duties, and obligations imposed by Order No. R7-2008-0001. The **Permittees** intend to review and amend the **Implementation Agreement** to address the requirements of this **MS4 Permit**.

14. An **MS4** program audit conducted at the City of Palm Springs by **Regional Water Board** staff and a **USEPA**-contracted auditor in June 2012 confirmed that the City’s storm water program was demonstrating compliance with the 2008 **MS4 Permit**.

A. FINDINGS
15. The Permittees lack legal jurisdiction over discharges into their respective MS4s from certain facilities, entities, properties, and other Point and Non-Point Source discharges otherwise permitted by or under the jurisdiction of the Regional Water Board. The Regional Water Board finds that the Permittees are not responsible for such discharges. Similarly, certain activities that generate Pollutants present in Urban Runoff are beyond the ability of the Permittees to eliminate. Examples may include: operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, bacteria from wildlife (including feral dogs and cats) and transient encampments, or from bacterial resuscitation or reactivation from treated waters or growth of bacteria in the environment (such as in sediments, surface water, or other substrate), and leaching of naturally occurring nutrients and minerals from local soils, residues from lawful application of pesticides, nutrient runoff from landscape activities, and leaching of naturally occurring minerals from local geology. This MS4 Permit is not intended to address background or naturally occurring pollutants or flows.

16. Certain areas and facilities in the Whitewater River Region are excluded from coverage under this MS4 Permit because the Regional Water Board finds that those areas can be and/or are being addressed through other regulatory programs, including programs administered by the Regional Water Board and other federal, state and local regulatory agencies. Excluded areas include:

- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
- Native American tribal lands;
- Open space and rural (non-urbanized) areas;
- Agricultural lands (exempted under the CWA); and
- Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities).

17. Whitewater River Region SWMP requirements apply to all MS4 facilities covered under this MS4 Permit that are operated by the Permittees on Municipal and Tribal Lands. As described in USEPA's Tribal Policy, regulation of any potential MS4 operating under Tribal jurisdiction would take the form of a permit from the federal agency (USEPA) to the Tribe, in accordance with Tribal sovereignty. On May 24, 2011, USEPA issued a letter to the Agua Caliente Band of Cahuilla Indians (Tribe) clarifying that the Tribe is not the operator of an MS4 required to maintain coverage under a NPDES Permit. USEPA determined, based on an assessment of the unique pattern of State and Tribal jurisdiction in the area, and the provisions of existing land use contracts between the Tribe and state and municipal authorities, that the Tribe is not presently the owner or operator of a regulated MS4 within an urbanized area. USEPA determined that under the existing structure of land-use agreements with local government entities including the Permittees, areas currently under direct tribal jurisdiction meet the criteria specified in CFR section 122.32(d), and have a sufficiently low total population to qualify for a waiver from MS4 permit requirements.

A. FINDINGS
Tribal land intersects with Cathedral City, Rancho Mirage, Palm Springs, and unincorporated areas of Riverside County in a checkerboard pattern. In order to address the unique logistical issues of managing checkerboard areas for government services, the Tribe entered into land use contracts with certain local government entities. The provisions of these contracts vary, and may cover a host of land use issues, including land use ordinances and statutes required to be administered by each local government entity. However, the Tribe retains sovereign authority over its lands, including authority to override municipal requirements with regard to the management of tribal lands. In the event the Tribe chooses to exercise this authority to override municipal requirements, it could place itself in the position of being an owner/operator of a regulated MS4 and be required to obtain permit coverage on the land(s) affected. Additionally, in its position as trustee for all Tribal and Allotted Trust Lands, the U.S. Department of the Interior Indian Affairs Bureau of Indian Affairs holds ultimate authority and duty to negotiate, execute, and otherwise administer existing and future leases of trust lands.

18. Discharges of Storm Water runoff from lands owned by the California Department of Transportation (CalTrans) are currently regulated under a separate NPDES permit (Order No. 2012-0011-DWQ – NPDES No. CAS000003) issued by the State Water Resources Control Board (State Water Board). CalTrans is required to comply with specific Effluent Limitations prior to discharging from its right-of-way into the MS4 operated by the Permittees.

Urban Runoff Characterization

19. Urban Runoff contains Waste, as defined in the CWC, which contains Pollutants that could adversely affect the quality of the Waters of the State. The discharge of Pollutants in Urban Runoff from a MS4 is a "discharge of Pollutants from a Point Source into Waters of the United States" as defined in the CWA.

20. Urban Runoff may contain elevated levels of pathogens (bacteria, protozoa, viruses), Sediment, trash, fertilizers (nutrients, compounds of nitrogen and phosphorus), pesticides (DDT, chlordane, diazinon, chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). Urban Runoff may carry these Pollutants to Receiving Waters within the Whitewater River Region. In addition, although infrequently, Urban Runoff from the Whitewater River Region may carry these Pollutants to other Receiving Waters, such as the Whitewater River. These Pollutants can then impact the Beneficial Uses of the Receiving Waters and may cause or threaten to cause a condition of Pollution or Nuisance.

21. Pathogens (from Sanitary Sewer Overflows (SSO), septic system leaks, and spills and leaks from portable toilets, pets and human activities) may impact water contact recreation and non-contact water recreation. Floatables (from trash) are an aesthetic Nuisance and may provide a substrate for algae and insect vectors. Oil and grease may coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components

A. FINDINGS
may cause **Toxicity** to aquatic organisms and may impact human health. Suspended and settleable solids (from **Sediment**, trash, and industrial activities) may be deleterious to benthic organisms and may cause anaerobic conditions. **Sediments** and other suspended particulates may cause turbidity, clog fish gills, and interfere with respiration in aquatic fauna. **Sediment** and other suspended particles may also screen out light, hindering photosynthesis and normal aquatic plant growth and development.

22. It is recognized that **Storm Water** flows from non-urbanized areas such as National Forests, State Parks, Wilderness, and Agriculture, as shown on the Site Map (Attachment A), naturally exhibit high levels of suspended solids due to climate, hydrology, geology, and geography. Runoff from these non-urbanized areas may flow into the MS4 and affect flow and water quality. Toxic substances (from pesticides, petroleum products, metals, and industrial **Wastes**) may cause acute and/or chronic **Toxicity**, and may bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, firefighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) may cause excessive algal blooms. These blooms may lead to problems with odor, color and increased turbidity, and may depress the dissolved oxygen content leading to fish kills.

23. There is a direct correlation between “urbanization” and “impacts to receiving water quality.” In general, the more heavily developed the area, the greater the potential impact to receiving waters from **Urban Runoff**.

24. During urban development two important changes may occur:

   a. Natural pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural soil can both absorb rainwater and remove **Pollutants**. Because pavement and concrete can neither absorb water nor remove **Pollutants**, the absorptive characteristics of the land are greatly reduced; and

   b. Urban development may create new **Pollution** sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance **Wastes**, municipal sewage, pesticides, **HHW**, pet wastes, trash, etc., which may either be washed into or directly dumped into the **MS4**.

Because of these two changes the runoff leaving the developed urban area may be significantly greater in volume, velocity, and **Pollutant** load than the predevelopment runoff from the same area. These effects are minimized when effective **Best Management Practices (BMPs)** to manage **Urban Runoff** are implemented and maintained.

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A. FINDINGS
25. **Urban Runoff** may contain **Pollutants** that may threaten human health. Individually and in combination, **Pollutants** discharged from **MS4s** may cause or threaten to cause a condition of **Pollution** (i.e., an alteration of water quality by **Waste** to a degree which unreasonably affects the waters for designated **Beneficial Uses** and/or facilities which serve these designated **Beneficial Uses**) or **Nuisance**. The discharge of **Pollutants** from **MS4s** may cause the concentration of **Pollutants** to prevent attainment of applicable **Receiving Water Quality Objectives (WQO)** and thereby impair or threaten to impair designated **Beneficial Uses**.

**Rationale for Requirements**

26. The **Regional Water Board** developed the requirements in this **MS4 Permit** based on information submitted as part of the 2012 **ROWD, Whitewater River Region** monitoring and reporting data, program audits, and other available information and consistent with the **CWA, CWC** and regulations adopted thereunder.

27. The Fact Sheet, Section O. of this **MS4 Permit**, contains additional background information and rationale for requirements specified in this **MS4 Permit**, and constitutes part of the Findings for this **MS4 Permit**.

28. This **MS4 Permit’s Receiving Water Limitations** language is consistent with Order WQ 99-05, adopted by the **State Board** on June 17, 1999, and Order WQ 2001-15, adopted by the **State Board** on November 15, 2001. **Receiving Water Limitations** apply to all **Permittees** as set forth in Section D of this **MS4 Permit**.

29. The **Permittees** are separate legal entities and, as such, have the authority to develop, administer, implement, and enforce **Urban Runoff** management programs only within their respective jurisdictions. In addition, the **Permittees** have maintenance responsibilities for the **MS4** facilities within their jurisdictional boundaries. Therefore, the **Permittees** are responsible for implementing that portion of the **Urban Runoff** management program for discharges to and from their **MS4** facilities that is commensurate with those jurisdictional limitations.

**Characteristics of the Whitewater River Region**

30. The **Whitewater River Region** lies within the Whitewater River Hydrologic Unit and is unique relative to other regulated **MS4s**. Some of the unique characteristics are:

**Climate**

- Climatic conditions in the **Whitewater River Region** are arid. The winters are mild and summers are hot, with temperatures ranging from below freezing to over 120° F. Evapotranspiration rates in the **Whitewater River Region** are among the highest to be found throughout the State, with an average reference evapotranspiration of 71.6 inches per year.\(^4\)

Rainfall

- Precipitation in the **Whitewater River Region** averages 3.6 inches per year.\(^5\) This is 65-75% less annual precipitation than the western portions of **Riverside County** that drain to the coast and coastal counties in Southern California.

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<tr>
<th>Region/watershed</th>
<th>Average Annual Rainfall (inches)</th>
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<tbody>
<tr>
<td>R8/Santa Ana</td>
<td>12.0</td>
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<td>R9/Santa Margarita</td>
<td>15.5</td>
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<tr>
<td>R4/Los Angeles County</td>
<td>13.2</td>
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<tr>
<td>R9/San Diego County</td>
<td>10.8</td>
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<tr>
<td>R7/Whitewater</td>
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</table>

- In addition to the overall lack of precipitation there is no defined **Rainy (Wet) Season** within the **Whitewater River Watershed**. Convective rainfall events (summer thunderstorms) make up a large portion of **Whitewater River Region** annual rainfall, in contrast to the general winter precipitation that dominates rainfall events in western Riverside County and the coastal plains. When storms occur, they tend to be discrete convective cells, and feature short but intense rainfall, typical of monsoonal thunderstorms; individual storm events typically are local and rarely affect the entire drainage network.

Land Use

- Approximately 33 percent\(^6\) of the **Whitewater River Region** is comprised of urban land uses (residential, commercial, industrial parks and recreation facilities and streets and roads). Although portions of the **Whitewater River Region** experienced rapid growth from 2000 through 2006, the economic recession has resulted in little development or population growth since adoption of the 2008 **MS4 Permit**. It is projected that the population of the **Whitewater River Region** will increase approximately 6.7 percent by 2015.\(^7\) Assuming that the **Whitewater River Region**'s population and urbanized areas increase at a proportional rate, approximately 65 percent of the **MS4 Permit** area would remain in non-urban land uses in 2015.

- Approximately 60 percent of the **Whitewater River Watershed** consists of federal, state, and tribal lands\(^8\) that are not under the jurisdiction of the **Permittees**.

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\(^6\) County of Riverside Assessor, current as of February, 2013.


\(^8\) County of Riverside Assessor, current as of February, 2013.

A. FINDINGS
Soils and Geology

- The **Whitewater River Region** is located in a wide valley; perennial stream flows from surrounding mountains have deposited bouldery alluvial fans comprised of loosely packed, highly pervious soils where they have interfaced with the flat valley floor. Field inspections and inspection of aerial photography demonstrate that most of the development in the **Whitewater River Region** has occurred at or near the base of the mountains, on or near historical alluvial fans\(^9\).

- Alluvial-fan flash flooding from the surrounding mountain ranges has been recorded in the **Whitewater River Region**, beginning as early as 1825.\(^{10}\) Many of the Receiving Waters tributary to the Whitewater River, which historically have not featured concentrated stream flows due to their location on alluvial fans have been captured by existing flood control works at the alluvial fan apex and channelized to mitigate flood hazards to **Whitewater River Region** life and property.\(^{11}\)

- The predominant soil types within the **Whitewater River Region** are classified as Carsitas and Myoma.\(^{12}\) These sands are extremely pervious, and promote rapid infiltration of runoff.

- The southeastern portion of the **Whitewater River Region**, which includes sections of Indio, La Quinta, Coachella and unincorporated County area, sits atop a shallow subterranean clay lens; typical for the most downstream reach of an ephemeral waterbody. These portions of the **Whitewater River Region** feature shallow depth to groundwater.\(^{13}\)

- Due to the small percentage of the **Whitewater River Watershed** and the **Whitewater River Region** in urban land uses, Permittee requirements for New Developments to retain Urban Runoff, and natural soil conditions, Urban Runoff constitutes a minor percentage of the total flow in the Whitewater River during storm conditions. During non-storm conditions, Urban Runoff discharges to Receiving Waters in the **Whitewater River Region** are also relatively minor based on flow volume.

Hydrology

- The Whitewater River is the major drainage course in the Whitewater River Hydrologic Unit Planning Area, and is defined in the Basin Plan as the reach from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near the Indian Canyon Drive crossing in the City of Palm Springs. The reach of the Whitewater River from the Whitewater recharge basins near Indian Canyon Drive to the CVSC near Indio is defined as a Wash (Intermittent or Ephemeral Stream) in the Basin Plan. Tributary

\(^{9}\) Riverside County Flood Control, March 2013.


\(^{11}\) Riverside County Flood Control, March 2013.


A. FINDINGS
**Receiving Waters** to this reach exhibit perennial flow in the surrounding mountains, but because of diversions and percolation into the basin, these perennial flows typically infiltrate, evaporate or are consumed through evapotranspiration before reaching the **Whitewater River Region**.

- Within the **Whitewater River Region**, the Whitewater River and its tributaries are dry ephemeral washes. Due to soil type and lack of interflow contributions, time and volume of flow in **Receiving Waters** after storm events are minimal. Flow in the Whitewater River downstream of the Whitewater recharge basins is so infrequent that several sections of the channel have been integrated into golf courses.

- While developing the 2012 **ROWD**, the **Permittees** aggregated and reviewed rainfall and United States Geological Survey (USGS) flow data for Palm Canyon Creek, a **Receiving Water** tributary to the Whitewater River, located in the City of Palm Springs. Twenty-three years of data showed that the reach of Palm Canyon Creek located within the **Whitewater River Region** exhibited flow due to discharges of **Urban Runoff** from the urbanized area, an average of less than 1 percent of the days of each year.\(^{14}\)

- The **CVSC** is the 25 mile long, constructed downstream extension of the Whitewater River channel, beginning west of Washington Street in La Quinta and ending on the north shore of the Salton Sea. The lower 17-mile reach of the **CVSC** is the only surface waterbody in the **Whitewater River Region** that features perennial flow; these flows are dominated by effluent from **NPDES-permitted POTW** discharges, rising groundwater, and agricultural return flows.\(^{15}\)

- **CVWD** operates and maintains the **CVSC** and the regional subsurface drainage collection system for the Coachella Valley, which drains to the **CVSC**. General information from **CVWD**’s 2011 Annual Review and Water Quality Report states approximately 251,249 acre feet of water was provided for irrigation. Approximately one-third of the applied volume is water that drains to the subsurface drainage collection system to the CVSC.

- Within the **Whitewater River Region**, both the Whitewater River and the **CVSC** are stabilized, engineered and maintained dry washes. Although the Whitewater River follows the general path of the historic waterbody, there was no pre-existing dry wash for the **CVSC**. Channel design capacity attenuates as the river moves through the **MS4 Permit** area. The Standard Project Flood (SPF)\(^{16}\) peak discharge is approximately 86,000 cubic feet per second (cfs) at Windy Point within the Whitewater River, and 82,000 cfs at Washington Street in La Quinta, where the **CVSC** begins. The SPF peak discharge for the **CVSC**

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**A. FINDINGS**
is 67,000 cfs at the outlet to the Salton Sea.\textsuperscript{17} The Whitewater River and CVSC are designed to convey these flows with a minimum of 1 foot of freeboard.

**Colorado River Region Basin Plan**

31. The *Basin Plan*, as amended to date, designates the *Beneficial Uses* of ground and surface waters in the Colorado River Basin Region. The *Whitewater River Region* lies within the Whitewater River Hydrologic Unit Planning Area.

32. The majority of surface water bodies within the *Whitewater River Region* are designated as *Washes*. These include the Whitewater River, starting from the Whitewater recharge basins located west of the City of Palm Springs and extending to the upstream channel reach located one-quarter mile west of the Monroe Street crossing near the City of Indio. The majority of the urban area in the *Whitewater River Region* drains into this reach of the Whitewater River. The *Permittee’s MS4* facilities drain into the following *Washes*:

- Smith Creek
- Montgomery Creek
- West Cathedral Canyon Channel
- East Cathedral Canyon Channel
- West Magnesia Canyon Channel
- East Magnesia Canyon Channel
- Palm Valley Storm Water Channel
- Deep Canyon Storm Water Channel
- Bear Creek
- La Quinta Resort Channel
- La Quinta Evacuation Channel
- Whitewater River from Whitewater recharge basins to the CVSC

The designated *Beneficial Uses* for the aforementioned *Washes* are Freshwater Replenishment (*FRSH*), Groundwater Recharge (*GRW*), Non-contact Water Recreation (*REC 2*) and Wildlife Habitat (*WILD*). Each of the uses in these *Washes* are identified as being intermittent, meaning that they are only applicable if flows are sufficient to support those uses.

33. The *Permittees* also own and operate *MS4* facilities that discharge *Urban Runoff* into the following surface water bodies, which have additional designated *Beneficial Uses*:

a. Mission Creek
b. San Gorgonio River
c. Whitewater River
d. Tahquitz Creek
e. Palm Canyon Creek

\textsuperscript{17} Flow in the CVSC decreases over distance travelled towards the Salton Sea due to infiltration in the unlined channel

A. **FINDINGS**
Beneficial Uses for these specific water bodies are identified and summarized in the following table. In addition to the Beneficial Uses described above, these include Municipal and Domestic Supply (MUN), Agriculture Supply (AGR), Aquaculture (AQUA), Industrial Service Supply (IND), Water Contact Recreation (REC 1), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Hydropower Generation (POW) and Preservation of Rare, Threatened or Endangered Species (RARE). Note that existing Beneficial Uses are designated by X; potential Beneficial Uses are designated by P, and intermittent uses by I:

<table>
<thead>
<tr>
<th>Waterbody</th>
<th>MUN</th>
<th>AGR</th>
<th>AQUA</th>
<th>FRSH</th>
<th>IND</th>
<th>GWR</th>
<th>REC1</th>
<th>REC2</th>
<th>WARM</th>
<th>COLD</th>
<th>WILD</th>
<th>POW</th>
<th>RARE</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>CVSC</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>Perennial reach from approx. Dillon Road to Salton Sea</td>
</tr>
<tr>
<td>Little Morongo Creek</td>
<td>P</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>19</td>
<td>20</td>
<td>Unauthorized use.</td>
</tr>
<tr>
<td>Palm Canyon Creek</td>
<td>P</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>18</td>
<td>19</td>
<td>Unauthorized use.</td>
</tr>
<tr>
<td>San Gorgonio River</td>
<td>P</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>18</td>
<td>18</td>
<td>Unauthorized use.</td>
</tr>
<tr>
<td>Tahquitz Creek</td>
<td>P</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>18</td>
<td>20</td>
<td>Unauthorized use.</td>
</tr>
<tr>
<td>Whitewater River</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>I</td>
<td>X</td>
<td>X</td>
<td>I</td>
<td>21</td>
<td>21</td>
<td>From headwaters to Whitewater Recharge Basins</td>
</tr>
<tr>
<td><strong>Washes</strong>&lt;sup&gt;23&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>24</td>
<td></td>
<td></td>
<td>25</td>
<td>25</td>
<td>Whitewater River and CVSC from Indian Canyon Dr. to approximately ½ mile west of Monroe Street crossing.</td>
<td></td>
</tr>
</tbody>
</table>

34. Numeric and narrative WQOs exist for the Receiving Waters in the Whitewater River Region. It is not feasible or appropriate at this time to establish Numeric Effluent Limitations due to the variability in the quality, quantity, and complexity

---

18 Section of perennial flow from approximately Indio to the Salton Sea.
19 Unauthorized use.
20 Unauthorized use.
21 Rare, endangered or threatened wildlife exists or utilizes these waterway(s). If the RARE Beneficial Use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Water Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Water Board.
22 Includes the section of flow from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near Indian Avenue crossing in Palm Springs.
23 Washes – Intermittent or Ephemeral Streams, including the section of ephemeral flow in the Whitewater River and the CVSC from Indian Canyon Drive to approximately ½ mile west of Monroe Street crossing.
24 Applies only to tributaries to Salton Sea.
25 Use, if any, to be determined on a case-by-case basis.
of **Urban Runoff**. Moreover, the impact of **Urban Runoff** discharges on the quality of **Receiving Waters** has not been fully determined.

35. Therefore, the **Effluent Limitations** contained in this **MS4 Permit** are narrative and include the **SWMP**'s requirement to implement appropriate **BMPs**. The narrative **Effluent Limitations** constitute compliance with the requirements of the **CWA** and can be found in Section B. **DISCHARGE PROHIBITIONS**, Section D. **RECEIVING WATER LIMITATIONS** and Section G. **IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADs** of this **MS4 Permit**.

### CWA Section 303(d) Listed Waterbodies and Total Maximum Daily Loads (TMDLs)

36. Section 305(b) of the **CWA** requires **USEPA** and each state that has been delegated **NPDES** Permitting authority to routinely monitor and assess the quality of waters in their respective regions. If this assessment indicates that **Beneficial Uses** are not met, then the waterbody must be listed under Section 303(d) of the **CWA** as an **Impaired Waterbody**.

37. On October 11, 2011 the **USEPA** issued its final decision regarding the water bodies and pollutants added to the California 303(d) List. Within the **MS4 Permit** area, the **CVSC** has been identified as impaired for pathogens in that portion from Dillon Road to the Salton Sea. The source of these pollutants is unknown.

38. Federal regulations require that a **TMDL** be established for each 303(d) listed waterbody for each of the **Pollutants** causing **Impairment**. The **TMDL** is the total amount of a **Pollutant** that can be discharged to a subject waterbody, while still enabling the waterbody to attain **Water Quality Standards (WQSs)** in the **Receiving Water**. Attaining WQSs means that the receiving waterbody’s **Water Quality Objectives (WQOs)** are met and its **Beneficial Uses** are protected. The **TMDL** is the sum of the individual **Waste Load Allocations (WLAs)** for point source inputs, **Load Allocations (LAs)** for **Non-Point Source** inputs and natural background, and a margin of safety. The **TMDLs** are one of the bases for limitations established in **Waste Discharge Requirements (WDRs)**.

39. The **Regional Water Board** adopted a **Basin Plan** amendment incorporating the **CVSC** Bacterial Indicators **TMDL** of Escherichia coli (E. coli) on May 16, 2007, and as further modified on June 17, 2010. The **TMDL** was subsequently approved by the **State Board** on July 19, 2011, approved by the Office of Administrative Law on February 2, 2012 and approved by **USEPA** on April 27, 2012. The **USEPA** approved the **TMDL** on the condition that the **Basin Plan** would be subsequently amended to reduce the number of bacterial indicators from three (fecal coliform, enterococci, and E. coli) to just the single indicator of E. coli to be consistent with the approved **CVSC** Bacterial Indicators **TMDL**.

40. The **Regional Water Board** satisfied that **USEPA** condition by amending the **Basin Plan** to specify E. coli as the sole bacterial indicator for the **CVSC**. This amendment was approved by the **Regional Water Board** on June 17, 2010, the **State Board** on July 19, 2011, the Office of Administrative Law on February 2, 2012 and the **USEPA** on April 27, 2012.

### A. FINDINGS
41. The CVSC Bacterial Indicators TMDL established limits for bacterial source indicators for the CVSC from Dillon Road to the Salton Sea. The CVSC Bacterial Indicators TMDL Source Analysis identified MS4 operated by the City of Coachella as a potential source of bacterial indicators.

42. The CVSC Bacterial Indicators TMDL specifies WLAs for Point Sources including the City of Coachella’s MS4, CalTrans, Valley Sanitary District wastewater treatment plant, Coachella Sanitary District wastewater treatment plant, and Mid-Valley Water Reclamation Plant; as well as LA for agricultural runoff, federal lands, tribal lands and septic systems. To protect REC-I Beneficial Uses, the TMDL has specified a WLA for E. coli.

43. The CVSC Bacterial Indicators TMDL specifies that if it is to be implemented in the Whitewater River Watershed MS4 Permit, Water Quality Based Effluent Limits (WQBELs) are to be expressed as narrative management practices rather than direct application of Numeric Effluent Limitations.

44. The City of Coachella has proactively implemented structural Best Management Practices (BMPs) to effectively infiltrate all Dry Weather Urban Runoff prior to reaching MS4 Outfalls regulated by the CVSC Bacterial Indicators TMDL. These structural BMPs were completed in 2011 with additional modifications planned to improve the effectiveness of the Avenue 52 outfall controls. These BMPs ensure that there are no discharges from the City’s MS4 during Dry Weather.

45. The CVSC Bacterial Indicators TMDL Implementation Plan is divided into two phases. Phase I actions will take three years to complete and focus on monitoring and addressing bacterial indicators associated with wastewater discharges from MS4 and other NPDES facilities. If E. coli WQOs are not achieved by the end of Phase I, Regional Water Board staff will implement additional actions to control E. coli sources in Phase II (within seven years after the end of Phase I). Section 2.3 of the CVSC Bacterial Indicators TMDL states:

“If monitoring and assessment in Phase I indicate that waste discharges to the CVSC from anthropogenic activities violate this TMDL, and that violations persist despite recommended operation and maintenance procedures and control measures in existing permits, the Regional Water Board shall require the implementation of additional actions to control anthropogenic sources of bacteria in Phase II. The Regional Water Board will require the responsible parties to select and implement new/additional management practices for Phase II, following characterization of these sources and a determination of whether these sources can be controlled. This determination shall take into consideration background conditions and cost factors. The Regional Water Board may revise MS4 permit water quality based effluent limitations, which may be expressed in terms of narrative management practice (MP) requirements. The Regional Water Board may also consider revising WQOs for CVSC to address natural background sources of bacteria...."

A. FINDINGS
46. In *Defenders of Wildlife, et al v. Browner*, 191 F.3d 1159 (9th Cir. 1999), the court held, based on principles of statutory interpretation, that the 1987 Water Quality Act amendments to the CWA does not require municipal storm-sewer discharges to comply strictly with State WQSs for MS4 permits under section 301(b)(1)(C), but that such compliance may be included at the discretion of the permitting agency (id., 191 F.3d at 1165). The Court explained that the language in section 402(p)(3)(A), which addresses discharges of storm water associated with industrial activity, and section 402(p)(3)(A), which addresses discharges from municipal storm-sewers, was unambiguous and showed Congress’ intent to apply different requirements for these two types of storm water discharges. In particular, the Court noted that section 402(p)(3)(A) requires industrial storm water discharges to comply with all requirements of section 402(p) and section 301, which includes the requirement that such discharges “shall ... achiev[e] ... any more stringent limitation, including those necessary to meet water quality standards” (id., 191 F.3d at 1165). In contrast, the Court observed that section 402(p)(3)(B) requires municipal storm-sewer discharges to comply with a completely different set of standards, which does not include a specific reference to section 301. Thus, the Court held that the language in section 402(p)(3)(B)(iii), which requires “controls to reduce the discharge of pollutants to the Maximum Extent Practicable [MEP], including management practices, ..., and such other provisions as the [EPA] Administrator ... determines appropriate for the control of such pollutants,” unambiguously showed that Congress gave the EPA Administrator discretion to determine what pollution controls are appropriate (id., 191 F.3d at 1166). The Court commented that the EPA has exercised that discretion for municipal storm-sewer discharges by adopting an interim approach, which uses BMPs to provide for the attainment of water quality standards (id., 191 F.3d at 1166). Federal implementing regulations at 40 CFR 122.44(k)(3) specifically allow the use of BMPs to control or abate the discharge of Pollutants when Numeric Effluent Limitations are infeasible or when practices are reasonably necessary to achieve Effluent Limitations and standards or to carry out the purposes and intent of the CWA. The legislative history and the preamble to the federal storm water regulations indicate that Congress and USEPA were aware of the difficulties in regulating Urban Runoff solely through traditional end-of-pipe treatment. It is the Regional Water Board’s intent to require the Permittees to implement BMPs consistent with the MEP standard in order to support attainment of WQSs. This MS4 Permit includes Receiving Water Limitations based on WQOs; it prohibits causing a condition of Nuisance and requires the reduction of WQSs impairment in Receiving Waters. This MS4 Permit includes a procedure for evaluating whether the SWMP must be revised to include additional or more effective BMPs designed to meet WQSs. This MS4 Permit establishes an iterative process to determine compliance with Receiving Water Limitations.

47. Federal regulations (40 CFR 122.44(d)(1)(vii)(B)), to the extent applicable to municipal Stormwater permits, require inclusion of Effluent Limitations that are “consistent with the assumptions and requirements of any available WLA for the discharge prepared by the State and approved by USEPA.” Consistent with this requirement, this MS4 Permit includes BMP-based interim WQBELs. This MS4

A. FINDINGS
Permit additionally includes BMP-based final WQBELs which are based on the WLA for the CVSC Bacterial Indicators TMDL. This MS4 Permit includes requirements to develop and implement control measures necessary to achieve WLAs by the deadlines specified in the CVSC Bacterial Indicators TMDL.

48. Consistent with the CVSC Bacterial Indicators TMDL Implementation Plan, the City of Coachella submitted a monitoring program to the Regional Water Board on January 6, 2013. The CVSC Bacterial Indicators TMDL requires the City of Coachella to implement the monitoring program, upon approval, and submit a report on January 31, 2016 (with Permittee Annual Reports) indicating whether Urban Runoff violates the City of Coachella’s WLA, whether the sources of violation are controllable and recommendations for additional BMPs that are appropriate given background conditions, cost factors and the status of Regional Water Board efforts to revise WQOs for the CVSC to address the City of Coachella’s WLA (the 2016 QAPP).

49. These WQBELs are consistent with the assumptions and requirements identified in the TMDL Implementation Plans adopted with the TMDLs because the BMPs are expected to be sufficient to meet the WLAs by the compliance dates. The CVSC Bacterial Indicators TMDL, relies on this MS4 Permit to implement the WLA for the City of Coachella.

Compliance Schedules and Interim Requirements

50. Consistent with the State Board’s Compliance Schedule Policy (Resolution No. 2008-0025), this MS4 Permit incorporates interim and final Effluent Limits, where applicable. Additionally, since the TMDL compliance dates are outside the term of this MS4 Permit, it is also appropriate to require Permittees subject to TMDL compliance dates that are outside the term of this MS4 Permit to monitor and report the effectiveness of BMPs implemented in the MS4 Permit area to evaluate progress towards attainment of WLA by the time schedules specified in the adopted TMDL. This MS4 Permit includes the schedules for deliverables as part of the TMDL Implementation Plan as well as a requirement to monitor the effectiveness of BMPs in the MS4 Permit area in reducing Pollutant discharges and to report progress towards compliance with the TMDL WLA by the compliance dates.

Whitewater River Region Water Quality

51. Neither the Whitewater River nor its tributaries are CWA 303(d) listed as Impaired Waterbodies for any Pollutant within the Whitewater River Region. Most of the waterbodies assessed within the Whitewater River Region for inclusion into USEPA’s most current 305(b) Report have been identified as having good water quality. Waterbodies listed as threatened or impaired do not identify Urban Runoff as a source.

A. FINDINGS
Table A.2. 305(b) Report Information for the Whitewater River Region\textsuperscript{26}

<table>
<thead>
<tr>
<th>Waterbody Name</th>
<th>Type of Waterbody</th>
<th>Size</th>
<th>Units</th>
<th>Water Quality Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whitewater River</td>
<td>River</td>
<td>25</td>
<td>Miles</td>
<td>Good</td>
</tr>
<tr>
<td>Big Morongo Creek</td>
<td>River</td>
<td>15</td>
<td>Miles</td>
<td>Good</td>
</tr>
<tr>
<td>Little Morongo Creek</td>
<td>River</td>
<td>15</td>
<td>Miles</td>
<td>Good</td>
</tr>
<tr>
<td>CVSC</td>
<td>River</td>
<td>17</td>
<td>Miles</td>
<td>Impaired (Cause: Pathogens; Probable Source: Unknown)</td>
</tr>
<tr>
<td>Falls Creek</td>
<td>River</td>
<td>5.74</td>
<td>Miles</td>
<td>Good</td>
</tr>
<tr>
<td>Millard Canyon Creek</td>
<td>River</td>
<td>5</td>
<td>Miles</td>
<td>Good</td>
</tr>
<tr>
<td>Mission Creek</td>
<td>River</td>
<td>15</td>
<td>Miles</td>
<td>Good</td>
</tr>
<tr>
<td>Snow Creek (Riverside County)</td>
<td>River</td>
<td>3.3</td>
<td>Miles</td>
<td>Good</td>
</tr>
<tr>
<td>Tahquitz Creek</td>
<td>River</td>
<td>13.21</td>
<td>Miles</td>
<td>Threatened (Cause: Pathogens; Probable Source: Agriculture)</td>
</tr>
<tr>
<td>Twin Pines Creek</td>
<td>River</td>
<td>3</td>
<td>Miles</td>
<td>Threatened (Cause: Pathogens; Probable Source: Agriculture)</td>
</tr>
</tbody>
</table>

52. **Permittee Outfall** and **Receiving Water** monitoring data gathered during **Wet** and **Dry Weather** events during the past two **MS4 Permit** terms show that most conventional pollutants, including but not limited to nutrients, oil and grease, detergents, ammonia and nitrates, were not observed in exceedance of **Receiving Water Quality Objectives** listed in the **Basin Plan**.

53. As required by the 2001 and 2008 **MS4 Permits**, the **Permittees** performed water quality monitoring at the Upper Whitewater River **Receiving Water** monitoring station to “assist with determination of natural background concentrations of field parameters and constituents of concern that may also be found in **Urban Runoff**.” Monitoring data from this location revealed elevated levels of Lead and Chromium, in amounts which exceed **Water Quality Objectives**, during **Wet Weather** conditions only. These constituents have also been found to be present in natural deposits and groundwater throughout the **Whitewater River Region**.\textsuperscript{27,28}

54. **Permittee MS4 Outfall** and **Receiving Water** monitoring data gathered over three **MS4 Permit** terms show that **Priority Pollutant** constituents have either never been detected, or have rarely been detected in the **Whitewater River Region**. Therefore, the requirement for analyses of **Priority Pollutants** has been eliminated from this **MS4 Permit**.


\textsuperscript{27}Coachella Valley Water District. 2011 Domestic Water Quality Report. 2011.

Objectives of this MS4 Permit

55. Consistent with State Board orders, this MS4 Permit requires the Permittees to comply with applicable WQSs through an iterative approach, requiring the implementation of increasingly more effective BMPs until WQSs are being met. Aside from issues relating to the lower reach of the CVSC, which is being addressed through a TMDL, Beneficial Uses in Whitewater River Region Receiving Waters have been protected since MS4 Permit program inception. Therefore, the objectives of this MS4 Permit are to:

   a. Renew Board Order No. R7-2008-0001 NPDES No. CAS617002, which regulates Urban Runoff within the Whitewater River Watershed;

   b. Regulate the discharge of Potential Pollutants in Urban Runoff that discharge to surface waters in the Whitewater River Region.

   c. Implement regulatory requirements prescribed in the Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), and requirements of Section 402(p) of the CWA and Title 40 Code of Federal Regulations (40 CFR) Part 122; and

   d. Require implementation of preventative measures to assure maintenance of existing Receiving Water quality within the Whitewater River Region.

Federal NPDES Storm Water Regulations

56. Federal regulations for Phase I MS4 Storm Water discharges were promulgated by the USEPA on November 16, 1990 (40 CFR Parts 122, 123, and 124) and apply to the discharge regulated by this MS4 Permit.

57. Pursuant to Section 402 of the CWA and Section 13370 of the CWC, the USEPA approved the California State Program to issue and enforce NPDES permits for discharges to surface Waters of the State. Section 405 of the Water Quality Act of 1987 added Section 402(p) to the CWA, which requires the USEPA to develop a phased approach to regulate Storm Water discharges under the NPDES program.

58. Section 402(p)(2)(C) of the CWA requires the issuance of NPDES permits for Storm Water discharges from MS4s serving a population of 250,000 or more or serving populations between 100,000 to 250,000.

59. Section 402(p) of the CWA and the Phase 1 rule require NPDES permits for MS4s to include a requirement to effectively prohibit Non-Storm Water discharges into MS4s unless such discharges are either authorized by a separate NPDES permit or not prohibited in accordance with Section C. ALLOWABLE NON-STORM WATER DISCHARGES of this MS4 Permit. The requirement in the CWA to reduce Pollutants to the MEP provides a minimum level of water quality protection. The State may develop WQS more stringent than those required by the CWA.

A. FINDINGS
60. Title 40 CFR Section 122.26 requires a proposed management program that covers the duration of this MS4 Permit. It must include a comprehensive planning process that involves public participation and, where necessary, intergovernmental coordination to reduce the discharge of Pollutants to the MEP using management practices, control techniques, and system design, engineering methods, and such other provisions that are appropriate. The proposed management program is described in the Whitewater River Region SWMP. The proposed management program shall include a description of Structural and Source Control BMPs to reduce Pollutants discharged from Urban Runoff into the MS4 that are to be implemented during the term of this MS4 Permit.

Mitigation of Urban Runoff

61. Pollutants may be reduced in Urban Runoff by the appropriate application of Pollution Prevention, Source Control, and Treatment Control BMPs to the MEP.

62. This MS4 Permit provides flexibility for Permittees to request approval by the Executive Officer to substitute a BMP under this MS4 Permit with an alternative BMP, if they can provide information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP in meeting the objectives of this MS4 Permit.

New Development/Redevelopment

63. Permittees with land use authority authorize urbanization and land uses that may generate Pollutants and runoff, which can contribute to the impairment of Receiving Waters. Therefore, the Permittees can also exercise their legal authority to require implementation of BMPs to the MEP, such that New Development/Redevelopment projects do not result in increases in Pollutant loads, and flows do not further degrade Receiving Waters.

64. Urban development has three major phases: (1) land use planning for New Development; (2) construction; and (3) the current land use or existing development phase. Because the Permittees with land use authority authorize each of these phases, they have commensurate responsibilities to protect Receiving Water quality to the MEP during each phase.

65. On October 5, 2000, the State Water Board adopted Order No. WQ-2000-11, Standard Urban Storm Water Mitigation Plans (SUSMPs), which is a precedential order. Order No. WQ-2000-11 determined that requiring Urban Runoff generated by the 85th percentile storm events from specific types of development categories be infiltrated, filtered or treated was consistent with MEP. The essential elements of this precedential order were incorporated into the 2008 MS4 Permit, and are incorporated herein. In accordance with the requirements specified in the 2008 MS4 Permit, the Permittees developed a model Water Quality Management Plan (WQMP) and template.
66. Requirements for post-construction *Stormwater* controls have been implemented in the *Whitewater River Region* for many years. As detailed in Table A-3 below, through ordinance or municipal code, the cities of Cathedral City, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage have required specified *New Developments* to retain and infiltrate runoff on-site to mitigate increased runoff and downstream impacts many years prior to development and implementation of the post-construction requirements found in the 2008 *MS4 Permit*.

**Table A.3. Permittees with Ordinances for On-site Retention Adopted Prior to Implementation of 2008 MS4 Permit Post-Construction Requirements**

<table>
<thead>
<tr>
<th>Permittee</th>
<th>Ordinance</th>
<th>Description</th>
<th>Storm Event (Required Design Capture Volume)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cathedral City</td>
<td>Title 8, Sec. 8.24.070</td>
<td>Applies to development of all land within the City, with certain exceptions.</td>
<td>100% retention of the 100-year, 3-hr event</td>
</tr>
<tr>
<td>Indio</td>
<td>Title XV: Land Usage, Sec.162.140</td>
<td>Projects one-acre or greater</td>
<td>100% retention of the 100-year, 24-hr event</td>
</tr>
<tr>
<td>La Quinta</td>
<td>Title 13, Sec. 13.24.120</td>
<td>Applies to development of all land within the City, with certain exceptions.</td>
<td>100% retention of the 100-year, 24-hr event</td>
</tr>
<tr>
<td>Palm Desert</td>
<td>Ordinance #1247</td>
<td>Development and Re-development projects one acre or greater</td>
<td>100% retention of the 100-year, 24-hr event</td>
</tr>
<tr>
<td>Palm Springs</td>
<td>Ordinance #1768</td>
<td>Hillside residences and commercial projects over 2 acres, in drainage areas that are less than 70% developed.</td>
<td>Retain the difference between most conservative 100-year storm in the developed condition and the pre-development condition</td>
</tr>
<tr>
<td>Rancho Mirage</td>
<td>Title 15, Sec. 15.64.140</td>
<td>Properties one-acre or greater located north of Whitewater River</td>
<td>100% retention of the 100-year, 24-hr event</td>
</tr>
</tbody>
</table>

67. Since development of the *Whitewater River Region WQMP*, more *Permittees* (in addition to those listed in Table A.3 above) have implemented ordinances that require developments to retain *Stormwater* volumes or flows in excess of the 85th percentile storm event required by the *WQMP*.

**Table A.4. Permittees with Ordinances Requiring On-Site Retention of Stormwater Volumes/Flows Greater than WQMP Requirements**

<table>
<thead>
<tr>
<th>Permittee</th>
<th>Ordinance</th>
<th>Description</th>
<th>Storm Event (Required Design Capture Volume)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banning</td>
<td>Ordinance #1415</td>
<td>Requirement for all Priority Development Projects</td>
<td>100% retention of the 100-year, 3-hr event</td>
</tr>
<tr>
<td>Coachella</td>
<td>Ordinance #1014</td>
<td>Requirement for all Priority Development Projects</td>
<td>100% retention of the 100-year, 24-hr event</td>
</tr>
<tr>
<td>Desert Hot Springs</td>
<td>Ordinance No. 1997-03, Section 13.08.100</td>
<td>Applies to New Development and Redevelopment, with certain exceptions</td>
<td>100% retention of post-development runoff, based on the 100-year, 24 hour event</td>
</tr>
</tbody>
</table>

A. FINDINGS
68. Location of urbanized areas on alluvial fans comprised of pervious soils, low
annual rainfall, low density of development, minimal vegetative cover, constructed
flood control improvements, Permittee requirements for on-site retention, and
WQMP requirements for New Development and Redevelopment all combine to
limit potential impacts of Urban Runoff on the Whitewater River Region
natural drainage system. The WQMP requires identification of Hydrologic Conditions of
Concern (HCOC). An HCOC may exist when a New Development or Redevelopment
site’s hydrologic regime is altered and results in significant impacts
on downstream channels and, where they may exist, aquatic habitats. Currently, New Development and Redevelopment projects are required to perform this
assessment and incorporate appropriate BMPs to the MEP to ensure existing
hydrologic conditions are maintained.

69. LID techniques promote the reduction of impervious areas which may achieve
multiple environmental and economic benefits. This MS4 Permit requires
Permittees to continue to implement the per project measurable goal of
addressing 100% of the WQMP Treatment Control BMP requirement through
implementation of Site Design/LID BMPs.

70. Some LID concepts are not compatible with water efficient landscape ordinances
adopted throughout the Whitewater River Region. Such ordinances include
requirements for xeriscaping, and implementation of water budgets and desert
tolerant landscape standards.

71. 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 cooperation among the
Permittees, local vector control agencies, Regional Water Board staff, and the
California Department of Public Health is necessary to identify and implement
appropriate vector control measures that minimize potential nuisances and public
health impacts resulting from vector breeding.

72. This MS4 Permit requires the Permittees to review and approve covenants,
conditions and restrictions (CC&Rs) or other mechanisms to ensure proper long-
term operation and maintenance of post-construction BMPs.

Illicit Connection/Illegal Discharge (IC/ID)

73. This MS4 Permit requires the Permittees to continue to implement the BMPs
listed in the approved SWMP, and to continue to effectively prohibit IC/IDs to the
MS4. One of the major elements of the SWMP is a Storm Water/Urban Runoff
Management and Discharge Control Ordinance. The Permittees with land use
authority have adopted such an ordinance as well as ordinances addressing
Grading and Erosion control (collectively, the "Storm Water Ordinance"). The
purpose of each Storm Water Ordinance is to prohibit Pollutant discharges in the
MS4 and to regulate IC/IDs and Non-Storm Water discharges to the MS4.

74. The Permittees have implemented programs to control litter, trash, and other
anthropogenic-sourced materials from Urban Runoff. In addition to municipal

A. FINDINGS
ordinances prohibiting littering, the Permittees will continue to implement these programs, and continue organizing and implementing other programs to reduce litter and IC/IDs, such as solid waste collection programs, Household Hazardous Waste (HHW) collections, Hazardous Material spill response, catch basin Cleaning, street sweeping, and recycling programs. These programs are intended to work together to address urban sources and reduce Pollutants in Urban Runoff to the MEP. This MS4 Permit includes requirements for the continued implementation of programs for litter, trash, and debris control.

75. This MS4 Permit requires the Permittees to continue to implement routine inspection and monitoring and reporting programs for IC/IDs to their MS4 facilities. Due to the ephemeral nature of the Whitewater River Region during Dry Weather conditions, IC/IDs to Receiving Waters from MS4 outfalls can be identified by field inspections. Therefore, this MS4 permit also requires, in part, that the Permittees' Dry Weather monitoring program focus on field identification and elimination of IC/IDs.

76. There are several local, regional and watershed-wide efforts underway to reduce Dry Weather discharges to Whitewater River Region MS4 facilities, of which the Permittees are active participants. These efforts include, but are not limited to:

- The County, and all water suppliers within the Whitewater River Region, including CVWD, Desert Water Agency (DWA), Mission Springs Water District (MSWD), Coachella Water Authority (CWA), Indio Water Agency (IWA), and the City of Banning Water Utility, have adopted water efficient landscape ordinances which are either as stringent as, or are more stringent than, the State’s model water efficient landscape ordinance. Development projects within the Whitewater River Region must demonstrate compliance with the landscape standards described in respective ordinances to receive water service. The standards include, but are not limited to: site plan check/approval for compliance with water allowances and requirements for drought tolerant plants, water budget components which establish the amount of water that can be used on particular landscapes, and encouraging retention of Stormwater and prevention of runoff.
- CVWD, CWA, and the City of Banning Water Utility have implemented tiered water usage rates.
- DWA, IWA and the City of Banning Water Utility have implemented water waste prohibitions, conduct water use audits, and/or enforce against negligent water usage.
- CVWD, CWA, DWA, MSWD, and the IWA offer water conservation incentive programs, including offering rebates for: turf removal, sprinkler upgrades, and other water efficient irrigation measures.
- The Coachella Valley Regional Water Management Group (CVRWMG) is a collaborative effort led by the five water purveyors of the Coachella Valley

A. FINDINGS
(CVWD, CWA, DWA, IWA, and MSWD) to develop an Integrated Regional
Water Management Plan (IRWMP) to address the water resources planning
needs of the Valley; each of the Coachella Valley Permittees were planning
partners in development of the IRWMP. The IRWMP, which was finalized in
December 2010, enables the CVRWMG to apply for grants related to the
IRWMP program led by the California Department of Water Resources.

In July 2012, the CVRWMG was awarded a $4,000,000 Proposition 84 grant to
use towards implementation of a Regional Water Conservation Program. Program
features include: implementation of a water auditing program, workshops for
landscape professionals, incentives for turf replacement, subsidies for irrigation
clocks, increased public education and outreach, subsidization of residential
sprinkler upgrades and a residential leak detection program. The term for this
program will end on December 31, 2017.

Private Construction Activities

77. Construction activities may be a significant cause of Receiving Water impairment
in California. Sediment runoff rates from construction sites exceed natural
Erosion rates of undisturbed lands, causing siltation and impairment of Receiving
Waters. However, siltation has not been identified by the Regional Water Board
as a cause of Receiving Water impairment in the Whitewater River Region. In
addition to requiring implementation of BMPs, an effective construction runoff
program must include local plan review, permit conditions, field inspections, and
enforcement.

78. One method to reduce Potential Pollutants in Urban Runoff is to incorporate
BMPs as early in the planning phase of a project as possible. The implementation
of BMPs is necessary to prevent Erosion and sedimentation in storm and non-
storm Urban Runoff discharges.

Commercial/Industrial

79. Enforcement of local Urban Runoff related ordinances, permits, and plans are an
essential component of the SWMP. Routine inspections provide an effective
means by which Permittees can evaluate compliance. Inspections are especially
important in areas with increased potential for Pollutant discharges, such as at
industrial and construction sites.

Public Education/Outreach

80. Education is the foundation of the SWMP. Education of the Permittee’s planning,
inspection, and maintenance department staff is critical. The Public Education
Program contained in the SWMP incorporates a well-developed approach to
education and outreach. The program, entitled “Only Rain Down The Storm Drain
Pollution Prevention Program”, combines resources and efforts from the three
County MS4 permit programs to effectively communicate responsible Urban
Runoff management. Public participation is necessary to ensure that all
stakeholder interests, and a variety of creative solutions, are considered. Public

A. FINDINGS
participation is important in the development of a complete *Urban Runoff* management program. The Permittees propose to continue to emphasize the public participation component of this program.

**Monitoring**

81. An effective monitoring program characterizes *Urban Runoff* discharges, identifies problem areas, and determines the impact of Urban Runoff on Receiving Waters. However, due to the limited annual rainfall and the ephemeral nature of most Receiving Waters within the Whitewater River Region, collecting sufficient wet and dry weather data to characterize discharges and assess improvement or degradation in water quality due to Urban Runoff quality control program implementation is challenging at best. Under normal hydrologic conditions in the Whitewater River Region, there are limited flowing Receiving Waters impacted by Urban Runoff.

82. Although local climate and hydrology make consistent sample collection difficult, it is feasible to safely collect data from MS4 outfalls and certain Receiving Waters during daylight hours of those wet weather events that do not result in flash flood warnings and/or watches. The Permittees should continue to take efforts to collect data for the ultimate purpose of characterizing Urban Runoff discharges, effectiveness of implemented BMPs, and determining the impacts of those discharges on Receiving Waters, where applicable and feasible.

**Compliance with CEQA and Other Requirements**

83. The Permittees will be required to comply with amendments to WQS or WDRs, which may be imposed by the USEPA or the State of California prior to the expiration of this MS4 Permit. This MS4 Permit may be reopened to include WLAs to address Pollutants in Urban Runoff causing or contributing to the impairments in Receiving Waters and/or other requirements developed and adopted by the Regional Water Board. The MS4 Permit also includes language requiring the Permittees to amend the SWMP to address TMDL Basin Plan Amendments, including incorporation of WLA requirements.

84. CWC Section 13243 provides that a Regional Water Board, in a water quality control plan or in WDRs, may specify certain conditions or areas where the discharge of Waste or certain types of Waste is not permitted.

85. The issuance of an NPDES permit for this discharge is exempt from the provisions of the California Environmental Quality Act (CEQA), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, in accordance with CWC Section 13389.

86. The Regional Water Board has considered state and federal anti-degradation requirements pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16. This MS4 Permit does not allow degradation of surface Waters of the State. Therefore, compliance with the MS4 Permit will satisfy these anti-degradation requirements.

A. FINDINGS
87. The State Board issued one state-wide general permit to address Storm Water discharges from construction activities: the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities 2009-0009-DWQ as amended by 2010-0014-DWQ (NPDES No. CAS000002) (Construction General Permit). Construction activities that qualify are required by federal regulations to obtain permit coverage under either an individual NPDES permit or the statewide Construction General Permit by filing a Notice of Intent (NOI) with the State Board. Therefore, separate coverage under the Construction General Permit is necessary for Permittee construction projects within or outside of the Whitewater River Region.

88. The Regional Water Board has notified the Permittees and other interested agencies and Persons of its intent to re-issue this MS4 Permit for discharges of Urban Runoff into the Whitewater River Region.

   The Regional Water Board, in a public hearing, heard and considered all comments pertaining to this MS4 Permit. The Regional Water Board reserves the right to reopen this MS4 Permit after proper notice and an opportunity to be heard, is given to all concerned parties.

THEREFORE, IT IS HEREBY ORDERED that this MS4 Permit supersedes Order No. R7-2008-0001 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the CWC (commencing with section 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this MS4 Permit. This action does not prevent the Colorado River Basin Regional Water Board from taking enforcement action for past violations of the previous MS4 Permit. If any part of this MS4 Permit is subject to a temporary stay of enforcement, unless otherwise specified, the Discharger shall comply with the analogous portions of the previous MS4 Permit, which shall remain in effect for all purposes during the pendency of the stay.

A. FINDINGS
B. DISCHARGE PROHIBITIONS

1. The discharge of Urban Runoff from the Permittees' MS4 to Waters of the United States containing Pollutants, which have not been reduced to the MEP, is prohibited.

2. The Permittees shall continue to prohibit IC/IDs to the MS4 through their Storm Water Ordinances.

3. The following discharge prohibitions are applicable to any Person, as defined by Section 13050(c) of the CWC, who is a citizen, domiciliary, or political agency or entity of California and whose activities in California could affect the quality of Waters of the State within the boundaries of the Colorado River Basin Region:
   a. The discharge of Waste to Waters of the State in a manner causing, or threatening to cause, a condition of Pollution, Contamination, or Nuisance, as defined in CWC Section 13050, except in compliance with the terms and conditions of Section D, below.
   b. The discharge of Pollutants or dredged or fill material to Waters of the United States, except as authorized by an NPDES permit or a dredged or fill material permit subject to the exemption described in CWC Section 13376.
   c. Any discharge to the MS4 that is not composed entirely of "Storm Water" is prohibited, unless authorized by Section C. ALLOWABLE NON-STORM WATER DISCHARGES.
   d. The unauthorized discharge of treated or untreated sewage to Waters of the State or to the MS4.
   e. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative or any toxic chemical or Hazardous Waste into the MS4.
C. ALLOWABLE NON-STORM WATER DISCHARGES

1. Each Permittee shall effectively prohibit all types of Non-Storm Water discharges into the MS4 unless such discharges are authorized in accordance with Item No. 2 of this Section.

2. The following discharges are not prohibited, unless identified by the Permittees as a significant source of Pollutants to the Receiving Waters:
   a. Discharges covered by NPDES permits or written clearances issued by the Regional Water Board or State Board;
   b. Air conditioning condensation
   c. Potable water line flushing and other potable water sources;
   d. Passive foundation drains;
   e. Passive footing drains;
   f. Water from crawl space pumps;
   g. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters;
   h. Dechlorinated swimming pool discharges;
   i. Non-commercial vehicle washing; (e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organizations);
   j. Diverted stream flows;
   k. Rising ground waters and natural springs;
   l. Groundwater infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;
   m. Flows from riparian habitats and wetlands;
   n. Street wash water;
   o. Emergency water flows (i.e., firefighting flows and other flows necessary for the protection of life and property) do not require BMPs and need not be prohibited. However, appropriate BMPs shall be considered where practicable when not interfering with emergency public health and safety issues;
   p. Waters not otherwise containing Wastes, as defined in CWC Section 13050 (d); and
   q. Other types of discharges identified and recommended by the Permittees and approved by the Regional Water Board.

3. For purposes of this MS4 Permit, a discharge may include Storm Water and other types of discharges as indicated in Section C.2. If the Permittee identifies an allowable discharge category from Section C.2 that causes or contributes to an
exceedance of *WQS* or is a significant contributor of *Pollutants* to *Waters of the United States*, a *Permittee* shall either:

Prohibit the discharge category from entering its *MS4* or ensure that appropriate *BMPs* are implemented to the *MEP* to reduce or eliminate *Pollutants* resulting from the discharge. The *Permittees* shall also provide a report to the *Regional Water Board* per Section D. *RECEIVING WATER LIMITATIONS*, Item No. 2.
D. RECEIVING WATER LIMITATIONS

1. The SWMP and its components shall be updated to achieve compliance with Receiving Water Limitations associated with discharges of Urban Runoff. It is expected that compliance with Receiving Water Limitations will be achieved through an iterative process and the application of BMPs to the MEP.

2. A Permittee shall be considered in compliance with the Discharge Prohibitions, Allowable Non-Storm Water Discharges, and Receiving Water Limitations, so long as it is timely implementing control measures and other actions to reduce Pollutants in the discharges in accordance with the SWMP and other requirements of this MS4 Permit, including any modifications. If exceedance(s) of WQS persist, notwithstanding implementation of the SWMP and other requirements of this MS4 Permit, a Permittee shall continue to be considered in compliance with Discharge Prohibitions, Allowable Non-Storm Water Discharges, and Receiving Water Limitations by complying with the following procedure:

   a. Upon a determination by the Permittee or Regional Water Board that discharges of Urban Runoff from the MS4 are causing or exceeding or contributing to an exceedance of an applicable WQS, the Permittee shall promptly notify Regional Water Board staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter submit within 30 days a report to the Regional Water Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any Pollutants that are causing or contributing to the exceedance of WQSs. The report shall include an implementation schedule. The Regional Water Board may require modifications to the report;

   b. Alternatively, if the exceedances of the applicable WQSs are due to discharges to the MS4 from activities or areas not under the jurisdiction of the Permittee, the Permittee shall promptly notify Regional Water Board staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter shall provide documentation of these discharges and submit a report within 30 days to the Regional Water Board. The Permittee shall trace the source of the discharge upstream by contacting the appropriate neighboring MS4 facility that does have jurisdiction to locate the source of the Pollution;

   c. Submit any modifications to the above reports (either D.2.a. or D.2b., as appropriate) within 30 days when required by the Regional Water Board;

   d. Within 30 days following approval by the Regional Water Board of the report described above in Section D., 2.a., the Permittee shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that will be implemented, the implementation schedule, and any additional monitoring required; and

   e. Implement the revised SWMP and monitoring program in accordance with the approved implementation schedule.

D. RECEIVING WATER LIMITATIONS
As long as a Permittee has complied with the procedures set forth above and is implementing the revised SWMP, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same Receiving Water Limitations, unless directed in writing by the Regional Water Board or Executive Officer to develop and implement additional BMPs, including Source and Treatment Controls BMPs.

D. RECEIVING WATER LIMITATIONS
E. SPECIFIC PERMITTEE REQUIREMENTS

1. The Permittees shall revise the SWMP to address the requirements found within this MS4 Permit. The revised SWMP shall be submitted for approval by the Executive Officer within 12 months of adoption of this MS4 Permit. Until such time that the Executive Officer provides approval of the revised SWMP, the Permittees shall continue to implement the requirements described in Order No. R7-2008-0011 and the 2011 SWMP. Upon approval by the Executive Officer, the Permittees shall be required to implement the revised SWMP, and the requirements of this MS4 Permit.

2. The Principal Permittees shall:
   a. Coordinate MS4 Permit compliance activities;
   b. Establish a uniform data submittal format for use by all Permittees;
   c. Prepare the Annual Report;
   d. Forward information received from the Regional Water Board to the Permittees;
   e. Implement MS4 Permit activities of common interest;
   f. Inform Permittees on USEPA and Regional Water Board regulations pertaining to the MS4;
   g. Convene all Desert Task Force meetings that are held at least quarterly and consist of one or more representatives from each Permittee. The Desert Task Force shall direct the maintenance and update of the SWMP and coordinate the implementation of the overall Urban Runoff program, as described in the ROWD; and
   h. Maintain and update the Whitewater River Region map.

3. Each Permittee shall:
   a. Comply with the requirements of this MS4 Permit within its jurisdiction, and to the extent of its authority;
   b. Provide certification for all reports and other information requested by the Regional Water Board as specified in Section I.9 of this MS4 Permit;
   c. Annually review the Whitewater River Region map to ensure that it encompasses urbanized areas within the jurisdiction of the Permittee29. If additional urbanized areas (or non-urbanized areas are incorrectly identified as urbanized) within the jurisdiction of the Permittee are identified, the Permittee shall submit an amendment to the Whitewater River Region map to the Principal Permittees as part of the Annual Report;

29 The District and CVWD do not govern as municipal authorities over any land areas; therefore, this provision is not applicable to them.

E. SPECIFIC PERMITTEE REQUIREMENTS
d. Prepare and provide documents required by the **MS4 Permit** to the **Principal Permittees** in a timely manner;

e. Implement the **Whitewater River Region SWMP** consistent with this **MS4 Permit** to:
   
   i. Reduce **Potential Pollutants** in **Urban Runoff** from municipal, commercial, industrial, and residential areas to the **MEP**;
   
   ii. Reduce **Potential Pollutants** in **Urban Runoff** from land development and construction sites to the **MEP** through the use of **Structural** and/or **Non-Structural BMPs**;
   
   iii. Reduce **Potential Pollutants** in **Urban Runoff** from Permittee's maintenance activities to the **MEP**;
   
   iv. Eliminate **IC/IDs** to the **MEP**;
   
   v. Encourage spill prevention and containment as well as provide appropriate spill response plan for Permittees' maintenance facilities to the **MEP**;
   
   vi. Increase public awareness to the **MEP**;
   
   vii. Continue to provide **MS4 Permit** compliance related training for Permittee's staff to the **MEP**; and
   
   viii. Control increases in **Urban Runoff** flows within the Permittees' jurisdictional boundaries to the **MEP**, so as not to potentially cause **Erosion** or sedimentation problems downstream.

f. Designate at least one representative to the **Desert Task Force** as described in Section E.2.g. The **Principal Permittees** shall be notified immediately, of changes to the designated representative. The designated representative shall attend the **Desert Task Force** meetings.

4. Each **Permittee** shall establish and maintain adequate legal authority through statute, ordinance, or series of contracts, which authorizes or enables the **Permittee** to implement and enforce, at a minimum, each of the following requirements contained in 40 CFR Section 122.26(d)(2)(i)(A-F):

   a. Control through ordinance, permit, contract, order or similar means, the contribution of **Pollutants** to the **MS4** by **Urban Runoff** associated with industrial activity and the quality of **Urban Runoff** discharged from sites of industrial activity;

   b. Prohibit through ordinance, order or similar means, **IDs** to the **MS4**, including, but not limited to, discharges:

      i. Of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;

      ii. Resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing:

E. SPECIFIC **PERMITTEE REQUIREMENTS**
iii. Of wash water from mobile operations such as oily or greasy discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.;

iv. Of runoff from material storage areas containing chemicals, fuels, grease, oil, or other Hazardous Materials; and

v. Of food-related Wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).

c. Control through ordinance, order or similar means the discharge to the MS4 of spills, dumping or disposal of materials other than Urban Runoff.

d. Control through interagency agreements among Permittees the contribution of Pollutants from one portion of the MS4 to another portion of the MS4;

e. Require compliance with conditions in Permittee ordinances, permits, contracts or orders consistent with the Enforcement and Compliance Strategy described in Section 1.7 of the SWMP;

f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with MS4 Permit conditions, including the prohibition on IDs to the MS4, and

g. Require that Urban Runoff collection, transport, and storage facilities shall be in good working condition at all times to effectuate compliance with this MS4 Permit.

Because the RCFC&WCD and CVWD are not general purpose local government entities and only operate facilities that may convey Urban Runoff, these Permittees lack the authority to adopt and enforce ordinances to regulate development and other authorities and abilities of general purpose government entities. The RCFC&WCD and CVWD shall therefore comply with this Provision as well as other aspects of this MS4 Permit only to the extent of their statutory authority and within the constraints imposed by the California Constitution.

5. Each Permittee shall review its ordinances, contracts and/or agreements to ensure that they continue to have adequate authority to implement and enforce applicable provisions of this MS4 Permit. Each Permittee shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce the applicable provisions of this MS4 Permit as part of its Fiscal Year 2014-2015 Annual Report. If a Permittee determines that such legal authority does not exist, that Permittee shall provide an implementation schedule identifying the legal changes necessary to adopt a new ordinance, amend an existing ordinance, or create and/or amend any agreement(s) that would enable the Permittee to obtain the requisite legal authority to fully implement and enforce the applicable provisions of this MS4 Permit. The implementation schedule shall be provided to Regional Water Board staff for its approval as part of the Fiscal Year 2014-2015 Annual Report. Upon the final date of the approved implementation schedule, the Permittee shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce the applicable

E. SPECIFIC PERMITTEE REQUIREMENTS
provisions of this *MS4 Permit*. If a *Permittee* determines that legal authority does not exist or is insufficient at any time after submittal of the Fiscal Year 2014-2015 *Annual Report*, that *Permittee* shall implement appropriate measures to ensure that it has obtained adequate legal authority, and submit the required statement certifying legal authority as part of its *Annual Report*.

6. *Permittees* that have entered into land use agreements with Tribal entities, as described in Finding #17 of this *MS4 Permit*, shall periodically inform the *Regional Water Board* on implementation of the *SWMP* on Tribal Lands.

7. *Permittee* Construction Activities:

   The *Permittees* will be required to file a *Notice of Intent (NOI)* for coverage under the *Construction General Permit* for *Permittee* construction projects which create a *Land Disturbance* greater than or equal to one acre, or less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

   The *Construction General Permit* defines routine maintenance activities that are exempt from coverage under the *Construction General Permit*. Specific maintenance activities, which include *BMPs* implemented as part of a *Permittee’s Municipal Facility/Activities Pollution Prevention Plan* or model municipal maintenance *BMP* fact sheets, can be considered as meeting “routine maintenance activities”, as defined in the *Construction General Permit*.
F. BEST MANAGEMENT PRACTICES

1. Each Permittee shall implement the following programs and BMPs to the MEP as described in the SWMP and this MS4 Permit. These programs and BMPs include the following:

   a. IC/ID, Litter, Debris, and Trash Control Program:

      i. The Permittees shall continue to reduce the discharge of Pollutants, including trash and debris, from their respective MS4s to Receiving Waters to the MEP.

      ii. The Permittees shall document the observations of field personnel of unauthorized dumping or spills so that the information can be used to help locate the source of Pollutants. The Permittees shall continue to utilize standardized IC/ID reporting forms to document, track and report IC/ID incidents.

      iii. The Permittees shall maintain a database of IC/ID investigations. The database shall track case specifics, including description, cause, duration, the outcome of the case (spill/connection was terminated and cleaned up, source owner/operator educational visit, warning letter, referral to an enforcement agency, etc.), and the enforcement actions issued/taken (e.g., notice of non-compliance, notice of violation and order to comply, referral to District Attorney for prosecution).

      iv. The Permittees shall continue to provide, collect, and maintain litter receptacles in strategic public areas and during public events.

      v. The Permittees shall assess and modify, if necessary, existing field programs to detect and prevent dumping or routine discharge of Pollutants into MS4 facilities.

      vi. The Permittees shall continue to implement and enforce leash laws and other pet laws (i.e., pet waste clean-up, no pets in public areas) in selected public-use areas.

Field Screening/System Surveillance

   vii. The Permittees shall continue to implement routine field inspections for their MS4 facilities, and the Dry Weather monitoring and reporting program (as detailed in Section L.10.A. of this MS4 Permit), to assist with identification and elimination of IC/IDs.

   viii. Permittees may utilize existing MS4 maintenance programs, business/construction inspection programs and/or complaint reports to facilitate field screening. Permittee field staff shall utilize visual or olfactory indicators for determining IC/IDs during field screening.

   ix. If routine field inspections or the Dry Weather monitoring and reporting program indicate IC/IDs, they shall be investigated and
eliminated, or regulated by the Regional Water Board, as soon as possible after detection.

x. IC/ID elimination measures may include an escalating series of enforcement actions for those IC/IDs that do not endanger public health or the environment. IC/IDs that endanger public health or the environment (as defined in the Reporting Section F.1.a.xi.2. below) shall be eliminated as soon as possible. A summary of elimination measures taken shall be maintained by the Permittees as part of the IC/ID database.

**Reporting**

xi. The Permittees shall immediately (within 24 hours of receipt of notice) initiate an investigation of all spills, leaks, and/or IC/IDs to the MS4 upon being put on notice by staff or a third party. Based upon their assessment and as specified below, the Permittees with jurisdiction for the spill shall report all discharges that endanger human health or the environment as follows:

1. By phone to the California Emergency Management Agency ("Cal EMA") at (800-852-7550) and to the Regional Water Board at (760-346-7491).

2. At a minimum, any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any Hazardous Material spill where residents are evacuated, any spill of reportable quantities of Hazardous Waste (as defined in 40 CFR Part 117 and 40 CFR Part 302), or any other spill or discharge that is reportable to Cal EMA (collectively, an "Emergency Situation") shall be reported within twenty four (24) hours of becoming aware of the circumstances. Additional reporting requirements shall be per Section I. REPORTING REQUIREMENTS, Item No. 6.a.

xii. Other spill incidents, including any unauthorized discharge, that are not incidents reportable to the Cal EMA shall be documented; documentation shall include a description of the spill, its cause(s), duration, actual or anticipated time for achieving compliance, and the enforcement steps that the Permittee has taken, or intends to take. These incidents shall be included in the IC/ID database, and be available upon request;

xiii. Permittees with jurisdiction over incidents described by Section F.1.a.xi. shall submit a report for each incident to the Executive Officer as an attachment to their Annual Report, if not already done by another responsible agency, per Section F.1.a.xv, below. This report shall contain a description of the non-compliance, its causes, duration, and the actual or anticipated time for the violator to achieve compliance. The report shall include the enforcement steps that the Permittee has taken, or intends to take;

F. BEST MANAGEMENT PRACTICES
xiv. The Permittees may propose an alternative reporting program, including reportable incidents and quantities, jointly with other agencies such as the County Department of Environmental Health (DEH), subject to approval by the Executive Officer.

xv. In cases where an incident is reportable to Cal EMA and/or Executive Officer and that incident has been reported to Cal EMA and/or Executive Officer, as applicable, by another responsible agency, the Permittee with jurisdiction is not required to duplicate the report.

Incident Response, Investigation, and Clean Up

xvi. Continue to support the existing Hazardous Materials incident response programs implemented jointly by the County DEH and the County Fire Department HAZMAT Team;

Program Data Tracking

xvii. The Permittees shall maintain the following records:

1. IC/ID reporting forms used to document, track and report IC/ID incidents;

2. An up-to-date IC/ID database, including information specified in Attachment B of this MS4 Permit; and

3. If the Permittees choose to move to an online recordkeeping and reporting tool that provides the Regional Water Board with access to similar trackable data, such a system may be used in lieu of the IC/ID database requirements in Attachment B of this MS4 Permit.

Annual Reporting

xviii. In its Annual Report, each Permittee shall include the following information:

1. Total number of IC/ID complaints received during the reporting year;

2. Total number of IC/ID complaints requiring response during the reporting year;

3. Total number and type of enforcement actions resulting from IC/ID complaints during the reporting year;

4. Report(s) for incident(s) reportable to Cal EMA, as required in Section F.1.a.xiii. of this MS4 Permit;

5. A narrative summary of IC/ID program accomplishments or issues encountered during the reporting year;

6. A summary of trash and debris removal activities conducted; and

F. BEST MANAGEMENT PRACTICES
7. A summary of MS4 facilities inspected (by MS4 facility type) during the reporting year pursuant to Sections F.1.a.vii through F.1.a.ix. (above).

xix. If the Permittees choose to move to an online recordkeeping and reporting tool that provides the Regional Water Board with access pursuant to Section F.1.a.xvii.3 (above), the Annual Report requirements listed in section F.1.a.xviii (above) are waived.

**Annual Program Evaluation and Assessment**

xx. Each Permittee shall evaluate in its Annual Report whether the IC/ID program goals listed below have been achieved:

1. Reduce the discharge of trash and debris from respective MS4s to Receiving Waters;
2. Confirm that IC/ID reports are reviewed and responded to in a timely manner;
3. Ensure that confirmed IC/ID events are expeditiously eliminated.

xxi. If a Permittee finds that the above stated program goals have not been achieved, that Permittee shall review its applicable activities and BMPs to identify any modifications which may be needed to improve IC/ID program effectiveness, as necessary to comply with this MS4 Permit. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable Annual Report.

**b. Commercial/Industrial Facilities Program**

**Source Identification, Inspection and Enforcement**

i. The Permittees shall continue to coordinate with County DEH, Regional Water Board staff, and others as necessary to maintain a commercial and industrial facility database;

ii. The Permittees shall maintain an implementation schedule for conducting inspections of the targeted list of facilities listed in the database, as detailed in Section 3.1 of the SWMP;

iii. The existing Compliance/Assistance Program (CAP) described in Section 3 of the SWMP meets the intent of this section; however, individual Permittees may propose an alternative inspection program for Regional Water Board approval as part of their Annual Reports;

iv. Each Permittee shall continue to enforce its ordinances, including its Storm Water Ordinance, at industrial and commercial facilities as necessary to maintain compliance with this MS4 Permit. Where CAP Industrial/Commercial surveys indicate that a facility is out of compliance with a Permittee’s Storm Water Ordinance, Permittee staff shall perform a re-inspection. Sanctions for non-compliance may include: verbal or written warnings, issuance of notices of violation or
non-compliance, obtaining an administrative compliance, stop work, or cease and desist order, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor);

v. Each Permittee shall implement and enforce its ordinances that require all new industrial facilities subject to the General Industrial Activities Storm Water Permit (General Industrial Permit) to show proof of compliance (such as a waste discharge identification (WDID) number from submittal of a NOI) prior to: 1) issuance of a business license (applicable only to those Permittees which require business licenses) or 2) issuance of a certificate of occupancy for New Development;

vi. Upon referral of an industrial facility to Regional Water Board staff for failure to obtain coverage under the General Industrial Permit, failure to keep a SWPPP at the industrial facility, or an observed act or omission that suggests failure to comply with either, the Permittee will take no further action at the industrial facility with regard to securing compliance with the General Industrial Permit. It is understood by the Permittees and Regional Water Board staff that this will ensure that consistent direction is provided to the facility owner-manager as to what is required to bring the facility into compliance with the General Industrial Permit. Each Permittee shall take appropriate actions to bring an industrial facility into compliance with its local ordinances, rules, regulations, and the Water Quality Management Plan (WQMP), where applicable;

Program Data Tracking

vii. The Permittees shall maintain the following records:

1. An up-to-date commercial and industrial facility database, which includes the categories of facilities named in Section 3.4 of the SWMP, and information specified in Attachment B of this MS4 Permit; and

2. If the Permittees choose to move to an online recordkeeping and reporting tool that provides the Regional Water Board with access to similar trackable data, such a system may be used in lieu of the commercial and industrial facility database requirements in Attachment B of this MS4 Permit.

Annual Reporting

viii. In its Annual Report, each Permittee shall include the following information:

1. Total number of commercial and industrial facilities inspected during the reporting year;

2. Total number of commercial and industrial facilities requiring re-inspection during the reporting year;

F. BEST MANAGEMENT PRACTICES
3. Total number and type of enforcement actions issued to commercial and/or industrial facilities during the reporting year.

ix. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access pursuant to Section F.1.b.vii.2. (above), the **Annual Report** requirements listed in Section F.1.b.viii (above) are waived.

**Annual Program Evaluation and Assessment**

x. Each **Permittee** shall evaluate in its **Annual Report** whether the following commercial and industrial facilities program goals have been achieved:

1. Maintain an updated database of commercial and industrial facilities;
2. Confirm that industrial and commercial facilities described in Section F.1.b.ii (above) have implemented **BMPs** that comply with **Permittee Stormwater Ordinances**; and
3. Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of **Permittee Stormwater Ordinances** from industrial and commercial facilities.

xi. If a **Permittee** finds that the above stated program goals have not been achieved, that **Permittee** shall review its applicable activities and **BMPs** to identify any modifications which may be needed to improve commercial/industrial program effectiveness as necessary to comply with this **MS4 Permit**. A work plan and schedule to address program modifications shall be developed and implemented, and will be provided and/or updated with the applicable **Annual Report**.

c. **New Development/Redevelopment Program**

**Permittees** shall:

i. Make information available to architects, engineers, building department personnel, and local government officials on water quality problems associated with **Urban Runoff** and the requirements for meeting **NPDES** regulatory requirements and program goals for properly managing the quality of **Urban Runoff**.

Provide information on upcoming training workshops and distribute educational materials as appropriate;

ii. The **Permittees** shall continue to implement the existing development and approval review procedures outlined in the **SWMP**. The **Permittees** must:

1. Implement and enforce a program to address **Urban Runoff** from **New Development** and **Redevelopment Projects** that disturb areas equal to or greater than 1 acre, including projects less than 1 acre that are part of a larger common plan of development or sale, that discharge into the **MS4** (herein

F. BEST MANAGEMENT PRACTICES
referred to as Other Development Projects) by ensuring that Source Control BMPs specified in Item No. F.1.c.v.3 of this Section (below) are in place that would prevent or minimize water quality impacts to the MEP;

2. As necessary, revise the Whitewater BMP Design Manual, which includes a combination of Structural and/or Non-Structural BMPs, to reflect updated BMP technologies that the Permittees determine to be appropriate and feasible for the Whitewater River Region;

3. Use an ordinance or other regulatory mechanism to address post-construction Urban Runoff from New Development and Redevelopment Projects to the extent allowable under state or local law. The requirements must include the design standards specified in Item No. F.1.c.v. of this Section (below) or a functionally equivalent program that is acceptable to the Regional Water Board; and

4. Require mechanisms to ensure adequate long-term operation and maintenance of post-construction BMPs on Priority Development Project sites.

iii. All discretionary New Development and Redevelopment Projects that fall into one of the following categories (herein referred to as Priority Development Projects) are subject to the WQMP design standards specified in Item No. F.1.c.v. of this Section (below):

1. Single-family hillside residences that create 10,000 square feet, or more, of impervious area where the natural slope is twenty-five percent (25%) or greater, including single-family hillside residences that create 10,000 square feet of impervious area where the natural slope is ten percent (10%) or greater where erosive soil conditions are known;

2. 100,000 square foot commercial and industrial developments;

3. Automotive repair shops (with Standard Industrial Classification ("SIC") codes 5013, 7532, 7533, 7534, 7537, 7438, and 7539);

4. Retail gasoline outlets disturbing greater than 5,000 square feet;

5. Restaurants disturbing greater than 5,000 square feet;

6. Home subdivisions with 10 or more housing units; and

7. Parking Lots 5,000 square feet or larger in size, or with 25 or more parking spaces and potentially exposed to Urban Runoff.

iv. Where a Priority Redevelopment Project replaces less than 50% of the impervious surfaces on an existing developed site, and the site

F. BEST MANAGEMENT PRACTICES
was not previously subject to **Priority Development Project** requirements, the **WQMP** design standards specified in Section F.1.c.v. (below) apply only to the addition or replacement, and not to the entire developed site. Where a **Priority Redevelopment Project** replaces 50% or more of the impervious surfaces on an existing developed site, the **WQMP** design standards specified in Section F.1.c.v. (below) apply to the entire development.

v. **WQMP** Design Standards. Discretionary development specified in Section F.1.c.iii. (above) must implement the following **BMPs**:

1. **Peak-Urban Runoff** Discharge Rates.

   Post development peak **Urban Runoff** discharge rates shall not exceed pre-development rates for developments where the increased peak **Urban Runoff** discharge rate will result in increased potential for downstream **Erosion**. The **Permittees** shall continue implementation of the existing design standard for Peak-**Urban Runoff** Discharge Rate control as specified in the **WQMP**.

2. **Site Design BMPs**.

   Unless infeasible, the following **Site Design BMPs** are required and must be implemented in the site layout during the subdivision design and approval process, consistent with applicable General Plan and Local Area Plan policies:

   a. Minimize **Urban Runoff**, minimize impervious footprint, and conserve natural areas,

   b. Minimize directly connected impervious area; and

   c. The **Permittees** shall continue to implement the **Treatment Control BMP** requirement (specified in Section F.1.c.v.4. below) through implementation of **Site Design BMPs**, as specified in the **WQMP**, and Section F.1.c.v.5.b. below.

3. **Source Control BMPs**.

   The **Permittees** shall address **Pollutants** in **Urban Runoff** through the implementation of **Source Control BMPs**. **Urban Runoff** from a site has the potential to contribute oil and grease, suspended solids, metal, gasoline, pesticides, and pathogens to the **MS4**. **Priority Development Projects** and **Other Development Projects** must be designed so as to minimize, to the **MEP**, the introduction of **Pollutants** generated from on-site runoff of directly connected impervious areas to the **MS4** as approved by the building official. The **Permittees** shall require the following **Source Control BMPs**:

   a. Protect slopes and channels from eroding;

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**F. BEST MANAGEMENT PRACTICES**
b. Include storm drain inlet stenciling and signage;

c. Include properly designed outdoor material storage areas; and

d. Include properly designed trash storage areas.

4. *Treatment Control BMPs.*

The *WQMP* shall require *Treatment Control BMPs* for all *Priority Development Projects*. All *Treatment Control BMPs* shall be located so as to infiltrate, filter or treat the required runoff volume or flow prior to its discharge to any *Receiving Water*. Multiple *Priority Development Projects* may share *Treatment Control BMPs* as long as construction of any shared *Treatment Control BMP* is completed prior to the use of any development project from which the *Treatment Control BMP* will receive *Urban Runoff*, and prior to discharge to a *Receiving Water*. *Treatment Control BMPs* shall be designed to address *Pollutants of Concern*. *Pollutants of Concern* consist of any *Pollutants* generated by the *Priority Development*, including *Pollutants* that are listed under *CWA* Section 303(d) for the *Receiving Water* into which the *Priority Development* would discharge, *Pollutants* associated with the land use type of the *Priority Development* and legacy *Pollutants* associated with past use of the *Priority Development* site that may be exposed to *Urban Runoff*. *Treatment Control BMPs* shall be collectively sized to comply with the following numeric sizing criteria:

a. Volumetric *Treatment Control* BMP design criteria.

i. The 85th percentile 24-hour event determined as the maximized capture *Storm Water* volume for the project area, from the formula recommended in Urban Runoff Quality Management, Water Environment Federation Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

ii. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial (2003); or

iii. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in *Pollutant* loads achieved by the 85th percentile 24-hour runoff event; or

F. BEST MANAGEMENT PRACTICES
iv. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the *Whitewater River Region* that has been proposed by the *Permittees* and is approved by the *Executive Officer*.

b. Flow-Based *BMP* design criteria

i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or 

ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of the storm event), as determined from the local historical rainfall record, multiplied by a factor of two; or 

iii. The maximum flow rate of runoff for each hour of a storm event, as determined from the local historical rainfall record 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; or 

iv. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the *Whitewater River Region* proposed by the *Permittees* and approved by the *Executive Officer*.

5. *Treatment Control* Alternatives and Waivers.

a. Projects that retain and infiltrate 100% of the rainfall conditions specified in Section F.1.c.v.4 are deemed to comply with the *Treatment Control BMP* requirements of that Section.

b. The *Permittees* have developed, and shall continue to implement a *Site Design BMP* substitution program, which has been incorporated into the *WQMP*, and allows the *Permittees* to substitute implementation of *Low Impact Development (LID) Site Design BMPs* for implementation of some or all *Treatment Control BMPs*. The *Site Design BMP* substitution program utilizes specific design criteria for each *LID Site Design BMP* to be utilized by the *Site Design BMP* substitution program.

c. A *Permittee* may provide for a *Priority Development Project* to be waived from the requirement of implementing *Treatment Control BMPs*. All waivers,
along with documentation justifying the issuance of a waiver, must be submitted to the Regional Water Board staff in writing within thirty (30) calendar days. If the Executive Officer determines that waivers are being inappropriately granted, this MS4 Permit may be reopened to modify these waiver conditions. Waivers may be granted:

i. If infeasibility can be established. A waiver of infeasibility shall only be granted by a Permittee when all available Treatment Control BMPs have been considered and rejected as technically infeasible and/or the cost of implementing the Treatment Control BMP greatly outweighs the Pollution control benefit; or

ii. For those portions of the Whitewater River Region that will not result in a discharge to Receiving Waters under the rainfall conditions specified in Section F.1.c.v.4.

6. Limitation of Use of Infiltration BMPs.

   a. Infiltration based Treatment Control BMPs shall:

      i. Be located at least 50 feet horizontally from water supply wells, unless it can be shown that well construction and site geology will provide adequate protection for the domestic water well in which case the minimum distance will be provided on a case by case basis; and

      ii. Not cause a Nuisance, including odor, vectors or Pollution as defined by CWC Section 13050.

   vi. The Permittees shall revise the 2009 WQMP to address the requirements described within Section F.1.c. (above); the revised WQMP shall be submitted for approval by the Executive Officer within 12 months of adoption of this MS4 Permit. Until such time that the Executive Officer provides approval of the revised WQMP, the Permittees shall continue to implement the Priority Development Project requirements described in Order No. R7-2008-0011 and the 2009 WQMP. Upon approval by the Executive Officer, the Permittees shall be required to implement the revised WQMP. Priority Development Projects submitted after the approval date of the revised WQMP shall be subject to the requirements of the revised WQMP, and the Priority Development Project requirements of this MS4 Permit.
**Program Data Tracking**

vii. The Permittees shall keep the following records:

1. An up-to-date WQMP tracking database, including information specified in Attachment B of this MS4 Permit;

2. If the Permittees choose to move to an online recordkeeping and reporting tool that provides the Regional Water Board with access to similar trackable data, such a system may be used in lieu of the WQMP tracking database requirements in Attachment B of this MS4 Permit.

**Annual Reporting**

viii. In its Annual Report, each Permittee shall include the following information:

1. Number of projects conditioned for WQMPs during the reporting year;

2. A summary of Other Development Projects conditioned to require implementation of Source Control BMPs during the reporting year;

3. Percent of projects requiring WQMPs which met the goal of achieving the Treatment Control BMP requirement through the use of LID Site Design BMPs during the reporting year.

ix. If the Permittees choose to move to an online recordkeeping and reporting tool that provides the Regional Water Board with access pursuant to Section F.1.c.vi.2. (above), the Annual Report requirements listed in Section F.1.c.vii. (above) are waived.

**Annual Program Evaluation and Assessment**

x. Each Permittee shall evaluate in its Annual Report whether the following New Development/Redevelopment program goals have been achieved:

1. Confirm that WQMPs are in place at Priority Development/Redevelopment Projects, to prevent or minimize water quality impacts to the MEP;

2. Encourage the use of LID Site Design BMPs to address the Treatment Control BMP requirement for Priority Development/Redevelopment Projects; and

3. Confirm that Other Development Projects are conditioned to require implementation of Source Control BMPs.

xi. If a Permittee finds that the above stated program goals have not been achieved, that Permittee shall review its applicable activities.
and BMPs to identify any modifications which may be needed to improve New Development/Redevelopment program effectiveness, as necessary to comply with this MS4 Permit. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable Annual Report.

d. Private Construction Activities Program

The Permittees shall:

i. Make information available to developers, contractors, operators, and agency staff about upcoming educational and training workshops on construction site Erosion and Sediment control and construction materials management sponsored by industry groups, professional organizations and public agencies.

Make associated public education materials available to the public;

ii. Continue to implement and enforce a program to reduce Pollutants in Urban Runoff to the MS4 from construction activities that result in a Land Disturbance of greater than or equal to one acre. Reduction of Pollutants in Urban Runoff discharges to the MS4 from construction activity disturbing less than one acre must be included in a 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 continue to include implementation of, at a minimum:

1. Ordinances or other regulatory mechanisms 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 control Waste such as discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary Waste at the construction site that may cause adverse impacts to water quality;

3. Procedures for site plan review which incorporate consideration of potential water quality impacts; and

4. Procedures for site inspection and enforcement control measures. Each Permittee shall continue to conduct construction site inspections for compliance with its ordinances, including its Stormwater Ordinance, codes and the WQMP. Sanctions for non-compliance may include: verbal and/or written warnings, issuance of notices of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). Construction site inspections shall at a minimum:

F. BEST MANAGEMENT PRACTICES
a. Verify coverage under the **Construction General Permit**, if required;

b. Confirm that a **SWPPP**, if required, is onsite;

c. Confirm compliance with the **Permittee’s** ordinances; and

d. Check for active **Non-Storm Water** discharges or potential **IC/IDs** to the **MS4**.

iii. Identify priorities for inspecting sites and enforcing control measures for construction projects that disturb areas equal to or greater than 1 acre. In establishing priorities for the inspection of construction sites consistent with this **MS4 Permit**, the **Permittees** shall identify sites of high and low threat to **Receiving Water** quality. Evaluation of construction sites should be based on such factors as soil **Erosion** potential, project size, proximity and sensitivity of **Receiving Waters**, history of compliance, and other relevant factors. High priority construction sites shall in any event include:

1. Construction sites that disturb an area greater than fifty (50) acres; and

2. Construction sites that disturb greater than one (1) acre and directly discharge to an identified 303 (d) listed waterbody.

Low priority construction sites shall include:

1. Construction sites that disturb an area of one acre or greater and less than fifty (50) acres, and do not discharge directly to an identified **CWA Section 303 (d)** listed waterbody; and

2. Construction sites which have a demonstrated history of compliance.

High priority sites may be re-categorized to low priority construction sites during construction. The **Permittees** shall establish inspection frequencies for individual construction sites based upon site priority, as detailed in Section 5.3 of the **SWMP**.

iv. If a **Permittee** receives notice by its staff of a possible violation of the **Construction General Permit**, the **Permittee** shall, within two (2) working days, provide oral (Telephone: 760.346.7491) and e-mail notice to **Regional Water Board** staff of the location within its jurisdiction where the incident occurred and describe the nature of the incident;

v. Upon referral of a construction site to **Regional Water Board** staff for failure to obtain coverage under the **Construction General Permit**, failure to keep a **SWPPP** at the construction site, if applicable, or an observed act or omission that suggests failure to comply with either, the **Permittee** will take no further action at the construction site with regard to securing compliance with the **Construction General**

**F. BEST MANAGEMENT PRACTICES**
**Permit.** Each **Permittee** shall continue to take appropriate action to bring a construction site into compliance with its local ordinances, rules, and regulations;

vi. Prior to the issuance of a building, **Grading** or other construction project permit, the **Permittees** shall require proof that the applicant has filed a **NOI** for the **Construction General Permit**, if such coverage is required.

**Program Data Tracking**

vii. The **Permittees** shall keep the following records:

1. An up-to-date construction site inspection database, including information specified in Attachment B of this **MS4 Permit**;

2. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access to similar trackable data, such a system may be used in lieu of the construction site inspection database required in Attachment B of this **MS4 Permit**.

**Annual Reporting**

viii. In its **Annual Report**, each **Permittee** shall include the following information:

1. Total number of construction site inspections conducted, pursuant to Section F.1.d.ii.4 (above), during the reporting year;

2. Total number and type of enforcement action(s), including referrals to the **Regional Water Board**, issued on construction sites during the reporting year; and

3. Provide confirmation that the construction site inspection database (Attachment B of this **MS4 Permit**) has been implemented to track inspection activities during the reporting year.

ix. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access pursuant to Section F.1.d.vii.2. (above), the **Annual Report** requirements listed in Section F.1.d.viii. (above) are waived.

**Annual Program Evaluation and Assessment**

x. Each **Permittee** shall evaluate in its **Annual Report** whether the following Private Construction Activities program goals have been achieved:

1. Maintain an updated database of active construction sites which includes categorization of sites by priority;

**F. BEST MANAGEMENT PRACTICES**
2. Perform inspections to confirm construction site compliance with Permittee Stormwater Ordinance; and

3. Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of Permittee Stormwater Ordinances.

xi. If a Permittee finds that the above stated program goals have not been achieved, that Permittee shall review its applicable activities and BMPs to identify any modifications which may be needed to improve Private Construction Activities program effectiveness, as necessary to comply with this MS4 Permit. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable Annual Report.

e. Permittee Activities Program

i. Sewage Systems

1. Permittees shall provide Sanitary Sewer Operators access to their MS4 facilities for the purposes of allowing control of SSOs, or for the purpose of limiting the impacts to Receiving Waters once a spill has entered the MS4. Permittees subject to State Board Water Quality Order No. 2006-0003 (Sanitary Sewer Order) shall obtain coverage under that Order.

ii. Permittee Facilities and Operations

The Permittees shall continue to maintain an inventory of Permittee facilities with outdoor materials storage or maintenance areas. Requirements for all Permittee facilities with outdoor materials storage or maintenance areas:

1. Continue to maintain and implement Permittee Municipal Facility/Activity Pollution Prevention Plans; and

2. Inspect facilities requiring Municipal Facility/Activity Pollution Prevention Plans for appropriate BMP implementation once per year, at a minimum. Re-inspections and/or corrective actions shall be taken if deficiencies are found.

iii. Landscape Maintenance

Each Permittee shall require that pesticides be applied in conformance with existing state and federal regulations.

iv. Permittee Streets and Roads

1. Maintain the model fact sheet of BMPs for common road maintenance activities. Each Permittee will continue to require road maintenance personnel to review the fact sheet biennially, and implement the BMPs specified therein; and

F. BEST MANAGEMENT PRACTICES
2. Each Permittee will continue to incorporate applicable elements of the model fact sheet of BMPs for common road maintenance activities into road maintenance contracts.

v. MS4 Facilities
   1. A map identifying Receiving Waters and Major MS4 Outfalls shall be maintained and updated as required;
   2. Continue to implement the existing field program to detect and prevent dumping or IDs into MS4 facilities; and
   3. Continue to implement MS4 maintenance schedules for basins, inlets and open channels.

Program Data Tracking

vi. The Permittees shall keep the following records:
   1. An up-to-date inventory of Permittee facilities with outdoor materials storage or maintenance areas;
   2. Reports from inspections conducted at Permittee facilities requiring Municipal Facility/Activity Pollution Prevention Plans;
   3. An up-to-date MS4 inspection and maintenance schedule; and
   4. An up-to-date list of pesticide application personnel and their certifications.

Annual Reporting

vii. In its Annual Report, each Permittee shall include the following information:
   1. Total percentage of facilities requiring Municipal Facility/Activity Pollution Prevention Plans that were inspected during the reporting year;
   2. Narrative summary of the results of municipal facility inspections conducted pursuant to Section F.1.e.ii. (above), including a summary of deficiencies noted and corrective actions taken, if any; and
   3. A summary of MS4 facilities maintained (by MS4 facility type) pursuant to Section F.1.e.v.3. (above) during the reporting year,

viii. A map of the Whitewater River Region which identifies the most current MS4 Permit boundary, Receiving Waters and Major MS4 Outfalls shall be submitted by the Permittees with each Annual Report.

F. BEST MANAGEMENT PRACTICES
ix. If the Permittees choose to move to an online recordkeeping and reporting tool that provides the Regional Water Board with access to the reportable information listed in Section F.1.e.vii. above, the Annual Report requirements listed in that Section are waived.

Annual Program Evaluation and Assessment

x. Each Permittee shall evaluate in its Annual Report whether the following Permittee Facilities and Activities program goals have been achieved:

1. Maintain a current map of MS4 Outfalls, Receiving Waters, and the MS4 Permit boundary;

2. For facilities with outdoor materials storage or maintenance areas: confirm that BMPs described in each facility’s Municipal Facility Pollution Prevention Plans are implemented; and

3. Confirm that basins, inlets and open channels that are part of the Permittee’s MS4 are maintained on the schedule developed by the Permittee.

xi. If a Permittee finds that the above stated program goals have not been achieved, that Permittee shall review its applicable activities and BMPs to identify any modifications which may be needed to improve Permittee Facilities and Activities program effectiveness, as necessary to comply with this MS4 Permit. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable Annual Report.

f. Public Education and Outreach Program

i. Illegal Dumping and General Outreach

1. Continue to conduct education/outreach to the general public on impacts to Receiving Waters from:

   a. Littering, illegal dumping and other improper disposal of Wastes; and

   b. Leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

2. Continue to conduct education/outreach to the general public on the impacts of dumping Pollutants, including Pollutants from landscaping and home maintenance activities, into MS4 facilities;

F. BEST MANAGEMENT PRACTICES
3. Continue to support the efforts of the County HHW Program, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals; and

4. Continue to conduct education/outreach to the general public about BMPs for residential car washing.

ii. Landscaping

1. Continue to conduct education/outreach to the general public on the proper application and management of pesticides, fertilizers and herbicides; and

2. Continue to conduct education/outreach to the general public on the proper management of irrigation systems to prevent runoff to the MS4. Where appropriate, coordinate with the Natural Resources Conservation Service, Resource Conservation Districts and University of California Cooperative Extension.

iii. Pet Ownership

1. Continue to conduct education/outreach to the general public regarding the need to clean-up and properly dispose of pet Waste.

iv. Construction

1. Continue to make information available to contractors, operators, and Permittee’s staff about upcoming educational and training workshops on construction site Erosion control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available, as appropriate.

v. Industrial/Commercial

1. Continue to conduct education/outreach to landowners, tenants, business owners, and industrial operations regarding the need to implement appropriate BMPs to control Non-Storm Water discharges and properly maintain outdoor material storage areas.

vi. Training of Permittee Staff

The Permittees shall continue to develop and implement training programs for the following categories of their employees: Maintenance staff, Industrial/Commercial inspectors, New Development/Redevelopment staff, and Construction inspectors. The training program shall cover: a) applicable requirements of this MS4 Permit, the General Industrial Permit and Construction General Permit, b) proper BMP implementation, and c)
identification of IC/IDs that may be associated with the area of training.

Additionally, for Permittee Maintenance staff, the training shall continue to educate/inform Permittee's personnel responsible for MS4 facility, park, golf course, and highway right-of-way maintenance on the proper use and management of pesticides, fertilizers, and herbicides. Alternative methods for controlling insects and weeds such as biological controls and the use of less toxic chemicals should be encouraged. This training may be accomplished through existing mandatory training programs for pesticide, fertilizer and herbicide management.

**Program Data Tracking**

vii. The Permittees shall keep the following records:

1. Number of regional public education outreach events conducted, by type (construction, industrial, residential, New Development, schools, general public, etc), including approximate attendance where applicable;

2. HHW Collection Program activities including:
   a. Event dates and number of days per event;
   b. Type and amount of material collected; and
   c. Advertisement impressions by type (newspaper, television, radio, banners, flyers, etc.).

3. Records of Permittee staff trained, including topic, date and number of staff trained;

4. Usage (call volume) of the “Only Rain Down the Stormdrain” Pollution Prevention Program hotline;

5. Copies or records of public education materials utilized and/or made available to the general public and target audiences during Permittee education/outreach activities; and

6. Public surveys and impression counts, to be gathered where feasible;

**Annual Reporting**

viii. In its Annual Report, each Permittee shall include the following information:

1. A narrative summary of Public Education and Outreach program accomplishments or issues encountered during the reporting year;

F. BEST MANAGEMENT PRACTICES
2. The number of public education outreach events conducted during the reporting year, by type (construction, industrial, residential, **New Development**, schools, general public, etc.), including approximate attendance where applicable;

3. A summary of type(s) and numbers, where feasible, of outreach materials distributed during the reporting year; and

4. Number of Permittee staff trained during the reporting year; including topic (municipal, industrial/commercial, construction, New Development) and date.

ix. If the Permittees choose to move to an online recordkeeping and reporting tool that provides the Regional Water Board with access to the reportable information listed in Section F.1.f.viii. above, the Annual Report requirements listed in that Section are waived.

**Annual Program Evaluation and Assessment**

x. Each Permittee shall evaluate in its Annual Report whether the following Public Education and Outreach program goals have been achieved:

1. Conduct education/outreach to the general public on the impacts of improper disposal of pollutants into MS4s;

2. Develop and distribute targeted BMP guidance for specific pollutants and residential and business activities; and

3. Confirm that Permittee employees are trained to implement MS4 Permit compliance programs.

xi. If a Permittee finds that the above stated program goals have not been achieved, that Permittee shall review its applicable activities and BMPs to identify any modifications which may be needed to improve Public Education and Outreach program effectiveness, as necessary to comply with this MS4 Permit. A work plan and schedule to address program modifications shall be developed and implemented, be provided and/or updated with the applicable Annual Report.

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F. BEST MANAGEMENT PRACTICES
G. IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS

CVSC Bacterial Indicators TMDL

1. Interim WQBEL and Phase 1 Implementation and Compliance
   a. Interim WQBEL. The City of Coachella shall:
      i. Upon approval by the Regional Water Board Executive Officer, implement the monitoring plan submitted on January 6, 2013 and revised on February 13, 2013, for the City of Coachella’s outfalls to the CVSC Bacterial Indicators TMDL.
      ii. Submit by January 31, 2016 a Quality Assurance Project Plan and summary report (2016 QAPP) that addresses:
          1. Whether Urban Runoff discharges from the City of Coachella’s MS4 to the CVSC are in compliance with the City of Coachella’s WLA,
          2. Whether sources of exceedances, if any, are controllable; and
          3. Recommendations for additional BMPs, if required, that are appropriate given background conditions, cost factors and the status of Regional Water Board efforts to revise WQOs for the CVSC to address the City of Coachella’s WLA as required by the TMDL. If recommendations for additional BMPs are provided, then the following information should be provided:
             a. The specific additional BMPs implemented to reduce the concentration of Bacterial Indicators from controllable urban sources and the water quality improvements expected to result from these BMPs;
             b. The specific regional treatment facilities and the locations where such facilities will be built to reduce controllable urban bacterial indicators and the water quality improvements to result when the facilities are complete.
             c. The scientific and technical documentation used to conclude that the additional BMPs, once fully implemented, are expected to achieve the City of Coachella’s WLA.
             d. A schedule for implementing the additional BMPs including identification of milestones to assess satisfactory progress toward achieving the City of Coachella’s WLA.
             e. The specific metrics that will be used to demonstrate the effectiveness of the additional BMPs; and
             f. Identification of additional BMPs that may be required if the initial plan does not achieve the City of Coachella’s WLA as required by the TMDL.
iii. Implementation of the requirements of Section G.1.a. shall constitute compliance with the Interim WQBEL and Phase 1 of the implementation plan for the CVSC Bacterial Indicators TMDL.

2. Final WQBEL Implementation and Compliance
   a. Once approved by the Regional Water Board Executive Officer, the City of Coachella’s 2016 QAPP shall be incorporated into this MS4 Permit as the final WQBEL for the CVSC Bacterial Indicators TMDL. Implementation of the requirements of the 2016 QAPP shall constitute compliance with the final WQBEL and Phase 2 of the implementation plan for the CVSC Bacterial Indicators TMDL.
   b. If the Regional Water Board Executive Officer does not approve the 2016 QAPP prior to June 30, 2016, the CVSC Bacterial Indicators TMDL WLAs will become the final WQBEL(s), and compliance with the WQBEL(s) will be assessed through implementation of BMPs by the City as approved by the Regional Water Board consistent with Phase 2 of the implementation plan for the CVSC Bacterial Indicators TMDL.
H. GENERAL PROVISIONS

1. Duty to Comply [40 CFR 122.41 (a)]
   a. The Permittee must comply with all of the conditions of this MS4 Permit. Any noncompliance constitutes a violation of the CWA and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
   b. The Permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the MS4 Permit has not yet been modified to incorporate the requirement.

2. Need to Halt or Reduce Activity not a Defense [40 CFR 122.41 (c)]

   It shall not be a defense for a 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 MS4 Permit.

3. Duty to Mitigate [40 CFR 122.41(d)]

   The Permittees shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this MS4 Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

4. Proper Operation and Maintenance [40 CFR 122.41(e)]

   The Permittees shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittees to achieve compliance with the conditions of this MS4 Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by the discharger only when the operation is necessary to achieve compliance with the conditions of this MS4 Permit.

5. Permit Actions [40 CFR 122.41(f)] [CWC § 13381]

   This MS4 Permit may be modified, revoked and reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 124.5, 125.62, and 125.64. Causes for taking such actions include, but are not limited to:
   a. Endangerment to human health or the environment resulting from the permitted activity, including information that the discharge(s) regulated by this MS4 Permit may have the potential to cause or contribute to adverse impacts on water quality and/or Beneficial Uses;
b. Acquisition of newly-obtained information that would have justified the application of different conditions if known at the time of MS4 Permit adoption;

c. To address changed conditions identified in required reports or other sources deemed significant by the Regional Water Board;

d. To incorporate provisions as a result of future amendments to the Basin Plan, such as a new or revised WQO or the adoption or reconsideration of a TMDL, including the program of implementation. Within 18 months of the effective date of a revised TMDL or as soon as practicable thereafter, where the revisions warrant a change to the provisions of this MS4 Permit, the Regional Water Board may modify this MS4 Permit consistent with the assumptions and requirements of the revised WLA(s), including the program of implementation;

e. To incorporate provisions as a result of new or amended statewide water quality control plans or policies adopted by the State Board, or in consideration of any State Board action regarding the precedential language of State Water Board Order WQ 99-05, Receiving Water Limitations; and/or

f. To incorporate provisions as a result of the promulgation of new or amended federal or state laws or regulations or judicial decisions that becomes effective after adoption of this MS4 Permit.

The filing of a request by the Permittee for a MS4 Permit modification, revocation, and reissuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition of this MS4 Permit.

6. Property Rights [40 CFR 122.41(g)]

This MS4 Permit does not convey any property rights of any sort or any exclusive privilege.

7. Inspection and Entry [40 CFR 122.41(i)] [CWC § 13267(c)]

The Permittees shall allow an authorized Regional Water Board representative, or an authorized representative of the USEPA (including an authorized contractor acting as a representative of the Regional Water Board or USEPA), upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this MS4 Permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this MS4 Permit;

c. Inspect at reasonable times any Permittee facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this MS4 Permit; and

H. GENERAL PROVISIONS
d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this **MS4 Permit** or as otherwise authorized by the **CWA** or **CWC**, any substances or parameters at any location.

8. Records [40 C.F.R. § 122.41(j)(2)]

The **Permittees** shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this **MS4 Permit**, and records of all data used to complete the application for this **MS4 Permit**, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the **Regional Water Board Executive Officer** at any time.

9. Bypass [40 CFR 122.41 (m)]

   a. Bypass not exceeding limitations - A **Permittee** may allow any bypass to occur which does not cause **Effluent Limitations** to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Section H.9.b. and H.9.c. (below).

   b. Notice – If a **Permittee** knows in advance of the need for bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass. A **Permittee** shall submit notice of an unanticipated bypass as required in Section I.6. of this **MS4 Permit**.

   c. Prohibition of Bypass - Bypass is prohibited, and the **Regional Water Board** may take enforcement action against a **Permittee** for bypass, unless:

      i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

      iii. The **Permittee** submitted notice as required under Section 9.b. (above).

   d. The **Executive Officer** may approve an anticipated bypass, after considering its adverse effects, if the **Executive Officer** determines that it will meet the three conditions listed in Section H.9.c. (above).

10. Upset [40 CFR 122.41 (n)]

   Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based effluent limitations because of
factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

a. Effect of an upset - An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Section H.10.b. (below) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. Conditions necessary for a demonstration of upset - A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the Permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being properly operated;

iii. The Permittee submitted notice of the upset as required in Section I.6. (below); and

iv. The Permittee complied with any remedial measures required under Section H.3. (above).

c. Burden of Proof - In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

11. The Permittees shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this MS4 Permit, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.

12. The provisions of this MS4 Permit are severable, and if any provision of this MS4 Permit, or the application of any provision of this MS4 Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this MS4 Permit, shall not be affected thereby.

13. The Permittees shall comply with any interim Effluent Limitations as established by addendum, enforcement action, or revised WDRs that have been, or may be, adopted by this Regional Water Board.

14. In cases where Urban Runoff quality is impacted by discharges of Wastes from lands or facilities not owned, operated or maintained by, or under the regulatory jurisdiction of the Permittee(s), or which is under the jurisdiction of the Regional Water Board by NPDES permit, waste discharge requirement or waiver of waste discharge requirement), the Permittee(s) may notify the Regional Water Board
of its need to regulate those discharges, to the extent the **Regional Water Board** has jurisdiction over such discharges. Such a notice shall include:

a. A written description of the discharge and documentation, if available, of water quality problems caused by the discharge;

b. An 8 ½ inch x 11 inch location map which delineates the location of the discharge; and

c. Documentation that the **Permittee(s)** does not have jurisdiction over the discharge and/or is unable to require compliance or that the discharge is under the jurisdiction of the **Regional Water Board**.

The **Permittee(s)** may submit such notice at any time.
I. REPORTING REQUIREMENTS

1. Duty to Reapply [40 CFR 122.41(b)]

This MS4 Permit expires on June 20, 2018. If the Permittees wish to continue any activity regulated by this MS4 Permit after the expiration date of this MS4 Permit, the Permittees must apply for and obtain a new MS4 Permit. The Permittees must file a ROWD in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the expiration date of this MS4 Permit as application for issuance of a new MS4 Permit. The ROWD shall, at a minimum, include:

a. Proposed revisions to the SWMP, based on program data gathered throughout the MS4 Permit term, and analysis required by Section L.11.d of this MS4 Permit. Proposed SWMP revisions may include, but not be limited to: activities the Permittees proposed to undertake during the next MS4 Permit term, goals and objectives of such activities, an evaluation of the need for additional Source Control and/or Structural BMPs, proposed pilot studies, etc.;

b. Any new or revised program elements and compliance schedule(s) necessary to comply with Section D. RECEIVING WATER LIMITATIONS and Section G. IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS of this MS4 Permit;

c. Changes in land use and/or population including map updates; and

d. Significant changes to the MS4s, outfalls, detention or retention basins or dams, and other controls, including map updates of the MS4s.

2. Duty to Provide Information [40 CFR 122.41 [h]]

The Permittees shall furnish to the Regional Water Board, State Board, or USEPA, within a reasonable time, any information which the Regional Water Board, State Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this MS4 Permit, or to determine compliance with this Permit. The Permittees shall also furnish to the Regional Water Board, State Board, or USEPA, upon request, copies of records required to be kept by this MS4 Permit.

3. Anticipated Non-Compliance [40 CFR 122.41 (l)(2)]

The Permittees shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with the requirements of this MS4 Permit.

4. Transfers [40 CFR 122.41(l)(3)]

This MS4 Permit is not transferable to any Person except after notice to the Regional Water Board. The Regional Water Board may require modification or
revocation and reissuance of this *MS4 Permit* to change the name of the Permittees and incorporate such other requirements as may be necessary under the CWA or the CWC in accordance with the following:

a. Transfers by Modification [40 CFR 122.61(a)]

   This *MS4 Permit* may be transferred by the Permittees to a new owner or operator only if this *MS4 Permit* has been modified or revoked and reissued, or a minor modification made to identify the new Permittee and incorporate such other requirements as may be necessary under the CWA or CWC.

b. The Regional Water Board does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this *MS4 Permit*. A modification under this subparagraph may also be a minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 40 CFR Part 122.63 b. (2) of this reporting requirement.

5. Compliance Schedules [40 CFR 122.41(l)(5)]

   Written reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this *MS4 Permit* shall be submitted to the Regional Water Board no later than 14 days following each schedule date.

6. Twenty-four Hour Reporting [40 CFR 122.41 (l)(6)]

   a. Each Permittee shall report any noncompliance that may endanger human health or the environment. Any information shall be provided orally to the Regional Water Board within 24 hours from the time the Permittee becomes aware of the circumstances. A written description of any noncompliance shall be submitted to the Regional Water Board within five business days of such an occurrence and contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

7. Other Non-Compliance [40 CFR 122.41 (l)(7)]

   A Permittee shall report all instances of noncompliance not reported under Sections I.5. and I.6. (above), at the time monitoring reports are submitted. The reports shall contain the information listed in Section I.6. (above).

8. Other Information [40 CFR 122.41 (l)(8)]

   Where a Permittee becomes aware that it failed to submit any relevant facts in a ROWD, or submitted incorrect information in a ROWD, or in any report to the Regional Water Board, it shall promptly submit such facts or information.

I. REPORTING REQUIREMENTS
9. Signatory Requirements [40 CFR 122.41(k)(1) and 40 CFR 122.22]

All applications, reports, or information submitted to the **Regional Water Board** shall be signed and certified.

a. All **ROWDs** shall be signed by either a principal executive officer or ranking elected official.

b. All reports required by this **MS4 Permit**, and other information requested by the **Regional Water Board** shall be signed by a **Person** described in Item No. 9. a. of this reporting requirement, or by a duly authorized representative of that **Person**. A **Person** is a duly authorized representative only if:

   i. The authorization is made in writing by a **Person** described in Item No. 9. a. of this reporting requirement;

   ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

   iii. The written authorization is submitted to the **Regional Water Board**.

c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of Item No. 9. b. of this reporting requirement must be submitted to **Regional Water Board** prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Any **Person** signing a document under paragraph Item No. 9 a. or b. of this reporting requirement 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, the information submitted is, to the best of my knowledge and belief, 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.

10. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this **MS4 Permit** shall be available for public inspection at the offices of the **Regional Water Board**. As required by the **CWA, ROWDs**, this **MS4 Permit**, and monitoring data shall not be considered confidential.

11. The discharger shall submit reports and provide notifications as required by this **MS4 Permit** to the following:

   I. REPORTING REQUIREMENTS
I. REPORTING REQUIREMENTS

Executive Officer
California Regional Water Quality Control Board Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Eugene Bromley
U.S. Environmental Protection Agency - Region IX Permits Issuance Section (W-5-1)
75 Hawthorne Street
San Francisco, CA 94105

Unless otherwise directed, the discharger shall submit one hard copy and one electronic copy, as a searchable Portable Document Format (PDF), of each report required under this MS4 Permit to the Regional Water Board and one electronic copy, as a searchable PDF, to USEPA.
J. NOTIFICATIONS

1. **CWC** Section 13263(g)
   No discharge of Waste into the Waters of the State, whether or not the discharge is made pursuant to WDRs, shall create a vested right to continue the discharge. All discharges of Waste into Waters of the State are privileges, not rights.

2. The **Regional Water Board** has, in prior years, issued a limited number of individual NPDES permits for Non-Storm Water discharges. The **Regional Water Board** or **State Board** may in the future, upon prior notice to the Permittee(s), issue an NPDES permit for any Non-Storm Water discharge (or class of Non-Storm Water discharges) to the MS4. Permittees may prohibit any Non-Storm Water discharge (or class of Non-Storm Water discharges) to the MS4 that is authorized under such separate NPDES permits.

3. Enforcement Provisions [40 CFR 122.41(a)(2)] [**CWC** Sections 13385 and 13387].

4. The **CWA** provides that any Person, who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this MS4 Permit, is subject to a civil penalty not to exceed $25,000 per day for each violation. The **CWA** provides that any Person, who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation of this MS4 Permit, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a Person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two years, or both. Any Person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a Person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both. Any Person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this MS4 Permit, and who knows at that time that he or she thereby places another Person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a Person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the **CWA** shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions. Nothing in this MS4 Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittees are or may be subject to under Section 311 of the **CWA** or established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the **CWA**.
K. GLOSSARY OF TERMS

305(b) Report - Every two years, the State Board submits a report on the State's water quality to USEPA pursuant to Section 305(b) of the CWA. The Report provides water quality information to the general public and serves as the basis for USEPA's National Water Quality Inventory Report to Congress.

AGR – Agriculture Supply

Annual Report – Annual Compliance Report required under this MS4 Permit.

Annual Monitoring Report - Annual Compliance Report required under Section L.11 of this MS4 Permit.

AQUA – Aquaculture

Basin Plan – Water Quality Control Plan developed by the Regional Water Board.

Beneficial Uses – Beneficial Uses of the Waters of the State that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices (BMPs) – BMPs are defined in 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce Pollutant loading from storm water or non-storm water discharges to Receiving Waters. In the case of MS4 permits, the Effluent Limitations required is implementation of BMPs to the MEP.

Cal EMA – California Emergency Management Agency

CalTrans – California Department of Transportation

CAP – Compliance Assistance Program

CASQA – California Stormwater Quality Association

CEQA – California Environmental Quality Act (Section 21000 et seq. of the California Public Resources Code)

Chronic Water Quality Concern- A constituent for which a given water body frequently experiences exceedances of Receiving Water WQOs, or for which there is an established TMDL for a particular water body. The term Chronic Water Quality Concern does not relate water quality and water toxicity.

Cleaning – The removal of litter or debris that can impact Receiving Waters.

CMP – Consolidated Program for Water Quality Monitoring

Coachella Valley Regional Water Management Group (CVRWMG) - A collaborative effort led by the five water purveyors of the Coachella Valley to develop and implement an Integrated Regional Water Management Plan to address the water resources planning needs of the Coachella Valley. The CVRWMG Region is located in central Riverside County, within the Colorado River Funding Area, as defined by the Department of Water Resources.
boundary for the CVRWMG Management Region is chiefly the same boundary as the Whitewater River Basin.

**COLD** – Cold and Freshwater Habitat **Beneficial Use**

**Contamination** – As defined in the Porter-Cologne Water Quality Control Act, **Contamination** is “an impairment of the quality of Waters of the State by Waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.” ‘**Contamination**’ includes any equivalent effect resulting from the disposal of Waste whether or not Waters of the State are affected.

**Connectivity** – As used in this **MS4 Permit**, contiguous flow between two or more surface waters.

**Constituents of Concern** - Water quality constituents, not including field parameters, which have been detected in **Whitewater River Region** monitoring results more than once during the last two **MS4 Permit** terms, at concentrations higher than respective minimum reporting limits. In the **Whitewater River Region, Constituents of Concern** include: Antimony, Arsenic, Barium, Beryllium, Cadmium, Copper, Chromium, Chromium^6+, Lead, Mercury, Nickel, Selenium, Silver, Thallium, Zinc, Nitrite, Nitrate, Total Kjeldahl Nitrogen, Total Nitrogen, Ammonia, **TSS, TDS**, Total Phosphorous, Ortho Phosphorous, Total Petroleum Hydrocarbons (TPH), Methylene-blue activated substances (MBAS), Ethylene-Glycol, Oil and Grease and E. coli.

**Co-Permittees** – CVWD and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage are identified as the **Co-Permittees** of this **MS4 Permit**.

**County** – County of Riverside, a legal subdivision of the State of California.

**Construction General Permit (CGP)** – General Permit for Storm Water Discharges Associated with Construction Activity; **State Board** Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ (**NPDES** No. CAS000002).

**CVSC** – Coachella Valley Stormwater Channel

**CVWD** – Coachella Valley Water District

**CWA** – Federal Clean Water Act

**CWA Section 402(p)** – [33 USC 1342(p)] is the federal statute requiring discharges of Storm Water from MS4 and industrial facilities and activities to obtain NPDES permits.

**CWA Section 303(d) Water Bodies** – A "section 303(d) water body" is designated by the **State Board** and USEPA as an Impaired Water body where water quality does not meet applicable WQS, even after the application of technology based Pollution controls required by the CWA.

**CWC** – California Water Code

**DEH** – **County** Department of Environmental Health

**Desert Task Force** – A technical committee, consisting of representatives from each Permittee, which directs the development or revision of the program elements comprising the **SWMP** and coordinates implementation of the **Whitewater River Region MS4**

K. GLOSSARY OF TERMS
program. Per requirements of this MS4 Permit, the Desert Task Force meets quarterly, at a minimum.

**Dry Weather** – Dry Weather for the purposes of monitoring must be preceded by at least 72 hours of dry conditions (less than 0.1 inch of precipitation).

**Effluent Limitations** – Effluent Limitations, or Effluent Limits, means any restriction imposed by the Regional Water Board on quantities, discharge rates, and concentrations of Pollutants which are discharged from Point Sources into Waters of the United States. The Effluent Limitations contained in this MS4 Permit are narrative, and include the SWMP’s requirement to implement appropriate BMPs to the MEP.

**Emergency Situation** – Any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any Hazardous Material spill where residents are evacuated, any spill of reportable quantities of Hazardous Waste (as defined in 40 CFR 117 and 40 CFR 302), or any other spill or discharge that is reportable to the Cal EMA.

**Ephemeral Streams** – Surface waters without perennial or intermittent flow. Table 2-3 of the Basin Plan defines Beneficial Uses for Receiving Waters within the Western Colorado River Basin. Table 2-3 broadly categorizes all surface waters not specifically named as either Washes or “Unlisted Perennial and Intermittent Streams”. Ephemeral Streams include the section of ephemeral flow in the Whitewater River and CVSC from Indian Canyon Drive to approximately ¼ mile west of Monroe Street crossing.

**Erosion** – When land is diminished or worn away due to wind, water, or glacial ice.

**Executive Officer** – The Executive Officer of the Regional Water Board

**FRSH** – Freshwater Replenishment Beneficial Use

**General Industrial Permit** – General Permit for Storm Water Discharges Associated with Industrial Activities; State Board Order No. 97-03-DWQ (NPDES No. CAS000001)

**General Storm Water Permits** – General Industrial Permit and General Construction Permit.

**Grading** – The cutting and/or filling of the land surface to a desired slope or elevation.

**GRW** – Groundwater Recharge Beneficial Use

**Hazardous Material** – Any substance that poses a threat to human health or the environment due to its Toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by the USEPA to be reported if a designated quantity of the material is spilled into the Waters of the United States or emitted into the environment.

**Hazardous Waste** – Hazardous Waste is defined as “any Waste, which, under Section 600 of Title 22 of this code, is required to be managed according to Chapter 30 of Division 4.5 of Title 22 of this code.” [CCR Title 22, Division 4.5, Chapter 11, Article 1]

**HAZMAT** – Hazardous Materials

**HHW** – Household Hazardous Waste

**Hydrologic Condition of Concern (HCOC)** – Changes caused by a New Development or Redevelopment Project to Urban Runoff flow rates, velocities, durations and/or K. GLOSSARY OF TERMS
volumes that cause significant downstream erosion beyond the pre-development condition or cause significant adverse impacts to stream habitat.

**IC/ID – Illicit Connection/Illegal Discharge**

**IC/ID Database** – Database of IC/ID incidents and investigations, required by Section F.1.a.iii. of this MS4 Permit.

**Illegal Discharge (ID)** - Defined at 40 CFR 122.26(b)(2) as any discharge to a MS4 that is not composed entirely of Storm Water except discharges pursuant to a separate NPDES permit and discharges resulting from emergency fire fighting activities. The term excludes discharges that are identified as not prohibited in Section C. ALLOWABLE NON-STORM WATER DISCHARGES of this MS4 Permit, and discharges authorized by the Executive Officer.

**Illicit Connection (IC)** – Any connection to the MS4 that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations.

**Impaired Waterbody** – See CWA Section 303(d)Water Bodies.

**Impairment** – A waterbody condition where WQSs are not attained.

**Implementation Agreement** – Establishes the responsibilities of the Permittees and provides for funding of “umbrella” activities related to compliance with this MS4 Permit.

**IND** – Industrial water supply Beneficial Use.

**Intermittent Beneficial Use** – Beneficial Uses, which occur only seasonally because of limiting environmental conditions (e.g., provide habitat for trout during colder months of the year) and uses which are dependent on and occur only when sufficient flow exists.

**Land Disturbance** – The clearing, Grading, excavation, stockpiling, or other construction activity that result in the possible mobilization of soils or other Pollutants into the MS4s. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety. The Permittees should first confirm with Regional Water Board staff if they believe that a particular routine maintenance activity is exempt under this definition from any General Storm Water Permits or other Orders (i.e., 401 Water Quality Certifications) issued by the State or Regional Water Board.

**Load Allocation (LA)** – Distribution or assignment of TMDL Pollutant loads to entities or sources for existing and future Non-Point Sources, including background loads.

**Low Impact Development (LID)** – Comprises a set of approaches to Stormwater management and land development that combines a hydrologically functional Site Design with Pollution Prevention measures to compensate for potential land development impacts on hydrology and water quality.

**MEP (Maximum Extent Practicable)** – MEP is the technology-based standard established by Congress in CWA Section 402(p)(3)(B)(iii) that MS4 dischargers must meet. Technology-based standards establish the level of Pollutant reductions that dischargers must achieve, typically by treatment or by a combination of treatment and BMPs. The MEP approach generally emphasizes Pollution Prevention and Source Control BMPs primarily (as the first line of defense) in combination with treatment

K. GLOSSARY OF TERMS
methods serving as a backup (additional line of defense). In selecting BMPs which will achieve MEP, the following factors may be useful to consider:

a. Effectiveness: Will the BMPs address a Pollutant of concern?

b. Regulatory Compliance: Is the BMP in compliance with Storm Water regulations as well as other environmental regulations?

c. Public Acceptance: Does the BMP have public support?

d. Cost: Will the cost of implementing the BMP have a reasonable relationship to the pollution control benefits to be achieved?

e. Technical Feasibility: Is the BMP technically feasible considering soils, geography, water resources, etc.?

MS4 Outfall – Includes Outfall, Major Outfall and Major MS4 Outfall, and means a MS4 outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for MS4s that receive Stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

MS4 Permit – ORDER NO. R7-2013-0011 NPDES No. CAS617002

MS4 Permit Area – The Whitewater River Region, as identified in ATTACHMENT A - SITE MAP.

MUN – Municipal and Domestic Supply Beneficial Use

Municipal Facility/Activity Pollution Prevention Plan – Site-specific plan required by this MS4 Permit to minimize and manage Pollutants from entering the MS4 from Permittee facilities which feature outdoor materials storage or maintenance areas.

Municipal Separate Storm Sewer System (MS4) – 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) Owned or operated by 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, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the CWA that discharges to Waters of the United States; (ii) Designated or used for collecting of conveying Storm Water; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollution Discharge Elimination System (NPDES) – Federal permits authorizing the discharge of Waste to Waters of the United States. All NPDES permits issued by the State of California are also WDRs.

Natural Slope – The natural grade of a slope prior to grading activity.

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**New Development** – New construction on a previously undisturbed parcel. **New Developments** does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency new development required to protect public health and safety. Dischargers should confirm with Regional Water Board staff whether or not a particular routine maintenance activity is subject to this MS4 Permit.

**NOI (Notice of Intent)** – A NOI is an application for coverage under either of the General Storm Water Permits.

**Non-Point Source** – Diffuse, widespread sources of Pollution, and which do not qualify as a Point Source. These sources may be large or small, but are generally numerous throughout a Watershed. **Non-Point Sources**, include but are not limited to urban, agricultural or industrial areas, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation.

**Non-Storm Water** – Non-Storm Water consists of all discharges to and from a MS4 that do not originate from precipitation events (i.e., all discharges from a MS4 other than storm water). Non-Storm Water includes IDs, non-prohibited discharges, and NPDES permitted discharges.

**Nuisance** – As defined in the Porter-Cologne Water Quality Control Act, “anything which meets all of the following requirements: 1) Is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. 2) Affects at the same time an entire community or neighborhood, or any considerable number of Persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. 3) Occurs during, or as a result of, the treatment or disposal of Wastes.”

**Numeric Effluent Limitations** – A quantitative limitation on Pollutant concentrations or levels to protect Beneficial Uses and Water Quality Objectives of a water body.

**Open Space** – Any parcel or area of land or water that is essentially unimproved or devoted to an open-space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety. (Riverside County General Plan, adopted October 7, 2003. Technical Appendix A, Glossary)

“**Only Rain Down The Storm Drain**” Pollution Prevention Program – County Urban Runoff public education program.

**Other Development Projects** – Development projects that disturb areas equal to or greater than 1 acre, including projects that disturb less than 1 acre, but are part of a larger common plan of development or sale, that discharge into the MS4, as specified by Section F.1.c.ii.1 of this MS4 Permit

**Permittees** – County, RCFC&WCD, CVWD and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage. A Permittee to the Whitewater River Region is only responsible for permit conditions relating to the discharge of Urban Runoff from MS4 facilities located within the Whitewater River Region, and for which the Permittee is the operator.

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**Person** - A Person is defined as an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof. [40 CFR 122.2].

**Point Source** – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which Pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural Stormwater runoff.

**Pollutants of Concern** - Any Pollutants generated by the development, including Pollutants that are listed under CWA Section 303(d), Pollutants associated with the land use type of the development and legacy Pollutants associated with past use of the development site that may be exposed to Urban Runoff.

**Pollutant** – As defined at 40 CFR 122.2, Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

a. Sewage from vessels; or

b. Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources; or

c. Those discharged substances that are specifically excluded from coverage under NPDES permits pursuant to 40 CRF 122.3.

**Pollution Prevention** - Practices and processes which reduce or eliminate the generation of Pollutants, in contrast to Source Control, Pollution control, Treatment Control BMPs, or disposal.

**Pollution Prevention BMPs** – In general, activities or programs that aim to educate the public in order to reduce or eliminate the generation of Pollutants.

**Post-Construction BMPs** - Subsets of BMPs including Source Control and structural treatment that detain, retain, filter, or educate to prevent the release of Pollutants to surface waters during the final functional life of development.

**POTW** – Publicly owned treatment works

**POW** – Hydropower Generation Beneficial Use

**Pre-Development Runoff Conditions** - The runoff conditions existing onsite immediately before the planned development activities occur. Pre-Development Runoff Conditions are not intended to be interpreted as those conditions that existed before any human-induced land activities occurred. This pertains to redevelopment as well as initial development.

**Principal Permittees** – RCFC&WCD and the County

K. GLOSSARY OF TERMS
Priority Development Projects – Discretionary New Development and Redevelopment Projects that fall into any of the categories listed in Section F.1.c.iii of this MS4 Permit.


Rainy Season – Not defined for the Whitewater River Region. Per the General Industrial Permit, defined as October 1st through May 30th.

RCFC&WCD – Riverside County Flood Control and Water Conservation District

RARE – Rare, Threatened or Endangered Species Beneficial Use

RCWMD – County Waste Management Department

Receiving Water(s) – Waters of the United States within the Whitewater River Region.

Receiving Water Limitations - Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the Receiving Water as contained in the Basin Plan, water quality control plans or policies adopted by the State Board, or federal regulations applicable to Receiving Waters.

Receiving Water Quality Objectives – WQOs specified in the Basin Plan for Receiving Waters.

REC-I – Water contact recreation Beneficial Use

REC-II – Non-contact water recreation Beneficial Use

Redevelopment Project - New development on a previously disturbed parcel. Emergency redevelopment activities required to protect public health and safety, and routine maintenance activities conducted to maintain original line and grade, hydraulic capacity, or restore original purpose of the facility are not included.

Regional Water Board – California Regional Water Quality Control Board, Colorado River Basin

Riverside County – Territory within the geographical boundaries of the County.


Sanitary Sewer Overflow (SSO) – Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

Sediment – Soil, sand, and minerals washed from land into water. This MS4 Permit regulates only the discharges of Sediment from anthropogenic sources and does not regulate naturally occurring sources of Sediment.

SIC – Standard Industrial Classification

Site Design BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed at reducing Urban Runoff, increasing infiltration, reducing Pollutant transport mechanisms, minimizing the difference between pre- and post-development Urban Runoff. Redevelopment Projects that are undertaken to remove Pollutant sources (such as K. GLOSSARY OF TERMS
existing surface parking lots and other impervious surfaces), or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low density New Development) by incorporating higher densities and/or mixed land uses into the project design, are also considered Site Design BMPs.

**Source Control BMPs** – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed to limit the contact between Pollutant sources and Storm Water or authorized Non-Storm Water. Examples include: activity schedules, prohibitions of practices, street sweeping, facility maintenance, detection and elimination of IC/ID, and other non-structural measures. Facility design (structural) examples include providing attached lids to trash containers, or roof or awning over material and trash storage areas to prevent direct contact between water and Pollutants. Additional examples are provided in Section F.1.c.v.3 of this MS4 Permit.

**Southern California Monitoring Coalition (SMC)** - A regional group working to improve monitoring program design, parameter test methods, calibrate labs, evaluate the effectiveness of BMPs, and/or advance the science and understanding of Urban Runoff impacts on Receiving Waters.

**State Water Resources Control Board – State Board or SWRCB**

Storm Water - “Storm Water” is Storm Water runoff, snow melt runoff and surface runoff and drainage. 40 CFR 122.26(b)(13).

**Storm Water Management Plan (SWMP)** – A programmatic document which describes the activities and programs that have been developed and implemented by the Permittees to manage Urban Runoff to comply with the requirements of this MS4 Permit for the Whitewater River Region.

**Storm Water Ordinance** – The Storm Water/Urban Runoff Management and Discharge Control Ordinances and ordinances addressing Grading and Erosion control adopted by each of the Co-Permittees

**Structural BMPs** – Physical facilities or controls which may include secondary containment, treatment measures, (e.g. first flush diversion, detention/retention basins, and oil/grease separators), run-off controls (e.g., grass swales, infiltration trenches/basins, etc.), and engineering and design modification of existing structures.

**SWPPP** – Storm Water Pollution Prevention Plan

**TDS** – Total dissolved solids.

**TLMA – County** Transportation and Land Management Agency.

**Total Maximum Daily Load (TMDL)** - The TMDL is the maximum amount of a Pollutant that can be discharged into a water body from all sources (point and non-point) and still maintain WQS. Under CWA section 303(d), TMDLs must be developed for all water bodies that do not meet WQSs after application of technology-based controls.

**Toxicity** – Adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies.

**Treatment Control BMPs** – Any engineered system designed and constructed to remove Pollutants from Urban Runoff. Pollutant removal is achieved by simple gravity settling.
of particulate Pollutants, filtration, biological uptake, media absorption or other physical, biological or chemical process.

**TSS** – Total suspended solids.

**Urban Runoff** - Urban Runoff includes those discharges from residential, commercial, industrial, and construction areas within the Whitewater River Region MS4 Permit Area and excludes discharges from feedlots, dairies, farms, agricultural fields, POTWs, and Open Space. Urban Runoff discharges consist of Storm Water and Non-Storm Water surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the Waters of the United States. In addition to Urban Runoff, the MS4s regulated by this MS4 Permit receive flows from agricultural activities, Open Space, state and federal properties and other non-urban land uses not under the control of the Permittees. The quality of the discharges from the MS4s varies considerably and is affected by, among other things, past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed disposal practices and IC. The Permittees lack legal jurisdiction over discharges into their respective MS4s facilities from agricultural activities, California and federal facilities, utilities and special districts, Native American tribal lands, wastewater management agencies and other point and Non-Point Source discharges otherwise permitted by or under the jurisdiction of the Regional Water Board. The Regional Water Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate Pollutants present in Urban Runoff are beyond the ability of the Permittees to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, bacteria from wildlife (including feral dogs and cats) or from bacterial resuscitation or reactivation from treated waters or growth of bacteria in the environment (such as in sediments, surface water, or other substrate), and leaching of naturally occurring nutrients and minerals from local soils, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geology.

**USEPA** – United States Environmental Protection Agency

**WARM** – Warm freshwater habitat Beneficial Use

**Wash** – Intermittent or Ephemeral Stream as specified in the Basin Plan.

**Waste** – As defined in CWC 13050(d), “Waste includes sewage and any and all other Waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including Waste placed within containers of whatever nature prior to, and for purposes of, disposal.”

**Waste Discharge Requirements (WDRs)** – As defined in Section 13374 of the CWC, the term “Waste Discharge Requirements” is the equivalent of the term “permits” as used in the Federal Water Pollution Control Act, as amended. Waste Load Allocation (WLA) – Maximum quantity of Pollutants a Point Source discharger of waste is allowed to release into a particular waterway, as set pursuant to a TMDL.

K. GLOSSARY OF TERMS
Waters of the United States – As set forth in 40 CFR 122.2, the Waters of the United States are defined as: (a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate “wetlands;” (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as Waters of the United States under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR 423.22(m), which also meet the criteria of this definition) are not Waters of the United States. This exclusion applies only to man-made bodies of water, which neither were originally created in Waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of Waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the USEPA.

Water Quality Objective (WQO) – Numeric or narrative limits or levels of water quality constituents or characteristics which are established for the reasonable protection of Beneficial Uses of water or the prevention of Nuisance within a specific area [CWC 13050 (h)]. California’s WQOs are established by the State and Regional Water Boards in the Basin Plans.

Water Quality Standards (WQS) – The water quality goals of a waterbody (or a portion of the waterbody) designating Beneficial Uses to be made of the water and the WQOs necessary to protect those uses. These standards also include California’s anti-degradation policy.

Waters of the State – Any water, surface or underground, including saline waters within the boundaries of the State [CWC Section 13050 (e)]

Watershed - That geographical area which drains to a specified point on a watercourse, usually a confluence of streams or rivers (also known as drainage area, catchment, or river basin).

WDID – Waste discharge identification number.

Wet Weather - As described in USEPA’s NPDES Stormwater Guidance Document (USEPA 833-B-92-001[1]), a qualifying Wet Weather event meets the following criteria:

- The depth of the storm must be greater than 0.1 inch accumulation;
- The storm must be preceded by at least 72 hours of Dry Weather;

K. GLOSSARY OF TERMS
• Where feasible, the depth of rain and duration of the event should not vary by more than 50 percent from the average depth and duration.

**Whitewater BMP Design Manual** – A handbook developed by the Permittees to provide design procedures for structural BMPs for Priority New Development and Redevelopment Projects within the Whitewater River Region of Riverside County.

**Whitewater River Region** - The urbanized area of the Whitewater River Watershed under the jurisdiction of the Permittees and covered by this MS4 Permit, as identified in ATTACHMENT A – SITE MAP.

**Whitewater River Watershed** – Watershed tributary to the Whitewater River.

**Whitewater River Watershed Benefit Assessment Area (WWBAA)** - the RCFC&WCD’s funding source for MS4 Permit compliance program activities. The WWBAA covers the northwesterly portion of the Watershed including County and city jurisdictions that lie within the RCFC&WCD’s service area. WWBAA revenues fund both area-wide MS4 program and the RCFC&WCD’s individual MS4 Permit compliance activities.

**WILD** – Wildlife habitat Beneficial Use

**WQBEL** – Water quality based effluent limitations

L. MONITORING AND REPORTING

1. Pursuant to Section 13267 of the \textit{CWC}, the \textit{Permittees} shall comply with Monitoring and Reporting Program No. R7-2013-0011 and with the "General Monitoring and Reporting Provisions."

2. The \textit{Permittees} shall monitor the \textit{Receiving Water} and \textit{MS4} for \textit{Pollutants}, as described by this \textit{MS4 Permit}, during the fiscal year (July 1 to June 30), beginning July 1, 2014. This monitoring will assist the \textit{Permittees} with characterizing of \textit{Urban Runoff}, assessing effectiveness of implemented \textit{BMPs}, and determining the impact of \textit{Urban Runoff} on the \textit{Beneficial Uses of Receiving Waters} in the \textit{Whitewater River Region}. Specifically, the \textit{Permittees} shall monitor in accordance with the specified monitoring schedule and \textit{Constituents of Concern} listed in this section of this \textit{MS4 Permit}.

3. The \textit{Permittees} may propose alternative or additional monitoring locations for approval by the \textit{Executive Officer}, pursuant to Section N.8. of this \textit{MS4 Permit}.

4. The collection, preservation and holding times of all samples shall be in accordance with \textit{USEPA}-approved procedures. Unless otherwise approved by the \textit{Executive Officer}, all analyses shall be conducted by a laboratory certified for such analysis by the California Department of Public Health. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of \textit{Pollutants}" (40 CFR 136), promulgated by the \textit{USEPA}.

5. The timing of sample collection will be contingent on the sample holding time and the normal working hours of the contract laboratory.

6. Due to the hazard of flash flooding that exists in waterbodies within the \textit{Whitewater River Region MS4 Permit} area, sample collection shall occur only when there is enough sunlight to safely collect a monitoring sample from an \textit{MS4 Outfall} or \textit{Receiving Water Wet Weather} monitoring event. Sampling shall not take place when it is unsafe and/or there is a flash flood warning and/or watch.

7. \textit{Permittee} records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurement(s);
   b. The individual(s) who performed the sampling or measurement(s);
   c. For \textit{Dry Weather IC/ID} and \textit{Wet Weather MS4 Outfall} monitoring, recorded visual observations of:
      i. Presence or absence of discharge from the \textit{MS4 Outfall} being monitored;
      ii. Presence or absence of surface flow in the \textit{Receiving Water} being discharged to;
      iii. Presence or absence of \textit{Connectivity} of surface flow from the \textit{MS4 Outfall} being monitored to its associated \textit{Receiving Water}; and,
iv. If applicable, and conditions are safe enough to gather the information, estimations of surface flows of both the MS4 Outfall being monitored and the associated Receiving Water.

d. The date(s) analyses were performed;

e. The analytical techniques or method used; and

f. The results of such analyses.

8. The Permittees shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this MS4 Permit, and records of all data used to complete the application for this MS4 Permit, for the time period specified in Section H.8. (above) of this MS4 Permit.

9. The Permittees shall conduct monitoring for field parameters and Constituents of Concern as described in the appropriate sections below. Field measurements shall be taken and samples collected only where there is sufficient depth and volume of water to appropriately obtain representative data and samples, as determined by Permittee field monitoring staff.

**Field Parameters**

Field Parameters to be monitored shall include: water temperature, pH, Electrical Conductivity (EC), Turbidity, and Dissolved Oxygen (DO). Additional parameters may be collected if necessary to characterize or document a suspected IC/ID (e.g. oil and grease, etc.) or for use in follow up enforcement actions against sources of an IC/ID. Field parameters shall be monitored at the appropriate minimum levels and units for comparison with applicable Water Quality Objectives.

**Constituents of Concern**

The following table consists of Constituents of Concern that are commonly associated with Urban Runoff throughout the State. Minimum levels of analysis for the metals in this table shall be as listed on ATTACHMENT C – STATE BOARD MINIMUM LEVELS; all other constituents shall be monitored at the appropriate minimum levels and units for comparison with applicable WQOs.

<table>
<thead>
<tr>
<th>Total Metals</th>
<th>Bacterial Indicator</th>
<th>Nutrients &amp; Other</th>
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</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>E. coli</td>
<td>Nitrite as Nitrogen</td>
</tr>
<tr>
<td>Arsenic</td>
<td></td>
<td>Nitrate as Nitrogen</td>
</tr>
<tr>
<td>Barium</td>
<td></td>
<td>Total Kjeldahl Nitrogen</td>
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<td></td>
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<td>Total Suspended Solids (TSS)</td>
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<td></td>
<td>Total Dissolved Solids (TDS)</td>
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<tr>
<td>Copper</td>
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<td>Lead</td>
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<td>Total Petroleum Hydrocarbons (TPH)</td>
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<td>Methylene-blue activated substances (MBAS)</td>
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<tr>
<td>Silver</td>
<td></td>
<td>Oil and Grease</td>
</tr>
<tr>
<td>Thallium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zinc</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

L. MONITORING AND REPORTING
10. The **Permittees** shall conduct monitoring at the following types of locations:

   a. **Dry Weather IC/ID MS4 Outfall** Monitoring;
   b. **Wet Weather MS4 Outfall** Monitoring;
   c. **Dry Weather Receiving Water** Monitoring; and
   d. **Wet Weather Receiving Water** Monitoring.

A. **Dry Weather IC/ID MS4 Outfall Monitoring**

**Dry Weather MS4 Outfall IC/ID** monitoring shall consist of visiting the **Dry Weather IC/ID MS4 Outfall** locations as shown in Table L-2 **Dry Weather IC/ID MS4 Outfall** Monitoring Locations, quarterly to look for evidence of non-typical flow and water quality conditions for each site.

The **Permittees** shall monitor for field parameters at the **Dry Weather IC/ID MS4 Outfall** monitoring locations as shown in the Table L-2 **Dry Weather IC/ID MS4 Outfall** Monitoring Locations.

When there is evidence of irregular flow or water quality conditions suspected to be caused by an **IC/ID** activity, the **Permittees** with jurisdiction over the tributary area to the **MS4 Outfall** shall be notified of the potential **IC/ID**, and be requested to conduct a follow-up **IC/ID** investigation. **IC/ID** investigations and results shall be tracked in the **Permittees’ IC/ID Database**.

**Table L-2 Dry Weather IC/ID MS4 Outfall Monitoring Locations**

<table>
<thead>
<tr>
<th>Monitoring Location</th>
<th>Minimum No. of Events/Year</th>
<th>Type of Sample</th>
<th>Constituents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramsey Street Storm Drain</td>
<td>4</td>
<td>Grab</td>
<td>Field Parameters and E. Coli</td>
</tr>
<tr>
<td>33°48’35.0&quot;, -116°51’31.5”</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portola Ave Outfall</td>
<td>4</td>
<td>Grab</td>
<td>Field Parameters and E. Coli</td>
</tr>
<tr>
<td>33°44’16.8&quot;, -116°22’24.6”</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. **Wet Weather MS4 Outfall Monitoring**

**Wet Weather MS4 Outfall** Monitoring shall be conducted\(^{30}\) for the purposes of evaluating long term trends in **Whitewater River Region Urban Runoff**.

The **Permittees** shall monitor for field parameters and **Constituents of Concern** at the **Wet Weather MS4 Outfall** monitoring locations as shown in the Table L-3 **Wet Weather Outfall MS4 Monitoring Locations**.

\(^{30}\) QA/QC procedures and monitoring protocols are presented in **Permittee Annual Monitoring Reports**, as required by Section L.11.b. of this **MS4 Permit**.
Table L-3 Wet Weather MS4 Outfall Monitoring Locations

<table>
<thead>
<tr>
<th>Monitoring Location Lat., Long.</th>
<th>Minimum No. of Events/Year</th>
<th>Type of Sample</th>
<th>Constituents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramsey Street Storm Drain 33°48'35.0&quot;, -116°51'31.5&quot;</td>
<td>2*</td>
<td>Grab</td>
<td>Field parameters and <em>Constituents of Concern.</em></td>
</tr>
<tr>
<td>Portola Avenue Outfall 33°44'16.8&quot;, -116°22'24.6&quot;</td>
<td>2*</td>
<td>Grab</td>
<td>Field parameters and <em>Constituents of Concern.</em></td>
</tr>
</tbody>
</table>

* Note: The Permittees shall only conduct Wet Weather MS4 Outfall monitoring during qualifying Wet Weather events.

C. Dry Weather Receiving Water Monitoring

Dry Weather Receiving Water Monitoring shall be conducted for the purposes of evaluating the health of the perennial portion of the CVSC during Dry Weather conditions.

The Permittees shall monitor for field parameters and *Constituents of Concern* at the Dry Weather Receiving Water monitoring location as shown in the Table L-4 Dry Weather Receiving Water Monitoring Location.

Table L-4 Dry Weather Receiving Water Monitoring Location

<table>
<thead>
<tr>
<th>Monitoring Location Lat., Long.</th>
<th>Minimum No. of Events/Year</th>
<th>Type of Sample</th>
<th>Constituents</th>
</tr>
</thead>
<tbody>
<tr>
<td>CVSC at Avenue 52 Bridge 33°40'20.9&quot;, -116°08'57.8&quot;</td>
<td>2</td>
<td>Grab</td>
<td>Field parameters and <em>Constituents of Concern.</em></td>
</tr>
</tbody>
</table>

D. Wet Weather Receiving Water Monitoring

The Permittees shall monitor the CVSC for the purposes of evaluating the health of the perennial portion of the CVSC during Wet Weather conditions.

The Permittees shall monitor for field parameters and *Constituents of Concern* at the Wet Weather Receiving Water monitoring locations as shown in the Table L-5 Wet Weather Receiving Water Monitoring Locations.

Table L-5 Wet Weather Receiving Water Monitoring Locations

<table>
<thead>
<tr>
<th>Monitoring Location Lat., Long.</th>
<th>Minimum No. of Events/Year</th>
<th>Type of Sample</th>
<th>Constituents</th>
</tr>
</thead>
<tbody>
<tr>
<td>CVSC at Avenue 52 Bridge 33°40'20.9&quot;, -116°08'57.8&quot;</td>
<td>1</td>
<td>Grab</td>
<td>Field parameters and <em>Constituents of Concern.</em></td>
</tr>
</tbody>
</table>

**CVSC TMDL Phase 1 Monitoring**

Consistent with the CVSC Bacterial Indicators TMDL Implementation Plan, the City of Coachella submitted a monitoring program plan and quality assurance program plan (QAPP) to the Regional Water Board on January 6, 2013; a revised plan was subsequently submitted on February 13, 2013. Upon approval by the
Regional Water Board Executive Officer, the City of Coachella shall implement the monitoring program plan (or future Executive Officer approved revisions to the monitoring plan), for the City’s outfalls to the CVSC Bacterial Indicators TMDL.

Data collected by the City of Coachella as part of TMDL Phase 1 Implementation shall be incorporated by reference into Whitewater River Region Annual Monitoring Reports. This data will be addressed by the Regional Water Board TMDL analysis.

Special Studies

The Permittees, individually or collectively, shall continue to participate in regional monitoring and scientific studies conducted by the Southern California Monitoring Coalition (SMC) and or the California Stormwater Quality Association (CASQA), and/or other regional groups or efforts necessary to improve monitoring program design, parameter test methods, calibrate labs, evaluate the effectiveness of BMPs, and/or advance the science and understanding of Urban Runoff impacts on Receiving Waters.

11. Reporting

a. An Annual Report shall be submitted to the Executive Officer stating the results of monitoring and other reportable activities. This report shall be submitted to the Regional Water Board by March 1 of each year.

b. The Annual Monitoring Report shall describe monitoring station locations, provide reference to quality assurance/quality control procedures and sampling and analysis protocols, summarize the data/results, identify methods of evaluating the data, and provide graphical summaries of the data.

c. In addition, Annual Monitoring Reports shall include an analysis and interpretation of the findings of each monitoring year. Analysis of the data shall identify water quality parameters measured outside of normal ranges for that parameter based on historic water quality data.

d. The Fiscal Year 2015-2016 Annual Monitoring Report shall include identification and analysis of long-term trends in Storm Water or Receiving Water quality. The Permittees shall analyze long term trends for signs of Chronic Water Quality Concerns, if it is determined that any exist. The analysis shall include identification of potential urban sources of chronic problems, effectiveness of existing BMP control measures, and recommend necessary next steps. Next steps may include allowing for additional time to statistically confirm a chronic water quality problem, additional data collection necessary to examine urban sources, potential revisions to the SWMP to address urban sources found to be contributing to the chronic condition, or other similar measures necessary to confirm and/or address the condition. The analysis provided in the Fiscal Year 2015-2016 Annual Monitoring Report shall be used to facilitate preparation of the December 2017 ROWD.

L. MONITORING AND REPORTING
e. All *Annual Monitoring Reports* shall use a standard report format and shall include the following:
   i. An introduction;
   ii. Summary of Special Studies participated in during the reporting period;
   iii. Comprehensive interpretations and conclusions; and
   iv. Recommendations for necessary future actions.
M. ADMINISTRATIVE PROVISIONS

1. These requirements do not exempt the Permittees from compliance with any other laws, regulations, or ordinances which may be applicable, do not legalize land treatment and disposal facilities, and leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.

2. This MS4 Permit shall become the NPDES permit pursuant to Section 402 of the federal CWA, as amended from time to time, upon adoption by the Regional Water Board provided no objections from the USEPA Regional Administrator have been received. If the Regional Administrator objects to the issuance, this MS4 Permit shall not become effective until such objection is withdrawn.
N. ANNUAL REPORT AND SUBMITTAL REQUIREMENTS

1. Each Permittee shall submit information for inclusion into the Annual Report, as required by Section F. of this MS4 Permit, utilizing the Annual Report forms included in Attachment D, Annual Report Forms.

2. The Permittees shall include in the Annual Report a brief narrative summary describing significant regional Urban Runoff management program accomplishments or issues encountered during the reporting year.

3. Each Permittee shall submit Annual Reports and Annual Monitoring Reports as described by this MS4 Permit beginning with the fiscal year 2014-2015 Annual Report. The Permittees shall submit each fiscal year’s Annual Report by March 1 the following year.

4. The Permittees may amend the Annual Report forms included in Attachment D as needed to reflect changes in compliance programs, facilitate more accurate reporting of compliance programs, or to improve the effectiveness and/or clarity of program reporting.

5. Each Permittee’s Annual Reporting form shall contain a transmittal page signed by a duly authorized representative of the Permittee. The transmittal page must contain the following statement:

   “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, the information submitted is, to the best of my knowledge and belief, 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.”

6. Annual Reports and Annual Monitoring Reports shall be submitted according to the requirements detailed in Sections I.9 and I.11 of this MS4 Permit.

7. Approval process for SWMP revision

   i. Upon approval by the Executive Officer, the SWMP will be made available for public review and comment for 30 days.

   ii. Any person seeking changes in the SWMP must file with the Executive Officer a written request for hearing within the 30-day public review and comment period and which sets forth the reasons why the SWMP must be revised (Hearing Request). If no timely and adequate Hearing Request is filed, the Executive Officer will issue an authorization letter to the Permittee making the approved SWMP an enforceable part of the MS4 Permit (Authorization Letter).

   iii. If a timely and adequate Hearing Request is filed, the SWMP will be placed on the next available Regional Water Board meeting agenda, consistent with public notice requirements and any additional time necessary to follow the administrative procedures involved in preparing for the hearing. At the
hearing, the **Regional Water Board** will consider only those items in the **SWMP** that are requested for revision in the Hearing Request. The **Regional Water Board** may adopt the **SWMP** as proposed or return the **SWMP** to the **Regional Water Board** staff for consideration of some or all of the changes requested in the Hearing Request.

iv. Prior to the hearing, **Regional Water Board** staff will attempt to resolve the issues raised in the Hearing Request by arranging a meeting with the **Permittees** and the person(s) filing the Hearing Request. If no resolution of the issues is reached, the hearing on the **SWMP** will proceed as scheduled. If resolution is reached that does not require significant changes to the **SWMP**, any non-significant changes will be made to the **SWMP** and the **Executive Officer** will issue an Authorization Letter. If the agreement reached requires significant changes to be made to the **SWMP**, a new 30-day public review and comment period will be provided on the revised **SWMP**.

8. Approval process for other items required by this **MS4 Permit**

i. Other document and/or program revisions set forth in this **MS4 Permit** to be submitted by the **Permittees** for approval by the **Executive Officer** shall become effective once the **Executive Officer** provides notification of approval.
O. FACT SHEET

1. Fact Sheet Format:
   This Fact Sheet briefly sets forth the principal facts and the significant factual, legal, methodological, and policy questions that the Regional Water Board considered in preparing Order No. R7-2013-0011. In accordance with the Code of Federal Regulations (CFR), Title 40, parts 124.8 and 124.56, this Fact Sheet includes, but is not limited to, the following information:
   - Contact Information;
   - Public process and notification procedures;
   - A brief description of the type of facility or activity that is being regulated by the MS4 Permit;
   - The type and quantity of Pollutants discharged;
   - A brief summary of the basis for the requirements in the MS4 Permit including references to the applicable statutory or regulatory provisions; and
   - A discussion of the requirements in the MS4 Permit.

2. Project Description and Permittees Information:
   The following pages contain information concerning an application for renewal of WDRs and NPDES Permit, Board Order No. R7-2008-0001, NPDES No. CAS617002. This MS4 Permit prescribes WDRs for Urban Runoff from the Cities and the unincorporated areas in the County within the jurisdiction of the Regional Water Board.

   On November 21, 2012, the County and the RCFC&WCD, in cooperation with the CVWD and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the Permittees), jointly submitted NPDES Application No. CAS617002 and a ROWD for re-issuance of a MS4 Permit.

   For the purposes of this MS4 Permit, the following two Permittees are identified as the Principal Permittees:

   **County of Riverside**, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and

   **Riverside County Flood Control and Water Conservation District**, 1995 Market Street, Riverside, California 92501

   The CVWD and each of the Cities is identified as a Co-Permittee. Collectively, the Principal Permittees and Co-Permittees comprise the Permittees. Under this organizational framework, the Principal Permittees are responsible for coordinating collective Permittee activities required by the MS4 Permit, including report preparation and submittals to the Regional Water Board. Other specific
duties and obligations of the **Principal Permittees** and the **Co-Permittees** imposed by this *MS4 Permit* are specified in further detail in the **Implementation Agreement**, which is described in Finding No. 12 of this *MS4 Permit*.

3. **Project Area:**

This *MS4 Permit* applies to the urbanized areas that lie approximately between the San Gorgonio Pass area to the northwest and the northern shore of the Salton Sea to the southeast referred to as the **Whitewater River Region**. The majority of the **Whitewater River Region** is in the Coachella Valley and is identified in ATTACHMENT A – SITE MAP. The generally northwest-southeast trending Coachella Valley is in the northern portion of a large low area in the Colorado Desert known as the Salton Basin with major drainage to the Salton Sea. The San Jacinto Mountains bound the Coachella Valley on the southwest, and the San Gorgonio Mountains, Indio Hills and Mecca Hills bound the Coachella Valley on the northeast side. Major drainage is through the Whitewater River, and its tributaries, which reach the northern end of the Salton Sea. The headwaters of the Whitewater River originate from Mt. San Gorgonio. The valley surface is characterized as being wide and blanketed by bouldery alluvial fans and sand dunes.

4. **Exclusions to the Permitted Area:**

The **Permittees** lack legal jurisdiction over storm water discharges into their respective *MS4s* facilities from certain facilities, entities, properties, and other **Point** and **Non-Point Source** discharges otherwise permitted by or under the jurisdiction of the **Regional Water Board**. The **Regional Water Board** finds that the **Permittees** should not be held responsible for such discharges. Similarly, certain activities that generate **Pollutants** present in **Urban Runoff** are beyond the ability of the **Permittees** to eliminate. Examples may include: operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, bacteria from wildlife (including feral dogs and cats) and transient encampments, or from bacterial resuscitation or reactivation from treated waters or growth of bacteria in the environment (such as in sediments, surface water, or other substrate), and leaching of naturally occurring nutrients and minerals from local soils, residues from lawful application of pesticides, nutrient runoff from landscape activities, and leaching of naturally occurring minerals from local geology. This *MS4 Permit* is not intended to address background or naturally occurring pollutants or flows. Additionally, certain areas and facilities in the **Whitewater River Watershed** are excluded from coverage under this *MS4 Permit* because such areas and facilities are being addressed through other regulatory programs, including programs administered by the **Regional Water Board** and other federal, state and local regulatory agencies. Excluded areas include:

- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
- Native American tribal lands;
- Open space and rural (non-urbanized) areas;
- Agricultural lands (exempted under the **CWA**); and
Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities, etc.).

These areas in the Whitewater River Region for which coverage under the MS4 NPDES Permit is excluded, are detailed in ATTACHMENT A – SITE MAP.

5. CWA Requirements:

The CWA (33 U.S.C. § 1251 et seq.) established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation’s waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of Pollutants from Point Sources to Waters of the United States. From 1972 to 1987, the main focus of the NPDES program was to regulate conventional Pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, Non-Point Sources, including agricultural and Storm Water runoff, now contribute a larger portion of many kinds of Pollutants than the more regulated sewage treatment plants and industrial facilities.

The National Urban Runoff Program (NURP) final report to Congress (USEPA, 1983) concluded that the goals of the CWA could not be achieved without addressing Storm Water discharges. The 1987 CWA amendments established a framework for regulating Urban Runoff. Pursuant to these amendments, the Regional Water Board began regulating municipal Storm Water runoff in 1996.

The CWA allows the USEPA to delegate its NPDES permitting authority to states with an approved environmental regulatory program. The State of California is one of the delegated states. The Porter-Cologne Water Quality Control Act (CWC, Section 13000 et seq.) authorizes the State Board, through its Regional Water Boards, to regulate and control the discharge of Pollutants into Waters of the State and tributaries thereto. Section 405 of the Water Quality Act (WQA) of 1987 added Section 402(p) to the CWA. Pursuant to Section 402(p)(4) of the CWA, the USEPA promulgated regulations for Storm Water permit applications for Storm Water discharges associated with industrial activities and MS4s serving a population of 100,000 or more. This MS4 Permit governing Urban Runoff meets the statutory requirements of Section 402(p)(3)(B).

6. Regulatory Background and CWA Storm Water Requirements:

The CWA prohibits the discharge of any Pollutant to navigable waters from a Point Source unless an NPDES permit authorizes the discharge. The 1987 amendments to the CWA required MS4s and industrial facilities, including construction sites, to obtain NPDES permits for Storm Water runoff from their facilities. On November 16, 1990, the USEPA promulgated the final Phase 1 Storm Water regulations. The Storm Water regulations are contained in 40 CFR Parts 122, 123, and 124.

O. FACT SHEET

7. Area-Wide MS4 Permit:

To regulate and control Urban Runoff from the Whitewater River Region to the MS4, an area-wide approach is essential. The MS4 is not controlled by a single entity, but rather the County, several Cities, and other entities (i.e., CVWD, RCFC&WCD) manage the systems. The management and control of the entire MS4 cannot be effectively carried out without the cooperation and efforts of all these entities. Also, it would not be meaningful to issue a separate MS4 Permit to each of the entities within the Whitewater River Region whose land/facilities drain into the MS4 operated by the Permittees. The Regional Water Board has concluded that the best management option for the Whitewater River Region is to issue an area-wide MS4 Permit to the RCFC&WCD, County, CVWD and the Cities within Whitewater River Region. The State Board has issued a separate MS4 Permit to Caltrans. Urban Runoff from other state, federal, utility, or special district facilities and state or federal lands will be permitted separately.

This area-wide NPDES permit for the Whitewater River Region MS4 Permit Area is being considered for renewal in accordance with Section 402(p) of the CWA and all requirements applicable to an NPDES permit issued under the issuing authority’s discretionary authority. The requirements included in this MS4 Permit are consistent with the CWA, the federal regulations governing urban Storm Water discharges, the Basin Plan, the CWC, and the State Board’s Plans and Policies.

8. Coordination with Other Regional Agencies:

In developing BMPs and monitoring programs, consultation/coordination with other drainage management entities and other Regional Water Boards is essential. Regional Water Board staff will coordinate the program with other Regional Water Boards and other flood control entities/cities on an "as needed" basis. The MS4 permit/program process is at approximately the same stage of development in both the Santa Ana and San Diego Regional Water Board areas of the County. Common programs, reports, implementation schedules and efforts are desirable and will be utilized to the MEP.

9. Existing Facilities and Programs:

Storm Water discharges from urbanized areas consist mainly of surface runoff from residential, commercial, and industrial developments. State-wide, Constituents of Concern and significance in Storm Water discharges can include: total suspended solids (TSS), biochemical oxygen demand (BOD), chemical oxygen demand (COD), oil and grease (O&G), heavy metals, nutrients and organic chemicals such as base/neutral and acid extractables, pesticides and herbicides, and petroleum hydrocarbon components. However, Whitewater River Region monitoring data shows that many of these constituents have not been found to be of concern.

To protect the Beneficial Uses of Waters of the State, Pollutants that would cause such Beneficial Uses to not be met need to be controlled. Recognizing
this, and the fact that Urban Runoff may contain Pollutants, the Permittees and the Regional Water Board have all agreed that an area-wide MS4 Permit is the most effective way to develop and implement a comprehensive Storm Water management program in a timely manner. This MS4 Permit contains requirements with time schedules that will allow the Permittees to continue to address water quality problems potentially caused by Urban Runoff through their management programs to reduce Pollutants in Urban Runoff to the MEP.

10. MS4 Permit Requirements:

In accordance with CWA Section 402(p)(3), as part of a program to reduce the Pollutants in Urban Runoff to the MEP, the Permittees have been required to submit existing management plans and programs being implemented or developed in the previous MS4 Permit to reduce Pollutants in Urban Runoff. The Permittees will be required to report, review and/or revise the management programs and control measures in accordance with the provisions specified in this MS4 Permit.

If existing management programs are not effective in controlling Pollutant loading and in achieving the WQOs of Whitewater River Region Receiving Waters, additional programs shall be developed and implemented upon consultation and approval of the Executive Officer.

This MS4 Permit also requires the development and implementation of management programs and/or BMPs during the life of the MS4 Permit such that the quality of Urban Runoff discharged can ensure that the WQOs of Whitewater River Region Receiving Waters can continue to be met. It is also expected that through implementation of these programs and/or BMPs, the Beneficial Uses of the Receiving Waters will continue to be protected.

11. Basin Plan and Beneficial Uses:

The Basin Plan is the basis for the Regional Water Board’s regulatory programs. The Basin Plan was developed and is periodically reviewed and updated in accordance with relevant federal and state law and regulation, including the CWA and the CWC. As required, the Basin Plan designates the Beneficial Uses of the Waters of the State within the Whitewater River Region and specifies WQOs intended to protect those uses. (Beneficial uses and WQOs, together with an anti-degradation policy, comprise federal WQSs). The Basin Plan also specifies an implementation plan, which includes certain discharge prohibitions. In general, the Basin Plan makes no distinction between wet and dry weather conditions in designating Beneficial Uses and setting WQOs, i.e., the Beneficial Uses, and correspondingly, the WQOs are assumed to apply year-round. (Note: In some cases, Beneficial Uses for certain surface waters are designated as “I”, or intermittent, in recognition of the fact that surface flows (and Beneficial Uses) may be present only during wet weather.)

Storm Water flows which are discharged to the CVSC in the Whitewater River Region are tributary to the Salton Sea. The Beneficial Uses of Salton Sea and its tributaries include MUN, AGR, IND, GWR, REC-1, REC-2, WARM, COLD, WILD, and RARE. The ultimate goal of this Urban Runoff management program is to protect the Beneficial Uses of the Receiving Waters.
12. **CWA Section 303(d) List and TMDLs:**

Pursuant to Section 303(d) of the **CWA**, the 2010 water quality assessment conducted by the **Regional Water Board** listed one water body within the **Whitewater River Region** under Section 303(d) of the **CWA** as an **Impaired Waterbody**. This is a water body where the designated **Beneficial Uses** are not being met and **WQOs** are being violated. The sources of the impairments may include **POTW** discharges, and runoff from agricultural, **Caltrans** outfalls, Native American Tribal Lands, **Open Space**, and **Non-Point Source** discharges including wildlife, transients and urban land uses. The **Impaired Waterbody** within this **MS4 Permit** is listed for pathogens.

Federal regulations require that a **TMDL** be established for each 303(d) listed waterbody for each of the **Pollutants** causing impairment. The **TMDL** is the total amount of the problem **Pollutant** that can be discharged while **WQOs** in the **Receiving Water** attained, i.e., **WQOs** are met and the **Beneficial Uses** are protected. It is the sum of the individual **WLAs** for **Point Source** inputs, **LAs** for **Non-Point Source** inputs and natural background, with a margin of safety. The **TMDLs** are the basis for limitations established in **WDRs**.

13. **Permit Requirements and Provisions:**

The legislative history of **Storm Water** statutes (1987 **CWA** Amendments), **USEPA** regulations (40 CFR Parts 122, 123, and 124), and clarifications issued by the **State Board** (State Board Orders No. WQ 91-03 and WQ 92-04) indicate that a non-traditional **NPDES** permitting strategy was anticipated for regulating **Urban Runoff**. Due to the economic and technical infeasibility of full-scale end-of-pipe treatments and complexity of **Urban Runoff** quality and quantity, **MS4** permits generally include narrative requirements for the implementation of **BMPs** in place of **Numeric Effluent Limits**.

The requirements in this **MS4 Permit** are meant to specify those management practices, control techniques and system design and engineering methods that will result in **MEP** protection of the **Beneficial Uses** of the **Receiving Waters**. **State Board** Order Nos. WQ 98-01 and WQ 99-05 concluded that **MS4s** must meet the technology–based **MEP** standard and **WQOs** (**WQOs** and **Beneficial Uses**). The U.S. Court of Appeals for the Ninth Circuit, in **Defenders of Wildlife v. Browner**, 191 F.3d 1159 (9th Cir. 1999), subsequently held that strict compliance with **WQOs** in **MS4** permits is not required by the **CWA**, but that such compliance may be included at the discretion of the permitting agency. Any requirements included in the **MS4 Permit** that are more stringent than the federal **Storm Water** regulations are in accordance with **CWC** Section 13377.

The **ROWD** included a discussion of the current status of the **County Urban Runoff** management program and the proposed **Urban Runoff** management programs and policies proposed for the next five years (fourth permit term). This **MS4 Permit** incorporates these documents and specifies performance commitments for specific elements to the **Permittees Urban Runoff** management program.

O. FACT SHEET
The essential components of the Urban Runoff management program, as established by federal regulations [40CFR122.26(d)] are (i) Adequate Legal Authority, (ii) Fiscal Resources, (iii) Storm Water Management Plan (SWMP) – (Public Information and Participation Program, Industrial/Commercial Facilities Program, Development Planning Program, Development Construction Program, Public Agency Activities Program, IC/ID Elimination Program), and (iv) Monitoring and Reporting Program. The major sections in this Order include A. Findings, B. Discharge Prohibitions, C. Allowable Non-Storm Water Discharges, D. Receiving Water Limitations, E. Specific Permittee Requirements, F. Best Management Practices, G. Implementation of Total Maximum Daily Loads, H. General Provisions, I. Reporting Requirements, J. Notifications, K. Glossary of Terms, L. Monitoring and Reporting, M. Administrative Provisions, and N. Annual Report Form and Submittal Requirements. These programs and policies are intended to improve Urban Runoff quality and protect the Beneficial Uses of Receiving Waters of the Whitewater River Region.

14. Rationale for Requirements
   a. Discharge Prohibitions – In accordance with CWA Section 402(p)(3)(B)(iii), this MS4 Permit prohibits the discharge of Non-Storm Water to the MS4s, with few exceptions;

   b. Allowable Non-Storm Water Discharges – The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the Permittees determine that any of the exempted Non-Storm Water discharges is a significant source of Pollutants, the Permittees shall prohibit the discharge category from entering the MS4, or ensure that appropriate BMPs are implemented to the MEP to reduce or eliminate Pollutants resulting from the discharge. The Permittees shall also provide a report to the Regional Water Board per Section D. RECEIVING WATER LIMITATIONS, Item No. 2.; Receiving Water Limitations – Receiving Water Limitations are included to ensure that discharges of Urban Runoff from MS4 systems do not exceed, cause or contribute to violations of applicable WQSs in Receiving Waters. The compliance requirements for Receiving Water Limitations, as well as for Discharge Prohibitions and Allowable Non-Storm Water Discharges, involve timely implementation of control measures and other actions, as set forth in Part D.2.of this MS4 Permit. Such requirements are consistent with applicable State Board Orders, and recognize the complexity of Urban Runoff management.

   c. Specific Permittee Requirements – This section contains specific language on the responsibilities of the Principal and Co-Permittees.

      1. The Principal Permittees are required to coordinate the overall Urban Runoff management program and the Co-Permittees are responsible for managing the Urban Runoff Program within their jurisdictions as detailed in the ROWD, the Annual Reports and Order No. R7-2013-0011.
2. Each Permittee is required to obtain adequate legal authority, which authorizes or enables them to implement and enforce the applicable provisions of this MS4 Permit. Each Permittee has adopted a number of ordinances, to establish legal authority to control discharges to the MS4s, and enforces these ordinances\(^3\) as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The Permittees are required to enforce these ordinances, and take enforcement actions against violators (40 CFR 122.26(d)(2)(iv.)(A-D).

d. Best Management Practices – The federal regulations at 40 CFR 122.26(d)(2)(iv)(A-D) set forth the responsibility of municipalities for control of Urban Runoff from third party activities and land uses to their MS4. Under the CWA Section 402(p), municipalities are required to reduce the discharge of Pollutants from their MS4s facilities to the MEP. MEP is the critical technology-based performance standard that municipalities must attain in order to comply with their MS4 permits. The MEP standard establishes the level of Pollutant reductions the municipality must achieve. The MEP standard can be achieved by means of implementing Pollution Prevention and Source Control BMPs (as the first line of defense), subject to the requirement that the BMPs be “practicable.” Each Permittee is required to implement the programs and BMPs to the MEP as described in the SWMP and this MS4 Permit. These programs and BMPs include as follows:

1. IC/ID, Litter, Debris and Trash Control Program - The Permittees have established a program to address IC/IDs and a mechanism to respond to spills, leaks and other incidents of discharges to the MS4. The Permittees are required to continue these programs to ensure that such discharges, if discharged from the MS4s do not become a source of Pollutants in Receiving Waters.

2. Commercial/Industrial Program – This MS4 Permit requires the Permittees to continue to identify commercial and industrial facilities within their jurisdiction which have potential to contribute substantial Pollutant load to MS4s. The Permittees will continue to maintain the Commercial/Industrial facilities database, and perform inspections at targeted facilities to confirm compliance with respective Permittee Stormwater Ordinances. The existing CAP program described in Section 3 of the SWMP meets the intent of Section F.1.b of this MS4 Permit. The CAP is an area-wide program, implemented by DEH as an extension of its oversight and inspection of industrial and commercial sources for other regulatory programs. Prioritization and inspection frequencies are established by the requirements of County environmental health regulations and codes. Where CAP Industrial/Commercial inspections indicate that a

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3\(^3\)The District and CVWD do not govern as municipal authorities over any land areas; therefore, this provision is not applicable to them.

O. FACT SHEET
facility is out of compliance with a Permittee’s Storm Water Ordinance, Permittee staff are required to perform a re-inspection.

3. **New Development/Redevelopment** and Construction Activities Program – The Permittees are required to develop and implement strategies to ensure that controls are in place to prevent or minimize water quality impacts to the MEP for these activities.

4. Private Construction Activities Program – The Permittees shall continue to implement and enforce a program to reduce Pollutants in Urban Runoff to the MS4 from construction activities that result in a Land Disturbance of greater than or equal to one acre.

5. Permittee Activities Program – The Permittees are required to continue to address discharges of Pollutants from public agency activities and facilities and inspect and maintain their MS4 facilities on a developed schedule to ensure protection of Receiving Waters; and

6. Public Education and Outreach Program – The Permittees have committed to implement a strategic and comprehensive public education program to maintain the integrity of the Receiving Waters to sustain Beneficial Uses.

e. **Total Maximum Daily Loads** – This MS4 Permit incorporates the TMDL that was adopted for Bacterial Indicators in the CVSC. The Regional Water Board adopted a Basin Plan amendment incorporating the CVSC Bacterial Indicators TMDL on May 16, 2007, and as modified on June 17, 2010. The TMDL was subsequently approved by the State Board on July 19, 2011, approved by the Office of Administrative Law on February 2, 2012 and approved by USEPA on April 27, 2012.

This MS4 Permit includes conditions necessary to implement the TMDLs already approved by the Regional Water Board consistent with federal regulations at 40 CFR 122.44(d)(vii)(B).

f. General Provisions – These general provisions were included as part of the previous MS4 Permit.

g. Reporting Requirements – These reporting requirements were included as part of the previous MS4 Permit.

h. Notifications – These notification requirements were included as part of the previous MS4 Permit.

i. Glossary of Terms – The glossary was revised to provide clarity on terms used in this MS4 Permit.

j. Monitoring and Reporting – The key focus of the monitoring and reporting program is to collect data and develop methodologies and assessment tools
to more effectively understand *Urban Runoff* impacts, if any, to *Whitewater River Region Receiving Waters*.

k. Administrative Provisions – These administrative provisions were included as part of the previous *MS4 Permit*.

l. **Annual Report** and Submittal Requirements – These requirements were included as part of the previous permit and reflect new *MS4 Permit* requirements.

15. Anti-degradation Analysis:

The *Regional Water Board* has considered whether a complete anti-degradation analysis, pursuant to 40 CFR 131.12 and *State Board* Resolution No. 68-16, is required for these *Urban Runoff* discharges. The *Regional Water Board* finds that *Pollutant* loading rates to *Receiving Waters* will be reduced with the implementation of the requirements in this *MS4 Permit*. As a result, the quality of *Storm Water* discharges and *Receiving Waters* will be improved, thereby protecting the *Beneficial Uses* of *Waters of the United States*. This is consistent with the federal and state anti-degradation requirements and thus a complete anti-degradation analysis is not necessary.

16. Public Participation:

The *Regional Water Board* is considering the issuance of *WDRs* that will serve as an *NPDES* Permit for *MS4 Permittees*. As a step in the *WDRs* adoption process, the *Regional Water Board* staff has developed tentative *WDRs*. The *Regional Water Board* encourages public participation in the *WDRs* adoption process.

17. Notification of Interested Parties:

The *Regional Water Board* has notified the Dischargers and interested agencies and *Persons* of its intent to prescribe *WDRs* for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the following newspaper: Desert Sun.

18. Public Workshop:

The *Regional Water Board* recognizes the significance of the County’s “*Only Rain Down The Storm Drain*” Pollution Prevention Program and will conduct, participate, and/or assist with at least one workshop every year during the term of this *MS4 Permit* to promote and discuss the progress of the *Urban Runoff* management program. The details of the annual workshop will be published in local newspapers and mailed to interested parties. *Persons* wishing to be included in the mailing list for any of the items related to this *MS4 Permit* may register their name, mailing address and phone number with the *Regional Water Board* office at the address given below.

19. Written Comments:
The staff determinations are tentative. Interested **Persons** and agencies are invited to submit written comments concerning these tentative **WDRs**. Comments must be submitted either in person or by mail to the **Executive Officer**.

**Executive Officer**  
California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

To be fully responded to by staff and considered by the **Regional Water Board**, written comments should be received at the **Regional Water Board** office by 5:00 p.m., June 4, 2013.

20. **Information and Copying:**  
   The **ROWD**, related documents, tentative **WDRs**, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the **Regional Water Board** by calling (760) 346-7491.

21. **Register of Interested Persons:**  
   Any **Person** interested in being placed on the mailing list for information regarding the **WDRs** and **NPDES MS4 permit** should contact the **Regional Water Board**, reference this facility, and provide a name, address, and phone number.

22. **Public Hearing:**  
   The **Regional Water Board** will hold a public hearing on the tentative **WDRs** during its regular Board meeting on the following date and time and at the following location:  
   **Date:** June 20, 2013  
   **Time:** 10:00 a.m.  
   **Location:** Town of Yucca Valley Community Center- Yucca Room  
   57090 Twentynine Palms Hwy  
   Yucca Valley, CA 92284

Interested **Persons** are invited to attend. At the public hearing, the **Regional Water Board** will hear testimony, if any, pertinent to the discharge, **WDRs**, and **MS4 Permit**. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is [www.waterboards.ca.gov/coloradoriver](http://www.waterboards.ca.gov/coloradoriver) where you can access the current agenda for changes in dates and locations.

23. **WDRs** Petitions:

O. **FACT SHEET**
Any aggrieved person may petition the **State Board** to review the decision of the **Regional Water Board** regarding the final **WDRs**. The petition must be submitted within 30 days of the **Regional Water Board**’s decision to the following address:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812-0100

24. Additional Information

Requests for additional information or questions regarding this **MS4 Permit** should be directed to Anders Wistrom at (760) 776-8964.

Persons wishing further information may also write to the following address:

California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260  
or call the **Regional Water Board** at (760) 346-7491
**ATTACHMENT C – STATE BOARD MINIMUM LEVELS**

**SWRCB Minimum Levels in ppb (μg/L)**

The Minimum Levels (MLs) in this appendix are for use in reporting and compliance determination purposes in accordance with section 2.4 of the State Implementation Policy. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the SWRCB and become effective. The following table presents MLs for one major chemical grouping: inorganics.

Table C-1 Inorganics

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<th>Substance</th>
<th>FAA</th>
<th>GFAA</th>
<th>ICP</th>
<th>ICPMS</th>
<th>SPGFAA</th>
<th>HYDRIDE</th>
<th>CVAA</th>
<th>COLOR</th>
<th>DCP</th>
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<tr>
<td>Antimony</td>
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* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

**Techniques:**
- GC - Gas Chromatography
- GCMS - Gas Chromatography/Mass Spectrometry
- HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)
- LC - High Pressure Liquid Chromatography
- FAA - Flame Atomic Absorption
- GFAA - Graphite Furnace Atomic Absorption
- HYDRIDE - Gaseous Hydride Atomic Absorption
- CVAA - Cold Vapor Atomic Absorption
- ICP - Inductively Coupled Plasma
- ICPMS - Inductively Coupled Plasma/Mass Spectrometry
- SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)
- DCP - Direct Current Plasma
- COLOR – Colorimetric
ATTACHMENT D – ANNUAL REPORT FORMS