CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
TENTATIVE ORDER NO. R9-2006-0011
NPDES NO. CAS0108758
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES OF URBAN RUNOFF FROM
THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
DRAINING THE WATERSHEDS OF THE COUNTY OF SAN DIEGO,
THE INCORPORATED CITIES OF SAN DIEGO COUNTY,
THE SAN DIEGO UNIFIED PORT DISTRICT,
AND THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

A. BASIS FOR THE ORDER

1. This Order is based on the federal Clean Water Act (CWA), the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000), applicable state and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board (SWRCB), the Water Quality Control Plan for the San Diego Basin adopted by the Regional Board, the California Toxics Rule, and the California Toxics Rule Implementation Plan.

2. This Order renews National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108758, which was first issued on July 16, 1990 (Order No. 90-42), and then renewed on February 21, 2001 (Order No. 2001-01). On August 25, 2005, in accordance with Order No. 2001-01, the County of San Diego, as the Principal Permittee, submitted a Report of Waste Discharge (ROWD) for renewal of their MS4 Permit.

B. REGULATED PARTIES

1. Each of the persons in Table 1 below, hereinafter called Copermittees or dischargers, owns or operates a municipal separate storm sewer system (MS4), through which it discharges urban runoff into waters of the United States within the San Diego Region. These MS4s fall into one or more of the following categories: (1) a medium or large MS4 that services a population of greater than 100,000 or 250,000 respectively; or (2) a small MS4 that is "interrelated" to a medium or large MS4; or (3) an MS4 which contributes to a violation of a water quality standard; or (4) an MS4 which is a significant contributor of pollutants to waters of the United States.

Table 1. Municipal Copermittees

1.	City of Carlsbad	12.	City of Oceanside
2.	City of Chula Vista	13.	City of Poway
3.	City of Coronado	14.	City of San Diego
4.	City of Del Mar	15.	City of San Marcos
5.	City of El Cajon	16.	City of Santee
6.	City of Encinitas	17.	City of Solana Beach
7.	City of Escondido	18.	City of Vista
8.	City of Imperial Beach	19.	County of San Diego
9.	City of La Mesa	20.	San Diego Unified Port District
10.	City of Lemon Grove	21.	San Diego County Regional Airport Authority
11.	City of National City		

C. DISCHARGE CHARACTERISTICS

1. Urban runoff contains waste, as defined in the California Water Code (CWC), and pollutants that adversely affect the quality of the waters of the State. The discharge of urban runoff from an MS4 is a "discharge of pollutants from a point source" into waters of the U.S. as defined in the CWA.

2. The most common categories of pollutants in urban runoff include total suspended solids, sediment (due to anthropogenic activities); pathogens (e.g., bacteria, viruses, protozoa);

heavy metals (e.g., copper, lead, zinc and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, herbicides, and PCBs); nutrients (e.g., nitrogen and phosphorus fertilizers), oxygen-demanding substances (decaying vegetation, animal waste), and trash.

3. The discharge of pollutants and/or increased flows from MS4s may cause or threaten to cause the concentration of pollutants to exceed applicable receiving water quality objectives and impair or threaten to impair designated beneficial uses resulting in a condition of pollution (i.e., unreasonable impairment of water quality for designated beneficial uses), contamination, or nuisance.

4. Pollutants in urban runoff can threaten human health. Human illnesses have been clearly linked to recreating near storm drains flowing to coastal waters. Also, urban runoff pollutants in receiving waters can bioaccumulate in the tissues of invertebrates and fish, which may be eventually consumed by humans.

5. Urban runoff discharges from MS4s often contain pollutants that cause toxicity to aquatic organisms (i.e., adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies). Toxic pollutants impact the overall quality of aquatic systems and beneficial uses of receiving waters.

6. The Copermittees discharge urban runoff into lakes, drinking water reservoirs, rivers, streams, creeks, bays, estuaries, coastal lagoons, the Pacific Ocean, and tributaries thereto within ten of the eleven hydrologic units (watersheds) comprising the San Diego Region as shown in Table 2 below. Some of the receiving water bodies have been designated as impaired by the Regional Board and the United States Environmental Protection Agency (USEPA) in 2002 pursuant to CWA section 303(d). Also shown below are the watershed management areas (WMAs) as defined in the Regional Board report, Watershed Management Approach, January 2002.

Table 2. Common Watersheds and CWA Section 303(d) Impaired Waters

REGIONAL BOARD WATERSHED MANAGEMENT AREA (WMA)	HYDROLOGIC UNIT(S)	MAJOR SURFACE WATER BODIES	303(d) POLLUTANT(S) OF CONCERN OR WATER QUALITY EFFECT[1]	COPERMITTEES
Santa Margarita River	Santa Margarita (902.00)	Santa Margarita River and Estuary, Pacific Ocean	1. Eutrophic 2. Nitrogen 3. Phosphorus 4. Total Dissolved Solids	1. County of San Diego
San Luis Rey River	San Luis Rey (903.00)	San Luis Rey River and Estuary, Pacific Ocean	1. Bacterial Indicators 2. Eutrophic 3. Chloride 4. Total Dissolved Solids	1. City of Escondido 2. City of Oceanside 3. City of Vista 4. County of San Diego
Carlsbad	Carlsbad (904.00)	Batiquitos Lagoon San Elijo Lagoon Agua Hedionda Lagoon Buena Vista Lagoon And Tributary Streams Pacific Ocean	1. Bacterial Indicators 2. Eutrophic 3. Sedimentation/Siltation 4. Nutrients 5. Total Dissolved Solids	1. City of Carlsbad 2. City of Encinitas 3. City of Escondido 4. City of Oceanside 5. City of San Marcos 6. City of Solana Beach 7. City of Vista

[1] The listed 303(d) pollutant(s) of concern do not necessarily reflect impairment of the entire corresponding WMA or all corresponding major surface water bodies. The specific impaired portions of each WMA are listed in the State Water Resources Control Board's 2002 Section 303(d) List of Water Quality Limited Segments.

REGIONAL BOARD WATERSHED MANAGEMENT AREA (WMA)	HYDROLOGIC UNIT(S)	MAJOR SURFACE WATER BODIES	303(d) POLLUTANT(S) OF CONCERN OR WATER QUALITY EFFECT[1]	COPERMITTEES
				8. County of San Diego
San Dieguito River	San Dieguito (905.00)	San Dieguito River and Estuary, Pacific Ocean	1. Bacterial Indicators 2. Sulfate 3. Color 4. Nitrogen 5. Phosphorus 6. Total Dissolved Solids	1. City of Del Mar 2. City of Escondido 3. City of Poway 4. City of San Diego 5. City of Solana Beach 6. County of San Diego
Mission Bay	Peñasquitos (906.00)	Los Peñasquitos Lagoon Mission Bay, Pacific Ocean	1. Bacterial Indicators 2. Metals 3. Eutrophic 4. Sedimentation/Siltation 5. Toxicity	1. City of Del Mar 2. City of Poway 3. City of San Diego 4. County of San Diego
San Diego River	San Diego (907.00)	San Diego River, Pacific Ocean	1. Bacterial Indicators 2. Eutrophic 3. pH 4. Total Dissolved Solids 5. Oxygen (Dissolved)	1. City of El Cajon 2. City of La Mesa 3. City of Poway 4. City of San Diego 5. City of Santee 6. County of San Diego
San Diego Bay	Pueblo San Diego (908.00) Sweetwater (909.00) Otay (910.00)	San Diego Bay Sweetwater River Otay River Pacific Ocean	1. Bacterial Indicators 2. Metals 3. Sediment Toxicity 4. Benthic Community Degradation 5. Diazinon 6. Chlordane 7. Lindane 8. PAHs 9. PCBs	1. City of Chula Vista 2. City of Coronado 3. City of Imperial Beach 4. City of La Mesa 5. City of Lemon Grove 6. City of National City 7. City of San Diego 8. County of San Diego 9. San Diego Unified Port District 10.San Diego County Regional Airport Authority
Tijuana River	Tijuana (911.00)	Tijuana River and Estuary Pacific Ocean	1. Bacterial Indicators 2. Low Dissolved Oxygen 3. Metals 4. Eutrophic 5. Pesticides 6. Synthetic Organics 7. Trace Elements 8. Trash 9. Solids	1. City of Imperial Beach 2. City of San Diego 3. County of San Diego

7. The Copermittees' water quality monitoring data submitted to date documents persistent exceedances of Basin Plan water quality objectives for various urban runoff-related pollutants (diazinon, fecal coliform bacteria, total suspended solids, turbidity, metals, etc.) at various watershed monitoring stations. At some monitoring stations, such as Agua Hedionda, statistically significant upward trends in pollutant concentrations have been observed. Persistent toxicity has also been observed at some watershed monitoring stations. In addition, bioassessment data indicates that the majority of watersheds have Poor to Very Poor Index of Biotic Integrity ratings. In sum, the above findings indicate that urban runoff discharges are causing or contributing to water quality impairments, and are a leading cause of such impairments in San Diego County.

8. When natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots, the natural absorption and infiltration abilities of the land are lost. Therefore, runoff leaving a developed urban area is significantly greater in runoff volume, velocity, and peak flow rate~~, and duration~~ than pre-development runoff from the same area. Runoff durations can also increase as a result of flood control and other efforts to control peak flow rates. ~~The i~~Increased volume, velocity, rate, and duration of runoff greatly accelerate the erosion of downstream natural channels. Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been

found to occur with as little as a 10% conversion from natural to impervious surfaces. The increased runoff characteristics from new development must be controlled to protect against increased erosion of channel beds and banks, sediment pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force.

9. Urban development creates new pollution sources as human population density increases and brings with it proportionately higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc. which can either be washed or directly dumped into the MS4. As a result, the runoff leaving the developed urban area is significantly greater in pollutant load than the pre-development runoff from the same area. These increased pollutant loads must be controlled to protect downstream receiving water quality.

10. Development and urbanization especially threaten environmentally sensitive areas (ESAs), such as water bodies designated as supporting a RARE beneficial use (supporting rare, threatened or endangered species) and CWA 303(d) impaired water bodies. Such areas have a much lower capacity to withstand pollutant shocks than might be acceptable in the general circumstance. In essence, development that is ordinarily insignificant in its impact on the environment may become significant in a particular sensitive environment. Therefore, additional control to reduce pollutants from new and existing development may be necessary for areas adjacent to or discharging directly to an ESA.

11. Although dependent on several factors, the risks typically associated with properly managed infiltration of runoff (especially from residential land use areas) are not significant. The risks associated with infiltration can be managed by many techniques, including (1) designing landscape drainage features that promote infiltration of runoff, but do not "inject" runoff (injection bypasses the natural processes of filtering and transformation that occur in the soil); (2) taking reasonable steps to prevent the illegal disposal of wastes; (3) protecting footings and foundations; and (4) ensuring that each drainage feature is adequately maintained in perpetuity.

D. URBAN RUNOFF MANAGEMENT PROGRAMS

1. General

a. This Order specifies requirements necessary for the Copermittees to reduce the discharge of pollutants in urban runoff to the maximum extent practicable (MEP). However, since MEP is a dynamic performance standard which evolves over time as urban runoff management knowledge increases, the Copermittees' urban runoff management programs must continually be assessed and modified to incorporate improved programs, control measures, best management practices (BMPs), etc. in order to achieve the evolving MEP standard. Absent evidence to the contrary, this continual assessment, revision, and improvement of urban runoff management program implementation is expected to ultimately achieve compliance with water quality standards.

b. Although the Copermittees have generally been implementing the jurisdictional urban runoff management programs required pursuant to Order No. 2001-01 since February 21, 2002, urban runoff discharges continue to cause or contribute to violations of water quality standards. This Order contains new or modified requirements that are necessary to improve Copermittees' efforts to reduce the discharge of pollutants in urban runoff to the MEP and achieve water quality

standards. Some of the new or modified requirements, such as the expanded Watershed Urban Runoff Management Program section, are designed to specifically address these high priority water quality problems. Other new or modified requirements address program deficiencies that have been noted during audits, report reviews, and other Regional Board compliance assessment activities.

c. Updated Jurisdictional Urban Runoff Management Plans (JURMPs) and Watershed Urban Runoff Management Plans (WURMPs), and a new Regional Urban Runoff Management Plan (RURMP), which describe the Copermittees' urban runoff management programs in their entirety, are needed to guide the Copermittees' urban runoff management efforts and aid the Copermittees in tracking urban runoff management program implementation. It is practicable for the Copermittees to update the JURMPs and WURMPs, and create the RURMP, within one year, since significant efforts to develop these programs have already occurred.

d. Pollutants can be effectively reduced in urban runoff by the application of a combination of pollution prevention, source control, and treatment control BMPs. Pollution prevention is the reduction or elimination of pollutant generation at its source and is the best "first line of defense". Source control BMPs (both structural and non-structural) minimize the contact between pollutants and flows (e.g., rerouting run-on around pollutant sources or keeping pollutants on-site and out of receiving waters). Treatment control BMPs remove pollutants from urban runoff.

e. Urban runoff needs to be addressed during the three major phases of development (planning, construction, and use) in order to reduce the discharge of pollutants to the MEP and protect receiving waters. Development which is not guided by water quality planning policies and principles can unnecessarily result in increased pollutant load discharges, flow rates, and flow durations which can impact receiving water beneficial uses. Construction sites without adequate BMP implementation result in sediment runoff rates which greatly exceed natural erosion rates of undisturbed lands, causing siltation and impairment of receiving waters. Existing development generates substantial pollutant loads which are discharged in urban runoff to receiving waters.

f. Annual reporting requirements included in this Order are necessary to meet federal requirements and to evaluate the effectiveness and compliance of the Copermittees' programs.

2. Development Planning

a. The Standard Urban Storm Water Mitigation Plan (SUSMP) requirements contained in this Order are consistent with Order WQ-2000-11 adopted by the SWRCB on October 5, 2000. In the precedential order, the SWRCB found that the design standards, which essentially require that urban runoff generated by 85 percent of storm events from specific development categories be infiltrated or treated, reflect the MEP standard. The order also found that the SUSMP requirements are appropriately applied to the majority of the Priority Development Project categories contained in Section D.1 of this Order. The SWRCB also gave Regional Water Quality Control Boards the discretion to include additional categories and locations, such as retail gasoline outlets (RGOs), in future SUSMPs.

b. Controlling urban runoff pollution by using a combination of onsite source control and site design BMPs augmented with treatment control BMPs before the runoff enters the MS4 is important for the following reasons: (1) Many end-of-pipe BMPs (such as diversion to the sanitary sewer) are typically ineffective during significant storm events. Whereas, onsite source control BMPs can be applied during all runoff conditions; (2) End-of-pipe BMPs are often incapable of capturing and treating the wide range of pollutants which can be generated on a sub-watershed scale; (3) End-of-pipe BMPs are more effective when used as polishing BMPs, rather than the sole BMP to be implemented; (4) End-of-pipe BMPs do not protect the quality or beneficial uses of receiving waters between the source and the BMP; and (5) Offsite end-of-pipe BMPs do not aid in the effort to educate the public regarding sources of pollution and their prevention.

c. Use of site design BMPs at new development projects can be an effective means for minimizing the impact of urban runoff discharges from the development projects on receiving waters. Site design BMPs help preserve and restore the natural hydrologic cycle of the site, allowing for filtration and infiltration which can greatly reduce the volume, peak flow rate, velocity, and pollutant loads of urban runoff.

d. Retail Gasoline Outlets (RGOs) are significant sources of pollutants in urban runoff. RGOs are points of convergence for motor vehicles for automotive related services such as repair, refueling, tire inflation, and radiator fill-up and consequently produce significantly higher loadings of hydrocarbons and trace metals (including copper and zinc) than other urban areas. To meet MEP, site design, source control, and treatment control BMPs are needed at RGOs that meet the following criteria: (a) 5,000 square feet or more, or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day. These are appropriate thresholds since vehicular development size and volume of traffic are good indicators of potential impacts of urban runoff from RGOs on receiving waters.

e. Heavy industrial sites are significant sources of pollutants in urban runoff. Pollutant concentrations and loads in runoff from industrial sites are similar or exceed pollutant concentrations and loads in runoff from other land uses, such as commercial or residential land uses. As with other land uses, site design, source control, and treatment control BMPs are needed at heavy industrial sites in order to meet the MEP standard. These BMPs are necessary where the heavy industrial site is larger than one acre. The one acre threshold is appropriate, since it is consistent with requirements in the Phase II NPDES storm water regulations.

~~e.~~f. If not properly designed or maintained, certain BMPs implemented or required by municipalities for urban runoff management may create a habitat for vectors (e.g. mosquitoes and rodents). However, proper BMP design to avoid standing water can prevent the creation of vector habitat. Nuisances and public health impacts resulting from vector breeding can be prevented with close collaboration and cooperative effort between municipalities and local vector control agencies and the State Department of Health Services during the development and implementation of urban runoff management programs.

3. Construction and Existing Development

a. In accordance with federal NPDES regulations and to ensure the most effective oversight of industrial and construction site discharges, discharges of runoff from

industrial and construction sites are subject to dual (state and local) storm water regulation. Under this dual system, the Regional Board is responsible for enforcing the General Construction Activities Storm Water Permit, SWRCB Order 97-03 DWQ, NPDES No. CAS000001 (General Construction Permit) and the General Industrial Activities Storm Water Permit, SWRCB Order 99-08 DWQ, NPDES No. CAS000002 (General Industrial Permit), and each municipal Copermittee is responsible for enforcing its local permits, plans, and ordinances, which may require the implementation of additional BMPs than required under the statewide general permits.

b. Identification of sources of pollutants in urban runoff (such as municipal areas and activities, industrial and commercial sites/sources, construction sites, and residential areas), development and implementation of BMPs to address those sources, and updating ordinances and approval processes are necessary for the Copermittees to ensure that discharges of pollutants into and from its MS4 are reduced to the MEP. Inspections and other compliance verification methods are needed to ensure minimum BMPs are implemented. Inspections are especially important at high risk areas for pollutant discharges.

c. Historic and current development makes use of natural drainage patterns and features as conveyances for urban runoff. Urban streams used in this manner are part of the municipalities MS4 regardless of whether they are natural, man-made, or partially modified features. In these cases, the urban stream is both an MS4 and a receiving water.

d. As operators of the MS4s, the Copermittees cannot passively receive and discharge pollutants from third parties. By providing free and open access to an MS4 that conveys discharges to waters of the U.S., the operator essentially accepts responsibility for discharges into the MS4 that it does not prohibit or control. These discharges may cause or contribute to a condition of contamination or a violation of water quality standards.

e. Waste and pollutants which are deposited and accumulate in MS4 drainage structures will be discharged from these structures to waters of the U.S. unless they are removed or treated. These discharges may cause or contribute to, or threaten to cause or contribute to, a condition of pollution in receiving waters. For this reason, pollutant discharges into MS4s must be reduced to the MEP unless treatment within the MS4 occurs.

f. Enforcement of local urban runoff related ordinances, permits, and plans is an essential component of every urban runoff management program and is specifically required in the federal storm water regulations and this Order. Each Copermittee is individually responsible for adoption and enforcement of ordinances and/or policies, implementation of identified control measures/BMPs needed to prevent or reduce pollutants in storm water runoff, and for the allocation of funds for the capital, operation and maintenance, administrative, and enforcement expenditures necessary to implement and enforce such control measures/BMPs under its jurisdiction.

g. Education is an important aspect of every effective urban runoff management program and the basis for changes in behavior at a societal level. Education of municipal planning, inspection, and maintenance department staffs is especially critical to ensure that in-house staffs understand how their activities impact water

quality, how to accomplish their jobs while protecting water quality, and their specific roles and responsibilities for compliance with this Order. Public education, designed to target various urban land users and other audiences, is also essential to inform the public of how individual actions impact receiving water quality and how these impacts can be minimized.

h. Public participation during the development of urban runoff management programs is necessary to ensure that all stakeholder interests and a variety of creative solutions are considered.

4. Watershed and Regional Urban Runoff Management

a. Since urban runoff does not recognize political boundaries, watershed-based urban runoff management can greatly enhance the protection of receiving waters within a watershed. Such management provides a means to focus on the most important water quality problems in each watershed. By focusing on the most important water quality problems, watershed efforts can maximize protection of beneficial use in an efficient manner. Effective watershed-based urban runoff management actively reduces pollutant discharges and abates pollutant sources causing or contributing to watershed water quality problems; watershed-based urban runoff management that does not actively reduce pollutant discharges and abate pollutant sources causing or contributing to watershed water quality problems can necessitate implementation of the iterative process outlined in section A.3 of the Tentative Order. Watershed management of urban runoff does not require Copermittees to expend resources outside of their jurisdictions. Watershed management requires the Copermittees within a watershed to develop a watershed-based management strategy, which can then be implemented on a jurisdictional basis.

b. Some urban runoff issues, such as residential education, can be effectively addressed on a regional basis. Regional approaches to urban runoff management can improve program consistency and promote sharing of resources, which can result in implementation of more efficient programs.

c. Both regionally and on a watershed basis, it is important for the Copermittees to coordinate their water quality protection and land use planning activities to achieve the greatest protection of receiving water bodies. Copermittee coordination with other watershed stakeholders, especially Caltrans, the Department of Defense, and Native American Tribes, is also important. Establishment of a management structure, within which the Copermittees subject to this Order will fund and coordinate those aspects of their joint obligations, will help promote implementation of urban runoff management programs on a watershed and regional basis in a most cost effective manner.

E. STATUTE AND REGULATORY CONSIDERATIONS

1. The Receiving Water Limitations (RWL) language specified in this Order is consistent with language recommended by the USEPA and established in SWRCB Water Quality Order 99-05, adopted by the SWRCB on June 17, 1999. The RWL in this Order require compliance with water quality standards, which is to be achieved through an iterative approach requiring the implementation of improved and better-tailored BMPs over time. Compliance with receiving water limits based on applicable water quality standards is necessary to ensure that MS4 discharges will not cause or contribute to violations of water quality standards and the

creation of conditions of pollution.

2. The Water Quality Control Plan for the San Diego Basin (Basin Plan), identifies the following beneficial uses for surface waters in San Diego County: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Process Supply (PROC), Industrial Service Supply (IND), Ground Water Recharge (GWR), Contact Water Recreation (REC1) Non-contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), Freshwater Replenishment (FRSH), Hydropower Generation (POW), and Preservation of Biological Habitats of Special Significance (BIOL). The following additional beneficial uses are identified for coastal waters of San Diego County: Navigation (NAV), Commercial and Sport Fishing (COMM), Estuarine Habitat (EST), Marine Habitat (MAR), Aquaculture (AQUA), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN), and Shellfish Harvesting (SHELL).

3. This Order is in conformance with SWRCB Resolution No. 68-16 and the federal Antidegradation Policy described in 40 CFR 131.12.

4. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address non-point pollution impacting or threatening coastal water quality. CZARA addresses five sources of non-point pollution: agriculture, silviculture, urban, marinas, and hydromodification. This NPDES permit addresses the management measures required for the urban category, with the exception of septic systems. The adoption and implementation of this NPDES permit relieves the Permittee from developing a non-point source plan, for the urban category, under CZARA. The Regional Board addresses septic systems through the administration of other programs.

5. Section 303(d)(1)(A) of the CWA requires that "Each state shall identify those waters within its boundaries for which the effluent limitations…are not stringent enough to implement any water quality standard (WQS) applicable to such waters." The CWA also requires states to establish a priority ranking of impaired waterbodies known as Water Quality Limited Segments and to establish Total Maximum Daily Loads (TMDLs) for such waters. This priority list of impaired waterbodies is called the Section 303(d) List. The current Section 303(d) List was approved by the SWRCB on February 4, 2003 and on July 25, 2003 by USEPA.

6. This Order fulfills a component of the TMDL Implementation Plan adopted by this Regional Board on August 14, 2002 for diazinon in Chollas Creek by establishing Water Quality Based Effluent Limits (WQBELs) for the Cities of San Diego, Lemon Grove, and La Mesa, the County of San Diego, and the San Diego Unified Port District; and by requiring: 1) legal authority, 2) implementation of a diazinon toxicity control plan and a diazinon public outreach/ education program, 3) achievement of the Compliance Schedule, and 4) a monitoring program. The establishment of WQBELs expressed as iterative BMPs to achieve the Waste Load Allocation (WLA) compliance schedule is appropriate and is expected to be sufficient to achieve the WLAs specified in the TMDL.

7. This Order fulfills a component of the TMDL Implementation Plan adopted by this Regional Board on February 9, 2005 for dissolved copper in Shelter Island Yacht Basin (SIYB) by establishing WQBELs expressed as BMPs to achieve the WLA of 30 kg copper / year for the City of San Diego and the San Diego Unified Port District. The establishment of WQBELs expressed as BMPs is appropriate and is expected to be sufficient to achieve the WLA

specified in the TMDL.

8. This Order establishes WQBELs and conditions consistent with the requirements and assumptions of the WLAs in the TMDLs as required by 40 CFR 122.44(d)(1)(vii)(B).

9. Requirements in this Order that are more explicit than the federal storm water regulations in 40 CFR 122.26 are prescribed in accordance with the CWA section 402(p)(3)(B)(iii) and are necessary to meet the MEP standard.

10. Urban runoff treatment and/or mitigation must occur prior to the discharge of urban runoff into a receiving water. Federal regulations at 40 CFR 131.10(a) state that in no case shall a state adopt waste transport or waste assimilation as a designated use for any waters of the U.S. Authorizing the construction of an urban runoff treatment facility within a water of the U.S., or using the water body itself as a treatment system or for conveyance to a treatment system, would be tantamount to accepting waste assimilation as an appropriate use for that water body. Furthermore, the construction, operation, and maintenance of a pollution control facility in a water body can negatively impact the physical, chemical, and biological integrity, as well as the beneficial uses, of the water body. This is consistent with USEPA guidance to avoid locating structural controls in natural wetlands.

~~11. Urban runoff is a significant contributor to the creation and persistence of Toxic Hot Spots in San Diego Bay. CWC section 13395 requires regional boards to reevaluate waste discharge requirements (WDRs) associated with toxic hot spots. The SWRCB adopted the Consolidated Toxic Hot Spot Cleanup Plan in June 1999. The Plan states: "The reevaluation [of WDRs associated with toxic hot spots] shall consist of (1) an assessment of the WDRs that may influence the creation or further pollution of the known toxic hot spot, (2) an assessment of which WDRs need to be modified to improve environmental conditions at the known toxic hot spot, and (3) a schedule for completion of any WDR modifications deemed appropriate."~~

~~12.~~11. The issuance of waste discharge requirements and an NPDES permit for the discharge of urban runoff from MS4s to waters of the U.S. is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (CEQA) (Public Resources Code, Division 13, Chapter 3, section 21000 et seq.) in accordance with the CWC section 13389.

F. PUBLIC PROCESS

1. The Regional Board has notified the Copermittees, all known interested parties, and the public of its intent to consider adoption of an Order prescribing waste discharge requirements that would serve to renew an NPDES permit for the existing discharge of urban runoff.

2. The Regional Board has, at public meetings on (date), held public hearings and heard and considered all comments pertaining to the terms and conditions of this Order.

IT IS HEREBY ORDERED that the Copermittees, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the Clean Water Act (CWA) and regulations adopted thereunder, shall each comply with the following:

A. PROHIBITIONS AND RECEIVING WATER LIMITATIONS

1. Discharges into and from municipal separate storm sewer systems (MS4s) in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in CWC section 13050), in waters of the state are prohibited.

2. Discharges from MS4s containing pollutants which have not been reduced to the maximum extent practicable (MEP) are prohibited.[2]

3. Discharges from MS4s that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) are prohibited.

   a. Each Copermittee shall comply with section A.3 and section A.4 as it applies to Prohibition 5 in Attachment A of this Order through timely implementation of control measures and other actions to reduce pollutants in urban runoff discharges in accordance with the Jurisdictional Urban Runoff Management Program and other requirements of this Order including any modifications. The Jurisdictional Urban Runoff Management Program shall be designed to achieve compliance with section A.3 and section A.4 as it applies to Prohibition 5 in Attachment A of this Order. If exceedance(s) of water quality standards persist notwithstanding implementation of the Jurisdictional Urban Runoff Management Program and other requirements of this Order, the Copermittee shall assure compliance with section A.3 and section A.4 as it applies to Prohibition 5 in Attachment A of this Order by complying with the following procedure:

      (1) Upon a determination by either the Copermittee or the Regional Board that MS4 discharges are causing or contributing to an exceedance of an applicable water quality standard, the Copermittee shall promptly notify and thereafter submit a report to the Regional Board that describes best management practices (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 water quality standards. The report may be incorporated in the annual update to the Jurisdictional Urban Runoff Management Program unless the Regional Board directs an earlier submittal. The report shall include an implementation schedule. The Regional Board may require modifications to the report;

      (2) Submit any modifications to the report required by the Regional Board within 30 days of notification;

      (3) Within 30 days following approval of the report described above by the Regional Board, the Copermittee shall revise its Jurisdictional Urban Runoff Management Program and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;

[2] This prohibition does not apply to MS4 discharges which receive subsequent treatment to reduce pollutants to the MEP prior to entering receiving waters (e.g., low flow diversions to the sanitary sewer).

(4) Implement the revised Jurisdictional Urban Runoff Management Program and monitoring program in accordance with the approved schedule.

b. So long as the Copermittee has complied with the procedures set forth above and is implementing the revised Jurisdictional Urban Runoff Management Program, the Copermittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to do so.

c. Nothing in section A.3 shall prevent the Regional Board from enforcing any provision of this Order while the Copermittee prepares and implements the above report.

4. In addition to the above prohibitions, discharges from MS4s are subject to all Basin Plan prohibitions cited in Attachment A to this Order.

B. NON-STORM WATER DISCHARGES

1. Each Copermittee shall effectively prohibit all types of non-storm water discharges into its MS4 unless such discharges are either authorized by a separate National Pollutant Discharge Elimination System (NPDES) permit; or not prohibited in accordance with sections B.2 and B.3 below.

2. The following categories of non-storm water discharges are not prohibited unless a Copermittee or the Regional Board identifies the discharge category as a significant source of pollutants to waters of the U.S. For such a discharge category, the Copermittee shall either prohibit the discharge category or develop and implement appropriate control measures to reduce the discharge of pollutants to the MEP and report to the Regional Board pursuant to ~~Attachment D~~section J.

   a. Diverted stream flows;
   b. Rising ground waters;
   c. Uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)] to MS4s;
   d. Uncontaminated pumped ground water;
   e. Foundation drains;
   f. Springs;
   g. Water from crawl space pumps;
   h. Footing drains;
   i. Air conditioning condensation;
   j. Flows from riparian habitats and wetlands;
   k. Water line flushing;
   l. Landscape irrigation;
   m. Discharges from potable water sources not subject to NPDES Permit No. CAG679001, other than water main breaks;
   n. Irrigation water;
   o. Lawn watering;
   p. Individual residential car washing; and
   q. Dechlorinated swimming pool discharges.

3. Emergency fire fighting flows (i.e., flows necessary for the protection of life or property) do not require BMPs and need not be prohibited. As part of the Jurisdictional Urban

Runoff Management Plan (JURMP), each Copermittee shall develop and implement a program to reduce pollutants from non-emergency fire fighting flows (i.e., flows from controlled or practice blazes and maintenance activities) identified by the Copermittee to be significant sources of pollutants to waters of the United States.

4. Each Copermittee shall examine all dry weather field screening and analytical monitoring results collected in accordance with section D.4 of this Order and Receiving Waters Monitoring and Reporting Program No. R9-2006-0011 to identify water quality problems which may be the result of any non-prohibited discharge category(ies) identified above in section B.2. Follow-up investigations shall be conducted as necessary to identify and control any non-prohibited discharge category(ies) listed above.

C. LEGAL AUTHORITY

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

   a. Control the contribution of pollutants in discharges of runoff associated with industrial and construction activity to its MS4 and control the quality of runoff from industrial and construction sites. This requirement applies both to industrial and construction sites which have coverage under the statewide general industrial or construction storm water permits, as well as to those sites which do not. Grading ordinances shall be upgraded and enforced as necessary to comply with this Order.

   b. Prohibit all identified illicit discharges not otherwise allowed pursuant to section B.2 including but not limited to:

      (1) Sewage;
      (2) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
      (3) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
      (4) Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning, etc.;
      (5) Discharges of wash water from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, and residential areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.;
      (6) Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
      (7) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
      (8) Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and
      (9) Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).

   c. Prohibit and eliminate illicit connections to the MS4;

d. Control the discharge of spills, dumping, or disposal of materials other than storm water to its MS4;

e. Require compliance with conditions in Copermittee ordinances, permits, contracts or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows);

f. Utilize enforcement mechanisms to require compliance with Copermittee storm water ordinances, permits, contracts, or orders;

g. Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements among Copermittees. Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 such as Caltrans, the Department of Defense, or Native American Tribes is encouraged;

h. Carry out all inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with local ordinances and permits and with this Order, including the prohibition on illicit discharges to the MS4. This means the Copermittee must have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from industrial facilities discharging into its MS4, including construction sites;

i. Require the use of BMPs to prevent or reduce the discharge of pollutants into MS4s to the MEP; and

j. Require documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 to the MEP.

2. Each Permittee shall include as part of its JURMP a statement certified by its chief legal counsel that the Copermittee has taken the necessary steps to obtain and maintain full legal authority to implement and enforce each of the requirements contained in 40 CFR 122.26(d)(2)(i)(A-F) and this Order. This statement shall include:

a. Identification of all departments within the jurisdiction that conduct urban runoff related activities, and their roles and responsibilities under this Order. Include an up to date organizational chart specifying these departments and key personnel.

b. Citation of urban runoff related ordinances and the reasons they are enforceable;

c. Identification of the local administrative and legal procedures available to mandate compliance with urban runoff related ordinances and therefore with the conditions of this Order;

d. ~~A finding of adequacy of enforcement tools to ensure compliance with this Order;~~

e. A description of how urban runoff related ordinances are implemented and appealed; and

f. Description of whether the municipality can issue administrative orders and injunctions or if it must go through the court system for enforcement actions.

D. JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM

Each Copermittee shall ~~fully~~ implement all requirements of section D of this Order no later than ~~July 1, 2007~~365 days after adoption of the Order, unless otherwise specified in this Order. Prior to ~~July 1, 2007~~365 days after adoption of the Order, each Copermittee shall at a minimum ~~fully~~ implement its Jurisdictional URMP document, as the document was developed and amended to comply with the requirements of Order No. 2001-01.

Each Copermittee shall develop and implement an updated Jurisdictional Urban Runoff Management Program for its jurisdiction. Each updated Jurisdictional Urban Runoff Management Program shall meet the requirements of section D of this Order, reduce the discharge of pollutants from the MS4 to the MEP, and ~~ensure that~~ prevent urban runoff discharges from the MS4 from causing or contributing ~~do not cause or contribute~~ to a violation of water quality standards.

1. Development Planning Component

Each Copermittee shall implement a program which meets the requirements of this section and (1) reduces ~~the~~ Development Project discharges of pollutants from the MS4 ~~Development Projects~~ to the MEP, (2) ~~ensures urban runoff~~ prevents Development Project discharges from the MS4 from causing or contributing ~~Development Projects do not cause or contribute~~ to a violation of water quality standards, and (3) ~~controls~~manages increases in ~~urban~~ runoff discharge~~s~~ rates and durations from Development Projects that are likely to cause ~~from Development Projects that have the potential to cause~~ increased erosion of stream beds and banks, silt pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force.

a. GENERAL PLAN

Each Copermittee shall revise as needed its General Plan or equivalent plan (e.g., Comprehensive, Master, or Community Plan) for the purpose of providing effective water quality and watershed protection principles and policies that direct land-use decisions and require implementation of consistent water quality protection measures for Development Projects.

b. ENVIRONMENTAL REVIEW PROCESS

Each Copermittee shall revise as needed their current environmental review processes to accurately evaluate water quality impacts and cumulative impacts and identify appropriate measures to avoid, minimize and mitigate those impacts for all Development Projects.

c. APPROVAL PROCESS CRITERIA AND REQUIREMENTS FOR ALL DEVELOPMENT PROJECTS

For all proposed Development Projects, each Copermittee during the planning process and prior to project approval and issuance of local permits shall prescribe the necessary requirements ~~to ensure~~ so that ~~the~~ Development Project discharges of pollutants from the MS4 ~~Development Projects~~ will be reduced to the MEP, will not cause or contribute to a violation of water quality standards, and will comply with Copermittee's ordinances, permits, plans, and requirements, and with this Order. The

requirements shall include, but not be limited to, implementation by the project proponent of the following:

(1) ~~Applicable and effective pollution prevention BMPs;~~
(2) Source control BMPs that reduce storm water pollutants of concern in urban runoff, including storm drain system stenciling and signage, properly designed outdoor material storage areas, properly designed trash storage areas, and implementation of efficient irrigation systems;
(3) Site design BMPs where feasible which maximize infiltration, provide retention, slow runoff, minimize impervious footprint, direct runoff from impervious areas into landscaping, and construct impervious surfaces to minimum widths necessary;
(4) Buffer zones for natural water bodies, where feasible. Where buffer zones are infeasible, require project proponent to implement other buffers such as trees, access restrictions, etc., where feasible;
(5) Measures ~~to ensure~~ necessary so that grading or other construction activities meet the provisions specified in section D.2 of this Order; and
(6) Submittal of proof of a mechanism under which ~~will ensure~~ ongoing long-term maintenance of all structural post-construction BMPs will be conducted.

d. STANDARD URBAN STORM WATER MITIGATION PLANS (SUSMPS) – APPROVAL PROCESS CRITERIA AND REQUIREMENTS FOR PRIORITY DEVELOPMENT PROJECTS

Each Copermittee shall implement an updated local SUSMP which meets the requirements of section D.1.d of this Order and (1) reduces ~~the~~ Priority Development Project discharges of pollutants from the MS4 ~~Development Projects~~ to the MEP, (2) ~~ensures~~ prevents Priority Development Project ~~urban~~ runoff discharges from the MS4 from causing or contributing to ~~Development Projects do not cause or contribute to~~ a violation of water quality standards, and (3) ~~controls~~ manages increases in ~~urban~~ runoff discharge~~s~~ rates and durations from Priority Development Projects that ~~have the potential~~ are likely to cause increased erosion of stream beds and banks, silt pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force.

(1) Definition of Priority Development Project

Priority Development Projects are: a) all new Development Projects that fall under the project categories or locations listed in section D.1.d.(2), and b) those redevelopment projects that create, add or replace at least 5,000 square feet of impervious surfaces on an already developed site~~,~~ that falls under the project categories or locations listed in section D.1.d.(2). Where redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria discussed in section D.1.d.(6)(c) applies only to the addition, and not to the entire development. Where redevelopment results in an increase of more than fifty percent of the impervious surfaces of a previously existing development, the numeric sizing criteria applies to the entire development. Where a new Development ~~p~~Project feature, such as a parking lot, falls into a Priority Development Project Category, the entire project footprint is subject to SUSMP requirements.

(2) Priority Development Project Categories

(a) Housing subdivisions of 10 or more dwelling units. This category includes single-family homes, multi-family homes, condominiums, and apartments.

(b) Commercial developments greater than ~~100,000 square feet~~ one acre. This category is defined as any development on private land that is not for heavy industrial or residential uses where the land area for development is greater than ~~100,000 square feet~~ one acre. The category includes, but is not limited to: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; municipal facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; airfields; and other light industrial facilities.

(c) Heavy industrial developments greater than one acre. This category includes, but is not limited to, manufacturing plants, food processing plants, metal working facilities, printing plants, and fleet storage areas (bus, truck, etc.).

~~(c)~~(d) Automotive repair shops. This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

~~(d)~~(e) Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SUSMP requirements except for structural treatment BMP and numeric sizing criteria requirement D.1.d.(6)(c) and hydromodification requirement D.1.g~~d.(14)~~.

~~(e)~~(f) All hillside development greater than 5,000 square feet. This category is defined as any development which creates 5,000 square feet of impervious surface which is located in an area with known erosive soil conditions, where the development will grade on any natural slope that is twenty-five percent or greater.

~~(f)~~(g) Environmentally Sensitive Areas (ESAs). All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.

~~(g)~~(h) Parking lots 5,000 square feet or more or with 15 or more parking spaces and potentially exposed to urban runoff. Parking lot is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

~~(h)~~(i) Street, roads, highways, and freeways. This category includes any paved surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.

~~(i)~~(j) Retail Gasoline Outlets (RGOs). This category includes RGOs that meet the following criteria: (a) 5,000 square feet or more or (b) a projected

Average Daily Traffic (ADT) of 100 or more vehicles per day.

(3) Pollutants of Concern

As part of its local SUSMP, each Copermittee shall develop and implement a procedure for pollutants of concern to be identified for each Priority Development Project. The procedure shall address, at a minimum: (1) Receiving water quality (including pollutants for which receiving waters are listed as impaired under CWA section 303(d)); (2) Land use type of the Development Project and pollutants associated with that land use type; and (3) Pollutants expected to be present on site.

(4) Site Design BMP Requirements

Each Copermittee shall require each Priority Development Project to meet the following site design BMP requirements:

(a) Implement at least ~~one~~two site design BMPs from the following two lists. At least one of the site design BMPs to be implemented shall be from List 1. (Priority Development Projects with no landscaping or low traffic areas ~~can be exempt from this requirement~~are only required to implement one site design BMP from either list):

List 1

i. Drain a portion of rooftops into pervious areas prior to discharge to the MS4.
ii. Drain a portion of impervious sidewalks, walkways, trails, or patios into pervious areas prior to discharge to the MS4.
iii. Construct a portion of walkways, trails, overflow parking lots, alleys, or other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.

List 2

~~iv.~~i. Conserve natural areas, including existing trees, other vegetation, and soils.
~~v.~~ii. Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.
iii. Minimize the impervious footprint of the project.
iv. Minimize soil compaction.
v. Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions, etc.)

~~(c)~~(b) Implement all site design BMPs from the above lists in section~~s~~ D.1.d.(4)(a) ~~and D.1.d.(4)(b)~~ where determined to be applicable and feasible by the Copermittee. Each Copermittee shall develop and implement criteria to aid in determining Priority Development Project conditions where implementation of each site design BMP listed above is applicable and feasible. The Copermittees are encouraged to collaborate on the

development of these criteria.

(5) Source Control BMP Requirements

Each Copermittee shall require each Priority Development Project to implement source control BMPs. The source control BMPs to be required shall:

(a) Minimize storm water pollutants of concern in urban runoff.
(b) Include storm drain system stenciling ~~and~~ or signage.
(c) Include properly designed outdoor material storage areas.
(d) Include properly designed trash storage areas.
(e) Include efficient irrigation systems.
(f) Include water quality requirements applicable to individual priority project categories.

(6) Treatment Control BMP Requirements

Each Copermittee shall require each Priority Development Project to implement treatment control BMPs which meet the following treatment control BMP requirements:

(a) Treatment control BMPs for all Priority Development Projects shall mitigate (infiltrate, filter, or treat) the required volume or flow of runoff (identified in section D.1.d.(6)(c)) from all developed portions of the project, including landscaped areas.

(b) 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 waters of the U.S. Multiple Priority Development Projects may use shared treatment control BMPs as long as construction of any shared treatment control BMP~~s~~ is completed prior to the use or occupation of any Priority Development Project from which the treatment control BMP will receive runoff.

(c) All treatment control BMPs for a single Priority Development Project shall collectively be sized to comply with the following numeric sizing criteria:

~~a.~~i. Volume-based treatment control BMPs shall be designed to mitigate (infiltrate, filter, or treat) the volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the County of San Diego's 85th Percentile Precipitation Isopluvial Map; or

~~b.~~ii. Flow-based treatment control BMPs shall be designed to mitigate (infiltrate, filter, or treat) either: a) 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 b) the maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two.

(d) All treatment control BMPs for Priority Development Projects shall, at a minimum:

~~c.~~i. Be ranked with a high or medium removal efficiency in the Copermittees' Model SUSMP which was approved by the Regional Board. Treatment control BMPs with a low removal efficiency ranking shall only be approved by a Copermittee when a feasibility analysis has been conducted which exhibits that implementation of treatment control BMPs with high or medium removal efficiency rankings are infeasible for a Priority Development Project or portion of a Priority Development Project.

~~d.~~ii. Be correctly sized and designed so as to remove pollutants to the MEP.

~~e.~~iii. Target removal of pollutants of concern from urban runoff.

~~f.~~iv. Be implemented close to pollutant sources (where shared BMPs are not proposed), and prior to discharging into waters of the U.S.

~~g.~~v. Not be constructed within a receiving water.

~~h.~~vi. Include proof of a mechanism, to be provided by the project proponent or Copermittee, under which ~~will ensure~~ ongoing long-term maintenance will be conducted.

~~i.~~vii. ~~Ensure that post-development runoff does not contain pollutant loads which cause or contribute to a violation of water quality standards or which have not been reduced to the MEP.~~

(7) Site Design BMP Substitution Program

The Copermittees may develop a site design BMP substitution program for incorporation into local SUSMPs, which would allow a Priority Development Project to substitute implementation of a high level of site design BMPs for implementation of some or all treatment control BMPs. At a minimum, the program must meet the requirements below:

(a) Prior to implementation, the program must clearly exhibit that it will achieve equal or better runoff quality from each Priority Development Project which participates in the program.

(b) For each Priority Development Project participating, the program must require all applicable source control BMPs listed in section D.1.d.(5) to be implemented.

(c) For each Priority Development Project participating, the program must require that runoff originating from exposed impervious parking areas, work areas, storage areas, staging areas, trash areas, and other similar areas where pollutants are generated and/or collected, must be routed through pervious areas prior to entering the MS4.

(d) For each Priority Development Project participating, the program must require that all site design BMPs listed in section D.1.d.(4) be implemented.

(e) The program shall only apply to Priority Development Projects and Priority Development Project categories with a relatively low potential to generate high levels of pollutants. The program shall not apply to ~~the~~ automotive repair shops or streets, roads, highways, or freeways that have high levels of average daily traffic~~Priority Development Project Categories~~.

(f) The program must develop and utilize specific design criteria for each site design BMP to be utilized by the program.

(g) The program must ~~ensure~~ include mechanisms to verify that each Priority Development Project participating in the program is in compliance with all applicable SUSMP requirements.

(h) The program must develop and implement a review process which ~~ensures~~verifies that each site design BMP to be implemented meets the designated design criteria. The review process must also ~~ensure~~ verify that each Priority Development Project participating in the program is in compliance with all applicable SUSMP requirements.

(8) Treatment Control BMP Design Standards

As part of its local SUSMP, each Copermittee shall develop and require Priority Development Projects to implement siting, design, and maintenance criteria for each site design and treatment control BMP listed in its local SUSMP ~~to ensure~~so that implemented site design and treatment control BMPs are constructed correctly and are effective at pollutant removal and runoff control. Development of BMP design worksheets which can be used by project proponents is encouraged.

(9) Implementation Process

As part of its local SUSMP, each Copermittee shall implement a process to ~~ensure~~ verify compliance with SUSMP requirements. The process shall identify at what point in the planning process Priority Development Projects will be required to meet SUSMP requirements. The process shall also include identification of the roles and responsibilities of various municipal departments in implementing the SUSMP requirements, as well as any other measures necessary for the implementation of SUSMP requirements.

(10) Downstream Erosion

As part of its local SUSMP, each Copermittee shall develop and apply criteria to Priority Development Projects ~~to ensure~~ so that runoff discharge rates, durations, and velocities from Priority Development Projects are controlled to maintain or reduce downstream erosion conditions and protect stream habitat. Upon adoption of the Hydromodification Management Plan (HMP) by the Regional Board (section D.1.g), individual Copermittee criteria for control of downstream erosion shall be superceded by criteria identified in the HMP.

(11) Waiver Provision

(a) A Copermittee may provide for a project to be waived from the requirement of implementing treatment BMPs (section D.1.d.(6)) if infeasibility can be established. A waiver of infeasibility shall only be granted by a Copermittee when all available treatment BMPs have been considered and rejected as infeasible. Copermittees shall notify the Regional Board within 5 days of each waiver issued and shall include the following information in the notification:

i. Name of the person granting each waiver;
ii. Name of developer receiving the waiver;
iii. Site location;
iv. Reason for waiver; and
v. Description of BMPs required.

(b) The Copermittees may collectively or individually develop a program to require project proponents who have received waivers to transfer the savings in cost, as determined by the Copermittee(s), to a storm water mitigation fund. This program may be implemented by all Copermittees that issue waivers. Funds may be used on projects to improve urban runoff quality within the watershed of the waived project. The waiver mitigation program should, at a minimum, identify:

i. The entity or entities that will manage the storm water mitigation fund (i.e., assume full responsibility for);
ii. The range and types of acceptable projects for which mitigation funds may be expended;
iii. The entity or entities that will assume full responsibility for each mitigation project including its successful completion; and
iv. How the dollar amount of fund contributions will be determined.

(12) Infiltration and Groundwater Protection

To protect groundwater quality, each Copermittee shall apply restrictions to the use of treatment control BMPs that are designed to primarily function as infiltration devices (such as infiltration trenches and infiltration basins). Such restrictions shall ~~ensure~~ be designed so that the use of such infiltration treatment control BMPs shall not cause or contribute to an exceedance of groundwater quality objectives. At a minimum, ~~use of~~ each treatment control BMP~~s that are~~ designed to primarily function as an infiltration device~~s~~ shall meet the ~~conditions~~ restrictions below, unless it is demonstrated that a restriction is not necessary to protect groundwater quality. The Copermittees may collectively or individually develop alternative restrictions on the use of treatment control BMPs which are designed to primarily function as infiltration devices. Alternative restrictions developed by the Copermittees can partially or wholly replace the restrictions listed below.

(a) Urban runoff shall undergo pretreatment such as sedimentation or filtration prior to infiltration;
(b) All dry weather flows containing significant pollutant loads shall be diverted from infiltration devices;
(c) Pollution prevention and source control BMPs shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration treatment control BMPs are to be used;
(d) Infiltration treatment control BMPs shall be adequately maintained so that they remove pollutants to the MEP;
(e) The vertical distance from the base of any infiltration treatment control BMP to the seasonal high groundwater mark shall be at least 10 feet. Where groundwater basins do not support beneficial uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained;
(f) The soil through which infiltration is to occur shall have physical and chemical characteristics (such as appropriate cation exchange capacity, organic content, clay content, and infiltration rate) which are adequate for proper infiltration durations and treatment of urban runoff for the protection of groundwater beneficial uses;
(g) Infiltration treatment control BMPs shall not be used for areas of industrial or light industrial activity; areas subject to high vehicular traffic (25,000 or

greater average daily traffic on main roadway or 15,000 or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc.); nurseries; and other high threat to water quality land uses and activities as designated by each Permittee; and

(h) Infiltration treatment control BMPs shall be located a minimum of 100 feet horizontally from any water supply wells.

e. TREATMENT CONTROL BMP MAINTENANCE TRACKING

(1) Each Copermittee shall develop and utilize a watershed-based database to track and inventory approved treatment control BMPs and treatment control BMP maintenance within its jurisdiction. At a minimum, the database shall include information on treatment control BMP type, location, watershed, date of construction, party responsible for maintenance, maintenance certifications or verifications, inspections, inspection findings, and corrective actions.

(2) Each Copermittee shall develop and implement a program to ~~ensure~~ verify that approved treatment control BMPs are operating effectively and have been adequately maintained. At a minimum, the program shall include the following:

(a) An annual inventory of all approved treatment control BMPs within the Copermittee's jurisdiction. The inventory shall also include all treatment control BMPs approved during the previous permit cycle.

(b) The prioritization of all projects with approved treatment control BMPs into high, medium, and low priority categories. At a minimum, projects with drainage insert treatment control BMPs shall be designated as at least a medium priority. Prioritization of other projects with treatment control BMPs shall include consideration of treatment control BMP size, recommended maintenance frequency, likelihood of operational and maintenance issues, location, receiving water quality, and other pertinent factors.

(c) 100% of ~~P~~projects with treatment control BMPs that are high priority shall be inspected by the Copermittee annually. 50% of ~~P~~projects with drainage insert treatment control BMPs ~~that are medium priority~~ shall be inspected by the Copermittee annually~~every other year~~. ~~Projects with t~~Treatment control BMPs that are low priority shall be inspected as needed~~once during the five year permit cycle~~. All inspections shall ~~ensure~~ verify effective operation and maintenance of the treatment control BMPs, as well as compliance with all ordinances, permits, and this Order. ~~At least~~ A minimum of 20% of the total number of projects ~~within a jurisdiction~~ with approved treatment control BMPs, and a maximum of 200% of the average number of projects with treatment control BMPs approved per year, shall be inspected annually.

(d) Requirement of annual verification of effective operation and maintenance of each approved treatment control BMP by the party responsible for the treatment control BMP maintenance.

(3) Operation and maintenance verifications ~~and inspections~~ shall be required ~~and conducted~~ prior to each rainy season.

(4) Inspections of high priority treatment control BMPs shall be conducted prior to each rainy season.

f. BMP VERIFICATION

Prior to occupancy of each Priority Development Project subject to SUSMP requirements, each Copermittee shall inspect the constructed site design, source control, and treatment control BMPs to verify that they have been constructed in compliance with all specifications, plans, permits, ordinances, and this Order. This initial BMP verification inspection does not constitute an operation and maintenance inspection, as required above in section D.1.e.(2)(c).

g. HYDROMODIFICATION - LIMITATIONS ON INCREASES OF RUNOFF DISCHARGE RATES AND DURATIONS

Each Copermittee shall collaborate with the other Copermittees to develop and implement a Hydromodification Management Plan (HMP) to manage increases in runoff discharge rates and durations from all Priority Development Projects, where such increased rates and durations are likely to cause increased erosion of channel beds and banks, sediment pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force. The HMP, once approved by the Regional Board, shall be incorporated into the local SUSMP and implemented by each Copermittee so that post-project runoff discharge rates and durations shall not exceed estimated pre-project discharge rates and durations where the increased discharge rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in the discharge rates and durations~~amount and timing of runoff~~.

(1) The HMP shall:

(a) Identify a ~~n Erosion Potential (Ep)~~ standard for channel segments which receive urban runoff discharges from Priority Development Projects. The channel ~~stream Ep~~ standard shall maintain the pre-project ~~development flow energy, sediment transport, and~~ erosion and deposition characteristics of channel segments receiving urban runoff discharges from Priority Development Projects ~~and prevent the~~ as necessary to maintain or improve the channel segments' stability conditions~~from becoming unstable~~.

~~(b)Require that the Ep for channel segments receiving urban runoff from Priority Development Projects is maintained at a value close to 1.~~

~~(c)~~(b) Utilize continuous simulation of the entire rainfall record to identify a range of ~~rainfall events~~ runoff flows[3] for which Priority Development Project post-project ~~development~~ runoff flow rates and durations shall not exceed pre-project ~~development~~ runoff flow rates and durations, where the increased flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in the flow rates and durations. ~~in order to achieve the channel Ep standard.~~ The lower boundary of the range of ~~rainfall events~~runoff flows identified shall correspond with the critical channel flow ~~(Qc)~~ that produces the critical shear stress that initiates channel bed movement or that erodes the toe of channel banks. The identified range of ~~rainfall events~~ runoff flows may be different for specific watersheds, channels, or channel reaches.

[3] The identified range of runoff flows to be controlled should be expressed in terms of peak flow rates of rainfall events, such as "10% of the pre-project 2-year peak flow up to the pre-project 10-year peak flow."

~~(d)~~(c) Require Priority Development Projects to implement hydrologic control measures ~~to (1) ensure~~ so that Priority Development Project~~'~~s' ~~urban~~ post-project runoff ~~discharge~~ flow rates and durations (1) do not exceed pre-project ~~development~~ runoff flow rates and durations for the range of ~~rainfall events~~ runoff flows identified under section D.1.g.(1)(~~c~~b), where the increased flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in the flow rates and durations, and (2) do not result in ~~a~~ channel conditions ~~Ep~~ which do not meet ~~exceeds~~ the channel ~~Ep~~ standard developed under section~~s~~ D.1.g.(1)(a) ~~and D.1.g.(1)(b)~~ for channel segments downstream of Priority Development Project discharge points.

~~(e)~~(d) Include other performance criteria (numeric or otherwise) for Priority Development Projects as necessary to prevent urban runoff from the projects from increasing erosion of channel beds and banks, silt pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force.

~~(f)~~(e) Include a review of pertinent literature.

~~(g)~~(f) Include a protocol to evaluate potential hydrograph change impacts to downstream watercourses from Priority Development Projects.

~~(h)~~(g) Include a description of how the Copermittees will incorporate the HMP requirements into their local approval processes.

~~(i)~~(h) Include criteria on selection and design of management practices and measures (such as detention, retention, and infiltration) to control flow rates and durations and address potential hydromodification impacts.

~~(j)~~(i) Include technical information supporting any standards and criteria proposed.

~~(k)~~(j) Include a description of inspections and maintenance to be conducted for management practices and measures to control flow rates and durations and address potential hydromodification impacts.

~~(l)~~(k) Include a description of pre- and post-project monitoring and other program evaluations to be conducted to assess the effectiveness of implementation of the HMP.

~~(m)~~(l) Include mechanisms for addressing cumulative impacts within a watershed on channel morphology.

~~(n)~~(m) Include information on evaluation of channel form and condition, including slope, discharge, vegetation, underlying geology, and other information, as appropriate.

(2) The HMP may include implementation of planning measures (e.g., buffers and restoration activities, including revegetation, use of less-impacting facilities at the point(s) of discharge, etc.) to allow expected changes in stream channel cross sections, vegetation, and discharge rates, velocities, and/or durations without adverse impacts to channel beneficial uses. Such measures shall not include utilization of non-naturally occurring hardscape materials such as concrete, riprap, gabions, etc.

(3) Section D.1.g.(1)(c~~d~~) does not apply to ~~Priority~~ Development Projects where the project discharges stormwater runoff into channels or storm drains where the pre-existing channel or storm drain conditions result in minimal potential for erosion or other impacts to beneficial uses ~~is minimal~~. Such situations may include discharges into channels that are concrete-lined or significantly hardened (e.g., with rip-rap, sackrete, etc.) downstream to their outfall in bays or the ocean;~~,~~

underground storm drains discharging to bays or the ocean~~;~~, and construction of projects where the sub-watersheds below the projects' discharge points are ~~in~~ highly impervious (e.g., >70%) ~~watersheds, where~~ and the potential for single-project and/or cumulative impacts is minimal. Specific criteria for identification of such situations shall be included as a part of the HMP. However, plans to restore a channel reach may re-introduce the applicability of HMP controls, and would need to be addressed in the HMP.

(4) HMP Reporting

The Copermittees shall collaborate to report on HMP development as required in section J.2.a~~.1.4~~ of this Order.

(5) HMP Implementation

180 days after ~~adoption~~ approval of the HMP by the Regional Board, each Copermittee shall incorporate into its local SUSMP and ~~fully~~ implement the HMP for all applicable Priority Development Projects. Prior to approval of the HMP by the Regional Board, the early implementation of measures likely to be included in the HMP shall be encouraged by the Copermittees.

(6) Interim Hydromodification Criteria ~~Standards~~ for Projects Disturbing 50 Acres or More

~~Starting July 1, 2007, Copermittees shall implement as part of its local SUSMP an updated review process which requires proponents of Priority Development Projects in this size category to complete a Hydromodification Analysis Study (HAS) which demonstrates that the project's post-development runoff rates and durations shall not exceed estimated pre-project discharge rates and durations where the increased discharge rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in the amount and timing of runoff. The Copermittees shall require that the HAS must demonstrate that the selected hydrologic controls for the Priority Development Project will maintain an Ep value close to one in natural channels receiving runoff from the Priority Development Project.~~

Within 365 days of adoption of this Order, the Copermittees shall collectively identify an interim range of runoff flow rates for which Priority Development Project post-project runoff flow rates and durations shall not exceed pre-project runoff flow rates and durations (Interim Hydromodification Criteria), where the increased discharge flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in flow rates and durations. Development of the Interim Hydromodification Criteria shall include identification of methods to be used by Priority Development Projects to exhibit compliance with the criteria, including continuous simulation of the entire rainfall record. Starting 365 days after adoption of this Order and until the final Hydromodification Management Plan standard and criteria are implemented, each Copermittee shall require Priority Development Projects disturbing 50 acres or more to implement hydrologic controls to manage post-project runoff flow rates and durations as required by the Interim Hydromodification Criteria. Development Projects disturbing 50 acres or

more are exempt from this requirements when:

(a) The project would discharge into channels that are concrete-lined or significantly hardened (e.g., with rip-rap, sackcrete, etc.) downstream to their outfall in bays or the ocean;
(b) The project would discharge into underground storm drains discharging directly to bays or the ocean; or
(c) The project would discharge to a channel where the watershed areas below the projects' discharge points are highly impervious (e.g. >70%).

h. ENFORCEMENT OF DEVELOPMENT SITES

Each Copermittee shall enforce its storm water ordinance for all Development Projects and at all development sites as necessary to maintain compliance with this Order. Copermittee ordinances or other regulatory mechanisms shall include appropriate ~~and effective~~ sanctions to ~~ensure~~ achieve compliance. Sanctions shall include the following or their equivalent: Non-monetary penalties, fines, bonding requirements, and/or permit or occupancy denials for non-compliance.

2. Construction Component

Each Copermittee shall implement a construction program which meets the requirements of this section, reduces ~~the~~ construction site discharges of pollutants from the MS4 ~~construction sites~~ to the MEP, and ~~ensures that urban runoff~~ prevents construction site discharges from the MS4 from causing or contributing ~~construction sites do not cause or contribute~~ to a violation of water quality standards.

a. ORDINANCE UPDATE AND APPROVAL PROCESS

(1) Within 365 days of adoption of this Order, each Copermittee shall review and update its grading ordinances and other ordinances as necessary to achieve full compliance with this Order, including requirements for the implementation of all designated BMPs and other measures.

(2) Prior to approval and issuance of local construction and grading permits, each Copermittee shall:

(a) Require all individual proposed construction sites to implement designated BMPs and other measures ~~to ensure~~ so that pollutants discharged from the site will be reduced to the maximum extent practicable and will not cause or contribute to a violation of water quality standards.
(b) Prior to permit issuance, require and review the project proponent's storm water management plan to ~~ensure~~ verify compliance with their grading ordinance, other ordinances, and this Order.
(c) Verify that project proponents subject to California's statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities, (hereinafter General Construction Permit), have existing coverage under the General Construction Permit.

b. SOURCE IDENTIFICATION

Each Copermittee shall maintain and update monthly a watershed based inventory of all construction sites within its jurisdiction. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended.

c. BMP IMPLEMENTATION

(1) Each Copermittee shall designate a minimum set of ~~effective~~ BMPs and other ~~effective~~ measures to be implemented at construction sites. The designated minimum set of BMPs shall include, at a minimum:

(a) General Site Management

Comment [s1]: BMP designation section split into two sections.

(i) Pollution prevention, where appropriate.
(ii) Development and implementation of a storm water management plan ~~to ensure pollutants in runoff are reduced to the MEP and will not cause or contribute to a violation of water quality standards~~.
(iii) Minimization of areas that are cleared and graded to only the portion of the site that is necessary for construction;
(iv) Minimization of exposure time of disturbed soil areas;
(v) Minimization of grading during the wet season and correlation of grading with seasonal dry weather periods to the extent feasible.
(vi) Limitation of grading to a maximum disturbed area as determined by each Copermittee before either temporary or permanent erosion controls are implemented to prevent storm water pollution. The Copermittee has the option of temporarily increasing the size of disturbed soil areas by a set amount beyond the maximum, if the individual site is in compliance with applicable storm water regulations and the site has adequate control practices implemented to prevent storm water pollution.
(vii) Temporary stabilization and reseeding of disturbed soil areas as rapidly as feasible;
(viii) Preservation of natural hydrologic features where feasible;
(ix) Preservation of riparian buffers and corridors where feasible;
(x) Maintenance of all BMPs, until removed; and
(xi) Retention, reduction, and proper management of all pollutant discharges on site to the MEP standard.

(b) Erosion and Sediment Controls

(i) Erosion prevention, to be used as the most important measure for keeping sediment on site during construction, but never as the single method;
(ii) Sediment controls, to be used as a supplement to erosion prevention for keeping sediment on-site during construction~~, and never as the single or primary method~~;
(iii) Slope stabilization on all inactive slopes during the rainy season and during rain events in the dry season;
(iv) Slope stabilization on all active slopes during rain events regardless of the season~~, unless advanced treatment is being implemented downstream of the slope~~; and

(v) Permanent revegetation or landscaping as early as feasible.

(2) Each Copermittee shall require implementation of advanced treatment for sediment at construction sites that are determined by the Copermittee to be an ~~significant~~ exceptional threat to water quality. In evaluating the threat to water quality, the following factors shall be considered by the Copermittee:

Comment [n2]: Section on Advanced Treatment is moved to it's own section

(a) Soil erosion potential or soil type;
(b) The site's slopes;
(c) Project size and type;
(d) Sensitivity of receiving water bodies;
(e) Proximity to receiving water bodies;
(f) Non-storm water discharges;
(g) Ineffectiveness of other BMPs; and
(h) Any other relevant factors.

(3) Each Copermittee shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order at each construction site within its jurisdiction year round. However, BMP implementation requirements can vary based on wet and dry seasons. Dry season BMP implementation must plan for and address rain events that may occur during the dry season.

(4) Each Copermittee shall implement, or require implementation of, additional controls for construction sites tributary to CWA section 303(d) water body~~ies~~ segments impaired for sediment as necessary to comply with this Order. Each Copermittee shall implement, or require implementation of, additional controls for construction sites within or adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in section Attachment C of this Order) as necessary to comply with this Order.

c. INSPECTION OF CONSTRUCTION SITES

Each Copermittee shall conduct construction site inspections for compliance with its local ordinances (grading, storm water, etc.), permits (construction, grading, etc.), and this Order.

(1) During the wet season, each Copermittee shall inspect at least biweekly (every two weeks), all construction sites within its jurisdiction meeting the following criteria:

(a) All sites 50 acres or more in size and grading will occur during the wet season;
(b) All sites 1 acre or more, and tributary to a CWA section 303(d) water body segment impaired for sediment or within or directly adjacent to or discharging directly to a receiving water within an ESA; and
(c) Other sites determined by the Copermittees or the Regional Board as a significant threat to water quality. In evaluating threat to water quality, the following factors shall be considered: (1) soil erosion potential; (2) site slope; (3) project size and type; (4) sensitivity of receiving water bodies; (5) proximity to receiving water bodies; (6) non-storm water discharges; (7) past

record of non-compliance by the operators of the construction site; and (8) any other relevant factors.

(2) During the wet season, each Copermittee shall inspect at least monthly, all construction sites with one acre or more of soil disturbance not meeting the criteria specified above in section D.2.~~d~~c.(1).

(3) During the wet season, each Copermittee shall inspect as needed, construction sites less than 1 acre in size.

(4) Each Copermittee shall inspect all construction sites as needed during the dry season.

(5) Based upon site inspection findings, each Copermittee shall implement all follow-up actions (i.e., reinspection, enforcement) necessary to comply with this Order.

(6) Inspections of construction sites shall include, but not be limited to:

(a) Check for coverage under the General Construction Permit (Notice of Intent (NOI) and/or Waste Discharge Identification No.) during initial inspections;
(b) Assessment of compliance with Permittee ordinances and permits related to urban runoff, including the implementation and maintenance of designated minimum BMPs;
(c) Assessment of BMP effectiveness;
(d) Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff;
(e) Education and outreach on storm water pollution prevention, as needed; and
(f) Creation of a written ~~record of the~~ or electronic inspection report.

(7) The Copermittees shall track the number of inspections for the inventoried construction sites throughout the reporting period to ~~ensure~~ verify that the sites are inspected at the minimum frequencies required.

d. ENFORCEMENT OF CONSTRUCTION SITES

Each Copermittee shall develop and implement an escalating enforcement process that achieves prompt ~~and effective~~ corrective actions at construction sites for violations of the Copermittee's water quality protection permit requirements and ordinances. This enforcement process shall include authorizing the Copermittee's construction site inspectors to take immediate enforcement actions when appropriate and necessary. The enforcement process shall include appropriate ~~and effective~~ sanctions such as stop work orders, non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance.

e. REPORTING OF NON-COMPLIANT SITES

In addition to the notification requirements in section 5(e) of Attachment B, each Copermittee shall notify the Regional Board when the Copermittee issues a stop work order or other high level enforcement to a ~~non-compliant~~ construction site in their jurisdiction as a result of storm water violations.

3. Existing Development Component

a. MUNICIPAL

Each Copermittee shall implement a municipal program which meets the requirements of this section, reduces ~~the~~ municipal discharges of pollutants from the MS4 ~~municipal areas and activities~~ to the MEP, and ~~ensures that urban runoff~~ prevents municipal discharges from the MS4 from causing or contributing ~~municipal areas and activities do not cause or contribute~~ to a violation of water quality standards.

(1) Source Identification

Each Copermittee shall annually update a watershed based inventory of municipal areas and activities. The inventory shall include the name, address (if applicable), and a description of the area/activity, which pollutants are potentially generated by the area/activity, and identification of whether the area/activity is tributary to a CWA section 303(d) water body segment and generates pollutants for which the water body segment is impaired. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended when applicable, but not required.

(2) BMP Implementation

(a) Each Copermittee shall implement ~~effective~~ pollution prevention methods in its municipal program and shall require their use by appropriate municipal departments and personnel, where appropriate.

(b) Each Copermittee shall designate a minimum set of ~~effective~~ BMPs for all municipal areas and activities. The designated minimum BMPs for municipal areas and activities shall be area or activity specific as appropriate.

(c) Each Copermittee shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order for each municipal area or activity within its jurisdiction.

(d) Each Copermittee shall evaluate the feasibility of retrofitting existing structural flood control devices and retrofit where needed.

(e) Each Copermittee shall implement, or require implementation of, any additional controls for municipal areas and activities tributary to CWA section 303(d) impaired water body~~ies~~ segments (where an area or activity generates pollutants for which the water body segment is impaired) as necessary to comply with this Order. Each Copermittee shall implement, or require implementation of, additional controls for municipal areas and activities within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order) as necessary to comply with this Order.

(f) Each Copermittee shall implement, or require implementation of, additional controls for special events within their jurisdiction that are expected to generate significant trash and litter. Controls to consider shall include:

i. Temporary screens on catch basins and storm drain inlets;
ii. Temporary fencing to prevent windblown trash from entering adjacent water bodies and MS4 channels;
iii. Proper management of trash and litter;
iv. Catch basin cleaning following the special event and prior to an anticipated rain event;
v. Street sweeping of roads, streets, highways and parking facilities following the special event; and
vi. Other equivalent controls.

(3) Operation and Maintenance of Municipal Separate Storm Sewer System and Structural Controls

(a) Each Copermittee shall implement a schedule of inspection and maintenance activities to ~~ensure~~ verify proper operation of all municipal structural treatment controls designed to reduce pollutant discharges to or from its MS4s and related drainage structures.

(b) Each Copermittee shall implement a schedule of maintenance activities for the MS4 and MS4 facilities (catch basins, storm drain inlets, open channels, etc). The maintenance activities shall, at a minimum, include:

i. Inspection ~~of all Copermittee catch basins and storm drain inlets~~ at least once a year between May 1 and September 30 of each year for all MS4 facilities that receive or collect high volumes of trash and debris. All other MS4 facilities shall be inspected at least annually throughout the year. ~~If accumulated waste (e.g. sediment, trash, debris and other pollutants) is visible, the accumulated waste in the catch basin or storm drain shall be cleaned out. Additional cleaning shall be conducted as necessary.~~
ii. Following two years of inspections, any MS4 facility that requires inspection and cleaning less than annually may be inspected as needed, but not less that every other year. ~~Inspection of all Copermittee open channels and removal of any observed anthropogenic litter from the open channels at least once a year between May 1 and September 30, with additional inspection and removal as necessary.~~
iii. Any catch basin or storm drain inlet that has accumulated trash and debris greater than 33% of design capacity shall be cleaned in a timely manner. Any MS4 facility that is designed to be self cleaning shall be cleaned of any accumulated trash and debris immediately. Open channels shall be cleaned of observed anthropogenic litter in a timely manner. ~~Inspection, maintenance, and cleaning of other portions of the MS4 according to an established prioritized schedule.~~
iv. Record keeping of the maintenance and cleaning activities including the overall quantity of waste removed.
v. Proper disposal of waste removed pursuant to applicable laws.
vi. Measures to eliminate waste discharges during MS4 maintenance and cleaning activities.

(4) Management of Pesticides, Herbicides, and Fertilizers

The Copermittees shall implement BMPs to reduce the contribution of pollutants associated with the application, storage, and disposal of pesticides, herbicides and fertilizers from municipal areas and activities to MS4s. Important municipal areas and activities include municipal facilities, public rights-of-way, parks, recreational facilities, golf courses, cemeteries, botanical or zoological gardens and exhibits, landscaped areas, etc.

Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators and distributors; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) schedules for irrigation and chemical application; and (5) the collection and proper disposal of unused pesticides, herbicides, and fertilizers.

(5) Sweeping of Municipal Areas

Each Copermittee shall implement a program to sweep improved (possessing a curb and gutter) municipal roads, streets, highways, and parking facilities. The program shall include the following measures:

(a) Roads, streets, highways, and parking facilities identified as consistently generating the highest volumes of trash and/or debris shall be swept at least two times per month.

(b) Roads, streets, highways, and parking facilities identified as consistently generating moderate volumes of trash and/or debris shall be swept at least monthly.

(c) Roads, streets, highways, and parking facilities identified as generating low volumes of trash and/or debris shall be swept as necessary, but no less than once per year.

~~(d)Roads, streets, highways, and parking facilities shall be swept following any special events (festivals, sporting events, etc.) at those locations.~~

(6) ~~Limit~~ Infiltration From Sanitary Sewer to MS4/Provide Preventive Maintenance of Both

Each Copermittee shall implement controls and measures to ~~limit~~ prevent and eliminate infiltration of seepage from municipal sanitary sewers to MS4s through thorough, routine preventive maintenance of the MS4. Each Copermittee that operates both a municipal sanitary sewer system and a MS4 shall implement controls and measures to ~~limit~~ prevent and eliminate infiltration of seepage from the municipal sanitary sewers to the MS4s that shall include overall sanitary sewer and MS4 surveys and thorough, routine preventive maintenance of both.

(7) Inspection of Municipal Areas and Activities

(a) At a minimum, each Copermittee shall inspect the following high priority municipal areas and activities annually:

i. Roads, Streets, Highways, and Parking Facilities.
ii. Flood Management Projects and Flood Control Devices.
iii. Areas and activities tributary to a C WA section 303(d) impaired water body segment, where an area or activity generates pollutants for which the water body segment is impaired. Areas and activities within or adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order).
iv. Municipal Facilities.
[1] Active or closed municipal landfills;
[2] Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;
~~[3]Municipal separate storm sewer systems;~~
~~[4]~~[3] Solid waste transfer facilities;
~~[5]~~[4] Land application sites;
~~[6]~~[5] Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles; and
~~[7]~~[6] Household hazardous waste collection facilities.
v. Municipal airfields.
vi. Parks and recreation facilities.
vii. Special event venues following special events (festivals, sporting events, etc.)
viii. Power washing.
ix. Other municipal areas and activities that the Copermittee determines may contribute a significant pollutant load to the MS4.

(b) Other municipal areas and activities shall be inspected as needed.

(c) Based upon site inspection findings, each Copermittee shall implement all follow-up actions necessary to comply with this Order.

(8) Enforcement of Municipal Areas and Activities

Each Copermittee shall enforce its storm water ordinance for all municipal areas and activities as necessary to maintain compliance with this Order.

b. INDUSTRIAL AND COMMERCIAL

Each Copermittee shall implement an industrial and commercial program which meets the requirements of this section, reduces ~~the~~ industrial and commercial discharges of pollutants from the MS4 ~~industrial and commercial sites/sources~~ to the MEP, and prevents industrial and commercial ~~ensures that urban runoff~~ discharges from the MS4 from causing or contributing ~~industrial and commercial sites/sources do not cause or contribute~~ to a violation of water quality standards.

(1) Source Identification

Each Copermittee shall annually update a watershed-based inventory of all industrial and commercial sites/sources within its jurisdiction (regardless of ownership) that could contribute a significant pollutant load to the MS4. The inventory shall include the following minimum information for each industrial and commercial site/source: name; address; pollutants potentially generated by the site/source (and identification of whether the site/source is tributary to a Clean Water Act section 303(d) water body segment and generates pollutants for which the water body segment is impaired); and a narrative description including SIC codes which best reflects the principal products or services provided by each facility. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended.

At a minimum, the following sites/sources shall be included in the inventory:

(a) Commercial Sites/Sources:

i. Automobile repair, maintenance, fueling, or cleaning;
ii. Airplane repair, maintenance, fueling, or cleaning;
iii. Boat repair, maintenance, fueling, or cleaning;
iv. Equipment repair, maintenance, fueling, or cleaning;
v. Automobile and other vehicle body repair or painting;
vi. Mobile automobile or other vehicle washing;
vii. Automobile (or other vehicle) parking lots and storage facilities;
viii. Retail or wholesale fueling;
ix. Pest control services;
x. Eating or drinking establishments, including food markets;
xi. Mobile carpet, drape or furniture cleaning;
xii. Cement mixing or cutting;
xiii. Masonry;
xiv. Painting and coating;
xv. Botanical or zoological gardens and exhibits;
xvi. Landscaping;
xvii. Nurseries and greenhouses;
xviii. Golf courses, parks and other recreational areas/facilities;
xix. Cemeteries;
xx. Pool and fountain cleaning;
xxi. Marinas;
xxii. Portable sanitary services ~~a Potty servicing~~;
xxiii. Building material retailers and storage;
xxiv. Animal facilities; and
xxv. Power washing services.

(b) Industrial Sites/Sources:

i. Industrial Facilities, as defined at 40 CFR § 122.26(b)(14), including those subject to the General Industrial Permit or other individual NPDES permit;
ii. Operating and closed landfills;
iii. Facilities subject to SARA Title III; and
iv. Hazardous waste treatment, disposal, storage and recovery facilities.

(c) All other commercial or industrial sites/sources tributary to a CWA Section 303(d) impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired. All other commercial or industrial sites/sources within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order).

(d) All other commercial or industrial sites/sources that the Copermittee determines may contribute a significant pollutant load to the MS4.

(2) BMP Implementation

(a) Each Copermittee shall require the use of ~~effective~~ pollution prevention methods by industrial and commercial sites/sources, where appropriate.

(b) Each Copermittee shall designate a minimum set of ~~effective~~ BMPs for all industrial and commercial sites/sources. The designated minimum BMPs shall be specific to facility types and pollutant generating activities, as appropriate.

(c) Within the first three years of implementation of the updated Jurisdictional Urban Runoff Management Program, each Copermittee shall notify the owner/operator of each inventoried industrial and commercial site/source of the BMP requirements applicable to the site/source.

(d) Each Copermittee shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order at each industrial and commercial site/source within its jurisdiction.

(e) Each Copermittee shall implement, or require implementation of, additional controls for industrial and commercial sites/sources tributary to CWA section 303(d) impaired water body~~ies~~ segments (where a site/source generates pollutants for which the water body segment is impaired) as necessary to comply with this Order. Each Copermittee shall implement, or require implementation of, additional controls for industrial and commercial sites/sources within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order) as necessary to comply with this Order.

(3) Inspection of Industrial and Commercial Sites/Sources

(a) Each Copermittee shall conduct industrial and commercial site inspections for compliance with its ordinances, permits, and this Order. Inspections shall include but not be limited to:

i. Review of BMP implementation plans, if the site uses or is required to use such a plan;
ii. Review of facility monitoring data, if the site monitors its runoff;

iii. Check for coverage under the General Industrial Permit (Notice of Intent (NOI) and/or Waste Discharge Identification No.), if applicable;
iv. Assessment of compliance with Copermittee ordinances and permits related to urban runoff;
v. Assessment of BMP implementation, maintenance and effectiveness;
vi. Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff; and
vii. Education and ~~outreach~~ training on storm water pollution prevention, as conditions warrant.

(b) ~~Each Copermittee shall annually inspect all sites determined to pose a high threat to water quality.~~ At a minimum, 50% of all sites (excluding mobile sources) determined to pose a high threat to water quality shall be inspected in the first year of implementation of the updated Jurisdictional Urban Runoff Management Program, regardless of whether this exceeds the number of inspections required in section D.3.b.(3)(c). This requirement shall increase to 100% of the sites in the second year, and 100% annually thereafter. In any year that the total number of required inspection per section D.3.b.(3)(c) exceeds the number of high threat to water quality sites, all high threat to water quality sites shall be inspected. In evaluating threat to water quality, each Copermittee shall address, at a minimum, the following:

i. Type of activity (SIC code);
ii. Materials used at the facility;
iii. Wastes generated;
iv. Pollutant discharge potential;
v. Non-storm water discharges;
vi. Size of facility;
vii. Proximity to receiving water bodies;
viii. Sensitivity of receiving water bodies;
ix. Whether the facility is subject to the General Industrial Permit or an individual NPDES permit;
x. Whether the facility has filed a No Exposure Certification/Notice of Non-Applicability;
xi. Facility design;
xii. Total area of the site, area of the site where industrial or commercial activities occur, and area of the site exposed to rainfall and runoff;
xiii. The facility's compliance history; and
xiv. Any other relevant factors.

(c) At a minimum, 20~~40~~% of the sites inventoried as required in section D.3.b.(1) above (excluding mobile ~~businesses~~sources) shall be inspected ~~each~~ in the first year of implementation of the updated Jurisdictional Urban Runoff Management Program. This requirement shall increase to 25% of the sites in the second year, and 25% annually thereafter.

(d) ~~In addition to conducting inspections, e~~Each Copermittee ~~shall~~ may develop and implement a third party inspection program for verifying industrial and commercial site/source compliance with its ordinances, permits, and this Order. The third party inspections can satisfy up to 30% of the inspection

requirements in section D.3.b(3)(c), with the Copermittee having to fulfill the remaining required inspections. To the extent that third party inspections are conducted to fulfill the requirements of section D.3.b(3)(c), the Copermittee will be responsible for the inspection of an additional site for every three sites inspected by a third party. The additional inspections may be conducted by the Copermittee or a third party inspector. The Copermittees third party inspection program must include the following:~~, if determined to be necessary by the Copermittee. In developing the program, each Copermittee shall consider use of:~~

i. ~~Compliance certifications (including submitting monitoring results, if applicable)~~ A description of facility types proposed to be inspected by third parties, including SIC codes;
ii. ~~Third party inspections~~A third party inspector certification program;
iii. The inspection requirements described in section D.3.b.(3)(a);
iv. Inspection form templates for third party inspector use;
v. Photo documentation of potential storm water violations identified during the third party inspection;
~~iii.~~vi. An annual Copermittee audit of random, representative sites that were inspected by a third party; ~~Facility or industry specific surveys; and~~
vii. ~~Other relevant factors.~~ An annual Copermittee audit of random, representative third party inspectors;
viii. Reporting to the Copermittee of identified significant potential violations within 24 hours of the third party inspection;
ix. Reporting to the Copermittee of all inspection findings within one week of the inspection being conducted; and
x. Copermittee follow-up and/or enforcement actions for identified potential storm water violations within 2 business days of the inspection or potential violation report receipt.

(e) Based upon site inspection findings, each Copermittee shall implement all follow-up actions and enforcement necessary to comply with this Order.

(f) To the extent that the Regional Board has conducted an inspection of an industrial site during a particular year, the requirement for the responsible Copermittee to inspect this facility during the same year will be satisfied.

(g) The Copermittees shall track the number of inspections for the inventoried industrial and commercial sites/sources throughout the reporting period to ~~ensure~~ verify that the sites/sources are inspected at the minimum frequencies listed in sections D.3.b.(3)(b) and D.3.b.(3)(c).

(4) Regulation of Mobile Businesses

(a) Each Copermittee shall develop and implement a program to reduce the discharge of pollutants from mobile businesses to the MEP. Each Copermittee shall keep as part of their inventory (section D.3.b.(1) above), a listing of mobile businesses known to operate within its jurisdiction. The program shall include:

i. Development and implementation of minimum standards and BMPs to be required for each of the various types of mobile businesses.
ii. Development and implementation of an enforcement strategy which specifically addresses the unique characteristics of mobile businesses.
iii. Notification of those mobile businesses known to operate within the Copermittee's jurisdiction of the minimum standards and BMP requirements and local ordinances.
iv. Development and implementation of an outreach and education strategy.
v. Inspection of mobile businesses as needed.

(b) If they choose to, the Copermittees may cooperate in developing and implementing their programs for mobile businesses, including sharing of mobile business inventories, BMP requirements, enforcement action information, and education.

(5) Enforcement of Industrial and Commercial Sites/Sources

Each Copermittee shall enforce its storm water ordinance for all industrial and commercial sites/sources as necessary to maintain compliance with this Order. Copermittee ordinances or other regulatory mechanisms shall include appropriate ~~and effective~~ sanctions to ~~ensure~~ achieve compliance. Sanctions shall include the following or their equivalent: Non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance.

(6) Reporting of Industrial Non-Filers

As part of each Annual Report, each Copermittee shall report a list of industrial sites, including the name, address, and SIC code, that may require coverage under the General Industrial Permit for which a NOI has not been filed.

c. RESIDENTIAL

Each Copermittee shall implement a residential program which meets the requirements of this section, reduces ~~the~~ residential discharges of pollutants from the MS4 ~~residential areas and activities~~ to the MEP, and ~~ensures that urban~~ prevents residential ~~runoff~~ discharges from the MS4 from causing or contributing ~~residential areas and activities do not cause or contribute~~ to a violation of water quality standards.

(1) Threat to Water Quality Prioritization

Each Copermittee shall identify high threat to water quality residential areas and activities. At a minimum, these shall include:

(a) Automobile repair, maintenance, washing, and parking;
(b) Home and garden care activities and product use (pesticides, herbicides, and fertilizers);
(c) Disposal of trash, pet waste, green waste, and household hazardous waste (e.g., paints, cleaning products);
(d) Any other residential source that the Copermittee determines may contribute a significant pollutant load to the MS4;
(e) Any residential areas tributary to a CWA section 303(d) impaired water body, where the residence generates pollutants for which the water body is impaired; and
(f) Any residential areas within or directly adjacent to or discharging directly to a coastal lagoon or other receiving waters within an environmentally sensitive area (as defined in Attachment C of this Order).

(2) BMP Implementation

(a) Each Copermittee shall designate minimum ~~effective~~ BMPs for high threat to water quality residential areas and activities. The designated minimum BMPs for high threat to water quality municipal areas and activities shall be area or activity specific.

(b) Each Copermittee shall encourage the use of ~~effective~~ pollution prevention methods by residents, where appropriate.

(c) Each Copermittee shall facilitate the proper management and disposal of used oil, toxic materials, and other household hazardous wastes. Such facilitation shall include educational activities, public information activities, and establishment of collection sites operated by the Copermittee or a private entity. Curbside collection of household hazardous wastes is encouraged.

(d) Each Copermittee shall implement, or require implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order for high threat to water quality residential areas and activities.

(e) Each Copermittee shall implement, or require implementation of, BMPs for residential areas and activities that have not been designated a high threat to water quality, as necessary.

(f) Each Copermittee shall implement, or require implementation of, any additional controls for residential areas and activities tributary to CWA section 303(d) impaired water body~~ies~~ segments (where a residential area or activity generates pollutants for which the water body segment is impaired) as necessary to comply with this Order. Each Copermittee shall implement, or require implementation of, additional controls for residential areas within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in section Attachment C of this Order) as necessary to comply with this Order.

(3) Enforcement of Residential Areas and Activities

Each Copermittee shall enforce its storm water ordinance for all residential areas and activities as necessary to maintain compliance with this Order.

(4) Evaluation of Oversight of Residential Areas and Activities

The Copermittees are encouraged to individually or collectively evaluate their methods used for oversight of residential areas and activities, including assessment of inspections of residential areas and activities. The evaluation should consider various oversight and inspection approaches to identify an effective and appropriate oversight and inspection approach for residential areas and activities.

(5) Regional Residential Education Program

Each Copermittee shall collaborate with the other Copermittees to develop and implement the Regional Residential Education Program required in section F.1~~7~~ of this Order.

4. Illicit Discharge Detection and Elimination Component

Each Copermittee shall implement an Illicit Discharge Detection and Elimination program which meets the requirements of this section and actively seeks and eliminates illicit discharges and connections.

a. ILLICIT DISCHARGES AND CONNECTIONS

Each Copermittee shall implement a program to actively seek and eliminate illicit discharges and connections into its MS4. The program shall include utilization of appropriate municipal personnel to assist in identifying illicit discharges and connections during their daily activities. The program shall address all types of illicit discharges and connections excluding those non-storm water discharges not prohibited by the Copermittee in accordance with section B of this Order.

b. DEVELOP/MAINTAIN MS4 MAP

Each Copermittee shall develop and/or update its labeled map of its entire MS4 and the corresponding drainage areas within its jurisdiction. The use of a GIS is highly recommended. The accuracy of the MS4 map shall be confirmed during dry weather field screening and analytical monitoring and shall be updated at least annually.

c. DRY WEATHER FIELD SCREENING AND ANALYTICAL MONITORING

Each Copermittee shall conduct dry weather field screening and analytical monitoring of MS4 outfalls and other portions of its MS4 within its jurisdiction to detect illicit discharges and connections in accordance with Receiving Waters and Urban Runoff Monitoring and Reporting Program No. R9-2006-0011.

d. INVESTIGATION/INSPECTION AND FOLLOW-UP

(1) Each Copermittee shall investigate and inspect any portion of the MS4 that, based on visual observations, dry weather field screening and analytical monitoring results, or other appropriate information, indicates a reasonable potential for illicit discharges, illicit connections, or other sources of non-storm water (including non-prohibited discharge(s) identified in section B of this Order). Each Copermittee shall develop/update and utilize numeric criteria action levels (or other actions level criteria where appropriate) to determine when follow-up investigations will be performed.

(2) Within ~~48 hours~~ two business days of receiving dry weather field screening ~~or analytical laboratory~~ results that exceed action levels, the Copermittees shall either conduct an investigation to identify the source of the discharge or provide the rationale for why the discharge does not pose a threat to water quality and does not need further investigation. Within two business days, where applicable, of receiving analytical laboratory results that exceed action levels, the Copermittees shall either conduct an investigation to identify the source of the discharge or provide the rationale for why the discharge does not pose a threat to water quality and does not need further investigation. Obvious illicit discharges (i.e. color, odor, or significant exceedances of action levels) shall be investigated immediately.

e. ELIMINATION OF ILLICIT DISCHARGES AND CONNECTIONS

~~Each Copermittee shall eliminate all detected illicit discharges, discharge sources, and connections immediately.~~ Each Copermittee shall take immediate action to eliminate all detected illicit discharges, illicit discharge sources, and illicit connections as soon as possible after detection. Elimination measures may include an escalating series of enforcement actions for those illicit discharges that are not a serious threat to public health or the environment. Illicit discharges that pose a serious threat to the public's health or the environment must be eliminated immediately.

f. ENFORCE ORDINANCES

Each Copermittee shall implement and enforce its ordinances, orders, or other legal authority to prevent illicit discharges and connections to its MS4. Each Copermittee shall also implement and enforce its ordinance, orders, or other legal authority to eliminate detected illicit discharges and connections to it MS4.

g. PREVENT AND RESPOND TO SEWAGE SPILLS (INCLUDING FROM PRIVATE LATERALS AND FAILING SEPTIC SYSTEMS) AND OTHER SPILLS

Each Copermittee shall prevent, respond to, contain and clean up all sewage and other spills that may discharge into its MS4 from any source (including private laterals and failing septic systems). Spill response teams shall prevent entry of spills into the MS4 and contamination of surface water, ground water and soil to the maximum extent practicable. Each Copermittee shall coordinate spill prevention, containment and response activities throughout all appropriate departments, programs and agencies ~~to ensure~~ so that maximum water quality protection is available at all times.

Each Copermittee shall develop and implement a mechanism whereby it is notified of all sewage spills from private laterals and failing septic systems into its MS4. Each Copermittee shall prevent, respond to, contain and clean up sewage from any such notification.

h. FACILITATE PUBLIC REPORTING OF ILLICIT DISCHARGES AND CONNECTIONS - PUBLIC HOTLINE

Each Copermittee shall promote, publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s. Each Copermittee shall facilitate public reporting through development and operation of a public hotline. Public hotlines can be Copermittee-specific or shared by Copermittees. All storm water hotlines shall be capable of receiving reports in both English and Spanish 24 hours per day / seven days per week. Copermittees shall respond to and resolve each reported incident in a timely manner. All reported incidents, and how each was resolved, shall be summarized in each Copermittee's individual JURMP Annual Report.

5. Education Component

Each Copermittee shall implement an education program using all media as appropriate to (1) measurably increase the knowledge of the target communities regarding MS4s, impacts of urban runoff on receiving waters, and potential BMP solutions for the target audience; and (2) to measurably change the behavior of target communities and thereby reduce pollutant releases to MS4s and the environment. At a minimum, the education program shall meet the requirements of this section and address the following target communities:

- Municipal Departments and Personnel
- Construction Site Owners and Developers
- Industrial Owners and Operators
- Commercial Owners and Operators
- Residential Community, General Public, and School Children

a. GENERAL REQUIREMENTS

(1) Each Copermittee shall educate each target community on the following topics where appropriate:

Table 3. Education

Laws, Regulations, Permits, & Requirements	**Best Management Practices**
• Federal, state, and local water quality laws and regulations • Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (Except Construction). • Statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities	• Pollution prevention and safe alternatives • Good housekeeping (e.g., sweeping impervious surfaces instead of hosing) • Proper waste disposal (e.g., garbage, pet/animal waste, green waste, household hazardous materials, appliances, tires, furniture, vehicles, boat/recreational vehicle waste, catch basin/ MS4 cleanout waste)

• Regional Board's General NPDES Permit for Ground Water Dewatering • Regional Board's 401 Water Quality Certification Program • Statewide General NPDES Utility Vault Permit • Requirements of local municipal permits and ordinances (e.g., storm water and grading ordinances and permits)	• Non-storm water disposal alternatives (e.g., all wash waters) • Methods to minimized the impact of land development and construction • Erosion prevention • Methods to reduce the impact of residential and charity car-washing • Preventive Maintenance • Equipment/vehicle maintenance and repair • Spill response, containment, and recovery • Recycling • BMP maintenance
General Urban Runoff Concepts	**Other Topics**
• Impacts of urban runoff on receiving waters • Distinction between MS4s and sanitary sewers • BMP types: facility or activity specific, site design, source control, and treatment control • Short- and long-term water quality impacts associated with urbanization (e.g., land-use decisions, development, construction) • Non-storm water discharge prohibitions • How to conduct a storm water inspections	• Public reporting mechanisms • Water quality awareness for Emergency/ First Responders • Illicit Discharge Detection and Elimination observations and follow-up during daily work activities • Potable water discharges to the MS4 • Dechlorination techniques • Hydrostatic testing • Integrated pest management • Benefits of native vegetation • Water conservation • Alternative materials and designs to maintain peak runoff values • Traffic reduction, alternative fuel use

(2) Copermittee educational programs shall emphasize underserved target audiences, high-risk behaviors, and "allowable" behaviors and discharges, including various ethnic and socioeconomic groups and mobile sources.

b. SPECIFIC REQUIREMENTS

(1) Municipal Departments and Personnel Education

(a) Municipal Development Planning – Each Copermittee shall implement an education program ~~to ensure~~ so that its planning and development review staffs (and Planning Boards and Elected Officials, if applicable) have an understanding of:

i. Federal, state, and local water quality laws and regulations applicable to Development Projects;
ii. The connection between land use decisions and short and long-term water quality impacts (i.e., impacts from land development and urbanization); and
iii. Methods of minimizing impacts to receiving water quality resulting from development, including:
[1] Storm water management plan development and review;
[2] Methods to control downstream erosion impacts;

[3] Identification of pollutants of concern;
[4] Site design BMP techniques;
[5] Source control BMPs; and
[6] Selection of the most effective treatment control BMPs for the pollutants of concern.

(b) Municipal Construction Activities – Each Copermittee shall implement an education program that includes annual training prior to the rainy season ~~to ensure~~ so that its construction, building, code enforcement, and grading review staffs, inspectors, and other responsible construction staff have, at a minimum, an understanding of the following topics, as appropriate for the target audience:

i. Federal, state, and local water quality laws and regulations applicable to construction and grading activities.
ii. The connection between construction activities and water quality impacts (i.e., impacts from land development and urbanization and impacts from construction material such as sediment).
iii. Proper implementation of erosion and sediment control and other BMPs to minimize the impacts to receiving water quality resulting from construction activities.
iv. The Copermittee's inspection, plan review, and enforcement policies and procedures to ~~ensure~~ verify consistent application.
v. Current advancements in BMP technologies.
vi. SUSMP Requirements including treatment options, site design, source control, and applicable tracking mechanisms.

(c) Municipal Industrial/Commercial Activities - Each Copermittee shall train staff responsible for conducting storm water compliance inspections and enforcement of industrial and commercial facilities at least once a year. Training shall cover inspection and enforcement procedures, BMP implementation, and reviewing monitoring data.

(d) Municipal Other Activities – Each Copermittee shall implement an education program ~~to ensure~~ so that municipal personnel and contractors performing activities which generate pollutants have an understanding of the activity specific BMPs for each activity to be performed.

(2) New Development and Construction Education

As early in the planning and development process as possible and all through the permitting and construction process, each Copermittee shall implement a program to educate project applicants, developers, contractors, property owners, community planning groups, and other responsible parties. The education program shall ~~ensure~~ provide an understanding of the topics listed in Section D.5.b.(1)(b) above, as appropriate for the audience being educated. The education program shall also educate project applicants, developers, contractors, property owners, and other responsible parties on ~~and~~ the importance of educating all construction workers in the field about stormwater issues and BMPs though formal or informal training.

(3) Residential, General Public, and School Children Education

Each Copermittee shall collaboratively conduct or participate in development and implementation of a plan to educate residential, general public, and school children target communities. The plan shall evaluate use of mass media, mailers, door hangers, booths at public events, classroom education, field trips, hands-on experiences, or other educational methods.

6. Public Participation Component

Each Copermittee shall incorporate a mechanism for public participation in the updating, development, and implementation of the Jurisdictional Urban Runoff Management Program.

E. WATERSHED URBAN RUNOFF MANAGEMENT PROGRAM

1. Each Copermittee shall implement all requirements of section E of this Order no later than 365 days after adoption of this Order, unless otherwise specified in this Order. Prior to 365 days after adoption of this Order, each Copermittee shall collaborate with the other Copermittees within its Watershed Management Area(s) (WMA) to at a minimum implement its Watershed URMP document, as the document was developed and amended to comply with the requirements of Order No. 2001-01.

2. Each Copermittee shall collaborate with other Copermittees within its WMA(s) as shown in Table 4 below to develop and implement an updated Watershed Urban Runoff Management Program for each watershed. Each updated Watershed Urban Runoff Management Program shall meet the requirements of section E of this Order, reduce the discharge of pollutants from the MS4 to the MEP, and prevent urban runoff discharges from the MS4 from causing or contributing to a violation of water quality standards. At a minimum, each Watershed Urban Runoff Management Program shall include the elements described below:

a. Lead Watershed Permittee Identification

Watershed Copermittees shall identify the Lead Watershed Permittee for their WMA. In the event that a Lead Watershed Permittee is not selected and identified by the Watershed Copermittees, by default the Copermittee identified in Table 4 as the Lead Watershed Permittee for that WMA shall be responsible for implementing the requirements of the Lead Watershed Permittee in that WMA. The Lead Watershed Copermittees shall serve as liaisons between the Copermittees and Regional Board, where appropriate.

b. Watershed Map

Watershed Copermittees shall develop and periodically update a map of the WMA to facilitate planning, assessment, and collaborative decision-making. As determined appropriate, the map shall include features such as receiving waters (including the Pacific Ocean); Clean Water Act section 303(d) impaired receiving waters; land uses, MS4s; major highways; jurisdictional boundaries; and inventoried commercial, industrial, and municipal sites.

c. Watershed Water Quality Assessment

Watershed Copermittees shall annually assess the water quality of receiving waters in their WMA. This assessment shall use applicable water quality data, reports, and analysis generated in accordance with the requirements of the Receiving Waters Monitoring and Reporting Program, as well as applicable information available from other public and private organizations.

The assessment and analysis shall annually identify the WMA's water quality problems that are partially or fully attributable to MS4 discharges. Identified water quality problems shall include CWA section 303(d) listings, persistent violations of water quality standards, toxicity, impacts to beneficial uses, and other pertinent conditions. From the list of water quality problems, the high priority water quality problems of the WMA shall be identified, which shall include those water quality problems which most significantly exceed or impact water quality standards (water quality objectives and beneficial uses).

The assessment shall include annual identification of the likely sources of the WMA's high priority water quality problems.

d. Watershed-based Land Use Planning

The Watershed Copermittees shall develop, implement, and modify, as necessary, a program for encouraging collaborative, watershed-based, land use planning in their jurisdictional planning departments.

e. Watershed Strategy

Watershed Copermittees shall develop and implement a collective watershed strategy to abate the sources and reduce the discharge of pollutants causing the high priority water quality problems of the WMA. The strategy shall guide Watershed Copermittee selection and implementation of Watershed Activities, so that the Watershed Activities selected and implemented are appropriate for each Watershed Copermittee's contribution to the WMA's high priority water quality problems.

f. Watershed Activities

(1) The Watershed Copermittees shall identify and implement Watershed Activities that address the high priority water quality problems in the WMA. Watershed Activities shall include both Watershed Water Quality Activities and Watershed Education Activities. These activities may be implemented individually or collectively, and may be implemented at the regional, watershed, or jurisdictional level.

(a) Watershed Water Quality Activities are activities other than education that address the high priority water quality problems in the WMA. A Watershed Water Quality Activity implemented on a jurisdictional basis must be organized and implemented to target a watershed's high priority water quality problems or must exceed the baseline jurisdictional requirements of section D of this Order.

(b) Watershed Education Activities are outreach and training activities that address high priority water quality problems in the WMA.

(2) A Watershed Activities List shall be submitted with each updated WURMP and updated annually thereafter. The Watershed Activities List shall include both Watershed Water Quality Activities and Watershed Education Activities, along with a description of how each activity was selected, and how all of the activities on the list will collectively abate sources and reduce pollutant discharges causing the identified high priority water quality problems in the WMA.

(3) Each activity on the Watershed Activities List shall include the following information:

(a) A description of the activity;
(b) A time schedule for implementation of the activity, including key milestones;
(c) An identification of the specific responsibilities of Watershed Copermittees in completing the activity;
(d) A description of how the activity will address the identified high priority water quality problem(s) of the watershed;
(e) A description of how the activity is consistent with the collective watershed strategy;
(f) A description of the expected benefits of implementing the activity; and
(g) A description of how implementation effectiveness will be measured.

(4) Each Watershed Copermittee shall implement identified Watershed Activities pursuant to established schedules. For each Permit year, no less than two Watershed Water Quality Activities and two Watershed Education Activities shall be in an active implementation phase. A Watershed Water Quality Activity is in an active implementation phase when significant pollutant load reductions, source abatement, or other quantifiable benefits to discharge or receiving water quality can reasonably be established in relation to the watershed's high priority water quality problem(s). Watershed Water Quality Activities that are capital projects are in active implementation for the first year of implementation only. A Watershed Education Activity is in an active implementation phase when changes in attitudes, knowledge, awareness, or behavior can reasonably be established in target audiences.

g. Copermittee Collaboration

Watershed Copermittees shall collaborate to develop and implement the Watershed Urban Runoff Management Programs. Watershed Copermittee collaboration shall include frequent regularly scheduled meetings.

h. Public Participation

Watershed Copermittees shall implement a watershed-specific public participation mechanism within each watershed. The mechanism shall encourage participation from other organizations within the watershed (such as the Department of Defense, Caltrans, lagoon foundations, etc.)

i. WURMP Review and Updates

Each WURMP shall be reviewed annually to identify needed modifications and improvements. Pursuant to the requirements of Section I.2.b of this Order the Watershed Copermittees shall develop and implement a plan and schedule to address

the identified modifications and improvements. All updates to the WURMP shall be documented in the Watershed Urban Runoff Management Program Annual Reports. Individual Watershed Copermittees shall also review and modify their jurisdictional activities and JURMPs as necessary so that they are consistent with the requirements of the WURMP.

~~1.Each Copermittee shall fully implement all requirements of section E of this Order no later than July 1, 2007, unless otherwise specified in this Order. Prior to July 1, 2007, each Copermittee shall collaborate with the other Copermittees within its watershed(s) to at a minimum fully implement its Watershed URMP document, as the document was developed to comply with the requirements of Order No. 2001-01.~~

~~2.Each Copermittee shall collaborate with other Copermittees within its watershed(s) as shown in Table 4 below to develop and implement an updated Watershed Urban Runoff Management Program for each watershed. Each updated Watershed Urban Runoff Management Program shall meet the requirements of section E of this Order, reduce the discharge of pollutants to the MEP, and ensure that urban runoff discharges do not cause or contribute to a violation of water quality standards. Each Watershed Urban Runoff Management Program shall, at a minimum:~~

~~a.Identify the Lead Watershed Permittee for each watershed. In the event that a Lead Watershed Permittee is not selected and identified by the Copermittees, by default the Copermittee identified in Table 4 as the Lead Watershed Permittee for that watershed shall be responsible for implementing the requirements of the Lead Watershed Permittee in that watershed.~~

~~b.Develop an updated accurate map of the watershed (preferably in Geographical Information System (GIS) format) that identifies all receiving waters (including the Pacific Ocean); all Clean Water Act section 303(d) impaired receiving waters (including the Pacific Ocean); land uses; MS4s; major highways; jurisdictional boundaries; and inventoried commercial, industrial, and municipal sites.~~

~~c.Identify all pertinent water quality data that is available or will be available for a watershed. At a minimum, this shall include data from mass loading station monitoring; bioassessment monitoring; coastal storm drain monitoring; ambient bay, lagoon, and coastal receiving water monitoring; toxic hot spots monitoring; special investigations; monitoring resulting from enforcement actions; dry weather analytical monitoring and field screening; toxicity identification evaluations; total maximum daily load (TMDL) monitoring; and other applicable monitoring data from public and private organizations.~~

~~d.Annually assess and analyze the watershed's water quality data identified under section E.2.c above. The assessment and analysis shall annually identify and prioritize the watershed's water quality problems that are partially or fully attributable to MS4 discharges. Identified priority water quality problems shall include CWA section 303(d) listings, persistent violations of water quality standards, toxicity, impacts to beneficial uses, and other pertinent conditions. From the list of priority water quality problems, the high priority water quality problems of the watershed shall be identified, which shall include those priority water quality problems which most significantly exceed or impact water quality standards (water quality objectives an beneficial uses).~~

~~e.Identify and annually update the sources, pollutant discharges, and/or other factors causing the high priority water quality problems within the watershed.~~

~~f.Develop and update annually a list of potential short and long term Watershed Water Quality Activities that will (1) abate the sources of the watershed's high priority water quality problems, and (2) reduce the discharge of pollutants causing the watershed's high priority water quality problems.~~

~~g.Develop and implement a collective strategy to guide Copermittee implementation of Watershed Water Quality Activities and Watershed Education Activities. The strategy shall include criteria for evaluating Watershed Water Quality Activities and Watershed Education Activities and identifying those activities which are likely to effective in reducing pollutant discharges causing the watershed's high priority water quality problems.~~

~~h.Annually evaluate the pollutant reduction effectiveness of the potential Watershed Water Quality Activities and Watershed Education Activities identified under sections E.2.f and E.2.j using criteria developed under section E.2.g.~~

~~i.Implement Watershed Water Quality Activities as part of the strategy identified under section E.2.g above.~~

~~(1)Short-term – At a minimum, each Copermittee shall implement two Watershed Water Quality Activities within its portion of each watershed annually. The Watershed Water Quality Activities shall be effective at reducing pollutant discharges causing the watershed's high priority water quality problem(s) as determined by the evaluation conducted under section E.2.h above. If a Copermittee contributes its fair share of resources to a Watershed Water Quality Activity outside of its jurisdiction but within the watershed, the number of Watershed Water Quality Activities required of the Copermittee in that watershed is reduced by one. For each regional activity implemented within a watershed which meets the criteria of the Watershed Water Quality Activity definition, where the Copermittee contributes its fair share of resources to the regional activity, the number of Watershed Water Quality Activities required of the Copermittee in that watershed is reduced by one.~~

~~(2)Long-term – At a minimum, the watershed Copermittees shall collectively either implement or conduct the planning and studies necessary to implement at least one long-term Watershed Water Quality Activity which cannot be implemented on an annual basis.~~

~~j.Develop and update annually a list of potential Watershed Education Activities that will (1) target the sources of the pollutant discharges causing the watershed's high priority water quality problems, and (2) inform appropriate target audiences of watershed concepts. Each listed Watershed Education Activity shall include a description which discusses how the activity will target sources and reduce pollutant discharges causing the identified high priority water quality problems in the watershed.~~

~~k.Implement Watershed Education Activities as part of the strategy identified under section E.2.g above.~~

~~(1)Source and Pollutant Discharge – At a minimum, each Copermittee shall implement two source and pollutant discharge based Watershed Education Activities within its portion of each watershed annually. If a Copermittee contributes its fair share of resources to a Watershed Education Activity outside of its jurisdiction but within its watershed, the number of Watershed Education Activities required of the Copermittee in that watershed is reduced by one. For each regional education activity implemented within a watershed, where the Copermittee contributes its fair share of resources to the regional education activity, the number of Watershed Education Activities required of the Copermittee in that watershed is reduced by one.~~

~~(2)Watershed Concept – At a minimum, the watershed Copermittees shall collectively conduct watershed concept based Watershed Education Activities which inform appropriate target audiences of watershed concepts.~~

~~l.Implement a watershed specific public participation mechanism within each watershed. The mechanism shall encourage participation from other organizations within the watershed (such as the Department of Defense, Caltrans, lagoon foundations, etc.)~~

~~m.Include Copermittee collaboration to develop and implement the Watershed Urban Runoff Management Programs. Copermittee collaboration shall include frequent regularly scheduled meetings and implementation of mechanisms to facilitate watershed based land use planning with other jurisdictions within the watershed.~~

Table 4. ~~Copermittees by~~ Watershed Management Areas and Watershed Copermittees

RESPONSIBLE WATERSHED COPERMITTEE(S)	WATERSHED ~~URBAN RUNOFF~~ MANAGEMENT AREA ~~PROGRAM~~	HYDROLOGIC UNIT OR AREA	MAJOR RECEIVING WATER BODIES
1. County of San Diego	Santa Margarita River	Santa Margarita HU (902.00)	Santa Margarita River and Estuary, Pacific Ocean
~~1. City of Escondido~~ **2. City of Oceanside** 3. City of Vista 4. County of San Diego	San Luis Rey River	San Luis Rey HU (903.00)	San Luis Rey River and Estuary, Pacific Ocean
1. City of Carlsbad **2. City of Encinitas** 3. City of Escondido 4. City of Oceanside 5. City of San Marcos 6. City of Solana Beach 7. City of Vista 8. County of San Diego	Carlsbad	Carlsbad HU (904.00)	Batiquitos Lagoon San Elijo Lagoon Agua Hedionda Lagoon Buena Vista Lagoon and Tributary Streams Pacific Ocean
1. City of Del Mar 2. **City of Escondido** 3. City of Poway 4. City of San Diego 5. City of Solana Beach 6. County of San Diego	San Dieguito River	San Dieguito HU (905.00)	San Dieguito River and Estuary Pacific Ocean
1. City of Del Mar **2. City of Poway** 3. City of San Diego 4. County of San Diego	Peñasquitos	Miramar Reservoir HA (906.10) Poway HA (906.20)	Los Peñasquitos Creek Los Peñasquitos Lagoon Pacific Ocean
1. City of San Diego	Mission Bay	Scripps HA (906.30) Miramar HA(906.40) Tecolote HA (906.50)	Mission Bay Pacific Ocean
1. City of El Cajon 2. City of La Mesa ~~3. City of Poway~~ ~~4~~3. City of San Diego	San Diego River	San Diego HU (907.00)	San Diego River Pacific Ocean

RESPONSIBLE WATERSHED COPERMITTEE(S)	WATERSHED ~~URBAN RUNOFF~~ MANAGEMENT AREA ~~PROGRAM~~	HYDROLOGIC UNIT OR AREA	MAJOR RECEIVING WATER BODIES
~~5~~4. City of Santee ~~6~~5. County of San Diego			
1. City of Chula Vista 2. City of Coronado 3. City of Imperial Beach 4. City of La Mesa 5. City of Lemon Grove 6. City of National City 7. City of San Diego 8. County of San Diego **9. San Diego Unified Port District** 10. San Diego County Regional Airport Authority	San Diego Bay	Pueblo San Diego HU (908.00) Sweetwater HU (909.00) Otay HU (910.00)	San Diego Bay Sweetwater River Otay River Pacific Ocean
1. City of Imperial Beach 2. City of San Diego **3. County of San Diego**	Tijuana River	Tijuana (911.00)	Tijuana River and Estuary Pacific Ocean

- The Lead Watershed Permittee for each watershed is highlighted

F. REGIONAL URBAN RUNOFF MANAGEMENT PROGRAM

The Copermittees shall ~~fully~~ implement all requirements of section F of this Order no later than ~~July 1, 2007~~365 days after adoption of this Order, unless otherwise specified in this Order.

Each Copermittee shall collaborate with the other Copermittees to develop, implement, and update as necessary a Regional Urban Runoff Management Program. The Regional Urban Runoff Management Program shall meet the requirements of section F of this Order, reduce the discharge of pollutants from the MS4 to the MEP, and ~~ensure that~~ prevent urban runoff discharges from the MS4 from causing or contributing ~~do not cause or contribute~~ to a violation of water quality standards. The Regional ~~Watershed~~ Urban Runoff Management Program shall, at a minimum:

~~1.Develop and implement urban runoff management activities on a regional level, as determined to be necessary by the Copermittees.~~

~~2.Develop minimum standards for Jurisdictional Urban Runoff Management Program, Watershed Urban Runoff Management Program, and Regional Urban Runoff Management Program implementation and reporting, as determined to be necessary by the Copermittees.~~

~~3.Develop and implement a strategy to integrate management, implementation, and reporting of jurisdictional, watershed, and regional activities, as determined to be necessary by the Copermittees. Any such integration shall assure compliance with the jurisdictional requirements of section D and the watershed requirements of section E.~~

~~4.Facilitate TMDL management and implementation, as determined to be necessary by the Copermittees.~~

~~5.Facilitate the assessment of the effectiveness of jurisdictional, watershed, and regional programs.~~

~~6.Facilitate development of strategies for implementation of activities on a watershed level, as determined to be necessary by the Copermittees.~~

~~7.~~1. Develop and implement a Regional Residential Education Program. The program shall include:

a. Pollutant specific education which focuses educational efforts on bacteria, nutrients, sediment, pesticides, and trash. If a different pollutant is determined to be more

critical for the education program, the pollutant can be substituted for one of these pollutants.

b. Education efforts focused on the specific residential sources of the pollutants listed in section F.~~7~~1.a.

~~8.~~2. Develop the standardized fiscal analysis method required in section G of this Order.

3. Facilitate the assessment of the effectiveness of jurisdictional, watershed, and regional programs.

As options, the Regional Urban Runoff Management Program may:

1. Develop and implement urban runoff management activities on a regional level, as determined to be necessary by the Copermittees.
2. Develop and implement a strategy to integrate management, implementation, and reporting of jurisdictional, watershed, and regional activities, as determined to be necessary by the Copermittees. Any such integration shall assure compliance with the jurisdictional requirements of section D and the watershed requirements of section E.
3. Facilitate TMDL management and implementation, as determined to be necessary by the Copermittees.
4. Facilitate development of strategies for implementation of activities on a watershed level, as determined to be necessary by the Copermittees.

G. FISCAL ANALYSIS

1. Each Copermittee shall secure the resources necessary to meet all requirements of this Order.

2. As part of the Regional Urban Runoff Management Program, the Copermittees shall collectively develop a standardized method and format for annually conducting and reporting fiscal analyses of their urban runoff management programs in their entirety (including jurisdictional, watershed, and regional activities). This standardized method shall:

   a. Identify the various categories of expenditures attributable to the urban runoff management programs, including a description of the specific items to be accounted for in each category of expenditures.
   b. ~~Distinguish between~~ Identify expenditures ~~attributable solely to permit compliance and expenditures~~ that contribute to multiple programs or were in existence prior to implementation of the urban runoff management program.
   c. Identify a metric or metrics to be used to report program component and total program expenditures.

3. Each Copermittee shall conduct ~~its~~ an annual fiscal analysis. Starting January 31, 2010, the annual fiscal analysis shall be conducted consistent with the standardized fiscal analysis method included in the January 31, 2009 ~~RURMP~~Regional Urban Runoff Management Program Annual Report. The annual fiscal analysis shall be conducted and reported on as part of each Copermittee's Jurisdictional Urban Runoff Management Program Annual Reports. For convenience, the fiscal analysis included in the Jurisdictional Urban Runoff Management Program Annual Reports shall address the Copermittee's urban runoff management programs in their entirety, including jurisdictional, watershed, and regional activities. ~~The fiscal analysis shall identify the expenditures incurred by the Copermittee over the Annual Report's reporting period.~~ The fiscal analysis shall ~~also~~ provide the Copermittee's urban runoff management

program budget for the current reporting period. The fiscal analysis shall include a description of the source(s) of the funds that are proposed to be used to meet the necessary expenditures, including legal restrictions on the use of such funds.

H. TOTAL MAXIMUM DAILY LOADS

1. Chollas Creek Diazinon TMDL Water Quality Based Effluent Limits (WQBELs)

a. The Copermittees in the Chollas Creek watershed shall implement BMPs capable of achieving the interim and final diazinon Waste Load Allocation (WLA) concentration in the storm water discharge in Chollas Creek listed in Table 5.

Table 5. Chollas Creek Diazinon Schedule

Calendar Year	Year	Waste Load Allocation	Interim TMDL Numeric Target	% Reduction
2004	1	0.460 µg/L	0.5 µg/L	0
2005	2	0.460 µg/L	0.5 µg/L	0
2006	3	0.460 µg/L	0.5 µg/L	0
2007	4	0.414 µg/L	0.45 µg/L	10
2008	5	0.322 µg/L	0.35 µg/L	20
2009	6	0.184 µg/L	0.20 µg/L	30
2010	7	0.045 µg/L	0.05 µg/L	30

b. The Copermittees in the Chollas Creek watershed shall not cause or contribute to the violation of the Interim TMDL Numeric Targets in Chollas Creek as listed in Table 5. If the Interim TMDL Numeric Target is violated in Chollas Creek in more than one sample in any three consecutive years, the Copermittees shall submit a report that either 1) documents compliance with the WLA through additional sampling of the urban runoff discharge or 2) demonstrates, using modeling or other technical or scientific basis, the effectiveness of additional BMPs that will be implemented to achieve the WLA. The report may be incorporated into the Watershed Urban Runoff Management Program Annual Report unless the Regional Board directs an earlier submittal. The report shall include an implementation schedule.

c. The Copermittees in the Chollas Creek watershed shall implement the Diazinon Toxicity Control Plan and Diazinon Public Outreach/Education Program as described in the report titled, "Technical Report for Total Maximum Daily Load for Diazinon in Chollas Creek Watershed, San Diego County, August 14, 2002," including subsequent modifications, in order to achieve the WLA listed in Table 5.

2. Shelter Island Yacht Basin WQBELs

a. The Copermittees in the Shelter Island Yacht Basin watershed shall implement BMPs to maintain a total annual copper discharge load of less than or equal to 30 kg copper / year.

b. The Copermittees in the Shelter Island Yacht Basin watershed shall implement, at a minimum, the BMPs included in the Copermittees' Jurisdictional Urban Runoff Management Plan, including subsequent modifications, which address the discharge of copper to achieve the annual copper load in Section H.2.a above.

I. PROGRAM EFFECTIVENESS ASSESSMENT

1. Jurisdictional

a. As part of its Jurisdictional Urban Runoff Management Program, each Copermittee shall annually assess the effectiveness of its Jurisdictional Urban Runoff Management Program implementation. At a minimum, the annual effectiveness assessment shall:

(1) Specifically assess the effectiveness of each of the following:
   (a) Each significant jurisdictional activity/BMP or type of jurisdictional activity/BMP implemented;
   (b) Implementation of each major component of the Jurisdictional Urban Runoff Management Program (Development Planning, Construction, Municipal, Industrial/Commercial, Residential, Illicit Discharge Detection and Elimination, and Education); and
   (c) Implementation of the Jurisdictional Urban Runoff Management Program as a whole.

(2) Identify and utilize measurable targeted outcomes, assessment measures, and assessment methods for each of the items listed in section I.1.a.(1) above.

(3) Utilize outcome levels 1-6[4] to assess the effectiveness of each of the items listed in section I.1.a.(1) above, where applicable and feasible.

(4) Utilize monitoring data and analysis from the Receiving Waters Monitoring Program to assess the effectiveness each of the items listed in section I.1.a.(1) above, where applicable and feasible.

(5) Utilize Implementation Assessment, Water Quality Assessment, and Integrated Assessment, where applicable and feasible.[5]

b. Based on the results of the effectiveness assessment, each Copermittee shall ~~modify~~ annually review its jurisdictional activities or BMPs to identify modifications and improvements needed to maximize Jurisdictional Urban Runoff Management Program effectiveness, as necessary to achieve compliance with section A of this Order. The Copermittees shall develop and implement a plan and schedule to address the identified modifications and improvements. Jurisdictional activities ~~or~~ /BMPs that are ineffective or less effective than other comparable jurisdictional activities ~~or~~ /BMPs shall be replaced or improved upon by implementation of more effective jurisdictional activities ~~or~~ /BMPs. Where monitoring data exhibits persistent water quality problems that are caused or contributed to by MS4 discharges, jurisdictional activities or BMPs applicable to the water quality problems shall ~~to~~ be modified and improved ~~on at least an annual basis~~ to correct the water quality problems.

c. As part of its Jurisdictional Urban Runoff Management Program Annual Reports, each Copermittee shall report on its Jurisdictional Urban Runoff Management Program effectiveness assessment as implemented under each of the requirements of sections I.1.a and I.1.b above.

2. Watershed

[4] Effectiveness assessment outcome levels are defined in Attachment C of this Order.
[5] Implementation Assessment, Water Quality Assessment, and Integrated Assessment are defined in Attachment C of this Order.

a. As part of its Watershed Urban Runoff Management Program, each watershed group of Copermittees (as identified in Table 4) shall annually assess the effectiveness of its Watershed Urban Runoff Management Program implementation. At a minimum, the annual effectiveness assessment shall:

(1) Specifically assess the effectiveness of each of the following:
   (a) Each Watershed Water Quality Activity implemented;
   (b) Each Watershed Education Activity implemented; and
   (c) Implementation of the Watershed Urban Runoff Management Program as a whole.
(2) Identify and utilize measurable targeted outcomes, assessment measures, and assessment methods for each of the items listed in section I.2.a.(1) above.
(3) Utilize outcome levels 1-6 to assess the effectiveness of each of the items listed in sections I.2.a.(1)(a) and I.2.a.(1)(b) above, where applicable and feasible.
(4) Utilize outcome levels 1-4 to assess the effectiveness of implementation of the Watershed Urban Runoff Management Program as a whole, where applicable and feasible.
(5) Utilize outcome levels 5 and 6 to qualitatively assess the effectiveness of implementation of the Watershed Urban Runoff Management Program as a whole, focusing on the high priority water quality problem(s) of the watershed. These assessments shall attempt to exhibit the impact of Watershed Urban Runoff Management Program implementation on the high priority water quality problem(s) within the watershed.
(6) Utilize monitoring data and analysis from the Receiving Waters Monitoring Program to assess the effectiveness each of the items listed in section I.2.a.(1) above, where applicable and feasible.
(7) Utilize Implementation Assessment, Water Quality Assessment, and Integrated Assessment, where applicable and feasible.

b. Based on the results of the effectiveness assessment, the watershed Copermittees shall annually review ~~modify~~ their Watershed Water Quality Activities, Watershed Education Activities, and other aspects of the Watershed Urban Runoff Management Program to identify modifications and improvements needed ~~in order~~ to maximize Watershed Urban Runoff Management Program effectiveness, as necessary to achieve compliance with section A of this Order. The Copermittees shall develop and implement a plan and schedule to address the identified modifications and improvements. Watershed Water Quality Activities ~~or~~ /Watershed Education Activities that are ineffective or less effective than other comparable Watershed Water Quality Activities ~~or~~ /Watershed Education Activities shall be replaced or improved upon by implementation of more effective Watershed Water Quality Activities ~~or~~ /Watershed Education Activities. Where monitoring data exhibits persistent water quality problems that are caused or contributed to by MS4 discharges, Watershed Water Quality Activities and Watershed Education Activities applicable to the water quality problems shall ~~to~~ be modified and improved ~~on at least an annual basis~~ to correct the water quality problems.

c. As part of its Watershed Urban Runoff Management Program Annual Reports, each watershed group of Copermittees (as identified in Table 4) shall report on its Watershed Urban Runoff Management Program effectiveness assessment as implemented under each of the requirements of section I.2.a and I.2.b above.

3. Regional

a. As part of the Regional Urban Runoff Management Program, the Copermittees shall annually assess the effectiveness of Regional Urban Runoff Management Program implementation. At a minimum, the annual effectiveness assessment shall:

(1) Specifically assess the effectiveness of each of the following:
(a) Each regional activity/BMP or type of regional activity/BMP implemented, including regional residential education activities; and
(b) The Regional Urban Runoff Management Program as a whole.
(2) Identify and utilize measurable targeted outcomes, assessment measures, and assessment methods for each of the items listed in section I.3.a.(1) above.
(3) Utilize outcome levels 1-6 to assess the effectiveness of each of the items listed in sections I.3.a.(1) above, where applicable and feasible.
(4) Utilize monitoring data and analysis from the Receiving Waters Monitoring Program to assess the effectiveness each of the items listed in section I.3.a.(1) above, where applicable and feasible.
(5) Utilize Implementation Assessment, Water Quality Assessment, and Integrated Assessment, where applicable and feasible.
~~(6)Include evaluation of the need for minimum standards for Jurisdictional Urban Runoff Management Program, Watershed Urban Runoff Management Program, and Regional Urban Runoff Management Program implementation, and assessment of the progress in developing such standards.~~
~~(7)Include evaluation of the progress in integrating management, implementation, and reporting of jurisdictional, watershed, and regional activities.~~
~~(8)Include evaluation of the progress in facilitating TMDL management and implementation.~~
~~(9)Include evaluation of the progress in developing strategies for implementation of activities on a watershed level.~~
~~(10)~~(6) Include evaluation of whether the Copermittees' jurisdictional, watershed, and regional effectiveness assessments are meeting the following objectives:
(a) Assessment of watershed health and identification of water quality issues and concerns.
(b) Evaluation of the degree to which existing source management priorities are properly targeted to, and effective in addressing, water quality issues and concerns.
(c) Evaluation of the need to address additional pollutant sources not already included in Copermittee programs.
(d) Assessment of progress in implementing Copermittee programs and activities.
(e) Assessment of the effectiveness ~~and cost-efficiency~~ of Copermittee activities in addressing priority constituents and sources.
(f) Assessment of changes in discharge and receiving water quality.
(g) Assessment of the relationship of program implementation to changes in pollutant loading, discharge quality, and receiving water quality.
(h) Identification of changes necessary to improve Copermittee programs, activities, and effectiveness assessment methods and strategies.

b. Based on the results of the effectiveness assessment, the Copermittees shall annually review ~~modify~~ their regional activities and other aspects of the Regional Urban Runoff Management Program to identify modifications and improvements needed ~~in~~

~~order to~~ maximize Regional Urban Runoff Management Program effectiveness, as necessary to achieve compliance with section A of this Order. The Copermittees shall develop and implement a plan and schedule to address the identified modifications and improvements. Regional activities that are ineffective or less effective than other comparable regional activities shall be replaced or improved upon by implementation of more effective regional activities. Where monitoring data exhibits persistent water quality problems that are caused or contributed to by MS4 discharges, regional activities applicable to the water quality problems shall ~~to~~ be modified and improved ~~on at least an annual basis~~ to correct the water quality problems.

c. Based on the results of the Copermittees' evaluation of their effectiveness assessments, the Copermittees shall modify their effectiveness assessment methods to improve their ability to accurately assess the effectiveness of their urban runoff management programs.

d. As part of its Regional Urban Runoff Management Program Annual Reports, the Copermittees shall report on its Regional Urban Runoff Management Program effectiveness assessment as implemented under each of the requirements of sections I.3.a, I.3.b, and I.3.c above.

4. TMDL BMP Implementation Plan

a. For each TMDL in a watershed, the Copermittees subject to the TMDL within the watershed shall annually assess the effectiveness of its TMDL BMP Implementation Plan or equivalent plan.[6] At a minimum, the annual effectiveness assessment shall:

(1) Specifically assess the effectiveness of each of the following:
  (a) Each activity/BMP or type of activity/BMP implemented; and
  (b) Implementation of the TMDL BMP Implementation Plan or equivalent plan as a whole.
(2) Identify and utilize measurable targeted outcomes, assessment measures, and assessment methods for each of the items listed in sections I.4.a.(1) above.
(3) Utilize outcome levels 1-6 to assess the effectiveness of each of the items listed in section ~~(~~I.4.a.(1)(a) above, where applicable and feasible.
(4) Utilize outcome levels 1-4 to assess the effectiveness of implementation of the TMDL BMP Implementation Plan or equivalent plan as a whole, where applicable and feasible.
(5) Utilize outcome levels 5 and 6 to qualitatively assess the effectiveness of the TMDL BMP Implementation Plan or equivalent plan as a whole. These assessments shall attempt to exhibit the effects of the TMDL BMP Implementation Plan or equivalent plan on the impairment that is targeted.

b. Based on the results of the effectiveness assessment, the ~~watershed~~ Copermittees subject to the TMDL shall modify their BMPs and other aspects of the TMDL BMP Implementation Plan or equivalent plan in order to maximize TMDL BMP Implementation Plan or equivalent plan effectiveness. BMPs that are ineffective or less effective than other comparable BMPs shall be replaced or improved upon by implementation of more effective BMPs. Where monitoring data exhibits persistent

[6] This requirement applies to those TMDLs where a TMDL BMP Implementation Plan or equivalent plan has been developed and submitted to the Regional Board.

water quality problems that are caused or contributed to by MS4 discharges, BMPs applicable to the water quality problems shall ~~to~~ be modified and improved ~~on at least an annual basis~~ to correct the water quality problems.

c. As part of its Watershed Urban Runoff Management Program Annual Reports, each group of Copermittees ~~in a watershed with~~ subject to a TMDL shall report on any TMDL BMP Implementation Plan or equivalent plan effectiveness assessments as implemented under each of the requirements of sections I.4.a and I.4.b above.

5. Long-term Effectiveness Assessment

a. Each Copermittee shall collaborate with the other Copermittees to develop a Long-term Effectiveness Assessment (LTEA), which shall build on the results of the Copermittees' August 2005 Baseline LTEA. The LTEA shall be submitted by the Principal Permittee to the Regional Board no later 210 days in advance of the expiration of this Order~~by January 31, 2010~~.

b. The LTEA shall be designed to address each of the objectives listed in section I.3.a.(~~8~~6) of this Order, and to serve as a basis for the Copermittees' Report of Waste Discharge for the next permit cycle.

c. The LTEA shall address outcome levels 1-6, and shall specifically include an evaluation of program implementation to changes in water quality (outcome levels 5 and 6).

d. The LTEA shall assess the effectiveness of the Receiving Waters Monitoring Program in meeting its objectives and its ability to answer the five core management questions. This shall include assessment of the frequency of monitoring conducted through the use of power analysis and other pertinent statistical methods. The power analysis shall identify the frequency and intensity of sampling needed to identify a 10% reduction in the concentration of constituents causing the high priority water quality problems within each watershed over the next permit term with 80% confidence.

e. The LTEA shall address the jurisdictional, watershed, and regional programs, with an emphasis on watershed assessment.

J. REPORTING

1. ~~Jurisdictional~~ Urban Runoff Management Plans

a. JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLANS

(1) Copermittees - The written account of the overall program to be conducted by each Copermittee to meet the jurisdictional requirements of section D of this Order is referred to as the Jurisdictional Urban Runoff Management Plan (JURMP). Each Copermittee shall revise and update its JURMP so that it describes all activities the Copermittee ~~has undertaken or is undertaking~~ will undertake to implement the requirements of each component of Jurisdictional Urban Runoff Management Program section D of this Order. ~~Each JURMP shall be updated and revised to specifically address the items specified in Attachment D.~~ Each Copermittee shall submit its updated and revised JURMP to the

Principal Permittee by the date specified by the Principal Permittee.

(2) Principal Permittee ~~– The Principal Permittee shall update and revise the Unified JURMP. The Unified JURMP submittal shall contain a section describing common activities conducted collectively by the Copermittees, to be produced by the Principal Permittee, and the twenty-one individual JURMPs.~~ The Principal Permittee shall ~~also~~ be responsible for collecting and assembling the individual JURMPs which cover the activities conducted by each individual Copermittee. The Principal Permittee shall submit the ~~Unified~~ JURMPs to the Regional Board 365 days after adoption of this Order~~on July 1, 2007~~.

(3) At a minimum, each Copermittee's JURMP shall be updated and revised to contain the following information:

Comment [s3]: This section has been moved from Attachment D.

(a) Non-Storm Water Discharges

i. Identification of non-storm water discharge categories identified as a source of pollutants to waters of the U.S.

ii. A description of whether non-storm water discharge categories identified under section ~~1~~(a)i above will be prohibited or required to implement appropriate control measures to reduce the discharge of pollutants to the MEP.

iii. Identification of any control measures to be required and implemented for non-storm water discharge categories identified under section ~~1~~(a)i above.

iv. A description of a program to reduce pollutants from non-emergency fire fighting flows identified by the Copermittee to be significant sources of pollutants.

(b) Administrative and Legal Procedures

i. Certified statement by the chief legal counsel that the Copermittee has adequate legal authority to implement and enforce each of the requirements contained in 40 CFR 122.26(d)(2)(i)(A-F) and this Order.

ii. Identification of all departments within the jurisdiction that conduct urban runoff related activities, and their roles and responsibilities under the Order. Include an up-to-date organizational chart specifying these departments and key personnel.

iii. Updated urban runoff related ordinances, with explanations of how they are enforceable.

iv. Identification of the local administrative and legal procedures available to mandate compliance with urban runoff related ordinances and therefore with the conditions of the Order.

~~v. A finding of adequacy of enforcement tools to ensure compliance with this Order.~~

~~vi.~~v. Description of how urban runoff related ordinances are implemented and appealed.

~~vii.~~vi. Description of whether the municipality can issue administrative orders and injunctions or if it must go through the court system for enforcement actions.

(c) Development Planning

i. A description of the water quality and watershed protection principles that have been or will be included in the Copermittee's General Plan, and a time schedule for when modifications are planned, if applicable.
ii. A description of the Copermittee's current environmental review process and how it addresses impacts to water quality and appropriate mitigation measures. If the Copermittee plans to modify the process during the permit term, a time schedule for modifications shall be included.
iii. A description of the development project approval process and requirements.
iv. An updated SUSMP document that meets the requirements specified in sections D.1.d and D.1.g(6). The updated SUSMP may be submitted under separate cover as an attachment to the JURMP.
v. A description of the database to be used to track and inventory approved treatment control BMPs and treatment control BMP maintenance.
vi. A completed watershed-based inventory of approved treatment control BMPs.
vii. A description of the program to be implemented to ~~ensure~~ verify approved treatment control BMPs are operating effectively and have been adequately maintained, including information on treatment control BMP inventory, prioritization, inspection, and annual verification.
viii. A description of inspections that will be conducted to verify BMPs have been constructed according to requirements.
ix. A description of collaboration efforts to be conducted to develop the HMP.
x. A description of enforcement mechanisms and how they will be used.

(d) Construction
i. Updated grading and other applicable ordinances.
ii. A description of the construction and grading approval processes.
iii. Updated construction and grading project requirements.
iv. A completed watershed-based inventory of all construction sites.
v. A description of steps that will be taken to maintain and update monthly a watershed-based inventory of all construction sites.
vi. A list and description of the minimum BMPs that will be implemented, or required to be implemented, including pollution prevention.
vii. A description of the maximum disturbed area allowed for grading before either temporary or permanent erosion controls are implemented.
viii. A description of construction site conditions where advanced treatment will be required.
~~vii.~~ix. A description of the steps that will be taken to ~~ensure~~ require and verify the implementation of the designated BMPs at all construction sites.
~~viii.~~x. A description of planned inspection frequencies.
~~ix.~~xi. A description of inspection procedures.
~~x.~~xii. A description of steps that will be taken to track construction site inspections to ~~ensure~~ verify that all construction sites are inspected at the minimum frequencies required.
~~xi.~~xiii. A description of available enforcement mechanisms, under what conditions each will be used, and how they will escalate.
~~xii.~~xiv. A description of notification procedures for non-compliant sites.

(e) Municipal

i. A completed inventory of all municipal facilities and activities.
ii. A description of which BMPs will be implemented, or required to be implemented, for municipal facilities and activities, including pollution prevention.
iii. A description of which BMPs will be implemented, or required to be implemented, for special events.
~~iii.~~iv. A description of steps that will be taken to ~~ensure~~ require and verify the implementation of designated BMPs at municipal facilities and activities.
~~iv.~~v. A description of ~~municipal~~ MS4 and MS4 facility inspection and maintenance activities and schedules.
~~v.~~vi. A description of the management strategy and BMPs to be implemented for pesticides, herbicides, and fertilizer use.
~~vi.~~vii. A description of street and parking facility sweeping activities and schedules.
~~vii.~~viii. A description of controls and measures to be implemented to ~~limit~~prevent and eliminate infiltration of seepage from sanitary sewers to MS4s.
~~viii.~~ix. A description of inspection frequencies and procedures.
~~ix.~~x. A description of enforcement mechanisms and how they will be used.

(f) Industrial and Commercial
i. A completed and prioritized inventory of all industrial and commercial sites/sources that could contribute a significant pollutant load to the MS4.
ii. A list of minimum BMPs that will be implemented, or required to be implemented, for each facility type or pollutant-generating activity, including pollution prevention.
iii. A description of the steps that will be taken to ~~ensure~~ require and verify the implementation of designated BMPs, including notification efforts.
iv. Identification of high priority sites/sources and sites/sources to be inspected during the first year of implementation.
v. A description of the steps taken to identify sites/sources to be inspected during the first year of implementation, including rationale for their selection.
vi. A description of steps that will be taken to identify sites/sources to be inspected in subsequent years.
vii. A description of inspection procedures.
viii. A description of any third party inspection program ~~compliance verification mechanisms~~ to be implemented.
ix. A description of the program to be implemented to regulate mobile businesses, including notification of BMP requirements and local ordinances.
x. A description of enforcement mechanisms and how they will be used.
xi. A description of steps that will be taken to identify non-filers and notify the Regional Board of non-filers.

(g) Residential
i. A list of residential areas and activities that have been identified as high priority.
ii. A list of minimum BMPs that will be implemented, or required to be implemented, for high priority residential activities.

iii. A description of which pollution prevention methods will be encouraged for implementation, and the steps that will be taken to encourage implementation.
iv. A description of the steps that will be taken to ~~ensure~~ require and verify the implementation of prescribed BMPs for high priority residential activities.
v. A description of efforts to facilitate proper disposal of used oil and other toxic materials.
vi. A description of efforts to evaluate methods used for oversight of residential areas and activities.
~~vi.~~vii. A description of enforcement mechanisms and how they will be used.

(h) Illicit Discharge Detection and Elimination
i. A description of the program to actively seek and eliminate illicit discharges and illicit connections.
ii. An updated MS4 map, including locations of the MS4, dry weather field screening and analytical monitoring sites, and watersheds.
iii. A description of dry weather field screening and analytical monitoring to be conducted (including procedures) which addresses all requirements included in sections B.1-4 of Receiving Waters Monitoring and Reporting Program No. R9-2006-0011.
iv. A description of investigation and inspection procedures to follow up on dry weather monitoring results or other information which indicate potential for illicit discharges and illicit connections.
v. A description of procedures to eliminate detected illicit discharges and illicit connections.
vi. A description of enforcement mechanisms and how they will be used.
vii. A description of the mechanism to receive notification of spills.
viii. A description of measures to prevent, respond to, contain, and clean up all sewage and other spills.
ix. A description of efforts to facilitate public reporting of illicit discharges and connections, including a public hotline.

(i) Education
i. A description of the content, form, and frequency of education efforts for each target community.
ii. A description of steps to be taken to educate underserved target audiences, high-risk behaviors, and "allowable" behaviors and discharges, including various ethnic and socioeconomic groups and mobile sources.
iii. A description of the content, form, and frequency of education efforts targeting municipal staff working on development planning, construction, municipal, industrial/commercial, and other aspects of the Jurisdictional Urban Runoff Management Program.
iv. A description of the content, form, and frequency of education efforts targeting new development and construction target communities.
v. A description of the content, form, and frequency of jurisdictional education efforts for the residential, general public, and school children target communities.

(j) Public Participation

i. A description of the steps that will be taken to include public participation in the development and implementation of each Copermittee's Jurisdictional Urban Runoff Management Program.

(k) Fiscal Analysis

i. A description of the fiscal analysis to be conducted annually, as required by section G of this Order ~~consistent with the standardized fiscal analysis developed by the Copermittees as part of the Regional Urban Runoff Management Program, including identification of categories of expenditures, programs the expenditures are attributable to, and metrics to be used for reporting~~.

(l) Program Effectiveness Assessment

i. A description of steps that will be taken to annually conduct program effectiveness assessments in compliance with section I.1 of the Order.

ii. Identify measurable targeted outcomes, assessment measures, and assessment methods to be used to assess the effectiveness of: (1) Each significant jurisdictional activity or BMP to be implemented; (2) Implementation of each major component of the Jurisdictional Urban Runoff Management Program; and (3) Implementation of the Jurisdictional Urban Runoff Management Program as a whole.

iii. Identify which of the outcome levels 1-6 will be utilized to assess the effectiveness of each of the items listed in sections ~~12(b)(1-3)~~ J.1.a.(3)(l)ii(1-3). Where an outcome level is determined to not be applicable or feasible for an item listed in sections ~~12(b)(1-3)~~ J.1.a.(3)(l)ii(1-3), the Copermittee shall provide a discussion exhibiting inapplicability or infeasibility.

iv. A description of the steps that will be taken to utilize monitoring data to assess the effectiveness of each of the items listed in sections ~~12(b)(1-3)~~ J.1.a.(3)(l)ii(1-3).

v. A description of the steps that will be taken to improve the Copermittee's ability to assess program effectiveness using measurable targeted outcomes, assessment measures, assessment methods, and outcome levels 1-6. Include a time schedule for when improvement will occur.

vi. A description of the steps that will be taken to identify aspects of the Copermittee's Jurisdictional Urban Runoff Management Program that will be changed, based on the results of the effectiveness assessment.

(m) JURMP Modification

i. Identification of the location in the JURMP of any changes made to the JURMP in order to meet the requirements of Order No. R9-2006-0011.

b. WATERSHED URBAN RUNOFF MANAGEMENT PLANS

(1) Copermittees - The written account of the program conducted by each watershed group of Copermittees is referred to as the Watershed Urban Runoff Management Plan (WURMP). The Copermittees within each watershed shall be responsible for updating and revising each WURMP, as specified in Table 4 above. Each WURMP shall be updated and revised to ~~fully~~ describe all activities the watershed Copermittees ~~have undertaken or will be undertaking~~ will undertake to implement the Watershed Urban Runoff Management Program

requirements of section E of this Order.

(2) Lead Watershed Permittee - Each Lead Watershed Permittee shall be responsible for producing its respective WURMP, as well as for coordination and meetings amongst all member watershed Copermittees. Each Lead Watershed Permittee is further responsible for the submittal of the WURMP to the Principal Permittee by the date specified by the Principal Permittee.

(3) Principal Permittee – ~~The Unified WURMP shall contain an updated and revised section covering common activities conducted collectively by the Copermittees, to be produced by the Principal Permittee, and the nine separate WURMPs.~~ The Principal Permittee shall assemble and submit the ~~Unified~~ WURMPs to the Regional Board 365 days after adoption of this Order~~by July 1, 2007~~.

(4) Each WURMP shall include:

(a) Identification of the Lead Watershed Permittee for the watershed.
(b) An updated watershed map.
(c) Identification and description of all ~~pertinent~~ applicable water quality data, reports, analyses, and other information to be used to assess receiving water quality.
(d) Assessment and analysis of the watershed's water quality data, reports, analyses, and other information, including identification and prioritization of the watershed's water quality problems. ~~Priority w~~Water quality problems and high priority water quality problems shall be identified.
(e) Identification of the likely sources, pollutant discharges, and/or other factors causing the high priority water quality problems within the watershed.
(f) A description of the program to be implemented to encourage collaborative, watershed-based, land-use planning.
~~(f)A list of potential Watershed Water Quality Activities, including a description of each activity, its location(s), and how it will abate sources and reduce pollutant discharges causing the identified high priority water quality problems in the watershed.~~
(g) A description of the strategy to be used to guide Copermittee implementation of Watershed Water Quality Activities and Watershed Education Activities, including criteria for evaluating and identifying effective activities.
(h) A list of potential Watershed Water Quality Activities, including a description of each activity~~,~~ and its location(s)~~, and how it will abate sources and reduce pollutant discharges causing the identified high priority water quality problems in the watershed.~~
~~(h)An evaluation of the likely effectiveness of the potential Watershed Water Quality Activities and Watershed Education Activities.~~
(i) Identification and description of the ~~short term~~ Watershed Water Quality Activities to be implemented by each Copermittee for the first year of implementation, including justification for why the activities were chosen and ~~information exhibiting that the activities will~~ a description of how the activities are expected to ~~directly and significantly~~ reduce ~~the~~ discharged ~~of~~ pollutant loads, abate pollutant sources, or result in other quantifiable benefits to discharge or receiving water quality, in relation to the watershed's high priority water quality problem(s). ~~causing the watershed's high priority water quality problems.~~ Plans for activity implementation beyond the first year of implementation should also be provided.

~~(j)Identification and description of efforts to implement a long-term Watershed Water Quality Activity.~~

~~(k)~~(j) A list of potential Watershed Education Activities~~, including a description of each activity and how the activity targets sources causing the identified high priority water quality problems in the watershed, if applicable.~~

~~(l)~~(k) Identification and description of the ~~pollutant-based~~ Watershed Education Activities to be implemented by each Copermittee for the first year of implementation, including justification for why the activities were chosen and ~~information exhibiting that the activities will~~ a description of how the activities are expected to directly target the sources and discharges of pollutants causing the watershed's high priority water quality problems. Plans for activity implementation beyond the first year of implementation should also be provided.

~~(m)Identification and description of watershed concept-based Watershed Education Activities to be implemented by the Copermittees for the first year of implementation. Plans for activity implementation beyond the first year of implementation should also be provided.~~

~~(n)~~(l) A description of the public participation mechanisms to be used and the parties anticipated to be involved.

~~(o)~~(m) A description of Copermittee collaboration to occur, including a schedule for WURMP meetings~~ and discussion of land use planning collaboration mechanisms~~.

~~(p)~~(n) A description of any TMDL BMP Implementation Plan or equivalent plan to be implemented under section H of this Order.[7]

~~(q)~~(o) A detailed description of the effectiveness assessment to be conducted for the WURMP, including a description how each of the requirements in section I.2 of this Order will be met.

c. REGIONAL URBAN RUNOFF MANAGEMENT PLAN

(1) Copermittees - The written account of the regional program to be conducted is referred to as the Regional Urban Runoff Management Plan (RURMP). Each Copermittee shall collaborate with the other Copermittees to develop the RURMP. The RURMP shall describe all activities the Copermittees ~~have undertaken or are undertaking~~ will undertake to implement the requirements of each component of Regional Urban Runoff Management Program section F of this Order. At a minimum, the RURMP shall contain the following information:

~~(2)~~(a) A common activities section that describes ~~description of~~ the urban runoff management activities to be implemented on a regional level. For regional activities which are to be implemented in compliance with any jurisdictional requirements of section D or watershed requirements of section E, it shall be described how the regional activities achieve compliance with the subject jurisdictional and/or watershed requirements.

~~(b)A description of steps that will be taken to develop and implement minimum standards for jurisdictional, watershed, and regional implementation and reporting.~~

[7] For TMDLs not yet approved by the Office of Administrative Law at the time of adoption of this Order, TMDL BMP Implementation Plans shall be submitted separately 365 days following approval of the TMDL.

~~(c)A description of a strategy to integrate management, implementation, and reporting of jurisdictional, watershed, and regional activities.~~

~~(d)A description of steps that will be taken to facilitate TMDL management and implementation.~~

~~(5)~~(b) A description of steps that will be taken to facilitate assessment of the effectiveness of jurisdictional, watershed, and regional programs.

~~(f)A description of steps that will be taken to facilitate development of strategies for implementation of activities on a watershed level.~~

~~(7)~~(c) A description of the regional residential education program to be implemented.

~~(8)~~(d) A description of the strategy for development of the standardized fiscal analysis method ~~developed as~~ required by section G of this Order.

~~(9)~~(e) A detailed description of the effectiveness assessment to be conducted for the Regional Urban Runoff Management Program, including a description how each of the requirements in section I.3 of this Order will be met.

(2) The Principal Permittee shall be responsible for creating and submitting the RURMP. The Principal Permittee shall submit the RURMP to the Regional Board 365 days after adoption of this Order~~on July 1, 2007~~.

2. Other Required Reports and Plans

a. HYDROMODIFICATION MANAGEMENT PLAN

(1) Copermittees - Each Copermittee shall collaborate with the other Copermittees to develop the HMP. The HMP shall be submitted for approval by the Regional Board.

(2) Principal Permittee - The Principal Permittee shall be responsible for producing and submitting each document according to the schedule below.

(a) ~~January 15, 2007~~Within 180 days of adoption of the Order: Submit a detailed workplan and schedule for completion of the literature review, development of a protocol to identify an appropriate ~~Ep~~ channel standard and limiting range of ~~rainfall events~~flow rates, development of guidance materials, and other required information;

(b) ~~July 15, 2007~~Within 18 months of adoption of the Order: Submit progress report on completion of requirements of the HMP;

(c) ~~January 15, 2008~~Within 2 years of adoption of the Order: Submit a draft HMP, including the analysis that identifies the appropriate limiting range of flow rates~~storm and the identified limiting storm event(s) or event range(s)~~;

(d) ~~July 15, 2008~~Within 180 days of receiving comments from the Regional Board: Submit the HMP for Regional Board approval.

b. LONG-TERM EFFECTIVENESS ASSESSMENT

In accordance with section I.5 of this Order, the Principal Permittee shall submit the LTEA to the Regional Board no later 210 days in advance of the expiration of this Order.~~by January 31, 2010~~.

c. REPORT OF WASTE DISCHARGE

The Principal Permittee shall submit to the Regional Board, no later than 210 days in advance of the expiration date of this Order, a Report of Waste Discharge (ROWD) as an application for issuance of new waste discharge requirements. At a minimum, the ROWD shall include the following: (1) Proposed changes to the Copermittees' urban runoff management programs; (2) Proposed changes to monitoring programs; (3) Justification for proposed changes; (4) Name and mailing addresses of the Copermittees; (5) Names and titles of primary contacts of the Copermittees; and (6) Any other information necessary for the reissuance of this Order.

3. Annual Reports

Comment [s4]: Section moved from section III.1 of Tentative Monitoring and Receiving Waters Monitoring Program No. R9-2006-0011.

a. JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM ANNUAL REPORTS

Each Jurisdictional Urban Runoff Management Program Annual Report shall contain a comprehensive description of all activities conducted by the Copermittee to meet all requirements of section D. The reporting period for these annual reports shall be the previous fiscal year. For example, the report submitted September 30, 2008 shall cover the reporting period July 1, 200~~6~~7 to June 30, 200~~7~~8.

(1) Copermittees – Each Copermittee shall generate individual Jurisdictional Urban Runoff Management ~~Plan~~ Program Annual Reports which cover implementation of its jurisdictional activities during the past annual reporting period. Each Copermittee shall submit to the Principal Permittee its individual Jurisdictional Urban Runoff Management ~~Plan~~ Program Annual Report by the date specified by the Principal Permittee. Each individual Jurisdictional Urban Runoff Management ~~Plan~~ Program Annual Report shall be a comprehensive description of all activities conducted by the Copermittees to meet all requirements of each component of section D of this Order~~, including the information listed in Attachment F~~.

(2) Principal Permittee – The Principal Permittee shall submit Unified Jurisdictional Urban Runoff Management ~~Plan~~ Program Annual Reports to the Regional Board by September 30 of each year, beginning on September 30, 2008. The Unified Jurisdictional Urban Runoff Management ~~Plan~~ Program Annual Report shall contain ~~a section covering common activities conducted collectively by the Copermittees and~~ the twenty-one individual Jurisdictional Urban Runoff Management ~~Plan~~ Program Annual Reports.

~~The Principal Permittee shall produce the section of the Unified Jurisdictional Urban Runoff Management Plan Annual Reports covering common activities conducted collectively by the Copermittees.~~ The Principal Permittee shall also be responsible for collecting and assembling each Copermittees' individual Jurisdictional Urban Runoff Management ~~Plan~~ Program Annual Report.

(3) At a minimum, each Jurisdictional Urban Runoff Management Program Annual Report shall contain the following information:

Comment [s5]: Section moved from Attachment E.

(a) Development Planning

i. A description of any amendments to the General Plan, the environmental review process, development project approval processes, or development project requirements.
ii. Confirmation that all development projects were required to undergo the Copermittee's urban runoff approval process and meet the applicable project requirements, including a description of how this information was tracked.
iii. A listing of the development projects to which SUSMP requirements were applied.
iv. Confirmation that all applicable SUSMP BMP requirements were applied to all priority development projects, including a description of how this information was tracked.
v. At least one example of a priority development project that was conditioned to meet SUSMP requirements and a description of the required BMPs.
vi. A listing of the priority development projects which were allowed to implement treatment control BMPs with low removal efficiency rankings, including the feasibility analyses which were conducted to exhibit that more effective BMPs were infeasible.
vii. A listing of priority development projects which implemented the site design BMP substitution program, including a description of the site design BMPs utilized for each of the development projects.
viii. An updated treatment control BMP inventory.
ix. The number of treatment control BMPs inspected, including a summary of inspection results and findings.
x. A description of the annual verification of operation and maintenance of treatment control BMPs, including a summary of verification results and findings.
xi. Confirmation that BMP verification was conducted for all priority development projects prior to occupancy, including a description of how this information was tracked.
xii. A listing of any projects which received a SUSMP waiver.
xiii. A description of implementation of any SUSMP waiver mitigation program.
xiv. A description of Hydromodification Management Plan (HMP) development collaboration and participation.
xv. A listing of development projects required to meet HMP requirements, including a description of hydrologic control measures implemented.
xvi. A listing of priority development projects not required to meet HMP requirements, including a description of why the projects were found to be exempt from the requirements.
xvii. A listing of development projects disturbing 50 acres or more, including ~~confirmation that~~ information on whether Interim Hydromodification ~~Analysis Studies~~ Criteria were ~~conducted for~~ met by each of the projects, together with a description of hydrologic control measures implemented for each applicable project.
xviii. The number of violations and enforcement actions (including types) taken for development projects, including information on any necessary follow-up actions taken. The discussion should exhibit that compliance has been achieved, or describe actions that are being taken to achieve compliance.

xix. A description of notable activities conducted to manage urban runoff from development projects.

(b) Construction

i. Confirmation that all construction sites were required to undergo the Copermittee's construction urban runoff approval process and meet the applicable construction requirements, including a description of how this information was tracked.

ii. Confirmation that a regularly updated construction site inventory was maintained, including a description of how the inventory was managed.

iii. A description of modifications made to the construction and grading ordinances and approval processes.

iv. Confirmation that the designated BMPs were implemented, or required to be implemented, for all construction sites.

v. Confirmation that a maximum disturbed area for grading was applied to all applicable construction sites.

vi. A listing of all construction sites with conditions requiring advanced treatment, together with confirmation that advanced treatment was required at such construction sites.

~~v.~~vii. For each construction site within each priority category (high, medium, and low), identification of the period of time (weeks) the site was active within the rainy season, the number of inspections conducted during the rainy season, and the number of inspections conducted during the dry season, and the total number of inspections conducted for all sites.

~~vi.~~viii. A description of the general results of the inspections.

~~vii.~~ix. Confirmation that the inspections conducted addressed all the required inspection steps to determine full compliance.

~~viii.~~x. The number of violations and enforcement actions (including types) taken for construction sites, including information on any necessary follow-up actions taken. The discussion should exhibit that compliance has been achieved, or describe actions that are being taken to achieve compliance.

~~ix.~~xi. A description of notable activities conducted to manage urban runoff from construction sites.

(c) Municipal

i. Any updates to the municipal inventory and prioritization.

ii. Confirmation that the designated BMPs were implemented, or required to be implemented, for municipal areas and activities, as well as special events.

iii. A description of inspections and maintenance conducted for municipal treatment controls.

iv. Identification of the total number of catch basins and inlets, the number of catch basins and inlets inspected, the number of catch basins and inlets found with accumulated waste exceeding cleaning criteria, and the number of catch basins and inlets cleaned.

v. Identification of the total distance (miles) of the MS4, the distance of the MS4 inspected, the distance of the MS4 found with accumulated waste exceeding cleaning criteria, and the distance of the MS4 cleaned.

vi. Identification of the total distance (miles) of open channels, the distance of open channels inspected, the distance~~d~~ of open channels found with anthropogenic litter, and the distance of open channels cleaned.

vii. Amount of waste and litter (tons) removed from catch basins, inlets, the MS4, and open channels, by category.

viii. Identification of any MS4 facility found to require inspection less than annually following two years of inspection, including justification for the finding.

~~viii.~~ix. Confirmation that the designated BMPs for pesticides, herbicides, and fertilizers were implemented, or required to be implemented, for municipal areas and activities.

x. Identification of the total distance of curb-miles of improved roads, streets, and highways identified as consistently generating the highest volumes of trash and/or debris, as well as the frequency of sweeping conducted for such roads, streets, and highways.

xi. Identification of the total distance of curb-miles of improved roads, streets, and highways identified as consistently generating moderate volumes of trash and/or debris, as well as the frequency of sweeping conducted for such roads, streets, and highways.

xii. Identification of the total distance of curb-miles of improved roads, streets, and highways identified as consistently generating low volumes of trash and/or debris, as well as the frequency of sweeping conducted for such roads, streets, and highways.

~~ix.~~xiii. Identification of the total distance of curb-miles ~~, the distance of curb-miles~~ swept ~~, and the frequency of sweeping.~~

~~x.~~xiv. Identification of the number of municipal parking lots, the number of municipal parking lots swept, and the frequency of sweeping.

~~xi.~~xv. Amount of material (tons) collected from street and parking lot sweeping.

~~xii.~~xvi. A description of efforts implemented to ~~limit~~ prevent and eliminate infiltration from the sanitary sewer to the MS4

~~xiii.~~xvii. Identification of the number of sites requiring inspections, the number of sites inspected, and the frequency of the inspections.

~~xiv.~~xviii. A description of the general results of the inspections.

~~xv.~~xix. Confirmation that the inspections conducted addressed all the required inspection steps to determine full compliance.

~~xvi.~~xx. The number of violations and enforcement actions (including types) taken for municipal areas and activities, including information on any necessary follow-up actions taken. The discussion should exhibit that compliance has been achieved, or describe actions that are being taken to achieve compliance.

~~xvii.~~xxi. A description of notable activities conducted to manage urban runoff from municipal areas and activities.

(d) Industrial and Commercial

i. Any updates to the industrial and commercial inventory.

ii. Confirmation that the designated BMPs were implemented, or required to be implemented, for industrial and commercial sites/sources.

iii. A description of efforts taken to notify owners/operators of industrial and commercial sites/sources of BMP requirements, including mobile businesses.

iv. Identification of the total number of industrial and commercial sites/sources inventoried and the total number inspected.

v. Justification and rationale for why the industrial and commercial sites/sources inspected were chosen for inspection.

vi. Confirmation that ~~the~~ all inspections conducted addressed all the required inspection steps to determine full compliance.

vii. Identification of the number of third party inspections conducted. ~~A description of efforts implemented to verify compliance in addition to inspections.~~

viii. Identification of efforts conducted to verify third party inspection effectiveness.

~~viii.~~ix. A description of efforts implemented to address mobile businesses.

~~ix.~~x. The number of violations and enforcement actions (including types) taken for industrial and commercial sites/sources, including information on any necessary follow-up actions taken. The discussion should exhibit that compliance has been achieved, or describe actions that are being taken to achieve compliance.

~~x.~~xi. A description of steps taken to identify non-filers and a list of non-filers (under the General Industrial Permit) identified by the Copermittees.

~~xi.~~xii. A description of notable activities conducted to manage urban runoff from industrial and commercial sites/sources.

(e) Residential

i. Identification of the high threat to water quality residential areas and activities that were focused on.

ii. Confirmation that the designated BMPs were implemented, or required to be implemented, for residential areas and activities.

iii. A description of efforts implemented to facilitate proper management and disposal of used oil and other household hazardous materials.

iv. Types and amounts of household hazardous wastes collected, if applicable.

v. A description of any evaluation of methods used for oversight of residential areas and activities, as well as any findings of the evaluation.

~~v.~~vi. The number of violations and enforcement actions (including types) taken for residential areas and activities, including information on any necessary follow-up actions taken. The discussion should exhibit that compliance has been achieved, or describe actions that are being taken to achieve compliance.

~~vi.~~vii. A description of collaboration efforts taken to develop and implement the Regional Residential Education Program.

~~vii.~~viii. A description of notable activities conducted to manage urban runoff from residential areas and activities.

(f) Illicit Discharge Detection and Elimination

i. Correction of any inaccuracies in either the MS4 map or the Dry Weather Field Screening and Analytical Stations Map.

ii. Reporting of all dry weather field screening and analytical monitoring results. The data should be presented in tabular and graphical form. The reporting shall include station locations, all dry weather field screening and analytical monitoring results, identification of sites where results exceeded action levels, follow-up and elimination activities for potential illicit discharges and connections, the rationale for why follow-up investigations were not conducted at sites where action levels were exceeded, any Copermittee or consultant program recommendations/changes resulting from the monitoring, and documentation that these recommendations/changes have been

implemented. Dry weather field screening and analytical monitoring reporting shall comply with all monitoring and standard reporting requirements in Attachment B of Order No. R9-2006-0011 and Receiving Waters Monitoring and Reporting Program No. R9-2006-0011.

iii. Any dry weather field screening and analytical monitoring consultant reports generated, to be provided as an attachment to the annual report.
iv. A brief description of any other investigations and follow-up activities for illicit discharges and connections.
v. The number and brief description of illicit discharges and connections identified.
vi. The number of illicit discharges and connections eliminated.
vii. Identification and description of all spills to the MS4 and response to the spills.
viii. A description of activities implemented to prevent sewage and other spills from entering the MS4.
ix. A description of the mechanism whereby notification of sewage spills from private laterals and septic systems is received.
x. Number of times the hotline was called, as compared to previous reporting periods, and a summary of the calls.
xi. A description of efforts to publicize and facilitate public reporting of illicit discharges.
xii. The number of violations and enforcement actions (including types) taken for illicit discharges and connections, including information on any necessary follow-up actions taken. The discussion should exhibit that compliance has been achieved, or describe actions that are being taken to achieve compliance.
xiii. A description of notable activities conducted to manage illicit discharges and connections.

(g) Education
i. A description of education efforts conducted for each target community.
ii. A description of how education efforts targeted underserved target audiences, high-risk behaviors, and "allowable" behaviors and discharges.
iii. A description of education efforts conducted for municipal departments and personnel.
iv. A description of education efforts conducted for the new development and construction communities.
v. A description of jurisdictional education efforts conducted for residents, the general public, and school children.

(h) Public Participation
i. A description of public participation efforts conducted.

(i) Program Effectiveness Assessment
i. An assessment of the effectiveness of the Jurisdictional Urban Runoff Management Program which meets all requirements of section I.1 of this Order.

(j) Fiscal Analysis
i. A fiscal analysis of the Copermittee's urban runoff management programs which meets all requirements of section G of this Order.

(k) Special Investigations
i. A description of any special investigations conducted.

(l) Non-Emergency Fire Fighting
i. A description of any efforts conducted to reduce pollutant discharges from non-emergency fire fighting flows.

(m) JURMP Revisions
i. A description of any proposed revisions to the JURMP.

b. WATERSHED URBAN RUNOFF MANAGEMENT PROGRAM ANNUAL REPORTS

Comment [s6]: Section moved from section III.1 of Tentative Monitoring and Receiving Waters Monitoring Program No. R9-2006-0011.

(1) Lead Watershed Permittee - Each Lead Watershed Permittee shall generate watershed specific Watershed Urban Runoff Management Program Annual Reports for their respective watershed(s), as they are outlined in Table 4 of Order No. R9-2006-0011. Copermittees within each watershed shall collaborate with the Lead Watershed Permittee to generate the Watershed Urban Runoff Management Program Annual Reports.

(2) Each Watershed Urban Runoff Management Program Annual Report shall be a comprehensive documentation of all activities conducted by the watershed Copermittees during the previous annual reporting period to meet all requirements of section E of Order No. R9-2006-0011. Each Watershed Urban Runoff Management Program Annual Report shall also serve as an update to the WURMP.[8] Each Watershed Urban Runoff Management Program Annual Report shall, at a minimum, contain the following for its reporting period:

(a) A comprehensive description of all activities conducted by the watershed Copermittees to meet all requirements of section E of Order No. R9-2006-0011.
(b) Any updates to the watershed map.
(c) An updated assessment and analysis of the watershed's current and past applicable water quality data, reports, analyses, and other information, including identification of the watershed's ~~priority~~ water quality problems and high priority water quality problem(s) during the reporting period. The annual report shall clearly state if the watershed's high priority water quality problem(s) changed from the previous reporting period, and provide justification for the change(s).
(d) Identification of the likely sources, pollutant discharges, and/or other factors causing the high priority water quality problems within the watershed. The annual report shall clearly describe any changes to the identified sources, pollutant discharges, and/or other factors that have occurred since the previous reporting period, and provide justification for the changes.

[8] The first annual report to be submitted is not anticipated to be an update to the WURMP, since it will cover the reporting period which begins immediately after WURMP submittal.

(e) An updated list of potential Watershed Water Quality Activities. The annual report shall clearly describe any changes to the list of Watershed Water Quality Activities that have occurred since the previous reporting period, and provide justification for the changes.

(f) Identification and description of the ~~short-term~~ Watershed Water Quality Activities implemented by each Copermittee during the reporting period, including information on the activities' location(s), as well as information exhibiting that the activities ~~directly and significantly~~ in active implementation phase reduced ~~the~~ discharged ~~of~~ pollutant~~s~~ loads, abated pollutant sources, or resulted in other quantifiable benefits to discharge or receiving water quality, in relation to the watershed's high priority water quality problem(s). ~~causing the watershed's high priority water quality problems.~~ The annual report shall clearly describe any changes to ~~short-term~~ Watershed Water Quality Activities implementation that have occurred since the previous reporting period, and provide justification for the changes.

~~(g)Identification and description of efforts conducted to implement long-term Watershed Water Quality Activities. The annual report shall clearly describe any changes to long-term Watershed Water Quality Activities implementation that have occurred since the previous reporting period, and provide justification for the changes.~~

~~(h)~~(g) An updated list of potential Watershed Education Activities. The annual report shall clearly describe any changes to the list of Watershed Education Activities that have occurred since the previous reporting period, and provide justification for the changes.

~~(i)~~(h) Identification and description of the ~~pollutant-based~~ Watershed Education~~.~~ Activities implemented by each Copermittee for the reporting period, including information exhibiting that the activities directly targeted the sources and discharges of pollutants causing the watershed's high priority water quality problems, and that activities in active implementation phase changed target audience attitudes, knowledge, awareness, or behavior. The annual report shall clearly describe any changes to ~~pollutant-based~~ Watershed Education Activities implementation that have occurred since the previous reporting period, and provide justification for the changes.

~~(j)Identification and description of watershed concept-based Watershed Education Activities implemented by the Copermittees during the reporting period. The annual report shall clearly describe any changes to watershed concept-based Watershed Education Activities implementation that have occurred since the previous reporting period, and provide justification for the changes.~~

~~(k)~~(i) A description of the public participation mechanisms used during the reporting period and the parties that were involved.

(j) A description of Copermittee collaboration efforts~~, including implementation of land-use planning mechanisms~~.

(k) A description of efforts implemented to encourage collaborative, watershed-based, land-use planning.

~~(m)~~(l) A description of all TMDL activities implemented (including BMP Implementation Plan or equivalent plan activities) for each approved TMDL in the watershed. The description shall include:

i. Any additional source identification information;

ii. The number, type, location, and other relevant information about BMP implementation, including any expanded or better tailored BMPs necessary to meet the WLAs;

iii. Updates in the BMP implementation prioritization and schedule;
iv. An assessment of the effectiveness of the BMP Implementation Plan, which meets the requirements of section I.4 Order No. R9-2006-0011; and
v. A discussion of the progress to date in meeting the TMDL Numeric Targets and WLAs, which incorporates the results of the effectiveness assessment, compliance monitoring, and an evaluation of additional efforts needed to date.

(n) An assessment of the effectiveness of the WURMP, which meets the requirements of section I.2 of Order No. R9-2006-0011. The effectiveness assessment shall ~~specifically~~ attempt to qualitatively or quantitatively exhibit the impact that implementation of the Watershed Water Quality Activities and the Watershed Education Activities had on the high priority water quality problem(s) within the watershed. This information shall document changes in pollutant load discharges, urban runoff and discharge quality, and receiving water quality, where applicable and feasible.

(3) Principal Permittee – The Unified Watershed Urban Runoff Management Program Annual Report shall contain ~~a section covering common activities conducted collectively by the Copermittees, to be produced by the Principal Permittee, and~~ the nine separate Watershed Urban Runoff Management Program Annual Reports. Each Lead Watershed Copermittee shall submit to the Principal Permittee a Watershed Urban Runoff Management Program Annual Report by the date specified by the Principal Permittee. The Principal Permittee shall assemble and submit the Unified Watershed Urban Runoff Management Program Annual Report to the Regional Board by January 31, 2009 and every January 31 thereafter. The reporting period for these annual reports shall be the previous fiscal year. For example, the report submitted January 31, 2009 shall cover the reporting period July 1, 2007 to June 30, 2008.

c. REGIONAL URBAN RUNOFF MANAGEMENT PROGRAM ANNUAL REPORTS

Comment [s7]: Section moved from section III.1 of Tentative Monitoring and Receiving Waters Monitoring Program No. R9-2006-0011.

The Principal Permittee shall generate the Regional Urban Runoff Management Program Annual Reports. All Copermittees shall collaborate with the Principal Permittee to generate the Regional Urban Runoff Management Program Annual Reports. Each Regional Urban Runoff Management Program Annual Report shall be a comprehensive documentation of all regional activities conducted by the Copermittees during the previous annual reporting period to meet all requirements of section F of Order No. R9-2006-0011.

The Principal Permittee shall submit the Regional Urban Runoff Management Program Annual Report to the Regional Board by January 31, 2009 and every January 31 thereafter. The reporting period for these annual reports shall be the previous fiscal year. For example, the report submitted January 31, 2009 shall cover the reporting period July 1, 2007 to June 30, 2008.

Each Regional Urban Runoff Management Program Annual Report shall, at a minimum, contain the following:

(a) A common activities section that describes ~~description of~~ the urban runoff management activities or BMPs implemented on a regional level, including

information on how the activities complied with jurisdictional or watershed requirements, if applicable.

~~(b)A description of steps taken to develop and implement minimum standards for Jurisdictional Urban Runoff Management Program, Watershed Urban Runoff Management Program, and Regional Urban Runoff Management Program implementation and reporting.~~

~~(c)A description of steps taken to implement the strategy to integrate management, implementation, and reporting of jurisdictional, watershed, and regional activities. This shall include a description of any progress made on development of an Integrated Annual Report Format.~~

~~(d)A description of steps taken to facilitate TMDL management and implementation.~~

~~(e)~~(b) A description of steps taken to facilitate assessment of the effectiveness of jurisdictional, watershed, and regional programs.

~~(f)A description of steps taken to facilitate development of strategies for implementation of activities on a watershed level.~~

~~(g)~~(c) A description of the regional residential education activities implemented as part of the regional residential education program.

~~(h)~~(d) A description of steps taken to develop and implement the standardized fiscal analysis method.

~~(i)~~(e) An assessment of the effectiveness of the Regional Urban Runoff Management Program which meets the requirements of section I.3 of Order No. R9-2006-0011.

4. **Interim Reporting Requirements -** For the ~~July 2005–June 2006 and~~ July 2006–June 2007 reporting period~~s~~, Jurisdictional URMP and Watershed URMP Annual Reports shall be submitted on ~~January 31, 2007 and~~ January 31, 2008~~, respectively~~. Each Jurisdictional URMP and Watershed URMP Annual Report submitted for this~~e~~ reporting period~~s~~ shall at a minimum be comprehensive descriptions of all activities conducted to fully implement the Copermittees' Jurisdictional URMP and Watershed URMP documents, as those documents were developed to comply with the requirements of Order No. 2001-01. The Principal Permittee shall be responsible for submitting these documents in a unified manner, consistent with the unified reporting requirements of ~~sections J.1.b and J.2.c of~~ Order No. 2001-01~~R9-2006-0011~~.

5. **Annual Report Integration**

   a. The Copermittees are encouraged to submit, for Regional Board review and approval, an annual reporting format which integrates the information submitted in the JURMP, WURMP, and RURMP Annual Reports and Monitoring Reports. This document shall be called the "Integrated Annual Report Format." ~~At a minimum, t~~The Integrated Annual Report Format ~~shall~~should:

      (1) ~~Ensure exhibition of~~ Exhibit compliance with all requirements of JURMP, WURMP, and RURMP sections D, E, and F of Order No. R9-2006-0011.

      (2) ~~Ensure reporting of~~ Report all information required in ~~Attachment E and~~ section~~s~~ J.~~1~~ 3 of Order No. R9-2006-0011.

      (3) ~~Ensure reporting of~~ Report all information required in the~~is~~ Monitoring and Reporting program.

      (4) ~~Ensure~~ Provide consistent and comparable reporting of jurisdictional and watershed information by all Copermittees and watershed groups.

(5) Specifically identify all types of information that will be reported (e.g., amount of debris collected during street sweeping), including reporting criteria for each type of information (e.g., reported in tons).
(6) Describe quality assurance/quality control methods to be used to assess accuracy of jurisdictional and watershed information conveyed.
(7) Describe each Copermittee's reporting responsibilities under the format.
(8) Improve the Copermittees' ability to assess JURMP and WURMP effectiveness in terms of water quality.
(9) Include a separate section for reporting on each Copermittee's activities.
(10) Include a separate section for reporting on each watershed's activities.

b. Upon approval of the Integrated Annual Report Format by the Regional Board, an Integrated Annual Report shall be submitted annually, which may substitute for the JURMP Annual Reports, WURMP Annual Reports, RURMP Annual Report, and/or Monitoring Reports, as approved by the Regional Board. The Principal Permittee shall be responsible for the generation and submittal of the Integrated Annual Reports. Each Copermittee shall be responsible for the information in the Integrated Annual Report pertaining to its jurisdictional, watershed, regional, and monitoring responsibilities. The Integrated Annual Report shall be submitted the first January 31 following approval of the reporting format by the Regional Board, and every January 31 thereafter. The reporting period for Integrated Annual Reports shall be the previous fiscal year. For example, a report submitted January 31, 2010 shall cover the reporting period July 1, 2008 to June 30, 2009.

c. The format and information provided in Integrated Annual Reports shall match and be consistent with the format and information described in the Integrated Annual Report Format.

6. Universal Reporting Requirements

All submittals shall include an executive summary, introduction, conclusion, recommendations, and signed certified statement. Each Copermittee shall submit a signed certified statement covering its responsibilities for each applicable ~~URMP or other~~ submittal. The Principal Permittee shall submit a signed certified statement covering its responsibilities for each applicable ~~URMP or other~~ submittal and the ~~unified~~ sections of the submittals for which it is responsible.

K. MODIFICATION OF PROGRAMS

Modifications of Jurisdictional Urban Runoff Management Programs, Watershed Urban Runoff Management Programs, and/or the Regional Urban Runoff Management Program may be initiated by the Executive Officer or by the Copermittees. Requests by Copermittees shall be made to the Executive Officer, and shall be submitted during the annual review process. Requests for modifications should be incorporated, as appropriate, into the Annual Reports or other deliverables required or allowed under this Order.

1. Minor Modifications – Minor modifications to Jurisdictional Urban Runoff Management Programs, Watershed Urban Runoff Management Programs, and/or the Regional Urban Runoff Management Program may be accepted by the Executive Officer where the Executive Officer finds the proposed modification complies with all discharge prohibitions, receiving water limitations, and other requirements of this Order.

2. Modifications Requiring an Amendment to this Order – Proposed modifications that are not minor shall require amendment of this Order in accordance with this Order's rules, policies, and procedures.

L. ALL COPERMITTEE COLLABORATION

1. Each Copermittee collaborate with all other Copermittees regulated under this Order to address common issues, promote consistency among Jurisdictional Urban Runoff Management Programs and Watershed Urban Runoff Management Programs, and to plan and coordinate activities required under this Order.

   a. Management Structure - All Copermittees shall jointly execute and submit to the Regional Board no later than 180 days after adoption of this Order, a Memorandum of Understanding, Joint Powers Authority, or other instrument of formal agreement which at a minimum:

      (1) Identifies and defines the responsibilities of the Principal Permittee and Lead Watershed Permittees;
      (2) Identifies Copermittees and defines their individual and joint responsibilities, including watershed responsibilities;
      (3) Establishes a management structure to promote consistency and develop and implement regional activities;
      (4) Establishes standards for conducting meetings, decision-making, and cost-sharing;
      (5) Provides guidelines for committee and workgroup structure and responsibilities;
      (6) Lays out a process for addressing Copermittee non-compliance with the formal agreement; and
      (7) Includes any and all other collaborative arrangements for compliance with this Order.

M. PRINCIPAL PERMITTEE RESPONSIBILITIES

Within 180 days of adoption of this Order, the Copermittees shall designate the Principal Permittee and notify the Regional Board of the name of the Principal Permittee. The Principal Permittee shall, at a minimum:

1. Serve as liaison between the Copermittees and the Regional Board on general permit issues, and when necessary and appropriate, represent the Copermittees before the Regional Board.

2. Coordinate permit activities among the Copermittees and facilitate collaboration on the development and implementation of programs required under this Order.

3. Integrate individual Copermittee documents and reports into single unified documents and reports for submittal to the Regional Board as required under this Order.

4. Produce and submit documents and reports as required by section J of this Order and Receiving Waters Monitoring and Reporting Program No. 2006-11.

5. Submit to the Regional Board, within 180 days of adoption of this Order, a formal agreement between the Copermittees which provides a management structure for meeting

the requirements of this Order (as described in section L).

6. Coordinate joint development by all of the Copermittees of standardized format(s) for all documents and reports required under this Order (e.g., JURMPs, WURMPs, annual reports, monitoring reports, etc.). The standardized reporting format(s) shall be used by all Copermittees. The Principal Permittee shall submit the standardized format(s) to the Regional Board for review no later than 180 days after adoption of this Order.

N. RECEIVING WATERS MONITORING AND REPORTING PROGRAM

Pursuant to CWC section 13267, the Copermittees shall comply with all the requirements contained in Receiving Waters and Urban Runoff Monitoring and Reporting Program No. R9-2006-0011.

O. STANDARD PROVISIONS, REPORTING REQUIREMENTS, AND NOTIFICATIONS

1. Each Copermittee shall comply with Standard Provisions, Reporting Requirements, and Notifications contained in Attachment B of this Order. This includes 24 hour/5day reporting requirements for any instance of non-compliance with this Order as described in section 5.e of Attachment B.

2. All plans, reports and subsequent amendments submitted in compliance with this Order shall be implemented immediately (or as otherwise specified). All submittals by Copermittees must be adequate to implement the requirements of this Order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on (date).

_____

John H. Robertus
Executive Officer