

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

805 B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
June 18, 2013

**SUBJECT:** NPDES Stormwater Discharge Permit - 1<sup>st</sup> Amendment to the 2008 Implementation Agreement. **Districts Four/Five / Districts Four/Five**

**RECOMMENDED MOTION:** The Board approve the 1<sup>st</sup> Amendment to the 2008 Implementation Agreement between the District, County of Riverside, Coachella Valley Water District (CVWD), and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage, and authorize the Chairman to sign the Amendment on behalf of the District.

**BACKGROUND:** The 2008 Implementation Agreement sets forth the terms and conditions by which the County, District, CVWD and the Cities perform and/or execute certain activities and responsibilities prescribed in the NPDES MS4 Permit issued by the Colorado Regional Water Quality Control Board - Colorado River Basin Region (CRWQCB), pursuant to Order No. R7-2008-0001. A new permit and order will be issued on or about June 20, 2013, by the CRWQCB; the 2008 Implementation Agreement is due to expire at that time.

(continued)

*Steve Thomas*  
FOR **WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$ N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
*Steven C. Horn*  
BY: **Steven C. Horn, MPA**  
County Executive Office Signature

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: June 18, 2013  
xc: Flood, E.O.

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

(Comp. Item 3-7)

Prev. Agn. Ref.: 11.2 of 3/18/2008 | District: 4<sup>th</sup>&5<sup>th</sup>/4<sup>th</sup>&5<sup>th</sup> | Agenda Number:

11-5

BY: *Jeanne J. Rey*  
JEANNE J. REY, FINANCE DIRECTOR  
FISCAL PROCEDURES APPROVED

BY: *Karin L. Watts-Bazan*  
KARIN L. WATTS-BAZAN  
FORM APPROVED COUNTY CLERK  
DATE: 5/28/13

Policy  Policy   
Consent  Consent   
Dept's Recomm.:  
Per Exec. Ofc.:

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**SUBJECT:** NPDES Stormwater Discharge Permit – 1<sup>st</sup> Amendment to the 2008 Implementation Agreement. **Districts Four/Five / Districts Four/Five**

**SUBMITTAL DATE:** June 18, 2013

**Page 2**

**BACKGROUND:** This 1<sup>st</sup> Amendment to the 2008 Implementation Agreement will extend the Agreement's term by one (1) year, to allow for the provisions of the next Agreement to be developed and written after the new NPDES MS4 permit has been adopted by the CRWQCB.

On November 21, 2012, the District, County, CVWD and the Cities reapplied for an area-wide NPDES MS4 Permit in accordance with the Permit requirements administered by the CRWQCB. It is anticipated that the CRWQCB will issue a new NPDES MS4 permit on or about June 20, 2013, pursuant to Section 402(p) of the Federal Clean Water Act. The Permit designates the District and the County as Principal Permittees and designates the CVWD and the Cities as Co-Permittees. It is in the best interest of both the Principal Permittees and the Co-Permittees to work cooperatively to facilitate the administration and implementation of the NPDES MS4 Permit requirements.

County Counsel has reviewed and approved the Amendment as to legal form.

SEB:cw

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FIRST AMENDMENT TO AGREEMENT  
National Pollutant Discharge Elimination System  
Stormwater Discharge Permit  
Implementation Agreement  
(California Regional Water Quality Control Board –  
Colorado River Basin Region)

This First Amendment ("First Amendment") to the agreement ("Agreement") entered into by and between the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("DISTRICT"), the COUNTY OF RIVERSIDE ("COUNTY"), the COACHELLA VALLEY WATER DISTRICT ("CVWD"), and the CITIES of BANNING, CATHEDRAL CITY, COACHELLA, DESERT HOT SPRINGS, INDIAN WELLS, INDIO, LA QUINTA, PALM DESERT, PALM SPRINGS and RANCHO MIRAGE ("CITIES") (individually, "PARTY" and collectively, "PARTIES") to establish the responsibilities of each PARTY concerning compliance with the National Pollutant Discharge Elimination System ("NPDES") Municipal Separate Storm Sewer System (MS4) Permit issued by the California Regional Water Quality Control Board - Colorado River Basin Region (CRWQCB-CRB) pursuant to Order No. R7-2008-0001 and Order No. 01-077, is entered into by and between the PARTIES with respect to the following:

RECITALS

A. WHEREAS, the CRWQCB-CRB is preparing an NPDES permit to replace Order No. R7-2008-0001, which is scheduled to be adopted by the CRWQCB-CRB on or about June 20, 2013 as Order No. R7-2013-0011 or such other numbered order as the CRWQCB-CRB may adopt ("Order No. R7-2013-0011"); and

B. WHEREAS, the PARTIES wish to amend the Agreement to allow it to govern the responsibilities of the PARTIES under Order No. R7-2008-0001, for as long as Order No. R7-2008-0001 is effective, and under R7-2013-0011, at such time as Order No. R7-2013-0011 is effective; and

6/18/13 11-5  
2014-4-122098

1 C. WHEREAS, the Agreement provides in Section 9 that it may be amended by  
2 consent of all PARTIES, provided it is in writing and duly signed by the authorized representatives  
3 of all PARTIES.

4 NOW, THEREFORE, the PARTIES hereto do mutually agree as follows:

5 1. Section 1 of the Agreement is deleted in its entirety and replaced by the  
6 following:

7 "NPDES Permit. A true and correct copy of the existing NPDES permit issued  
8 to the Parties to the Agreement pursuant to Order No. R7-2008-0001 is attached to this Agreement  
9 as Exhibit A and is hereby incorporated by reference in its entirety and made a part of this  
10 Agreement. Order No. R7-2008-0001 is intended to be replaced by a new order, referred to  
11 hereinafter as "Order No. R7-2013-0011". This Agreement shall also apply to Order No. R7-2013-  
12 0011, the contents of which shall be incorporated by reference in its entirety and made a part of this  
13 Agreement upon the effective date of Order No. R7-2013-0011. For the purpose of implementing  
14 this Agreement, the term "NPDES Permit" shall mean and refer to Order No. R7-2008-0001 during  
15 the time that Order No. R7-2008-0001 is effective, and shall mean and refer to Order No. R7-2013-  
16 0011 at such time as Order No. R7-2013-0011 is effective."

17 2. Section 3.B. of the Agreement is deleted in its entirety and replaced by the  
18 following:

19 "Monitoring Program. DISTRICT and CVWD shall perform or coordinate  
20 monitoring of surface water and urban runoff in accordance with the provisions of the NPDES  
21 Permit Monitoring and Reporting Program contained therein, with the exception of monitoring  
22 performed pursuant to the CITY OF COACHELLA'S Quality Assurance Project Plan and  
23 Monitoring Plan ("QAPPMP") to address the bacterial indicator Total Maximum Daily Load for the  
24 Coachella Valley Stormwater Channel ("CVSC TMDL"). The location of NPDES Permit sampling  
25 sites not part of the CVSC TMDL monitoring program ("Sites") shall be determined by DISTRICT  
26 and CVWD, subject to approval by CRWQCB-CRB. More specifically:



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- A. The CITY OF COACHELLA shall be solely responsible for all duties and costs associated with monitoring, analysis and reporting performed pursuant to its QAPPMP and shall be responsible, along with any other Party to this Agreement which may hereafter be named as a responsible party under the CVSC TMDL, to otherwise comply with monitoring requirements under the CVSC TMDL.
- B. DISTRICT and CVWD shall perform NPDES Permit monitoring for all Sites located within the respective limits of their jurisdictions. DISTRICT and CVWD may implement alternative approaches to sample collection, including use of consultants, reassigning Sites between the agencies, or other alternative approaches that may ensure improved permit compliance. Said alternative approaches may be implemented upon the mutual agreement of CVWD and DISTRICT.
- C. DISTRICT shall reimburse CVWD for all of its costs associated with sample collection and laboratory analysis.
- D. DISTRICT shall be reimbursed by CVWD, COUNTY and CITIES for the costs of its performance of the requirements of this Section, in accordance with the cost sharing provisions set forth in Section 4 of this Agreement."

3. Section 3.E of the Agreement is deleted in its entirety and replaced by the following:

"Desert Task Force. Each Permittee shall designate staff representatives to the Desert Task Force in writing to DISTRICT. The Desert Task Force shall be responsible for coordinating regional NPDES Permit and Monitoring and Reporting Program compliance activities, including related communications with CRWQCB-CRB, updates to this Implementation Agreement and other compliance orders issued by CRWQCB-CRB affecting the NPDES Permit, NPDES MS4 Monitoring and Reporting Program and/or the Whitewater River Watershed Municipal Stormwater

1 Program Stormwater Management Plan. In addition, the Desert Task Force, or sub-committees  
2 thereof, shall be the forum for distribution, discussion and decision-making of items related to  
3 agreements and consultant selection related to regional compliance with the NPDES Permit."

4 4. New Section 3.J. is added to the Agreement, to read as follows:

5 "J. Notwithstanding any other provision of this Agreement, all costs, duties and  
6 responsibilities associated with compliance with the CVSC TMDL, including without limitation, the  
7 costs for implementing the QAPPMP and all monitoring, analysis, report preparation and other  
8 tasks required for compliance with the CVSC TMDL, shall be the sole responsibility of the CITY  
9 OF COACHELLA and/or, as appropriate, any other PARTY to this Agreement which may hereafter  
10 be added as a responsible party under the CVSC TMDL, and shall not be a shared cost under  
11 Section 4 of the Agreement or be the responsibility of any other PARTY to the Agreement."

12 5. Section 5 of the Agreement is deleted in its entirety and replaced by the  
13 following:

14 "Term of the Agreement. The term of this Agreement shall commence on the  
15 date the last duly authorized representative of DISTRICT, COUNTY, CVWD or CITIES executes  
16 it. The Agreement shall remain in effect until the earlier of one (1) year after the effective date of  
17 Order No. R7-2013-0011 or the date this Agreement is replaced by a new agreement covering  
18 implementation of Order No. R7-2013-0011."

19 6. Section 14 of the Agreement is deleted in its entirety and replaced by the  
20 following:

21 "Applicability of Prior Agreements. This Agreement, the First Amendment and  
22 the exhibits attached thereto constitute the entire agreement between the PARTIES to the  
23 Agreement with respect to the subject matter thereof; all prior agreements, representations,  
24 statements, negotiations and undertakings concerning implementation of the NPDES Permit within  
25 the limits of CRWQCB-CRB's jurisdictional area are superseded hereby."

26 7. Exhibit A to the Agreement is hereby deleted in its entirety and replaced with  
27 Exhibit A attached to this First Amendment and incorporated herein by reference.

28

1           8.    Except as amended herein, all other provisions of the Agreement remain in full  
2 force and effect.

3           9.    This First Amendment shall be effective upon the date the last duly authorized  
4 representative of the PARTIES executes it and shall become effective only when fully executed by  
5 each PARTY.

6           10.   This First Amendment may be executed and delivered in any number of copies  
7 (counterparts) by the PARTIES.  When each PARTY has signed and delivered at least one  
8 counterpart to the other PARTIES, each counterpart shall be deemed an original and, taken together,  
9 shall constitute one and the same First Amendment, which shall be binding and effective as to the  
10 PARTIES.

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1 IN WITNESS WHEREOF, the PARTIES have caused this First Amendment to be executed  
2 as of the date the last duly authorized representative executes it.

3 RECOMMENDED FOR APPROVAL:  
4

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

5 By: Steve Thomas  
6 For WARREN D. WILLIAMS  
General Manager-Chief Engineer

By: Marion Ashley  
MARION ASHLEY, Chairman  
Board of Supervisors, Riverside County  
Flood Control and Water Conservation  
District

8 Dated: June 6, 2013

9 APPROVED AS TO FORM:

ATTEST:

10 PAMELA J. WALLS  
11 County Counsel

KECIA HARPER-IHEM  
Clerk to the Board

12 By: Karin Watts-Bazan  
13 Karin Watts-Bazan, Deputy

By: [Signature]  
Deputy

14 Dated: May 20, 2013

(SEAL)

16 RECOMMENDED FOR APPROVAL:

**COUNTY OF RIVERSIDE**

17  
18 By: Jay E. Orr  
19 JAY ORR  
County Executive Officer

By: John J. Benoit  
JOHN J. BENOIT, Chairman  
Board of Supervisors, County of Riverside  
Fourth District

20 Dated: \_\_\_\_\_

ATTEST:

21  
22 KECIA HARPER-IHEM  
Clerk to the Board

23  
24 By: [Signature]  
Deputy

(SEAL)

26 SEB:cw:bjp  
27 P8/153401

1 APPROVED AS TO FORM:

COACHELLA VALLEY WATER DISTRICT

2 By: 

3 By: 

J. M. BARRETT  
General Manager

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5  
6 By: 

JOHN P. POWELL, JR.  
President

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9 Dated: 6.25.13

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APPROVED AS TO FORM:

CITY OF BANNING

By:   
City Attorney

By:   
Deborah Franklin, Mayor

ATTEST:

By:   
City Clerk

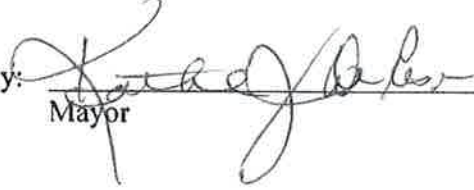
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APPROVED AS TO FORM:

By:   
City Attorney

CITY OF CATHEDRAL CITY

By:   
Mayor

ATTEST:


By:   
Deputy City Clerk

Dated: 8/14/13

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APPROVED AS TO FORM:

**CITY OF COACHELLA**

By:   
\_\_\_\_\_  
Carlos Campos  
City Attorney

By:   
\_\_\_\_\_  
David Garcia  
City Manager

ATTEST:

By:   
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Beatrice Barajas  
City Clerk

Dated: June 19, 2013



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APPROVED AS TO FORM:

By:   
City Attorney

CITY OF DESERT HOT SPRINGS

By:   
Mayor

ATTEST:

By:   
City Clerk

Dated: 1/21/14

1 APPROVED AS TO FORM:

CITY OF INDIAN WELLS

2  
3 By: Stephen P. Detsch  
City Attorney

By: Mary J Rake  
Mayor

4  
5 ATTEST:

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7 By: A. S. [Signature], Chief Deputy Dated: August 8, 2013  
City Clerk

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APPROVED AS TO FORM:

CITY OF INDIO

By:   
City Attorney

By:   
Mayor

ATTEST:

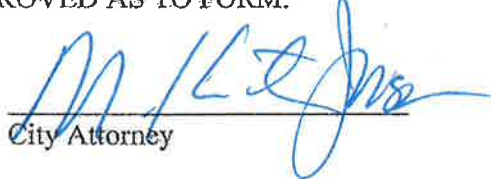
By:   
City Clerk

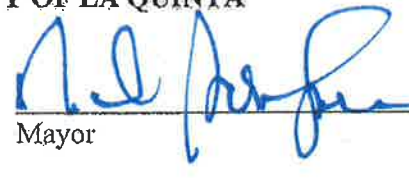
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APPROVED AS TO FORM:

CITY OF LA QUINTA

By:   
City Attorney

By:   
Mayor


ATTEST:

By:   
City Clerk

Dated: 7/11/2013

1 APPROVED AS TO FORM:

**CITY OF PALM DESERT**

2  
3 By:   
City Attorney

By:   
Mayor

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5 ATTEST:

6  
7 By:   
City Clerk

Dated: June 27, 2013

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1 APPROVED AS TO FORM:

CITY OF PALM SPRINGS

2 By: [Signature]  
3 City Attorney

By: [Signature]  
City Manager

4 ATTEST:

5  
6 By: [Signature]  
7 City Clerk

Dated: 7/22/13

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9 APPROVED BY CITY COUNCIL

10 7-3-2013 AS AGB

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13 SIGNATURE PAGE FOR CITY OF PALM SPRINGS

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15 FIRST AMENDMENT TO AGREEMENT

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17 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM


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19 STORMWATER DISCHARGE PERMIT


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APPROVED AS TO FORM:

CITY OF RANCHO MIRAGE

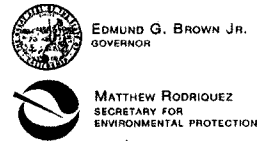
By:   
City Attorney  
Steve B. Quintanilla

By:   
Mayor  
Richard W. Kite

ATTEST:

By:   
City Clerk  
Cynthia Scott

Dated: 7/26/13



**Colorado River Basin Regional Water Quality Control Board**

June 27, 2013

- Riverside County Flood Control and Water Conservation District – General Manager
- County of Riverside – Executive Office, Steve Horn
- 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

**RECEIVED**  
JUL 01 2013

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

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

Enclosed is a copy of Board Order No. R7-2013-0011. This Board Order was adopted by the Regional Water Board on June 20, 2013, at its meeting in the Town of Yucca Valley, California. This Board Order supersedes Board Order No. R7-2008-0001, 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 2013" then Order R7-2013-0011. 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](mailto:hvasquez@waterboards.ca.gov).

If you have any questions concerning this matter, please contact Anders Wistrom at (760) 776-8964.

**ROBERT PERDUE**  
Executive Officer

AW/sw

Enclosure: Board Order R7-2013-0011

File WDID No. 7A 33 2001 M04-13, Coachella Valley MS4, Board Order R7-2013-0011

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260 | [www.waterboards.ca.gov/coloradoriver](http://www.waterboards.ca.gov/coloradoriver)

RECYCLED PAPER

6/18/2013 11-4



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260  
Phone: (760) 346-7491 • Fax (760) 341-6820  
<http://www.waterboards.ca.gov/coloradoriver>


ORDER NO. R7-2013-0011  
NPDES NO. CAS617002

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

**Table 1. Administrative Information**

This Order was adopted by the Regional Water Quality Control Board on:	<b>June 20, 2013</b>
This Order shall become effective on:	<b>June 20, 2013</b>
This Order shall expire on:	<b>June 19, 2018</b>
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 <b>Waste Discharge Requirements</b> . The date for submitting a complete application for reissuance is <b>December 23, 2017</b> .	

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



ROBERT PERDUE, Executive Officer

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**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 WATERSHED, OWNERS/OPERATORS**

**A. FINDINGS**

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

**Background**

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

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

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

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

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<sup>1</sup> 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*.

**A. FINDINGS**

3. The **County** and the incorporated Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage are general purpose governments with specified land use authorities and code enforcement powers.
4. **RCFC&WCD** and **CVWD** are special purpose districts established by the State Legislature, and are not general purpose governments with land use authorities or code enforcement powers. The **RCFC&WD** and **CVWD** do not own or operate any public streets, roads, or highways, and have no planning, zoning, development permitting or other land use authority over industrial or commercial facilities, **New Development** or **Redevelopment Projects**, or development construction sites located in any incorporated or unincorporated areas within their service areas.
5. The urbanized area of the **Whitewater River Watershed** under the jurisdiction of the **Permittees** and covered by this **MS4 Permit** is referred to herein as the **Whitewater River Region**. The **MS4 Permit** area referred to as the **Whitewater River Region** is shown in Attachment A – Site Map, incorporated herein, and made a part of this **MS4 Permit** by reference.
6. The **Whitewater River Watershed** is an arid desert region in **Riverside County** encompassing an area of approximately 1,645 square miles. The **Whitewater River Region** accounts for approximately 367 square miles (22%) of the **Whitewater River Watershed**.
7. The **USEPA** Phase I **Storm Water** Final Rule became effective on December 17, 1990. The Phase I rule sets forth **NPDES** application requirements for: **Storm Water** discharges associated with industrial activity; discharges from a **MS4** serving a population of 250,000 or more (defined as Large **MS4s**); and discharges from **MS4s** serving a population of 100,000 or more but less than 250,000 (defined as Medium **MS4s**). On March 14, 1991, the **Executive Officer** designated the **Whitewater River Region** as an area required to have a Phase 1 **NPDES MS4 Permit**. It is estimated that as of January 1, 2012, approximately 483,449<sup>2</sup> persons resided in the incorporated and unincorporated areas of the **Whitewater River Region**.
8. The City of Banning, although included as a **Permittee** on this **MS4 Permit**, does not share an interconnected **MS4** with the remainder of the **Permittees**. The **MS4** operated by the City of Banning discharges directly into the San Gorgonio River, an ephemeral **Receiving Water**. Most **MS4** discharges from the City of Banning infiltrate. Rarely and only during significant runoff events, storm drainage may flow as far as the **CVWD** infiltration basins near the City of Palm Springs, which are located several miles upstream of **Urban Runoff** discharges from the **MS4s** operated by the other **Permittees**. However, the City of Banning is included in this

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<sup>2</sup> State of California, Department of Finance, *E-4 Population Estimates for Cities, Counties, and the State, 2001-2010, with 2000 & 2010 Census Counts*. Sacramento, California, November 2012. Website link to document: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2001-10/view.php/>.

Southern California Association of Governments, "Adopted 2008 RTP Growth Forecast, by City." Website link to document: <http://www.scag.ca.gov/forecast/index.htm/>.

## A. FINDINGS

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

9. The City of Desert Hot Springs also does not share an interconnected **MS4** with the remainder of the **Permittees**. The **MS4** operated by the City of Desert Hot Springs drains to several washes tributary to the Little and Big Morongo Washes, which are **Receiving Waters**. Most discharges from the City of Desert Hot Springs infiltrate. Rarely, and only during significant storm events, would any storm drainage flow into the Whitewater River. However, the City of Desert Hot Springs is included in this **MS4 Permit** to facilitate coordination with the regional programs implemented by the **Permittees** and to reduce the administrative duties on the **Regional Water Board**.
10. The **Permittees** submitted a revised **Whitewater River Region Storm Water Management Plan (SWMP)** for approval by the **Executive Officer** on June 29, 2009; an errata version of the **SWMP** was subsequently created by the **Permittees** in 2011. The **SWMP** is incorporated by reference as an enforceable element of this **MS4 Permit**. Future **Permittee** revisions of the **SWMP**, once approved by the **Executive Officer**, also become enforceable components of this **MS4 Permit**.
11. This **MS4 Permit** requires the **Permittees** to revise the **SWMP** to incorporate the new requirements described herein.
12. Within the **Whitewater River Region**, it is necessary for the **Permittees** to coordinate their **Urban Runoff** management activities to achieve appropriate protection of **Receiving Water** quality. Establishment of a management structure will assist the **Permittees** subject to this **MS4 Permit** to fund and coordinate those aspects of their joint obligations. Also, this management structure will promote cost-effective implementation of the **SWMP** within the **Whitewater River Region**.
13. The **Permittees** entered into an **Implementation Agreement** to carry out the activities, regional compliance programs and responsibilities prescribed in the previously issued **NPDES** Permit, Order No. R7-2008-0001. The **Implementation Agreement** sets forth the working framework among the multiple **Permittee** agencies. Specific provisions of that agreement include cost sharing for public education activities and water quality monitoring. The **Implementation Agreement** provides non-binding guidance as to the organizational framework of the **Principal Permittees** and **Co-Permittees** and their respective responsibilities, duties, and obligations imposed by Order No. R7-2008-0001. The **Permittees** intend to review and amend the **Implementation Agreement** to address the requirements of this **MS4 Permit**.
14. An **MS4** program audit conducted at the City of Palm Springs by **Regional Water Board** staff and a **USEPA**-contracted auditor in June 2012 confirmed that the City's storm water program was demonstrating compliance with the 2008 **MS4 Permit**.

#### A. FINDINGS

15. The **Permittees** lack legal jurisdiction over discharges into their respective **MS4s** from certain facilities, entities, properties, and other **Point** and **Non-Point Source** discharges otherwise permitted by or under the jurisdiction of the **Regional Water Board**. The **Regional Water Board** finds that the **Permittees** are not responsible for such discharges. Similarly, certain activities that generate **Pollutants** present in **Urban Runoff** are beyond the ability of the **Permittees** to eliminate. Examples may include: operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, bacteria from wildlife (including feral dogs and cats) and transient encampments, or from bacterial resuscitation or reactivation from treated waters or growth of bacteria in the environment (such as in sediments, surface water, or other substrate), and leaching of naturally occurring nutrients and minerals from local soils, residues from lawful application of pesticides, nutrient runoff from landscape activities, and leaching of naturally occurring minerals from local geology. This **MS4 Permit** is not intended to address background or naturally occurring pollutants or flows.
16. Certain areas and facilities in the **Whitewater River Region** are excluded from coverage under this **MS4 Permit** because the **Regional Water Board** finds that those areas can be and/or are being addressed through other regulatory programs, including programs administered by the **Regional Water Board** and other federal, state and local regulatory agencies. Excluded areas include:
- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
  - Native American tribal lands;
  - Open space and rural (non-urbanized) areas;
  - Agricultural lands (exempted under the **CWA**); and
  - Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities).
17. **Whitewater River Region SWMP** requirements apply to all **MS4** facilities covered under this **MS4 Permit** that are operated by the **Permittees** on Municipal and Tribal Lands. As described in **USEPA's** Tribal Policy, regulation of any potential **MS4** operating under Tribal jurisdiction would take the form of a permit from the federal agency (**USEPA**) to the Tribe, in accordance with Tribal sovereignty. On May 24, 2011, **USEPA** issued a letter to the Agua Caliente Band of Cahuilla Indians (Tribe) clarifying that the Tribe is not the operator of an **MS4** required to maintain coverage under a **NPDES** Permit. **USEPA** determined, based on an assessment of the unique pattern of State and Tribal jurisdiction in the area, and the provisions of existing land use contracts between the Tribe and state and municipal authorities, that the Tribe is not presently the owner or operator of a regulated **MS4** within an urbanized area. **USEPA** determined that under the existing structure of land-use agreements with local government entities including the **Permittees**, areas currently under direct tribal jurisdiction meet the criteria specified in CFR section 122.32(d), and have a sufficiently low total population to qualify for a waiver from **MS4** permit requirements.

## A. FINDINGS

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

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

#### Urban Runoff Characterization

19. **Urban Runoff** contains **Waste**, as defined in the **CWC**, which contains **Pollutants** that could adversely affect the quality of the **Waters of the State**. The discharge of **Pollutants** in **Urban Runoff** from a **MS4** is a "discharge of **Pollutants** from a **Point Source** into **Waters of the United States**" as defined in the **CWA**.
20. **Urban Runoff** may contain elevated levels of pathogens (bacteria, protozoa, viruses), **Sediment**, trash, fertilizers (nutrients, compounds of nitrogen and phosphorus), pesticides (DDT, chlordane, diazinon, chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). **Urban Runoff** may carry these **Pollutants** to **Receiving Waters** within the **Whitewater River Region**. In addition, although infrequently, **Urban Runoff** from the **Whitewater River Region** may carry these **Pollutants** to other **Receiving Waters**, such as the Whitewater River. These **Pollutants** can then impact the **Beneficial Uses** of the **Receiving Waters** and may cause or threaten to cause a condition of **Pollution** or **Nuisance**.
21. Pathogens (from **Sanitary Sewer Overflows (SSO)**, septic system leaks, and spills and leaks from portable toilets, pets and human activities) may impact water contact recreation and non-contact water recreation. Floatables (from trash) are an aesthetic **Nuisance** and may provide a substrate for algae and insect vectors. Oil and grease may coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components

#### A. FINDINGS

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

22. It is recognized that **Storm Water** flows from non-urbanized areas such as National Forests, State Parks, Wilderness, and Agriculture, as shown on the Site Map (Attachment A), naturally exhibit high levels of suspended solids due to climate, hydrology, geology, and geography.<sup>3</sup> Runoff from these non-urbanized areas may flow into the MS4 and affect flow and water quality. Toxic substances (from pesticides, petroleum products, metals, and industrial **Wastes**) may cause acute and/or chronic **Toxicity**, and may bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, firefighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) may cause excessive algal blooms. These blooms may lead to problems with odor, color and increased turbidity, and may depress the dissolved oxygen content leading to fish kills.
23. There is a direct correlation between "urbanization" and "impacts to receiving water quality." In general, the more heavily developed the area, the greater the potential impact to receiving waters from **Urban Runoff**.
24. During urban development two important changes may occur:
  - a. Natural pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural soil can both absorb rainwater and remove **Pollutants**. Because pavement and concrete can neither absorb water nor remove **Pollutants**, the absorptive characteristics of the land are greatly reduced; and
  - b. Urban development may create new **Pollution** sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance **Wastes**, municipal sewage, pesticides, **HHW**, pet wastes, trash, etc., which may either be washed into or directly dumped into the **MS4**.

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

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<sup>3</sup> 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.

## A. FINDINGS



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

### Rationale for Requirements

26. The **Regional Water Board** developed the requirements in this **MS4 Permit** based on information submitted as part of the 2012 **ROWD, Whitewater River Region** monitoring and reporting data, program audits, and other available information and consistent with the **CWA, CWC** and regulations adopted thereunder.
27. The Fact Sheet, Section O. of this **MS4 Permit**, contains additional background information and rationale for requirements specified in this **MS4 Permit**, and constitutes part of the Findings for this **MS4 Permit**.
28. This **MS4 Permit's Receiving Water Limitations** language is consistent with Order WQ 99-05, adopted by the **State Board** on June 17, 1999, and Order WQ 2001-15, adopted by the **State Board** on November 15, 2001. **Receiving Water Limitations** apply to all **Permittees** as set forth in Section D of this **MS4 Permit**.
29. The **Permittees** are separate legal entities and, as such, have the authority to develop, administer, implement, and enforce **Urban Runoff** management programs only within their respective jurisdictions. In addition, the **Permittees** have maintenance responsibilities for the **MS4** facilities within their jurisdictional boundaries. Therefore, the **Permittees** are responsible for implementing that portion of the **Urban Runoff** management program for discharges to and from their **MS4** facilities that is commensurate with those jurisdictional limitations.

### Characteristics of the Whitewater River Region

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

#### **Climate**

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

<sup>4</sup> Measured using data from weather stations deployed throughout the Coachella Valley. California Irrigation Management Information System (CIMIS), at <http://www.cimis.water.ca.gov/cimis/images/etomap.jpg>

### Rainfall

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

**Table A.1. Average Annual Rainfall by Regional Water Board Jurisdiction/Watershed**

Region/watershed	Average Annual Rainfall (inches)
R8/Santa Ana	12.0
R9/Santa Margarita	15.5
R4/Los Angeles County	13.2
R9/San Diego County	10.8
R7/Whitewater	3.6

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

### Land Use

- Approximately 33 percent<sup>6</sup> of the **Whitewater River Region** is comprised of urban land uses (residential, commercial, industrial parks and recreation facilities and streets and roads). Although portions of the **Whitewater River Region** experienced rapid growth from 2000 through 2006, the economic recession has resulted in little development or population growth since adoption of the 2008 **MS4 Permit**. It is projected that the population of the **Whitewater River Region** will increase approximately 6.7 percent by 2015.<sup>7</sup> Assuming that the **Whitewater River Region's** population and urbanized areas increase at a proportional rate, approximately 65 percent of the **MS4 Permit** area would remain in non-urban land uses in 2015.
- Approximately 60 percent of the **Whitewater River Watershed** consists of federal, state, and tribal lands<sup>8</sup> that are not under the jurisdiction of the **Permittees**.

<sup>5</sup> Water Quality Control Plan, Colorado River Basin – Region 7, California Regional Water Quality Control Board, State Water Resources Control Board. June 2006, p. 1-8.

<sup>6</sup> County of Riverside Assessor, current as of February, 2013.

<sup>7</sup> California Department of Finance at <http://www.dof.ca.gov/research/demographic/reports/projections/interim/view.php>, Riverside County Center for Demographic Research at

[http://www.rctlma.org/rcd/content/projections/PHEProjections\\_2010.pdf](http://www.rctlma.org/rcd/content/projections/PHEProjections_2010.pdf) June 2010

<sup>8</sup> County of Riverside Assessor, current as of February, 2013.

### A. FINDINGS

### Soils and Geology

- The **Whitewater River Region** is located in a wide valley; perennial stream flows from surrounding mountains have deposited bouldery alluvial fans comprised of loosely packed, highly pervious soils where they have interfaced with the flat valley floor. Field inspections and inspection of aerial photography demonstrate that most of the development in the **Whitewater River Region** has occurred at or near the base of the mountains, on or near historical alluvial fans<sup>9</sup>.
- Alluvial-fan flash flooding from the surrounding mountain ranges has been recorded in the **Whitewater River Region**, beginning as early as 1825.<sup>10</sup> Many of the **Receiving Waters** tributary to the Whitewater River, which historically have not featured concentrated stream flows due to their location on alluvial fans have been captured by existing flood control works at the alluvial fan apex and channelized to mitigate flood hazards to **Whitewater River Region** life and property.<sup>11</sup>
- The predominant soil types within the **Whitewater River Region** are classified as Carsitas and Myoma.<sup>12</sup> These sands are extremely pervious, and promote rapid infiltration of runoff.
- The southeastern portion of the **Whitewater River Region**, which includes sections of Indio, La Quinta, Coachella and unincorporated County area, sits atop a shallow subterranean clay lens; typical for the most downstream reach of an ephemeral waterbody. These portions of the **Whitewater River Region** feature shallow depth to groundwater.<sup>13</sup>
- Due to the small percentage of the **Whitewater River Watershed** and the **Whitewater River Region** in urban land uses, **Permittee** requirements for **New Developments** to retain **Urban Runoff**, and natural soil conditions, **Urban Runoff** constitutes a minor percentage of the total flow in the Whitewater River during storm conditions. During non-storm conditions, **Urban Runoff** discharges to **Receiving Waters** in the **Whitewater River Region** are also relatively minor based on flow volume.

### Hydrology

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

<sup>9</sup> Riverside County Flood Control, March 2013.

<sup>10</sup> Discussion excerpted from Coachella Valley Integrated Regional Water Management Plan. Prepared by **Coachella Valley Regional Water Management Group**. December 2010. Available at [www.cvrwmg.org](http://www.cvrwmg.org).

<sup>11</sup> Riverside County Flood Control, March 2013.

<sup>12</sup> "Soils of the Coachella Valley." Coachella Valley Water District.

<http://www.cvwd.org/conservation/soils.php>

<sup>13</sup> California Department of Water Resources, Coachella Valley Investigation, Bulletin 108, July 1964.

### A. FINDINGS

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

- Within the **Whitewater River Region**, the Whitewater River and its tributaries are dry ephemeral washes. Due to soil type and lack of interflow contributions, time and volume of flow in **Receiving Waters** after storm events are minimal. Flow in the Whitewater River downstream of the Whitewater recharge basins is so infrequent that several sections of the channel have been integrated into golf courses.
- While developing the 2012 **ROWD**, the **Permittees** aggregated and reviewed rainfall and United States Geological Survey (USGS) flow data for Palm Canyon Creek, a **Receiving Water** tributary to the Whitewater River, located in the City of Palm Springs. Twenty-three years of data showed that the reach of Palm Canyon Creek located within the **Whitewater River Region** exhibited flow due to discharges of **Urban Runoff** from the urbanized area, an average of less than 1 percent of the days of each year.<sup>14</sup>
- The **CVSC** is the 25 mile long, constructed downstream extension of the Whitewater River channel, beginning west of Washington Street in La Quinta and ending on the north shore of the Salton Sea. The lower 17-mile reach of the **CVSC** is the only surface waterbody in the **Whitewater River Region** that features perennial flow; these flows are dominated by effluent from **NPDES**-permitted **POTW** discharges, rising groundwater, and agricultural return flows.<sup>15</sup>
- **CVWD** operates and maintains the **CVSC** and the regional subsurface drainage collection system for the Coachella Valley, which drains to the **CVSC**. General information from **CVWD**'s 2011 Annual Review and Water Quality Report states approximately 251,249 acre feet of water was provided for irrigation. Approximately one-third of the applied volume is water that drains to the subsurface drainage collection system to the **CVSC**.
- Within the **Whitewater River Region**, both the Whitewater River and the **CVSC** are stabilized, engineered and maintained dry washes. Although the Whitewater River follows the general path of the historic waterbody, there was no pre-existing dry wash for the **CVSC**. Channel design capacity attenuates as the river moves through the **MS4 Permit** area. The Standard Project Flood (SPF)<sup>16</sup> peak discharge is approximately 86,000 cubic feet per second (cfs) at Windy Point within the Whitewater River, and 82,000 cfs at Washington Street in La Quinta, where the **CVSC** begins. The SPF peak discharge for the **CVSC**

<sup>14</sup> Report of Waste Discharge, November 23, 2012. Whitewater River Region Permittees.

<sup>15</sup> U.S. Geological Survey National Streamflow Information Program; California Regional Water Quality Control Board, Colorado River Basin, **Basin Plan**, Table 2-3; Coachella Valley Final Water Management Plan, September 2002; Coachella Valley Water Management Plan 2010 Update, Draft Report, December 2010.

<sup>16</sup> Whitewater River Basin Feasibility Report for Flood Control and Allied Purposes, San Bernardino and Riverside Counties, California. Appendix 1, Hydrology. U. S. Army Corps of Engineers, May 1980.

## A. FINDINGS

is 67,000 cfs at the outlet to the Salton Sea.<sup>17</sup> The Whitewater River and **CVSC** are designed to convey these flows with a minimum of 1 foot of freeboard.

### **Colorado River Region Basin Plan**

31. The **Basin Plan**, as amended to date, designates the **Beneficial Uses** of ground and surface waters in the Colorado River Basin Region. The **Whitewater River Region** lies within the Whitewater River Hydrologic Unit Planning Area.
32. The majority of surface water bodies within the **Whitewater River Region** are designated as **Washes**. These include the Whitewater River, starting from the Whitewater recharge basins located west of the City of Palm Springs and extending to the upstream channel reach located one-quarter mile west of the Monroe Street crossing near the City of Indio. The majority of the urban area in the **Whitewater River Region** drains into this reach of the Whitewater River. The **Permittee's MS4** facilities drain into the following **Washes**:
- Smith Creek
  - Montgomery Creek
  - West Cathedral Canyon Channel
  - East Cathedral Canyon Channel
  - West Magnesia Canyon Channel
  - East Magnesia Canyon Channel
  - Palm Valley Storm Water Channel
  - Deep Canyon Storm Water Channel
  - Bear Creek
  - La Quinta Resort Channel
  - La Quinta Evacuation Channel
  - Whitewater River from Whitewater recharge basins to the **CVSC**

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

33. The **Permittees** also own and operate **MS4** facilities that discharge **Urban Runoff** into the following surface water bodies, which have additional designated **Beneficial Uses**:
- a. Mission Creek
  - b. San Gorgonio River
  - c. Whitewater River
  - d. Tahquitz Creek
  - e. Palm Canyon Creek

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<sup>17</sup> Flow in the CVSC decreases over distance travelled towards the Salton Sea due to infiltration in the unlined channel

- f. Little Morongo Creek
- g. CVSC

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

Waterbody	MUN	AGR	AQUA	FRSH	IND	GWR	REC1	REC2	WARM	COLD	WILD	POW	RARE	Location
<b>CVSC</b> <sup>18</sup>				X			X <sup>19</sup>	X <sup>20</sup>	X		X		X <sup>21</sup>	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 <sup>22</sup>	X	X				X	X	X	I	X	X	X		From headwaters to Whitewater Recharge Basins
<b>Washes</b> <sup>23</sup> ( <b>Ephemeral Streams</b> )				I <sup>24</sup>		I		I		I <sup>25</sup>				Whitewater River and CVSC from Indian Canyon Dr. to approximately ¼ mile west of Monroe Street crossing.

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

<sup>18</sup> Section of perennial flow from approximately Indio to the Salton Sea.

<sup>19</sup> Unauthorized use.

<sup>20</sup> Unauthorized use.

<sup>21</sup> Rare, endangered or threatened wildlife exists or utilizes these waterway(s). If the **RARE Beneficial Use** may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the **Regional Water Board**; and such substantiation must be provided within a reasonable time frame as approved by the Regional Water Board.

<sup>22</sup> 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.

<sup>23</sup> Washes – Intermittent or **Ephemeral Streams**, including the section of ephemeral flow in the Whitewater River and the **CVSC** from Indian Canyon Drive to approximately ½ mile west of Monroe Street crossing.

<sup>24</sup> Applies only to tributaries to Salton Sea.

<sup>25</sup> Use, if any, to be determined on a case-by-case basis.

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of **Urban Runoff**. Moreover, the impact of **Urban Runoff** discharges on the quality of **Receiving Waters** has not been fully determined.

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

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

36. Section 305(b) of the **CWA** requires **USEPA** and each state that has been delegated **NPDES** Permitting authority to routinely monitor and assess the quality of waters in their respective regions. If this assessment indicates that **Beneficial Uses** are not met, then the waterbody must be listed under Section 303(d) of the **CWA** as an **Impaired Waterbody**.
37. On October 11, 2011 the **USEPA** issued its final decision regarding the water bodies and pollutants added to the California 303(d) List. Within the **MS4 Permit** area, the **CVSC** has been identified as impaired for pathogens in that portion from Dillon Road to the Salton Sea. The source of these pollutants is unknown.
38. Federal regulations require that a **TMDL** be established for each 303(d) listed waterbody for each of the **Pollutants** causing **Impairment**. The **TMDL** is the total amount of a **Pollutant** that can be discharged to a subject waterbody, while still enabling the waterbody to attain **Water Quality Standards (WQSs)** in the **Receiving Water**. Attaining **WQSs** means that the receiving waterbody's **Water Quality Objectives (WQOs)** are met and its **Beneficial Uses** are protected. The **TMDL** is the sum of the individual **Waste Load Allocations (WLAs)** for point source inputs, **Load Allocations (LAs)** for **Non-Point Source** inputs and natural background, and a margin of safety. The **TMDLs** are one of the bases for limitations established in **Waste Discharge Requirements (WDRs)**.
39. The **Regional Water Board** adopted a **Basin Plan** amendment incorporating the **CVSC** Bacterial Indicators **TMDL** of Escherichia coli (E. coli) on May 16, 2007, and as further modified on June 17, 2010. The **TMDL** was subsequently approved by the **State Board** on July 19, 2011, approved by the Office of Administrative Law on February 2, 2012 and approved by **USEPA** on April 27, 2012. The **USEPA** approved the **TMDL** on the condition that the **Basin Plan** would be subsequently amended to reduce the number of bacterial indicators from three (fecal coliform, enterococci, and E. coli) to just the single indicator of E. coli to be consistent with the approved **CVSC** Bacterial Indicators **TMDL**.
40. The **Regional Water Board** satisfied that **USEPA** condition by amending the **Basin Plan** to specify E. coli as the sole bacterial indicator for the **CVSC**. This amendment was approved by the **Regional Water Board** on June 17, 2010, the **State Board** on July 19, 2011, the Office of Administrative Law on February 2, 2012 and the **USEPA** on April 27, 2012.

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41. The **CVSC** Bacterial Indicators **TMDL** established limits for bacterial source indicators for the **CVSC** from Dillon Road to the Salton Sea. The **CVSC** Bacterial Indicators **TMDL** Source Analysis identified **MS4** operated by the City of Coachella as a potential source of bacterial indicators.
42. The **CVSC** Bacterial Indicators **TMDL** specifies **WLAs** for **Point Sources** including the City of Coachella's **MS4**, **CalTrans**, Valley Sanitary District wastewater treatment plant, Coachella Sanitary District wastewater treatment plant, and Mid-Valley Water Reclamation Plant; as well as **LAs** for agricultural runoff, federal lands, tribal lands and septic systems. To protect **REC-I Beneficial Uses**, the **TMDL** has specified a **WLA** for E. coli.
43. The **CVSC** Bacterial Indicators **TMDL** specifies that if it is to be implemented in the Whitewater River Watershed **MS4 Permit**, Water Quality Based Effluent Limits (**WQBELs**) are to be expressed as narrative management practices rather than direct application of **Numeric Effluent Limitations**.
44. The City of Coachella has proactively implemented structural **Best Management Practices (BMPs)** to effectively infiltrate all **Dry Weather Urban Runoff** prior to reaching **MS4 Outfalls** regulated by the **CVSC** Bacterial Indicators **TMDL**. These structural **BMPs** were completed in 2011 with additional modifications planned to improve the effectiveness of the Avenue 52 outfall controls. These **BMPs** ensure that there are no discharges from the City's **MS4** during **Dry Weather**.
45. The **CVSC** Bacterial Indicators **TMDL** Implementation Plan is divided into two phases. Phase I actions will take three years to complete and focus on monitoring and addressing bacterial indicators associated with wastewater discharges from **MS4** and other **NPDES** facilities. If E. coli **WQOs** are not achieved by the end of Phase I, **Regional Water Board** staff will implement additional actions to control E. coli sources in Phase II (within seven years after the end of Phase I). Section 2.3 of the **CVSC** Bacterial Indicators **TMDL** states:

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

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**Water Quality Based Effluent Limitations (WQBELs) and TMDL WLA**

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

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

48. Consistent with the **CVSC** Bacterial Indicators **TMDL** Implementation Plan, the City of Coachella submitted a monitoring program to the **Regional Water Board** on January 6, 2013. The **CVSC** Bacterial Indicators **TMDL** requires the City of Coachella to implement the monitoring program, upon approval, and submit a report on January 31, 2016 (with **Permittee Annual Reports**) indicating whether **Urban Runoff** violates the City of Coachella's **WLA**, whether the sources of violation are controllable and recommendations for additional **BMPs** that are appropriate given background conditions, cost factors and the status of **Regional Water Board** efforts to revise **WQOs** for the **CVSC** to address the City of Coachella's **WLA** (the 2016 QAPP).
49. These **WQBELs** are consistent with the assumptions and requirements identified in the **TMDL** Implementation Plans adopted with the **TMDLs** because the **BMPs** are expected to be sufficient to meet the **WLAs** by the compliance dates. The **CVSC** Bacterial Indicators **TMDL**, relies on this **MS4 Permit** to implement the **WLA** for the City of Coachella.

#### **Compliance Schedules and Interim Requirements**

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

#### **Whitewater River Region Water Quality**

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

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Table A.2. 305(b) Report Information for the Whitewater River Region<sup>26</sup>

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

52. **Permittee Outfall** and **Receiving Water** monitoring data gathered during **Wet** and **Dry Weather** events during the past two **MS4 Permit** terms show that most conventional pollutants, including but not limited to nutrients, oil and grease, detergents, ammonia and nitrates, were not observed in exceedance of **Receiving Water Quality Objectives** listed in the **Basin Plan**.
53. As required by the 2001 and 2008 **MS4 Permits**, the **Permittees** performed water quality monitoring at the Upper Whitewater River **Receiving Water** monitoring station to "assist with determination of natural background concentrations of field parameters and constituents of concern that may also be found in **Urban Runoff**." Monitoring data from this location revealed elevated levels of Lead and Chromium, in amounts which exceed **Water Quality Objectives**, during **Wet Weather** conditions only. These constituents have also been found to be present in natural deposits and groundwater throughout the **Whitewater River Region**.<sup>27,28</sup>
54. **Permittee MS4 Outfall** and **Receiving Water** monitoring data gathered over three **MS4 Permit** terms show that **Priority Pollutant** constituents have either never been detected, or have rarely been detected in the **Whitewater River Region**. Therefore, the requirement for analyses of **Priority Pollutants** has been eliminated from this **MS4 Permit**.

<sup>26</sup>United States Environmental Protection Agency. "Watershed Quality Assessment Report." [http://ofmpub.epa.gov/tmdl\\_waters10/attains\\_watershed.control?p\\_huc=18100200&p\\_state=CA&p\\_cycle=2004&p\\_report\\_type=A](http://ofmpub.epa.gov/tmdl_waters10/attains_watershed.control?p_huc=18100200&p_state=CA&p_cycle=2004&p_report_type=A)

<sup>27</sup>Coachella Valley Water District. 2011 Domestic Water Quality Report. 2011.

<sup>28</sup>Presser, Theresa, Sylvester, Marc, and Low, Walton. Bioaccumulation of Selenium from Natural Geologic Sources in Western States and Its Potential Consequences. Environmental Management Vol. 18, No. 3, pp.423-436. Springer-Verlag, 1994.

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**Objectives of this MS4 Permit**

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

- a. Renew Board Order No. R7-2008-0001 **NPDES** No. CAS617002, which regulates **Urban Runoff** within the **Whitewater River Watershed**;
- b. Regulate the discharge of **Potential Pollutants** in **Urban Runoff** that discharge to surface waters in the **Whitewater River Region**.
- c. Implement regulatory requirements prescribed in the Water Quality Control Plan for the Colorado River Basin Region of California (**Basin Plan**), and requirements of Section 402(p) of the **CWA** and Title 40 Code of Federal Regulations (40 CFR) Part 122; and
- d. Require implementation of preventative measures to assure maintenance of existing **Receiving Water** quality within the **Whitewater River Region**.

**Federal NPDES Storm Water Regulations**

56. Federal regulations for Phase I **MS4 Storm Water** discharges were promulgated by the **USEPA** on November 16, 1990 (40 CFR Parts 122, 123, and 124) and apply to the discharge regulated by this **MS4 Permit**.
57. Pursuant to Section 402 of the **CWA** and Section 13370 of the **CWC**, the **USEPA** approved the California State Program to issue and enforce **NPDES** permits for discharges to surface **Waters of the State**. Section 405 of the Water Quality Act of 1987 added Section 402(p) to the **CWA**, which requires the **USEPA** to develop a phased approach to regulate **Storm Water** discharges under the **NPDES** program.
58. Section 402(p)(2)(C) of the **CWA** requires the issuance of **NPDES** permits for **Storm Water** discharges from **MS4s** serving a population of 250,000 or more or serving populations between 100,000 to 250,000.
59. Section 402(p) of the **CWA** and the Phase 1 rule require **NPDES** permits for **MS4s** to include a requirement to effectively prohibit **Non-Storm Water** discharges into **MS4s** unless such discharges are either authorized by a separate **NPDES** permit or not prohibited in accordance with Section C. ALLOWABLE **NON-STORM WATER** DISCHARGES of this **MS4 Permit**. The requirement in the **CWA** to reduce **Pollutants** to the **MEP** provides a minimum level of water quality protection. The State may develop **WQS** more stringent than those required by the **CWA**.

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60. Title 40 CFR Section 122.26 requires a proposed management program that covers the duration of this **MS4 Permit**. It must include a comprehensive planning process that involves public participation and, where necessary, intergovernmental coordination to reduce the discharge of **Pollutants** to the **MEP** using management practices, control techniques, and system, design, 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 **Pollutants** discharged from **Urban Runoff** into the **MS4** that are to be implemented during the term of this **MS4 Permit**.

#### **Mitigation of Urban Runoff**

61. **Pollutants** may be reduced in **Urban Runoff** by the appropriate application of **Pollution Prevention, Source Control, and Treatment Control BMPs** to the **MEP**.
62. This **MS4 Permit** provides flexibility for **Permittees** to request approval by the **Executive Officer** to substitute a **BMP** under this **MS4 Permit** with an alternative **BMP**, if they can provide information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed **BMP** in meeting the objectives of this **MS4 Permit**.

#### **New Development/Redevelopment**

63. **Permittees** with land use authority authorize urbanization and land uses that may generate **Pollutants** and runoff, which can contribute to the impairment of **Receiving Waters**. Therefore, the **Permittees** can also exercise their legal authority to require implementation of **BMPs** to the **MEP**, such that **New Development/Redevelopment** projects do not result in increases in **Pollutant** loads, and flows do not further degrade **Receiving Waters**.
64. Urban development has three major phases: (1) land use planning for **New Development**; (2) construction; and (3) the current land use or existing development phase. Because the **Permittees** with land use authority authorize each of these phases, they have commensurate responsibilities to protect **Receiving Water** quality to the **MEP** during each phase.
65. On October 5, 2000, the **State Water Board** adopted Order No. WQ-2000-11, Standard Urban Storm Water Mitigation Plans (SUSMPs), which is a precedential order. Order No. WQ-2000-11 determined that requiring **Urban Runoff** generated by the 85<sup>th</sup> percentile storm events from specific types of development categories be infiltrated, filtered or treated was consistent with **MEP**. The essential elements of this precedential order were incorporated into the 2008 **MS4 Permit**, and are incorporated herein. In accordance with the requirements specified in the 2008 **MS4 Permit**, the **Permittees** developed a model **Water Quality Management Plan (WQMP)** and template.

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66. Requirements for post-construction **Stormwater** controls have been implemented in the **Whitewater River Region** for many years. As detailed in Table A-3 below, through ordinance or municipal code, the cities of Cathedral City, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage have required specified **New Developments** to retain and infiltrate runoff on-site to mitigate increased runoff and downstream impacts many years prior to development and implementation of the post-construction requirements found in the 2008 **MS4 Permit**.

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

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

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

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

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

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68. Location of urbanized areas on alluvial fans comprised of pervious soils, low annual rainfall, low density of development, minimal vegetative cover, constructed flood control improvements, **Permittee** requirements for on-site retention, and **WQMP** requirements for **New Development** and **Redevelopment** all combine to limit potential impacts of **Urban Runoff** on the **Whitewater River Region** natural drainage system. The **WQMP** requires identification of **Hydrologic Conditions of Concern (HCOC)**. An **HCOC** may exist when a **New Development** or **Redevelopment** site's hydrologic regime is altered and results in significant impacts on downstream channels and, where they may exist, aquatic habitats. Currently, **New Development** and **Redevelopment** projects are required to perform this assessment and incorporate appropriate **BMPs** to the **MEP** to ensure existing hydrologic conditions are maintained.
69. **LID** techniques promote the reduction of impervious areas which may achieve multiple environmental and economic benefits. This **MS4 Permit** requires **Permittees** to continue to implement the per project measurable goal of addressing 100% of the **WQMP Treatment Control BMP** requirement through implementation of **Site Design/LID BMPs**.
70. Some **LID** concepts are not compatible with water efficient landscape ordinances adopted throughout the **Whitewater River Region**. Such ordinances include requirements for xeriscaping, and implementation of water budgets and desert tolerant landscape standards.
71. Certain **BMPs** implemented or required by **Permittees** for urban runoff management may create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperation among the **Permittees**, local vector control agencies, **Regional Water Board** staff, and the California Department of Public Health is necessary to identify and implement appropriate vector control measures that minimize potential nuisances and public health impacts resulting from vector breeding.
72. This **MS4 Permit** requires the **Permittees** to review and approve covenants, conditions and restrictions (CC&Rs) or other mechanisms to ensure proper long-term operation and maintenance of post-construction **BMPs**.

#### **Illicit Connection/Illegal Discharge (IC/ID)**

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

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

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

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

- The **County**, and all water suppliers within the **Whitewater River Region**, including **CVWD**, Desert Water Agency (DWA), Mission Springs Water District (MSWD), Coachella Water Authority (CWA), Indio Water Agency (IWA), and the City of Banning Water Utility, have adopted water efficient landscape ordinances which are either as stringent as, or are more stringent than, the State's model water efficient landscape ordinance.

Development projects within the **Whitewater River Region** must demonstrate compliance with the landscape standards described in respective ordinances to receive water service. The standards include, but are not limited to: site plan check/approval for compliance with water allowances and requirements for drought tolerant plants, water budget components which establish the amount of water that can be used on particular landscapes, and encouraging retention of **Stormwater** and prevention of runoff.

- **CVWD**, CWA, and the City of Banning Water Utility have implemented tiered water usage rates.
- DWA, IWA and the City of Banning Water Utility have implemented water waste prohibitions, conduct water use audits, and/or enforce against negligent water usage.
- **CVWD**, CWA, DWA, MSWD, and the IWA offer water conservation incentive programs, including offering rebates for: turf removal, sprinkler upgrades, and other water efficient irrigation measures.
- The **Coachella Valley Regional Water Management Group (CVRWVG)** is a collaborative effort led by the five water purveyors of the Coachella Valley

#### A. FINDINGS



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

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

### Private Construction Activities

77. Construction activities may be a significant cause of **Receiving Water** impairment in California. **Sediment** runoff rates from construction sites exceed natural **Erosion** rates of undisturbed lands, causing siltation and impairment of **Receiving Waters**. However, siltation has not been identified by the **Regional Water Board** as a cause of **Receiving Water** impairment in the **Whitewater River Region**. In addition to requiring implementation of **BMPs**, an effective construction runoff program must include local plan review, permit conditions, field inspections, and enforcement.
78. One method to reduce **Potential Pollutants** in **Urban Runoff** is to incorporate **BMPs** as early in the planning phase of a project as possible. The implementation of **BMPs** is necessary to prevent **Erosion** and sedimentation in storm and non-storm **Urban Runoff** discharges.

### Commercial/Industrial

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

### Public Education/Outreach

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

## A. FINDINGS

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

### Monitoring

81. An effective monitoring program characterizes **Urban Runoff** discharges, identifies problem areas, and determines the impact of **Urban Runoff** on **Receiving Waters**. However, due to the limited annual rainfall and the ephemeral nature of most **Receiving Waters** within the **Whitewater River Region**, collecting sufficient wet and dry weather data to characterize discharges and assess improvement or degradation in water quality due to **Urban Runoff** quality control program implementation is challenging at best. Under normal hydrologic conditions in the **Whitewater River Region**, there are limited flowing **Receiving Waters** impacted by **Urban Runoff**.
82. Although local climate and hydrology make consistent sample collection difficult, it is feasible to safely collect data from **MS4** outfalls and certain **Receiving Waters** during daylight hours of those wet weather events that do not result in flash flood warnings and/or watches. The **Permittees** should continue to take efforts to collect data for the ultimate purpose of characterizing **Urban Runoff** discharges, effectiveness of implemented **BMPs**, and determining the impacts of those discharges on **Receiving Waters**, where applicable and feasible.

### Compliance with CEQA and Other Requirements

83. The **Permittees** will be required to comply with amendments to **WQS** or **WDRs**, which may be imposed by the **USEPA** or the State of California prior to the expiration of this **MS4 Permit**. This **MS4 Permit** may be reopened to include **WLAs** to address **Pollutants** in **Urban Runoff** causing or contributing to the impairments in **Receiving Waters** and/or other requirements developed and adopted by the **Regional Water Board**. The **MS4 Permit** also includes language requiring the **Permittees** to amend the **SWMP** to address **TMDL Basin Plan** Amendments, including incorporation of **WLA** requirements.
84. **CWC** Section 13243 provides that a Regional Water Board, in a water quality control plan or in **WDRs**, may specify certain conditions or areas where the discharge of **Waste** or certain types of **Waste** is not permitted.
85. The issuance of an **NPDES** permit for this discharge is exempt from the provisions of the California Environmental Quality Act (**CEQA**), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, in accordance with **CWC** Section 13389.
86. The **Regional Water Board** has considered state and federal anti-degradation requirements pursuant to 40 CFR 131.12 and **State Board** Resolution No. 68-16. This **MS4 Permit** does not allow degradation of surface **Waters of the State**. Therefore, compliance with the **MS4 Permit** will satisfy these anti-degradation requirements.

### A. FINDINGS

87. The **State Board** issued one state-wide general permit to address **Storm Water** discharges from construction activities: the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities 2009-0009-DWQ as amended by 2010-0014-DWQ (**NPDES** No. CAS000002) (**Construction General Permit**). Construction activities that qualify are required by federal regulations to obtain permit coverage under either an individual **NPDES** permit or the statewide **Construction General Permit** by filing a **Notice of Intent (NOI)** with the **State Board**. Therefore, separate coverage under the **Construction General Permit** is necessary for **Permittee** construction projects within or outside of the **Whitewater River Region**.
88. The **Regional Water Board** has notified the **Permittees** and other interested agencies and **Persons** of its intent to re-issue this **MS4 Permit** for discharges of **Urban Runoff** into the **Whitewater River Region**.

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

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

#### A. FINDINGS

**B. DISCHARGE PROHIBITIONS**

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

**B. DISCHARGE PROHIBITIONS**

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

1. Each **Permittee** shall effectively prohibit all types of **Non-Storm Water** discharges into the **MS4** unless such discharges are authorized in accordance with Item No. 2 of this Section.
2. The following discharges are not prohibited, unless identified by the **Permittees** as a significant source of **Pollutants** to the **Receiving Waters**:
  - a. Discharges covered by **NPDES** permits or written clearances issued by the **Regional Water Board** or **State Board**;
  - b. Air conditioning condensation
  - c. Potable water line flushing and other potable water sources;
  - d. Passive foundation drains;
  - e. Passive footing drains;
  - f. Water from crawl space pumps;
  - g. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters;
  - h. Dechlorinated swimming pool discharges;
  - i. Non-commercial vehicle washing; (e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organizations);
  - j. Diverted stream flows;
  - k. Rising ground waters and natural springs;
  - l. Groundwater infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;
  - m. Flows from riparian habitats and wetlands;
  - n. Street wash water;
  - o. Emergency water flows (i.e., firefighting flows and other flows necessary for the protection of life and property) do not require **BMPs** and need not be prohibited. However, appropriate **BMPs** shall be considered where practicable when not interfering with emergency public health and safety issues;
  - p. Waters not otherwise containing **Wastes**, as defined in **CWC** Section 13050 (d); and
  - q. Other types of discharges identified and recommended by the **Permittees** and approved by the **Regional Water Board**.
3. For purposes of this **MS4 Permit**, a discharge may include **Storm Water** and other types of discharges as indicated in Section C.2. If the **Permittee** identifies an allowable discharge category from Section C.2 that causes or contributes to an

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

exceedance of **WQS** or is a significant contributor of **Pollutants** to **Waters of the United States**, a **Permittee** shall either:

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

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

**D. RECEIVING WATER LIMITATIONS**

1. The **SWMP** and its components shall be updated to achieve compliance with **Receiving Water Limitations** associated with discharges of **Urban Runoff**. It is expected that compliance with **Receiving Water Limitations** will be achieved through an iterative process and the application of **BMPs** to the **MEP**.
2. A **Permittee** shall be considered in compliance with the Discharge Prohibitions, Allowable **Non-Storm Water** Discharges, and **Receiving Water Limitations**, so long as it is timely implementing control measures and other actions to reduce **Pollutants** in the discharges in accordance with the **SWMP** and other requirements of this **MS4 Permit**, including any modifications. If exceedance(s) of **WQS** persist, notwithstanding implementation of the **SWMP** and other requirements of this **MS4 Permit**, a **Permittee** shall continue to be considered in compliance with Discharge Prohibitions, Allowable **Non-Storm Water** Discharges, and **Receiving Water Limitations** by complying with the following procedure:
  - a. Upon a determination by the **Permittee** or **Regional Water Board** that discharges of **Urban Runoff** from the **MS4** are causing or exceeding or contributing to an exceedance of an applicable **WQS**, the **Permittee** shall promptly notify **Regional Water Board** staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter submit within 30 days a report to the **Regional Water Board** that describes **BMPs** that are currently being implemented and additional **BMPs** that will be implemented to prevent or reduce any **Pollutants** that are causing or contributing to the exceedance of **WQSs**. The report shall include an implementation schedule. The **Regional Water Board** may require modifications to the report;
  - b. Alternatively, if the exceedances of the applicable **WQSs** are due to discharges to the **MS4** from activities or areas not under the jurisdiction of the **Permittee**, the **Permittee** shall promptly notify **Regional Water Board** staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter shall provide documentation of these discharges and submit a report within 30 days to the **Regional Water Board**. The **Permittee** shall trace the source of the discharge upstream by contacting the appropriate neighboring **MS4** facility that does have jurisdiction to locate the source of the **Pollution**;
  - c. Submit any modifications to the above reports (either D.2.a. or D.2b., as appropriate) within 30 days when required by the **Regional Water Board**;
  - d. Within 30 days following approval by the **Regional Water Board** of the report described above in Section D., 2.a., the **Permittee** shall revise the **SWMP** and monitoring program to incorporate the approved modified **BMPs** that will be implemented, the implementation schedule, and any additional monitoring required; and
  - e. Implement the revised **SWMP** and monitoring program in accordance with the approved implementation schedule.

**D. RECEIVING WATER LIMITATIONS**

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

#### D. RECEIVING WATER LIMITATIONS



**E. SPECIFIC PERMITTEE REQUIREMENTS**

1. The **Permittees** shall revise the **SWMP** to address the requirements found within this **MS4 Permit**. The revised **SWMP** shall be submitted for approval by the **Executive Officer** within 12 months of adoption of this **MS4 Permit**. Until such time that the **Executive Officer** provides approval of the revised **SWMP**, the **Permittees** shall continue to implement the requirements described in Order No. R7-2008-0011 and the 2011 **SWMP**. Upon approval by the **Executive Officer**, the **Permittees** shall be required to implement the revised **SWMP**, and the requirements of this **MS4 Permit**.
2. The **Principal Permittees** shall:
  - a. Coordinate **MS4 Permit** compliance activities;
  - b. Establish a uniform data submittal format for use by all **Permittees**;
  - c. Prepare the **Annual Report**;
  - d. Forward information received from the **Regional Water Board** to the **Permittees**;
  - e. Implement **MS4 Permit** activities of common interest;
  - f. Inform **Permittees** on **USEPA** and **Regional Water Board** regulations pertaining to the **MS4**;
  - g. Convene all **Desert Task Force** meetings that are held at least quarterly and consist of one or more representatives from each **Permittee**. The **Desert Task Force** shall direct the maintenance and update of the **SWMP** and coordinate the implementation of the overall **Urban Runoff** program, as described in the **ROWD**; and
  - h. Maintain and update the **Whitewater River Region** map.
3. Each **Permittee** shall:
  - a. Comply with the requirements of this **MS4 Permit** within its jurisdiction, and to the extent of its authority;
  - b. Provide certification for all reports and other information requested by the **Regional Water Board** as specified in Section I.9 of this **MS4 Permit**;
  - c. Annually review the **Whitewater River Region** map to ensure that it encompasses urbanized areas within the jurisdiction of the **Permittee**<sup>29</sup>. 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**;

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

**E. SPECIFIC PERMITTEE REQUIREMENTS**

- d. Prepare and provide documents required by the **MS4 Permit** to the **Principal Permittees** in a timely manner;
  - e. Implement the **Whitewater River Region SWMP** consistent with this **MS4 Permit** to:
    - i. Reduce **Potential Pollutants** in **Urban Runoff** from municipal, commercial, industrial, and residential areas to the **MEP**;
    - ii. Reduce **Potential Pollutants** in **Urban Runoff** from land development and construction sites to the **MEP** through the use of **Structural** and/or **Non-Structural BMPs**;
    - iii. Reduce **Potential Pollutants** in **Urban Runoff** from **Permittee's** maintenance activities to the **MEP**;
    - iv. Eliminate **IC/IDs** to the **MEP**;
    - v. Encourage spill prevention and containment as well as provide appropriate spill response plan for **Permittees'** maintenance facilities to the **MEP**;
    - vi. Increase public awareness to the **MEP**;
    - vii. Continue to provide **MS4 Permit** compliance related training for **Permittee's** staff to the **MEP**; and
    - viii. Control increases in **Urban Runoff** flows within the **Permittees'** jurisdictional boundaries to the **MEP**, so as not to potentially cause **Erosion** or sedimentation problems downstream.
  - f. Designate at least one representative to the **Desert Task Force** as described in Section E.2.g. The **Principal Permittees** shall be notified immediately, of changes to the designated representative. The designated representative shall attend the **Desert Task Force** meetings.
4. Each **Permittee** shall establish and maintain adequate legal authority through statute, ordinance, or series of contracts, which authorizes or enables the **Permittee** to implement and enforce, at a minimum, each of the following requirements contained in 40 CFR Section 122.26(d)(2)(i)(A-F):
- a. Control through ordinance, permit, contract, order or similar means, the contribution of **Pollutants** to the **MS4** by **Urban Runoff** associated with industrial activity and the quality of **Urban Runoff** discharged from sites of industrial activity;
  - b. Prohibit through ordinance, order or similar means, **IDs** to the **MS4**, including, but not limited to, discharges:
    - i. Of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
    - ii. Resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing;

#### E. SPECIFIC **PERMITTEE** REQUIREMENTS

- iii. Of wash water from mobile operations such as oily or greasy discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.;
  - iv. Of runoff from material storage areas containing chemicals, fuels, grease, oil, or other **Hazardous Materials**; and
  - v. Of food-related **Wastes** (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).
- c. Control through ordinance, order or similar means the discharge to the **MS4** of spills, dumping or disposal of materials other than **Urban Runoff**.
  - d. Control through interagency agreements among **Permittees** the contribution of **Pollutants** from one portion of the **MS4** to another portion of the **MS4**;
  - e. Require compliance with conditions in **Permittee** ordinances, permits, contracts or orders consistent with the Enforcement and Compliance Strategy described in Section 1.7 of the **SWMP**;
  - f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with **MS4 Permit** conditions, including the prohibition on **IDs** to the **MS4**, and
  - g. Require that **Urban Runoff** collection, transport, and storage facilities shall be in good working condition at all times to effectuate compliance with this **MS4 Permit**.

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

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

#### E. SPECIFIC **PERMITTEE** REQUIREMENTS

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

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

7. **Permittee** Construction Activities:

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

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

#### E. SPECIFIC **PERMITTEE** REQUIREMENTS

## F. BEST MANAGEMENT PRACTICES

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

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

- i. The **Permittees** shall continue to reduce the discharge of **Pollutants**, including trash and debris, from their respective **MS4s** to **Receiving Waters** to the **MEP**.
- ii. The **Permittees** shall document the observations of field personnel of unauthorized dumping or spills so that the information can be used to help locate the source of **Pollutants**. The **Permittees** shall continue to utilize standardized **IC/ID** reporting forms to document, track and report **IC/ID** incidents.
- iii. The **Permittees** shall maintain a database of **IC/ID** investigations. The database shall track case specifics, including description, cause, duration, the outcome of the case (spill/connection was terminated and cleaned up, source owner/operator educational visit, warning letter, referral to an enforcement agency, etc.), and the enforcement actions issued/taken (e.g., notice of non-compliance, notice of violation and order to comply, referral to District Attorney for prosecution).
- iv. The **Permittees** shall continue to provide, collect, and maintain litter receptacles in strategic public areas and during public events.
- v. The **Permittees** shall assess and modify, if necessary, existing field programs to detect and prevent dumping or routine discharge of **Pollutants** into **MS4** facilities.
- vi. The **Permittees** shall continue to implement and enforce leash laws and other pet laws (i.e., pet waste clean-up, no pets in public areas) in selected public-use areas.

### **Field Screening/System Surveillance**

- vii. The **Permittees** shall continue to implement routine field inspections for their **MS4** facilities, and the **Dry Weather** monitoring and reporting program (as detailed in Section L.10.A. of this **MS4 Permit**), to assist with identification and elimination of **IC/IDs**.
- viii. **Permittees** may utilize existing **MS4** maintenance programs, business/construction inspection programs and/or complaint reports to facilitate field screening. **Permittee** field staff shall utilize visual or olfactory indicators for determining **IC/IDs** during field screening.
- ix. If routine field inspections or the **Dry Weather** monitoring and reporting program indicate **IC/IDs**, they shall be investigated and

## F. BEST MANAGEMENT PRACTICES

eliminated, or regulated by the **Regional Water Board**, as soon as possible after detection.

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

#### **Reporting**

- xi. The **Permittees** shall immediately (within 24 hours of receipt of notice) initiate an investigation of all spills, leaks, and/or **IC/IDs** to the **MS4** upon being put on notice by staff or a third party. Based upon their assessment and as specified below, the **Permittees** with jurisdiction for the spill shall report all discharges that endanger human health or the environment as follows:
  - 1. By phone to the California Emergency Management Agency ("**Cal EMA**") at (800-852-7550) and to the **Regional Water Board** at (760-346-7491).
  - 2. At a minimum, any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any **Hazardous Material** spill where residents are evacuated, any spill of reportable quantities of **Hazardous Waste** (as defined in 40 CFR Part 117 and 40 CFR Part 302), or any other spill or discharge that is reportable to **Cal EMA** (collectively, an "**Emergency Situation**") shall be reported within twenty four (24) hours of becoming aware of the circumstances. Additional reporting requirements shall be per Section I. REPORTING REQUIREMENTS, Item No. 6.a.
- xii. Other spill incidents, including any unauthorized discharge, that are not incidents reportable to the **Cal EMA** shall be documented; documentation shall include a description of the spill, its cause(s), duration, actual or anticipated time for achieving compliance, and the enforcement steps that the **Permittee** has taken, or intends to take. These incidents shall be included in the **IC/ID** database, and be available upon request;
- xiii. **Permittees** with jurisdiction over incidents described by Section F.1.a.xi. shall submit a report for each incident to the **Executive Officer** as an attachment to their **Annual Report**, if not already done by another responsible agency, per Section F.1.a.xv, below. This report shall contain a description of the non-compliance, its causes, duration, and the actual or anticipated time for the violator to achieve compliance. The report shall include the enforcement steps that the **Permittee** has taken, or intends to take;

#### F. BEST MANAGEMENT PRACTICES

- xiv. The **Permittees** may propose an alternative reporting program, including reportable incidents and quantities, jointly with other agencies such as the **County** Department of Environmental Health (**DEH**), subject to approval by the **Executive Officer**.
- xv. In cases where an incident is reportable to **Cal EMA** and/or **Executive Officer** and that incident has been reported to **Cal EMA** and/or **Executive Officer**, as applicable, by another responsible agency, the **Permittee** with jurisdiction is not required to duplicate the report.

#### **Incident Response, Investigation, and Clean Up**

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

#### **Program Data Tracking**

- xvii. The **Permittees** shall maintain the following records:
  1. **IC/ID** reporting forms used to document, track and report **IC/ID** incidents;
  2. An up-to-date **IC/ID** database, including information specified in Attachment B of this **MS4 Permit**; and
  3. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access to similar trackable data, such a system may be used in lieu of the **IC/ID** database requirements in Attachment B of this **MS4 Permit**.

#### **Annual Reporting**

- xviii. In its **Annual Report**, each **Permittee** shall include the following information:
  1. Total number of **IC/ID** complaints received during the reporting year;
  2. Total number of **IC/ID** complaints requiring response during the reporting year;
  3. Total number and type of enforcement actions resulting from **IC/ID** complaints during the reporting year;
  4. Report(s) for incident(s) reportable to **Cal EMA**, as required in Section F.1.a.xiii. of this **MS4 Permit**;
  5. A narrative summary of **IC/ID** program accomplishments or issues encountered during the reporting year;
  6. A summary of trash and debris removal activities conducted; and

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7. A summary of **MS4** facilities inspected (by **MS4** facility type) during the reporting year pursuant to Sections F.1.a.vii through F.1.a.ix. (above).
- xix. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access pursuant to Section F.1.a.xvii.3 (above), the **Annual Report** requirements listed in section F.1.a.xviii (above) are waived.

#### **Annual Program Evaluation and Assessment**

- xx. Each **Permittee** shall evaluate in its **Annual Report** whether the **IC/ID** program goals listed below have been achieved:
  1. Reduce the discharge of trash and debris from respective **MS4s** to **Receiving Waters**;
  2. Confirm that **IC/ID** reports are reviewed and responded to in a timely manner;
  3. Ensure that confirmed **IC/ID** events are expeditiously eliminated.
- xxi. If a **Permittee** finds that the above stated program goals have not been achieved, that **Permittee** shall review its applicable activities and **BMPs** to identify any modifications which may be needed to improve **IC/ID** program effectiveness, as necessary to comply with this **MS4 Permit**. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable **Annual Report**.

#### **b. Commercial/Industrial Facilities Program**

##### **Source Identification, Inspection and Enforcement**

- i. The **Permittees** shall continue to coordinate with **County DEH**, **Regional Water Board** staff, and others as necessary to maintain a commercial and industrial facility database;
- ii. The **Permittees** shall maintain an implementation schedule for conducting inspections of the targeted list of facilities listed in the database, as detailed in Section 3.1 of the **SWMP**;
- iii. The existing Compliance/Assistance Program (**CAP**) described in Section 3 of the **SWMP** meets the intent of this section; however, individual **Permittees** may propose an alternative inspection program for **Regional Water Board** approval as part of their **Annual Reports**;
- iv. Each **Permittee** shall continue to enforce its ordinances, including its **Storm Water Ordinance**, at industrial and commercial facilities as necessary to maintain compliance with this **MS4 Permit**. Where **CAP** Industrial/Commercial surveys indicate that a facility is out of compliance with a **Permittee's Storm Water Ordinance**, **Permittee** staff shall perform a re-inspection. Sanctions for non-compliance may include: verbal or written warnings, issuance of notices of violation or

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non-compliance, obtaining an administrative compliance, stop work, or cease and desist order, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor);

- v. Each **Permittee** shall implement and enforce its ordinances that require all new industrial facilities subject to the General Industrial Activities **Storm Water Permit (General Industrial Permit)** to show proof of compliance (such as a waste discharge identification (**WDID**) number from submittal of a **NOI**) prior to: 1) issuance of a business license (applicable only to those **Permittees** which require business licenses) or 2) issuance of a certificate of occupancy for **New Development**;
- vi. Upon referral of an industrial facility to **Regional Water Board** staff for failure to obtain coverage under the **General Industrial Permit**, failure to keep a **SWPPP** at the industrial facility, or an observed act or omission that suggests failure to comply with either, the **Permittee** will take no further action at the industrial facility with regard to securing compliance with the **General Industrial Permit**. It is understood by the **Permittees** and **Regional Water Board** staff that this will ensure that consistent direction is provided to the facility owner/manager as to what is required to bring the facility into compliance with the **General Industrial Permit**. Each **Permittee** shall take appropriate actions to bring an industrial facility into compliance with its local ordinances, rules, regulations, and the Water Quality Management Plan (**WQMP**), where applicable;

#### **Program Data Tracking**

- vii. The **Permittees** shall maintain the following records:
  1. An up-to-date commercial and industrial facility database, which includes the categories of facilities named in Section 3.4 of the **SWMP**, and information specified in Attachment B of this **MS4 Permit**; and
  2. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access to similar trackable data, such a system may be used in lieu of the commercial and industrial facility database requirements in Attachment B of this **MS4 Permit**.

#### **Annual Reporting**

- viii. In its **Annual Report**, each **Permittee** shall include the following information:
  1. Total number of commercial and industrial facilities inspected during the reporting year;
  2. Total number of commercial and industrial facilities requiring re-inspection during the reporting year;

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

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

**Annual Program Evaluation and Assessment**

- x. Each **Permittee** shall evaluate in its **Annual Report** whether the following commercial and industrial facilities program goals have been achieved:
1. Maintain an updated database of commercial and industrial facilities;
  2. Confirm that industrial and commercial facilities described in Section F.1.b.ii (above) have implemented **BMPs** that comply with **Permittee Stormwater Ordinances**; and
  3. Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of **Permittee Stormwater Ordinances** from industrial and commercial facilities.
- xi. If a **Permittee** finds that the above stated program goals have not been achieved, that **Permittee** shall review its applicable activities and **BMPs** to identify any modifications which may be needed to improve commercial/industrial program effectiveness as necessary to comply with this **MS4 Permit**. A work plan and schedule to address program modifications shall be developed and implemented, and will be provided and/or updated with the applicable **Annual Report**.

**c. New Development/Redevelopment Program**

**Permittees** shall:

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

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

- ii. The **Permittees** shall continue to implement the existing development and approval review procedures outlined in the **SWMP**. The **Permittees** must:
1. Implement and enforce a program to address **Urban Runoff** from **New Development** and **Redevelopment Projects** that disturb areas equal to or greater than 1 acre, including projects less than 1 acre that are part of a larger common plan of development or sale, that discharge into the **MS4** (herein

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

2. As necessary, revise the **Whitewater BMP Design Manual**, which includes a combination of **Structural** and/or **Non-Structural BMPs**, to reflect updated **BMP** technologies that the **Permittees** determine to be appropriate and feasible for the **Whitewater River Region**;
  3. Use an ordinance or other regulatory mechanism to address post-construction **Urban Runoff** from **New Development** and **Redevelopment Projects** to the extent allowable under state or local law. The requirements must include the design standards specified in Item No. F.1.c.v. of this Section (below) or a functionally equivalent program that is acceptable to the **Regional Water Board**; and
  4. Require mechanisms to ensure adequate long-term operation and maintenance of post-construction **BMPs** on **Priority Development Project** sites.
- iii. All discretionary **New Development** and **Redevelopment Projects** that fall into one of the following categories (herein referred to as **Priority Development Projects**) are subject to the **WQMP** design standards specified in Item No. F.1.c.v. of this Section (below):
1. Single-family hillside residences that create 10,000 square feet, or more, of impervious area where the natural slope is twenty-five percent (25%) or greater, including single-family hillside residences that create 10,000 square feet of impervious area where the natural slope is ten percent (10%) or greater where erosive soil conditions are known;
  2. 100,000 square foot commercial and industrial developments;
  3. Automotive repair shops (with Standard Industrial Classification ("**SIC**") codes 5013, 7532, 7533, 7534, 7537, 7438, and 7539);
  4. Retail gasoline outlets disturbing greater than 5,000 square feet;
  5. Restaurants disturbing greater than 5,000 square feet;
  6. Home subdivisions with 10 or more housing units; and
  7. Parking Lots 5,000 square feet or larger in size, or with 25 or more parking spaces and potentially exposed to **Urban Runoff**.
- iv. Where a **Priority Redevelopment Project** replaces less than 50% of the impervious surfaces on an existing developed site, and the site

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

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

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

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

2. **Site Design BMPs**.

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

- a. Minimize **Urban Runoff**, minimize impervious footprint, and conserve natural areas,
- b. Minimize directly connected impervious area; and
- c. The **Permittees** shall continue to implement the **Treatment Control BMP** requirement (specified in Section F.1.c.v.4. below) through implementation of **Site Design BMPs**, as specified in the **WQMP**, and Section F.1.c.v.5.b. below.

3. **Source Control BMPs**.

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

- a. Protect slopes and channels from eroding;

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- b. Include storm drain inlet stenciling and signage;
- c. Include properly designed outdoor material storage areas; and
- d. Include properly designed trash storage areas.

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

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

- a. Volumetric **Treatment Control BMP** design criteria.
  - i. The 85<sup>th</sup> percentile 24-hour event determined as the maximized capture **Storm Water** volume for the project area, from the formula recommended in Urban Runoff Quality Management, Water Environment Federation Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
  - ii. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial (2003); or
  - iii. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in **Pollutant** loads achieved by the 85<sup>th</sup> percentile 24-hour runoff event; or

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- iv. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the **Whitewater River Region** that has been proposed by the **Permittees** and is approved by the **Executive Officer**.
- b. Flow-Based **BMP** design criteria
- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or
  - ii. The maximum flow rate of runoff produced by the 85<sup>th</sup> 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 85<sup>th</sup> percentile hourly rainfall intensity multiplied by a factor of two; or
  - iv. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the **Whitewater River Region** proposed by the **Permittees** and approved by the **Executive Officer**.

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

- a. Projects that retain and infiltrate 100% of the rainfall conditions specified in Section F.1.c.v.4 are deemed to comply with the **Treatment Control BMP** requirements of that Section.
- b. The **Permittees** have developed, and shall continue to implement a **Site Design BMP** substitution program, which has been incorporated into the **WQMP**, and allows the **Permittees** to substitute implementation of **Low Impact Development (LID) Site Design BMPs** for implementation of some or all **Treatment Control BMPs**. The **Site Design BMP** substitution program utilizes specific design criteria for each **LID Site Design BMP** to be utilized by the **Site Design BMP** substitution program.
- c. A **Permittee** may provide for a **Priority Development Project** to be waived from the requirement of implementing **Treatment Control BMPs**. All waivers,

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along with documentation justifying the issuance of a waiver, must be submitted to the **Regional Water Board** staff in writing within thirty (30) calendar days. If the **Executive Officer** determines that waivers are being inappropriately granted, this **MS4 Permit** may be reopened to modify these waiver conditions. Waivers may be granted:

- i. If infeasibility can be established. A waiver of infeasibility shall only be granted by a **Permittee** when all available **Treatment Control BMPs** have been considered and rejected as technically infeasible and/or the cost of implementing the **Treatment Control BMP** greatly outweighs the **Pollution** control benefit; or
- ii. For those portions of the **Whitewater River Region** that will not result in a discharge to **Receiving Waters** under the rainfall conditions specified in Section F.1.c.v.4.

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

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

- i. Be located at least 50 feet horizontally from water supply wells, unless it can be shown that well construction and site geology will provide adequate protection for the domestic water well in which case the minimum distance will be provided on a case by case basis; and
- ii. Not cause a **Nuisance**, including odor, vectors or **Pollution** as defined by **CWC** Section 13050.

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

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### **Program Data Tracking**

- vii. The **Permittees** shall keep the following records:
1. An up-to-date **WQMP** tracking database, including information specified in Attachment B of this **MS4 Permit**;
  2. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access to similar trackable data, such a system may be used in lieu of the **WQMP** tracking database requirements in Attachment B of this **MS4 Permit**.

### **Annual Reporting**

- viii. In its **Annual Report**, each **Permittee** shall include the following information:
1. Number of projects conditioned for **WQMPs** during the reporting year;
  2. A summary of **Other Development Projects** conditioned to require implementation of **Source Control BMPs** during the reporting year;
  3. Percent of projects requiring **WQMPs** which met the goal of achieving the **Treatment Control BMP** requirement through the use of **LID Site Design BMPs** during the reporting year.
- ix. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access pursuant to Section F.1.c.vi.2. (above), the **Annual Report** requirements listed in Section F.1.c.vii. (above) are waived.

### **Annual Program Evaluation and Assessment**

- x. Each **Permittee** shall evaluate in its **Annual Report** whether the following **New Development/Redevelopment** program goals have been achieved:
1. Confirm that **WQMPs** are in place at **Priority Development/Redevelopment Projects**, to prevent or minimize water quality impacts to the **MEP**;
  2. Encourage the use of **LID Site Design BMPs** to address the **Treatment Control BMP** requirement for **Priority Development/Redevelopment Projects**; and
  3. Confirm that **Other Development Projects** are conditioned to require implementation of **Source Control BMPs**.
- xi. If a **Permittee** finds that the above stated program goals have not been achieved, that **Permittee** shall review its applicable activities

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and **BMPs** to identify any modifications which may be needed to improve **New Development/Redevelopment** program effectiveness, as necessary to comply with this **MS4 Permit**. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable **Annual Report**.

d. **Private Construction Activities Program**

The **Permittees** shall:

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

Make associated public education materials available to the public;

- ii. Continue to implement and enforce a program to reduce **Pollutants** in **Urban Runoff** to the **MS4** from construction activities that result in a **Land Disturbance** of greater than or equal to one acre. Reduction of **Pollutants** in **Urban Runoff** discharges to the **MS4** from construction activity disturbing less than one acre must be included in a program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must continue to include implementation of, at a minimum:
  1. Ordinances or other regulatory mechanisms to require **Erosion** and **Sediment** controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State or local law;
  2. Requirements for construction site operators to control **Waste** such as discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary **Waste** at the construction site that may cause adverse impacts to water quality;
  3. Procedures for site plan review which incorporate consideration of potential water quality impacts; and
  4. Procedures for site inspection and enforcement control measures. Each **Permittee** shall continue to conduct construction site inspections for compliance with its ordinances, including its **Stormwater Ordinance**, codes and the **WQMP**. Sanctions for non-compliance may include: verbal and/or written warnings, issuance of notices of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). Construction site inspections shall at a minimum:

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- a. Verify coverage under the **Construction General Permit**, if required;
  - b. Confirm that a **SWPPP**, if required, is onsite;
  - c. Confirm compliance with the **Permittee's** ordinances; and
  - d. Check for active **Non-Storm Water** discharges or potential **IC/IDs** to the **MS4**.
- iii. Identify priorities for inspecting sites and enforcing control measures for construction projects that disturb areas equal to or greater than 1 acre. In establishing priorities for the inspection of construction sites consistent with this **MS4 Permit**, the **Permittees** shall identify sites of high and low threat to **Receiving Water** quality. Evaluation of construction sites should be based on such factors as soil **Erosion** potential, project size, proximity and sensitivity of **Receiving Waters**, history of compliance, and other relevant factors. High priority construction sites shall in any event include:
1. Construction sites that disturb an area greater than fifty (50) acres; and
  2. Construction sites that disturb greater than one (1) acre and directly discharge to an identified 303 (d) listed waterbody.

Low priority construction sites shall include:

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

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

- iv. If a **Permittee** receives notice by its staff of a possible violation of the **Construction General Permit**, the **Permittee** shall, within two (2) working days, provide oral (Telephone: 760.346.7491) and e-mail notice to **Regional Water Board** staff of the location within its jurisdiction where the incident occurred and describe the nature of the incident;
- v. Upon referral of a construction site to **Regional Water Board** staff for failure to obtain coverage under the **Construction General Permit**, failure to keep a **SWPPP** at the construction site, if applicable, or an observed act or omission that suggests failure to comply with either, the **Permittee** will take no further action at the construction site with regard to securing compliance with the **Construction General**

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

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

#### **Program Data Tracking**

- vii. The **Permittees** shall keep the following records:
  1. An up-to-date construction site inspection database, including information specified in Attachment B of this **MS4 Permit**;
  2. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access to similar trackable data, such a system may be used in lieu of the construction site inspection database required in Attachment B of this **MS4 Permit**.

#### **Annual Reporting**

- viii. In its **Annual Report**, each **Permittee** shall include the following information:
  1. Total number of construction site inspections conducted, pursuant to Section F.1.d.ii.4 (above), during the reporting year;
  2. Total number and type of enforcement action(s), including referrals to the **Regional Water Board**, issued on construction sites during the reporting year; and
  3. Provide confirmation that the construction site inspection database (Attachment B of this **MS4 Permit**) has been implemented to track inspection activities during the reporting year.
- ix. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access pursuant to Section F.1.d.vii.2. (above), the **Annual Report** requirements listed in Section F.1.d.viii. (above) are waived.

#### **Annual Program Evaluation and Assessment**

- x. Each **Permittee** shall evaluate in its **Annual Report** whether the following Private Construction Activities program goals have been achieved:
  1. Maintain an updated database of active construction sites which includes categorization of sites by priority;

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2. Perform inspections to confirm construction site compliance with **Permittee Stormwater Ordinance**; and
  3. Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of **Permittee Stormwater Ordinances**.
- xi. If a **Permittee** finds that the above stated program goals have not been achieved, that **Permittee** shall review its applicable activities and **BMPs** to identify any modifications which may be needed to improve Private Construction Activities program effectiveness, as necessary to comply with this **MS4 Permit**. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable **Annual Report**.

e. **Permittee Activities Program**

i. Sewage Systems

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

ii. **Permittee** Facilities and Operations

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

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

iii. Landscape Maintenance

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

iv. **Permittee** Streets and Roads

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

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2. Each **Permittee** will continue to incorporate applicable elements of the model fact sheet of **BMPs** for common road maintenance activities into road maintenance contracts.
- v. **MS4** Facilities
1. A map identifying **Receiving Waters** and **Major MS4 Outfalls** shall be maintained and updated as required;
  2. Continue to implement the existing field program to detect and prevent dumping or **IDs** into **MS4** facilities; and
  3. Continue to implement **MS4** maintenance schedules for basins, inlets and open channels.

#### **Program Data Tracking**

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

#### **Annual Reporting**

- vii. In its **Annual Report**, each **Permittee** shall include the following information:
1. Total percentage of facilities requiring **Municipal Facility/Activity Pollution Prevention Plans** that were inspected during the reporting year;
  2. Narrative summary of the results of municipal facility inspections conducted pursuant to Section F.1.e.ii. (above), including a summary of deficiencies noted and corrective actions taken, if any; and
  3. A summary of **MS4** facilities maintained (by **MS4** facility type) pursuant to Section F.1.e.v.3. (above) during the reporting year,.
- viii. A map of the **Whitewater River Region** which identifies the most current **MS4 Permit** boundary, **Receiving Waters** and **Major MS4 Outfalls** shall be submitted by the **Permittees** with each **Annual Report**.

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

**Annual Program Evaluation and Assessment**

- x. Each **Permittee** shall evaluate in its **Annual Report** whether the following **Permittee** Facilities and Activities program goals have been achieved:
1. Maintain a current map of **MS4 Outfalls, Receiving Waters,** and the **MS4 Permit** boundary;
  2. For facilities with outdoor materials storage or maintenance areas: confirm that **BMPs** described in each facility's **Municipal Facility Pollution Prevention Plans** are implemented; and
  3. Confirm that basins, inlets and open channels that are part of the **Permittee's MS4** are maintained on the schedule developed by the **Permittee**.
- xi. If a **Permittee** finds that the above stated program goals have not been achieved, that **Permittee** shall review its applicable activities and **BMPs** to identify any modifications which may be needed to improve **Permittee** Facilities and Activities program effectiveness, as necessary to comply with this **MS4 Permit**. A work plan and schedule to address program modifications shall be developed and implemented, and provided and/or updated with the applicable **Annual Report**.

**f. Public Education and Outreach Program**

- i. Illegal Dumping and General Outreach
1. Continue to conduct education/outreach to the general public on impacts to **Receiving Waters** from:
    - a. Littering, illegal dumping and other improper disposal of **Wastes**; and
    - b. Leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.
  2. Continue to conduct education/outreach to the general public on the impacts of dumping **Pollutants**, including **Pollutants** from landscaping and home maintenance activities, into **MS4** facilities;

**F. BEST MANAGEMENT PRACTICES**

3. Continue to support the efforts of the **County HHW Program**, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals; and
  4. Continue to conduct education/outreach to the general public about **BMPs** for residential car washing.
- ii. Landscaping
    1. Continue to conduct education/outreach to the general public on the proper application and management of pesticides, fertilizers and herbicides; and
    2. Continue to conduct education/outreach to the general public on the proper management of irrigation systems to prevent runoff to the **MS4**. Where appropriate, coordinate with the Natural Resources Conservation Service, Resource Conservation Districts and University of California Cooperative Extension.
  - iii. Pet Ownership
    1. Continue to conduct education/outreach to the general public regarding the need to clean-up and properly dispose of pet **Waste**.
  - iv. Construction
    1. Continue to make information available to contractors, operators, and **Permittee's** staff about upcoming educational and training workshops on construction site **Erosion** control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available, as appropriate.
  - v. Industrial/Commercial
    1. Continue to conduct education/outreach to landowners, tenants, business owners, and industrial operations regarding the need to implement appropriate **BMPs** to control **Non-Storm Water** discharges and properly maintain outdoor material storage areas.
  - vi. Training of **Permittee** Staff

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

## F. BEST MANAGEMENT PRACTICES

identification of **IC/IDs** that may be associated with the area of training.

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

### **Program Data Tracking**

- vii. The **Permittees** shall keep the following records:
1. Number of regional public education outreach events conducted, by type (construction, industrial, residential, **New Development**, schools, general public, etc), including approximate attendance where applicable;
  2. **HHW** Collection Program activities including:
    - a. Event dates and number of days per event;
    - b. Type and amount of material collected; and
    - c. Advertisement impressions by type (newspaper, television, radio, banners, flyers, etc.).
  3. Records of **Permittee** staff trained, including topic, date and number of staff trained;
  4. Usage (call volume) of the "Only Rain Down the Stormdrain" **Pollution Prevention** Program hotline;
  5. Copies or records of public education materials utilized and/or made available to the general public and target audiences during **Permittee** education/outreach activities; and
  6. Public surveys and impression counts, to be gathered where feasible;

### **Annual Reporting**

- viii. In its **Annual Report**, each **Permittee** shall include the following information:
1. A narrative summary of Public Education and Outreach program accomplishments or issues encountered during the reporting year;

## F. BEST MANAGEMENT PRACTICES



2. The number of public education outreach events conducted during the reporting year, by type (construction, industrial, residential, **New Development**, schools, general public, etc.), including approximate attendance where applicable;
  3. A summary of type(s) and numbers, where feasible, of outreach materials distributed during the reporting year; and
  4. Number of **Permittee** staff trained during the reporting year; including topic (municipal, industrial/commercial, construction, **New Development**) and date.
- ix. If the **Permittees** choose to move to an online recordkeeping and reporting tool that provides the **Regional Water Board** with access to the reportable information listed in Section F.1.f.viii. above, the **Annual Report** requirements listed in that Section are waived.

#### **Annual Program Evaluation and Assessment**

- x. Each **Permittee** shall evaluate in its **Annual Report** whether the following Public Education and Outreach program goals have been achieved:
1. Conduct education/outreach to the general public on the impacts of improper disposal of pollutants into **MS4s**;
  2. Develop and distribute targeted **BMP** guidance for specific pollutants and residential and business activities; and
  3. Confirm that **Permittee** employees are trained to implement **MS4 Permit** compliance programs.
- xi. If a **Permittee** finds that the above stated program goals have not been achieved, that **Permittee** shall review its applicable activities and **BMPs** to identify any modifications which may be needed to improve Public Education and Outreach program effectiveness, as necessary to comply with this **MS4 Permit**. A work plan and schedule to address program modifications shall be developed and implemented, be provided and/or updated with the applicable **Annual Report**.

**G. IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS****CVSC Bacterial Indicators TMDL**1. Interim **WQBEL** and Phase 1 Implementation and Compliancea. Interim **WQBEL**. The City of Coachella shall:

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

**G. IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS**

- iii. Implementation of the requirements of Section G.1.a. shall constitute compliance with the Interim **WQBEL** and Phase 1 of the implementation plan for the **CVSC** Bacterial Indicators **TMDL**.

2. Final **WQBEL** Implementation and Compliance

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

G. IMPLEMENTATION OF **TOTAL MAXIMUM DAILY LOADS**

## H. GENERAL PROVISIONS

### 1. Duty to Comply [40 CFR 122.41 (a)]

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

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

It shall not be a defense for a **Permittee** in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this **MS4 Permit**.

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

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

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

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

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

This **MS4 Permit** may be modified, revoked and reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 124.5, 125.62, and 125.64. Causes for taking such actions include, but are not limited to:

- a. Endangerment to human health or the environment resulting from the permitted activity, including information that the discharge(s) regulated by this **MS4 Permit** may have the potential to cause or contribute to adverse impacts on water quality and/or **Beneficial Uses**;

## H. GENERAL PROVISIONS

- b. Acquisition of newly-obtained information that would have justified the application of different conditions if known at the time of **MS4 Permit** adoption;
- c. To address changed conditions identified in required reports or other sources deemed significant by the **Regional Water Board**;
- d. To incorporate provisions as a result of future amendments to the **Basin Plan**, such as a new or revised WQO or the adoption or reconsideration of a **TMDL**, including the program of implementation. Within 18 months of the effective date of a revised **TMDL** or as soon as practicable thereafter, where the revisions warrant a change to the provisions of this **MS4 Permit**, the **Regional Water Board** may modify this **MS4 Permit** consistent with the assumptions and requirements of the revised **WLA(s)**, including the program of implementation;
- e. To incorporate provisions as a result of new or amended statewide water quality control plans or policies adopted by the **State Board**, or in consideration of any **State Board** action regarding the precedential language of State Water Board Order WQ 99-05, Receiving Water Limitations; and/or
- f. To incorporate provisions as a result of the promulgation of new or amended federal or state laws or regulations or judicial decisions that becomes effective after adoption of this **MS4 Permit**.

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

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

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

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

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

- a. Enter upon the **Permittee's** premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this **MS4 Permit**;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this **MS4 Permit**;
- c. Inspect at reasonable times any **Permittee** facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this **MS4 Permit**; and

H. GENERAL PROVISIONS

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

8. Records [40 C.F.R. § 122.41(j)(2)]

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

9. Bypass [40 CFR 122.41 (m)]

- a. Bypass not exceeding limitations - A **Permittee** may allow any bypass to occur which does not cause **Effluent Limitations** to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Section H.9.b. and H.9.c. (below).
- b. Notice – If a **Permittee** knows in advance of the need for bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass. A **Permittee** shall submit notice of an unanticipated bypass as required in Section I.6. of this **MS4 Permit**.
- c. Prohibition of Bypass - Bypass is prohibited, and the **Regional Water Board** may take enforcement action against a **Permittee** for bypass, unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii. The **Permittee** submitted notice as required under Section 9.b. (above).
- d. The **Executive Officer** may approve an anticipated bypass, after considering its adverse effects, if the **Executive Officer** determines that it will meet the three conditions listed in Section H.9.c. (above).

10. Upset [40 CFR 122.41 (n)]

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based effluent limitations because of

## H. GENERAL PROVISIONS

factors beyond the reasonable control of the **Permittee**. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- a. Effect of an upset - An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Section H.10.b. (below) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  - b. Conditions necessary for a demonstration of upset - A **Permittee** who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - i. An upset occurred and that the **Permittee** can identify the cause(s) of the upset;
    - ii. The permitted facility was at the time being properly operated;
    - iii. The **Permittee** submitted notice of the upset as required in Section I.6. (below); and
    - iv. The **Permittee** complied with any remedial measures required under Section H.3. (above).
  - c. Burden of Proof - In any enforcement proceeding the **Permittee** seeking to establish the occurrence of an upset has the burden of proof.
11. The **Permittees** shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this **MS4 Permit**, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.
12. The provisions of this **MS4 Permit** are severable, and if any provision of this **MS4 Permit**, or the application of any provision of this **MS4 Permit** to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this **MS4 Permit**, shall not be affected thereby.
13. The **Permittees** shall comply with any interim **Effluent Limitations** as established by addendum, enforcement action, or revised **WDRs** that have been, or may be, adopted by this **Regional Water Board**.
14. In cases where **Urban Runoff** quality is impacted by discharges of **Wastes** from lands or facilities not owned, operated or maintained by, or under the regulatory jurisdiction of the **Permittee(s)**, or which is under the jurisdiction of the **Regional Water Board** by NPDES permit, waste discharge requirement or waiver of waste discharge requirement), the **Permittee(s)** may notify the **Regional Water Board**

#### H. GENERAL PROVISIONS

of its need to regulate those discharges, to the extent the **Regional Water Board** has jurisdiction over such discharges. Such a notice shall include:

- a. A written description of the discharge and documentation, if available, of water quality problems caused by the discharge;
- b. An 8 ½ inch x 11 inch location map which delineates the location of the discharge; and
- c. Documentation that the **Permittee(s)** does not have jurisdiction over the discharge and/or is unable to require compliance or that the discharge is under the jurisdiction of the **Regional Water Board**.

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



## I. REPORTING REQUIREMENTS

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

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

- a. Proposed revisions to the **SWMP**, based on program data gathered throughout the **MS4 Permit** term, and analysis required by Section L.11.d of this **MS4 Permit**. Proposed **SWMP** revisions may include, but not be limited to: activities the **Permittees** proposed to undertake during the next **MS4 Permit** term, goals and objectives of such activities, an evaluation of the need for additional **Source Control** and/or **Structural BMPs**, proposed pilot studies, etc.;
- b. Any new or revised program elements and compliance schedule(s) necessary to comply with Section D. **RECEIVING WATER LIMITATIONS** and Section G. **IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS** of this **MS4 Permit**;
- c. Changes in land use and/or population including map updates; and
- d. Significant changes to the **MS4s**, outfalls, detention or retention basins or dams, and other controls, including map updates of the **MS4s**.

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

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

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

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

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

This **MS4 Permit** is not transferable to any **Person** except after notice to the **Regional Water Board**. The **Regional Water Board** may require modification or

## I. REPORTING REQUIREMENTS

revocation and reissuance of this **MS4 Permit** to change the name of the **Permittees** and incorporate such other requirements as may be necessary under the **CWA** or the **CWC** in accordance with the following:

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

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

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

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

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

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

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

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

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

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

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

## I. REPORTING REQUIREMENTS

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

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

- a. All **ROWDs** shall be signed by either a principal executive officer or ranking elected official.
- b. All reports required by this **MS4 Permit**, and other information requested by the **Regional Water Board** shall be signed by a **Person** described in Item No. 9. a. of this reporting requirement, or by a duly authorized representative of that **Person**. A **Person** is a duly authorized representative only if:
  - i. The authorization is made in writing by a **Person** described in Item No. 9. a. of this reporting requirement;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
  - iii. The written authorization is submitted to the **Regional Water Board**.
- c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of Item No. 9. b. of this reporting requirement must be submitted to **Regional Water Board** prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Any **Person** signing a document under paragraph Item No. 9 a. or b. of this reporting requirement shall make the following certification:

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

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

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

I. REPORTING REQUIREMENTS

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

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

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

## I. REPORTING REQUIREMENTS

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

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

2. The **Regional Water Board** has, in prior years, issued a limited number of individual **NPDES** permits for **Non-Storm Water** discharges. The **Regional Water Board** or **State Board** may in the future, upon prior notice to the **Permittee(s)**, issue an **NPDES** permit for any **Non-Storm Water** discharge (or class of **Non-Storm Water** discharges) to the **MS4**. **Permittees** may prohibit any **Non-Storm Water** discharge (or class of **Non-Storm Water** discharges) to the **MS4** that is authorized under such separate **NPDES** permits.3. Enforcement Provisions [40 CFR 122.41(a)(2)] [**CWC** Sections 13385 and 13387].4. The **CWA** provides that any **Person**, who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this **MS4 Permit**, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The **CWA** provides that any **Person**, who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation of this **MS4 Permit**, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a **Person** shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both. Any **Person** who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a **Person** shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both. Any **Person** who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this **MS4 Permit**, and who knows at that time that he or she thereby places another **Person** in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a **Person** shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the **CWA** shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions. Nothing in this **MS4 Permit** shall be construed to preclude the institution of any legal action or relieve the **Permittee** from any responsibilities, liabilities, or penalties to which the **Permittees** are or may be subject to under Section 311 of the **CWA** or established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the **CWA**.**J. NOTIFICATIONS**

## K. GLOSSARY OF TERMS

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

**AGR** – Agriculture Supply

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

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

**AQUA** – Aquaculture

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

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

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

**Cal EMA** – California Emergency Management Agency

**CalTrans** – California Department of Transportation

**CAP** – Compliance Assistance Program

**CASQA** – California Stormwater Quality Association

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

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

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

**CMP** – Consolidated Program for Water Quality Monitoring

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

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boundary for the **CVRWMG** Management Region is chiefly the same boundary as the Whitewater River Basin.

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

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

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

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

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

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

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

**CVSC** – Coachella Valley Stormwater Channel

**CVWD** – Coachella Valley Water District

**CWA** – Federal Clean Water Act

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

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

**CWC** – California Water Code

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

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

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program. Per requirements of this **MS4 Permit**, the **Desert Task Force** meets quarterly, at a minimum.

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

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

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

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

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

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

**FRSH** – Freshwater Replenishment Beneficial Use

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

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

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

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

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

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

**HAZMAT** – **Hazardous Materials**

**HHW** – Household **Hazardous Waste**

**Hydrologic Condition of Concern (HCOC)** – Changes caused by a **New Development** or **Redevelopment Project** to **Urban Runoff** flow rates, velocities, durations and/or

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volumes that cause significant downstream erosion beyond the pre-development condition or cause significant adverse impacts to stream habitat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. *Effectiveness: Will the **BMPs** address a **Pollutant** of concern?*
- b. *Regulatory Compliance: Is the **BMP** in compliance with **Storm Water** regulations as well as other environmental regulations?*
- c. *Public Acceptance: Does the **BMP** have public support?*
- d. *Cost: Will the cost of implementing the **BMP** have a reasonable relationship to the pollution control benefits to be achieved?*
- e. *Technical Feasibility: Is the **BMP** technically feasible considering soils, geography, water resources, etc.?*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Sewage from vessels; or
- b. Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources; or
- c. Those discharged substances that are specifically excluded from coverage under **NPDES** permits pursuant to 40 CRF 122.3.

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

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

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

**POTW** – Publicly owned treatment works

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

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

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

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

**Priority Pollutants** – **USEPA Priority Pollutants**.

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

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

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

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

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

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

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

**REC-I** – Water contact recreation **Beneficial Use**

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

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

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

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

**ROWD** – Report of Waste Discharge.

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

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

**SIC** – Standard Industrial Classification

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

existing surface parking lots and other impervious surfaces), or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low density **New Development**) by incorporating higher densities and/or mixed land uses into the project design, are also considered **Site Design BMPs**.

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

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

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

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

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

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

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

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

**TDS** – Total dissolved solids.

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

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

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

**Treatment Control BMPs** – Any engineered system designed and constructed to remove **Pollutants** from **Urban Runoff**. **Pollutant** removal is achieved by simple gravity settling

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of particulate **Pollutants**, filtration, biological uptake, media absorption or other physical, biological or chemical process.

**TSS** – Total suspended solids.

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

**USEPA** – United States Environmental Protection Agency

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

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

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

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

## K. GLOSSARY OF TERMS

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

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

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

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

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

**WDID** – Waste discharge identification number.

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

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

## K. GLOSSARY OF TERMS



- Where feasible, the depth of rain and duration of the event should not vary by more than 50 percent from the average depth and duration.

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

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

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

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

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

**WQBEL** – Water quality based effluent limitations

**WQMP** – The **Whitewater River Region** Water Quality Management Plan.

**L. MONITORING AND REPORTING**

1. Pursuant to Section 13267 of the **CWC**, the **Permittees** shall comply with Monitoring and Reporting Program No. R7-2013-0011 and with the "General Monitoring and Reporting Provisions."
2. The **Permittees** shall monitor the **Receiving Water** and **MS4** for **Pollutants**, as described by this **MS4 Permit**, during the fiscal year (July 1 to June 30), beginning July 1, 2014. This monitoring will assist the **Permittees** with characterizing of **Urban Runoff**, assessing effectiveness of implemented **BMPs**, and determining the impact of **Urban Runoff** on the **Beneficial Uses of Receiving Waters** in the **Whitewater River Region**. Specifically, the **Permittees** shall monitor in accordance with the specified monitoring schedule and **Constituents of Concern** listed in this section of this **MS4 Permit**.
3. The **Permittees** may propose alternative or additional monitoring locations for approval by the **Executive Officer**, pursuant to Section N.8. of this **MS4 Permit**.
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 from an **MS4 Outfall** or **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. For **Dry Weather IC/ID** and **Wet Weather MS4 Outfall** monitoring, recorded visual observations of:
    - i. Presence or absence of discharge from the **MS4 Outfall** being monitored;
    - ii. Presence or absence of surface flow in the **Receiving Water** being discharged to;
    - iii. Presence or absence of **Connectivity** of surface flow from the **MS4 Outfall** being monitored to its associated **Receiving Water**, and,

**L. MONITORING AND REPORTING**

- iv. If applicable, and conditions are safe enough to gather the information, estimations of surface flows of both the **MS4 Outfall** being monitored and the associated **Receiving Water**.
  - d. The date(s) analyses were performed;
  - e. The analytical techniques or method used; and
  - f. The results of such analyses.
8. The **Permittees** shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this **MS4 Permit**, and records of all data used to complete the application for this **MS4 Permit**, for the time period specified in Section H.8. (above) of this **MS4 Permit**.
  9. The **Permittees** shall conduct monitoring for field parameters and **Constituents of Concern** as described in the appropriate sections below. Field measurements shall be taken and samples collected only where there is sufficient depth and volume of water to appropriately obtain representative data and samples, as determined by **Permittee** field monitoring staff.

#### **Field Parameters**

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

#### **Constituents of Concern**

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

**Table L-1 Constituents of Concern**

<b>Total Metals</b>	<b>Bacterial Indicator</b>	<b>Nutrients &amp; Other</b>
Antimony	E. coli	Nitrite as Nitrogen
Arsenic		Nitrate as Nitrogen
Barium		Total Kjeldahl Nitrogen
Beryllium		Total Nitrogen
Cadmium		Ammonia as Nitrogen
Chromium		Total Suspended Solids ( <b>TSS</b> )
Chromium <sup>6+</sup>		Total Dissolved Solids ( <b>TDS</b> )
Copper		Total Phosphorus
Lead		Ortho Phosphorus
Mercury		Total Petroleum Hydrocarbons (TPH)
Nickel		Methylene-blue activated substances (MBAS)
Selenium		Ethylene-glycol
Silver		Oil and Grease
Thallium		
Zinc		

## L. MONITORING AND REPORTING

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

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

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

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

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

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

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

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"	4	Grab	Field Parameters and E. Coli
Portola Ave Outfall 33°44'16.8", -116°22'24.6"	4	Grab	Field Parameters and E. Coli

**B. Wet Weather MS4 Outfall Monitoring**

**Wet Weather MS4 Outfall** Monitoring shall be conducted<sup>30</sup> for the purposes of evaluating long term trends in **Whitewater River Region Urban Runoff**.

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

<sup>30</sup> QA/QC procedures and monitoring protocols are presented in **Permittee Annual Monitoring Reports**, as required by Section L.11.b. of this **MS4 Permit**.

**Table L-3 Wet Weather MS4 Outfall Monitoring Locations**

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	Field parameters and <b>Constituents of Concern.</b>
Portola Avenue Outfall 33°44'16.8", -116°22'24.6"	2*	Grab	Field parameters and <b>Constituents of Concern.</b>

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

### **C. Dry Weather Receiving Water Monitoring**

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

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

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

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
<b>CVSC</b> at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	2	Grab	Field parameters and <b>Constituents of Concern</b>

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

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

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

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

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
<b>CVSC</b> at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	1	Grab	Field parameters and <b>Constituents of Concern.</b>

### **CVSC TMDL Phase 1 Monitoring**

Consistent with the **CVSC** Bacterial Indicators **TMDL** Implementation Plan, the City of Coachella submitted a monitoring program plan and quality assurance program plan (QAPP) to the **Regional Water Board** on January 6, 2013; a revised plan was subsequently submitted on February 13, 2013. Upon approval by the

## L. MONITORING AND REPORTING

**Regional Water Board Executive Officer**, the City of Coachella shall implement the monitoring program plan (or future **Executive Officer** approved revisions to the monitoring plan), for the City's outfalls to the **CVSC** Bacterial Indicators **TMDL**.

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

### **Special Studies**

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

### 11. Reporting

- a. An **Annual Report** shall be submitted to the **Executive Officer** stating the results of monitoring and other reportable activities. This report shall be submitted to the **Regional Water Board** by March 1 of each year.
- b. The **Annual Monitoring Report** shall describe monitoring station locations, provide reference to quality assurance/quality control procedures and sampling and analysis protocols, summarize the data/results, identify methods of evaluating the data, and provide graphical summaries of the data.
- c. In addition, **Annual Monitoring Reports** shall include an analysis and interpretation of the findings of each monitoring year. Analysis of the data shall identify water quality parameters measured outside of normal ranges for that parameter based on historic water quality data.
- d. The Fiscal Year 2015-2016 **Annual Monitoring Report** shall include identification and analysis of long-term trends in **Storm Water** or **Receiving Water** quality. The **Permittees** shall analyze long term trends for signs of **Chronic Water Quality Concerns**, if it is determined that any exist. The analysis shall include identification of potential urban sources of chronic problems, effectiveness of existing **BMP** control measures, and recommend necessary next steps. Next steps may include allowing for additional time to statistically confirm a chronic water quality problem, additional data collection necessary to examine urban sources, potential revisions to the **SWMP** to address urban sources found to be contributing to the chronic condition, or other similar measures necessary to confirm and/or address the condition. The analysis provided in the Fiscal Year 2015-2016 **Annual Monitoring Report** shall be used to facilitate preparation of the December 2017 **ROWD**.

### L. MONITORING AND REPORTING

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

**M. ADMINISTRATIVE PROVISIONS**

1. These requirements do not exempt the **Permittees** from compliance with any other laws, regulations, or ordinances which may be applicable, do not legalize land treatment and disposal facilities, and leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.
2. This **MS4 Permit** shall become the **NPDES** permit pursuant to Section 402 of the federal **CWA**, as amended from time to time, upon adoption by the **Regional Water Board** provided no objections from the **USEPA** Regional Administrator have been received. If the Regional Administrator objects to the issuance, this **MS4 Permit** shall not become effective until such objection is withdrawn.



#### **N. ANNUAL REPORT AND SUBMITTAL REQUIREMENTS**

1. Each **Permittee** shall submit information for inclusion into the **Annual Report**, as required by Section F. of this **MS4 Permit**, utilizing the **Annual Report** forms included in Attachment D, **Annual Report** Forms.
2. The **Permittees** shall include in the **Annual Report** a brief narrative summary describing significant regional **Urban Runoff** management program accomplishments or issues encountered during the reporting year.
3. Each **Permittee** shall submit **Annual Reports** and **Annual Monitoring Reports** as described by this **MS4 Permit** beginning with the fiscal year 2014-2015 **Annual Report**. The **Permittees** shall submit each fiscal year's **Annual Report** by March 1 the following year.
4. The **Permittees** may amend the **Annual Report** forms included in Attachment D as needed to reflect changes in compliance programs, facilitate more accurate reporting of compliance programs, or to improve the effectiveness and/or clarity of program reporting.
5. Each **Permittee's Annual Reporting** form shall contain a transmittal page signed by a duly authorized representative of the **Permittee**. The transmittal page must contain the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
6. **Annual Reports** and **Annual Monitoring Reports** shall be submitted according to the requirements detailed in Sections I.9 and I.11 of this **MS4 Permit**.
7. Approval process for **SWMP** revision
  - i. Upon approval by the **Executive Officer**, the **SWMP** will be made available for public review and comment for 30 days.
  - ii. Any person seeking changes in the **SWMP** must file with the **Executive Officer** a written request for hearing within the 30-day public review and comment period and which sets forth the reasons why the **SWMP** must be revised (Hearing Request). If no timely and adequate Hearing Request is filed, the **Executive Officer** will issue an authorization letter to the **Permittee** making the approved **SWMP** an enforceable part of the **MS4 Permit** (Authorization Letter).
  - iii. If a timely and adequate Hearing Request is filed, the **SWMP** will be placed on the next available **Regional Water Board** meeting agenda, consistent with public notice requirements and any additional time necessary to follow the administrative procedures involved in preparing for the hearing. At the

#### **N. ANNUAL REPORT AND SUBMITTAL REQUIREMENTS**

hearing, the **Regional Water Board** will consider only those items in the **SWMP** that are requested for revision in the Hearing Request. The **Regional Water Board** may adopt the **SWMP** as proposed or return the **SWMP** to the **Regional Water Board** staff for consideration of some or all of the changes requested in the Hearing Request.

- iv. Prior to the hearing, **Regional Water Board** staff will attempt to resolve the issues raised in the Hearing Request by arranging a meeting with the **Permittees** and the person(s) filing the Hearing Request. If no resolution of the issues is reached, the hearing on the **SWMP** will proceed as scheduled. If resolution is reached that does not require significant changes to the **SWMP**, any non-significant changes will be made to the **SWMP** and the **Executive Officer** will issue an Authorization Letter. If the agreement reached requires significant changes to be made to the **SWMP**, a new 30-day public review and comment period will be provided on the revised **SWMP**.
8. Approval process for other items required by this **MS4 Permit**
- i. Other document and/or program revisions set forth in this **MS4 Permit** to be submitted by the **Permittees** for approval by the **Executive Officer** shall become effective once the **Executive Officer** provides notification of approval.

## O. FACT SHEET

### 1. Fact Sheet Format:

This Fact Sheet briefly sets forth the principal facts and the significant factual, legal, methodological, and policy questions that the **Regional Water Board** considered in preparing Order No. R7-2013-0011. In accordance with the Code of Federal Regulations (CFR), Title 40, parts 124.8 and 124.56, this Fact Sheet includes, but is not limited to, the following information:

- Contact Information;
- Public process and notification procedures;
- A brief description of the type of facility or activity that is being regulated by the **MS4 Permit**;
- The type and quantity of **Pollutants** discharged;
- A brief summary of the basis for the requirements in the **MS4 Permit**, including references to the applicable statutory or regulatory provisions; and
- A discussion of the requirements in the **MS4 Permit**.

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

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

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

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

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

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

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

## O. FACT SHEET

duties and obligations of the **Principal Permittees** and the **Co-Permittees** imposed by this **MS4 Permit** are specified in further detail in the **Implementation Agreement**, which is described in Finding No. 12 of this **MS4 Permit**.

3. Project Area:

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

4. Exclusions to the Permitted Area:

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

- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
- Native American tribal lands;
- Open space and rural (non-urbanized) areas;
- Agricultural lands (exempted under the **CWA**); and

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- Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities, etc.).

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

5. **CWA Requirements:**

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

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

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

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

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

On June 22, 1996, the **Regional Water Board** issued Order No. 96-015 to the **Permittees** (first term permit). On September 5, 2001, the **Regional Water Board** adopted Order No. 01-077 (second term permit). On May 21, 2008, the **Regional Water Board** adopted Order No. R7-2008-0001 (third term permit). R7-2008-0001

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is administratively extended in accordance with Title 23, Division 3, Chapter 9, Article 3, Section 2235.4 of the California Code of Regulations.

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

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

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

8. Coordination with Other Regional Agencies:

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

9. Existing Facilities and Programs:

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

To protect the **Beneficial Uses** of **Waters of the State**, **Pollutants** that would cause such **Beneficial Uses** to not be met need to be controlled. Recognizing

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this, and the fact that **Urban Runoff** may contain **Pollutants**, the **Permittees** and the **Regional Water Board** have all agreed that an area-wide **MS4 Permit** is the most effective way to develop and implement a comprehensive **Storm Water** management program in a timely manner. This **MS4 Permit** contains requirements with time schedules that will allow the **Permittees** to continue to address water quality problems potentially caused by **Urban Runoff** through their management programs to reduce **Pollutants** in **Urban Runoff** to the **MEP**.

10. **MS4 Permit** Requirements:

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

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

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

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

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

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

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## 12. **CWA** Section 303(d) List and **TMDLS**:

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

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

## 13. Permit Requirements and Provisions:

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

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

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

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

#### 14. Rationale for Requirements

- a. Discharge Prohibitions – In accordance with **CWA Section 402(p)(3)(B)(ii)**, this **MS4 Permit** prohibits the discharge of **Non-Storm Water** to the **MS4s**, with few exceptions;
- b. Allowable **Non-Storm Water** Discharges – The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the **Permittees** determine that any of the exempted **Non-Storm Water** discharges is a significant source of **Pollutants**, the **Permittees** shall prohibit the discharge category from entering the **MS4**, or ensure that appropriate **BMPs** are implemented to the **MEP** to reduce or eliminate **Pollutants** resulting from the discharge. The **Permittees** shall also provide a report to the **Regional Water Board** per Section D. **RECEIVING WATER LIMITATIONS**, Item No. 2.; **Receiving Water Limitations – Receiving Water Limitations** are included to ensure that discharges of **Urban Runoff** from **MS4** systems do not exceed, cause or contribute to violations of applicable **WQSS** in **Receiving Waters**. The compliance requirements for **Receiving Water Limitations**, as well as for Discharge Prohibitions and Allowable **Non-Storm Water** Discharges, involve timely implementation of control measures and other actions, as set forth in Part D.2. of this **MS4 Permit**. Such requirements are consistent with applicable **State Board** Orders, and recognize the complexity of **Urban Runoff** management.
- c. Specific **Permittee** Requirements – This section contains specific language on the responsibilities of the Principal and **Co-Permittees**.
  1. The **Principal Permittees** are required to coordinate the overall **Urban Runoff** management program and the **Co-Permittees** are responsible for managing the **Urban Runoff** Program within their jurisdictions as detailed in the **ROWD**, the **Annual Reports** and Order No. R7-2013-0011.

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2. Each **Permittee** is required to obtain adequate legal authority, which authorizes or enables them to implement and enforce the applicable provisions of this **MS4 Permit**. Each **Permittee** has adopted a number of ordinances, to establish legal authority to control discharges to the **MS4s**, and enforces these ordinances<sup>31</sup> as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The **Permittees** are required to enforce these ordinances, and take enforcement actions against violators (40 CFR 122.26(d)(2)(iv)(A-D).
- d. **Best Management Practices** – The federal regulations at 40 CFR 122.26(d)(2)(iv)(A-D) set forth the responsibility of municipalities for control of **Urban Runoff** from third party activities and land uses to their **MS4**. Under the **CWA Section 402(p)**, municipalities are required to reduce the discharge of **Pollutants** from their **MS4s** facilities to the **MEP**. **MEP** is the critical technology-based performance standard that municipalities must attain in order to comply with their **MS4** permits. The **MEP** standard establishes the level of **Pollutant** reductions the municipality must achieve. The **MEP** standard can be achieved by means of implementing **Pollution Prevention** and **Source Control BMPs** (as the first line of defense), subject to the requirement that the **BMPs** be “practicable.” Each **Permittee** is required to implement the programs and **BMPs** to the **MEP** as described in the **SWMP** and this **MS4 Permit**. These programs and **BMPs** include as follows:
1. **IC/ID, Litter, Debris and Trash Control Program** - The **Permittees** have established a program to address **IC/IDs** and a mechanism to respond to spills, leaks and other incidents of discharges to the **MS4**. The **Permittees** are required to continue these programs to ensure that such discharges, if discharged from the **MS4s** do not become a source of **Pollutants** in **Receiving Waters**.
  2. **Commercial/Industrial Program** – This **MS4 Permit** requires the **Permittees** to continue to identify commercial and industrial facilities within their jurisdiction which have potential to contribute substantial **Pollutant** load to **MS4s**. The **Permittees** will continue to maintain the Commercial/Industrial facilities database, and perform inspections at targeted facilities to confirm compliance with respective **Permittee Stormwater Ordinances**. The existing **CAP** program described in Section 3 of the **SWMP** meets the intent of Section F.1.b of this **MS4 Permit**. The **CAP** is an area-wide program, implemented by **DEH** as an extension of its oversight and inspection of industrial and commercial sources for other regulatory programs. Prioritization and inspection frequencies are established by the requirements of **County** environmental health regulations and codes. Where **CAP** Industrial/Commercial inspections indicate that a

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<sup>31</sup>The District and CVWD do not govern as municipal authorities over any land areas; therefore, this provision is not applicable to them.

facility is out of compliance with a **Permittee's Storm Water Ordinance**, **Permittee** staff are required to perform a re-inspection.

3. **New Development/Redevelopment** and Construction Activities Program – The **Permittees** are required to develop and implement strategies to ensure that controls are in place to prevent or minimize water quality impacts to the **MEP** for these activities.
  4. Private Construction Activities Program – The **Permittees** shall continue to implement and enforce a program to reduce **Pollutants** in **Urban Runoff** to the **MS4** from construction activities that result in a **Land Disturbance** of greater than or equal to one acre.
  5. **Permittee** Activities Program – The **Permittees** are required to continue to address discharges of **Pollutants** from public agency activities and facilities and inspect and maintain their **MS4** facilities on a developed schedule to ensure protection of **Receiving Waters**; and
  6. Public Education and Outreach Program – The **Permittees** have committed to implement a strategic and comprehensive public education program to maintain the integrity of the **Receiving Waters** to sustain **Beneficial Uses**.
- e. **Total Maximum Daily Loads** – This **MS4 Permit** incorporates the **TMDL** that was adopted for Bacterial Indicators in the **CVSC**. The **Regional Water Board** adopted a **Basin Plan** amendment incorporating the **CVSC** Bacterial Indicators **TMDL** on May 16, 2007, and as modified on June 17, 2010. The **TMDL** was subsequently approved by the **State Board** on July 19, 2011, approved by the Office of Administrative Law on February 2, 2012 and approved by **USEPA** on April 27, 2012.

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

- f. General Provisions – These general provisions were included as part of the previous **MS4 Permit**.
- g. Reporting Requirements – These reporting requirements were included as part of the previous **MS4 Permit**.
- h. Notifications – These notification requirements were included as part of the previous **MS4 Permit**.
- i. Glossary of Terms – The glossary was revised to provide clarity on terms used in this **MS4 Permit**.
- j. Monitoring and Reporting – The key focus of the monitoring and reporting program is to collect data and develop methodologies and assessment tools

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to more effectively understand **Urban Runoff** impacts, if any, to **Whitewater River Region Receiving Waters**.

- k. Administrative Provisions – These administrative provisions were included as part of the previous **MS4 Permit**.
- l. **Annual Report** and Submittal Requirements – These requirements were included as part of the previous permit and reflect new **MS4 Permit** requirements.

15. Anti-degradation Analysis:

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

16. Public Participation:

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

17. Notification of Interested Parties:

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

18. Public Workshop:

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

19. Written Comments:

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

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

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

20. Information and Copying:

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

21. Register of Interested Persons:

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

22. Public Hearing:

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

Date: June 20, 2013

Time: 10:00 a.m.

Location: Town of Yucca Valley Community Center- Yucca Room  
57090 Twentynine Palms Hwy  
Yucca Valley, CA 92284

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

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

23. **WDRs** Petitions:

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

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

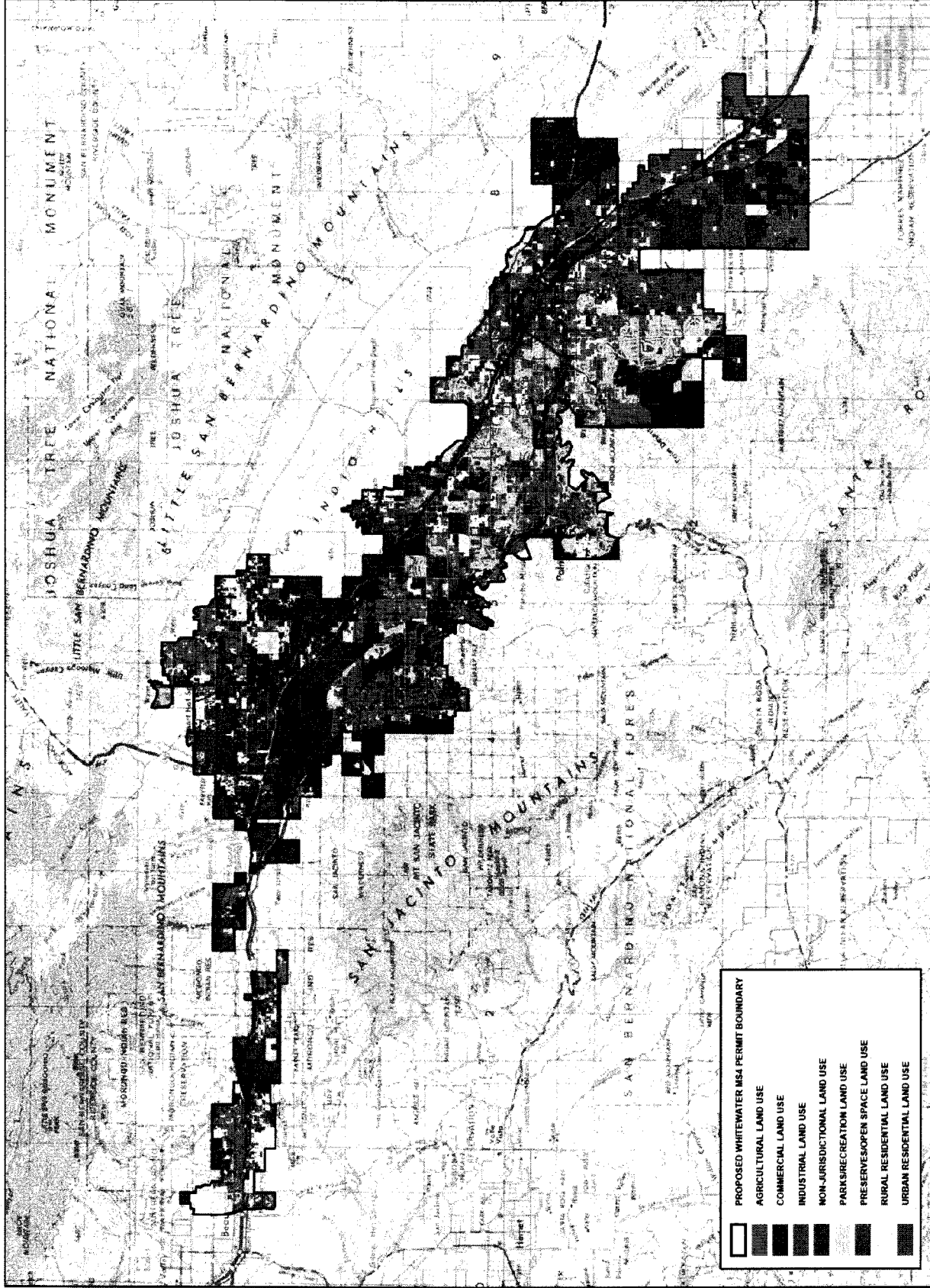
24. Additional Information

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

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

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

# ATTACHMENT A – SITE MAP



## **ATTACHMENT B – PROGRAM DATABASES**











# ATTACHMENT C – STATE BOARD MINIMUM LEVELS

## SWRCB Minimum Levels in ppb (µg/L)

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

**Table C-1 Inorganics**

Table C-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.

### **Techniques:**

GC - Gas Chromatography

GCMS - Gas Chromatography/Mass Spectrometry

HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)

LC - High Pressure Liquid Chromatography

FAA - Flame Atomic Absorption

GFAA - Graphite Furnace Atomic Absorption

HYDRIDE - Gaseous Hydride Atomic Absorption

CVAA - Cold Vapor Atomic Absorption

ICP - Inductively Coupled Plasma

ICPMS - Inductively Coupled Plasma/Mass Spectrometry

SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)

DCP - Direct Current Plasma

COLOR – Colorimetric

## **ATTACHMENT D – ANNUAL REPORT FORMS**

# CERTIFICATION STATEMENT

WHITEWATER RIVER WATERSHED MUNICIPAL STORMWATER NPDES PERMIT  
(NPDES NO. CAS 617002)  
COLORADO RIVER REGIONAL BOARD ORDER NO. R7-2013-0011

ANNUAL REPORTING FORMS FOR FISCAL YEAR

**Whitewater Municipal Stormwater Permit requires each Permittee to include a certification statement signed by a duly authorized representative of his/her respective agency with the Annual and/or Monitoring Report(s) submittal.**

Contact Person:  
Prepared By:  
Telephone:  
Date

## Annual Report 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."

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**Signature**

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**Typed/Printed Name**

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**Title**

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**Date**

## Program Management

### Goals

- I Identify staff managing permit compliance program
- II Permittee participation in managing regional programs
- III Certify adequate legal authority to implement and enforce each requirement in 40 CFR Section 122.26(d)(2)(i)(A-F) and the 2013 MS4 Permit

Goal Addressed	Program Element Assessment Request	Response	Additional Information Requested or Provided	2013 MS4 Permit Section(s)
I	Primary point of contact/responsibility identified? (official authorized to certify compliance)	Yes	Name: Title: Telephone: Email: Primary Point of Contact: Title: Telephone: Email:	
I - II	Is at least one representative designated for the Desert Task Force? Provide the name and contact information of the representative.	Yes	Name: Title: Telephone: Email:	E.3.f
I	Provide contact name(s) identifying who should be contacted to coordinate enforcement activities and inspection activities.			
III	<u>For FY 14-15:</u> Have you submitted a statement (signed by legal counsel) certifying legal authority to implement and enforce the applicable provisions of Order No. R7-2013-0011?			E.4. - E.5.
III	<u>For FY 14-15:</u> If you answered no to the question above, did you provide an implementation schedule as an attachment to this Annual Report which identifies the legal changes necessary to enable your agency to obtain the requisite legal authority to fully implement and enforce the applicable provisions of Order No. R7-2013-0011?			E.4. - E.5.



## Detection and Elimination of Illicit Discharges & Connections Program

### Program Goals

- I Reduce the discharge of trash and debris from respective MS4s to Receiving Waters
- II Confirm that IC/ID reports are reviewed and responded to in a timely manner
- III Ensure that confirmed IC/ID events are expeditiously eliminated

Goal Addressed	Program Element Assessment Request	Response	Additional Information Requested or Provided	2013 MS4 Permit Section(s)
I - III	Provide a brief narrative summary of IC/ID program accomplishments or issues encountered during the reporting year, if any.			F.1.a.
I	Provide a brief summary of trash and debris removal activities conducted during the reporting year.			F.1.a.i.
II	Provide the total number of IC/ID complaints received during the reporting year.			F.1.a.ii - iii, F.1.a.vii - ix
II	Provide the total number of IC/ID cases that required investigation/response during the reporting year.			F.1.a.ii - iii, F.1.a.ix, F.1.a.xi.
III	Provide the total number and type of enforcement actions resulting from IC/ID complaints during the reporting year.			F.1.a.ix - x
II - III	Provide the number of spills requiring notification to Cal EMA. Attach a report for each spill reported by Permittee staff to Cal EMA.			F.1.a.xi, F.1.a.xiii, F.1.a.xv
I - III	Provide a summary of MS4 facilities which were inspected during the reporting year; include types of facilities inspected (e.g. channel, Major Outfall, catch basin, etc.)			F.1.a.vii. - F.1.a.ix.
I - III	To the best of your knowledge, did your IC/ID Detection and Elimination Program achieve the program goals stated above?			F.1.a.v., F.1.a.xx. - xxi.
I - III	If you answered No to the question above, review applicable activities and BMPs to identify any modifications which may be needed to improve program effectiveness. Have you attached a work plan and schedule to this Annual Report which addresses proposed program modifications?			F.1.a.xxi.

## Commercial-Industrial Facilities Program

### Program Goals

- I Maintain an updated database of Commercial & Industrial Facilities
- II Confirm that targeted commercial/industrial facilities have implemented BMPs that comply with respective Permittee Stormwater ordinances
- III Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of Permittee stormwater ordinances from commercial/industrial facilities

Goal Addressed	Program Element Assessment Request	Response	Additional Information Requested or Provided	2013 MS4 Permit Section(s)
I	Has the standardized commercial and industrial database been implemented to track inspection activities?			F.1.b.i - ii, F.1.b.vii.1.
I - II	Provide the total number of commercial and industrial facilities inspected during the reporting year.			F.1.b.ii - iv
II	Provide the total number of commercial and industrial facilities requiring re-inspection by your agency.			F.1.b.iv
III	Provide the total number and type of enforcement actions issued to Commercial and/or Industrial facilities during the reporting year			F.1.b.iv - v.
I-IV	To the best of your knowledge, did your Commercial/Industrial Program achieve the program goals stated above?			F.1.b.x.
I - IV	<p>If you answered No to the question above, review applicable activities and BMPs to identify any modifications which may be needed to improve program effectiveness.</p> <p>Have you attached a work plan and schedule to this Annual Report which addresses proposed program modifications?</p>			F.1.b.xi.

## New Development/Redevelopment Program

### Program Goals

- I Confirm that WQMPs are in place at "Priority Development/Redevelopment Projects" to prevent or minimize water quality impacts to the MEP
- II Encourage the use of Low Impact Development (Site Design) BMPs to address the Treatment Control requirement for "Priority Development/Redevelopment Projects"
- III Confirm that "Other Development Projects" are conditioned to require implementation of Source Control BMPs

Goal Addressed	Program Element Assessment Request	Response	Additional Information Requested or Provided	2013 MS4 Permit Section(s)
I	Provide the total number of projects that were conditioned for WQMPs during the reporting year			F.1.c.ii.3, F.1.c.iii - v
I - II	What percent of projects requiring WQMPs met the measurable goal of achieving the Treatment Control BMP requirement through the use of Site Design/LID BMPs?			F.1.c.v.2.c, F.1.c.v.5.a - b
III	Provide a summary of "Other Development Projects" that were conditioned to require implementation of Source Control BMPs during the reporting year			F.1.c.ii.1, F.1.c.v.3
I-III	To the best of your knowledge, did your New Development/Redevelopment Program achieve the program goals stated above?			F.1.c.x
I - III	If you answered No to the question above, review applicable activities and BMPs to identify any modifications which may be needed to improve program effectiveness.  Have you attached a work plan and schedule to this Annual Report which addresses proposed program modifications?			F.1.c.xi

## Construction Activities Program

### Program Goals

- I Maintain an updated database of active construction sites, which includes categorization of sites by priority
- II Perform inspections to confirm construction site compliance with Permittee Stormwater Ordinance
- III Implement enforcement measures as necessary to reduce the occurrence and recurrence of violations of Permittee Stormwater Ordinances

Goal Addressed	Program Element Assessment Request	Response	Additional Information Requested or Provided	2013 MS4 Permit Section(s)
I	Has the standardized construction site database been implemented to track inspection activities?			F.1.d.vii.1.
II	Provide the total number of construction site inspections that were conducted, pursuant to 2013 MS4 Permit Section F.1.d.ii.4., by your agency during the reporting year			F.1.d.ii.4, F.1.d.iii
II - III	Provide the total number and type of enforcement action(s), including referrals to the Regional Board, issued on construction sites within your jurisdiction during the reporting year;			F.1.d.ii.4, F.1.d.iv - v
I-III	To the best of your knowledge, did your Construction Activities program achieve the program goals stated above?			F.1.d.x.

## Permittee Facilities and Activities Program

### Program Goals

- I Maintain a current map of MS4 Outfalls, Receiving Waters and the MS4 Permit Boundary
- II For facilities with outdoor materials storage or maintenance areas: confirm that BMPs described in each facility's Municipal Facility Pollution Prevention Plans are implemented
- III Confirm that basins, inlets and open channels that are part of the Permittee's MS4 are maintained on the schedule developed by the Permittee

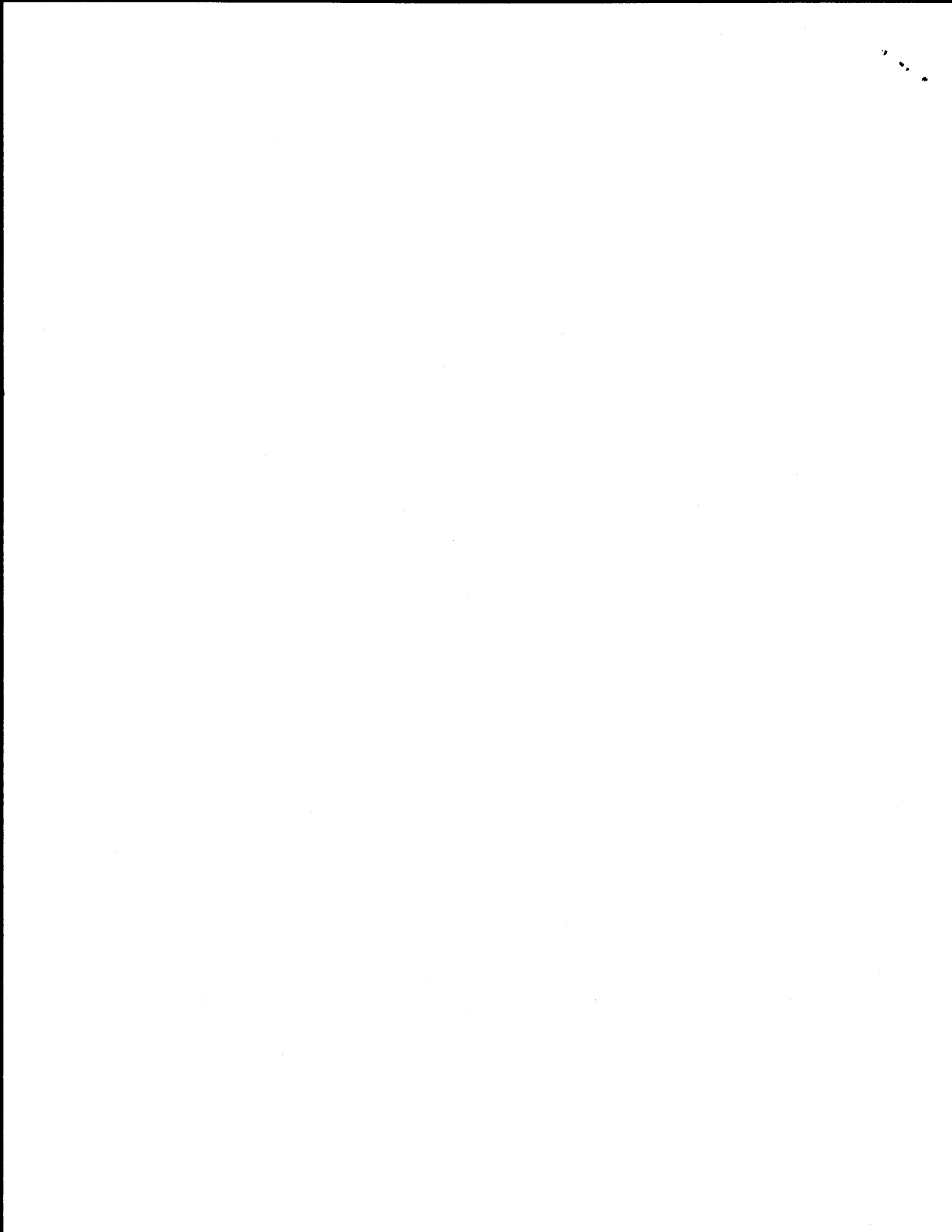
Goal Addressed	Program Element Assessment Request	Response	Additional Information Requested or Provided	2013 MS4 Permit Section(s)
I	Have you ensured that the MS4 Permit boundary engulfs all urbanized areas around your jurisdiction, reviewed your MS4 Outfalls and confirmed that the WWR Region map is current as it applies to your jurisdictional area?			E.3.c., F.1.e.v.1
II	Provide the total percentage of facilities requiring Municipal Facility Pollution Prevention Plans that were inspected during the reporting year			F.1.e.ii.
II	Provide a narrative summary of the results of municipal facility inspections, including a summary of deficiencies noted and corrective actions taken, if any.			F.1.e.ii.
III	Did your agency conduct maintenance of its MS4 facilities on a developed schedule?  Provide a summary of MS4 facilities which were maintained during the reporting year; include types of facilities maintained (e.g. channel, inlet, Major Outfall, basin, etc.)			F.1.e.v.2 - 3
I-III	To the best of your knowledge, did your Permittee Facilities and Activities program achieve the program goals stated above?			F.1.e.x.
I - III	If you answered No to the question above, review applicable activities and BMPs to identify any modifications which may be needed to improve program effectiveness.  Have you attached a work plan and schedule to this Annual Report which addresses proposed program modifications?			F.1.e.xi.

## Public Education and Outreach Program

### Goals

- I Conduct education/outreach to the general public on the impacts of improper disposal of pollutants into MS4s
- II Develop and distribute targeted BMP guidance for specific pollutants and residential and business activities
- III Confirm that Permittee employees are trained to implement MS4 Permit compliance programs

Goal Addressed	Program Element Assessment Request	Response	Additional Information Requested or Provided	2013 MS4 Permit Section(s)
I - III	Provide a narrative summary of accomplishments or issues associated with your Public Education/Outreach program during the reporting year, if any.			F.1.f.
I - II	Provide the number of outreach events that your program conducted during the reporting year by type (construction, industrial, residential, New Development, schools, general public, etc); include approximate attendance(s) where applicable.			F.1.f.i - v.
I - II	Are public education materials made available to the public? Provide a summary, and provide numbers of materials distributed, where feasible.			F.1.f.i - v.
III	Were Maintenance, Industrial/Commercial, New Development/Redevelopment, and/or Construction staff trained during the reporting year? Provide the number of staff trained by department or function, and include training dates.  Attach a table if necessary.			F.1.f.vi.
I - III	To the best of your knowledge, did your Public Education and Outreach program achieve the program goals stated above?			F.1.f.x.
I - III	If you answered No to the question above, review applicable activities and BMPs to identify any modifications which may be needed to improve program effectiveness.  Have you attached a work plan and schedule to this Annual Report which addresses proposed program modifications?			F.1.f.xi.



CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010  
Post Office Box 1147, Riverside, Ca 92502-1147  
Thank you.

AGREEMENT

National Pollutant Discharge Elimination System  
Stormwater Discharge Permit  
Implementation Agreement  
(California Regional Water Quality Control Board -  
Colorado River Basin Region)

This Agreement, entered into by the RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT (DISTRICT), the COUNTY OF RIVERSIDE  
(COUNTY), the COACHELLA VALLEY WATER DISTRICT (CVWD), and the CITIES OF  
BANNING, CATHEDRAL CITY, COACHELLA, DESERT HOT SPRINGS, INDIAN WELLS,  
INDIO, LA QUINTA, PALM DESERT, PALM SPRINGS and RANCHO MIRAGE (CITIES),  
establishes the responsibilities of each party concerning compliance with the National Pollutant  
Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit  
(NPDES Permit) issued by the California Regional Water Quality Control Board - Colorado River  
Basin Region (CRWQCB-CRB) pursuant to Order No. 01-077.

RECITALS

A. WHEREAS, Congress in 1987 added Section 402(p) to the Federal Clean Water  
Act (CWA) (33 U.S.C. §1342(p)); and

B. WHEREAS, Section 402(p) of the CWA requires certain operators of MS4s,  
industrial facilities and persons conducting certain construction activities to obtain NPDES Permits  
before discharging stormwater into navigable waters; and

C. WHEREAS, Section 402(p) further requires the Federal Environmental  
Protection Agency (EPA) to promulgate regulations for NPDES Permit applications; and

D. WHEREAS, EPA promulgated such regulations and adopted them in November  
1990; and

E. WHEREAS, pursuant to the CWA, EPA has delegated authority to the California  
State Water Resources Control Board (SWRCB) to administer the NPDES Permit process within the  
State; and

F. WHEREAS, SWRCB has in turn delegated its NPDES permitting authority to

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1 the Regional Water Quality Control Boards to administer the NPDES Permit process within the  
2 boundaries of their respective regions; and

3 G. WHEREAS, DISTRICT and CVWD are authorized to provide for the control of  
4 flood and stormwaters within their respective jurisdictions and are empowered to investigate,  
5 examine, measure, analyze, study and inspect matters pertaining to flood and stormwaters; and

6 H. WHEREAS, on March 9, 2006, DISTRICT, COUNTY, CVWD and CITIES  
7 reapplied for an area-wide NPDES Permit in accordance with the current NPDES Permit (Order No.  
8 01-077, NPDES No. CAS617002) which expired on September 5, 2006; and

9 I. WHEREAS, it is anticipated that CRWQCB-CRB will issue a new NPDES  
10 Permit to DISTRICT, COUNTY, CVWD and CITIES on May 21, 2008 pursuant to Section 402(p)  
11 of the CWA; and

12 J. WHEREAS, the NPDES Permit designates DISTRICT and COUNTY as  
13 Principal Permittees and DISTRICT, COUNTY, CVWD and CITIES as Permittees; and

14 K. WHEREAS, DISTRICT, COUNTY, CVWD and CITIES are to perform and/or  
15 execute certain activities and responsibilities prescribed in the NPDES Permit; and

16 L. WHEREAS, DISTRICT and COUNTY, as PRINCIPAL PERMITTEES, are  
17 willing to undertake certain activities in order to facilitate implementation of the NPDES Permit  
18 requirements; and

19 M. WHEREAS, cooperation between DISTRICT, COUNTY, CVWD and CITIES in  
20 the administration and implementation of the NPDES Permit and resulting programs and actions is in  
21 the best interest of all parties; and

22 N. WHEREAS, DISTRICT established the Whitewater Watershed Benefit  
23 Assessment Area (BENEFIT ASSESSMENT) pursuant to DISTRICT Ordinance No. 14 on May 14,  
24 1991 to offset DISTRICT's program and administrative costs associated with the development,  
25 implementation and management of the Federally mandated NPDES program and DISTRICT is  
26 willing to utilize BENEFIT ASSESSMENT funds to support DISTRICT's role as PRINCIPAL  
27 PERMITTEE and to support regional program costs to the extent BENEFIT ASSESSMENT funds  
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1 are available.

2 NOW, THEREFORE, the parties hereto do mutually agree as follows:

3 1. NPDES Permit. A true and correct copy of the existing NPDES Permit issued to  
4 DISTRICT, COUNTY, CVWD and CITIES by CRWQCB-CRB pursuant to Order No. 01-077 is  
5 attached to this Agreement as Exhibit A and is hereby incorporated by reference in its entirety and  
6 made a part of this Agreement. Order No. 01-077 will be replaced in 2008 with a new NPDES  
7 Permit pursuant to Order No. R7-2008-0001. This Agreement shall also apply to Order No. R7-  
8 2008-0001, the contents of which shall be incorporated by reference in its entirety and made a part of  
9 this Agreement once Order No. R7-2008-0001 is finally adopted by CRWQCB-CRB. Order Nos.  
10 01-077 and R7-2008-0001 shall each be known as "the NPDES Permit" for the purpose of  
11 interpreting this Agreement.

12 2. Incorporation of Federal and State Laws. All applicable Federal and State laws  
13 and regulations in effect at the time of issuance of the NPDES Permit, as then written, and as they  
14 may be amended during the term of this Agreement, shall govern in the event they conflict with any  
15 provision of this Agreement.

16 3. Delegation of Responsibilities. The responsibilities of each of the parties to this  
17 agreement shall be as follows:

18 A. Public Education Program. DISTRICT shall conduct public education  
19 activities on a regional basis that focus on reducing non-point source  
20 pollution within the NPDES Permit area. DISTRICT shall be reimbursed  
21 for its costs by COUNTY, CVWD and CITIES in accordance with the cost  
22 sharing provisions set forth in Section 4 of this Agreement.

23 B. Monitoring Program. DISTRICT and CVWD shall perform or coordinate  
24 sampling of surface water and urban runoff in accordance with the  
25 provisions of the NPDES Permit Monitoring and Reporting Program  
26 contained therein. The location of the sampling sites (Sites) shall be  
27 determined by DISTRICT and CVWD, subject to approval by CRWQCB-  
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CRB. More specifically:

1. DISTRICT and CVWD shall perform such sampling for all Sites located within the respective limits of their jurisdictions. DISTRICT and CVWD may implement alternative approaches to sample collection, including use of consultants, reassigning Sites between the agencies, or other alternative approaches that may ensure improved permit compliance. Said alternative approaches may be implemented upon the mutual agreement of CVWD and DISTRICT.
2. DISTRICT shall reimburse CVWD for all of its costs associated with sample collection and laboratory analysis.
3. DISTRICT shall be reimbursed by CVWD, COUNTY and CITIES for implementation of the NPDES Permit Monitoring and Reporting Program in accordance with the cost sharing provisions set forth in Section 4 of this Agreement.

C. Consultant's Services and Cooperative Agreements. In the event DISTRICT requires the services of an agency, consultant or consultants to implement NPDES program requirements, prepare manuals, develop programs or perform studies relevant to the entire permitted area pursuant to this Agreement, the cost of said consultant services shall be shared by DISTRICT, COUNTY, CVWD and CITIES in accordance with the cost sharing provisions set forth in Section 4 of this Agreement. COUNTY, CVWD and CITIES shall be notified in writing of DISTRICT's request for proposals from consultants, selection of a consultant, consultant's fee, contract timetable and payment schedule, and be allowed the opportunity to participate in decisions related to consultant's services

D. Principal Permittee Duties. DISTRICT shall coordinate, implement and,

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when required, contribute to regional NPDES Permit compliance activities; establish and update a uniform data submittal format; prepare annual reports; forward information received from CRWQCB-CRB to COUNTY, CVWD and CITIES; inform COUNTY, CVWD and CITIES of State and Federal regulations pertaining to the MS4; and chair Desert Task Force meetings. DISTRICT shall be reimbursed for said duties by COUNTY, CVWD and CITIES in accordance with Section 4. Cost Sharing of this Agreement.

E. Desert Task Force. Each Permittee shall designate staff representatives to the Desert Task Force in writing to DISTRICT. The Desert Task Force shall be responsible for coordinating regional NPDES Permit and Monitoring and Reporting Program compliance activities, including related communications with CRWQCB-CRB, updates to this Implementation Agreement and compliance with Total Maximum Daily Loads (TMDLs), and other compliance orders issued by CRWQCB-CRB affecting the MS4 Permit, NPDES MS4 Monitoring and Reporting Program and/or the Whitewater River Watershed Municipal Stormwater Program Stormwater Management Plan. In addition, the Desert Task Force, or sub-committees thereof, shall be the forum for distribution, discussion and decision-making of items related to agreements and consultant selection related to regional compliance with the NPDES Permit.

F. Regulation and Enforcement. COUNTY and CITIES shall be responsible for the adoption and enforcement of their ordinances and regulations within their respective jurisdictions to ensure compliance with the NPDES Permit. This includes the exercise of land use controls, the exercise of police powers and the enforcement of ordinances that COUNTY or

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CITIES presently have adopted or will adopt in the future, provided, however, nothing in this Agreement shall be construed as requiring COUNTY or CITIES to exercise such powers, controls or authorities in any particular manner.

G. Inspection of MS4 facilities (consisting primarily of storm sewer pipe and channel infrastructure). DISTRICT, COUNTY, CVWD and CITIES shall perform reconnaissance surveys of their MS4 facilities as required by the NPDES Permit. Any wet weather or dry weather sampling or field screening for the reconnaissance surveys shall be the responsibility of COUNTY or CITIES, depending on where the discharge originates. Each Permittee shall be responsible for maintaining any records, tables or other data that are needed to support the reporting of the survey results to CRWQCB-CRB.

H. Submittals to CRWQCB-CRB. DISTRICT shall coordinate and submit all required reports and information related to the regional compliance program to CRWQCB-CRB. COUNTY, CVWD and CITIES shall maintain sufficiently adequate records, information and/or data concerning their program development and implementation activities to enable DISTRICT to provide all required reports and submittals in a timely manner. COUNTY, CVWD and CITIES shall produce or supply such records, information and/or data in a reasonable manner upon request of CRWQCB-CRB or DISTRICT. DISTRICT shall also keep adequate records, information and/or data concerning its program development and implementation activities and produce or supply same in a reasonable manner upon request of CRWQCB-CRB.

I. Best Management Practices (BMPs) and Programs. Unless otherwise specified in this Agreement, DISTRICT, COUNTY, CVWD and CITIES

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shall be responsible for implementing each of the BMPs and/or other programs and activities required by the NPDES Permit in accordance with their authority.

4. Cost Sharing. Costs for services to be performed in accordance with Sections 3.A., 3.B., 3.C. and 3.D. of this Agreement shall be shared in accordance with the following formula:

$$IC = (TC-DISTRICT-CVWD) \times (IP/TP)$$

Where,

- IC = Individual Cost
- TC = Total Cost
- DISTRICT = DISTRICT Cost-Shared Amount
- CVWD = CVWD Cost-Shared Amount
- IP = Individual Population
- TP = Total Population

The Total Cost (TC) shall be determined based on the following formula

$$TC = \text{Shared Costs} + \text{Credits} - \text{Debits}$$

Where,

Shared Costs = Estimation of upcoming fiscal year's cost for services to be performed in accordance with Sections 3.A., 3.B., 3.C. and 3.D of this Agreement.

Credits = Portion of estimated Shared Costs for the previous fiscal year that were not expended.

Debits = Portion of actual Shared Costs which exceeded estimated Shared Costs for the previous fiscal year.

DISTRICT's share shall be 7% of the Total Cost.

CVWD's share shall be 7% of the Total Cost.

The population of CITIES shall be based on the latest California State Department of Finance population figures issued in May of each year. COUNTY population shall be based on the most current Tax Rate Area (TRA) information best fitting the NPDES Permit area.

1           If DISTRICT's compliance costs for administering and complying with the NPDES  
2 MS4 Permit and this agreement are less than available BENEFIT ASSESSMENT Revenues for that  
3 fiscal year and DISTRICT's BENEFIT ASSESSMENT fund has sufficient reserves, DISTRICT may  
4 opt to use the excess BENEFIT ASSESSMENT revenues to offset the compliance costs for the  
5 portions of COUNTY and CITIES of BANNING, DESERT HOT SPRINGS, PALM SPRINGS and  
6 CATHEDRAL CITY within the BENEFIT ASSESSMENT based on each aforementioned party's  
7 population within the BENEFIT ASSESSMENT AREA. Population shall be based on the most  
8 current TRA and/or California Department of Finance information best fitting the BENEFIT  
9 ASSESSMENT boundary.

10           5.    Term of the Agreement. The term of this Agreement shall commence on the date  
11 the last duly authorized representative of DISTRICT, COUNTY, CVWD or CITIES executes it. The  
12 Agreement shall remain in effect until the date that CRWQCB-CRB issues a new NPDES Permit,  
13 unless each of the parties withdraws sooner in accordance with the provisions of this Agreement.

14           6.    Additional Parties. Any public agency (Agency) which incorporates after the  
15 date of issuance of the NPDES Permit and/or after the date of execution of this Agreement may file a  
16 written request with Principal Permittees asking to be added as a party. Upon receipt of such a  
17 request, Principal Permittees shall solicit the approval or denial of each Permittee. If a majority of  
18 the Permittees, each having one, co-equal vote, approves the addition of the Agency, the Principal  
19 Permittees shall ask CRWQCB-CRB to add the Agency to the NPDES Permit as an additional  
20 Permittee. Once the Agency is made an additional Permittee to the NPDES Permit, this Agreement  
21 shall be amended to reflect the addition, and the Agency shall, thereafter, comply with all provisions  
22 of the NPDES Permit and this Agreement. Upon execution of the amended Agreement, the Agency  
23 shall be responsible for the shared costs in accordance with Section 4 of this Agreement for the  
24 current and any subsequent fiscal year.

25           7.    Withdrawal from the Agreement. Any party may withdraw from this Agreement  
26 60 days after giving written notice to the Principal Permittees and CRWQCB-CRB. The  
27 withdrawing party shall agree in such notice to file for a separate NPDES Permit and to comply with  
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1 all of the requirements established by CRWQCB-CRB. Withdrawal from the Agreement shall  
2 constitute forfeiture by the withdrawing party of its share of any costs paid as described in Section 4.  
3 Cost Sharing, of this Agreement and is conditioned on the payment of all costs accrued in accordance  
4 with Section 4. Cost Sharing. The withdrawing party shall be responsible for all lawfully assessed  
5 penalties as a consequence of its withdrawal. The cost allocations to the remaining parties shall be  
6 recalculated in the following fiscal year, in accordance with Section 4. Cost Sharing.

7           8. Non-compliance with Permit Requirements. Any party found to be in non-  
8 compliance with the conditions of the NPDES Permit shall be solely liable for any lawfully assessed  
9 penalties resulting from such non-compliance. Common or joint penalties shall be calculated and  
10 allocated among the responsible parties as determined by the CRWQCB-CRB and any related  
11 proceedings and according to the formula outlined in Section 4 of this Agreement.

12           9. Amendments to the Agreement. Except as provided in Section 6, this Agreement  
13 may be amended only by consent of all parties to the Agreement. No amendment to this Agreement  
14 shall be effective unless it is in writing and duly signed by the authorized representatives of all  
15 parties to the Agreement.

16           10. Authorized Signatories. The General Manager-Chief Engineer of DISTRICT,  
17 General Manager-Chief Engineer of CVWD, the Executive Officer of COUNTY and the City  
18 Managers of CITIES (or their designees) are authorized to execute this Agreement and all  
19 amendments hereto, to take all other procedural steps necessary to carry out the terms of this  
20 Agreement and to file for and obtain an NPDES Permit(s) or amendments thereto.

21           11. Notices. All notices shall be deemed duly given when delivered to the designated  
22 Desert Task Force representative by hand; or three (3) days after deposit in the U.S. Mail, postage  
23 prepaid.

24           12. Governing Law. This Agreement shall be governed and construed in accordance  
25 with the laws of the State of California. If any provision or provisions of this Agreement shall be  
26 held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining  
27 provisions shall not in any way be affected or impaired hereby.  
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13. Consent to Waiver and Breach. No provision hereof shall be deemed waived and no breach excused, unless the waiver or breach is consented to in writing and signed by the party or parties affected. Consent by any party to a waiver or breach by any other party shall not constitute consent to any different or subsequent waiver or breach.

14. Applicability of Prior Agreements. This Agreement and the exhibits attached hereto constitute the entire Agreement between the parties with respect to the subject matter; all prior agreements, representations, statements, negotiations and undertakings concerning the NPDES Permit within the limits of CRWQCB-CRB's jurisdictional area are superseded hereby.

15. Execution in Counterparts. This Agreement may be executed and delivered in any number of counterparts or copies (counterparts) by the parties hereto. When each party has signed and delivered at least one counterpart to the other parties hereto, each counterpart shall be deemed an original and, taken together, shall constitute one and the same Agreement, which shall be binding and effective as to the parties hereto.

//  
//

WHEN DOCUMENT IS FULLY EXECUTED RETURN  
CLERK'S COPY  
to Riverside County Clerk of the Board, Stop 1010  
Post Office Box 1147, Riverside, Ca 92502-1147  
Thank you.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date, the last duly authorized representative executed it. This Agreement will only become effective when fully executed by each of the parties hereto.

RECOMMENDED FOR APPROVAL:

By \_\_\_\_\_  
WARREN D. WILLIAMS  
General Manager-Chief Engineer

FEB 26 2008

Dated: \_\_\_\_\_

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By Marion Ashley  
MARION ASHLEY, Chairman  
Riverside County Flood Control and Water  
Conservation District  
Board of Supervisors, County of Riverside  
Supervisor, Fifth District

APPROVED AS TO FORM:

JOE RANK  
County Counsel

By David H. K. Huff  
David H. K. Huff, Deputy

Dated: 2/15/08

ATTEST:

NANCY ROMERO  
Clerk to the Board

By Janet Sherman  
Deputy

(SEAL)

RECOMMENDED FOR APPROVAL:

By Larry Parrish  
LARRY PARRISH  
County Executive Officer

FEB 26 2008

Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By Roy Wilson  
Roy Wilson, Chairman  
Board of Supervisors, County of Riverside  
Supervisor, Fourth District

ATTEST:

NANCY ROMERO  
Clerk to the Board

By Janet Sherman  
Deputy

(SEAL)

1 IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of  
2 the date the last duly authorized representative executed it. This Agreement will only become  
3 effective when fully executed by each of the parties hereto.

4 RECOMMENDED FOR APPROVAL:

5 By Steve Thomas  
6 For WARREN D. WILLIAMS  
General Manager-Chief Engineer

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

By Marion Ashley  
MARION ASHLEY, Chairman  
Board of Supervisors, Riverside County Flood  
Control and Water Conservation District

8 Dated: 03-05-08

10 APPROVED AS TO FORM:

11 JOE RANK  
County Counsel

12 By David H. K. Huff  
13 David H. K. Huff, Deputy

14 Dated: 3/11/08

ATTEST:

NANCY ROMERO  
Clerk to the Board

By Nancy Romero  
Deputy

(SEAL)

17 RECOMMENDED FOR APPROVAL:

18 By \_\_\_\_\_  
19 LARRY PARRISH  
20 County Executive Officer

**COUNTY OF RIVERSIDE.**

By Roy Wilson  
ROY WILSON, Chairman  
Board of Supervisors, County of Riverside

21 Dated: \_\_\_\_\_

ATTEST:


NANCY ROMERO  
Clerk to the Board

23 By Nancy Romero  
24 Deputy

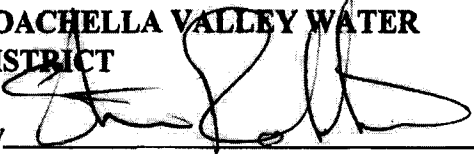
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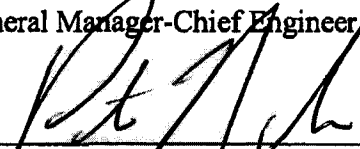
APPROVED AS TO FORM:

By 

COACHELLA VALLEY WATER  
DISTRICT

By 

STEVE ROBBINS  
General Manager-Chief Engineer

By 

PETER NELSON  
President

Dated: 7/27/08

APPROVED AS TO FORM:

By T. Lopez  
City Attorney

CITY OF BANNING

By Bonnie Sabers  
Mayor


ATTEST:

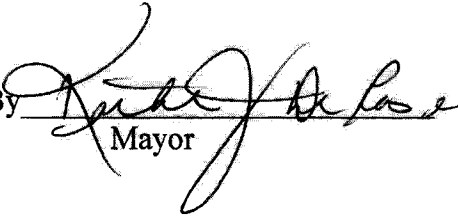
By Maria A. Calderon  
City Clerk

Dated: 5-19-08


APPROVED AS TO FORM:

**CITY OF CATHEDRAL CITY**

By   
City Attorney

By   
Mayor

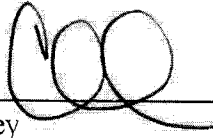
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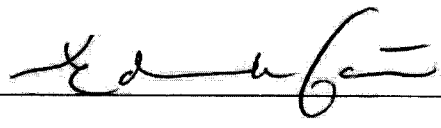
By   
City Clerk

Dated: 5-14-08

APPROVED AS TO FORM:

CITY OF COACHELLA

By   
City Attorney

By   
Mayor

ATTEST:

By   
City Clerk

Dated: April 24, 2008

APPROVED AS TO FORM:

CITY OF DESERT HOT SPRINGS

By Rubei Duro  
City Attorney

By Yvonne Parks  
Mayor

ATTEST:

By Alvin Reed  
Interim City Clerk

Dated: 9/17/08



APPROVED AS TO FORM:

CITY OF INDIAN WELLS

By Stephen P. Bertoni  
City Attorney

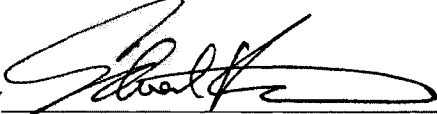
By Mary J. Roche  
Mayor

ATTEST:

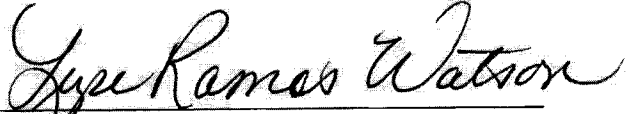
By [Signature] Chief Deputy  
City Clerk

Dated: April 3, 2008


APPROVED AS TO FORM:

By   
City Attorney

CITY OF INDIO

By   
Mayor


ATTEST

By   
City Clerk

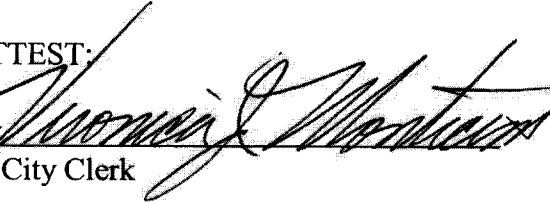
Dated: 4/10/08

APPROVED AS TO FORM:

CITY OF LA QUINTA

By   
City Attorney

By   
Mayor

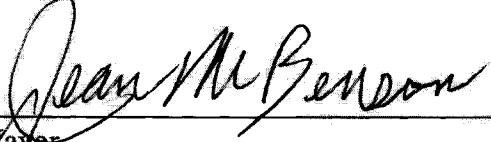
ATTEST:  
By   
City Clerk

Dated: May 22, 2008

APPROVED AS TO FORM:

CITY OF PALM DESERT

By   
City Attorney

By   
Mayor

ATTEST:

By   
City Clerk

Dated: 5-2-08

APPROVED AS TO FORM:

CITY OF PALM SPRINGS

By [Signature]  
City Attorney

By [Signature]  
City Manager

ATTEST:

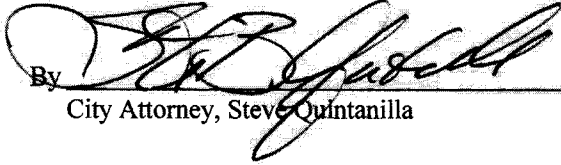
By [Signature]  
City Clerk

Dated: 3/2/08

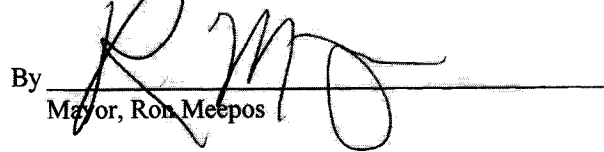
APPROVED BY CITY COUNCIL

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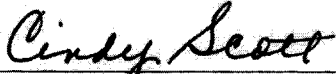
APPROVED AS TO FORM:

By   
City Attorney, Steve Quintanilla

CITY OF RANCHO MIRAGE

By   
Mayor, Ron Meebos

ATTEST:

By   
*for* City Clerk, Elena Keeran

Dated: 5/9/08



**California Regional Water Quality Control Board**  
**Colorado River Basin Region**



Linda S. Adams  
 Secretary for  
 Environmental Protection

73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260  
 (760) 346-7491 • Fax (760) 341-6820  
<http://www.waterboards.ca.gov/coloradoriver>

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


**RECEIVED**  
 MAY 29 2008  
 RIVERSIDE COUNTY FLOOD CONTROL  
 WATER CONSERVATION DISTRICT

**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](mailto:hvasquez@waterboards.ca.gov).

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



ROBERT PERDUE  
 Executive Officer

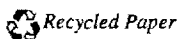
JM/tab

Enclosure: Board Order No. R7-2008-0001

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

"EXHIBIT A"

*California Environmental Protection Agency*



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

**COLORADO RIVER BASIN REGION**

73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260  
Phone: (760) 346-7491 • Fax (760) 341-6820  
<http://www.waterboards.ca.gov/coloradriver>

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:	<b>May 21, 2008</b>
This Order shall become effective on:	<b>May 21, 2008</b>
This Order shall expire on:	<b>May 21, 2013</b>
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 <b>Waste Discharge Requirements</b> . The date for submitting a complete application for reissuance is <b>November 23, 2012</b> .	

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 PERDUE, Executive Officer



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**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 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**<sup>1</sup>), 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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<sup>1</sup> 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**.

**A. FINDINGS**

"EXHIBIT A"

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

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 **MS4s** 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**.

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<sup>2</sup>.
  - In addition to the overall lack of precipitation in the **Whitewater River Region**, there is no defined **Rainy (Wet) Season** within the **Whitewater River**

<sup>2</sup> 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 1<sup>st</sup> and May 31<sup>st</sup>.

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.<sup>3</sup> It is projected that the population of the **Whitewater River Watershed** will increase approximately 12.7 percent by 2010.<sup>4</sup> 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<sup>5</sup> 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 evapotranspire prior to reaching urbanized areas.

<sup>3</sup> County of Riverside Assessor, current as of February 2006.

<sup>4</sup> Southern California Association of Governments, <http://www.scag.ca.gov/forecast/index.htm>.

<sup>5</sup> County of Riverside Assessor, current as of February 2006.

## A. FINDINGS

### "EXHIBIT A"

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 Pollutants** in **Urban Runoff** that discharge to surface waters in the **Whitewater River Region**;

#### A. FINDINGS

"EXHIBIT A"

- 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 **Pollutants** that could adversely affect the quality of the **Waters of the State**. The discharge of **Pollutants** in **Urban Runoff** from a **MS4** is a "discharge of **Pollutants** from a **Point Source** into **Waters of the United States**" as defined in the **CWA**.
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.<sup>6</sup> 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:
- Natural pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural soil can both absorb rainwater and remove **Pollutants**. Because pavement and concrete can neither absorb water nor remove **Pollutants**, the absorptive characteristics of the land are greatly reduced; and
  - 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 **Pollutants** that may threaten human health. Individually and in combination, **Pollutants** discharged from **MS4s** may cause or threaten to cause a condition of **Pollution** (i.e., an alteration of water quality by **Waste** to a degree which unreasonably affects the waters for designated **Beneficial Uses** and/or facilities which serve these designated **Beneficial Uses**), **Contamination**, or **Nuisance**. The discharge of **Pollutants** from **MS4s** may cause the concentration of **Pollutants** to prevent attainment of applicable **Receiving Water Quality Objectives (WQO)** and thereby impair or threaten to impair designated **Beneficial Uses**.

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<sup>6</sup> 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.

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**Mitigation of Urban Runoff**

29. **Pollutants** 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 **Pollutants** 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 Connections (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

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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

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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 **WQOs** 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.

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  $\leq 126/100$  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

- 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:

Waterbody	MUN	AGR	AQUA	FRSH	IND	GWR	REC1	REC2	WARM	COLD	WILD	POW	RARE	Location
CVSC <sup>7</sup>				X			X <sup>8</sup>	X <sup>9</sup>	X		X		X <sup>10</sup>	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 <sup>11</sup>	X	X				X	X	X	I	X	X	X		From headwaters to Whitewater Recharge Basins
<b>Washes<sup>12</sup> (Ephemeral Streams)</b>				I <sup>13</sup>		I		I	I <sup>14</sup>		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 LOADS** of this **MS4 Permit**.

<sup>7</sup> Section of perennial flow from approximately Indio to the Salton Sea.

<sup>8</sup> Unauthorized use.

<sup>9</sup> Unauthorized use.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> Applies only to tributaries to Salton Sea.

<sup>14</sup> 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 **MS4s** to include a requirement to effectively prohibit **Non-Storm Water** discharges into **MS4s** unless such discharges are either authorized by a separate **NPDES** permit or not prohibited in accordance with Section C. ALLOWABLE **NON-STORM WATER DISCHARGES** of this **MS4 Permit**. The requirement in the **CWA** to reduce **Pollutants** to the **MEP** provides a minimum level of water quality protection. The State may develop **WQS** more stringent than those required by the **CWA**.
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 **Pollutants** 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 **Pollutants** 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 **Pollutants** in **Urban Runoff** causing or contributing to the impairments in **Receiving Waters** 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.

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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.* (9<sup>th</sup> 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.4<sup>th</sup> 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

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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.4<sup>th</sup> 1377, 1389; *Building Industry Ass'n of San Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4<sup>th</sup> 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.4<sup>th</sup> 830, 842 [upholding inspection fees associated with renting property].) The ability of a local agency to defray the cost of a program without

## A. FINDINGS

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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.4<sup>th</sup> 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.* (5<sup>th</sup> 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.* (9<sup>th</sup> 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 **Pollutants**, which have not been reduced to the **MEP**, is prohibited.
2. The **Permittees** shall continue to prohibit **IC/IDs** to the **MS4** through their **Storm Water Ordinances**.
3. The following discharge prohibitions are applicable to any **Person**, as defined by Section 13050(c) of the **CWC**, who is a citizen, domiciliary, or political agency or entity of California and whose activities in California could affect the quality of **Waters of the State** within the boundaries of the Colorado River Basin Region:
  - a. The discharge of **Waste** to **Waters of the State** in a manner causing, or threatening to cause, a condition of **Pollution**, **Contamination**, or **Nuisance**, as defined in **CWC** Section 13050.
  - b. The discharge of **Pollutants** or dredged or fill material to **Waters of the United States**, except as authorized by an **NPDES** permit or a dredged or fill material permit subject to the exemption described in **CWC** Section 13376.
  - c. Any discharge to the **MS4** that is not composed entirely of "**Storm Water**" is prohibited, unless authorized by Section C. ALLOWABLE **NON-STORM WATER** DISCHARGES.
  - d. The unauthorized discharge of treated or untreated sewage to **Waters of the State** or to the **MS4**.
  - e. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative or any toxic chemical or **Hazardous Waste** into the **MS4**.
  - 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).

**B. DISCHARGE PROHIBITIONS**

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**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 **Pollutants** 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 **Wastes**, 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.

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

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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 **Pollutants** to **Waters of the United States**, a **Permittee** shall either:

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

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

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**D. RECEIVING WATER LIMITATIONS**

1. The **SWMP** and its components shall be updated to achieve compliance with **Receiving Water Limitations** associated with discharges of **Urban Runoff**. It is expected that compliance with **Receiving Water Limitations** will be achieved through an iterative process and the application of **BMPs** to the **MEP**.
2. 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 **Pollutants** in the discharges in accordance with the **SWMP** and other requirements of this **MS4 Permit**, including any modifications. If exceedance(s) of **WQS** persist, notwithstanding implementation of the **SWMP** and other requirements of this **MS4 Permit**, 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 **WQSs** 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 **Permittees** 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.

**D. RECEIVING WATER LIMITATIONS**

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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**

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**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 Pollutants** in **Urban Runoff** from municipal, commercial, industrial, and residential areas to the **MEP**;
    - ii. Reduce **Potential Pollutants** in **Urban Runoff** from land development and construction sites to the **MEP** through the use of **Structural** and/or **Non-Structural BMPs**;
    - iii. Reduce **Potential Pollutants** in **Urban Runoff** from **Permittee's** maintenance activities to the **MEP**;
    - iv. Eliminate **IC/IDs** to the **MEP**;
    - v. Encourage spill prevention and containment as well as provide appropriate spill response plan for **Permittees'** maintenance facilities to the **MEP**;

**E. SPECIFIC PERMITTEE REQUIREMENTS**

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- 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 **Pollutants** to the **MS4** by **Urban Runoff** associated with industrial activity and the quality of **Urban Runoff** discharged from sites of industrial activity;
  - b. Prohibit through ordinance, order or similar means, **IDs** to the **MS4**, including, but not limited to, discharges:
    - i. Of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
    - ii. Resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing;
    - iii. Of wash water from mobile operations such as oily or greasy discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.;
    - iv. Of runoff from material storage areas containing chemicals, fuels, grease, oil, or other **Hazardous Materials**; and
    - v. Of food-related **Wastes** (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).
  - c. Control through ordinance, order or similar means the discharge to the **MS4** of spills, dumping or disposal of materials other than **Urban Runoff**.
  - d. Control through interagency agreements among **Permittees** the contribution of **Pollutants** from one portion of the **MS4** to another portion of the **MS4**;
  - e. Require compliance with conditions in **Permittee** ordinances, permits, contracts or orders consistent with the Enforcement and Compliance Strategy described in Section 1.7 of the **SWMP**; 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**.

- 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

#### E. SPECIFIC **PERMITTEE** REQUIREMENTS

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**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**.