California Regional Water Quality Control Board
Colorado River Basin Region

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Arnold Schwarzenegger
Governor

May 28, 2008

Riverside County Flood Control and Water Conservation District – General Manager
County of Riverside – Executive Office, Mike Shetler
City of Banning – Director of Public Works
City of Cathedral City – Director of Public Works
City of Coachella – Director of Public Works
City of Desert Hot Springs – Director of Public Works
City of Indian Wells – Director of Public Works
City of Indio – Director of Public Works
City of La Quinta – Director of Public Works
City of Palm Desert – Director of Public Works
City of Palm Springs – Director of Public Works
City of Rancho Mirage – Director of Public Works
Coachella Valley Water District – General Manager

SUBJECT: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS WITH THE WHITEWATER RIVER WATERSHED (RENEWAL)

Enclosed is a copy of Board Order No. R7-2008-0001. This Board Order was adopted by the Regional Water Board on May 21, 2008 at its meeting in Indio, California. This Board Order supersedes Board Order No. 01-077, previously issued to for this Permit.

Additional full text copies of the WDRs are available on the Regional Water Board's web site at: http://www.waterboards.ca.gov/coloradoriver. Under the heading of "Board Orders", select "Year 2008" then Order R7-2008-0001. If you need a hard copy of this order mailed to you, please contact Hilda Vasquez by phone at (760) 346-7491 or via e-mail at hvasquez@waterboards.ca.gov.

If you have any questions concerning this matter, please contact John Carmona at (760) 340-4521.

ROBERT PERDUE
Executive Officer

JM/tab

Enclosure: Board Order No. R7-2008-0001

File WDID No. 7A 33 2001 M02, Coachella Valley MS4, Board Order No. 01-077

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

COLORADO RIVER BASIN REGION

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ORDER NO. R7-2008-0001
NPDES NO. CAS617002

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

Table 1. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	**May 21, 2008**
This Order shall become effective on:	**May 21, 2008**
This Order shall expire on:	**May 21, 2013**
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new ***Waste Discharge Requirements***. The date for submitting a complete application for reissuance is **November 23, 2012**.	

IT IS HEREBY ORDERED that this Order shall supercede Order No. 01-077 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the California Water Code (***CWC***) (commencing with section 13000) and regulations adopted hereunder, and the provisions of the federal Clean Water Act (***CWA***) (33 U.S.C. § 1251 et seq.) and regulations and guidelines adopted hereunder, the discharger shall comply with the requirements in this Order.

I, Robert Perdue, ***Executive Officer***, do hereby certify that this Order, with all attachments, is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 21, 2008.

Robert T. Perdue

ROBERT PERDUE, Executive Officer

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FOR
DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (*MS4*)
WITHIN THE WHITEWATER RIVER WATERSHED
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,
OWNER/OPERATOR
COUNTY OF RIVERSIDE, OWNER/OPERATOR
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE
WHITEWATER RIVER WATERSHED, OWNERS/OPERATORS

A. FINDINGS

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

1. On March 9, 2006, the County of Riverside (***County***) and the Riverside County Flood Control and Water Conservation District (***RCFC&WCD***), in cooperation with the Coachella Valley Water District (***CVWD***) and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the ***Permittees***[1]), jointly submitted ***National Pollutant Discharge Elimination System*** (***NPDES***) Application No. CAS617002 and a ***Report of Waste Discharge*** (***ROWD***) for re-issuance of ***MS4 NPDES*** permit (***MS4 Permit***).

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

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

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

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

3. The urbanized area of the ***Whitewater River Watershed*** under the jurisdiction of the ***Permittees*** and covered by this ***MS4 Permit*** is referred to as the ***Whitewater River Region***. The ***MS4 Permit*** area referred to as the ***Whitewater River Region***

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[1] Permittee(s) and discharger(s) are used interchangeably in this ***MS4 Permit***. Also, see Section K. Glossary of Terms for definitions of certain terms used in this ***MS4 Permit.*** Defined terms are capitalized and shown in italicized, bold lettering throughout the ***MS4 Permit.***

is shown in Attachment C – Site Map, incorporated herein and made a part of this ***MS4 Permit*** by reference.

The Site Map delineates the portion of the ***Whitewater River Watershed*** subject to urbanization within the term of the ***MS4 Permit*** and includes the urbanized area of the ***Whitewater River Watershed*** under the jurisdiction of the ***Permittees***.

4. The ***Permittees*** submitted a revised ***Whitewater River Region Storm Water Management Plan*** (***SWMP***), which is contained in Appendix C of the ***ROWD***, dated March 9, 2006, incorporated herein, and made a part of this ***MS4 Permit*** by reference. Accordingly, the ***SWMP*** is an enforceable component of this ***MS4 Permit.*** Similarly, any future ***Permittee*** modifications of the ***SWMP***, if approved by the ***Executive Officer***, become enforceable components of this ***MS4 Permit*** as well.

5. Discharges from the ***MS4*** facilities throughout the ***Whitewater River Region*** contribute to a cumulative ***Pollutant*** load to downstream ***Receiving Waters***. Within the ***Whitewater River Region***, it is necessary for the ***Permittees*** to coordinate their ***Urban Runoff*** management activities to achieve the greatest protection of ***Receiving Water*** quality. ***Permittee*** coordination with other ***Watershed*** stakeholders (e.g., ***CalTrans*** and the federal Bureau of Indian Affairs) is also necessary. Establishment of a management structure will assist the ***Permittees*** subject to this ***MS4 Permit*** to fund and coordinate those aspects of their joint obligations. Also, this management structure will promote cost-effective implementation of the ***SWMP*** within the ***Whitewater River Region***.

6. The ***Permittees*** entered into an ***Implementation Agreement*** to carry out the activities, regional compliance programs and responsibilities prescribed in the previously issued ***NPDES*** Permit, Order No. 01-077. The ***Implementation Agreement*** sets forth the working framework among the multiple ***Permittee*** agencies. Specific provisions of that agreement include cost sharing for public education activities and water quality monitoring. The ***Implementation Agreement*** provides non-binding guidance as to the organizational framework of the ***Principal Permittees*** and ***Co-Permittees*** and their respective responsibilities, duties, and obligations imposed by this ***MS4 Permit***.

7. The ***Permittees*** are separate legal entities and, as such, have the authority to develop, administer, implement, and enforce ***Urban Runoff*** management programs within their respective jurisdictions. In addition, the ***Permittees*** have maintenance responsibilities for the ***MS4*** facilities within their jurisdictional boundaries. Therefore, the ***Permittees*** are responsible for implementing that portion of the ***Urban Runoff*** management program for any discharges to and from their ***MS4*** facilities that is commensurate with those jurisdictional limitations. As explained by the U.S. Environmental Protection Agency (***USEPA***) in its preamble discussion of the Phase II Storm Water Final Rule (64 Fed. Reg. 68722, 68765-6 (Dec. 8, 1999)), because municipalities own and operate separate storm sewers, including storm sewers into which third parties may discharge ***Pollutants***, ***NPDES*** permits may require municipalities to control the discharge of ***Pollutants*** into the storm sewers in the first instance. Therefore, operators of ***MS4s*** cannot passively

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receive and discharge ***Pollutants*** from third parties. Instead, they must seek to control those discharges to the extent of their legal authority.

8. The ***Permittees*** may lack legal jurisdiction over discharges into their respective ***MS4***s from certain facilities, entities, properties, and other ***Point*** and ***Non-Point Source*** discharges otherwise permitted by or under the jurisdiction of the ***Regional Board***. The ***Regional Board*** recognizes that the ***Permittees*** should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate ***Pollutants*** present in ***Urban Runoff*** are beyond the ability of the ***Permittees*** to eliminate. Examples may include: operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from landscape activities, and leaching of naturally occurring minerals from local geology.

9. Consequently, certain portions of the ***Whitewater River Watershed*** are excluded from coverage under this ***MS4 Permit***, but the ***Regional Board*** finds that those activities can be and/or are being addressed through other regulatory programs, including programs administered by the ***Regional Board*** and other federal, state and local regulatory agencies. Excluded areas include:

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

10. The ***USEPA*** Phase I ***Storm Water*** Final Rule was published in Volume 55 of the Federal Register on November 16, 1990, commencing with page 47990. The Phase I rule sets forth ***NPDES*** application requirements for: ***Storm Water*** discharges associated with industrial activity; discharges from a ***MS4*** serving a population of 250,000 or more (defined as Large ***MS4s***); and discharges from ***MS4s*** serving a population of 100,000 or more but less than 250,000 (defined as Medium ***MS4s***). This final rule became effective on December 17, 1990. On March 14, 1991, the ***Executive Officer*** designated the ***Whitewater River Region*** as an area required to have a Phase 1 ***NPDES MS4 Permit***. The California Department of Finance estimated that as of January 1, 2005, approximately 402,650 persons reside in the incorporated and unincorporated portions of ***Riverside County*** within the ***Whitewater River Watershed***.

11. Discharges of ***Storm Water*** runoff from lands owned by the California Department of Transportation (***CalTrans***) are currently regulated under a separate ***NPDES*** permit (Order No. 99-06-DWQ – ***NPDES*** No. CAS000003) issued by the ***State Water Resources Control Board*** (***State Board***). ***CalTrans*** is required to comply with specific ***Effluent Limitations*** prior to discharging from its right-of-way into the ***MS4*** operated by the ***Permittees***.

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12. The ***County*** and the incorporated Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage are general purpose governments with specified land use authorities and code enforcement powers.

13. Each ***Permittee*** owns and operates the ***MS4*** through which the ***Permittees*** discharge ***Urban Runoff*** into one or more of the following ***Receiving Waters***: Coachella Valley Storm Water Channel (***CVSC***), Whitewater River, San Gorgonio River, and Little and Big Morongo Washes within the jurisdiction of the ***Regional Board***.

14. The ***Permittees*** have implemented programs to control litter, trash, and other anthropogenic-sourced materials from ***Urban Runoff***. In addition to the municipal ordinances prohibiting littering, the ***Permittees*** will continue to implement these programs, and continue organizing and implementing other programs to reduce litter and ***Illegal Discharges (IDs)***, such as solid waste collection programs, Household ***Hazardous Waste*** (***HHW***) collections, ***Hazardous Material*** spill response, catch basin ***Cleaning***, street sweeping, and recycling programs. These programs should effectively address urban sources to reduce these materials in ***Urban Runoff*** to the ***Maximum Extent Practicable (MEP)***. This ***MS4 Permit*** includes requirements for the continued implementation of programs for litter, trash, and debris control.

Characteristics of Whitewater River Region

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

- The Whitewater River is the major drainage course in the Whitewater River Hydrologic Unit Planning Area. There is perennial flow in the surrounding mountains, but because of diversions and percolation into the basin, this perennial flow infiltrates in the Whitewater River prior to reaching the urbanized area of the Coachella Valley.
- The ***CVSC*** is the constructed downstream extension of the Whitewater River channel, starting near Indio and serves as a drainage way for irrigation return flows, treated community wastewater, and ***Urban Runoff***.
- CVWD operates and maintains the ***CVSC*** and the regional subsurface drainage collection system for the Coachella Valley. General information from ***CVWD*** 2006-07 Annual Review and Water Quality Report states approximately 245,896 acre feet of water was provided for irrigation.
- The ***Whitewater River Region*** is a Phase I ***MS4 Permit Area*** in the California desert. Precipitation in the ***Whitewater River Region*** is typically only 3.6 inches per year in the urbanized areas of the Coachella Valley[2].
- In addition to the overall lack of precipitation in the ***Whitewater River Region***, there is no defined ***Rainy (Wet) Season*** within the ***Whitewater River***

[2] Water Quality Control Plan, Colorado River Basin – Region 7, California Regional Water Quality Control Board, State Water Resources Control Board October 2005, p. 1-8.

Watershed; winter storms may occur during late fall and early winter months. However, the ***General Industrial Storm Water Permit*** defines the ***Rainy Season*** to be between October 1st and May 31st.

Commonly, winter storms result from moisture-laden air from extra-tropical cyclones. Winter storms tend to be low intensity storms that cover large areas of the ***Whitewater River Watershed***. The ***Whitewater River Region*** is also subject to summer thunderstorms, common from July through September. These summer storm events occur when moist and unstable air is subject to convective lifting. Summer thunderstorms tend to be highly localized and commonly result in high intensity precipitation. Finally, the ***Whitewater River Region*** is also subject to rare summer storms, which normally occur from July to September. These storms are the result of moisture-laden air originating over the Gulf of Mexico or the South Pacific Ocean. These storms can result in heavy precipitation and last several days.

- Although portions of the ***Whitewater River Watershed*** are experiencing rapid growth, only 3.5 percent of the ***Watershed*** is comprised of urban (residential, commercial, and industrial) land uses. Non-urban land uses, including rural residential, agriculture, and open space constitute the majority of the land uses.[3] It is projected that the population of the ***Whitewater River Watershed*** will increase approximately 12.7 percent by 2010.[4] Assuming that the urbanized area of the ***Whitewater River Watershed*** increases proportionally to population, 96 percent of the ***Watershed*** would remain in non-urban land uses in 2010. This information can be found in the ***ROWD*** in Sections 2.2 and 2.3, which summarizes expected population changes in each ***Permittee's*** jurisdiction as well as identifies significant developments proposed in the upcoming ***MS4 Permit*** term.
- Over one-half (57 percent) of the ***Whitewater River Watershed*** consists of federal, state, and tribal lands[5] that are not under the jurisdiction of the ***Permittees***.
- Non-storm ***Urban Runoff*** discharges to the ***Receiving Waters*** in the ***Whitewater River Region*** are relatively minor based on flow volume due to natural soils conditions and ***Permittees*** requirements that ***New Development*** infiltrate ***Urban Runoff.***
- The ***CVSC*** has been identified as impaired for pathogens in that portion from Dillon Road to the Salton Sea and for toxaphene in that portion from Lincoln Street to the Salton Sea. Thus, further monitoring must be conducted to adequately characterize the impacts of ***Non-Storm Water Urban Runoff*** discharges into the ***Receiving Waters***.
- The soils in the ***Whitewater River Region*** consist primarily of sands that promote rapid infiltration of runoff. During most years, perennial mountain streams tributary to the Whitewater River infiltrate or evapotranspirate prior to reaching urbanized areas.

[3] County of Riverside Assessor, current as of February 2006.
[4] Southern California Association of Governments, http:www.scag.ca.gov/forecast/index.htm.
[5] County of Riverside Assessor, current as of February 2006.

16. The City of Banning, although included as a ***Permittee*** on this ***MS4 Permit***, does not share an interconnected ***MS4*** with the remainder of the ***Permittees***. The ***MS4*** operated by the City of Banning discharges directly into the San Gorgonio River, a ***Receiving Water***. Most ***MS4*** discharges from the City of Banning infiltrate. During significant runoff events, storm drainage may flow as far as the ***CVWD*** infiltration basins near the City of Palm Springs, which are several miles upstream of ***Urban Runoff*** discharges from the ***MS4s*** operated by the other ***Permittees***. However, the City of Banning is included in this ***MS4 Permit*** to facilitate coordination with the regional programs implemented by the ***Permittees*** and to reduce the administrative duties on the ***Regional Board***.

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

Salton Sea

18. The Salton Sea restoration legislation requires that the Secretary for Resources of the Salton Sea Ecosystem Restoration Program to undertake a restoration study to determine the preferred alternative for the restoration of the Salton Sea ecosystem and the permanent protection of wildlife dependent on that ecosystem. The Salton Sea ecosystem is defined to include, but not limited to, the Salton Sea, agricultural lands surrounding the Salton Sea, and the tributaries and drains within the Imperial and Coachella valleys that deliver water to the Salton Sea. The ***CVSC*** is tributary to the Salton Sea.

19. On June 25, 2007, the Secretary for Resources of the Salton Sea Ecosystem Restoration Program certified that the Final Programmatic Environmental Impact Report is in compliance with the California Environmental Quality Act. On January 24, 2008, the Legislative Analyst's Office released a report titled "Restoring the Salton Sea." The report discusses the history and current state of the Salton Sea and the legal and policy reasons for restoring the Salton Sea. The report also makes recommendations on how the California Legislature should proceed with the restoration.

Objectives of MS4 Permit

20. The objectives of this ***MS4 Permit*** are to:

    a. Renew Board Order No. 01-077 ***NPDES*** No. CAS617002, which regulates ***Urban Runoff*** within the ***Whitewater River Watershed***;

    b. Regulate the discharge of ***Potential Pollutant***s in ***Urban Runoff*** that discharge to surface waters in the ***Whitewater River Region***;

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c. Regulate ***Non-Storm Water*** discharges associated with retrofit, maintenance, and construction activities at ***Permittees'*** maintenance yards, facilities, or roads; and

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

Urban Runoff **Characterization**

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

22. ***Urban Runoff*** includes discharges from residential, commercial, industrial, and construction areas within the ***Whitewater River Region***.

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

24. Pathogens (from ***Sanitary Sewer Overflows (SSO)***, septic system leaks, and spills and leaks from portable toilets, pets, wildlife and human activities) may impact water contact recreation and non-contact water recreation. Floatables (from trash) are an aesthetic ***Nuisance*** and may provide a substrate for algae and insect vectors. Oil and grease may coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components may cause ***Toxicity*** to aquatic organisms and may impact human health. Suspended and settleable solids (from ***Sediment***, trash, and industrial activities) may be deleterious to benthic organisms and may cause anaerobic conditions. ***Sediments*** and other suspended particulates may cause turbidity, clog fish gills, and interfere with respiration in aquatic fauna. ***Sediment*** and other suspended particles may also screen out light, hindering photosynthesis and normal aquatic plant growth and development.

25. It is recognized that ***Storm Water*** flows from non-urbanized areas such as National Forests, State Parks, Wilderness, and Agriculture, as shown on the Site Map, naturally exhibit high levels of suspended solids due to climate, hydrology, geology, and geography.[6] Runoff from these non-urbanized areas may flow into the MS4 and affect flow and water quality. Toxic substances (from pesticides, petroleum products, metals, and industrial ***Wastes***) can cause acute and/or chronic ***Toxicity***, and may bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, fire fighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) can cause excessive algal blooms. These blooms may lead to problems with taste, odor, color and increased turbidity, and may depress the dissolved oxygen content leading to fish kills.

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

27. During urban development two important changes may occur:

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

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

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

28. ***Urban Runoff*** may contain ***Pollutant***s that may threaten human health. Individually and in combination, ***Pollutant***s discharged from ***MS4***s may cause or threaten to cause a condition of ***Pollution*** (i.e., an alteration of water quality by ***Waste*** to a degree which unreasonably affects the waters for designated ***Beneficial Uses*** and/or facilities which serve these designated ***Beneficial Uses***), ***Contamination***, or ***Nuisance***. The discharge of ***Pollutant***s from ***MS4s*** may cause the concentration of ***Pollutant***s to prevent attainment of applicable ***Receiving Water Quality Objectives (WQO)*** and thereby impair or threaten to impair designated ***Beneficial Uses***.

[6] Riverside County Flood Control and Water Conservation District's "Hydrology Manual," dated April 1978; page II-4 of "Santa Ana River, Design Memorandum No. 1, Phase II GDM on the Santa Ana River Mainstem, including Santiago Creek, Volume 2, Prado Dam" dated August 1988 and D.I. Inman & S.A. Jenkins "Climate Change and the Episodicity of Sediment Flux in Small California Rivers," Journal of Geology, Volume 107, pp. 251-270, 1999.

Mitigation of *Urban Runoff*

29. ***Pollutant***s may be reduced in ***Urban Runoff*** by the appropriate application of ***Pollution Prevention***, ***Source Control***, and ***Treatment Control BMPs*** to the ***MEP***.

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

31. ***Permittees*** with land use authority authorize urbanization and land uses that may generate ***Pollutant***s and runoff, which can contribute to the impairment of ***Receiving Waters***. Therefore, they can also exercise their legal authority to require to the ***MEP*** that the resulting increased ***Pollutant*** loads and flows do not further degrade ***Receiving Waters***.

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

33. For many years, the Cities of Cathedral City, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage have required most developments to retain and infiltrate ***Urban Runoff*** on-site unless located adjacent to an existing ***MS4*** facility.

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

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

36. Construction activities may be a significant cause of ***Receiving Water*** impairment. Siltation is currently the major cause of river impairment in the United States. ***Sediment*** runoff rates from construction sites greatly exceed natural ***Erosion*** rates of undisturbed lands, causing siltation and impairment of ***Receiving Waters***. However, siltation has not been identified as a cause of Receiving Water impairment in the Whitewater River Region. In addition to requiring

implementation of the full range of ***BMPs***, an effective construction runoff program must include local plan review, permit conditions, field inspections, and enforcement. The ***New Development Guidelines*** (***Supplement "A"*** to the Riverside County Drainage Area Management Plan) are incorporated into the ***Whitewater River Region SWMP***. The purpose of the ***New Development Guidelines*** is to identify post-construction source ***Pollutant*** prevention and treatment measures that may be incorporated into development projects.

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

38. Education is the foundation of the ***SWMP***. Education of the ***Permittee's*** planning, inspection, and maintenance department staff is critical. The Public Education Program contained in the ***SWMP*** incorporates a well-developed approach to education and outreach. The program, entitled "Only Rain Down The Storm Drain ***Pollution Prevention*** Program", combines resources and efforts from the three ***County MS4*** permit programs to effectively communicate responsible ***Urban Runoff*** management. Public participation is necessary to ensure that all stakeholder interests, and a variety of creative solutions, are considered. Public participation is important in the development of a complete ***Urban Runoff*** management program. The ***Permittees*** propose to continue to emphasize the public participation component of this program.

39. The ***SWMP***, Appendix A of the March 9, 2006 ***ROWD***, submitted by the ***Permittees***, meets the ***MEP*** standard, as defined in the ***MS4 Permit***, with the exception of those provisions of the ***MS4 Permit*** that require the ***SWMP*** to be modified. Those portions of the ***SWMP*** that are to be modified are sufficiently described to enable the ***Executive Officer*** to review and approve the modifications on behalf of the ***Regional Board***.

Whitewater River Watershed **Water Quality**

40. The Whitewater River is defined in the ***Basin Plan*** as the reach from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near the Indian Avenue crossing in the City of Palm Springs. The reach of the Whitewater River from the Whitewater recharge basins near Indian Avenue to the ***CVSC*** near Indio is defined as a Wash (Intermittent or ***Ephemeral Stream***) in the ***Basin Plan***. The Whitewater River is not listed as an ***Impaired Waterbody*** within the ***Whitewater River Region***. Due to the small percentage of the ***Whitewater River Watershed*** and the ***Whitewater River Region*** in Urban land uses, ***Urban Runoff*** constitutes a minor percentage of the total flow in the Whitewater River under storm conditions.

41. The ***CVSC*** is defined as the perennial reach of the Whitewater River, starting approximately from the City of Indio and terminating at the Salton Sea. A portion of the ***CVSC*** is contained within the ***Whitewater River Region*** and the upper segment of this channel has intermittent flows to a point just upstream of Dillon

Road in the City of Indio. The ***CWA*** Section 303(d) List has identified portions of the ***CVSC*** that are not meeting ***Water Quality Standards (WQS)*** for pathogens and toxaphene. That portion of the ***CVSC*** from Dillon Road to the Salton Sea is listed as not meeting ***WQS*** for pathogens and the portion from Lincoln Street to the Salton Sea is listed as not meeting ***WQS*** for toxaphene. The 303(d) list notes that the source of the pathogen impairment is not known and a ***total maximum daily load*** (***TMDL***) and implementation plan are required to be developed to address this impairment pursuant to ***CWA*** Section 303(d). Toxaphene will be addressed in a future ***TMDL.***

42. Bacteria data provided by the three ***NPDES*** wastewater treatment facilities and the ***MS4 Permittees*** discharging into the ***CVSC*** indicates that ***Urban Runoff*** and ***Storm Water*** flows contain fecal coliform levels that would violate current ***WQO***s for Water Contact Recreation (***REC 1***) and Non-contact Water Recreation (***REC 2***) beneficial uses for the ***CVSC***. Measured fecal coliform levels range up to 900,000 Most Probable Number [MPN] 100 milliliter [ML] (MPN/100 ml) at Avenue 52 Storm Drain in Coachella, September 1999, and 70,000 MPN/100 ml at Monroe Street Storm Drain in Indio, April 1999.

43. A Bacterial Indicator TMDL for CVSC was adopted by the Regional Board on May 16, 2007. The Regional Board also directed staff following adoption of the TMDL to conduct three public workshops with affected stakeholders and other interested persons to discuss the requirements of the TMDL. In the meantime, the TMDL was forwarded to the State Water Board for its review and approval. The first public workshop was held on July 25, 2007, the second was held on November 19, 2007, and the third was held on April 23, 2008.

    The TMDL was withdrawn from the State Water Board's consideration of adoption, which had been placed as an agenda item to be heard at the State Water Board's March 18, 2008 public meeting. Pursuant to oral and written comments made in connection with the first two workshops, however, the Regional Board's Executive Officer determined that it would be appropriate to request the State Water Board to withdraw the TMDL from its agenda for a certain period of time. The withdrawal request letter, dated January 18, 2008, and addressed to the State Water Board Executive Director, explained that the withdrawal was needed to address comments and concerns raised by the Coachella Valley agricultural community regarding the appropriateness of being named as a Responsible Party in the TMDL Implementation Plan without sufficient data.

    To address this data gap, agricultural dischargers and the Coachella Valley Water District proposed conducting the following tasks over an 18-month period: (1) for the first three months following State Water Board approval of the withdrawal request: the agricultural community would form a Task Force to develop a monitoring plan, which would be submitted to the Regional Board Executive Officer for his review and approval; (2) for the next 12 months: the Task Force would conduct quarterly monitoring; and (3) for the last three months: the Task Force would prepare a report of the sampling results and submit the report to the Regional Board for its consideration of approval.

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The State Water Board approved the withdrawal request, which it announced in a public notice dated February 22, 2008. Since then, the agricultural community and the Coachella Valley Water District formed the proposed Task Force to begin developing a Monitoring Plan, which would be submitted to the Regional Board Executive Officer for his review and approval.

The TMDL identified Urban Runoff from the County and the City of Coachella outfalls, Caltrans outfalls, outfalls from Native American Tribal lands, and Non-Point Source discharges, including wildlife and transients into the CVSC, as potential sources of pathogens. Therefore, TMDL pathogen Wasteload Allocations (WLAs) were assigned to the County and the City of Coachella. The pathogen WLA has been defined for E. coli as a log mean (Geomean) of the MPN ≤126/100 ml (based on a minimum of not less than five samples during a 30-day period), or 400 MPN/100 ml for a single sample. Monitoring this MS4 Permit requires the County and the City of Coachella to achieve the pathogen WLAs through compliance with the TMDL Implementation Plan, based on the compliance schedule provided in the TMDL for their Urban Runoff discharges.

The WLAs will be submitted to the State Water Board, OAL, and USEPA only after the agricultural community's Task Force has completed the 12 months of sampling and submitted a report of its findings to the Regional Board's Executive Officer for his review and approval. To the extent that the TMDL needs to be revised based on the data collected, the TMDL will be recirculated for another round of public comment. Following the public comment period, any revisions to the TMDL, which may result from comments received and the sampling data collected, will be scheduled for Regional Board consideration at another public hearing.

44. The 2006 ***CWA*** Section 303(d) List of Water Quality Limited Segments for the Colorado River Basin Region lists the Salton Sea for nutrients, salinity and selenium. The potential sources for the ***Pollutants*** are listed in the 303 (d) List as follows:

- Nutrients - Major Industrial ***Point Sources***, Agricultural Return Flows, & Out-of-State Source
- Salinity -Agricultural Return Flows, Out-of-State Source & ***Point Sources***
- Selenium - Agricultural Return Flows

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Hydrology and Monitoring

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

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

47. Due to the general ephemeral nature of the ***Whitewater River Region*** during dry weather conditions, ***IC/IDs*** to ***Receiving Waters*** from ***MS4*** outfalls are easily identified by field inspections. Therefore, this ***MS4 permit*** requires, in part, that the ***Permittees***' dry weather monitoring should focus on field identification and elimination of ***IC/IDs*** by ***Permittee's*** staff.

Colorado River Region *Basin Plan*

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

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

- Smith Creek
- Montgomery Creek
- West Cathedral Canyon Channel
- East Cathedral Canyon Channel
- West Magnesia Canyon Channel
- East Magnesia Canyon Channel
- Palm Valley Storm Water Channel

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- Deep Canyon Storm Water Channel
- Bear Creek
- La Quinta Resort Channel
- La Quinta Evacuation Channel
- Whitewater River from Whitewater recharge basins to the ***CVSC***

The designated ***Beneficial Uses*** for the aforementioned ***Washes*** are Freshwater Replenishment (***FRSH***), Groundwater Recharge (***GRW***), Non-contact Water Recreation (***REC 2***) and Wildlife Habitat (***WILD***). All of these ***Washes*** are intermittent.

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

    a. San Gorgonio River
    b. Whitewater River
    c. Tahquitz Creek
    d. Palm Canyon Creek
    e. Little Morongo Creek
    f. ***CVSC***

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

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Waterbody	MUN	AGR	AQUA	FRSH	IND	GWR	REC1	REC2	WARM	COLD	WILD	POW	RARE	Location
CVSC[7]				X			X[8]	X[9]	X		X		X[10]	Perennial reach from approx. Dillon Road to Salton Sea
Little Morongo Creek	P	X				X	X	X	X		X			
Palm Canyon Creek	P	X				X	X	X	X		X			
San Gorgonio River	P	X				X	X	X		X	X			
Tahquitz Creek	P					X	X	X		X	X			
Whitewater River[11]	X	X				X	X	X	I	X	X	X		From headwaters to Whitewater Recharge Basins
Washes[12] (***Ephemeral Streams***)				I[13]		I		I	[14]		I			Whitewater River from Whitewater Recharge Basins to perennial reach of ***CVSC*** (near Dillon as of 4/2005)

51. The Coachella Valley ground water basin has the following ***Beneficial Uses*** designated in the ***Basin Plan***:

- ***MUN***;
- ***AGR***; and
- ***IND***.

52. Numeric and narrative ***WQOs*** exist for the ***Receiving Waters*** in the ***Whitewater River Region***. It is not feasible or appropriate at this time to establish ***Numeric Effluent Limitations*** due to the variability in the quality, quantity, and complexity of ***Urban Runoff***. Moreover, the impact of ***Urban Runoff*** discharges on the quality of ***Receiving Waters*** has not been fully determined. Therefore, the ***Effluent Limitations*** contained in this ***MS4 Permit*** are narrative and include the ***SWMP***'s requirement to implement appropriate ***BMPs***. The narrative ***Effluent Limitations*** constitute compliance with the requirements of the ***CWA*** and can be found in Section B. DISCHARGE PROHIBITIONS, Section D. ***RECEIVING WATER*** LIMITATIONS and Section G. ***TOTAL MAXIMUM DAILY LOAD***S of this ***MS4 Permit***.

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[7] Section of perennial flow from approximately Indio to the Salton Sea.
[8] Unauthorized use.
[9] Unauthorized use.
[10] Rare, endangered or threatened wildlife exists or utilizes these waterway(s). If the ***RARE Beneficial Use*** may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the ***Regional Board***; and such substantiation must be provided within a reasonable time frame as approved by the Regional Board.
[11] Includes the section of flow from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near Indian Avenue crossing in Palm Springs.
[12] Washes – Intermittent or ***Ephemeral Streams***, including the section of ephemeral flow in the Whitewater River and the ***CVSC*** from Indian Avenue to approximately ½ mile west of Monroe Street crossing.
[13] Applies only to tributaries to Salton Sea.
[14] Use, if any, to be determined on a case-by-case basis.

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Federal NPDES *Storm Water* Regulations:

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

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

55. Section 402(p) of the ***CWA*** requires the issuance of ***NPDES*** permits for ***Storm Water*** discharges for which the ***USEPA*** Regional Administrator or the ***Regional Board***, as the case may be, determines that the ***Storm Water*** discharges contribute to a violation of a ***WQS***, or is a significant contributor of ***Pollutants*** to ***Waters of the United States***.

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

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

Compliance with CEQA and Other Requirements

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

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

60. The issuance of an ***NPDES*** permit for this discharge is exempt from the provisions of the California Environmental Quality Act (***CEQA***), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, in accordance with ***CWC*** Section 13389. In accordance with Section 15301, Chapter 3, Division 6, Title 14 of the California Code of Regulations, the issuance of this ***MS4 Permit***, which governs the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from ***CEQA***.

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

62. The ***State Board*** issued two state-wide general permits to address ***Storm Water*** discharges from construction activities: the General Permit for Storm Water Discharges Associated with Construction Activities from Small Linear Underground/Overhead Projects (***NPDES*** No. CAS000005) and the General Construction Activity Storm Water Permit (***NPDES*** No. CAS000002) (collectively the "***General Construction Permit***"). Construction activities that qualify are required by federal regulations to obtain permit coverage under either an individual ***NPDES*** permit or these statewide ***General Construction Permit*** by filing a ***Notice of Intent*** (***NOI***) with the ***State Board***. This ***MS4 Permit*** provides equivalent coverage of ***Permittee*** construction projects as the ***General Construction Permit***. Therefore, separate coverage under the ***General Construction Permit*** is not necessary for ***Permittee*** construction projects within the ***Whitewater River Region***. ***Permittee*** projects outside of the ***Whitewater River Region*** must obtain the appropriate ***General Construction Permit*** coverage, where applicable.

63. **State Mandates.** This Order does not constitute an unfunded local government mandate subject to subvention under Article XIII B, Section 6 of the California Constitution for several reasons including, but not limited to, the following. First, this Order implements federally mandated requirements under federal Clean Water Act section 402, subdivision (p)(3)(B). (33 U.S.C. § 1342(p)(3)(B).) This includes federal requirements to effectively prohibit ***Non-Storm Water*** discharges, to reduce the discharge of pollutants to the maximum extent practicable, and to include such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. Federal cases have held these provisions require the development of permits and permit provisions on a case-by-case basis to satisfy federal requirements. (*Natural Resources Defense Council, Inc., v. U.S. E.P.A.* (9th Cir. 1992) 966 F.2d 1292, 1308, fn. 17.) The authority exercised under this Order is not reserved state authority under the Clean Water Act's savings clause (cf. *Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 627-628 [relying on 33 U.S.C. § 1370, which allows a state to develop requirements which are not "less stringent" than federal requirements]), but instead, is part of a federal mandate to develop pollutant reduction requirements

for municipal separate storm sewer systems. To this extent, it is entirely federal authority that forms the legal basis to establish the permit provisions. (See *City of Rancho Cucamonga v. Regional Water Quality Control Bd.—Santa Ana Region* (2006) 135 Cal.App.4th 1377, 1389; *Building Industry Ass'n of San Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4th 866, 882-883.)

Likewise, the provisions of this Order to implement ***total maximum daily loads*** (TMDLs) are federal mandates. The federal Clean Water Act requires TMDLs to be developed for water bodies that do not meet federal water quality standards. (33 U.S.C. § 1313(d).) Once the U.S. Environmental Protection Agency or a state develops a TMDL, federal law requires that permits must contain effluent limitations consistent with the assumptions of any applicable wasteload allocation. (40 C.F.R. § 122.44(d)(1)(vii)(B).)

Second, the ***Permittees***' obligations under this Order are similar to, and in many respects less stringent than, the obligations of non-governmental dischargers who are issued NPDES permits for storm water discharges. With a few inapplicable exceptions, the Clean Water Act regulates the discharge of pollutants from point sources (33 U.S.C. § 1342) and the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) regulates the discharge of waste (Wat. Code, § 13263), both without regard to the source of the pollutant or the waste. As a result, the "costs incurred by local agencies" to protect water quality reflect an overarching regulatory scheme that places similar requirements on governmental and nongovernmental dischargers. (See *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 57-58 [finding comprehensive workers compensation scheme did not create a cost for local agencies that was subject to state subvention.].)

The Clean Water Act and the Porter-Cologne Water Quality Control Act largely regulate storm water with an even hand, but to the extent there is any relaxation of this even-handed regulation, it is in favor of the local agencies. Except for municipal separate storm sewer systems, the Clean Water Act requires point source discharges, including discharges of storm water associated with industrial or construction activity, to comply strictly with water quality standards. (33 U.S.C. § 1311(b)(1)(C), *Defenders of Wildlife v. Browner* (1999) 191 F.3d 1159, 1164-1165 [noting that industrial storm water discharges must strictly comply with water quality standards].) As discussed in prior State Water Resources Control Board decisions, this Order does not require strict compliance with water quality standards. (SWRCB Order No. WQ 2001-15, p. 7.) The Order, therefore, regulates the discharge of waste in municipal storm water more leniently than the discharge of waste from non-governmental sources.

Third, the ***Permittees*** have the authority to levy service charges, fees, or assessments sufficient to pay for compliance with this Order. The fact sheet demonstrates that numerous activities contribute to the pollutant loading in the municipal separate storm sewer system. Local agencies can levy service charges, fees, or assessments on these activities, independent of real property ownership. (See, e.g., *Apartment Ass'n of Los Angeles County, Inc. v. City of Los Angeles* (2001) 24 Cal.4th 830, 842 [upholding inspection fees associated with renting property].) The ability of a local agency to defray the cost of a program without

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raising taxes indicates that a program does not entail a cost subject to subvention. (*County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487-488.)

Fourth, the ***Permittees*** have requested permit coverage in lieu of compliance with the complete prohibition against the discharge of pollutants contained in federal Clean Water Act section 301, subdivision (a) (33 U.S.C. § 1311(a)) and in lieu of numeric restrictions on their discharges. To the extent that local agencies have voluntarily availed themselves of the permit, the program is not a state mandate. (Accord, *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 107-108.) Likewise, the ***Permittees*** have voluntarily sought a program-based municipal storm water permit in lieu of a numeric limits approach. (See *City of Abilene v. U.S. E.P.A.* (5th Cir. 2003) 325 F.3d 657, 662-663 [noting that municipalities can choose between a management permit or a permit with numeric limits].) The local agencies' voluntary decision to file a report of waste discharge proposing a program-based permit is a voluntary decision not subject to subvention. (See *Environmental Defense Center v. U.S. E.P.A.* (9th Cir. 2003) 344 F.3d 832, 845-848.)

Finally, the local agencies' responsibility for preventing discharges of waste that can create conditions of pollution or nuisance from conveyances that are within their ownership or control under state law predates the enactment of Article XIII B, Section 6 of the California Constitution.

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

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

B. DISCHARGE PROHIBITIONS

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

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

3. The following discharge prohibitions are applicable to any ***Person***, as defined by Section 13050(c) of the ***CWC***, who is a citizen, domiciliary, or political agency or entity of California and whose activities in California could affect the quality of ***Waters of the State*** within the boundaries of the Colorado River Basin Region:

   a. The discharge of ***Waste*** to ***Waters of the State*** in a manner causing, or threatening to cause, a condition of ***Pollution***, ***Contamination***, or ***Nuisance***, as defined in ***CWC*** Section 13050.

   b. The discharge of ***Pollutant***s or dredged or fill material to ***Waters of the United States***, except as authorized by an ***NPDES*** permit or a dredged or fill material permit subject to the exemption described in ***CWC*** Section 13376.

   c. Any discharge to the ***MS4*** that is not composed entirely of "***Storm Water***" is prohibited, unless authorized by Section C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES.

   d. The unauthorized discharge of treated or untreated sewage to ***Waters of the State*** or to the ***MS4***.

   e. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative or any toxic chemical or ***Hazardous Waste*** into the ***MS4***.

   f. ***Urban Runoff*** discharges from the ***Permittees'*** ***MS4*** which cause or contribute to exceedances of ***Receiving WQS*** (as defined by "***Beneficial Uses***" and ***WQOs*** in the ***Basin Plan*** and amendments thereto).

C. ALLOWABLE *NON-STORM WATER* DISCHARGES

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

2. The following discharges may be allowed, unless identified by the ***Permittees*** or the ***Regional Board*** as a significant source of ***Pollutant***s to the ***Receiving Waters***:

   a. Discharges covered by ***NPDES*** permits or written clearances issued by the ***Regional*** or ***State Board***;

   b. Potable water line flushing and other potable water sources;

   c. Passive footing drains;

   d. Water from crawl space pumps;

   e. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters;

   f. Dechlorinated swimming pool discharges;

   g. Non-commercial vehicle washing; (e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organizations);

   h. Diverted stream flows;

   i. Rising ground waters and natural springs;

   j. Groundwater infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;

   k. Flows from riparian habitats and wetlands;

   l. Street washing activities;

   m. Emergency water flows (i.e., fire fighting flows and other flows necessary for the protection of life and property) do not require ***BMPs*** and need not be prohibited. However, appropriate ***BMPs*** shall be considered where practicable when not interfering with emergency public health and safety issues;

   n. Waters not otherwise containing ***Waste***s, as defined in ***CWC*** Section 13050 (d); and

   o. Other types of discharges identified and recommended by the ***Permittees*** and approved by the ***Regional Board***.

3. For purposes of this ***MS4 Permit***, a discharge may include ***Storm Water*** and other types of discharges as indicated in Section C.2.

4. If the ***Permittee*** or the ***Regional Board*** identifies an allowable discharge category from Section C.2 that causes or contributes to an exceedance of ***WQS*** or is a significant contributor of ***Pollutant***s to ***Waters of the United States***, a ***Permittee*** shall either:

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

C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES

D. *RECEVING WATER* LIMITATIONS

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

2. The ***Permittees*** shall comply with Discharge Prohibitions, Allowable ***Non-Storm Water*** Discharges, and ***Receiving Water Limitations*** through timely implementation of control measures and other actions to reduce ***Pollutant***s in the discharges in accordance with the ***SWMP*** and other requirements of this ***MS4 Permit***, including any modifications. If exceedance(s) of ***WQS*** persist, notwithstanding implementation of the ***SWMP*** and other requirements of this ***MS4 Permit***, the ***Permittees*** shall assure compliance with Discharge Prohibitions, Allowable ***Non-Storm Water*** Discharges, and ***Receiving Water Limitations*** by complying with the following procedure:

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

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

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

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

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

As long as the ***Permittees*** have complied with the procedures set forth above and are implementing the revised ***SWMP***, the ***Permittees*** do not have to repeat the same procedure for continuing or recurring exceedances of the same ***Receiving Water Limitations***, unless directed in writing by the ***Regional Board*** or ***Executive Officer*** to develop and implement additional ***BMPs***, including ***Source*** and ***Treatment Controls BMPs***.

D. ***RECEIVING WATER*** LIMITATIONS

E. SPECIFIC *PERMITTEE* REQUIREMENTS

1. The ***Principal Permittees*** shall:
   a. Coordinate ***MS4 Permit*** compliance activities;
   b. Establish uniform data submittal format;
   c. Prepare the ***Annual Report***;
   d. Forward information received from the ***Regional Board*** to the ***Permittees***;
   e. Implement ***MS4 Permit*** activities of common interest;
   f. Inform ***Permittees*** on ***USEPA*** and ***Regional Board*** regulations pertaining to the ***MS4***;
   g. Convene all ***Desert Task Force*** meetings that are held at least quarterly and consist of one or more representatives from each ***Permittee***. The ***Desert Task Force*** shall direct the maintenance and update of the ***SWMP*** and coordinate the implementation of the overall ***Urban Runoff*** program, as described in the ***ROWD***; and
   h. Maintain and update the ***Whitewater River Region*** map.
2. Each ***Permittee*** shall:
   a. Comply with the requirements of the ***MS4 Permit*** within its jurisdictional boundaries;
   b. Annually review the ***Whitewater River Region*** map to ensure that it encompasses urbanized areas within the jurisdiction of the ***Permittee***. If additional urbanized areas (or non-urbanized areas are incorrectly identified as urbanized) within the jurisdiction of the ***Permittee*** are identified, the ***Permittee*** shall submit an amendment to the ***Whitewater River Region*** map to the ***Principal Permittees*** as part of the ***Annual Report***;
   c. Prepare and provide documents required by the ***MS4 Permit*** to the ***Principal Permittees*** in a timely manner;
   d. Implement the ***Whitewater River Region SWMP*** consistent with this ***MS4 Permit*** to:
      i. Reduce ***Potential Pollutant***s in ***Urban Runoff*** from municipal, commercial, industrial, and residential areas to the ***MEP***;
      ii. Reduce ***Potential Pollutant***s in ***Urban Runoff*** from land development and construction sites to the ***MEP*** through the use of ***Structural*** and/or ***Non-Structural BMPs***;
      iii. Reduce ***Potential Pollutant***s in ***Urban Runoff*** from ***Permittee's*** maintenance activities to the ***MEP***;
      iv. Eliminate ***IC/ID***s to the ***MEP***;
      v. Encourage spill prevention and containment as well as provide appropriate spill response plan for ***Permittees***' maintenance facilities to the ***MEP***;

vi. Increase public awareness to the ***MEP***;

vii. Continue to provide ***MS4 Permit*** compliance related workshops for ***Permittee's*** staff to the ***MEP***; and

viii. Control increases in ***Urban Runoff*** to the ***MEP*** within the ***Permittees***' jurisdictional boundaries so as not to cause ***Erosion*** or sedimentation problems downstream.

e. Designate at least one representative to the ***Desert Task Force*** as described in Section E.1.g. The ***Principal Permittees*** shall be notified immediately, in writing, of changes to the designated representative. The designated representative shall attend the ***Desert Task Force*** meetings.

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

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

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

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

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

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

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

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

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

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

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

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

E. SPECIFIC ***PERMITTEE*** REQUIREMENTS

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

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

4. Each ***Permittee*** shall review its ordinances to ensure that they continue to have adequate authority to implement and enforce this ***MS4 Permit***. Each ***Permittee*** shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce this ***MS4 Permit***. If such legal authority does not currently exist for a ***Permittee***, that ***Permittee*** shall provide an implementation schedule identifying the legal changes necessary to adopt a new ordinance or to amend an existing ordinance that would enable the ***Permittee*** to obtain the requisite legal authority to fully implement and enforce this ***MS4 Permit***. The implementation schedule shall be provided to ***Regional Board*** staff for its approval as part of the Fiscal Year 2008-2009 ***Annual Report***. Upon completion of the approved implementation schedule, the ***Permittee*** shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce this ***MS4 Permit***.

5. ***Permittee*** Construction Activities:

The ***Permittees*** are not required to file a Notice of Intent (***NOI***) for coverage under the "***General Construction Permit***" for ***Permittee*** construction projects within the ***Whitewater River Region***. However, ***Permittee*** construction activities outside of the ***Whitewater River Region*** are required to file a ***NOI*** and must obtain coverage under and comply with the ***General Construction Permit***.

For ***Permittee's*** activities inside the ***Whitewater River Region***, the ***Permittees*** shall perform the following:

a. All the ***Permittees***' public works construction projects or activities that would otherwise necessitate coverage under the ***General Construction Permit*** by definition or pose a threat to water quality shall be reported to the ***Regional Board***. The dates and location of the construction project, the party responsible for the project, and the telephone number of the responsible party shall be reported. This information shall be submitted and reported to the ***Regional Board*** prior to the start of construction on ***MS4 Permit Notice of Intent (NOI)*** form as shown on Attachment "A".

b. A ***Storm Water Pollution Prevention Plan (SWPPP)*** shall be developed and implemented for all ***Permittees***' public works construction projects in compliance with the appropriate ***General Construction Permit***. The ***SWPPP*** shall be retained on-site during the entire construction period. The ***Permittees*** shall be responsible for assuring that the ***SWPPP*** is implemented. The

SWPPP shall contain the elements required in the appropriate ***General Construction Permit***.

c. Discharges of ***Non-Storm Water*** are allowed as indicated in Section C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES. Such discharges must be described in the ***SWPPP***. Wherever feasible, alternatives that do not result in discharge of ***Non-Storm Water*** shall be implemented.

d. Monitoring shall be performed for all construction projects in accordance with the Section L. MONITORING AND REPORTING, Item 11 of this ***MS4 Permit***.

e. A Notice of Termination (***NOT***), shown as Attachment "B", shall be submitted to the ***Regional Board*** within 30 days of the completion of all construction projects.

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

E. SPECIFIC ***PERMITTEE*** REQUIREMENTS

F. BEST MANAGEMENT PRACTICES

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

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

      i. The ***Permittees*** shall continue to reduce the discharge of ***Pollutant***s, including trash and debris, from their respective ***MS4***s facilities to ***Receiving Water***s to the ***MEP***;

      ii. Develop model forms (or other mechanisms) for reporting the observations of field personnel of unauthorized dumping or spills so that the information can be used to help locate the source of ***Pollutants***. The model forms shall be submitted with the Fiscal Year 2008-2009 ***Annual Report***. The ***Permittees*** shall also maintain a database of ***IC/ID*** investigations. The database shall track the outcome of the case (spill/connection was terminated and cleaned up, source owner/operator educational visit, warning letter, referral to an enforcement agency, etc.) and the enforcement actions issued/taken (e.g., notice of non-compliance, notice of violation and order to comply, referral to District Attorney for prosecution);

      iii. Continue to provide, collect, and maintain litter receptacles in strategic public areas and during public events; and

      iv. Continue and/or expand an existing field program to detect and prevent dumping or routinely discharging ***Pollutant***s into ***MS4*** facilities;

      v. Continue to implement and enforce leash laws and other pet laws (i.e., pet waste clean-up, no pets in public areas) in selected public-use areas;

      Field Screening/System Surveillance

      vi. Continue to implement and improve routine inspection and monitoring and reporting programs for their ***MS4s*** facilities. If routine inspections or dry weather monitoring indicate ***IC/IDs***, they shall be investigated and eliminated, or regulated by the ***Regional Board***, as soon as possible after detection. Elimination measures may include an escalating series of enforcement action for those ***ID***s that do not endanger public health or the environment. ***ID***s that endanger public health or the environment (as defined in the Reporting Section F.1.a.x.2 below) shall be eliminated immediately. A summary of these actions shall be submitted annually beginning with the 2008-2009 ***Annual Report***;

      vii. Develop an implementation schedule for conducting field inspections of ***MS4*** facilities;

viii. Conduct field inspections to ensure identification and elimination of ***IC/IDs***;

ix. ***Pollutants*** in runoff from landfills and Superfund Amendments and Reauthorization Act (***SARA***) Title III facilities will continue to be monitored in compliance with existing ***Regional Board WDRs***. This will also be used to assess compliance with the ***Storm Water*** requirements. Data compiled and provided to the ***Regional Board*** in compliance with the ***WDRs*** will be incorporated into the ***MS4 Permit*** compliance reports by reference;

Reporting

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

1. By phone to the Office of Emergency Services (the "***OES***") at (800-852-7550) and to the ***Regional Board*** at (760-346-7491).

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

xi. Other spill incidents, including any unauthorized discharge, that are not incidents reportable to the ***OES*** shall be reported to the ***Executive Officer*** as part of the ***Annual Report*** per Section F.1.a.xvi. This report shall contain a description of the non-compliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the ***Permittee*** has taken, or intends to take in order to prevent recurrence;

xii. A report of the discharge or incident described in Section F.1.a.x shall be submitted to the ***Executive Officer*** as part of the ***Annual Report*** per Section F.1.a.xvi. This report shall contain a description of the non-compliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the ***Permittee*** has taken, or intends to take in order to prevent recurrence;

F. BEST MANAGEMENT PRACTICES

xiii. The ***Permittees*** may propose an alternative reporting program, including reportable incidents and quantities, jointly with other agencies such as the ***County*** Department of Environmental Health (***DEH***) for approval by the ***Executive Officer***;

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

Incident Response, Investigation, and Clean Up

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

Evaluation and Assessment

xvi. The ***Permittees*** shall annually report on the reporting items described in the ***SWMP***; and

xvii. By June 15, 2009, the ***Permittees*** shall amend the ***SWMP*** as necessary to insure that they summarize their ***IC/ID*** activity programs annually. ***IC/ID*** performance and compliance evaluation shall include the following:

- Provide a copy of standardized ***IC/ID*** reporting form(s).
- Provide summary reports of the following on ***IC/ID*** activity information:
  - The number of reports received
  - The number of cases investigated/responded to by ***IC/ID*** source

b. Commercial/Industrial Program

Source Identification, Inspection and Enforcement

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

ii. The ***Permittees*** shall maintain an implementation schedule for conducting inspections of the targeted list of facilities listed in the database;

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

iv. Each ***Permittee*** shall continue to enforce its ordinances, including its ***Storm Water Ordinance***, at industrial and commercial facilities as

necessary to maintain compliance with this ***MS4 Permit***. ***CAP*** for Industrial/Commercial surveys that indicate facilities out of compliance with ***Permittee's Storm Water Ordinance***s, shall be re-inspected by ***Permittee's*** staff. Sanctions for non-compliance may include: verbal or written warnings, issuance of notices of violation or non-compliance, obtaining an administrative compliance, stop work, or cease and desist order, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor);

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

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

Evaluation and Assessment

vii. The ***Permittees*** shall annually report on the reporting items described in the ***SWMP***;

viii. By June 15, 2009, the ***Permittees*** shall amend the ***SWMP*** as necessary to require reporting of the number of commercial and industrial facilities in their source databases, by type:

- Restaurants;
- Automotive services;
- Industrial; and
- Mobile cleaning businesses.

ix. By June 15, 2009, the ***Permittees*** shall amend the ***SWMP*** as necessary to require reporting of the number of commercial and industrial facilities visited under the auspices of the ***CAP*** provided by the ***County*** or alternative program approved by the ***Regional Board***, and/or directly by the ***Permittees*** during the reporting period.

F. BEST MANAGEMENT PRACTICES

c. ***New Development*/Redevelopment and Construction Activities Program**

Permittees shall:

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

Make associated public education materials available at the public counter and staff bulletin boards, as appropriate;

ii. Inform architects, engineers, building department personnel, and local government officials on water quality problems associated with ***Urban Runoff*** and the requirements for meeting ***NPDES*** laws and program goals for properly managing the quality of ***Urban Runoff***.

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

iii. The ***Permittees*** shall review and enhance the ***SWMP New Development*** and ***Redevelopment Project*** requirements in a manner appropriate for the unique conditions and needs of the ***Whitewater River Region*** by June 15, 2009. The revised ***SWMP*** should be submitted to the ***Regional Board*** as part of the Fiscal Year 2008-2009 ***Annual Report***. These requirements will be incorporated into a revision of the ***SWMP*** when completed. In the interim, the ***Permittees*** shall continue to implement the development and approval review procedures outlined in the ***SWMP***. The ***Permittees*** must:

1. Develop, implement and enforce a program to address ***Urban Runoff*** from ***New Development*** and ***Redevelopment Projects*** that disturb areas equal to or greater than 1 acre, including projects less than 1 acre that are part of a larger common plan of development or sale, that discharge into the ***MS4*** by ensuring that controls are in place that would prevent or minimize water quality impacts to the ***MEP***;
2. Develop and implement ***BMP*** strategies, which include a combination of ***Structural*** and/or ***Non-Structural BMPs*** appropriate for the ***Whitewater River Region***;
3. Use an ordinance or other regulatory mechanism to address post-construction ***Urban Runoff*** from ***New Development*** and ***Redevelopment Projects*** to the extent allowable under state or local law. The requirements must include the design standards specified in Item No. 1.c.iv, of this Section (below) or a functionally equivalent program that is acceptable to the ***Regional Board***; and

4. Ensures adequate long-term operation and maintenance of ***BMPs***.

iv. All discretionary ***New Development*** and ***Redevelopment Projects*** (***Priority Development Projects***) submitted after June 15, 2009, that fall into one of the following Priority Development Project categories are subject to the ***WQMP*** design standards specified in Item No. 1. c.v. of this Section (below):

1. Single-family hillside residences that create 10,000 square feet, or more, of impervious area where the natural slope is twenty-five percent (25%) or greater, including single-family hillside residences that create 10,000 square feet of impervious area where the natural slope is ten percent (10%) or greater where erosive soil conditions are known;
2. 100,000 square foot commercial and industrial developments;
3. Automotive repair shops (with Standard Industrial Classification ("***SIC***") codes 5013, 7532, 7533, 7534, 7537, 7438, and 7539);
4. Retail gasoline outlets disturbing greater than 5,000 square feet;
5. Restaurants disturbing greater than 5,000 square feet;
6. Home subdivisions with 10 or more housing units; and
7. Parking Lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to ***Urban Runoff***.

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

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

   Post development peak ***Urban Runoff*** discharge rates shall not exceed pre-development rate for developments where the increased peak ***Urban Runoff*** discharge rate will result in increased potential for downstream ***Erosion***. The ***Permittees*** shall propose a design standard for Peak-***Urban Runoff*** Discharge Rate control.

2. ***Site Design BMPs***.

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

   a. Minimize ***Urban Runoff***, Minimize Impervious Footprint, and Conserve Natural Areas, and
   b. Minimize Directly Connected Impervious Area.
   c. The Permittees shall develop measurable goals for the implementation of these Site Design BMPs.

F. BEST MANAGEMENT PRACTICES

3. ***Source Control BMPs***.

The ***Permittees*** shall minimize ***Pollutants*** in ***Urban Runoff*** through the implementation of ***Source Control BMPs***. ***Urban Runoff*** from a site has the potential to contribute oil and grease, suspended solids, metal, gasoline, pesticides, and pathogens to the ***MS4***. The development must be designed so as to minimize, to the ***MEP***, the introduction of ***Pollutant***s that may result in significant impacts, generated from site runoff of directly connected impervious areas to the ***MS4*** as approved by the building official. The ***Permittees*** shall require the following ***Source Control BMPs***:

a. Protect slopes and channels from eroding;

b. Include storm drain inlet stenciling and signage;

c. Include properly designed outdoor material storage areas;

d. Include properly designed trash storage areas; and

e. Design ***Source Control BMPs*** correctly so as to remove ***Pollutants*** to the ***MEP***.

4. ***Treatment Control BMPs***.

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

a. Volumetric ***Treatment Control*** BMP design criteria.

i. The 85th percentile 24-hour event determined as the maximized capture ***Storm Water*** volume for the area, from the formula recommended in ***Urban Runoff*** Quality Management, Water

Environment Federation Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

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

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

iv. The method approved in the ***County*** Water Quality Management Plan for ***Urban Runoff***, dated September 17, 2004 (***WQMP***); or

v. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the ***Whitewater River Region*** that has been proposed by the ***Permittees*** and is acceptable to the ***Executive Officer***.

b. Flow-Based ***BMP*** design criteria

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

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

iii. The maximum flow rate of runoff for each hour of a storm event, as determined from the local historical rainfall record that achieves approximately the same reduction in ***Pollutant*** loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two; or

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

F. BEST MANAGEMENT PRACTICES

5. ***Treatment Control*** Alternatives and Waivers.

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

   b. The ***Permittees*** may propose, for ***Executive Officer's*** approval, a site design ***BMP*** substitution program for incorporation into the ***WQMP***, which would allow the ***Permittees*** to substitute implementation of high level ***Low Impact Development (LID) Site Design BMPs*** for implementation of some or all ***Treatment Control BMPs***. The site design ***BMP*** substitution program must develop and utilize specific design criteria for each ***LID*** site design ***BMP*** to be utilized by the site design ***BMP*** substitution program.

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

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

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

6. Limitation of Use of Infiltration ***BMPs***.

   a. Infiltration based ***Treatment Control BMPs*** shall:

      i. Be located at least 500 feet horizontally from water supply wells, unless it can be shown that well construction and site geology will provide adequate protection for the domestic water well in which case the minimum distance will be provided on a case by case basis; and

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

d. Private Construction Activities Program

i. The ***Permittees*** shall continue to implement and enforce a program to reduce ***Pollutants*** in any ***Urban Runoff*** to the ***MS4*** from construction activities that result in a ***Land Disturbance*** of greater than or equal to one acre. Reduction of ***Urban Runoff*** discharges from construction activity disturbing less than one acre must be included in a program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must continue to include implementation of, at a minimum:

1. Ordinances or other regulatory mechanism to require ***Erosion*** and ***Sediment*** controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State or local law;
2. Requirements for construction site operators to implement appropriate ***Erosion*** and ***Sediment*** control ***BMPs***;
3. Requirements for construction site operators to control ***Waste*** such as discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary ***Waste*** at the construction site that may cause adverse impacts to water quality;
4. Procedures for site plan review which incorporate consideration of potential water quality impacts; and
5. Procedures for site inspection and enforcement control measures. Each ***Permittee*** shall continue to conduct construction site inspections for compliance with its ordinances, including its stormwater ordinance, regulations, codes and the ***WQMP***, when approved. Sanctions for non-compliance may include: verbal and/or written warnings, issuance of notices of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). Construction site inspections shall at a minimum address:
    a. Check for submittal of a ***NOI*** in compliance with the ***General Construction Permit***, if required;
    b. Confirm a ***SWPPP***, if required, is onsite;
    c. Confirm compliance with the ***Permittee's*** ordinances; and
    d. Check for active ***Non-Storm Water*** discharges or potential ***IC/IDs*** to the ***MS4***.

F. BEST MANAGEMENT PRACTICES

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

1. Sites that disturb an area greater than fifty (50) acres; and
2. Sites that disturb greater than one (1) acre and directly discharge to an identified 303 (d) listed waterbody.

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

iv. Upon referral of a construction site to ***Regional Board*** staff for failure to obtain coverage under the applicable ***General Construction Permit***, failure to keep a ***SWPPP*** at the construction site, if applicable, or an observed act or omission that suggests failure to comply with either, the ***Permittee*** will take no further action at the construction site with regard to securing compliance with the ***General Construction Permit***. Each ***Permittee*** shall continue to take appropriate action to bring a construction site into compliance with its local ordinances, rules, and regulations;

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

Evaluation and Assessment

vi. By June 15, 2009, the ***Permittees*** shall amend the ***SWMP*** to require ***Annual Reports*** to summarize and evaluate inspection prioritization criteria and inspection schedule as part of the ***Annual Report***; and

vii. By June 15, 2009, the ***Permittees*** shall amend the ***SWMP*** to require ***Annual Reports*** to describe and evaluate process for evaluating ***New Development*** and ***Redevelopment Projects***.

e. Permittee Activities Program

i. Sewage Systems

Permittees shall provide Sanitary Sewer Operators access to their ***MS4*** facilities for the purposes of allowing control of ***SSOs*** or for the purpose of limiting the impacts to ***Receiving Waters*** once a spill has

entered the ***MS4***. ***Permittees*** subject to ***State Board*** Water Quality Order No. 2006-0003 (***SSO***s) shall obtain coverage under that Order.

ii. ***Permittee*** Facilities and Operations

Requirements for all ***Permittees***' storage or maintenance areas.

1. Continue to maintain and implement ***Permittee's*** municipal facility/activity ***Pollution Prevention*** plans for ***Permittee*** maintenance areas; and
2. Incorporate the ***BMPs*** outlined in the ***SWMP*** for new ***Permittee's*** municipal facility/activity ***Pollution Prevention*** plans for existing facilities where applicable by June 15, 2009.

iii. Landscape Maintenance

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

iv. ***Permittee*** Streets and Roads

1. Maintain the model fact sheet of ***BMPs*** for common road maintenance activities. Each ***Permittee*** will continue to require road maintenance personnel to review periodically and implement the ***BMPs***; and
2. Continue to implement appropriate elements of the model fact sheet of ***BMPs*** for common road maintenance activities into road maintenance contracts. Each ***Permittee*** will continue to incorporate applicable elements into road maintenance contracts.

v. ***MS4*** Facilities

1. Continue to implement the existing field program to detect and prevent dumping or ***IDs*** into ***MS4*** facilities; and
2. Continue to implement ***MS4*** maintenance schedules for basins, inlets and open channels.

vi. Evaluation and Assessment

1. The ***Permittees*** shall address the reporting items described in the ***SWMP*** in the ***Annual Report***;
2. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** with jurisdiction over a sanitary sewer to confirm the sewage spill response plans are developed and current;
3. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** to summarize the number of municipal facilities that they operate in the ***Whitewater River Region MS4 Permit Area*** and to verify whether those municipal facilities have facility ***Pollution Prevention*** plans onsite;

F. BEST MANAGEMENT PRACTICES

4. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** to maintain a list of pesticide application personnel and verify applicator certifications; and
5. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** to verify that stencils and/or markers are maintained on inlets to the ***MS4***.

f. Public Education and Outreach Program

i. General Public Outreach

1. Continue to educate/inform the general public on the impacts of littering, and other improper disposal on ***Receiving Water*** quality;
2. Continue to educate/inform the general public on the impacts of dumping ***Pollutant***s into ***MS4*** facilities. Educate/inform the general public on ***Receiving Water*** impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets; and
3. Continue to educate/inform the general public about ***BMPs*** for residential car washing.

ii. Landscaping

1. Continue to educate/inform the general public on the proper application and management of pesticides, fertilizers and herbicides, as well as the proper management of irrigation systems to prevent runoff to the ***MS4***. Where appropriate, coordinate with the Natural Resources Conservation Service, Resource Conservation Districts and University of California Cooperative Extension;
2. Continue to educate/inform the general public on the ***Receiving Water*** impacts of dumping ***Pollutant***s into the ***MS4***; and
3. Continue to support the efforts of the ***County HHW*** Program, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

iii. Home Maintenance

1. Continue to educate/inform the general public on the ***Receiving Water*** impacts of dumping ***Pollutant***s into the ***MS4***; and
2. Continue to support the efforts of the ***County HHW Program***, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

F. BEST MANAGEMENT PRACTICES

iv. Illegal Dumping

1. Continue to educate/inform the general public on the ***Receiving Water*** impacts of littering and other improper disposal; and
2. Continue to educate/inform the general public on the ***Receiving Water*** impacts of dumping ***Pollutant***s into the ***MS4***;

v. Pet Ownership

1. Continue to educate/inform the general public regarding the need to clean-up and properly dispose of pet ***Waste***.

vi. Construction

Continue to inform contractors, operators, and ***Permittee's*** staff about upcoming educational and training workshops on construction site ***Erosion*** control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available at the public counter and staff bulletin boards, as appropriate.

vii. Industrial/Commercial

Continue to educate/inform landowners, tenants, business owners, and industrial operations regarding the need to implement appropriate ***BMPs*** to control ***Non-Storm Water*** discharges and to properly maintain indoor and outdoor material storage areas.

viii. ***Permittees***' Employees

The ***Permittees*** shall develop training programs for the following categories for their employees. The training program should cover a) requirements of this ***MS4 Permit*** and the ***General Industrial and Construction Activities Permits***, b) proper ***BMP*** implementation, c) identification of ***IC/IDs*** that may be associated with the area of training, and d) address any additional topics described below:

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

F. BEST MANAGEMENT PRACTICES

3. ***New Development/Redevelopment*** Staff; and
4. Construction Inspectors.

ix. Evaluation and Assessment

1. The ***Permittees*** shall address on the reporting items described in the ***SWMP*** in the ***Annual Report***;
2. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** to document usage (call volume, type) of the "Only Rain Down The Storm Drain ***Pollution Prevention*** Program" hotline;
3. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** to document ***HHW*** Collection Program activities including:
    a. Event dates and number of days per event;
    b. Type and amount of material collected; and
    c. Advertisement impressions by type (newspaper, television, radio, banners, flyers, etc.) for the ***Permittees***' internal use.
4. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** to track the number of regional public education outreach events conducted, by type (construction, industrial, residential, ***New Development***, schools, general public, etc), including topic and approximate attendance where applicable;
5. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittees*** to use public surveys and impression counts, where feasible, to assess the effectiveness of the public education and outreach program over the course of the ***MS4 Permit*** term and to document those results;
6. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require ***Permittees*** to report, in summary, the scope and purpose of the regional public education materials available to the various target audiences used during the reporting period. It is expected that brief descriptions of materials would be appropriate; and
7. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittee*** employee training to be reported. ***Annual Reports*** should include topic (municipal maintenance, industrial/commercial inspections, construction inspections, ***New Development***), date and number of employees trained.
8. By June 15, 2009, the ***SWMP*** shall be amended as necessary to require the ***Permittee*** identify existing code requirements for on-site storage and infiltration of stormwater on new development and redevelopment projects, including the design

storm and/or volumetric requirements, the exceptions to storage/infiltration requirements, and the methodology used to ensure that storage/infiltration areas are retained post-construction.

F. BEST MANAGEMENT PRACTICES

G. TOTAL MAXIMUM DAILY LOADS

1. The ***Permittees*** shall modify the ***SWMP***, as necessary, to incorporate appropriate ***BMPs*** to address ***WLA***s developed and approved pursuant to the ***TMDL CWA*** Section 303(d) process for impaired waterbodies. Proposed revisions to the ***SWMP*** shall be consistent with ***TMDL*** Implementation Tasks assigned to the ***Permittees*** and submitted to the ***Executive Officer*** for review and approval, which may include water quality monitoring and ***BMPs*** to ***MEP***. Revisions to the ***SWMP*** approved by the ***Executive Officer*** shall be implemented in accordance with the Implementation Plan for the ***TMDL WLA***s.

2. A Bacterial Indicator TMDL for CVSC was adopted by the Regional Board on May 16, 2007. The Regional Board also directed staff following adoption of the TMDL to conduct three public workshops with affected stakeholders and other interested persons to discuss the requirements of the TMDL. In the meantime, the TMDL was forwarded to the State Water Board for its review and approval. The first public workshop was held on July 25, 2007, the second was held on November 19, 2007, and the third was held on April 23, 2008.

   The TMDL was withdrawn from the State Water Board's consideration of adoption, which had been placed as an agenda item to be heard at the State Water Board's March 18, 2008 public meeting. Pursuant to oral and written comments made in connection with the first two workshops, however, the Regional Board's Executive Officer determined that it would be appropriate to request the State Water Board to withdraw the TMDL from its agenda for a certain period of time. The withdrawal request letter, dated January 18, 2008, and addressed to the State Water Board Executive Director, explained that the withdrawal was needed to address comments and concerns raised by the Coachella Valley agricultural community regarding the appropriateness of being named as a Responsible Party in the TMDL Implementation Plan without sufficient data.

   To address this data gap, agricultural dischargers and the Coachella Valley Water District proposed conducting the following tasks over an 18-month period: (1) for the first three months following State Water Board approval of the withdrawal request: the agricultural community would form a Task Force to develop a monitoring plan, which would be submitted to the Regional Board Executive Officer for his review and approval; (2) for the next 12 months: the Task Force would conduct quarterly monitoring; and (3) for the last three months: the Task Force would prepare a report of the sampling results and submit the report to the Regional Board for its consideration of approval.

   The State Water Board approved the withdrawal request, which it announced in a public notice dated February 22, 2008. Since then, the agricultural community and the Coachella Valley Water District formed the proposed Task Force to begin developing a Monitoring Plan, which would be submitted to the Regional Board Executive Officer for his review and approval.

The TMDL identified Urban Runoff from the County and the City of Coachella outfalls, Caltrans outfalls, outfalls from Native American Tribal lands, and Non-Point Source discharges, including wildlife and transients into the CVSC, as potential sources of pathogens. Therefore, TMDL pathogen Wasteload Allocations (WLAs) were assigned to the County and the City of Coachella. The pathogen WLA has been defined for E. coli as a log mean (Geomean) of the MPN ≤126/100 ml (based on a minimum of not less than five samples during a 30-day period), or 400 MPN/100 ml for a single sample. Monitoring this MS4 Permit requires the County and the City of Coachella to achieve the pathogen WLAs through compliance with the TMDL Implementation Plan, based on the compliance schedule provided in the TMDL for their Urban Runoff discharges.

The WLAs will be submitted to the State Water Board, OAL, and USEPA only after the agricultural community's Task Force has completed the 12 months of sampling and submitted a report of its findings to the Regional Board's Executive Officer for his review and approval. To the extent that the TMDL needs to be revised based on the data collected, the TMDL will be recirculated for another round of public comment. Following the public comment period, any revisions to the TMDL, which may result from comments received and the sampling data collected, will be scheduled for Regional Board consideration at another public hearing.

G. ***TOTAL MAXIMUM DAILY LOADS***

H. GENERAL PROVISIONS

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

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

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

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

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

   This ***MS4 Permit*** may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

   a. Violation of any condition contained in the requirements or Permits; or

   b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or

   c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

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

4. Property Rights [40 CFR 122.41(g)] [***CWC*** §13263(g)]

   This ***MS4 Permit*** does not convey any property rights of any sort or any exclusive privilege. No discharge of ***Waste*** into the ***Waters of the State***, whether or not the discharge is made pursuant to ***WDRs***, shall create a vested right to continue the discharge. All authorized discharges of ***Waste*** into ***Waters of the State*** are privileges not rights.

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

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

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

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

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

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

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

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

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

9. In cases where ***Urban Runoff*** quality is impacted by discharges of ***Wastes*** from lands not owned, operated or maintained by; or under the regulatory jurisdiction of the ***Permittee(s)***, the ***Permittee(s)*** may petition the ***Regional Board*** to regulate those discharges, to the extent the ***Regional Board*** has jurisdiction over such discharges. Such a petition shall include:

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

   b. An 8 ½ inch x 11 inch location map which delineates the problem area; and

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

   The ***Permittee(s)*** may submit such petitions at any time.

H. GENERAL PROVISIONS

I. REPORTING REQUIREMENTS

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

This ***MS4 Permit*** expires on May 21, 2013. If the ***Permittees*** wish to continue any activity regulated by this ***MS4 Permit*** after the expiration date of this ***MS4 Permit***, the ***Permittees*** must apply for and obtain a new ***MS4 Permit***. The ***Permittees*** must file a ***ROWD*** in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the expiration date of this ***MS4 Permit*** as application for issuance of a new ***MS4 Permit***. The ***ROWD*** shall, at a minimum, include:

a. Any revisions to the ***SWMP*** including, but not limited to, activities the ***Permittees*** proposed to undertake during the next ***MS4 Permit*** term, goals and objectives of such activities, an evaluation of the need for additional ***Source Control*** and/or ***Structural BMPs***, proposed pilot studies, etc.;

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

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

d. Significant changes to the ***MS4***s, outfalls, detention or retention basins or dams, and other controls, including map updates of the ***MS4***s.

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

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

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

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

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

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

a. Transfers by Modification [40 CFR 122.61(a)]
This ***MS4 Permit*** may be transferred by the ***Permittees*** to a new owner or operator only if this ***MS4 Permit*** has been modified or revoked and

reissued, or a minor modification made to identify the new ***Permittee*** and incorporate such other requirements as may be necessary under the ***CWA*** or ***CWC***.

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

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

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

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

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

7. The ***Permittees*** shall report all instances of noncompliance at the time monitoring reports are submitted.

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

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

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

All ***ROWD***s shall be signed as follows:

i. For a municipality or other public agency: by either a principal executive officer or ranking elected official.

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

I. REPORTING REQUIREMENTS

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

ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity (e.g., an individual or position having overall responsibility for environmental matters for the company); and

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

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

d. Any ***Person*** signing a document under paragraph Item No. 9 a. or b. of this reporting requirement shall make the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the ***Person*** or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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

I. REPORTING REQUIREMENTS

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

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

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

    Unless otherwise directed, the discharger shall submit one hard copy and one electronic copy of each report required under this ***MS4 Permit*** to the ***Regional Board*** and one electronic copy to ***USEPA***.

J. NOTIFICATIONS

1. ***CWC*** Section 13263(g)

   No discharge of ***Waste*** into the ***Waters of the State***, whether or not such discharge is made pursuant to ***WDRs***, shall create a vested right to continue such discharge. All discharges of ***Waste*** into ***Waters of the State*** are privileges, not rights.

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

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

   The ***CWA*** provides that any ***Person***, who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this ***MS4 Permit***, is subject to a civil penalty not to exceed $25,000 per day for each violation. The ***CWA*** provides that any ***Person***, who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation of this ***MS4 Permit***, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a ***Person*** shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two years, or both. Any ***Person*** who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a ***Person*** shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both. Any ***Person*** who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this ***MS4 Permit***, and who knows at that time that he or she thereby places another ***Person*** in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a ***Person*** shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the ***CWA*** shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

4. Nothing in this ***MS4 Permit*** shall be construed to preclude the institution of any legal action or relieve the ***Permittee*** from any responsibilities, liabilities, or penalties to which the ***Permittees*** are or may be subject to under Section 311 of the ***CWA*** or established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the ***CWA***.

J. NOTIFICATIONS

K. GLOSSARY OF TERMS

AGR – Agriculture Supply

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

AQUA – Aquaculture

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

Beneficial Uses – The uses of water necessary for the survival and well-being of humans, plants, and wildlife. "***Beneficial Uses***" of the ***Waters of the State*** that may be protected include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. Existing ***Beneficial Uses*** are the uses that were actually attained in the surface or ground water on or after November 28, 1975; and potential ***Beneficial Uses*** are uses that may be attained through the implementation of various control measures. "***Beneficial Uses***" are equivalent to "Designated Uses" under federal law. [***CWC*** Section 13050(f)].

Best Available Technology (BAT) – It is the technology-based standard established by congress in ***CWA Section 402(p)***(3)(A) for industrial dischargers of ***Storm Water***. Technology based standards established the level of ***Pollutant*** reductions that dischargers must achieve, typically by treatment or by a combination of treatment and ***BMPs***. The best economically achievable technology that will result in reasonable further progress toward the national goal of eliminating the discharge of all ***Pollutant***s, as determined in accordance with regulations issued by the ***USEPA*** Administrator. Factors relating to the assessment of ***BAT*** shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the permitting authority deems appropriate. ***BAT*** generally emphasizes treatment methods first and ***Pollution Prevention*** and ***Source Control BMPs*** secondarily.

Best Management Practices (BMPs) – ***BMPs*** are defined in 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the ***Pollution*** of ***Waters of the United States***. ***BMPs*** also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or ***Waste*** disposal, or drainage from raw material storage. In the case of ***MS4*** permits, the ***Effluent Limitations*** required is implementation of ***BMPs*** to the ***MEP***.

CalTrans – California Department of Transportation

CAP – Compliance Assistance Program

CASQA – California Stormwater Quality Association

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

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

CMP – Consolidated Program for Water Quality Monitoring

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

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

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

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

CVSC – Coachella Valley Stormwater Channel

CVWD – Coachella Valley Water District

CWA – Federal Clean Water Act

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

CWA Section 303(d) Water Bodies – A "section 303(d) water body" is designated by the ***State Board*** and ***USEPA*** as an Impaired Water body where water quality does not meet applicable ***WQS*** and/or is not expected to meet ***WQS***s, even after the application of technology based ***Pollution*** controls required by the ***CWA***. The discharge of ***Urban Runoff Pollutant***s by the ***Permittees*** may contribute to violations of applicable ***WQSs***.

CWC – California Water Code

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

Desert Task Force – A ***Permittee*** staff committee to direct the development of the ***SWMP*** and the implementation of the overall ***Urban Runoff*** program as described in the ***ROWD***.

Designated Waste – A "non-***Hazardous Waste*** containing ***Pollutant***s which, under ambient environmental conditions at the waste management unit, could be released at concentrations in excess of applicable ***WQOs***, or which could cause degradation of ***Waters of the State***." [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20210; ***CWC*** Section 13173]

Effluent Limitations – ***Effluent Limitations*** are further defined at 40 CFR 122.2 and are designed to ensure that the discharge does not cause ***WQOs*** to be exceeded in the ***Receiving Water*** and does not adversely affect ***Beneficial Uses***. ***Effluent Limitations*** are typically numeric (e.g., 10 mg/l), but can also be narrative (e.g., no toxics in toxic amounts). The ***Effluent Limitations*** contain in this ***MS4 Permit*** are narrative and include the ***SWMP***'s requirement to implement appropriate ***BMPs*** to the ***MEP***.

Emergency Situation – Any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any ***Hazardous Material*** spill where residents are evacuated, any spill of reportable quantities of ***Hazardous Waste*** (as

defined in 40 CFR 117 and 40 CFR 302), or any other spill or discharge that is reportable to the ***OES***.

Ephemeral Streams – Surface waters without perennial or intermittent flow. Table 2-3 of the ***Basin Plan*** defines ***Beneficial Uses*** for ***Receiving Waters*** within the Western Colorado River Basin. Table 2-3 broadly categorizes all surface waters not specifically named as either ***Washes*** or "Unlisted Perennial and Intermittent Streams". ***Ephemeral Streams*** include the section of flow from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near Indian Avenue crossing in Palm Springs.

Erosion – When land is diminished or worn away due to wind, water, or glacial ice. Often the eroded debris (silt or ***Sediment***) becomes a ***Pollutant*** via ***Storm Water*** runoff. ***Erosion*** occurs naturally but can be intensified by land clearing activities such as farming, development, road-building, and timber harvesting.

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

FRSH – Freshwater Replenishment Beneficial Use

General Construction Permit – General Permit for ***Storm Water*** Discharges Associated with Construction Activity; ***State Board*** Order No. 99-08-DWQ (***NPDES*** No. CAS000002) and the Small Linear Underground/Overhead Utility ***General Construction Permit***; ***State Board*** Order No. 2003-0007-DWQ (***NPDES*** No. CAS000005).

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

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

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

GRW – Groundwater Recharge ***Beneficial Use***

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

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

HAZMAT – ***Hazardous Materials***

HHW – Household ***Hazardous Waste***

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

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

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Illicit Connection (IC) – ***Any*** connection to the ***MS4*** that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term ***Illicit Connection*** includes all ***Non-Storm Water*** discharges and connections except discharges pursuant to an ***NPDES*** permit, discharges that are identified in Section C. ALLOWABLE ***NON-STORM WATER*** DISCHARGES of this ***MS4 Permit***, and discharges authorized by the ***Executive Officer***.

Impaired Waterbody – Section 303(b) of the ***CWA*** requires each Regional Water Quality Control Board to routinely monitor and assess the quality of ***Waters of the State*** within their respective regions. If this assessment indicates that ***Beneficial Uses*** are not met, then that waterbody must be listed under Section 303(d) of the ***CWA*** as an ***Impaired Waterbody***.

Implementation Agreement – Coordinates implementation of the responsibilities of the ***Permittees*** under the ***MS4 Permit*** and provides for funding of "umbrella" activities related to compliance with the ***MS4 Permit***.

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

Inert Waste – ***Inert Waste*** is defined as one that "does not contain ***Hazardous Waste*** or soluble ***Pollutants*** at concentrations in excess of applicable ***WQOs***, and does not contain significant quantities of decomposable ***Waste***." [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20230]

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

Land Disturbance – The clearing, ***Grading***, excavation, stockpiling, or other construction activity that result in the possible mobilization of soils or other ***Pollutant***s into the ***MS4***s. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety. The ***Permittees*** should first confirm with ***Regional Board*** staff if they believe that a particular routine maintenance activity is exempt under this definition from any ***General Storm Water Permits*** or other Orders (i.e., 401 Water Quality Certifications) issued by the ***State*** or ***Regional Board***.

Load Allocation (LA) – The portion of a ***Receiving Water***'s loading capacity that is attributed either to one of its existing or future ***Nonpoint Source***s of ***Pollution*** or to natural background sources.

Low Impact Development (LID) – The integration of site ecological and environmental goal and requirements into all phases of urban planning and design from the individual residential lot level to the entire watershed.

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

backup (additional line of defense). ***MEP*** considers economics and is generally, but not necessarily, less stringent than ***BAT***.

A definition for ***MEP*** is not provided either in the statute or in the regulations. Instead the definition of ***MEP*** is dynamic and will be defined by the following process over time: municipalities propose their definition of ***MEP*** by way of their ***SWMP***. Their total collective and individual activities conducted pursuant to the ***SWMP*** becomes their proposal for ***MEP*** as it applies both to their overall effort, as well as to specific activities (e.g., ***MEP*** for street sweeping, or ***MEP*** for ***MS4*** facility maintenance). In the absence of a proposal acceptable to the ***Regional Board***, the ***Regional Board*** defines ***MEP***.

In a memo dated February 11, 1993, entitled "Definition of ***Maximum Extent Practicable***," Elizabeth Jennings, Senior Staff Counsel of the ***State Board***, addressed the achievement of the ***MEP*** standard as follows: "To achieve the ***MEP*** standard, municipalities must employ whatever ***Best Management Practices*** (***BMPs***) are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. Reducing ***Pollutants*** to the ***MEP*** means choosing effective ***BMPs***, and rejecting applicable ***BMPs*** only where other effective ***BMPs*** will serve the same purpose or the ***BMPs*** would not be technically feasible, or the cost would be prohibitive. In selecting ***BMPs*** to achieve the ***MEP*** standard, the following factors may be useful to consider:

*a. Effectiveness: Will the **BMPs** address a **Pollutant** (or **Pollutant** source) of concern?*

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

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

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

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

The final determination regarding whether a municipality has reduced ***Pollutant***s to the ***MEP*** can only be made by the ***Regional Board*** or State Board, and not by the municipal discharger. If a municipality reviews a lengthy menu of ***BMPs*** and chooses to select only a few of the least expensive, it is likely that ***MEP*** has not been met. On the other hand, if a municipal discharger employs all applicable ***BMPs*** except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit derived, it would have met the standard. Where a choice may be made between two ***BMPs*** that should provide generally comparable effectiveness, the discharger may choose the least expensive alternative and exclude the more expensive ***BMP***. However, it would not be acceptable either to reject all ***BMPs*** that would address a pollutant source, or to pick a ***BMP*** base solely on cost, which would be clearly less effective. In selecting ***BMPs*** the municipality must make a serious attempt to comply and practical solutions may not be lightly rejected. In any case, the burden would be on the municipal discharger to show compliance with its permit. After selecting a menu of ***BMPs***, it is the responsibility of the discharger to ensure that all ***BMPs*** are implemented."

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MUN – Municipal and Domestic Supply ***Beneficial Use***

Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, ***Storm Water***, or other ***Wastes***, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the ***CWA*** that discharges to ***Waters of the United States***; (ii) Designated or used for collecting of conveying ***Storm Water***; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (***POTW***) as defined at 40 CFR 122.2.

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

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

New Development Guidelines –Supplement A to the Riverside County Drainage Area Management Plan for the Santa Ana and Santa Margarita ***Watersheds***. The ***New Development Guidelines*** are incorporated into the ***Whitewater River Region SWMP***.

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

Non-hazardous Solid Waste – All putrescible and non-putrescible solid, semi-sold, and liquid ***Wastes***, including garbage, trash, refuse, paper, rubbish, ashes, industrial ***Wastes***, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-sold ***Wastes*** and other discarded solid or semi-solid ***Waste***; provided that such ***Wastes*** do not contain ***Wastes*** which must be managed as ***Hazardous Wastes***, or ***Wastes*** which contain soluble ***Pollutants*** in concentration which exceed applicable ***WQOs*** or could cause degradation of ***Waters of the State***." [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20220]

Non-Point Source – Diffuse, widespread sources of ***Pollution***. These sources may be large or small, but are generally numerous throughout a ***Watershed***. ***Non-Point Sources***, include but are not limited to urban, agricultural or industrial area, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation. ***Non-point Source Pollution*** can occur year round any time rainfall, snowmelt, irrigation, or any other source of water runs over land or through the ground, picks up ***Pollutants*** from these numerous, diffuse sources and deposits them into rivers, lakes and coastal waters or introduces them into ground water.

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

NOT – Notice of Termination of coverage under a ***General Stormwater Permit***.

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

Numeric Effluent Limitations – A method by which ***Effluent Limitations*** are prescribed for ***Pollutants*** in ***WDRs*** using concentration based criteria to implement the federal ***NPDES*** regulations. When ***Numeric Effluent Limitations*** are met at the "end-of-pipe", the effluent discharge generally will not cause ***WQSs*** to be exceeded in the receiving waters (i.e., ***WQS*** will also be met).

OES – The Governor's Office of Emergency Services, an agency of the State of California.

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

Permit Area – The ***Whitewater River Region*** as defined in ATTACHMENT C -SITE MAP.

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

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

Point Source – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operations, landfill leachate collection systems, vessel, or other floating craft from which ***Pollutant***s are or may be discharged.

Pollutant – Broadly defined as any agent that may cause or contribute to the degradation of water quality such that a condition of ***Pollution*** or ***Contamination*** is created or aggravated.

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

Pollution – As defined at 40 CFR 122.2, ***Pollutant*** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge,

munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended *(42 U.S.C. 2011* et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

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

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

Pollution Prevention - Practices and processes which reduce or eliminate the generation of ***Pollutant***s, in contrast to source control, ***Pollution*** control, treatment or disposal.

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

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

Potential Pollutant – In general, any agent that may possess the ability to cause or contribute to the degradation of water quality.

POTW – Publicly owned treatment works

POW – Hydropower Generation ***Beneficial Use***

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

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

Priority Development Projects – New Development and ***Redevelopment Projects***

Priority Pollutants – USEPA Priority Pollutants. See Attachment D – List of ***Priority Pollutants***.

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

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

RARE – Rare, Threatened or Endangered Species ***Beneficial Use***

RCWMD – ***County*** Waste Management Department

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

Receiving Water Limitations - ***Receiving Water Limitations*** are requirements included in the ***MS4 Permit*** issued by the ***Regional Board*** to assure that the regulated discharges do not violate ***WQS***s established in the ***Basin Plan*** at the point of discharge to ***Waters of the United States***. ***Receiving Water Limitations*** are used to implement the requirement of ***CWA*** section 301(b)(1)(C) that ***NPDES*** permits must include any more stringent limitations necessary to meet ***WQS***s.

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

REC-I – Contact water recreation ***Beneficial Use***

REC-II – Non-contact water recreation ***Beneficial Use***

Redevelopment Project - A project where major modifications to an existing site or structure requiring a permit issued by a ***Permittee*** is undertaken. Routine maintenance, interior remodeling, re-roofing, and parking lot maintenance are not included. A ***Redevelopment Project*** is not to be confused with the projects undertaken by a Redevelopment Agency.

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

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

ROWD – Report of Waste Discharge. Application for renewal of ***WDRs***.

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

SARA – Superfund Amendments and Reauthorization Act. ***SARA*** amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) on October 17, 1986. ***SARA*** reflected ***USEPA***'s experience in administering the complex Superfund program during its first six years and made several important changes and additions to the program. ***SARA***:

- stressed the importance of permanent remedies and innovative treatment technologies in cleaning up ***Hazardous Waste*** sites;
- required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations;
- provided new enforcement authorities and settlement tools;
- increased State involvement in every phase of the Superfund program;
- increased the focus on human health problems posed by ***Hazardous Waste*** sites;
- encouraged greater citizen participation in making decisions on how sites should be cleaned up; and
- increased the size of the trust fund to $8.5 billion.

SARA also required ***USEPA*** to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and

the environment posed by uncontrolled ***Hazardous Waste*** sites that may be placed on the National Priorities List (NPL).

Sediment – Soil, sand, and minerals washed from land into water. ***Sediment*** can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants. This ***MS4 Permit*** regulates only the discharges of ***Sediment*** from anthropogenic sources and does not regulate naturally occurring sources of ***Sediment***.

SIC – Standard Industrial Classification

Site Design BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed at reducing ***Urban Runoff***, increasing infiltration, reducing pollutant transport mechanisms, minimizing the difference between pre- and post-development ***Urban Runoff***.

Source Control BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed to limit the contact between ***Pollutant*** sources and ***Storm Water*** or authorized ***Non-Storm Water***. Examples include: activity schedules, prohibitions of practices, street sweeping, facility maintenance, detection and elimination of ***IC/ID***, and other non-structural measures. Facility design examples include providing attached lids to trash containers, or roof or awning over material and trash storage areas to prevent direct contact between water and ***Pollutant***s. Additional examples are provided in Section 4 of the ***New Development Guidelines***, which is incorporated into the Whitewater River ***SWMP***.

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

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

Storm Water - "***Storm Water***" is as defined ***Storm Water*** runoff and snow melt runoff consisting only of those discharges that originate from precipitation events. ***Storm Water*** is that portion of precipitation, which flows across a surface to the ***MS4 Receiving Waters***. Examples of this phenomenon include: the water that flows off a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). When all factors are equal, runoff increases as the perviousness of a surface decreases. During precipitation events in urban areas, rainwater picks up and transports ***Pollutant***s through ***MS4***s, and ultimately to ***Waters of the United States***.

Storm Water Management Plan (SWMP) – Document describing those activities and programs implemented by the ***Permittees*** to manage ***Urban Runoff*** to comply with the requirements of this ***MS4 Permit*** for the ***Whitewater River Region***.

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

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Structural BMPs – Physical facilities or controls which may include secondary containment, treatment measures, (e.g. first flush diversion, detention/retention basins, and oil/grease separators), run-off controls (e.g., grass swales, infiltration trenches/basins, etc.), and engineering and design modification of existing structures. Additional examples are provided in Section 4 of the ***New Development Guidelines***, which is incorporated into the Whitewater River ***SWMP***.

Supplement "A" – Supplement "A" to the Riverside County Drainage Area Management Plan for the Santa Ana and Santa Margarita ***Watersheds***. See "***New Development Guidelines***".

SWPPP – Storm Water ***Pollution Prevention*** Plan

TDS – Total dissolved solids.

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

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

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

Treatment Control BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed at the removal of ***Pollutant***s from ***Urban Runoff***.

TSS – Total suspended solids.

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

K. GLOSSARY OF TERMS

USEPA – United States Environmental Protection Agency

WARM – Warm freshwater habitat ***Beneficial Use***

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

Waste – As defined in ***CWC*** 13050(d), "***Waste*** includes sewage and any and all other ***Waste*** substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including ***Waste*** placed within containers of whatever nature prior to, and for purposes of, disposal." Article 2 of CCR Title 23, Chapter 15 (Chapter 15) contains a ***Waste*** classification system, which applies to solid and semi-solid ***Waste***, which cannot be discharged directly or indirectly to Water of the State and which therefore must be discharged to land for treatment, storage, or disposal in accordance with Chapter 15. There are four classifications of ***Waste*** (listed in order of highest to lowest threat to water quality): ***Hazardous Waste***, ***Designated Waste***, ***Non-Hazardous Solid Waste***, and ***Inert Waste***.

Waste Discharge Requirements (***WDRs***) – As defined in Section 13374 of the ***CWC***, the term "***Waste Discharge Requirements***" is the equivalent of the term "permits" as used in the Federal Water ***Pollution*** Control Act, as amended. The ***Regional Board*** usually reserves reference to the term "permit" to ***WDRs*** for discharges to surface ***Waters of the United States***.

Waste Load Allocation (WLA) – ***WLA***s are portions of the ***TMDL*** assigned to existing and future ***Point Source***s and ***LA***s are portions of the ***TMDL*** assigned to existing and future ***Nonpoint Source***s, including background loads.

Waters of the United States. – ***Waters of the United States*** can be broadly defined as navigable surface waters and their tributaries. Groundwater is not included. As defined in 40 CFR 122.2, the ***Waters of the United States*** are defined as: (a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate "wetlands;" (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as ***Waters of the United States*** under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. ***Waters of the United States*** do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the ***CWA***, the final authority regarding ***CWA*** jurisdiction remains with the ***USEPA***.

Water Quality Objective (***WQO***) – Numerical or narrative limits on constituents or characteristics of water designated to protect designated ***Beneficial Uses*** of the water. [***CWC*** 13050 (h)]. California's ***WQOs*** are established by the State and Regional Water

Boards in the Water Quality Control Plans. As stated in the Porter-Cologne requirements for discharge (***CWC*** 13263): "***Waste Discharge Requirements*** shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the ***Beneficial Uses*** to be protected, the water objectives reasonably required for that purpose, other ***Waste*** discharges, the need to prevent ***Nuisance***, and the provisions of Section 13241."

Numeric or narrative limits for ***Pollutants*** or characteristics of water designed to protect the ***Beneficial Uses*** of the water. In other words, a ***WQO*** is the maximum concentration of a ***Pollutant*** that can exist in a ***Receiving Water*** and still generally ensure that the ***Beneficial Uses*** of the ***Receiving Water*** remain protected (i.e., not impaired). Since ***WQO***s are designed specifically to protect the ***Beneficial Uses***, when the objectives are violated the ***Beneficial Uses*** are, by definition, no longer protected and become impaired. This is a fundamental concept under the Porter Cologne Act. Equally fundamental is Porter Cologne's definition of ***Pollution***. A condition of ***Pollution*** exists when the water quality needed to support designated ***Beneficial Uses*** has become unreasonably affected or impaired; in other words, when the ***WQO***s have been violated. These underlying definitions (regarding ***Beneficial Use*** protection) are the reason why all ***WDRs*** implementing the federal ***NPDES*** regulations require compliance with ***WQO***s (***WQO***s are also called water quality criteria in the ***CWA***).

Water Quality Standards (WQS) – The water quality goals of a waterbody (or a portion of the waterbody) designating ***Beneficial Uses*** (e.g., swimming, fishing, municipal drinking water supply, etc.) to be made of the water and the ***WQOs*** necessary to protect those uses.

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

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

WDID – Waste discharge identification number.

Whitewater River Region - The urbanized area of the ***Whitewater River Watershed*** under the jurisdiction of the ***Permittees*** as identified in ATTACHMENT C – SITE MAP.

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

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

WILD – Wildlife habitat ***Beneficial Use***

WQMP – Water Quality Management Plan

K. GLOSSARY OF TERMS

L. MONITORING AND REPORTING

1. Pursuant to Section 13267 of the ***CWC***, the ***Permittees*** shall comply with Monitoring and Reporting Program No. R7-2008-0001 and with the "General Monitoring and Reporting Provisions."

2. The ***Permittee(s)*** shall monitor the ***Receiving Water*** and ***MS4*** for ***Pollutants*** during the fiscal year (July 1 to June 30) beginning July 1, 2008. This monitoring will assist in the, characterization of ***Urban Runoff***, effectiveness of implemented ***BMPs***, and determining the impact of ***Urban Runoff*** in the ***Whitewater River Region***. Specifically, the ***Permittee(s)*** shall sample in accordance with the specified monitoring schedule and constituents of concern listed in this section of the ***MS4 Permit***.

3. The ***Permittee(s)*** may propose alternative or additional monitoring locations for approval by the ***Executive Officer***.

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

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

6. Due to the hazard of flash flooding that exists in waterbodies within the ***Whitewater River Region MS4 Permit*** area, sample collection shall occur only when there is enough sunlight to safely collect a monitoring sample during a ***Receiving Water*** wet weather monitoring event. Sampling shall not take place when it is unsafe and/or there is a flash flood warning and/or watch.

7. ***Permittee*** records of monitoring information shall include:

   A. The date, exact place, and time of sampling or measurement(s);

   B. The individual(s) who performed the sampling or measurement(s);

   C. The date(s) analyses were performed;

   D. The analytical techniques or method used; and

   E. The results of such analyses.

8. The ***Permittee(s)*** shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this ***Regional Board*** Order, and records of all data used to complete the application for this ***Regional Board*** Order, for a period of at least five (5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the ***Executive Officer***.

9. The ***Permittees*** shall conduct monitoring for field parameters, constituents of concern and for ***Priority Pollutants*** as described in the appropriate sections.

Field Parameters

Field Parameters to be monitored shall include: water temperature, pH, Electrical Conductivity (EC), Turbidity, and Dissolved Oxygen (DO). Additional parameters may be collected if necessary to characterize or document the ***IC/ID*** (oil and grease, etc.) or for use in follow up enforcement actions against sources of an ***IC/ID***. The minimum levels of analysis for the field parameters shall be monitored at the appropriate minimum levels and units for comparison with ***Basin Plan*** objectives.

Constituents of Concern

The following table consists of constituents of concern commonly associated with ***Urban Runoff***. The minimum levels of analysis for the metals shall be as shown on ATTACHMENT E – ***STATE BOARD*** MINIMUM LEVELS, all other constituents shall be monitored at the appropriate minimum levels and units for comparison with ***Basin Plan*** objectives.

Table L-1 Constituents of Concern

Total Metals	Pathogen Indicator	Nutrients & Other
Arsenic	E. coli	Nitrate as Nitrogen
Barium		Nitrite as Nitrogen
Cadmium		Ammonia as Nitrogen
Chromium		Total Kjeldahl Nitrogen
Lead		Total Nitrogen (Calculation)
Mercury		Ortho Phosphorous
Selenium		Total Phosphorus
		Total Dissolved Solids (***TDS***)

Priority Pollutants

Priority Pollutants to be monitored are shown on ATTACHMENT D- LIST OF ***PRIORITY POLLUTANTS***. The minimum level of analysis is shown on ATTACHMENT E – ***STATE BOARD*** MINIMUM LEVELS.

10. The ***Permittees*** shall conduct the monitoring at the following types of locations:

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

    B. Wet Weather Outfall Monitoring;

    C. Dry Weather ***Receiving Water*** Monitoring; and

    D. Wet Weather ***Receiving Water*** Monitoring.

A. Dry Weather Outfall *IC/ID* Monitoring

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

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

When there is evidence of irregular flow or water quality conditions caused by an ***IC/ID*** activity, the ***Permittee(s)*** with jurisdiction over the tributary area to the outfall shall be notified of the potential ***IC/ID*** and be requested to conduct a follow-up ***IC/ID*** investigation. ***IC/ID*** investigation results shall be reported in the ***Annual Report***.

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

Monitoring Location Lat/Long	Minimum No. of Events/Year	Type of Sample	Constituents
Ramsey Street Storm Drain 33°48'35.0", -116°51'31.5"	2	Grab or Composite	Field Parameters and E. Coli
Portola Ave Outfall 33°44'16.8", -116°22'24.6"	2	Grab or Composite	Field Parameters and E. Coli
Avenue 52 Outfall 33°40'17.4", -116°08'56.4"	2	Grab or Composite	Field Parameters and E. Coli

B. Wet Weather Outfall Monitoring

Wet Weather Outfall Monitoring shall be conducted for the purposes of evaluating long term trends in ***Urban Runoff***. The data collected from these stations shall also be used to assist in assessment of potential urban contributions to chronic water quality conditions identified from the ***Receiving Waters*** Monitoring Program.

The ***Permittees*** shall monitor for field parameters and constituents of concern at the wet weather outfall monitoring locations as shown in the Table L-3 Wet Weather Outfall Monitoring Locations.

At least once during the last three years of the monitoring program the ***Permittees*** shall also monitor the ***USEPA Priority Pollutants*** list for one storm event to determine if other ***Pollutants*** that have historically not been detected in excess of ***WQSs*** are becoming problematic. See ATTACHMENT D- LIST OF ***PRIORITY***

POLLUTANTS and ATTACHMENT E – ***STATE BOARD*** MINIMUM LEVELS for list of ***Priority Pollutants*** and minimum levels for analysis.

Table L-3 Wet Weather Outfall Monitoring Locations

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
Ramsey Street Storm Drain 33°48'35.0", -116°51'31.5"	2	Grab or Composite	Field parameters and constituents of concern; Add ***Priority Pollutants*** list to one sample event during 2 nd , 3 rd or 4th year of ***MS4 Permit***
Portola Avenue Outfall 33°44'16.8", -116°22'24.6"	2	Grab or Composite	Same as above
Avenue 52 Outfall 33°40'17.4", -116°08'56.4"	2	Grab or Composite	Same as above

C. Dry Weather *Receiving Water* Monitoring

Dry Weather ***Receiving Water*** Monitoring shall be conducted for the purposes of evaluating the health of the perennial portion of the ***CVSC*** during dry weather conditions. The data collected shall also be used to assist in assessment of potential ***Urban Runoff*** contributions to chronic water quality conditions identified from the ***Receiving Water***s Monitoring Program.

The ***Permittees*** shall monitor for field parameters, constituents of concern and ***Priority Pollutants*** at the dry weather ***Receiving Water*** monitoring location as shown in the Table L-4 Dry Weather ***Receiving Water*** Monitoring Location.

Table L-4 Dry Weather *Receiving Water* Monitoring Location

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
CVSC at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	2	Grab or Composite	Field parameters and constituents of concern; Add ***Priority Pollutants*** list to one sample event during 2 nd , 3 rd or 4th year of this ***MS4 Permit.***

D. Wet Weather *Receiving Water* Monitoring

The ***Permittees*** shall monitor the ***CVSC*** to assess ***Receiving Water*** conditions during wet weather conditions. When there is hydraulic connectivity throughout the ***Whitewater River Region***, as evidenced by regional stormwater flows detected at Golf Center Parkway, the ***Permittees*** shall also monitor the Upper Whitewater River to assist with determination of natural background concentrations of field parameters and constituents of concern that may also be found in ***Urban Runoff***.

L. MONITORING AND REPORTING

The ***Permittees*** shall monitor for field parameters, constituents of concern and ***Priority Pollutants*** at the wet weather ***Receiving Water*** monitoring locations as shown in the Table L-5 Wet Weather ***Receiving Water*** Monitoring Locations.

Table L-5 Wet Weather *Receiving Water* Monitoring Locations

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
Upper White Water River 33°59'01.5", -116°08'57.8"	2*	Grab or Composite	Field parameters and constituents of concern; Add ***Priority Pollutants*** list to one sample event during 2 nd , 3 rd or 4th year of this ***MS4 Permit.***
CVSC at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	2	Grab or Composite	Same as above

* - Note: Sample will be collected when there is hydraulic connectivity throughout the ***Whitewater River Region***, as evidenced by regional stormwater flows detected at Golf Center Parkway.

Special Studies

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

The ***Permittees*** may also be required to conduct additional monitoring required by the Implementation Plans of legally approved ***TMDL***s within the ***Whitewater River Watershed***. See Section G. ***TOTAL MAXIMUM DAILY LOAD***S.

11. Public Works Construction Monitoring

A. The ***Regional Board*** may require the ***Permittee(s)*** to conduct additional site inspections, submit reports and certifications, or to perform sampling and analysis.

B. The ***Permittee(s)*** shall conduct inspections of construction sites prior to anticipated storm events and after actual storm events to identify areas contributing to a discharge of ***Storm Water*** associated with construction activity. The ***Permittee(s)*** shall evaluate whether control practices to reduce ***Pollutant*** loadings identified in the ***SWPPP*** are adequate and properly implemented or whether additional control practices are needed. A record of the inspections must include the date of the inspection, the individual(s) who performed the inspection, and the observations. Other than reporting incidents of noncompliance with these inspections, the ***Permittee(s)*** are not required to submit inspection reports.

C. Any noncompliance or anticipated noncompliance shall be reported to the ***Regional Board***. The notifications shall identify the type(s) of noncompliance, describe the actions necessary to achieve compliance, and

include a time schedule, subject to modifications by the ***Regional Board***, indicating when compliance will be achieved. Noncompliance notifications must be submitted within 30 days of identification of noncompliance.

D. Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least five years. With the exception of noncompliance reporting, the ***Permittee(s)*** are not required to submit these records.

12. Reporting

A. An ***Annual Report*** shall be submitted to the ***Executive Officer*** stating the results of monitoring and other reportable activities. This report shall be submitted to the ***Regional Board*** by January 15th of each year.

B. The monitoring report shall describe monitoring station locations, frequency of sampling, quality assurance/quality control procedures and sampling and analysis protocols, summarize the data/results, identify methods of evaluating the data, and provide graphical summaries of the data.

C. In addition, monitoring reports shall include an analysis of the findings of each monitoring year. The analysis shall identify acute Water Quality problems that may be indicated by water quality parameters that are measured outside of normal ranges for that parameter based on historic water quality data.

D. Monitoring reports shall also include identification and analysis of any long-term trends in ***Storm Water*** or ***Receiving Water*** quality. The ***Permittees*** shall analyze long term trends for signs of chronic water quality problems. The analysis shall include identification of potential urban sources of chronic problems, effectiveness of existing ***BMP*** control measures, and recommend necessary next steps. Next steps may include allowing for additional time to statistically confirm a chronic water quality problem, additional data collection necessary to examine urban sources, potential revisions to the ***SWMP*** to address urban sources found to be contributing to the chronic condition, or other similar measures necessary to confirm and/or address the condition.

E. All monitoring reports shall use a standard report format and shall include the following:

i. An introduction;

ii. Summary of Special Studies participated in during the reporting period;

iii. Comprehensive interpretations and conclusions; and

iv. Recommendations for necessary future actions.

13. ***IC/IDs***

The ***Permittee(s)*** shall report the following:

Activity	Reporting
To inspect and document any ***IC/IDs*** identified as part of the ***SWMP***	Annually

14. ***Whitewater River Region*** Modifications

Per Section E.2.b., the ***Permittees*** shall report any necessary changes to the boundaries of the ***Whitewater River Region***.

15. Legal Certifications

In the Fiscal Year 2008-2009 ***Annual Report*** the ***Permittees*** shall provide their legal certifications per Section E.4 of this ***MS4 Permit***.

16. ***MS4 Permit*** Evaluation and Effectiveness Reporting Requirements

The ***Permittee(s)*** shall submit all reportable Evaluation and Effectiveness items contained within the ***Permittees SWMP*** and as required in the various Section F Evaluation and Reporting Requirements of this ***MS4 Permit***.

17. Compliance Status

The ***Permittee(s)*** shall report the overall compliance level for the reporting period in the January 15 ***Annual Report*** based on the reportable items described in sections B through G of this ***MS4 Permit***. This compliance status report shall also include a compliance status report for each ***Permittee***.

18. Format

A. The ***Permittee(s)*** shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the ***Permittee(s)*** are in compliance with the ***MS4 Permit***.

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

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. MONITORING AND REPORTING

C. A duly authorized representative of the ***Permittee(s)*** may sign the documents if:

i. The authorization is made in writing by the director, general manager or equivalent person in charge of overseeing the entire operation.

ii. The authorization specified an individual or person having responsibility for the overall operation; and

iii. The written authorization is submitted to the ***Executive Officer***.

D. Submit monitoring reports to:

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

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

Unless otherwise directed, the ***Permittees*** shall submit one hard copy and one electronic copy of each report required under this ***MS4 Permit*** to the ***Regional Board*** and one electronic copy to ***USEPA***.

M. ADMINISTRATIVE PROVISIONS

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

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

N. REQUIRED SUBMITTALS, REPORTS AND COMPLIANCE TIME SCHEDULES

1. The following submittals and reports are required in accordance with Section 13267 of the ***CWC***.

   a. This ***MS4 Permit*** expires on May 21, 2013 and the ***Permittees*** must file a ***ROWD*** in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of a new ***MS4 Permit***.

   b. All reports required by this order shall be submitted to the ***Executive Officer*** in accordance with the following schedule:

REFERENCE	ITEM	COMPLETION TIME AFTER PERMIT ADOPTION/ FREQUENCY	REPORT DUE DATE
E.1.g. E.2.e	***Desert Task Force*** meetings to discuss ***MS4 Permit*** implementation and regional and statewide issues.	Minimum quarterly meetings.	Annually on January 15th.
E.1.h E.2.b.	Review and update the ***Whitewater River Region MS4*** boundary map.	Annually	If amended, annually on January 15th.
E.4	Review of Ordinances	June 15, 2009	June 29, 2009
F.1.a.ii.	Develop model forms and maintain database relating to ***IC/ID***, Litter, Debris and Trash Control Program	June 15, 2009	June 29, 2009
F.1.a.vi	Field Screening/System Surveillance	Annually	Annually on January 15th.
F.1.a.xvi	Spill incidents, including unauthorized discharges	Annually	Annually on January 15th.
F.1.a.xvi	IC/ID reporting requirements in SWMP.	Annually	Annually on January 15th.
F.1.a.xvii	Amend SWMP to report on IC/ID Activity Program.	June 15, 2009	June 29, 2009
F.1.b.vii	Commercial/Industrial Program reporting requirements in SWMP.	Annually	Annually beginning January 15th 2010.
F.1.b.viii F.1.b.ix	Amend SWMP to report on Commercial/Industrial requirement in SWMP.	June 15, 2009	June 29, 2009

REFERENCE	ITEM	COMPLETION TIME AFTER PERMIT ADOPTION/ FREQUENCY	REPORT DUE DATE
F.1.c.iii	Revise ***SWMP New Development*** and Redevelopment requirements.	June 15, 2009	June 29, 2009
F.1.d.vi	Summarize and evaluate construction inspection prioritization criteria and inspection schedule as part of ***Annual Report***.	Annually	Annually, beginning January 15, 2010
F.1.d.vii	Describe and evaluate process for evaluating ***New Development*** and ***Redevelopment Projects***.	Annually	Annually, beginning January 15, 2010
F.1.e.ii.2	Incorporate ***Permittee*** facilities and operations ***BMPs*** outlined in ***SWMP***.	June 15, 2009	June 29, 2009
F.1.e.vi.1	***Permittee*** activities program reporting requirements in ***SWMP***	Annually	Annually on January 15th.
F.1.e.vi.2	Amend ***SWMP*** to require ***Permittees*** with jurisdiction over a sanitary sewer to confirm sewage spill response plans are developed and current.	June 15, 2009	June 29, 2009
F.1.e.vi.3	Amend ***SWMP*** to summarize number of municipal facilities operated by ***Permittees*** and confirm all facilities have ***Pollution Prevention*** plans onsite.	June 15, 2009	June 29, 2009
F.1.e.vi.4	Amend SWMP to maintain list of pesticide application personnel and verify applicator certifications.	June 15, 2009	June 29, 2009
F.1.e.vi.5	Amend SWMP to verify stencils/markers are maintained on inlets to the MS4.	June 15, 2009	June 29, 2009
F.1.f.ix.1	Public Education Program reporting requirements in SWMP	Annually	Annually on January 15th.

N. REQUIRED SUBMITTALS AND COMPLIANCE TIME SCHEDULES

REFERENCE	ITEM	COMPLETION TIME AFTER PERMIT ADOPTION/ FREQUENCY	REPORT DUE DATE
F.1.f.ix.2	Amend ***SWMP*** to document usage of 800 toll free line.	June 15, 2009	June 29, 2009
F.1.f.ix.3	Amend ***SWMP*** to document ***HHW*** Collection Program activities.	June 15, 2009	June 29, 2009
F.1.f.ix.4	Amend ***SWMP*** to track number of regional public education outreach event conducted.	June 15, 2009	June 29, 2009
F.1.f.ix.5	Amend ***SWMP*** to document impressions made through regional media outreach programs and to use public surveys to assess effectiveness of public education and outreach program.	June 15, 2009	June 29, 2009
F.1.f.ix.6	Amend ***SWMP*** to summarize scope and purpose of regional public education materials available to various audiences.	June 15, 2009	June 29, 2009
F.1.f.ix.7	Amend ***SWMP*** to report on ***Permittee*** employee training program.	June 15, 2009	June 29, 2009
F.1.f.ix.8	Amend ***SWMP*** to identify existing code requirements for on-site storage and infiltration of stormwater on new developments and redevelopment projects and the methodology used to ensure that storage/infiltration areas are retained post-construction.	June 15, 2009	June 29, 2009
G.	***SWMP*** modifications in accordance to ***TMDL*** Implementation Tasks	Per ***TMDL WLA***s/ Implementation Plan	Per ***TMDL WLA***s/ Implementation Plan
L.12 – L.18	***Annual Report*** Requirements	Annually	Annually on January 15th.

N. REQUIRED SUBMITTALS AND COMPLIANCE TIME SCHEDULES

O. FACT SHEET

1. Fact Sheet Format:

   This Fact Sheet briefly sets forth the principle facts and the significant factual, legal, methodological, and policy questions that the ***Regional Board*** considered in preparing Order No. R7-2008-0001. In accordance with the Code of Federal Regulations (CFR), Title 40, parts 124.8 and 124.56, this Fact Sheet includes, but is not limited to, the following information:

   - Contact Information;
   - Public process and notification procedures;
   - A brief description of the type of facility or activity that is being regulated by the Order;
   - The type and quantity of ***Pollutants*** discharged;
   - A brief summary of the basis for the requirements in the Order; including references to the applicable statutory or regulatory provisions; and
   - A discussion of the requirements in the Order.

2. Project Description and ***Permittees*** Information:

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

   On March 9, 2006, the ***County*** and the ***RCFC&WCD***, in cooperation with the ***CVWD*** and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the ***Permittees***), jointly submitted ***NPDES*** Application No. CAS617002 and a ***ROWD*** for re-issuance of a ***MS4 Permit***.

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

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

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

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

and obligations of the ***Principal Permittees*** and the ***Co-Permittees*** imposed by this ***MS4 Permit*** are specified in further detail in the ***Implementation Agreement***, which is described in Finding No. 5 of this Order.

3. Project Area:

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

4. Exclusions to the Permitted Area:

   The ***Permittees*** may lack legal jurisdiction over storm water discharges into their respective ***MS4***s facilities from certain facilities, entities, properties, and other ***Point*** and ***Non-Point Source*** discharges otherwise permitted by or under the jurisdiction of the ***Regional Board***. The ***Regional Board*** recognizes that the ***Permittees*** should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate ***Pollutants*** present in ***Urban Runoff*** are beyond the ability of the ***Permittees*** to eliminate. Examples include: operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geography. Consequently, certain portions of the ***Whitewater River Watershed*** are excluded from coverage under this ***MS4 Permit.*** Excluded areas include:

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

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

O. FACT SHEET

5. ***CWA*** Requirements:

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

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

   The ***CWA*** allows the ***USEPA*** to delegate its ***NPDES*** permitting authority to states with an approved environmental regulatory program. The State of California is one of the delegated states. The Porter-Cologne Act Water Quality Control Act (***CWC***, Section 13000 et seq.) authorizes the ***State Board***, through its Regional Boards, to regulate and control the discharge of ***Pollutants*** into ***Waters of the State*** and tributaries thereto. Section 405 of the Water Quality Act (WQA) of 1987 added Section 402(p) to the ***CWA***. Pursuant to Section 402(p)(4) of the ***CWA***, the ***USEPA*** promulgated regulations for ***Storm Water*** permit applications for ***Storm Water*** discharges associated with industrial activities and ***MS4***s serving a population of 100,000 or more. This ***MS4 Permit*** governing ***Urban Runoff*** meets both the statutory requirements of Section 402(p)(3)(B) and all requirements applicable to an ***NPDES*** permit issued under the issuing authority's discretionary authority in accordance with Section 401(a)(1)(B) of the ***CWA***.

6. Regulatory Background and ***CWA Storm Water*** Requirements:

   The ***CWA*** prohibits the discharge of any ***Pollutant*** to navigable waters from a ***Point*** **Source** unless an ***NPDES*** permit authorizes the discharge. Efforts to improve water quality under the ***NPDES*** program traditionally and primarily focused on reducing ***Pollutants*** in discharges of industrial process wastewater and municipal sewage. The 1987 amendments to the ***CWA*** required ***MS4***s and industrial facilities, including construction sites, to obtain ***NPDES*** permits for ***Storm Water*** runoff from their facilities. On November 16, 1990, the ***USEPA*** promulgated the final Phase 1 ***Storm Water*** regulations. The ***Storm Water*** regulations are contained in 40 CFR Parts 122, 123, and 124.

   On June 22, 1996, the ***Regional Board*** issued Order No. 96-015 to the ***Permittees*** (first term permit). On September 5, 2001, the ***Regional Board*** adopted Order No. 01-077 (second term permit). Order No. 01-077 is administratively extended in accordance with Title 23, Division 3, Chapter 9, Article 3, Section 2235.4 of the California Code of Regulations.

O. FACT SHEET

7. Area-Wide ***MS4 Permit***:

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

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

8. Coordination with Other Regional Agencies:

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

9. Existing Facilities and Programs:

   Within the ***Whitewater River Region***, the California Department of Finance estimates a population of approximately 402,650 persons as of January 1, 2005. ***Storm Water*** discharges from urbanized areas consist mainly of surface runoff from residential, commercial, and industrial developments. In addition, there are ***Storm Water*** discharges from agricultural land uses. The constituents of concern and significance in ***Storm Water*** discharges are: total suspended solids (***TSS***), biochemical oxygen demand (BOD), chemical oxygen demand (COD), oil and grease (O&G), heavy metals, nutrients and organic chemicals such as base/neutral and acid extractables, pesticides and herbicides, and petroleum hydrocarbon components.

   To protect the ***Beneficial Uses*** of ***Waters of the State***, ***Pollutant***s from all sources need to be controlled. Recognizing this, and the fact that ***Urban Runoff*** contains ***Pollutants***, the ***Permittees*** and the ***Regional Board*** have all agreed that an area-wide ***MS4 Permit*** is the most effective way to develop and implement a comprehensive ***Storm Water*** management program in a timely manner. This ***MS4 Permit*** contains requirements with time schedules that will allow the ***Permittees*** to

continue to address water quality problems caused by ***Urban Runoff*** through their management programs to reduce ***Pollutants*** in ***Urban Runoff*** to the ***MEP***.

10. ***MS4 Permit*** Requirements:

In accordance with Section 402(p)(3), as part of a program to reduce the ***Pollutants*** in ***Urban Runoff*** to the ***MEP***, the ***Permittees*** have been required to submit existing management plans and programs being implemented or developed in the previous ***MS4 Permit*** to reduce ***Pollutants*** in ***Urban Runoff***. In addition, the ***Permittees*** will be required to report, review and/or revise the management programs and control measures in accordance with a time schedule approved by the ***Executive Officer*** for this ***MS4 Permit***.

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

The ***MS4 Permit*** also requires the development and implementation of management programs and/or ***BMPs*** during the life of the ***MS4 Permit*** such that the quality of ***Urban Runoff*** discharged can be improved and the ***WQOs*** of the ***Receiving Waters*** ultimately can be met. It is also expected that through implementation of these programs and/or ***BMPs*** the ***Beneficial Uses*** of the ***Receiving Waters*** will be protected.

11. ***Basin Plan*** and ***Beneficial Uses***:

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

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

12. ***CWA*** Section 303(d) List and ***TMDL***S:

Pursuant to Section 303(b) of the ***CWA***, the 1998 water quality assessment conducted by the ***Regional Board*** listed a number of water bodies within the

Region under Section 303(d) of the ***CWA*** as impaired water bodies. These water bodies where the designated ***Beneficial Uses*** are not met and the ***WQOs*** are being violated. The sources of the impairments may include ***POTW*** discharges, and runoff from agricultural, ***Caltrans*** outfalls, Native American Tribal Lands, open space and ***Non-Point Source*** discharges including wildlife and transients and urban land uses. The ***Impaired Waterbody*** within this ***MS4 Permit*** is listed for pathogens and Toxaphene.

Federal regulations require that a ***TMDL*** be established for each 303(d) listed waterbody for each of the ***Pollutant***s causing impairment. The ***TMDL*** is the total amount of the problem ***Pollutant*** that can be discharged while ***WQSs*** in the ***Receiving Water*** attained, i.e., ***WQOs*** are met and the ***Beneficial Uses*** are protected. It is the sum of the individual ***WLAs*** for ***Point Source*** inputs, ***LAs*** for ***Non-Point Source*** inputs and natural background, with a margin of safety. The ***TMDL***s are the basis for limitations established in ***WDRs***. The ***Permittees*** shall revise the SWMP, at the direction of the ***Executive Officer***, to incorporate program implementation amendments so as to comply with regional, ***Watershed*** specific requirements, and/or ***WLAs*** developed and approved pursuant to the process for the designation and implementation of ***TMDLs*** for impaired water bodies.

13. Permit Requirements and Provisions:

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

The requirements in this ***MS4 Permit*** are meant to specify those management practices, control techniques and system design and engineering methods that will result in ***MEP*** protection of the ***Beneficial Uses*** of the ***Receiving Water***s. The ***State Board*** (Orders No. WQ 98-01 and WQ 99-05) concluded that ***MS4s*** must meet the technology–based ***MEP*** standard and ***WQSs*** (***WQOs*** and ***Beneficial Uses***). The U.S. Court of Appeals for the Ninth Circuit subsequently held that strict compliance with ***WQSs*** in ***MS4*** permits is at the discretion of the local permitting agency. Any requirements included in the ***MS4 Permit*** that are more stringent than the federal ***Storm Water*** regulations are in accordance with the ***CWA Section 402(p)***(3)(iii), and the ***CWC*** Section 13377 and are consistent with the ***Regional Board***'s interpretation of the requisite ***MEP*** standard.

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

O. FACT SHEET

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

14. Rationale for Requirements

a. Discharge Prohibitions – In accordance with ***CWA Section 402(p)***(3)(B)(ii), this Order prohibits the discharge of ***Non-Storm Water*** to the ***MS4***s, with few exceptions;

b. Allowable ***Non-Storm Water*** Discharges – The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv.)(B)(1). If the ***Permittees*** or the ***Executive Officer*** determines that any of the exempted ***Non-Storm Water*** discharges is a significant source of ***Pollutants***, a separate ***NPDES*** permit will be required;

c. ***Receiving Water Limitations*** – ***Receiving Water Limitations*** are included to ensure that discharges of ***Urban Runoff*** from ***MS4*** systems do not exceed, cause or contribute to violations of applicable ***WQSs*** in ***Receiving Waters***. The compliance strategy for ***Receiving Water Limitations*** is consistent with the ***USEPA*** and ***State Board*** guidance and recognizes the complexity of ***Urban Runoff*** management.

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

1. The ***Principal Permittees*** are required to coordinate the overall ***Urban Runoff*** management program and the ***Co-Permittees*** are responsible for managing the ***Urban Runoff*** Program within their jurisdictions as detailed in the ***ROWD***, the ***Annual Reports*** and Order No. R7-2008-0001.

2. Each ***Permittee*** is required to address its legal authority and enforcement for this ***MS4 Permit***. Each ***Permittee*** has adopted a number of ordinances, to establish legal authority to control discharges to the ***MS4***s and to enforce these ordinances as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The ***Permittees*** are required to enforce these ordinances

and to take enforcement actions against violators (40 CFR 122.26(d)(2)(iv.)(A-D).

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

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

2. Commercial/Industrial Program – The ***Permittees*** will continue to identify, inspect commercial and industrial facilities, which are known to contribute substantial ***Pollutant*** load to ***MS4***s to ensure compliance with this ***MS4*** permit.

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

4. Private Construction Activities Program – The ***Permittees*** shall continue to implement and enforce a program to reduce ***Pollutant***s in any ***Urban Runoff*** to the ***MS4*** from construction activities that result in a ***Land Disturbance*** of greater than or equal to one acre. This is to enforce the ***State Board General Construction Permit***.

5. ***Permittee*** Activities Program – The ***Permittees*** are required to continue to eliminate the discharges of ***Pollutant***s from public agency activities and facilities and re-evaluate their ***MS4***s facilities annually to see if additional ***BMPs*** are needed to ensure protection of the ***Receiving Waters***; and

6. Public Education and Outreach Program – The ***Permittees*** have committed to implement a strategic and comprehensive public

education program to maintain the integrity of the ***Receiving Waters*** to sustain the ***Beneficial Uses***.

f. ***Total Maximum Daily Loads*** – See Item No. 12. ***CWA*** Section 303(d) List and ***TMDLs*** of this Section.

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

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

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

j. Glossary of Terms – This was added to provide clarity on terms used in this ***MS4 Permit***.

k. Monitoring and Reporting – The key focus of the monitoring and reporting program is to collect data and develop methodologies and assessment tools to more effectively understand ***Urban Runoff*** impacts to the ***Receiving Waters***.

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

m. Required Submittals and Compliance Time Schedules – These requirements were included as part of the previous permit and reflect new ***MS4 Permit*** requirements.

15. Anti-degradation Analysis:

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

16. Public Participation:

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

O. FACT SHEET

17. Notification of Interested Parties:

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

18. Public Workshop:

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

19. Written Comments:

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

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

To be fully responded to by staff and considered by the ***Regional Board***, written comments should be received at the ***Regional Board*** office by 5:00 p.m. on April 4, 2008.

20. Information and Copying:

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

21. Register of Interested Persons:

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

O. FACT SHEET

22. Public Hearing:

The ***Regional Board*** will hold a public hearing on the tentative ***WDRs*** during its regular Board meeting on the following date and time and at the following location:

Date: May 21, 2008

Time: 10:00 a.m.

Location: City Council Chambers
City of Indio
150 Civic Center Mall
Indio, CA 92201

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

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

23. ***WDRs*** Petitions:

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

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

24. Additional Information

Requests for additional information or questions regarding this Order should be directed to Jay Mirpour at (760) 776-8981.

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

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

O. FACT SHEET

ATTACHMENT A – NOTICE OF INTENT

NPDES

DESERT TASK FORCE

TO COMPLY WITH THE TERMS OF THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT
FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

ORDER NO. R7-2008-0001 (*NPDES* NO. CAS617002)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD -COLORADO RIVER BASIN REGION

MARK ONLY ONE ITEM 1. ☐ New Construction 2. ☐ Reconstruction 3. ☐ Change of Information for WDID#

I. OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone ( ) –

(a) II. CONTRACTOR INFORMATION

Name	Contact Person		
Local Mailing Address	Title		
City	State	Zip	Phone ( ) –

III. SITE INFORMATION

A. Project Title	Site Address		
City	State	Zip	Phone ( ) –
B. Construction commencement date: (Month / Day / Year)	C. Projected construction completion date: (Month / Day / Year)		

D. Type of Work: ☐ Utility ☐ Flood Control ☐ Transportation ☐ Other (Specify)
Description of Work: _____

E. Total size of site: _____ Acres

(b) IV. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):
1. ☐ Indirectly to waters of the U.S. ☐ N/A
2. ☐ Storm Water Conveyance system - Enter owner's name: _____
3. ☐ Directly to waters of U.S. (e.g., river, lake, creek, stream, bay, ocean, etc.)

V. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (mark one)
☐ A SWPPP has been prepared for this facility and is available for review
☐ A SWPPP will be prepared and ready for review by (date): ___/___/___

B. MONITORING PROGRAM (MP) (mark one) ☐ N/A
☐ A MP has been prepared for this facility and is available for review
☐ A MP will be prepared and ready for review by (date): ___/___/___

VI. VICINITY MAP (must show site location in relation to nearest waterbodies, named streets, intersections, etc.)

Have you included a vicinity map with this submittal? ☐ YES ☐ NO

The distance between the project site and its nearest waterbody is approximately _____

VII. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that Section E.5 of Order No. R7-2008-0001, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan, will be complied with."

Printed Name: _____ **Title:** _____

Signature: _____ **Date:** _____

79432

ATTACHMENT B – NOTICE OF TERMINATION
NPDES

DESERT TASK FORCE

TO COMPLY WITH THE TERMS OF THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT
FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

ORDER NO. R7-2008-0001 (NPDES NO. CAS617002)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD -COLORADO RIVER BASIN REGION

I. OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone ( ) –

II. SITE INFORMATION

A. Project Title	Site Address		
City	State	Zip	Phone ( ) –
B. Contractor Name	Contact Person		
Local Mailing Address	Title		
City	State	Zip	Phone ( ) –

III. BASIS OF TERMINATION

__ 1. The construction project is complete and the following conditions have been met. (Provide photograph of site to support the basis of termination)

- ✓ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ✓ Construction materials and waste have been disposed of properly.
- ✓ The site is in compliance with all local storm water management requirements.
- ✓ A post-construction storm water operation and management plan is in place.
- ✓ All disturbed areas have been stabilized by the following method. (Attach additional sheet if necessary)

_____

_____

__ 2. Construction activities have been suspended, either ___ temporarily or __ indefinitely and the following conditions have been met.

- ✓ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ✓ Construction materials and waste have been disposed of properly.
- ✓ All disturbed areas and other areas of potential ***Erosion*** are stabilized.
- ✓ The site is in compliance with all local storm water management requirements.

Date of suspension ____ / ____ / ____ Expected start up date ____ / ____ / ____

IV. CERTIFICATION

I certify under penalty of law that all storm water discharges associated with construction activity from the identified site that are authorized by Section E.5 of Board Order No. R7-2008-0001 have been eliminated or that I am no longer the owner of the site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under Board Order No. R7-2008-0001, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner of liability for any violation of Board Order No. R7-2008-0001 or the Clean Water Act.

Printed Name: _____ **Title:** _____

Signature: _____ **Date:** _____

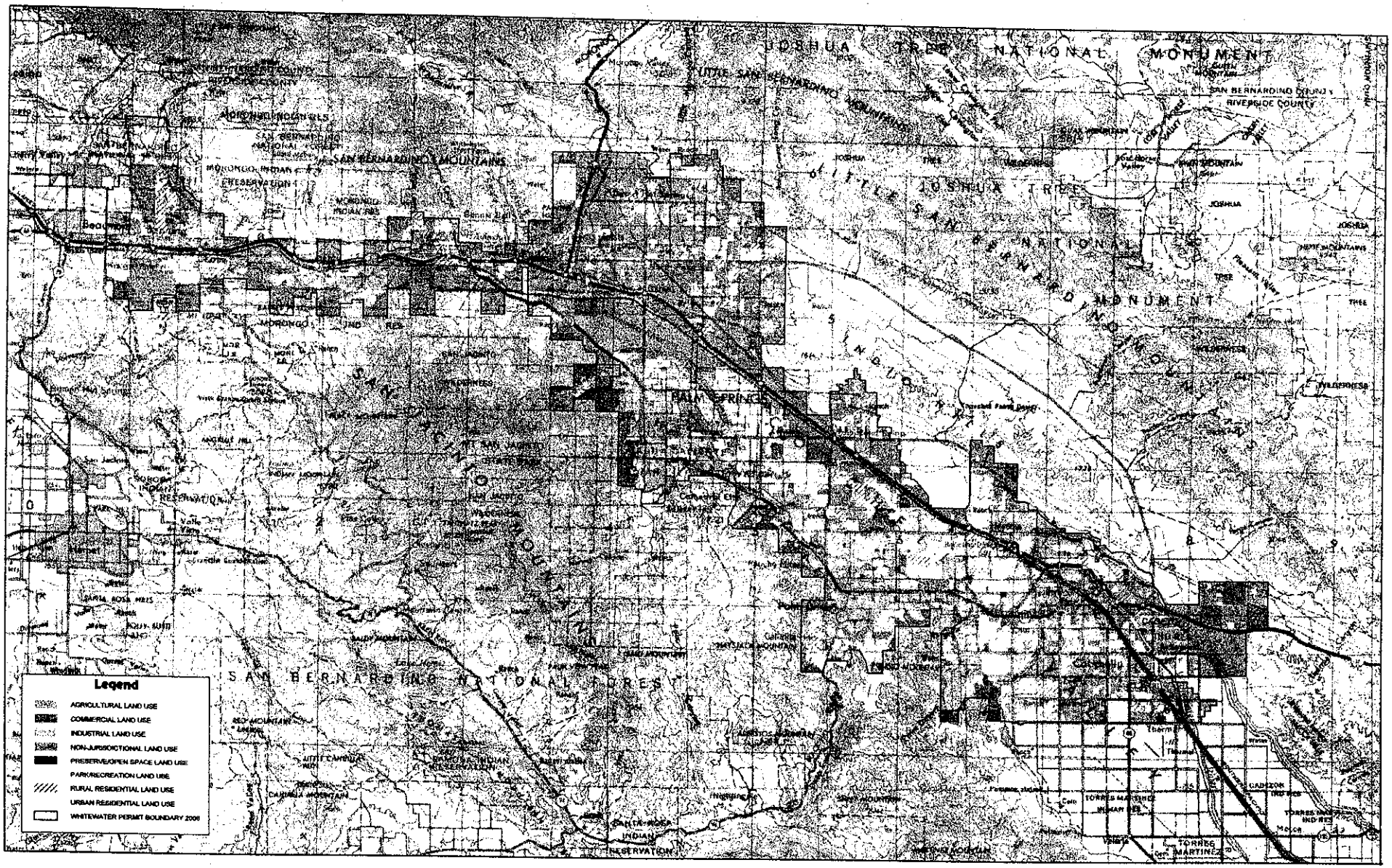
V. REGIONAL WATER QUALITY CONTROL BOARD USE ONLY

This Notice of Termination has been reviewed and approved.

Printed Name: _____ **Title:** _____

Signature: _____ **Date:** _____

ATTACHMENT C – SITE MAP



ATTACHMENT D– LIST OF *PRIORITY POLLUTANTS*

Table D-1 List of *Priority Pollutants*

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
1	Antimony	7440360	EPA 6020/200.8
2	Arsenic	7440382	EPA 1632
3	Beryllium	7440417	EPA 6020/200.8
4	Cadmium	7440439	EPA 1638/200.8
5a	Chromium (III)	16065831	EPA 6020/200.8
5a	Chromium (VI)	18540299	EPA 7199/1636
6	Copper	7440508	EPA 6020/200.8
7	Lead	7439921	EPA 1638
8	Mercury	7439976	EPA 1669/1631
9	Nickel	7440020	EPA 6020/200.8
10	Selenium	7782492	EPA 6020/200.8
11	Silver	7440224	EPA 6020/200.8
12	Thallium	7440280	EPA 6020/200.8
13	Zinc	7440666	EPA 6020/200.8
14	Cyanide	57125	EPA 9012A
15	Asbestos	1332214	EPA/600/R-93/116(PCM)
16	2,3,7,8-TCDD	1746016	EPA 8290 (HRGC) MS
17	Acrolein	107028	EPA 8260B
18	Acrylonitrile	107131	EPA 8260B
19	Benzene	71432	EPA 8260B
20	Bromoform	75252	EPA 8260B
21	Carbon Tetrachloride	56235	EPA 8260B
22	Chlorobenzene	108907	EPA 8260B
23	Chlorodibromomethane	124481	EPA 8260B
24	Chloroethane	75003	EPA 8260B
25	2-Chloroethylvinyl Ether	110758	EPA 8260B
26	Chloroform	67663	EPA 8260B
27	Dichlorobromomethane	75274	EPA 8260B
28	1,1-Dichloroethane	75343	EPA 8260B
29	1,2-Dichloroethane	107062	EPA 8260B
30	1,1-Dichloroethylene	75354	EPA 8260B
31	1,2-Dichloropropane	78875	EPA 8260B
32	1,3-Dichloropropylene	542756	EPA 8260B
33	Ethylbenzene	100414	EPA 8260B
34	Methyl Bromide	74839	EPA 8260B
35	Methyl Chloride	74873	EPA 8260B
36	Methylene Chloride	75092	EPA 8260B
37	1,1,2,2-Tetrachloroethane	79345	EPA 8260B
38	Tetrachloroethylene	127184	EPA 8260B
39	Toluene	108883	EPA 8260B
40	1,2-Trans-Dichloroethylene	156605	EPA 8260B
41	1,1,1-Trichloroethane	71556	EPA 8260B

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
42	1,12-Trichloroethane	79005	EPA 8260B
43	Trichloroethylene	79016	EPA 8260B
44	Vinyl Chloride	75014	EPA 8260B
45	2-Chlorophenol	95578	EPA 8270C
46	2,4-Dichlorophenol	120832	EPA 8270C
47	2,4-Dimethylphenol	105679	EPA 8270C
48	2-Methyl-4,6-Dinitrophenol	534521	EPA 8270C
49	2,4-Dinitrophenol	51285	EPA 8270C
50	2-Nitrophenol	88755	EPA 8270C
51	4-Nitrophenol	100027	EPA 8270C
52	3-Methyl-4-Chlorophenol	59507	EPA 8270C
53	Pentachlorophenol	87865	EPA 8270C
54	Phenol	108952	EPA 8270C
55	2,4,6-Trichlorophenol	88062	EPA 8270C
56	Acenaphthene	83329	EPA 8270C
57	Acenaphthylene	208968	EPA 8270C
58	Anthracene	120127	EPA 8270C
59	Benzidine	92875	EPA 8270C
60	Benzo(a)Anthracene	56553	EPA 8270C
61	Benzo(a)Pyrene	50328	EPA 8270C
62	Benzo(b)Fluoranthene	205992	EPA 8270C
63	Benzo(ghi)Perylene	191242	EPA 8270C
64	Benzo(k)Fluoranthene	207089	EPA 8270C
65	Bis(2-Chloroethoxy)Methane	111911	EPA 8270C
66	Bis(2-Chloroethyl)Ether	111444	EPA 8270C
67	Bis(2-Chloroisopropyl)Ether	108601	EPA 8270C
68	Bis(2-Ethylhexyl)Phthalate	117817	EPA 8270C
69	4-Bromophenyl Phenyl Ether	101553	EPA 8270C
70	Butylbenzyl Phthalate	85687	EPA 8270C
71	2-Chloronaphthalene	91587	EPA 8270C
72	4-Chlorophenyl Phenyl Ether	7005723	EPA 8270C
73	Chrysene	218019	EPA 8270C
74	Dibenzo(a,h)Anthracene	53703	EPA 8270C
75	1,2-Dichlorobenzene	95501	EPA 8260B
76	1,3-Dichlorobenzene	541731	EPA 8260B
77	1,4-Dichlorobenzene	106467	EPA 8260B
78	3,3'-Dichlorobenzidine	91941	EPA 8270C
79	Diethyl Phthalate	84662	EPA 8270C
80	Dimethyl Phthalate	131113	EPA 8270C
81	Di-n-Butyl Phthalate	84742	EPA 8270C
82	2,4-Dinitrotoluene	121142	EPA 8270C
83	2,6-Dinitrotoluene	606202	EPA 8270C
84	Di-n-Octyl Phthalate	117840	EPA 8270C
85	1,2-Diphenylhydrazine	122667	EPA 8270C
86	Fluoranthene	206440	EPA 8270C

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
87	Fluorene	86737	EPA 8270C
88	Hexachlorobenzene	118741	EPA 8260B
89	Hexachlorobutadiene	87863	EPA 8260B
90	Hexachlorocyclopentadiene	77474	EPA 8270C
91	Hexachloroethane	67721	EPA 8260B
92	Indeno(1,2,3-cd)Pyrene	193395	EPA 8270C
93	Isophorone	78591	EPA 8270C
94	Naphthalene	91203	EPA 8260B
95	Nitrobenzene	98953	EPA 8270C
96	N-Nitrosodimethylamine	62759	EPA 8270C
97	N-Nitrosodi-n-Propylamine	621647	EPA 8270C
98	N-Nitrosodiphenylamine	86306	EPA 8270C
99	Phenanthrene	85018	EPA 8270C
100	Pyrene	129000	EPA 8270C
101	1,2,4-Trichlorobenzene	120821	EPA 8260B
102	Aldrin	309002	EPA 8081A
103	alpha-BHC	319846	EPA 8081A
104	beta-BHC	319857	EPA 8081A
105	gamma-BHC	58899	EPA 8081A
106	delta-BHC	319868	EPA 8081A
107	Chlordane	57749	EPA 8081A
108	4,4'-DDT	50293	EPA 8081A
109	4,4'-DDE	72559	EPA 8081A
110	4,4'-DDD	72548	EPA 8081A
111	Dieldrin	60571	EPA 8081A
112	alpha-Endosulfan	959988	EPA 8081A
113	beta-Endosulfan	33213659	EPA 8081A
114	Endosulfan Sulfate	1031078	EPA 8081A
115	Endrin	72208	EPA 8081A
116	Endrin Aldehyde	7421934	EPA 8081A
117	Heptachlor	76448	EPA 8081A
118	Heptachlor Epoxide	1024573	EPA 8081A
119	PCB-1016	12674112	EPA 8082
120	PCB-1221	11104282	EPA 8082
121	PCB-1232	11141165	EPA 8082
122	PCB-1242	53469219	EPA 8082
123	PCB-1248	12672296	EPA 8082
124	PCB-1254	11097691	EPA 8082
125	PCB-1260	11096825	EPA 8082
126	Toxaphene	8001352	EPA 8081A

SWRCB Minimum Levels in ppb (µg/L)

The Minimum Levels (MLs) in this appendix are for use in reporting and compliance determination purposes in accordance with section 2.4 of the State Implementation Policy. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the SWRCB and become effective. The following tables (Tables E-1 through E-4) present MLs for four major chemical groupings: volatile substances, semi-volatile substances, inorganics, and pesticides and PCBs.

Table E-1 Volatile Substances

Table E-1 - VOLATILE SUBSTANCES*	GC	GCMS
1,1 Dichloroethane	0.5	1
1,1 Dichloroethylene	0.5	2
1,1,1 Trichloroethane	0.5	2
1,1,2 Trichloroethane	0.5	2
1,1,2,2 Tetrachloroethane	0.5	1
1,2 Dichlorobenzene (volatile)	0.5	2
1,2 Dichloroethane	0.5	2
1,2 Dichloropropane	0.5	1
1,3 Dichlorobenzene (volatile)	0.5	2
1,3 Dichloropropene (volatile)	0.5	2
1,4 Dichlorobenzene (volatile)	0.5	2
Acrolein	2.0	5
Acrylonitrile	2.0	2
Benzene	0.5	2
Bromoform	0.5	2
Methyl Bromide	1.0	2
Carbon Tetrachloride	0.5	2
Chlorobenzene	0.5	2
Chlorodibromo-methane	0.5	2
Chloroethane	0.5	2
Chloroform	0.5	2
Chloromethane	0.5	2
Dichlorobromo-methane	0.5	2
Dichloromethane	0.5	2
Ethylbenzene	0.5	2
Tetrachloroethylene	0.5	2
Toluene	0.5	2
Trans-1,2 Dichloroethylene	0.5	1
Trichloroethene	0.5	2
Vinyl Chloride	0.5	2

* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table E-2 Semi-Volatile Substances

Table E-2 - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Benzo (a) Anthracene	10	5		
1,2 Dichlorobenzene (semivolatile)	2	2		
1,2 Diphenylhydrazine		1		
1,2,4 Trichlorobenzene	1	5		
1,3 Dichlorobenzene (semivolatile)	2	1		
1,4 Dichlorobenzene (semivolatile)	2	1		
2 Chlorophenol	2	5		
2,4 Dichlorophenol	1	5		
2,4 Dimethylphenol	1	2		
2,4 Dinitrophenol	5	5		
2,4 Dinitrotoluene	10	5		
2,4,6 Trichlorophenol	10	10		
2,6 Dinitrotoluene		5		
2- Nitrophenol		10		
2-Chloroethyl vinyl ether	1	1		
2-Chloronaphthalene		10		
3,3' Dichlorobenzidine		5		
Benzo (b) Fluoranthene		10	10	
3-Methyl-Chlorophenol	5	1		
4,6 Dinitro-2-methylphenol	10	5		
4- Nitrophenol	5	10		
4-Bromophenyl phenyl ether	10	5		
4-Chlorophenyl phenyl ether		5		
Acenaphthene	1	1	0.5	
Acenaphthylene		10	0.2	
Anthracene		10	2	
Benzidine		5		
Benzo(a) pyrene		10	2	
Benzo(g,h,I)perylene		5	0.1	
Benzo(k)fluoranthene		10	2	
bis 2-(1-Chloroethoxyl) methane		5		
bis(2-chloroethyl) ether	10	1		
bis(2-Chloroisopropyl) ether	10	2		
bis(2-Ethylhexyl) phthalate	10	5		
Butyl benzyl phthalate	10	10		
Chrysene		10	5	
di-n-Butyl phthalate		10		
di-n-Octyl phthalate		10		
Dibenzo(a,h)-anthracene		10	0.1	
Diethyl phthalate	10	2		
Dimethyl phthalate	10	2		
Fluoranthene	10	1	0.05	
Fluorene		10	0.1	

Table E-2 SEMI-VOLATILES SUBSTANCES*	GC	GCMS	LC	COLOR
Hexachloro-cyclopentadiene	5	5		
Hexachlorobenzene	5	1		
Hexachlorobutadiene	5	1		
Hexachloroethane	5	1		
Indeno(1,2,3,cd)-pyrene		10	0.05	
Isophorone	10	1		
N-Nitroso diphenyl amine	10	1		
N-Nitroso-dimethyl amine	10	5		
N-Nitroso -di n-propyl amine	10	5		
Naphthalene	10	1	0.2	
Nitrobenzene	10	1		
Pentachlorophenol	1	5		
Phenanthrene		5	0.05	
Phenol **	1	1		50
Pyrene		10	0.05	

* With the exception of phenol by colorimetric technique, the normal method-specific factor for these substances is 1,000; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 1,000.

** Phenol by colorimetric technique has a factor of 1.

Table E-3 Inorganics

Table E-3 – INORGANICS*	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAA	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1,000
Arsenic		2	10	2	2	1		20	1,000
Beryllium	20	0.5	2	0.5	1				1,000
Cadmium	10	0.5	10	0.25	0.5				1,000
Chromium (total)	50	2	10	0.5	1				1,000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1,000
Cyanide								5	
Lead	20	5	5	0.5	2				10,000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1,000
Selenium		5	10	2	5	1			1,000
Silver	10	1	10	0.25	2				1,000
Thallium	10	2	10	1	5				1,000
Zinc	20		20	1	10				1,000

* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

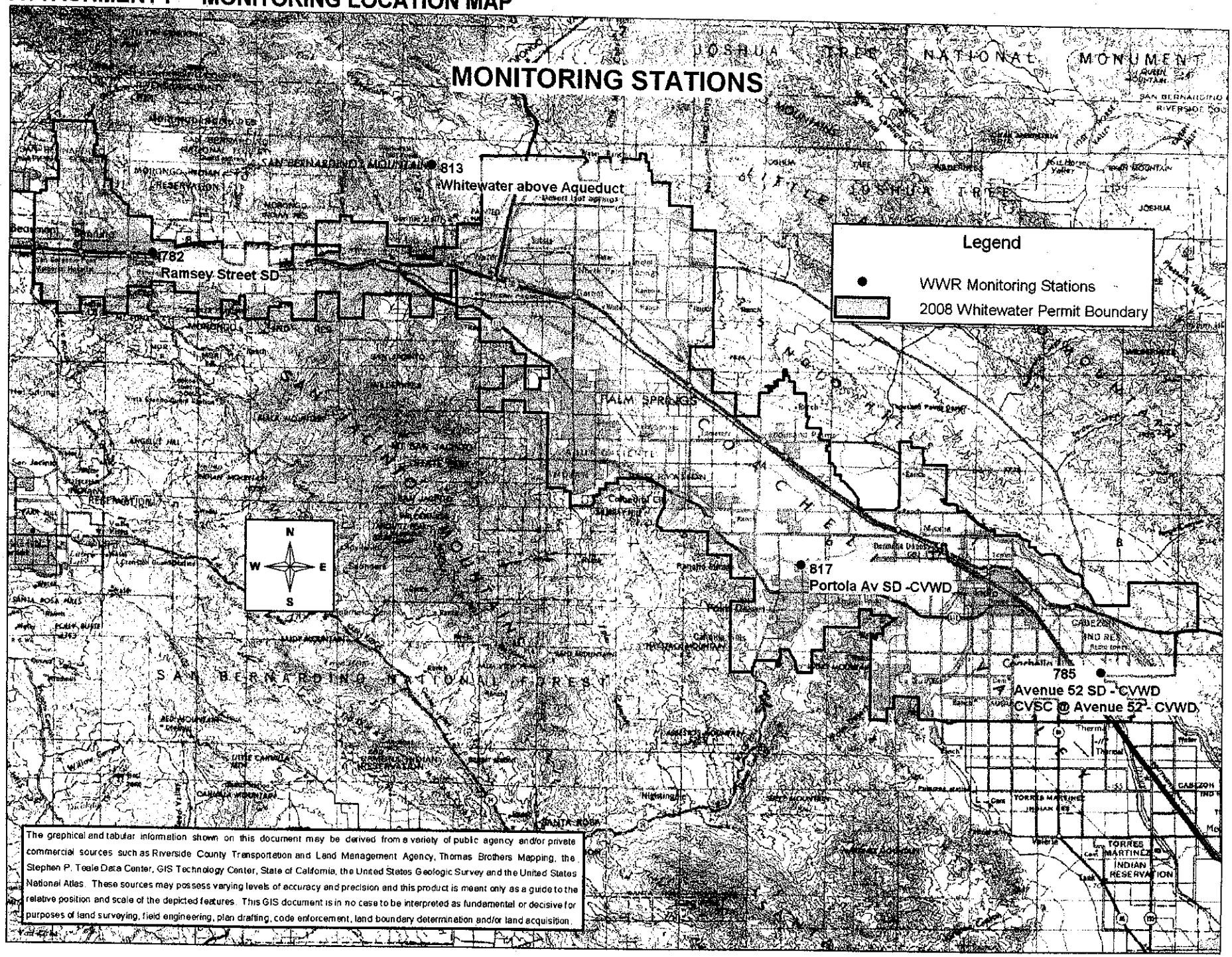
Table E-4 Pesticides and PCBs

Table E-4 – PESTICIDES – PCBs*	GC
4,4'-DDD	0.05
4,4'-DDE	0.05
4,4'-DDT	0.01
a-Endosulfan	0.02
alpha-BHC	0.01
Aldrin	0.005
b-Endosulfan	0.01
Beta-BHC	0.005
Chlordane	0.1
Delta-BHC	0.005
Dieldrin	0.01
Endosulfan Sulfate	0.05
Endrin	0.01
Endrin Aldehyde	0.01
Heptachlor	0.01
Heptachlor Epoxide	0.01
Gamma-BHC (Lindane)	0.02
PCB 1016	0.5
PCB 1221	0.5
PCB 1232	0.5
PCB 1242	0.5
PCB 1248	0.5
PCB 1254	0.5
PCB 1260	0.5
Toxaphene	0.5

* The normal method-specific factor for these substances is 100; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 100.

Techniques:

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


MONITORING STATIONS
813
Whitewater above Aqueduct
782
Ramsey Street SD
817
Portola Av SD -CVWD
785
Avenue 52 SD - CVWD
CVSC @ Avenue 52 - CVWD
Legend
WWR Monitoring Stations
2008 Whitewater Permit Boundary
N
W
E
S
JOSHUA TREE NATIONAL MONUMENT
PALM SPRINGS
SAN BERNARDINO NATIONAL FOREST
SANTA ROSA
TORRES MARTINEZ INDIAN RESERVATION
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