

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 CFR 122.3.

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

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

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

POTW - Publicly owned treatment works

POW - Hydropower Generation **Beneficial Use**

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

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

K. GLOSSARY OF TERMS

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

Priority Pollutants – USEPA Priority Pollutants.

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

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

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

RCWMD – County Waste Management Department

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

K. GLOSSARY OF TERMS

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

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

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

State Water Resources Control Board – State Board or SWRCB

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

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

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

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

SWPPP – Storm Water **Pollution Prevention** Plan

TDS – Total dissolved solids.

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

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

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

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

K. GLOSSARY OF TERMS

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

TSS – Total suspended solids.

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

USEPA – United States Environmental Protection Agency

WARM – Warm freshwater habitat **Beneficial Use**

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

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

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

K. GLOSSARY OF TERMS

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

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

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

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

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

WDID – Waste discharge identification number.

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

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

K. GLOSSARY OF TERMS

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

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

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

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

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

WILD – Wildlife habitat **Beneficial Use**

WQBEL – Water quality based effluent limitations

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

Total Metals	Bacterial Indicator	Nutrients & Other
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 (TSS)
Chromium ⁶⁺		Total Dissolved Solids (TDS)
Copper		Total Phosphorus
Lead		Ortho Phosphorous
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 conducted³⁰ for the purposes of evaluating long term trends in **Whitewater River Region Urban Runoff**.

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

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

Table L-3 Wet Weather MS4 Outfall Monitoring Locations

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

* 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
<i>CVSC</i> at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	2	Grab	Field parameters and <i>Constituents of Concern</i>

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
<i>CVSC</i> at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	1	Grab	Field parameters and <i>Constituents of Concern</i> .

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.

M. ADMINISTRATIVE PROVISIONS

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.

N. ANNUAL REPORT AND SUBMITTAL REQUIREMENTS

O. FACT SHEET

1. Fact Sheet Format:

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

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

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

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

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

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

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

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

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

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

3. Project Area:

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

4. Exclusions to the Permitted Area:

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

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

O. FACT SHEET

- 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

O. **FACT SHEET**

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

O. FACT SHEET

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

10. **MS4 Permit** Requirements:

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

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

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

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

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

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

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

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

Federal regulations require that a **TMDL** be established for each 303(d) listed waterbody for each of the **Pollutants** causing impairment. The **TMDL** is the total amount of the problem **Pollutant** that can be discharged while **WQSS** in the **Receiving Water** attained, i.e., **WQOs** are met and the **Beneficial Uses** are protected. It is the sum of the individual **WLAs** for **Point Source** inputs, **LAs** for **Non-Point Source** inputs and natural background, with a margin of safety. The **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 **WQSS** (**WQOs** and **Beneficial Uses**). The U.S. Court of Appeals for the Ninth Circuit, in *Defenders of Wildlife v. Browner*, 191 F.3d 1159 (9th Cir. 1999), subsequently held that strict compliance with **WQSS** in **MS4** permits is not required by the **CWA**, but that such compliance may be included at the discretion of the permitting agency. Any requirements included in the **MS4 Permit** that are more stringent than the federal **Storm Water** regulations are in accordance with **CWC** Section 13377.

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

O. FACT SHEET

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

14. Rationale for Requirements

- a. Discharge Prohibitions – In accordance with **CWA Section 402(p)(3)(B)(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.

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 ordinances³¹ 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

³¹The 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

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:

O. FACT SHEET

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 where you can access the current agenda for changes in dates and locations.

23. **WDRs** Petitions:

O. FACT SHEET

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

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

24. Additional Information

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

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

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

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

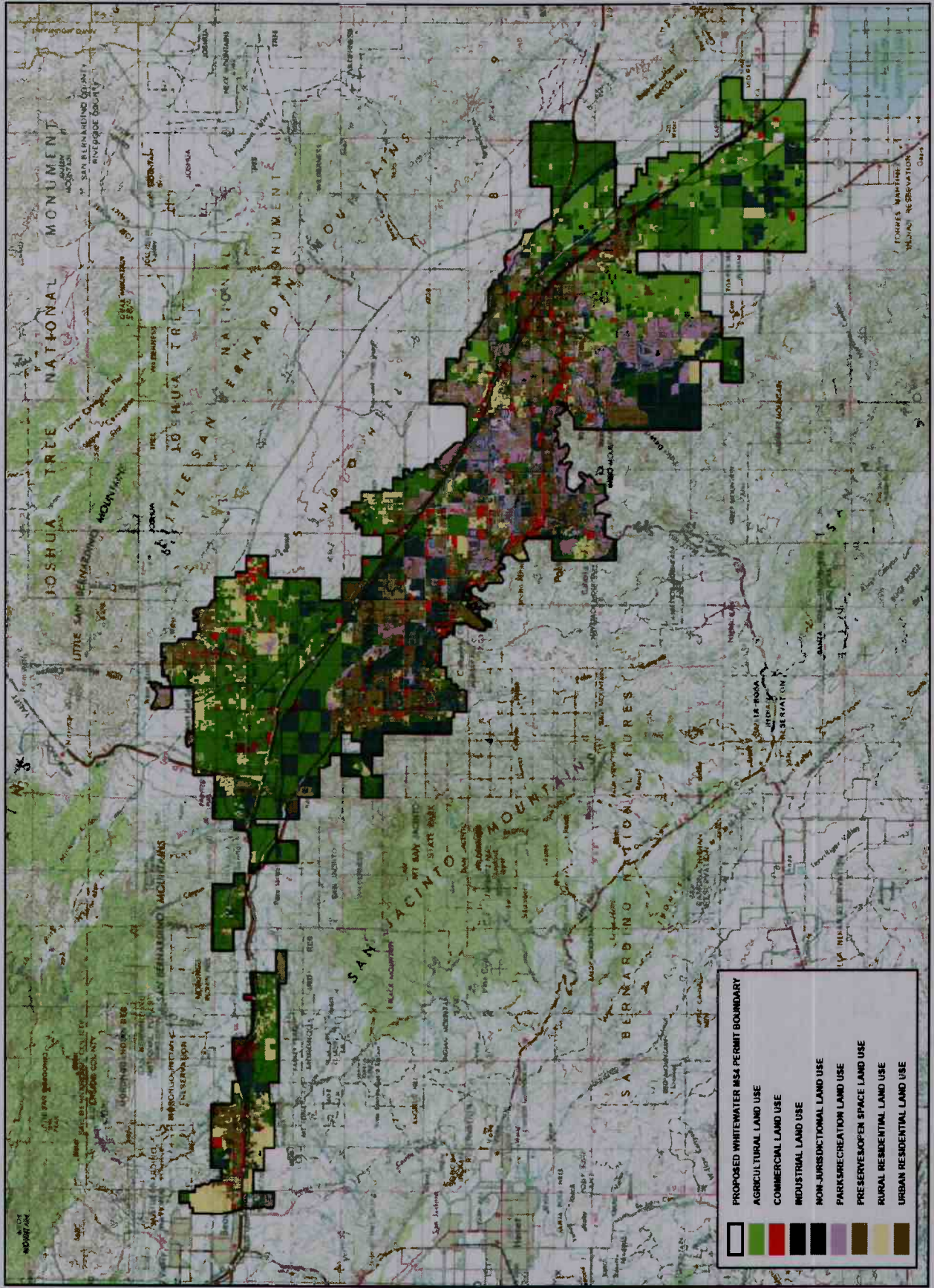
24. Additional Information

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ATTACHMENT A – SITE MAP



ATTACHMENT B – PROGRAM DATABASES

