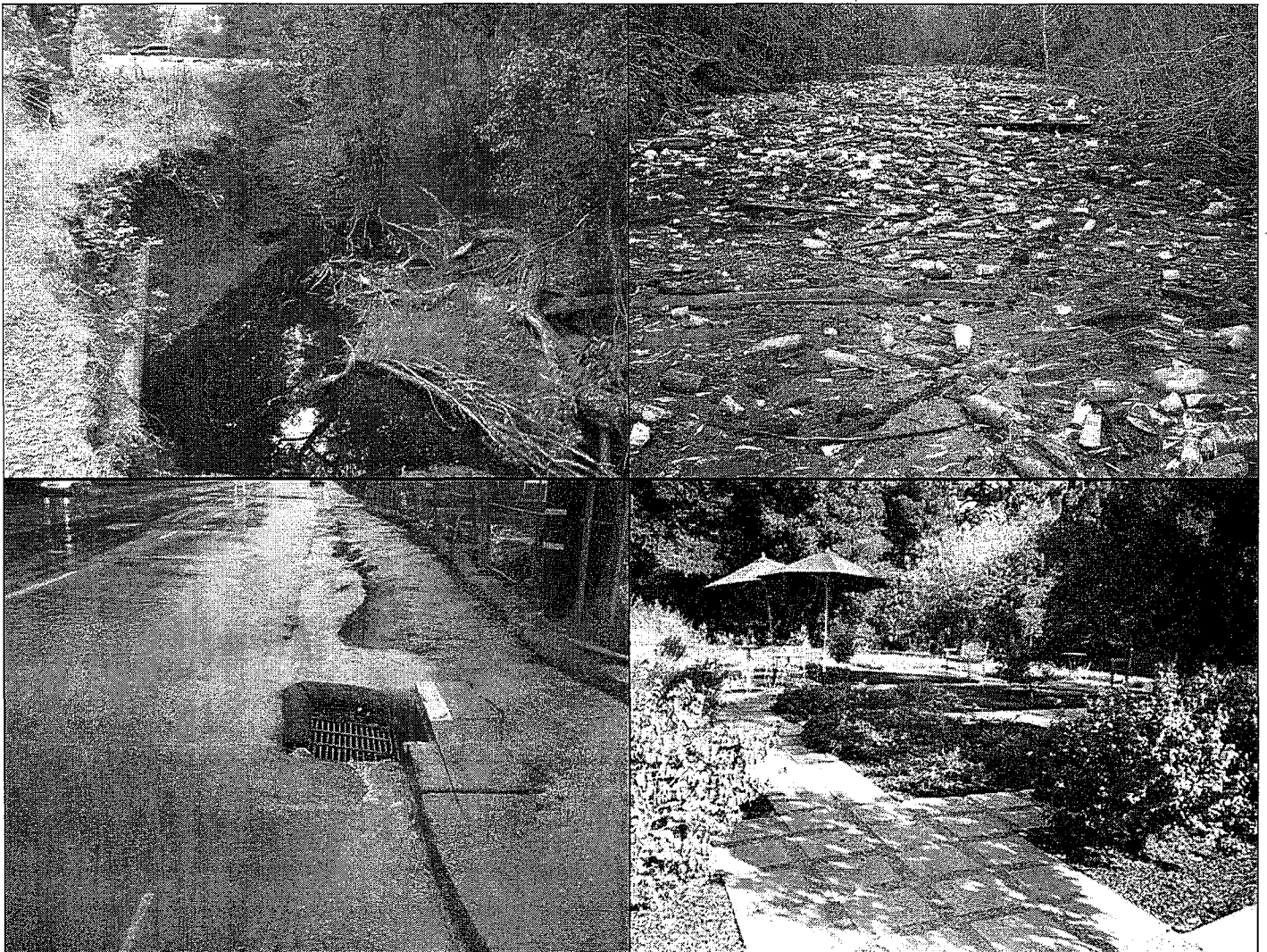


**California Regional Water Quality Control Board  
San Francisco Bay Region  
Municipal Regional Stormwater NPDES Permit**

**Order R2-2009-0074  
NPDES Permit No. CAS612008  
October 14, 2009**



**California Regional Water Quality Control Board  
San Francisco Bay Region  
Municipal Regional Stormwater NPDES Permit**

**ORDER R2-2009-0074**

**NPDES PERMIT NO. CAS612008**

**Issuing Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of stormwater runoff from the municipal separate storm sewer systems (MS4s) of the following jurisdictions and entities, which are permitted under this San Francisco Bay Municipal Regional Stormwater Permit (MRP):**

**The cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County, the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District, which have joined together to form the Alameda Countywide Clean Water Program (Alameda Permittees)**

**The cities of Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek, the towns of Danville and Moraga, Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, which have joined together to form the Contra Costa Clean Water Program (Contra Costa Permittees)**

**The cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the Santa Clara Valley Water District, and Santa Clara County, which have joined together to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (Santa Clara Permittees)**

**The cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco, the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside, the San Mateo County Flood Control District, and San Mateo County, which have joined together to form the San Mateo Countywide Water Pollution Prevention Program (San Mateo Permittees)**

**The cities of Fairfield and Suisun City, which have joined together to form the Fairfield-Suisun Urban Runoff Management Program (Fairfield-Suisun Permittees)**

**The City of Vallejo and the Vallejo Sanitation and Flood Control District (Vallejo Permittees)**

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**The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter referred to as the Water Board) finds that:**

**FINDINGS**

**Incorporation of Fact Sheet**

1. The Fact Sheet for the San Francisco Bay Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (Appendix I) includes cited regulatory and legal references and additional explanatory information in support of the requirements of this Permit. This information, including any supplements thereto, and any response to comments on the Tentative Orders, is hereby incorporated by reference.

**Existing Permits**

2. **Alameda County**—The cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County (Unincorporated area), the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District have joined together to form the Alameda Countywide Clean Water Program (hereinafter collectively referred to as the Alameda Permittees) and have submitted a permit application (Report of Waste Discharge), dated July 26, 2007, for reissuance of their waste discharge requirements under the NPDES permit to discharge stormwater runoff from storm drains and watercourses within the Alameda Permittees' jurisdictions. The Alameda Permittees are currently subject to NPDES Permit No. CAS0029831 issued by Order No. R2-2003-0021 on February 19, 2003, and amended by Order No. R2-2007-0025 on March 14, 2007, to the Alameda Permittees to discharge stormwater runoff from storm drains and watercourses within their jurisdictions.
3. **Contra Costa County**—The cities of Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek, the towns of Danville and Moraga, Contra Costa County, and the Contra Costa County Flood Control and Water Conservation District have joined together to form the Contra Costa Clean Water Program (hereinafter collectively referred to as the Contra Costa Permittees) and have submitted a permit application (Report of Waste Discharge), dated September 30, 2003, for reissuance of their waste discharge requirements under the NPDES permit to discharge stormwater runoff from storm drains and watercourses within the Contra Costa Permittees' jurisdictions. The Contra Costa Permittees are currently subject to NPDES Permit No. CAS0029912 issued by Order No. 99-058 on July 21, 1999, amended by Order No. R2-2003-0022 on February 9, 2003, amended by Order Nos. R2-2004-059 and R2-2004-0061 on July 21, 2004, and amended by Order No. R2-2006-0050 on July 12, 2006, to the Contra Costa Permittees to discharge stormwater runoff from storm drains and watercourses within their jurisdictions.
4. **San Mateo County**—The cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco, the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside, the San Mateo County Flood Control District and San Mateo County have joined together to form the San Mateo Countywide Water Pollution Prevention

Program (hereinafter collectively referred to as the San Mateo Permittees) and have submitted a permit application (Report of Waste Discharge), dated January 23, 2004, for reissuance of their waste discharge requirements under the NPDES permit to discharge stormwater runoff from storm drains and watercourses within the San Mateo Permittees' jurisdictions. The San Mateo Permittees are currently subject to NPDES Permit No. CAS0029921 issued by Order No. 99-059 on July 21, 1999, amended by Order No. R2-2003-0023 on February 19, 2003, amended by Order Nos. R2-2004-0060 and R2-2004-0062 on July 21, 2004, and amended by Order R2-2007-0027 on March 14, 2007, to the San Mateo Permittees to discharge stormwater runoff from storm drains and watercourses within their jurisdictions.

5. **Santa Clara County**—The cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the Santa Clara Valley Water District, and the County of Santa Clara have joined together to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (hereinafter collectively referred to as the Santa Clara Permittees) and have submitted a permit application (Report of Waste Discharge), dated February 25, 2005, for reissuance of their waste discharge requirements under the NPDES permit to discharge stormwater runoff from storm drains and watercourses within the Santa Clara Permittees' jurisdictions. The Santa Clara Permittees are currently subject to NPDES Permit No. CAS029718 issued by Order No. 01-024 on April 21, 2001, amended by Order No. 01-119 on October 17, 2001, and Order No. R2-2005-0035 on July 20, 2005, to the Santa Clara Permittees to discharge stormwater runoff from storm drains and watercourses within their jurisdictions.
6. **Fairfield-Suisun**—The cities of Fairfield and Suisun City have joined together to form the Fairfield-Suisun Urban Runoff Management Program (hereinafter referred to as the Fairfield-Suisun Permittees) and have submitted a permit application (Report of Waste Discharge), dated October 17, 2007, for reissuance of their waste discharge requirements under the NPDES permit to discharge stormwater runoff from storm drains and watercourses within the Fairfield-Suisun Permittees' jurisdictions. The Fairfield-Suisun Permittees are currently subject to NPDES Permit No. CAS0612005 issued by Order No. R2-2003-0034 on April 16, 2003, and amended by Order R2-2007-0026 on March 14, 2007, to the Fairfield-Suisun Permittees to discharge stormwater runoff from storm drains and watercourses within their jurisdictions.
7. **Vallejo**—The City of Vallejo and the Vallejo Sanitary District (hereinafter referred to as the Vallejo Permittees) are currently subject to NPDES Permit No. CAS612006 issued by the United States Environmental Protection Agency (USEPA) on April 27, 1999, and that became effective on May 30, 1999, for the discharge of stormwater runoff from storm drains and watercourses within the Vallejo Permittees' jurisdictions.
8. The Alameda, Contra Costa, San Mateo, Santa Clara, Fairfield-Suisun, and Vallejo Permittees are hereinafter referred to in this Order as the Permittees.

### **Applicable Federal, State and Regional Regulations**

9. Section 402(p) of the federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987, requires NPDES permits for stormwater discharges from municipal separate storm sewer systems (MS4s), stormwater discharges associated with industrial activity (including construction activities), and designated stormwater discharges, which are considered significant contributors of pollutants to waters of the United States. On November 16, 1990, USEPA published regulations (40 CFR Part 122), which prescribe permit application requirements for MS4s pursuant to CWA 402(p). On May 17, 1996, USEPA published an Interpretive Policy

Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems, which provided guidance on permit application requirements for regulated MS4s.

10. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Resources Control Board (State Board), Office of Administrative Law and the USEPA, where required.
11. The Water Board finds stormwater discharges from urban and developing areas in the San Francisco Bay Region to be significant sources of certain pollutants that cause or may be causing or threatening to cause or contribute to water quality impairment in waters of the Region. Furthermore, as delineated in the CWA section 303(d) list, the Water Board has found that there is a reasonable potential that municipal stormwater discharges cause or may cause or contribute to an excursion above water quality standards for the following pollutants: mercury, PCBs, furans, dieldrin, chlordane, DDT, and selenium in San Francisco Bay segments; pesticide associated toxicity in all urban creeks; and trash and low dissolved oxygen in Lake Merritt, in Alameda County. In accordance with CWA section 303(d), the Water Board is required to establish TMDLs for these pollutants to these waters to gradually eliminate impairment and attain water quality standards. Therefore, certain early pollutant control actions and further pollutant impact assessments by the Permittees are warranted and required pursuant to this Order.
12. The San Francisco Estuary Project, established pursuant to CWA Section 320, culminated in June 1993 with completion of its Comprehensive Conservation and Management Plan (CCMP) for the preservation, restoration, and enhancement of the San Francisco Bay-Delta Estuary. The 2007 update of the CCMP includes new and revised actions, while retaining many of the original plan's actions. The CCMP includes recommended actions in the areas of aquatic resources, wildlife, wetlands, water use, pollution prevention and reduction, dredging and waterway modification, land use, public involvement and education, and research and monitoring. Recommended actions which may, in part, be addressed through implementation of this Permit include, but are not limited to, the following:
  - (1) ACTION AR-9.1 (New 2007)  
Improve understanding of sources, types, and impacts of marine debris in the Estuary.
  - (5) ACTION AR-9.2 (New 2007)  
Expand existing marine debris prevention and cleanup programs and develop new initiatives to reduce discharge of debris to waterways.
  - (10) ACTION PO-1.2 (Revised 2007)  
Recommend institutional and financial changes needed to place more focus on pollution prevention.
  - (12) ACTION PO-1.6 (Revised 2007)  
Implement a comprehensive strategy to reduce pesticides coming into the Estuary.
  - (13) ACTION PO-1.7.1 (New 2007)  
Develop product stewardship program for new commercial products to minimize future pollutant releases.

- (14) ACTION PO-1.8 (New 2007)  
Develop and implement programs to prevent pollution of the Estuary by other harmful pollutants like trash; bacteria, sediments, and nutrients.
- (15) ACTION PO-2.1 (Revised 2007)  
Pursue a mass emissions strategy to reduce pollutant discharges into the Estuary from point and nonpoint sources and to address the accumulation of pollutants in estuarine organisms and sediments.
- (16) ACTION PO-2.4 (Revised 2007)  
Improve the management and control of urban runoff from public and private sources.
- (18) ACTION PO-3.3 (New 2007)  
Accomplish large-scale improvements to Bay-Delta area infrastructure and implement pollution prevention strategies to prevent pollution threats to public health and wildlife.
- (19) ACTION PO-4.1 (New 2007)  
Increase regulatory incentives for municipalities, through urban runoff and other programs, to invest in projects that restore or enhance stream and wetland functions.
- (20) ACTION LU-1.1 (Revised 2007)  
Local land use jurisdiction's General Plans should incorporate watershed protection goals for wetlands and stream environments and to reduce pollutants in runoff.
- (21) ACTION LU-1.1.1 (New 2007): Provide assistance to local agencies to ensure that applicable nonpoint source control elements are incorporated into local government and business practices.
- (22) ACTION LU-1.5 (LU-3.2 in 1993 CCMP; Revised 2007)  
Provide incentives and promote the use of building, planning, and maintenance guidelines for site planning and implementation of best management practices (BMPs) as related to stormwater and encourage local jurisdictions to adopt these guidelines as local ordinances.
- (23) ACTION LU-1.6 (New 2007)  
Continue and enhance training and certification for planners, public works departments, consultants, and builders on sustainable design and building practices with the goal of preventing or minimizing alteration of watershed functions (e.g., flood water conveyance, groundwater infiltration, stream channel and floodplain maintenance), and preventing construction-related erosion and post-construction pollution.
- (24) ACTION LU-2.7 (New 2007)  
Adopt and implement policies and plans that protect and restore water quality, flood water storage, and other natural functions of stream and wetland systems.
- (25) ACTION LU-3.1 (New 2007)  
Promote, encourage, and support collaborative partnerships with broad stakeholder representation, such as watershed councils, in order to develop diverse community-based approaches to long-term stewardship.
- (26) ACTION LU-4.1 (Revised 2007)  
Educate the public about how human actions impact the Estuary and its watersheds.
- (28) ACTION PI-2.5 (Revised 2007)  
Assist in the development of long-term educational programs designed to prevent pollution to the Estuary's ecosystem and provide assistance to other programs as needed.
13. Under section 13389 of the California Water Code, this action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA).

## Nature of Discharges and Sources of Pollutants

14. Stormwater runoff is generated from various land uses in all the hydrologic sub basins in the Basin and discharges into watercourses, which in turn flow into Central, Lower and South San Francisco Bay.
15. The quality and quantity of runoff discharges vary considerably and are affected by hydrology, geology, land use, season, and sequence and duration of hydrologic events. Pollutants of concern in these discharges are certain heavy metals; excessive sediment production from erosion due to anthropogenic activities; petroleum hydrocarbons from sources such as used motor oil; microbial pathogens of domestic sewage origin from illicit discharges; certain pesticides associated with acute aquatic toxicity; excessive nutrient loads, which can cause or contribute to the depletion of dissolved oxygen and/or toxic concentrations of dissolved ammonia; trash, which impairs beneficial uses including, but not limited to, support for aquatic life; and other pollutants which can cause aquatic toxicity in the receiving waters.
16. Federal, State or regional entities within the Permittees' boundaries, not currently named in this Order, operate storm drain facilities and/or discharge stormwater to the storm drains and watercourses covered by this Order. The Permittees may lack jurisdiction over these entities. Consequently, the Water Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. The Water Board will consider such facilities for coverage under its NPDES permitting scheme pursuant to US EPA Phase II stormwater regulations. Under Phase II, the Water Board can permit these federal, State, and regional entities through use of the Statewide Phase II NPDES General Permit.
17. Certain pollutants present in stormwater and/or urban runoff can be derived from extraneous sources over which the Permittees have limited or no direct jurisdiction. Examples of such pollutants and their respective sources are polycyclic aromatic hydrocarbons (PAHs), which are products of internal combustion engine operation and other sources; heavy metals, such as copper from vehicle brake pad wear and zinc from vehicle tire wear; dioxins as products of combustion; polybrominated diphenyl ethers that are incorporated in many household products as flame retardants; mercury resulting from atmospheric deposition; and naturally occurring minerals from local geology. All these pollutants, and others, can be deposited on paved surfaces, rooftops, and other impervious surfaces as fine airborne particles—thus yielding stormwater runoff pollution that is unrelated to the activity associated with a given project site.
18. The Water Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules, including Annual Reports, and will provide interested persons with an opportunity for a public hearing and/or an opportunity to submit their written views and recommendations. The Water Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order in accordance with applicable law. All submittals required by this Order conditioned with acceptance by the Water Board will be subject to these notification, comment, and public hearing procedures.
19. This Order supersedes and rescinds Order Nos. 99-058, 99-059, 01-024, R2-2003-0021, R2-2003-0034, and supersedes NPDES Permit Nos. CAS0029831, CAS0029912, CAS0029921, CAS029718, CAS0612005, and CAS612006.

This Order serves as a NPDES permit, pursuant to CWA section 402, or amendments thereto, and shall become effective December 1, 2009, provided the Regional Administrator, USEPA, Region 9, has no objections.



**IT IS HEREBY ORDERED** that the Permittees, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted hereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted hereunder, shall comply with the following:

#### **A. DISCHARGE PROHIBITIONS**

- A.1.** The Permittees shall, within their respective jurisdictions, effectively prohibit the discharge of non-stormwater (materials other than stormwater) into, storm drain systems and watercourses. NPDES-permitted discharges are exempt from this prohibition. Provision C.15 describes a tiered categorization of non-stormwater discharges based on potential for pollutant content that may be discharged upon adequate assurance that the discharge contains no pollutants of concern at concentrations that will impact beneficial uses or cause exceedances of water quality standards.
- A.2.** It shall be prohibited to discharge rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plain areas.

#### **B. RECEIVING WATER LIMITATIONS**

- B.1.** The discharge shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:
- a.** Floating, suspended, or deposited macroscopic particulate matter, or foam;
  - b.** Bottom deposits or aquatic growths;
  - c.** Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - d.** Visible, floating, suspended, or deposited oil or other products of petroleum origin; and
  - e.** Substances present in concentrations or quantities that would cause deleterious effects on aquatic biota, wildlife, or waterfowl, or that render any of these unfit for human consumption.
- B.2.** The discharge shall not cause or contribute to a violation of any applicable water quality standard for receiving waters. If applicable water quality objectives are adopted and approved by the State Board after the date of the adoption of this Order, the Water Board may revise and modify this Order as appropriate.

### **C.1. Compliance with Discharge Prohibitions and Receiving Water Limitations**

The Permittees shall comply with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures and other actions as specified in Provisions C.2 through C.15.

If exceedance(s) of water quality standards or water quality objectives (collectively, WQs) persist in receiving waters, the Permittees shall comply with the following procedure:

- C.1.a.** Upon a determination by either the Permittee(s) or the Water Board that discharges are causing or contributing to an exceedance of an applicable WQS, the Permittee(s) shall notify, within no more than 30 days, and thereafter, except for any exceedances of WQs for pesticides, trash, mercury, polychlorinated biphenols, copper, polybrominated diphenyl ethers, and selenium that are addressed pursuant to Provisions C.8 through C.14 of this Order, submit a report to the Water Board that describes BMPs that are currently being implemented, and the current level of implementation, and additional BMPs that will be implemented, and/or an increased level of implementation, to prevent or reduce the discharge of pollutants that are causing or contributing to the exceedance of WQs. The report may be submitted in conjunction with the Annual Report, unless the Water Board directs an earlier submittal, and shall constitute a request to the Water Board for amendment of this NPDES Permit. The report and application for amendment shall include an implementation schedule. The Water Board may require modifications to the report and application for amendment; and
- C.1.b.** Submit any modifications to the report required by the Water Board within 30 days of notification.

As long as the Permittees have complied with the procedures set forth above, they do not have to repeat the same procedure for continuing or recurring exceedances of the same WQs unless directed by the Water Board to develop additional control measures and BMPs and reinitiate the Permit amendment process.

## C.2. Municipal Operations

The purpose of this provision is to ensure development and implementation of appropriate BMPs by all Permittees to control and reduce non-stormwater discharges and polluted stormwater to storm drains and watercourses during operation, inspection, and routine repair and maintenance activities of municipal facilities and infrastructure.

### C.2.a. Street and Road Repair and Maintenance

- i. **Task Description** – Asphalt/Concrete Removal, Cutting, Installation and Repair - The Permittees shall develop and implement appropriate BMPs at street and road repair and/or maintenance sites to control debris and waste materials during road and parking lot installation, repaving or repair maintenance activities, such as those described in the California Stormwater Quality Association's Handbook for Municipal Operations.
- ii. **Implementation Levels**
  - (1) The Permittees shall require proper management of concrete slurry and wastewater, asphalt, pavement cutting, and other street and road maintenance materials and wastewater to avoid discharge to storm drains from such work sites. The Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer system is available for the wastewater generated from these activities provided that appropriate approvals and pretreatment standards are met.
  - (2) The Permittees shall require sweeping and/or vacuuming to remove debris, concrete, or sediment residues from such work sites upon completion of work. The Permittees shall require cleanup of all construction remains, spills and leaks using dry methods (e.g., absorbent materials, rags, pads, and vacuuming), as described in the Bay Area Stormwater Management Agencies Association's (BASMAA's) Blueprint for a Clean Bay.
- iii. **Reporting** – The Permittees shall report on implementation of and compliance with these BMPs in the Annual Report

### C.2.b. Sidewalk/Plaza Maintenance and Pavement Washing

- i. **Task Description** – The Permittees shall implement, and require to be implemented, BMPs for pavement washing, mobile cleaning, pressure wash operations in such locations as parking lots and garages, trash areas, gas station fueling areas, and sidewalk and plaza cleaning, which prohibit the discharge of polluted wash water and non-stormwater to storm drains. The Permittees shall implement the BMPs included in BASMAA's Mobile Surface Cleaner Program. The Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer is available for the wastewater generated from these activities provided that appropriate approvals and pretreatment standards are met.

- ii. **Reporting** – The Permittees shall report on implementation of and compliance with these BMPs in their Annual Report.

**C.2.c. Bridge and Structure Maintenance and Graffiti Removal**

**i. Task Description**

- (1) The Permittees shall implement appropriate BMPs to prevent polluted stormwater and non-stormwater discharges from bridges and structural maintenance activities directly over water or into storm drains.
- (2) The Permittees shall implement BMPs for graffiti removal that prevent non-stormwater and wash water discharges into storm drains.

**ii. Implementation Levels**

- (1) The Permittees shall prevent all debris, including structural materials and coating debris, such as paint chips, or other debris and pollutants generated in bridge and structure maintenance or graffiti removal from entering storm drains or water courses.
- (2) The Permittees shall protect nearby storm drain inlets before removing graffiti from walls, signs, sidewalks or other structures. The Permittees shall prevent any discharge of debris, cleaning compound waste, paint waste or wash water due to graffiti removal from entering storm drains or watercourses.
- (3) The Permittees shall determine the proper disposal method for wastes generated from these activities. The Permittees shall train their employees and/or specify in contracts about these proper capture and disposal methods for the wastes generated.

- iii. **Reporting** – The Permittees shall report on implementation of and compliance with these BMPs in their Annual Report.

**C.2.d. Stormwater Pump Stations**

The objective of this sub-provision is to prevent the discharge of water with low dissolved oxygen (DO) from pump stations, and to explore the use of pump stations for trash capture and removal from waters to protect beneficial uses of receiving waters.

- i. **Task Description** – Operation and Maintenance of Stormwater Pump Stations – The Permittees shall develop and implement measures to operate, inspect, and maintain these facilities to eliminate non-stormwater discharges containing pollutants, and to reduce pollutant loads in the stormwater discharges to comply with WQs.
- ii. **Implementation Levels** – The Permittees shall comply with the following implementation measures to reduce polluted water discharges from Permittee-owned or operated pump stations:

- (1) Complete an inventory of pump stations within each Permittee's jurisdiction, including locations, and key characteristics<sup>1</sup> by March 1, 2010.
- (2) Inspect and collect DO data from all pump stations twice a year during the dry season after July 1, starting in 2010. DO monitoring is exempted where all discharge from a pump station remains in the stormwater collection system or infiltrates into a dry creek immediately downstream.
- (3) If DO levels are at or below 3 milligrams per liter (3 mg/L), apply corrective actions, such as continuous pumping at a low flow rate, aeration, or other appropriate methods to maintain DO concentrations of the discharge above 3 mg/L. Verify corrective actions are effective by increasing DO monitoring interval to weekly until two weekly samples are above 3 mg/L.
- (4) Starting in fall 2010, inspect pump stations a minimum of two times during the wet season in the first business day after ¼-inch and larger storm events after a minimum of a two week antecedent period with no precipitation. Post-storm inspections shall collect and report presence and quantity estimates of trash, including presence of odor, color, turbidity, and floating hydrocarbons. Remove debris and trash and replace any oil absorbent booms, as needed.

iii. **Reporting** – The Permittees shall report information resulting from C.2.d.ii.(2)-(4), including DO monitoring data and subsequent corrective actions taken to verify compliance with the 3 mg/L implementation level, in their Annual Report, and maintain records of inspection and maintenance activities and volume or mass of waste materials removed from pump stations.

#### **C.2.e. Rural Public Works Construction and Maintenance**

- i. **Task Description** – Rural Road and Public Works Construction and Maintenance - For the purpose of this provision, rural means any watershed or portion thereof that is developed with large lot home-sites, such as one acre or larger, or with primarily agricultural, grazing or open space uses. The Permittees shall implement and require contractors to implement BMPs for erosion and sediment control during and after construction for maintenance activities on rural roads, particularly in or adjacent to stream channels or wetlands. The Permittees shall notify the Water Board, the California Department of Fish and Game and the U.S. Army Corps of Engineers, where applicable, and obtain appropriate agency permits for rural public works activities before work in or near creeks and wetlands.

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<sup>1</sup> Characteristics include name of pump station, latitude and longitude in WGS 84, number of pumps, drainage area in acres, dominant land use(s), first receiving water body, maximum pumping capacity of station in gallons per minute (gpm), flow measurement capability (Y or N), flow measurement method, average wet season discharge rate in gpm, dry season discharge (Y, N, or unknown), nearest municipal wastewater treatment plant, wet well storage capacity in gallons, trash control (Y or N), trash control measure, and date built or last updated.

**ii. Implementation Level**

- (1) The Permittees shall develop, where they do not already exist, and implement BMPs for erosion and sediment control measures during construction and maintenance activities on rural roads, including developing and implementing appropriate training and technical assistance resources for rural public works activities, by April 1, 2010.
- (2) The Permittees shall develop and implement appropriate BMPs for the following activities, which minimize impacts on streams and wetlands in the course of rural road and public works maintenance and construction activities:
  - (a) Road design, construction, maintenance, and repairs in rural areas that prevent and control road-related erosion and sediment transport;
  - (b) Identification and prioritization of rural road maintenance on the basis of soil erosion potential, slope steepness, and stream habitat resources;
  - (c) Construction of roads and culverts that do not impact creek functions. New or replaced culverts shall not create a migratory fish passage barrier, where migratory fish are present, or lead to stream instability;
  - (d) Development and implementation of an inspection program to maintain rural roads' structural integrity and prevent impacts on water quality;
  - (e) Maintenance of rural roads adjacent to streams and riparian habitat to reduce erosion, replace damaging shotgun culverts and excessive erosion;
  - (f) Re-grading of unpaved rural roads to slope outward where consistent with road engineering safety standards, and installation of water bars as appropriate; and
  - (g) Replacement of existing culverts or design of new culverts or bridge crossings shall use measures to reduce erosion, provide fish passage, and maintain natural stream geomorphology in a stable manner.
- (3) The Permittees shall develop or incorporate existing training and guidance on permitting requirements for rural public works activities so as to stress the importance of proper planning and construction to avoid water quality impacts.
- (4) The Permittees shall provide training incorporating these BMPs to rural public works maintenance staff at least twice within this Permit term.

**iii. Reporting** – The Permittees shall report on the implementation of and compliance with BMPs for the rural public works construction and maintenance activities in their Annual Report, including reporting on increased maintenance in priority areas.

**C.2.f. Corporation Yard BMP Implementation**

**i. Task Description – Corporation Yard Maintenance**

- (1) The Permittees shall prepare, implement, and maintain a site specific Stormwater Pollution Prevention Plan (SWPPP) for corporation yards, including municipal vehicle maintenance, heavy equipment and maintenance vehicle parking areas, and material storage facilities to comply with water quality standards. Each SWPPP shall incorporate all applicable BMPs that are described in the California Stormwater Quality Association's Handbook for Municipal Operations and the Caltrans Storm Water Quality Handbook Maintenance Staff Guide, May 2003, and its addenda, as appropriate.
- (2) The requirements in this provision shall apply only to facilities that are not already covered under the State Board's Industrial Stormwater NPDES General Permit.
- (3) The site specific SWPPPs for corporation yards shall be completed by July 1, 2010.

**ii. Implementation Level**

- (1) Implement BMPs to minimize pollutant discharges in stormwater and prohibit non-stormwater discharges, such as wash waters and street sweeper, vacor, and other related equipment cleaning wash water. Pollution control actions shall include, but not be limited to, good housekeeping practices, material and waste storage control, and vehicle leak and spill control.
- (2) Routinely inspect corporation yards to ensure that no non-stormwater discharges are entering the storm drain system and, during storms, pollutant discharges are prevented to the maximum extent practicable. At a minimum, an inspection shall occur before the start of the rainy season.
- (3) Plumb all vehicle and equipment wash areas to the sanitary sewer after coordination with the local sanitary sewer agency and equip with a pretreatment device (if necessary) in accordance with the requirements of the local sanitary sewer agency.
- (4) Use dry cleanup methods when cleaning debris and spills from corporation yards. If wet cleaning methods must be used (e.g., pressure washing), the Permittee shall ensure that wash water is collected and disposed in the sanitary sewer after coordination with the local sanitary sewer agency and in accordance with the requirements of the local sanitary sewer agency. Any private companies hired by the Permittee to perform cleaning activities on Permittee-owned property shall follow the same requirements. In areas where sanitary sewer connection is not available, the Permittees shall collect and haul the wash water to a municipal

wastewater treatment plant, or implement appropriate BMPs and dispose of the wastewater to land in a manner that does not adversely impact surface water or groundwater.

- (5) Outdoor storage areas containing waste pollutants shall be covered and/or bermed to prevent discharges of polluted stormwater runoff or run-on to storm drain inlets.

**iii. Reporting** – The Permittees shall report on implementation of SWPPPs, the results of inspections, and any follow-up actions in their Annual Report.



### C.3. New Development and Redevelopment

The goal of Provision C.3 is for the Permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. This goal is to be accomplished primarily through the implementation of low impact development (LID) techniques.

#### C.3.a. New Development and Redevelopment Performance Standard Implementation

**i. Task Description** – At a minimum each Permittee shall:

- (1) Have adequate legal authority to implement all requirements of Provision C.3;
- (2) Have adequate development review and permitting procedures to impose conditions of approval or other enforceable mechanisms to implement the requirements of Provision C.3. For projects discharging directly to CWA section 303(d)-listed waterbodies, conditions of approval must require that post-development runoff not exceed pre-development levels for such pollutants that are listed;
- (3) Evaluate potential water quality effects and identify appropriate mitigation measures when conducting environmental reviews, such as under CEQA;
- (4) Provide training adequate to implement the requirements of Provision C.3 for staff, including interdepartmental training;
- (5) Provide outreach adequate to implement the requirements of Provision C.3, including providing education materials to municipal staff, developers, contractors, construction site operators, and owner/builders, early in the planning process and as appropriate;
- (6) For all new development and redevelopment projects that are subject to the Permittee's planning, building, development, or other comparable review, but not regulated by Provision C.3, encourage the inclusion of adequate site design measures that may include minimizing land disturbance and impervious surfaces (especially parking lots); clustering of structures and pavement; directing roof runoff to vegetated areas; use of micro-detention, including distributed landscape-based detention; preservation of open space; protection and/or restoration of riparian areas and wetlands as project amenities;
- (7) For all new development and redevelopment projects that are subject to the Permittee's planning, building, development, or other comparable review, but not regulated by Provision C.3, encourage the inclusion of adequate source control measures to limit pollutant generation, discharge, and runoff. These source control measures should include:
  - Storm drain stenciling.

- Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
  - Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
  - Covered trash, food waste, and compactor enclosures.
  - Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
    - Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
    - Dumpster drips from covered trash and food compactor enclosures.
    - Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
    - Swimming pool water, if discharge to onsite vegetated areas is not a feasible option.
    - Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.
- (8) Revise, as necessary, General Plans to integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies (e.g., referencing the Bay-Friendly Landscape Guidelines).
- ii. **Implementation Level** – Most of the elements of this task should already be fully implemented because they are required in the Permittees' existing stormwater permits.
- Due Dates for Full Implementation** – Immediate for C.3.a.i.(1)-(5), May 1, 2010 for C.3.a.i.(6)-(7), and December 1, 2010 for C.3.a.i.(8). For Vallejo Permittees: December 1, 2010 for C.3.a.i.(1)-(8)
- iii. **Reporting** – Provide a brief summary of the method(s) of implementation of Provisions C.3.a.i.(1)-(8) in the 2011 Annual Report.

### C.3.b. Regulated Projects

- i. **Task Description** – The Permittees shall require all projects fitting the category descriptions listed in Provision C.3.b.ii below (hereinafter called Regulated Projects) to implement LID source control, site design, and stormwater treatment onsite or at a joint stormwater treatment facility<sup>2</sup> in accordance with Provisions C.3.c and C.3.d, unless the Provision C.3.e alternate compliance options are evoked. For adjacent Regulated Projects that will discharge runoff to a joint stormwater treatment facility, the treatment facility must be completed by

<sup>2</sup> **Joint stormwater treatment facility** – Stormwater treatment facility built to treat the combined runoff from two or more Regulated Projects located adjacent to each other,

the end of construction of the first Regulated Project that will be discharging runoff to the joint stormwater treatment facility.

Regulated Projects, as they are defined in this Provision, do not include detached single-family home projects that are not part of a larger plan of development.

**ii. Regulated Projects are defined in the following categories:**

**(1) Special Land Use Categories**

(a) **New Development or redevelopment projects** that fall into one of the categories listed below and that create and/or replace 10,000 square feet or more of impervious surface (collectively over the entire project site). This category includes development projects of the following four types on public or private land that fall under the planning and building authority of a Permittee:

- (i) Auto service facilities, described by the following Standard Industrial Classification (SIC) Codes: 5013, 5014, 5541, 7532-7534, and 7536-7539;
- (ii) Retail gasoline outlets;
- (iii) Restaurants (SIC Code 5812); or
- (iv) Uncovered parking lots that are stand-alone or part of any other development project. This category includes the top uncovered portion of parking structures unless drainage from the uncovered portion is connected to the sanitary sewer along with the covered portions of the parking structure.

(b) For redevelopment projects in the categories specified in Provision C.3.b.ii.(1)(a)(i)-(iv), specific exclusions are:

- (i) Interior remodels;
- (ii) Routine maintenance or repair such as:
  - roof or exterior wall surface replacement,
  - pavement resurfacing within the existing footprint.

(c) Where a redevelopment project in the categories specified in Provision C.3.b.ii.(1)(a)(i)-(iv) results in an alteration of **more than 50 percent** of the impervious surface of a previously existing development that was not subject to Provision C.3, the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire redevelopment project).

(d) Where a redevelopment project in the categories specified in Provision C.3.b.ii.(1)(a)(i)-(iv) results in an alteration of **less than 50 percent** of the impervious surface of a previously existing development that was not subject to Provision C.3, only the new and/or replaced impervious surface of the project must be included in the treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the new and/or replaced impervious surface of the project).

- (e) For any private development project in the categories specified in Provisions C.3.b.ii.(1)(a)(i)-(iv) for which a planning application has been deemed complete by a Permittee on or before the Permit effective date, the lower 5000 square feet impervious surface threshold (for classification as a Regulated Project) shall not apply so long as the project applicant is diligently pursuing the project. Diligent pursuance may be demonstrated by the project applicant's submittal of supplemental information to the original application, plans, or other documents required for any necessary approvals of the project by the Permittee. If during the time period between the Permit effective date and the required implementation date of December 1, 2011, for the 5000 square feet threshold, the project applicant has not taken any action to obtain the necessary approvals from the Permittee, the project will then be subject to the lower 5000 square feet impervious surface threshold specified in Provision C.3.b.ii.(1).
- (f) For any private development project in the categories specified in Provisions C.3.b.ii.(1)(a)(i)-(iv) with an application deemed complete after the Permit effective date, the lower 5000 square feet impervious surface threshold (for classification as a Regulated Project) shall not apply if the project applicant has received final discretionary approval for the project before the required implementation date of December 1, 2011, for the 5000 square feet threshold.
- (g) For public projects for which funding has been committed and construction is scheduled to begin by December 1, 2012, the lower 5000 square feet of impervious surface threshold (for classification as a Regulated Project) shall not apply.

**Effective Date** – Immediate, except December 1, 2010, for Vallejo Permittees.

Beginning December 1, 2011, all references to 10,000 square feet in Provision C.3.b.ii.(1) change to 5,000 square feet.

(2) **Other Development Projects**

New development projects that create 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial, industrial, residential housing subdivisions (i.e., detached single-family home subdivisions, multi-family attached subdivisions (town homes), condominiums, and apartments), mixed-use, and public projects. This category includes development projects on public or private land that fall under the planning and building authority of a Permittee. Detached single-family home projects that are not part of a larger plan of development are specifically excluded.

**Effective Date** – Immediate, except December 1, 2010, for Vallejo Permittees.

(3) **Other Redevelopment Projects**

Redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial, industrial, residential housing subdivisions (i.e., detached single-family home subdivisions, multi-family attached subdivisions (town homes), condominiums, and apartments), mixed-use, and public projects. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. This category includes redevelopment projects on public or private land that fall under the planning and building authority of a Permittee.

Specific exclusions to this category are:

- Interior remodels.
  - Routine maintenance or repair such as:
    - roof or exterior wall surface replacement, or
    - pavement resurfacing within the existing footprint.
- (a) Where a redevelopment project results in an alteration of **more than 50 percent** of the impervious surface of a previously existing development that was not subject to Provision C.3, the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire redevelopment project).
- (b) Where a redevelopment results in an alteration of **less than 50 percent** of the impervious surface of a previously existing development that was not subject to Provision C.3, only the new and/or replaced impervious surface of the project must be included in the treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the new and/or replaced impervious surface of the project).

**Effective Date** – Immediate, except December 1, 2010, for Vallejo Permittees.

(4) **Road Projects**

Any of the following types of road projects that create 10,000 square feet or more of newly constructed contiguous impervious surface and that fall under the building and planning authority of a Permittee:

- (a) Construction of new streets or roads, including sidewalks and bicycle lanes built as part of the new streets or roads.
- (b) Widening of existing streets or roads with additional traffic lanes.
- (i) Where the addition of traffic lanes results in an alteration of **more than 50 percent** of the impervious surface of an existing street or road that was not subject to Provision C.3, **the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design** (i.e.,

stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire street or road that had additional traffic lanes added).

- (ii) Where the addition of traffic lanes results in an alteration of **less than 50 percent** of the impervious surface of an existing street or road that was not subject to Provision C.3, **only the new and/or replaced impervious surface of the project must be included in the treatment system design** (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from only the new traffic lanes). However, if the stormwater runoff from the existing traffic lanes and the added traffic lanes cannot be separated, any onsite treatment system must be designed and sized to treat stormwater runoff from the entire street or road. If an offsite treatment system is installed or in-lieu fees paid in accordance with Provision C.3.e, the offsite treatment system or in-lieu fees must address only the stormwater runoff from the added traffic lanes.
- (c) Construction of impervious trails that are greater than 10 feet wide or are creek-side (within 50 feet of the top of bank).
- (d) Specific exclusions to Provisions C.3.b.ii.(4)(a)-(c) are:
- Sidewalks built as part of new streets or roads and built to direct stormwater runoff to adjacent vegetated areas.
  - Bicycle lanes that are built as part of new streets or roads but are not hydraulically connected to the new streets or roads and that direct stormwater runoff to adjacent vegetated areas.
  - Impervious trails built to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees.
  - Sidewalks, bicycle lanes, or trails constructed with permeable surfaces.<sup>3</sup>
  - Caltrans highway projects and associated facilities.
- (e) For any private road or trail project described by Provisions C.3.b.ii.(4)(b) or (c) for which a planning application has been deemed complete by a Permittee on or before the Permit effective date, the requirements of Provisions C.3.b.ii.(4)(b) or (c) to classify the project as a Regulated Project shall not apply so long as the project applicant is diligently pursuing the project. Diligent pursuance may be demonstrated by the project applicant's submittal of supplemental information to the original application, plans, or other documents required for any necessary approvals of the project by the Permittee. If during the time period between the Permit effective date and the required implementation date of December 1, 2011, for Provisions C.3.b.ii.(4)(b) and (c), the project applicant has not taken

<sup>3</sup> Permeable surfaces include pervious concrete, porous asphalt, unit pavers, and granular materials.

any action to obtain the necessary approvals from the Permittee, the project will then be classified as a Regulated Project under Provisions C.3.b.ii.(4)(b) or (c).

- (f) For any private road or trail project with an application deemed complete after the Permit effective date, the requirements of Provisions C.3.b.i.(4)(b) or (c) to classify the project as a Regulated Project shall not apply if the project applicant has received final discretionary approval for the project before the required implementation date of December 1, 2011, for Provisions C.3.b.ii.(4)(b) and (c).
- (g) For any public road or trail project for which funding has been committed and construction is scheduled to begin by December 1, 2012, the requirements of Provisions C.3.b.i.(4)(b) or (c) to classify the project as a Regulated Project shall not apply.

**Effective Date** – Immediate for C.3.b.ii.(4)(a) and (d)-(g), and December 1, 2011, for C.3.b.ii.(4)(b) and (c). For Vallejo Permittees: Immediate for C.3.b.ii.(4)(d)-(g), and December 1, 2011 for C.3.b.ii.(4)(a)-(c).

### iii. Green Street Pilot Projects

The Permittees shall cumulatively complete ten pilot green street projects that incorporate LID techniques for site design and treatment in accordance with Provision C.3.c and that provide stormwater treatment sized in accordance with Provision C.3.d. It is also desirable that they meet or exceed the Bay-Friendly Landscape Scorecard minimum requirements (see [www.BayFriendly.org](http://www.BayFriendly.org)).

- (1) Parking lot projects that provide LID treatment in accordance with Provisions C.3.c and Provision C.3.d. for stormwater runoff from the parking lot and street may be considered pilot green street projects.
- (2) A Regulated Project (as defined in Provision C.3.b.ii) may not be counted as one of the ten pilot green street projects.
- (3) At least two pilot green street projects must be located in each of the following counties: Alameda, Contra Costa, San Mateo, and Santa Clara.
- (4) The Permittees shall construct the ten pilot green street projects in such a manner that they, as a whole:
  - (a) Are representative of the various types of streets: arterial, collector, and local; and
  - (b) Contain the following key elements:
    - (i) Stormwater storage for landscaping reuse or stormwater treatment and/or infiltration for groundwater replenishment through the use of natural feature systems;
    - (ii) Creation of attractive streetscapes that enhance neighborhood livability by enhancing the pedestrian environment and introducing park-like elements into neighborhoods;

- (iii) Service as an urban greenway segment that connects neighborhoods, parks, recreation facilities, schools, mainstreets, and wildlife habitats;
  - (iv) Parking management that includes maximum parking space requirements as opposed to minimum parking space requirements, parking requirement credits for subsidized transit or shuttle service, parking structures, shared parking, car sharing, or on-street diagonal parking;
  - (v) Meets broader community goals by providing pedestrian and, where appropriate, bicycle access; and
  - (vi) Located in a Priority Development Area as designated under the Association of Bay Area Government's and Metropolitan Transportation Commission's FOCUS<sup>4</sup> program.
- (5) The Permittees shall conduct appropriate monitoring of these projects to document the water quality benefits achieved. Appropriate monitoring may include modeling using the design specifications and specific site conditions.

**Due Date** – All pilot green street projects shall be completed by December 1, 2014.

- iv. Implementation Level** – All elements of Provision C.3.b.i.-iii shall be fully implemented by the effective/due dates set forth in their respective sub-provision, and a database or equivalent tabular format shall be developed and maintained that contains all the information listed under Reporting (Provision C.3.b.v.).

**Due Dates for Full Implementation** – See specific Effective Dates listed under Provisions C.3.b.ii& iii. The database or equivalent tabular format required by Provision C.3.b.iv shall be developed by December 1, 2010. (For Vallejo Permittees: December 1, 2011)

**v. Reporting**

**(1) Annual Reporting – C.3.b.ii. Regulated Projects**

For each Regulated Project approved during the fiscal year reporting period, the following information shall be reported electronically in the fiscal year Annual Report, in tabular form (as set forth in the attached Provision C.3.b. Sample Reporting Table):

- (a) Project Name, Number, Location (cross streets), and Street Address;
- (b) Name of Developer, Phase No. (if project is being constructed in phases, each phase should have a separate entry), Project Type (e.g., commercial, industrial, multiunit residential, mixed-use, public), and description;
- (c) Project watershed;
- (d) Total project site area and total area of land disturbed;

<sup>4</sup> FOCUS is a regional incentive-based development and conservation strategy for the Bay Area.



- (e) Total new impervious surface area and/or total replaced impervious surface area;
  - (f) If redevelopment or road widening project, total pre-project impervious surface area and total post-project impervious surface area;
  - (g) Status of project (e.g., application date, application deemed complete date, project approval date);
  - (h) Source control measures;
  - (i) Site design measures;
  - (j) All post-construction stormwater treatment systems installed onsite, at a joint stormwater treatment facility, and/or at an offsite location;
  - (k) Operation and maintenance responsibility mechanism for the life of the project.
  - (l) Hydraulic Sizing Criteria used;
  - (m) Alternative compliance measures for Regulated Project (if applicable)
    - (i) If alternative compliance will be provided at an offsite location in accordance with Provision C.3.e.i.(1), include information required in Provision C.3.b.v.(a) – (l) for the offsite project; and
    - (ii) If alternative compliance will be provided by paying in-lieu fees in accordance with Provision C.3.e.i.(2), provide information required in Provision C.3.b.v.(a) – (l) for the Regional Project. Additionally, provide a summary of the Regional Project's goals, duration, estimated completion date, total estimated cost of the Regional Project, and estimated monetary contribution from the Regulated Project to the Regional Project; and
  - (n) Hydromodification (HM) Controls (see Provision C.3.g.) – If not required, state why not. If required, state control method used.
- (2) **Pilot Green Streets Project Reporting - Provision C.3.b.iii.**
- (a) On an annual basis, the Permittees shall report on the status of the pilot green street projects.
  - (b) For each completed project, the Permittees shall report the capital costs, operation and maintenance costs, legal and procedural arrangements in place to address operation and maintenance and its associated costs, and the sustainable landscape measures incorporated in the project including, if relevant, the score from the Bay-Friendly Landscape Scorecard.
  - (c) The 2013 Annual Report shall contain a summary of all green street projects completed by January 1, 2013. The summary shall include for each completed project the following information:
    - (i) Location of project
    - (ii) Size of project, including total impervious surface treated
    - (iii) Map(s) of project showing areas where stormwater runoff will be treated by LID measures

- (iv) Specific type(s) of LID treatment measures included
- (v) Total and specific costs of project
- (vi) Specific funding sources for project and breakdown of percentage paid by each funding source
- (vii) Lessons learned, including recommendations to facilitate funding and building of future projects
- (viii) Identification of responsible party and funding source for operation and maintenance.

### C.3.c. Low Impact Development (LID)

The goal of LID is to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes.

#### Task Description

i. The Permittees shall, at a minimum, implement the following LID requirements:

#### (1) Source Control Requirements

Require all Regulated Projects to implement source control measures onsite that at a minimum, shall include the following:

- (a) Minimization of stormwater pollutants of concern in urban runoff through measures that may include plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants;
  - Dumpster drips from covered trash, food waste and compactor enclosures;
  - Discharges from covered outdoor wash areas for vehicles, equipment, and accessories;
  - Swimming pool water, if discharge to onsite vegetated areas is not a feasible option; and
  - Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option;
- (b) Properly designed covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas;
- (c) Properly designed trash storage areas;

- (d) Landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping;
- (e) Efficient irrigation systems; and
- (f) Storm drain system stenciling or signage.

(2) **Site Design and Stormwater Treatment Requirements**

- (a) Require each Regulated Project to implement at least the following design strategies onsite:
  - (i) Limit disturbance of natural water bodies and drainage systems; minimize compaction of highly permeable soils; protect slopes and channels; and minimize impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies;
  - (ii) Conserve natural areas, including existing trees, other vegetation, and soils;
  - (iii) Minimize impervious surfaces;
  - (iv) Minimize disturbances to natural drainages; and
  - (v) Minimize stormwater runoff by implementing one or more of the following site design measures:
    - Direct roof runoff into cisterns or rain barrels for reuse.
    - Direct roof runoff onto vegetated areas.
    - Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
    - Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
    - Construct sidewalks, walkways, and/or patios with permeable surfaces.<sup>3</sup>
    - Construct driveways, bike lanes, and/or uncovered parking lots with permeable surfaces.<sup>3</sup>
- (b) Require each Regulated Project to treat 100% of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures onsite or with LID treatment measures at a joint stormwater treatment facility.
  - (i) LID treatment measures are harvesting and re-use, infiltration, evapotranspiration, or biotreatment.
  - (ii) A properly engineered and maintained biotreatment system may be considered only if it is infeasible to implement harvesting and re-use, infiltration, or evapotranspiration at a project site.
  - (iii) Infeasibility to implement harvesting and re-use, infiltration, or evapotranspiration at a project site may result from conditions including the following:

- Locations where seasonal high groundwater would be within 10 feet of the base of the LID treatment measure.
  - Locations within 100 feet of a groundwater well used for drinking water.
  - Development sites where pollutant mobilization in the soil or groundwater is a documented concern.
  - Locations with potential geotechnical hazards.
  - Smart growth and infill or redevelopment sites where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
  - Locations with tight clay soils that significantly limit the infiltration of stormwater.
- (iv) By May 1, 2011, the Permittees, collaboratively or individually, shall submit a report on the criteria and procedures the Permittees shall employ to determine when harvesting and re-use, infiltration, or evapotranspiration is feasible and infeasible at a Regulated Project site. This report shall, at a minimum, contain the information required in Provision C.3.c.iii.(1).
- (v) By December 1, 2013, the Permittees, collaboratively or individually, shall submit a report on their experience with determining infeasibility of harvesting and re-use, infiltration, or evapotranspiration at Regulated Project sites. This report shall, at a minimum, contain the information required in Provision C.3.c.iii.(2).
- (vi) Biotreatment systems shall be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate. The planting and soil media for biotreatment systems shall be designed to sustain plant growth and maximize stormwater runoff retention and pollutant removal. By December 1, 2010, the Permittees, working collaboratively or individually, shall submit for Water Board approval, a proposed set of model biotreatment soil media specifications and soil infiltration testing methods to verify a long-term infiltration rate of 5 to 10 inches/hour. This submittal to the Water Board shall, at a minimum, contain the information required in Provision C.3.c.iii.(3). Once the Water Board approves biotreatment soil media specifications and soil infiltration testing methods, the Permittees shall ensure that biotreatment systems installed to meet the requirements of Provision C.3.c and d comply with the Water Board-approved minimum specifications and soil infiltration testing methods.
- (vii) Green roofs may be considered biotreatment systems that treat roof runoff only if they meet certain minimum specifications. By May 1, 2011, the Permittees shall submit for Water Board approval, proposed minimum specifications for green roofs.

This submittal to the Water Board shall, at a minimum, contain the information required in Provision C.3.c.iii.(4). Once the Water Board approves green roof minimum specifications, the Permittees shall ensure that green roofs installed to meet the requirements of Provision C.3.c and d comply with the Water Board-approved minimum specifications.

- (c) Require any Regulated Project that does not comply with Provision C.3.c.i.(2)(b) above to meet the requirements established in Provision C.3.e for alternative compliance.

- ii. **Implementation Level** – All elements of the tasks described in Provision C.3.c.i shall be fully implemented.

**Due Date for Full Implementation** – December 1, 2011

- (1) For any private development project for which a planning application has been deemed complete by a Permittee on or before the Permit effective date, Provision C.3.c.i shall not apply so long as the project applicant is diligently pursuing the project. Diligent pursuance may be demonstrated by the project applicant's submittal of supplemental information to the original application, plans, or other documents required for any necessary approvals of the project by the Permittee. If during the time period between the Permit effective date and the required implementation date of December 1, 2011, the project applicant has not taken any action to obtain the necessary approvals from the Permittee, the project will then be subject to the requirements of Provision C.3.c.i.
- (2) For any private development project with an application deemed complete after the Permit effective date, the requirements of Provision C.3.c.i shall not apply if the project applicant has received final discretionary approval for the project before the required implementation date of December 1, 2011.
- (3) For public projects for which funding has been committed and construction is scheduled to begin by December 1, 2012, the requirements of Provision C.3.c.i shall not apply.

iii. **Reporting**

- (1) Feasibility/Infeasibility Criteria Report - By May 1, 2011, the Permittees, collaboratively or individually, shall submit a report to the Water Board containing the following information:
- Literature review and discussion of documented cases/sites, particularly in the Bay Area and California, where infiltration, harvesting and reuse, or evapotranspiration have been demonstrated to be feasible and/or infeasible.
  - Discussion of proposed feasibility and infeasibility criteria and procedures the Permittees shall employ to make a determination of when biotreatment will be allowed at a Regulated Project site.

- (2) Status Report on Application of Feasibility/Infeasibility Criteria – By December 1, 2013, the Permittees shall submit a report to the Water Board containing the following information:
- Discussion of the most common feasibility and infeasibility criteria employed since implementation of Provision C.3.c requirements, including site-specific examples;
  - Discussion of barriers, including institutional and technical site specific constraints, to implementation of harvesting and reuse, infiltration, or evapotranspiration, and proposed strategies for removing these identified barriers;
  - If applicable, discussion of proposed changes to feasibility and infeasibility criteria and rationale for the changes; and
  - Guidance for the Permittees to make a consistent and appropriate determination of the feasibility of harvesting and reuse, infiltration, or evapotranspiration for each Regulated Project.
- (3) Model Biotreatment Soil Media Specifications - By December 1, 2010, the Permittees, collaboratively or individually, shall submit a report to the Water Board containing the following information:
- Proposed soil media specifications for biotreatment systems;
  - Proposed soil testing methods to verify a long-term infiltration rate of 5-10 inches/hour;
  - Relevant literature and field data showing the feasibility of the minimum design specifications;
  - Relevant literature, field, and analytical data showing adequate pollutant removal and compliance with the Provision C.3.d hydraulic sizing criteria; and
  - Guidance for the Permittees to apply the minimum specifications in a consistent and appropriate manner.
- (4) Green Roof Minimum Specifications - By May 1, 2011, the Permittees, collaboratively or individually, shall submit a report to the Water Board containing the following information:
- Proposed minimum design specifications for green roofs;
  - Relevant literature and field data showing the feasibility of the minimum design specifications;
  - Relevant literature, field, and analytical data showing adequate pollutant removal and compliance with the Provision C.3.d hydraulic sizing criteria;
  - Discussion of data and lessons learned from already installed green roofs;
  - Discussion of barriers, including institutional and technical site specific constraints, to installation of green roofs and proposed strategies for removing these identified barriers; and

- Guidance for the Permittees to apply the minimum specifications in a consistent and appropriate manner.
- (5) Report the method(s) of implementation of Provisions C.3.c.i above in the 2012 Annual Report. For specific tasks listed above that are reported using the reporting tables required for Provision C.3.b.v, a reference to those tables will suffice.

**C.3.d. Numeric Sizing Criteria for Stormwater Treatment Systems**

- i. Task Description** – The Permittees shall require that stormwater treatment systems constructed for Regulated Projects meet at least one of the following hydraulic sizing design criteria:
- (1) **Volume Hydraulic Design Basis** – Treatment systems whose primary mode of action depends on volume capacity shall be designed to treat stormwater runoff equal to:
    - (a) The maximized stormwater capture volume for the area, on the basis of historical rainfall records, determined using the formula and volume capture coefficients set forth in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998), pages 175–178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or
    - (b) The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Section 5 of the California Stormwater Quality Association's Stormwater Best Management Practice Handbook, New Development and Redevelopment (2003), using local rainfall data.
  - (2) **Flow Hydraulic Design Basis** – Treatment systems whose primary mode of action depends on flow capacity shall be sized to treat:
    - (a) 10 percent of the 50-year peak flowrate;
    - (b) The flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or
    - (c) The flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.
  - (3) **Combination Flow and Volume Design Basis** – Treatment systems that use a combination of flow and volume capacity shall be sized to treat at least 80 percent of the total runoff over the life of the project, using local rainfall data.
- ii. Implementation Level** – The Permittees shall immediately require the controls in this task.
- Due Date for Full Implementation** – Immediate, except December 1, 2010, for Vallejo Permittees.
- iii. Reporting** – Permittees shall use the reporting tables required in Provision C.3.b.v.

**iv. Limitations on Use of Infiltration Devices in Stormwater Treatment Systems**

- (1) For Regulated Projects, each Permittee shall review planned land use and proposed treatment design to verify that installed stormwater treatment systems with no under-drain, and that function primarily as infiltration devices, should not cause or contribute to the degradation of groundwater quality at project sites. An infiltration device is any structure that is deeper than wide and designed to infiltrate stormwater into the subsurface and, as designed, bypass the natural groundwater protection afforded by surface soil. Infiltration devices include dry wells, injection wells, and infiltration trenches (includes french drains).
- (2) For any Regulated Project that includes plans to install stormwater treatment systems which function primarily as infiltration devices, the Permittee shall require that:
  - (a) Appropriate pollution prevention and source control measures are implemented to protect groundwater at the project site, including the inclusion of a minimum of two feet of suitable soil to achieve a maximum 5 inches/hour infiltration rate for the infiltration system;
  - (b) Adequate maintenance is provided to maximize pollutant removal capabilities;
  - (c) The vertical distance from the base of any infiltration device to the seasonal high groundwater mark is at least 10 feet. (Note that some locations within the Permittees' jurisdictions are characterized by highly porous soils and/or high groundwater tables. In these areas, a greater vertical distance from the base of the infiltration device to the seasonal high groundwater mark may be appropriate, and treatment system approvals should be subject to a higher level of analysis that considers the potential for pollutants (such as from onsite chemical use), the level of pretreatment to be achieved, and other similar factors in the overall analysis of groundwater safety);
  - (d) Unless stormwater is first treated by a method other than infiltration, infiltration devices are not approved as treatment measures for runoff from areas of industrial or light industrial activity; areas subject to high vehicular traffic (i.e., 25,000 or greater average daily traffic on a main roadway or 15,000 or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (e.g., bus, truck); nurseries; and other land uses that pose a high threat to water quality;
  - (e) Infiltration devices are not placed in the vicinity of known contamination sites unless it has been demonstrated that increased infiltration will not increase leaching of contaminants from soil, alter groundwater flow conditions affecting contaminant migration in groundwater, or adversely affect remedial activities; and
  - (f) Infiltration devices are located a minimum of 100 feet horizontally away from any known water supply wells, septic systems, and



underground storage tanks with hazardous materials. (Note that some locations within the Permittees' jurisdictions are characterized by highly porous soils and/or high groundwater tables. In these areas, a greater horizontal distance from the infiltration device to known water supply wells, septic systems, or underground storage tanks with hazardous materials may be appropriate, and treatment system approvals should be subject to a higher level of analysis that considers the potential for pollutants (such as from onsite chemical use), the level of pretreatment to be achieved, and other similar factors in the overall analysis of groundwater safety).

**C.3.e. Alternative or In-Lieu Compliance with Provision C.3.c.**

i. The Permittees may allow a Regulated Project to provide alternative compliance with Provision C.3.c in accordance with one of the two options listed below:

**(1) Option 1: LID Treatment at an Offsite Location**

Treat a portion of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures onsite or with LID treatment measures at a joint stormwater treatment facility **and** treat the remaining portion of the Provision C.3.d runoff with LID treatment measures at an offsite project in the same watershed. The offsite LID treatment measures must provide hydraulically-sized treatment (in accordance with Provision C.3.d) of an equivalent quantity of both stormwater runoff and pollutant loading and achieve a net environmental benefit.

**(2) Option 2: Payment of In-Lieu Fees**

Treat a portion of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures onsite or with LID treatment measures at a joint stormwater treatment facility **and** pay equivalent in-lieu fees<sup>5</sup> to treat the remaining portion of the Provision C.3.d runoff with LID treatment measures at a Regional Project.<sup>6</sup> The Regional Project must achieve a net environmental benefit.

**(3)** For the alternative compliance options described in Provision C.3.e.i.(1) and (2) above, offsite projects must be constructed by the end of construction of the Regulated Project. If more time is needed to construct the offsite project, for each additional year, up to three years, after the construction of the Regulated Project, the offsite project must provide an additional 10% of the calculated equivalent quantity of both stormwater runoff and pollutant loading. Regional Projects must be completed within three years after the end of construction of the Regulated Project. However, the timeline for completion of the Regional Project may be

<sup>5</sup> **In-lieu fees** – Monetary amount necessary to provide both hydraulically-sized treatment (in accordance with Provision C.3.d) with LID treatment measures of an equivalent quantity of stormwater runoff and pollutant loading, and a proportional share of the operation and maintenance costs of the Regional Project.

<sup>6</sup> **Regional Project** – A regional or municipal stormwater treatment facility that discharges into the same watershed that the Regulated Project does.

extended, up to five years after the completion of the Regulated Project, with prior Executive Officer approval. Executive Officer approval will be granted contingent upon a demonstration of good faith efforts to implement the Regional Project, such as having funds encumbered and applying for the appropriate regulatory permits.

**ii. Special Projects**

- (1) When considered at the watershed scale, certain types of smart growth, high density, and transit-oriented development can either reduce existing impervious surfaces, or create less “accessory” impervious areas and automobile-related pollutant impacts. Incentive LID treatment reduction credits approved by the Water Board may be applied to these types of Special Projects.
- (2) By December 1, 2010, the Permittees shall submit a proposal to the Water Board containing the following information:
  - Identification of the types of projects proposed for consideration of LID treatment reduction credits and an estimate of the number and cumulative area of potential projects during the remaining term of this Permit for each type of project;
  - Identification of institutional barriers and/or technical site-specific constraints to providing 100% LID treatment onsite that justify the allowance for non-LID treatment measures onsite;
  - Specific criteria for each type of Special Project proposed, including size, location, minimum densities, minimum floor area ratios, or other appropriate limitations;
  - Identification of specific water quality and environmental benefits provided by these types of projects that justify the allowance for non-LID treatment measures onsite;
  - Proposed LID treatment reduction credit for each type of Special Project and justification for the proposed credits. The justification shall include identification and an estimate of the specific water quality benefit provided by each type of Special Project proposed for LID treatment reduction credit; and
  - Proposed total treatment reduction credit for Special Projects that may be characterized by more than one category and justification for the proposed total credit.

**iii. Effective Date** – December 1, 2011.

**iv. Implementation Level**

- (1) For any private development project for which a planning application has been deemed complete by a Permittee on or before the Permit effective date, Provisions C.3.e.i-ii shall not apply so long as the project applicant is diligently pursuing the project. Diligent pursuance may be demonstrated by the project applicant’s submittal of supplemental information to the original application, plans, or other documents required for any necessary

approvals of the project by the Permittee. If during the time period between the Permit effective date and the required implementation date of December 1, 2011, the project applicant has not taken any action to obtain the necessary approvals from the Permittee, the project will then be subject to the requirements of Provision C.3.e.i-ii.

- (2) For public projects for which funding has been committed and construction is scheduled to begin by December 1, 2012, the requirements of Provisions C.3.e.i-ii shall not apply.
  - (3) Provisions C.3.e.i-ii supersede any Alternative Compliance Policies previously approved by the Executive Officer
  - (4) For all offsite projects and Regional Projects installed in accordance with Provision C.3.e.i-ii, the Permittees shall meet the Operation & Maintenance (O&M) requirements of Provision C.3.h.
- v. **Reporting** – The Permittees shall submit the ordinance/legal authority and procedural changes made, if any, to implement Provision C.3.e with their 2012 Annual Report. Annual reporting thereafter shall be done in conjunction with reporting requirements under Provision C.3.b.v.

Any Permittee choosing to require 100% LID treatment onsite for all Regulated Projects and not allow alternative compliance under Provision C.3.e, shall include a statement to that effect in the 2012 Annual Report and all subsequent Annual Reports.

#### **C.3.f. Alternative Certification of Stormwater Treatment Systems**

- i. **Task Description** – In lieu of reviewing a Regulated Project's adherence to Provision C.3.d, a Permittee may elect to have a third party conduct detailed review and certify the Regulated Project's adherence to Provision C.3.d. The third party reviewer must be a Civil Engineer or a Licensed Architect or Landscape Architect registered in the State of California, or staff of another Permittee subject to the requirements of this Permit.
- ii. **Implementation Level** – Any Permittee accepting third-party reviews must make a reasonable effort to ensure that the third party has no conflict of interest with regard to the Regulated Project in question. That is, any consultant or contractor (or his/her employees) hired to design and/or construct a stormwater treatment system for a Regulated Project shall not also be the certifying third party. The Permittee must verify that the third party certifying any Regulated Project has current training on stormwater treatment system design (within three years of the certification signature date) for water quality and understands the groundwater protection principles applicable to Regulated Project sites.

Training conducted by an organization with stormwater treatment system design expertise (such as a college or university, the American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, California Water Environment Association (CWEA), BASMAA, National Association of Flood & Stormwater Management Agencies, California

Stormwater Quality Association (CASQA), or the equivalent, may be considered qualifying training.

- iii. **Reporting** – Projects reviewed by third parties shall be noted in reporting tables for Provision C.3.b.

### C.3.g. Hydromodification Management

- i. **Hydromodification Management (HM) Projects** are Regulated Projects that create and/or replace one acre or more of impervious surface and are not specifically excluded within the requirements of Attachments B–F. A project that does not increase impervious surface area over the pre-project condition is not an HM Project. All HM Projects shall meet the Hydromodification Management Standard of Provision C.3.g.ii.

ii. **HM Standard**

Stormwater discharges from HM Projects shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition. Increases in runoff flow and volume shall be managed so that post-project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force. The demonstration that post-project stormwater runoff does not exceed estimated pre-project runoff rates and durations shall include the following:

- (1) **Range of Flows to Control:** For Alameda, Contra Costa, San Mateo, and Santa Clara Permittees, HM controls shall be designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 10 % of the pre-project 2-year peak flow<sup>7</sup> up to the pre-project 10-year peak flow. For Fairfield-Suisun Permittees, HM controls shall be designed such that post-project stormwater discharge rates and durations shall match from 20 percent of the 2-year peak flow up to the pre-project 10-year peak flow. Contra Costa Permittees, when using pre-sized and pre-designed Integrated Management Practices (IMPs) per Attachment C of this Order, are not required to meet the low-flow criterion of 10% of the 2-year peak flow. These IMPs are designed to control 20% of the 2-year peak flow. After the Contra Costa Permittees conduct the required monitoring specified in Attachment C, the design of these IMPs will be reviewed.
- (2) **Goodness of Fit Criteria:** The post-project flow duration curve shall not deviate above the pre-project flow duration curve by more than 10 percent

<sup>7</sup> Where referred to in this Order, the 2-year peak flow is determined using a flood frequency analysis based on USGS Bulletin 17 B to obtain the peak flow statistically expected to occur at a 2-year recurrence interval. In this analysis, the appropriate record of hourly rainfall data (e.g., 35-50 years of data) is run through a continuous simulation hydrologic model, the annual peak flows are identified, rank ordered, and the 2-year peak flow is estimated. Such models include USEPA's Hydrologic Simulation Program—Fortran (HSPF), U.S. Army Corps of Engineers' Hydrologic Engineering Center-Hydrologic Modeling System (HEC-HMS), and USEPA's Storm Water Management Model (SWMM).

over more than 10 percent of the length of the curve corresponding to the range of flows to control.

- (3) **Precipitation Data:** Precipitation data used in the modeling of HM controls shall, at a minimum, be 30 years of hourly rainfall data representative of the area being modeled. Where a longer rainfall record is available, the longer record shall be used.
- (4) **Calculating Post-Project Runoff:** Retention and detention basins shall be considered impervious surfaces for purposes of calculating post-project runoff. Pre- and post-project runoff shall be calculated and compared for the entire site, without separating or excluding areas that may be considered self-retaining.
- (5) **Existing HM Control Requirements:** The Water Board has adopted HM control requirements for all Permittees (except for the Vallejo Permittees), and these adopted requirements are attached to this Order as listed below. The Permittees shall comply with all requirements in their own Permittee-specific Attachment, unless otherwise specified by this Order. In all cases, the HM Standard shall be achieved.
  - Attachment B for Alameda Permittees
  - Attachment C for Contra Costa Permittees
  - Attachment D for Fairfield-Suisun Permittees
  - Attachment E for San Mateo Permittees
  - Attachment F for Santa Clara Permittees

### iii. Types of HM Controls

Projects shall meet the HM Standard using any of the following HM controls or a combination thereof.

- (1) **Onsite HM controls** are flow duration control structures and hydrologic source controls that collectively result in the HM Standard being met at the point(s) where stormwater runoff discharges from the project site.
- (2) **Regional HM controls** are flow duration control structures that collect stormwater runoff discharge from multiple projects (each of which shall incorporate hydrologic source control measures as well) and are designed such that the HM Standard is met for all the projects at the point where the regional HM control discharges.
- (3) **In-stream measures** shall be an option only where the stream, which receives runoff from the project, is already impacted by erosive flows and shows evidence of excessive sediment, erosion, deposition, or is a hardened channel.

In-stream measures involve modifying the receiving stream channel slope and geometry so that the stream can convey the new flow regime without increasing the potential for erosion and aggradation. In-stream measures are intended to improve long-term channel stability and prevent erosion by reducing the erosive forces imposed on the channel boundary.

In-stream measures, or a combination of in-stream and onsite controls, shall be designed to achieve the HM Standard from the point where the project(s) discharge(s) to the stream to the mouth of the stream or to achieve an equivalent degree of flow control mitigation (based on amount of impervious surface mitigated) as part of an in-stream project located in the same watershed. Designing in-stream controls requires a hydrologic and geomorphic evaluation (including a longitudinal profile) of the stream system downstream and upstream of the project. As with all in-stream activities, other regulatory permits must be obtained by the project proponent.<sup>8</sup>

**iv. Reporting**

For each HM Project approved during the reporting period, the following information shall be reported electronically in tabular form. This information shall be added to the required reporting information specified in Provision C.3.b.v.

- (1) Device(s) or method(s) used to meet the HM Standard, such as detention basin(s), bioretention unit(s), regional detention basin, or in-stream control;
- (2) Method used by the project proponent to design and size the device or method used to meet the HM Standard; and
- (3) Other information as required in the Permittee's existing HM requirements, as shown in Attachments B-F.

**v. Vallejo Permittees** shall complete the following tasks in lieu of complying with Provisions C.3.g.i-iv.

- (1) Develop a Hydrograph Modification Management Plan (HMP) for meeting the requirements of Provisions C.3.g.i-iv. The Vallejo Permittees' HMP shall be subject to approval by the Water Board.
- (2) Vallejo Permittees shall include the following in their HMP:
  - (a) A map of the City of Vallejo, delineating areas where the HM Standard applies. The HM Standard shall apply in all areas except where a project:
    - discharges stormwater runoff into creeks or storm drains that are concrete-lined or significantly hardened (e.g., with rip-rap, sackrete) downstream to their outfall in San Francisco Bay;
    - discharges to an underground storm drain discharging to the Bay; or
    - is located in a highly developed watershed.<sup>9</sup>

<sup>8</sup> In-stream control projects require a Stream Alteration Agreement from the California Department of Fish & Game, a CWA section 404 permit from the U.S. Army Corps of Engineers, and a section 401 certification from the Water Board. Early discussions with these agencies on the acceptability of an in-stream modification are necessary to avoid project delays or redesign.

<sup>9</sup> Within the context of Provision C.3.g., "highly developed watersheds" refers to catchments or subcatchments that are 65% impervious or more.

- However, plans to restore a creek reach may reintroduce the applicability of HM controls, and would need to be addressed in the HMP;
- (b) A thorough technical description of the methods project proponents may use to meet the HM Standard. Vallejo Permittees shall use the same methodologies, or similar methodologies, to those already in use in the Bay Area to meet the HM Standard. Contra Costa sizing charts may be used on projects up to ten acres after any necessary modifications are made to the sizes to control runoff rates and durations from ten percent of the pre-project 2-year peak flow to the pre-project 10-year peak flow, and adjustments are made for local rainfall and soil types;
  - (c) A description of any land use planning measures the City of Vallejo will take (e.g., stream buffers and stream restoration activities, including restoration-in-advance of floodplains, revegetation, and use of less-impacting facilities at points of discharge) to allow expected changes in stream channel cross sections, stream vegetation, and discharge rates, velocities, and/or durations without adverse impacts on stream beneficial uses;
  - (d) A description of how the Vallejo Permittees will incorporate these requirements into their local approval processes, and a schedule for doing so; and
  - (e) Guidance for City of Vallejo project proponents explaining how to meet the HM Standard.
- (3) Vallejo Permittees shall complete the HMP according to the schedule below. All required documents shall be submitted acceptable to the Executive Officer, except the HMP, which shall be submitted to the Water Board for approval. Vallejo Permittees shall report on the status of HMP development and implementation in each Annual Report and shall also provide a summary of projects incorporating measures to address Provision C.3.g and the measures used.
- By April 1, 2011, submit a detailed workplan and schedule for completion of the information required in Provision C.3.g.v.(2).
  - By December 1, 2011, submit the map required in Provision C.3.g.v.(2)(a).
  - By April 1, 2012, submit a draft HMP.
  - By December 1, 2012, provide responses to Water Board comments on the draft HMP so that the final HMP is submitted for Water Board approval by July 1, 2013.
  - Upon adoption by the Water Board, implement the HMP, which shall include the requirements of this measure. Before approval of the HMP by the Water Board, Vallejo Permittees shall encourage early implementation of measures likely to be included in the HMP.

**C.3.h. Operation and Maintenance of Stormwater Treatment Systems**

**i. Task Description** – Each Permittee shall implement an Operation and Maintenance (O&M) Verification Program.

**ii. Implementation Level** – At a minimum, the O&M Verification Program shall include the following elements:

- (1) Conditions of approval or other legally enforceable agreements or mechanisms for all Regulated Projects that, at a minimum, require at least one of the following from all project proponents and their successors in control of the Project or successors in fee title:
  - (a) The project proponent's signed statement accepting responsibility for the O&M of the installed onsite, joint, and/or offsite stormwater treatment system(s) and HM control(s) (if any) until such responsibility is legally transferred to another entity;
  - (b) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the O&M of the onsite, joint, and/or offsite installed stormwater treatment system(s) and HM control(s) (if any) until such responsibility is legally transferred to another entity;
  - (c) Written text in project deeds, or conditions, covenants and restrictions (CCRs) for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the O&M of the installed onsite, joint, and/or offsite stormwater treatment system(s) and HM control(s) (if any) until such responsibility is legally transferred to another entity; or
  - (d) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the O&M responsibility for the installed onsite, joint, and/or offsite treatment system(s) and HM control(s) (if any) to the project owner(s) or the Permittee.
- (2) Coordination with the appropriate mosquito and vector control agency with jurisdiction to establish a protocol for notification of installed stormwater treatment systems and HM controls.
- (3) Conditions of approval or other legally enforceable agreements or mechanisms for all Regulated Projects that require the granting of site access to all representatives of the Permittee, local mosquito and vector control agency staff, and Water Board staff, for the sole purpose of performing O&M inspections of the installed stormwater treatment system(s) and HM control(s) (if any).
- (4) A written plan and implementation of the plan that describes O&M (including inspection) of all Regional Projects and regional HM controls that are Permittee-owned and/or operated.
- (5) A database or equivalent tabular format of all Regulated Projects (public and private) that have installed onsite, joint, and/or offsite stormwater