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## AGREEMENT

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

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

14 RECITALS

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

17 B. WHEREAS, Section 402(p) of the CWA requires certain municipalities,  
18 industrial facilities and persons conducting certain construction activities to obtain NPDES Permits  
19 before discharging storm water into navigable waters; and,

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

22 D. WHEREAS, EPA promulgated such regulations and adopted them in November  
23 1990; and,

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

27 F. WHEREAS, SWRCB has in turn delegated its NPDES permitting authority to  
28

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

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

6 H. WHEREAS, on November 20, 2000, CFC&WCD, COUNTY, CVWD and  
7 CITIES reapplied for an area-wide NPDES Permit; and,

8 I. WHEREAS, the NPDES Permit reapplication was submitted in accordance with  
9 the previous NPDES Permit (Order No. 96-015, NPDES No. CAS617002) which expired on May  
10 22, 2001; and,

11 J. WHEREAS, CRWQCB-CRB reissued a new NPDES Permit to RCFC&WCD,  
12 COUNTY, CVWD and CITIES on September 5, 2001 pursuant to Section 402(p) of the CWA; and,

13 K. WHEREAS, the NPDES Permit designates RCFC&WCD and COUNTY as  
14 Principal Permittees and RCFC&WCD, COUNTY, CVWD and CITIES as Permittees; and,

15 L. WHEREAS, RCFC&WCD, COUNTY, CVWD and CITIES are to perform  
16 and/or execute certain activities and responsibilities prescribed in the NPDES Permit; and,

17 M. WHEREAS, RCFC&WCD and COUNTY, as Principal Permittees, are willing  
18 to undertake certain activities in order to facilitate implementation of the NPDES Permit  
19 requirements; and,

20 N. WHEREAS, cooperation between RCFC&WCD, COUNTY, CVWD and  
21 CITIES in the administration and implementation of the NPDES Permit and resulting programs and  
22 actions is in the best interest of all parties.

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

24 1. NPDES Permit. A true and correct copy of the NPDES Permit issued to  
25 RCFC&WCD, COUNTY, CVWD and CITIES by CRWQCB-CRB pursuant to Order No. 01-077  
26 is attached to this Agreement as Exhibit A and is hereby incorporated by reference in its entirety and  
27 made a part of this Agreement.

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

5                   3.    Delegation of Responsibilities. The responsibilities of each of the parties shall  
6 be as follows:

7                   A.    Public Education Program. RCFC&WCD shall conduct public education  
8 activities on a regional basis that focus on reducing non-point source  
9 pollution within the NPDES Permit area. RCFC&WCD shall be  
10 reimbursed for its costs by COUNTY, CVWD and the Cities of Cathedral  
11 City, Coachella, Indian Wells, Indio, La Quinta, Palm Desert, and Rancho  
12 Mirage in accordance with the cost sharing provisions set forth in Section  
13 4. of this Agreement.

14                  B.    Monitoring Program. RCFC&WCD and CVWD shall perform sampling  
15 of surface water and urban runoff in accordance with the provisions of the  
16 NPDES Permit Monitoring And Reporting Program. The location of the  
17 sampling sites (Sites) shall be determined by RCFC&WCD and CVWD,  
18 subject to approval by CRWQCB-CRB. More specifically:

19                   1.    RCFC&WCD shall perform such sampling for all Sites located  
20                   within the limits of its jurisdiction at no expense to COUNTY,  
21                   CVWD or CITIES.

22                   2.    CVWD shall perform such sampling for all Sites located within the  
23                   limits of its jurisdiction. COUNTY and the Cities of Cathedral  
24                   City, Coachella, Indian Wells, Indio, La Quinta, Palm Desert and  
25                   Rancho Mirage shall reimburse CVWD for all of its costs associated  
26                   with sample collection and laboratory analysis in accordance with  
27                   the cost sharing provisions set forth in Section 4. of this Agreement.  
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1 C. Consultant's Services. In the event RCFC&WCD requires the services of  
2 a consultant or consultants to prepare manuals, develop programs or  
3 perform studies relevant to the entire permitted area, the cost of said  
4 consultant services shall be shared by RCFC&WCD, COUNTY, CVWD  
5 and CITIES in accordance with the cost sharing provisions set forth in  
6 Section 4. of this Agreement. COUNTY, CVWD and CITIES shall be  
7 notified in writing of RCFC&WCD's request for proposals from  
8 consultants, selection of a consultant, consultant's fee, contract timetable  
9 and payment schedule, and be allowed the opportunity to participate in  
10 decisions related to consultant's services.

11 D. Regulation and Enforcement. COUNTY and CITIES shall be responsible  
12 for the regulation and enforcement of local ordinances and regulations  
13 within their respective jurisdictions to ensure compliance with the NPDES  
14 Permit. This includes the exercise of land use controls, the exercise of  
15 police powers and the enforcement of ordinances that COUNTY or  
16 CITIES presently have adopted or will adopt in the future.

17 E. Inspection of Storm Water Systems (Pipe and Channels). RCFC&WCD,  
18 COUNTY, CVWD and CITIES shall perform reconnaissance surveys of  
19 their municipal storm drain systems as required by the NPDES Permit.  
20 Any wet weather or dry weather sampling or field screening for the  
21 reconnaissance surveys shall be the responsibility of the COUNTY or  
22 CITIES, depending on where the discharge originates. Each Permittee  
23 shall be responsible for keeping any records, tables or other data that are  
24 needed to support the reporting of the survey results to CRWQCB-CRB.

25 F. Submittals to CRWQCB-CRB. RCFC&WCD shall coordinate and submit  
26 all required reports and information to CRWQCB-CRB. COUNTY,  
27 CVWD and CITIES shall keep sufficiently adequate records, information  
28

1 and/or data concerning their program development and implementation  
2 activities to enable RCFC&WCD to make all required reports and  
3 submittals in a timely manner. COUNTY, CVWD and CITIES shall  
4 produce or supply such records, information and/or data on request of  
5 CRWQCB-CRB or RCFC&WCD. RCFC&WCD shall also keep  
6 adequate records, information and/or data concerning its program  
7 development and implementation activities and produce or supply same  
8 on request of CRWQCB-CRB.

9 G. Best Management Practices (BMPs) and Programs. Unless otherwise  
10 specified in this Agreement, RCFC&WCD, COUNTY, CVWD and  
11 CITIES shall be responsible for implementing each of the BMPs and/or  
12 other programs and activities required by the NPDES Permit in  
13 accordance with their authority.

14 4. Cost sharing. Costs for services to be performed in accordance with Sections  
15 3.A., 3.B. and 3.C. of this Agreement shall be shared by the parties described in Sections 3.A., 3.B.  
16 and 3.C. in accordance with the following formula:

$$17 \quad IC = (TC - RCFC\&WCD - CVWD) \times (IP/TP)$$

18 Where,

19 IC = Individual Cost

20 TC = Total Cost

RCFC&WCD = RCFC&WCD Cost-Shared Amount

CVWD = CVWD Cost-Shared Amount

21 IP = Individual Population

22 TP = Total Population

23 If RCFC&WCD is sharing in the cost of an item, its cost shall be 7% of the total cost  
24 of the item.

25 If CVWD is sharing in the cost of an item, its cost shall be 7% of the total cost of the  
26 item.

27 The population of CITIES shall be based on the latest California State Department of  
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1 Finance population figures issued in May of each year. COUNTY population shall be based on the  
2 most current Tax Rate Area (TRA) information best fitting the NPDES Permit area, except with  
3 respect to Sections 3.A. (Public Education Program), 3.B.2. (Monitoring Program) and 3.C.  
4 (Consultant's Services), of this Agreement where COUNTY population shall be based on the most  
5 current TRA information best fitting that portion of the NPDES Permit area lying outside  
6 RCFC&WCD boundaries.

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

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

23           7. Withdrawal from the Agreement. Any party may withdraw from this Agreement  
24 60 days after giving written notice to the Principal Permittees and CRWQCB-CRB. The  
25 withdrawing party shall agree in such notice to file for a separate NPDES Permit and to comply with  
26 all of the requirements established by CRWQCB-CRB. Withdrawal from the Agreement shall  
27 constitute forfeiture by the withdrawing party of its share of any costs paid as described in Section  
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1 4. of this Agreement and is conditioned on the payment of all costs accrued in accordance with  
2 Section 4. The withdrawing party shall be responsible for all lawfully assessed penalties as a  
3 consequence of its withdrawal. The cost allocations to the remaining parties shall be recalculated  
4 in the following fiscal year.

5 8. Non-compliance with Permit Requirements. Any party found to be in non-  
6 compliance with the conditions of the NPDES Permit shall be solely liable for any lawfully assessed  
7 penalties caused by such non-compliance. Common or joint penalties shall be calculated and  
8 allocated between the parties according to the formula outlined in Section 4. of this Agreement.

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

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

18 11. Notices. All notices shall be deemed duly given when delivered by hand; or three  
19 (3) days after deposit in the U.S. Mail, postage prepaid.

20 12. Governing Law. This Agreement shall be governed and construed in accordance  
21 with the laws of the State of California. If any provision or provisions of this Agreement shall be  
22 held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining  
23 provisions shall not in any way be affected or impaired hereby.

24 13. Consent to Waiver and Breach. No provision hereof shall be deemed waived and  
25 no breach excused, unless the waiver or breach is consented to in writing and signed by the party or  
26 parties affected. Consent by any party to a waiver or breach by any other party shall not constitute  
27 consent to any different or subsequent waiver or breach.

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

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

//



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

4 RECOMMENDED FOR APPROVAL: RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

5 By Warren D. Williams By James A. Venable  
6 WARREN D. WILLIAMS JAMES A. VENABLE, Chairman  
7 General Manager-Chief Engineer Board of Supervisors, Riverside County Flood  
Control and Water Conservation District

8 Dated: 2-13-03

9  
10 APPROVED AS TO FORM:

11 WILLIAM C. KATZENSTEIN  
12 County Counsel

13 By William C. Katzenstein  
14 Deputy

15 Dated: 01/30/03

ATTEST:

NANCY ROMERO  
Clerk to the Board

16 By Nancy Romero  
17 Deputy

(SEAL)

18 RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

19 By Larry Parrish  
20 LARRY PARRISH  
21 County Executive Officer

22 By John Tavaglione  
23 JOHN TAVAGLIONE  
24 Board of Supervisors, County of Riverside

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

ATTEST:

NANCY ROMERO  
Clerk to the Board

26 By Nancy Romero  
27 Deputy

(SEAL)

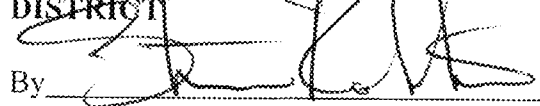
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12/17/02

1 APPROVED AS TO FORM:

COACHELLA VALLEY WATER  
DISTRICT

2

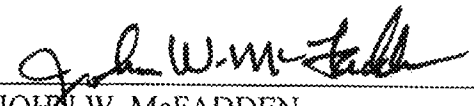
3 By \_\_\_\_\_

By  \_\_\_\_\_

STEVE ROBBINS  
General Manager-Chief Engineer

4

5

By  \_\_\_\_\_

JOHN W. McFADDEN  
President

6

7

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Dated: 8/5/03

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1 APPROVED AS TO FORM:

CITY OF BANNING

2

3 By [Signature]  
City Attorney

By [Signature]  
Mayor

4

5 ATTEST:

6 By [Signature]  
City Clerk

Dated: 3-17-03

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1 APPROVED AS TO FORM:

CITY OF CATHEDRAL CITY

2  
3 By *Collin*  
City Attorney

By *Augusta Platt*  
Mayor *PRO TEM*

4  
5 ATTEST:  
6 By *Pat Hammons*  
City Clerk

Dated: *3/12/03*

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APPROVED AS TO FORM:

CITY OF COACHELLA

By

City Attorney

By

Mayor

ATTEST:

By

Isabel Castella  
City Clerk

Dated:

March 12, 2003

1 APPROVED AS TO FORM:

CITY OF DESERT HOT SPRINGS

2

3 By *Allen*  
City Attorney

By *Walter Isgrig*  
Mayor

4

5 ATTEST:

6 By *R. Stotts*  
City Clerk

Dated: *3/5/03*

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1 APPROVED AS TO FORM:

CITY OF INDIAN WELLS

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3

By John R. Cook  
City Attorney

By

Robert Benheim  
Mayor

4

5 ATTEST:

6

By Linda Tubee  
City Clerk

Dated:

02/25/03

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1 APPROVED AS TO FORM:

CITY OF INDIO

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By Elizabeth Madson, Asst.  
City Attorney

By Wayne S. Manning  
Mayor

ATTEST:

By Debbie K. Wall  
City Clerk

Dated: 6/14/04



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APPROVED AS TO FORM:

CITY OF INDIO

By Elizabeth Mardyn, Asst.  
City Attorney

By Clay S. Manning  
Mayor

ATTEST:

By Cynthia Shandy Neely  
City Clerk

Dated: 6/17/04

1 APPROVED AS TO FORM:

CITY OF LA QUINTA

2  
3 By M. H. Lopez  
City Attorney

By Ann Adams  
Mayor

4  
5 ATTEST:

6 By Jane A. Smith  
City Clerk


Dated: Sept. 18, 2003


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1 APPROVED AS TO FORM:

CITY OF PALM DESERT

2

3 By   
City Attorney

By   
JEAN M. BENSON, MAYOR

4

5 ATTEST:

6 By   
RACHELLE D. KLASSEN, CITY CLERK

Dated: March 13, 2003

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APPROVED AS TO FORM:

By [Signature]  
City Attorney

CITY OF PALM SPRINGS

By [Signature]  
Mayor

ATTEST:

By [Signature]  
ch Dep City Clerk

Dated: 10-11-04

APPROVED BY THE CITY COUNCIL  
MO 7442 2.18.04 A4829

3021

1 APPROVED AS TO FORM:

CITY OF RANCHO MIRAGE

2

3 By David Deind  
City Attorney

By Harvey R. Debes  
Mayor

4

5 ATTEST:

6

By Elena Keenan  
City Clerk

Dated: April 14, 2003

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# Exhibit "A"

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

FACT SHEET  
APPLICATION FOR  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
RIVERSIDE COUNTY FLOOD CONTROL DISTRICT, OWNER/OPERATOR  
COUNTY OF RIVERSIDE, OWNER/OPERATOR  
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR  
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE  
WHITEWATER RIVER BASIN, OWNERS/OPERATORS  
FOR THE DISCHARGE OF  
WHITEWATER RIVER WATERSHED STORM WATER  
Riverside County

Public Notice No. 7-01-18  
Application NPDES No. CAS617002  
Board Order No. 01-077

**DESCRIPTION:**

The following pages contain information concerning an application for renewal of waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) Permit, Board Order No. 01-077, NPDES No. CAS617002. The attached prescribes waste discharge requirements for urban storm water run-off from the cities and the unincorporated areas in Riverside County within the jurisdiction of the Colorado River Basin Regional Board.

On December 15, 2000, the Riverside County Flood Control District and the County of Riverside, along with Coachella Valley Water District and City of Banning, City of Cathedral City, City of Coachella, City of Desert Hot Springs, City of Indian Wells, City of Indio, City of La Quinta, City of Palm Desert, City of Palm Springs, and the City of Rancho Mirage, submitted NPDES Application No. CAS617002 for storm water discharge permit under NPDES. The permit application was submitted in accordance with the previous NPDES permit (Order No. 96-015, NPDES No. CAS617002) which will expire on May 22, 2001. Additionally, the permit application follows guidance provided by staff of the State Water Resources Control Board (State Board) and the Regional Water Quality Control Boards (Regional Boards).

**PROJECT AREA**

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

## CLEAN WATER ACT REQUIREMENTS

The Federal Clean Water Act (CWA) allows the United States Environmental Protection Agency (USEPA) to delegate its NPDES permitting authority to states with an approved environmental regulatory program. The State of California is one of the delegated states. The Porter-Cologne Act (California Water Code) authorizes the State Board, through its Regional Boards, to regulate and control the discharge of pollutants into waters of the State and tributaries thereto. Section 405 of the Water Quality Act (WQA) of 1987 added Section 402(p) to the CWA. Pursuant to Section 402(p)(4) of the CWA, the USEPA promulgated regulations for storm water permit applications for storm water discharges associated with industrial activities and municipal separate storm drain systems serving a population of 100,000 or more. This permit governing municipal stormwater discharges meets both the statutory requirements of Section 402(p)(3)(B) and all requirements applicable to an NPDES permit issued under the issuing authority's discretionary authority in accordance with Section 401(a)(1)(B) of the CWA.

## AREA-WIDE STORMWATER PERMIT

To regulate and control stormwater discharges from the Riverside County area to the municipal storm drain systems, an area-wide approach is essential. The entire storm drain system is not controlled by a single entity; the County, several Cities, the State Department of Transportation (Caltrans), in addition to other entities (i.e. CVWD), manage the systems. The management and control of the entire flood control system cannot be effectively carried out without the cooperation and efforts of all these entities. Also, it would not be meaningful to issue a separate storm water permit to each of the entities within the permitted area whose land/facilities drain into the storm drain systems operated by the Permittees. The Regional Board has concluded that the best management option for the Riverside County area is to issue an area-wide storm water permit to the Riverside County Flood Control District, Riverside County, Coachella Valley Water District and the cities in Riverside County. A separate stormwater NPDES permit has been issued to Caltrans. Stormwater discharges from other state, federal, utility, or special district facilities and state or federal lands will either be added to the Riverside County permit or permitted separately.

## COORDINATION WITH OTHER REGIONAL AGENCIES

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

## EXISTING FACILITIES AND PROGRAMS

Within the project area Riverside County serves a population of approximately 250,000. Storm water discharges from urbanized areas consist mainly of surface runoff from residential, commercial, and industrial developments. In addition, there are storm water discharges from agricultural land uses. The constituents of concern and significance in storm water discharges are: total suspended solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), oil and grease (O&G), heavy metals, nutrients and organic chemicals such as base/neutral and acid extractables, pesticides and herbicides, and petroleum hydrocarbon components.



To protect the beneficial uses of waters of the State, the pollutants from all sources need to be controlled. Recognizing this, and the fact that storm water discharges contain pollutants, the Permittees and the Regional Board have all agreed that an area-wide storm water permit is the most effective way to develop and implement a comprehensive storm water management program in a timely manner. This area-wide storm water permit contains requirements with time schedules that will allow the Permittees to continue to address water quality problems caused by urban storm water runoff through their management programs to reduce pollutants in storm water discharges to the maximum extent practicable.

#### PERMIT REQUIREMENTS

In accordance with Section 402(p)(3), as part of a program to reduce the pollutants in storm water discharges to the maximum extent practicable, the Permittees have been required to submit existing management plans and programs being implemented or developed in the previous municipal storm water NPDES permit to reduce pollutants in storm water discharges. In addition, the permittees will be required to report, review and/or revise the management programs and control measures in accordance with a time schedule approved by the Executive Officer of the Regional Board for this municipal permit.

If existing management programs are not effective in controlling pollutant loading and in achieving the water quality objectives of the receiving waters, additional programs shall be developed and implemented upon consultation and approval of the Regional Board's Executive Officer.

The permit also requires the development and implementation of management programs and/or best management practices (BMPs) during the life of the permit such that the quality of storm water discharged can be improved and the water quality objectives of the receiving waters ultimately can be met. It is also expected that through implementation of these programs and/or BMPs the beneficial uses of the receiving waters will be protected.

#### BENEFICIAL USES

Storm water flows which are discharged to municipal storm drain systems in Riverside County are tributary to the Salton Sea. The beneficial uses of Salton Sea and its tributaries include municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, wildlife habitat, and preservation of rare and endangered species. The ultimate goal of this storm water management program is to protect the beneficial uses of the receiving waters.

#### ANTI-DEGRADATION ANALYSIS

The Regional Board has considered whether a complete anti-degradation analysis, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, is required for these storm water discharges. The Regional Board finds that the pollutant loading rates to the receiving waters will be reduced with the implementation of the requirements in this Order. As a result, the quality of storm water discharges and receiving waters will be improved, thereby protecting the beneficial uses of waters of the United States. This is consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary.

#### PUBLIC WORKSHOP

The Regional Board recognizes the significance of Riverside County's Storm Water/Cleanwater Protection Program and will conduct, participate, and/or assist with at least one workshop every year during the term of this permit to promote and discuss the progress of the storm water management program. The details of the annual workshop will be published in local newspapers and mailed to interested parties. Persons wishing to be included in the mailing list for any of the items related to this permit may register their name, mailing address and phone number with the Regional Board office at the address given below.

#### WRITTEN COMMENTS

All interested persons and agencies are invited to submit written comments on the proposed discharge and the Regional Board's Executive Officer's proposed determinations. Comments should be submitted not later than May 15, 2001, either in person or by mail to:

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

The application number shall appear on the first page of any submitted comments. All comments received by the above date will be considered in the formulation of the final determinations.

#### INFORMATION AND COPYING

Persons wishing further information may write to the above address or call the Regional Board at (760) 346-7491. Copies of the application, proposed waste discharge requirements and other documents (other than those which the Regional Board's Executive Officer maintains as confidential), are available at the Regional Board office for inspection and copying.

#### Register of Interested Persons

Any person interested in a particular application or group of applications may leave his/her name, address and phone number as part of the file for the application. This list of names will be maintained as a means for persons with an interest in an application to contact others with similar interests.

#### Public Hearing

If submitted comments indicate a significant public interest in the application, or if the Regional Board's Executive Officer believes useful information may be produced thereby, the Regional Board's Executive Officer, at his discretion, may hold a public hearing on the application. Any person may request the Regional Board's Executive Officer to hold a public hearing on the application.

Public notice of a hearing will be circulated at least 30 days in advance of the hearing. Further information regarding the conduct and nature of public hearings concerning discharge permits may be obtained by writing or visiting the Regional Board office.

#### Waste Discharge Requirements Appeals

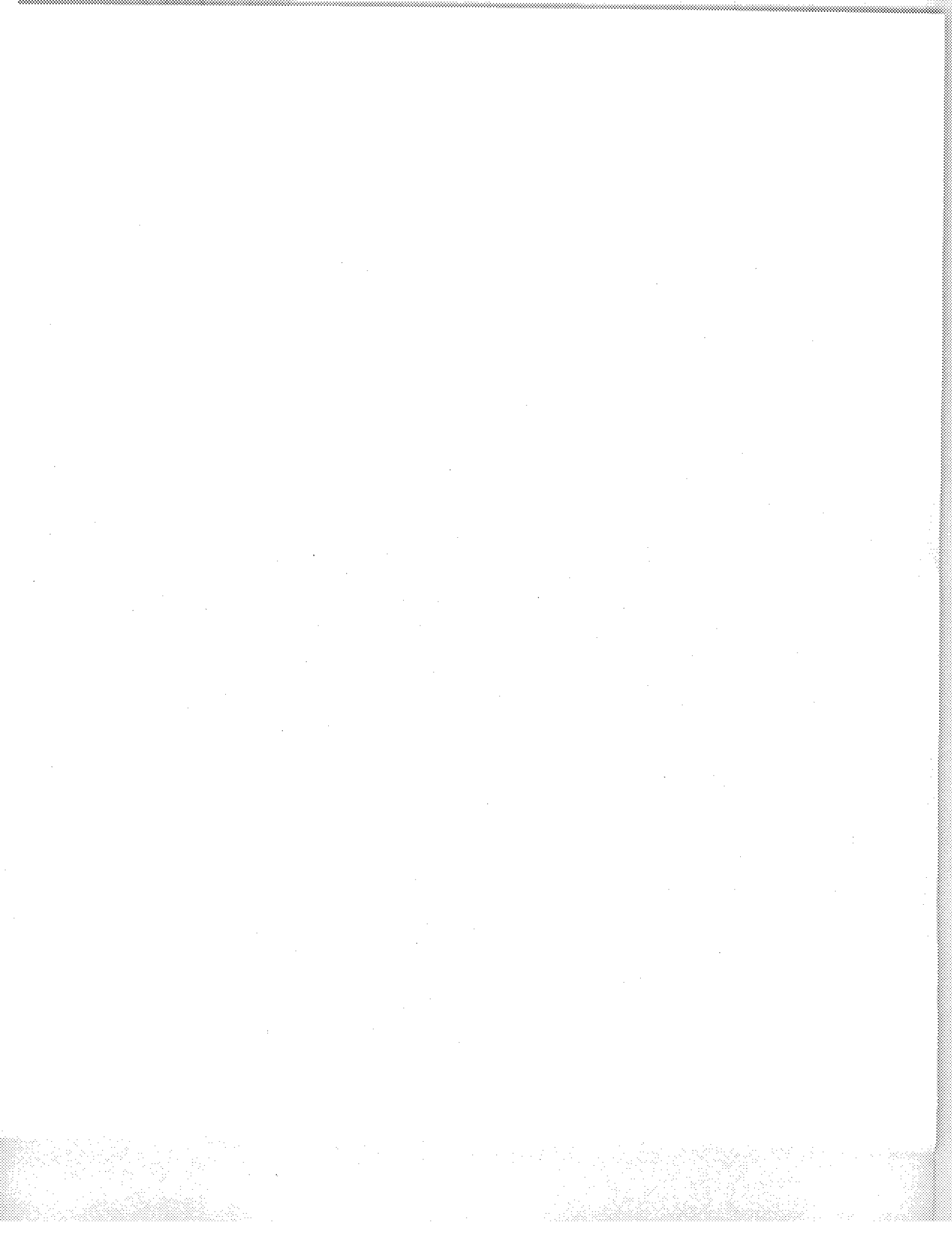
Any person may petition the State Board to review the decision of the Regional Board regarding Waste Discharge Requirements. A petition must be made within 30 days of the Regional Board's hearing.

Additional Information

Persons wishing further information may write to the following address:

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

or call the Regional Board at (760) 346-7491



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

ORDER NO.01-077  
NPDES NO. CAS617002

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
RIVERSIDE COUNTY FLOOD CONTROL DISTRICT, OWNER/OPERATOR  
COUNTY OF RIVERSIDE, OWNER/OPERATOR  
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR  
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE  
WHITEWATER RIVER BASIN, OWNERS/OPERATORS  
FOR THE DISCHARGE OF  
WHITEWATER RIVER WATERSHED STORM WATER  
Riverside County**

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

Permittee(s)<sup>1</sup>

1. On November 20, 2000, the County of Riverside and the Riverside County Flood Control And Water Conservation District, in cooperation with the Coachella Valley Water District and the Incorporated cities, including City of Banning, City of Cathedral City, City of Coachella, City of Desert Hot Springs, City of Indian Wells, City of Indio, City of La Quinta, City of Palm Desert, City of Palm Springs and the City of Rancho Mirage (hereinafter collectively referred to as permittees) jointly submitted National Pollutant Discharge Elimination System (NPDES) Application No. CAS617002 and a Report of Waste Discharge (ROWD) for the re-issuance of a storm water NPDES permit. See Attachment A for definitions of terms used in this permit.
2. For the purposes of this permit the Principal Permittees are identified as:  
  
Riverside County, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and  
Riverside County Flood Control And Water Conservation District, 1995 Market Street, Riverside, California 92501
3. The Principal Permittees and the permittees have entered into an implementation agreement, which will be amended to remain in force during the term of this Board Order.
4. Each permittee mentioned above, owns and operates a Municipal Separate Storm Water Sewer System (MS4)<sup>2</sup>, through which it discharges urban storm water runoff into the Whitewater River watershed within the jurisdiction of the California Regional Water Quality Control Board (CRWQCB)- Colorado River Basin Region.

<sup>1</sup> Permittee(s) and discharger(s) are used interchangeably in this Board Order

<sup>2</sup> See definition of Municipal Separate Storm Sewer in the Glossary (Attachment 'A')

5. The permittees are separate legal entities and have the authority to develop, administer, implement and enforce storm water quality management programs within their own jurisdiction. Each permittee is responsible for compliance with relevant portions of this permit within its jurisdiction.
6. The permit area, as shown on the attached site map and incorporated herein and made a part of this Board Order, includes areas that lie approximately between the San Geronio Pass area to the northwest and the Salton Sea to the southeast. The majority of this area is in the Coachella Valley.
7. Each permittee has jurisdiction over maintenance responsibilities for its respective boundaries and is entirely responsible for the implementation of the appropriate storm water program as required by this Board Order. Each permittee need only comply with the requirements of this Board Order applicable to discharges originating from its jurisdictional boundaries and/or from the portion of the boundaries that it owns or operates.
8. Federal, State, or regional entities within the permittees' boundaries, not currently named in this Board Order, may operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Board Order. The permittees may lack legal jurisdiction over these entities under the State and Federal constitutions. Consequently, the Regional Board recognizes that the permittees should not be held responsible for such facilities and/or discharges.
9. The incorporated and unincorporated portions of Riverside County, within the Whitewater River Basin, have an approximate population of 320,000 persons. Therefore, on March 14, 1991, the Regional Board's Executive Officer designated the Whitewater River Basin as an area required to have a permit for MS4s.
10. Discharges of storm water runoff from lands owned by the California Department of Transportation (Caltrans) are currently regulated under a separate NPDES permit issued by the State Water Resources Control Board (SWRCB). Caltrans is required to comply with specific effluent limitations prior to discharging from its right-of-way into storm water collection systems operated by the permittees.
11. The objectives of this Board Order are to:
  - a. Renew Board Order No. 96-015 NPDES No. CAS617002, which regulated storm water runoff within the Whitewater River Basin.
  - b. Regulate the discharge of potential pollutants in storm water runoff discharges to surface waters of the Whitewater River Basin;
  - c. Regulate non-storm water discharges associated with retrofit, maintenance, and construction activities at municipal maintenance yards, facilities, or roads.
  - d. Implement regulatory requirements prescribed in the Basin Plan, requirements of Section 402(p) of the Federal Clean Water Act (CWA) and 40 Code of Federal Regulations (40 CFR) Part 122.

### Storm Water Information

12. Urban runoff is a waste, as defined in the California Water Code, which contains pollutants that could adversely affect the quality of the waters of the State. The discharge of urban runoff from an MS4 is a "discharge of pollutants from a point source" into waters of the United States as defined in the Clean Water Act.
  13. Urban runoff includes those discharges from residential, commercial, industrial, and construction areas within the project area.
  14. The State Water Resources Control Board (SWRCB) issued two statewide general permits to address storm water discharges from industrial and construction activities: the General Industrial Activities Storm Water Permit (NPDES No. CAS000001) and the General Construction Activity Storm Water Permit (NPDES No. CAS000002). Industrial and construction activities that qualify are required by Federal regulations to obtain permit coverage either under an individual NPDES permit, or under these statewide general permits by filing a Notice of Intent (NOI) with the SWRCB. Due to the ephemeral nature of the Whitewater River and its tributary drainages, surface water is present in drainage channels primarily as a result of wet and dry weather urban runoff and agricultural irrigation flows. These occasional and intermittent surface flows influence the erosion and sediment yields unique to the arid landscape of the Whitewater River watershed.
  15. There is a strong direct correlation between "urbanization" and "impacts to receiving water quality." In general, the more heavily developed the area, the greater the potential impact to receiving waters from urban runoff.
  16. During urban development two important changes occur:
    - a. Natural pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural soil can both absorb rainwater and remove pollutants. Because pavement and concrete can neither absorb water nor remove pollutants, the absorptive characteristics of the land are lost;
    - b. Urban development creates new pollution sources as human population density increases and brings with it proportionately higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, and trash etc. which can either be washed into or directly dumped into the MS4.
- Because of these two (2) changes, the runoff leaving the developed urban area is significantly greater in volume, velocity and pollutant load than the predevelopment runoff from the same area.
17. The increased volume and velocity of runoff from developed urban areas greatly accelerates the erosion of downstream natural channels. Numerous studies have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of receiving water quality.
  18. Urban runoff contains pollutants, which threaten human health. Individually and in combination, the discharge of pollutants from MS4s can cause or threaten to cause a condition of pollution (i.e., unreasonable impairment of water quality for designated beneficial uses), contamination, or nuisance. The discharge of pollutants from MS4s

can cause the concentration of pollutants to exceed applicable receiving water quality objectives and impair or threaten to impair designated beneficial uses.

19. Pollutants can be effectively reduced in urban runoff by the appropriate application of pollution prevention, source control, and treatment control best management practices (BMPs).
20. Utilizing their land use authority, permittees authorize urbanization and land uses that generate pollutants and runoff that contribute to the impairment of receiving waters. Since the permittees utilize their legal authority to authorize urbanization, they can also exercise their legal authority to ensure that the resulting increased pollutant loads and flows do not further degrade receiving waters.
21. Urban development has three major phases: (1) land use planning for new development; (2) construction; and (3) the land use or existing development phase. Because the permittees authorize each of these phases, they have commensurate responsibilities to protect water quality during each phase.
22. The permittees developed and submitted a Storm Water Management Plan (SWMP) to the CRWQCB as part of the NPDES permit re-application. The SWMP includes an updated suite of BMPs that will reduce potential pollutants in storm water discharges from the MS4 to the maximum extent practicable (MEP).
23. One of the most efficient and cost effective methods to reduce potential pollutants in storm water and non-storm water runoff is to incorporate BMPs as early in the development planning phase as possible. The implementation of BMPs is necessary to prevent erosion and sedimentation in storm water and non-storm water runoff discharges.
24. Construction activities can be a significant cause of receiving water impairment. Siltation is currently the largest cause of river impairment in the United States. Sediment runoff rates from construction sites greatly exceed natural erosion rates of undisturbed lands, causing siltation and impairment of receiving waters. In addition to requiring implementation of the full range of BMPs, an effective construction runoff program must include local plan review, permit conditions, field inspections, and enforcement. The New Development Guidelines (Supplement A to the Riverside County Drainage Area Management Plans) are incorporated into the Whitewater River watershed SWMP. The purpose of the Guidelines is to identify post-construction source pollutant prevention and treatment measures that may be incorporated into development projects.
25. Enforcement of local storm water runoff related ordinances, permits, and plans, is an essential component of every SWMP. Routine inspections provide an effective means by which permittees can evaluate compliance with their ordinances. Inspections are especially important at high-risk areas for pollutant discharges, such as industrial and construction sites.
26. Education is the foundation of every effective SWMP. Education of municipal planning, inspection, and maintenance department staff is especially critical. The Public Education Program contained in the SWMP incorporates a well-developed approach to education and outreach. The program, entitled "Storm Water/Clean Water Program", combines resources and efforts from the three Riverside County municipal permit programs to effectively communicate responsible storm water management.



27. Public participation is necessary to ensure that all stakeholder interests, and a variety of creative solutions, are considered. Public participation is important in the development of a complete urban runoff management program. The permittees propose to emphasize the public participation component of the Storm Water/Clean Water Program.
28. Discharges from MS4s throughout each watershed contribute to a cumulative pollutant load to downstream receiving waters.
29. Within their common watershed it is necessary for the permittees to coordinate their water quality protection activities to achieve the greatest protection of receiving water quality. Permittee coordination with other watershed stakeholders (e.g., Caltrans and the Bureau of Indian Affairs) is also desirable. Establishment of a management structure within which the permittees subject to this Board Order will fund and coordinate those aspects of their joint obligations will promote effective implementation of the SWMP on a watershed and regional basis in the most cost effective manner.
30. The most common categories of pollutants in storm water runoff include total suspended solids, sediment (due to anthropogenic activities); pathogens (e.g., bacteria, viruses); metals (e.g., copper, lead, zinc and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, and herbicides); nutrients (e.g., nitrogen and phosphorus fertilizers), oxygen-demanding substances (decaying vegetation, animal waste), and trash.

#### Colorado River Region Basin Plan

31. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and designates the beneficial uses of ground and surface waters in this Region.
32. The permittees own and operate major stormwater conveyance systems, which service the urbanized portion of the Whitewater River Basin. These systems discharge stormwater into the surface water bodies listed below:
  - a. Smith Creek
  - b. Montgomery Creek
  - c. San Geronio River
  - d. Whitewater River
  - e. Tahquitz Creek
  - f. Palm Canyon Wash
  - g. Little Morongo Wash
  - h. West Cathedral Canyon Channel
  - i. East Cathedral Canyon Channel
  - j. West Magnesia Canyon Channel
  - k. East Magnesia Canyon Channel
  - l. Palm Valley Storm Water Channel
  - m. Deep Canyon Storm Water Channel
  - n. Bear Creek
  - o. La Quinta Resort Channel
  - p. La Quinta Evacuation Channel
  - q. Coachella Valley Storm Water Channel

33. Beneficial uses for specific water bodies can be found in the Basin Plan. However, the beneficial uses designated for some of the surface water bodies listed above are:
- a. Municipal and Domestic supply (MUN)
  - b. Agricultural Supply (AGR)
  - c. Fresh Water Replenishment (FRSH)
  - d. Ground Water Recharge (GWR)
  - e. Water Contact Recreation (REC I)
  - f. Noncontact Water Recreation (REC II)
  - g. Warm Water Habitat (WARM)
  - h. Cold Water Habitat (COLD)
  - i. Wildlife Habitat (WILD)
  - j. Preservation of Rare, Endangered or Threatened Species (RARE)
34. Storm water discharge from the Permit Area may also affect the Coachella Valley Ground Water Basin, which has the following uses:
- a. Municipal and domestic supply;
  - b. Agricultural supply; and
  - c. Industrial supply
35. Numeric and narrative water quality standards exist for the receiving waters in this Region. It is not feasible at this time to establish numeric effluent limitations. Due to the variability in storm water quality, quantity, and the complexity of the urban runoff, this Board Order does not contain explicit numerical effluent limitations for any constituent. The impact of storm water runoff discharges on the quality of receiving waters has not been fully determined. Therefore, the effluent limitations contained in this General Permit are narrative and include the SWMP's requirement to implement appropriate BMPs. The narrative effluent limitations constitute compliance with the requirements of the CWA.

Federal NPDES Storm Water Regulations:

36. Federal regulations for storm water/urban runoff were promulgated by the United States Environmental Protection Agency (EPA) on November 16, 1990 (40 CFR, Parts 122, 123, and 124) and apply to the discharge regulated by this permit.
37. Pursuant to Section 402 of the Federal CWA and Section 13370 of the California Water Code, the EPA approved the California State Program to issue and enforce NPDES permits for discharges to surface waters of the State. Section 405 of the Water Quality Act of 1987 added Section 402(p) to the Federal CWA, which requires the EPA to develop a phased approach to regulate storm water discharges under the NPDES program.
38. Section 402(p) of the Federal CWA requires the issuance of NPDES permits for storm water discharges for which the EPA Regional Administrator or the Regional Board, as the case may be, determines that the storm water discharges contribute to a violation of a water quality standard, or is a significant contributor of pollutants to waters of the United States.

39. Section 402(p) of the Federal CWA requires NPDES permits for MS4s to include a requirement to effectively prohibit non-storm water discharges into municipal storm water collection systems unless such discharges are either authorized by a separate NPDES permit or not prohibited in accordance with Provision #3 under Discharge Limitations of the Permit. The requirement in the Federal CWA to reduce pollutants to the maximum extent practicable provides a minimum level of water quality protection. The State may develop water quality standards more stringent than required by the Clean Water Act.
40. 40 CFR 122.26 requires a proposed management program that covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The proposed management program is described in the Whitewater River watershed SWMP. The proposed management program shall include a description of structural and source control measures (i.e. BMPs) to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit.

#### Compliance with CEQA and other Regulations

41. The issuance of an NPDES permit for this discharge is exempt from the provisions of the California Environmental Quality Act (CEQA), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, in accordance with Water Code Section 13389. In accordance with Section 15301, Chapter 3, Title 14 of the California Code of Regulations, the issuance of this permit, which governs the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from CEQA.
42. The Regional Board has considered state and federal anti-degradation requirements pursuant to 40 CFR 131.12 and SWRCB Resolution No. 68-16. This permit does not allow degradation of surface waters of the State of California.
43. The Regional Board has notified the permittees and other interested agencies and persons of its intent to issue an NPDES permit for discharges of storm water/urban runoff from the Project Area.
44. The Regional Board, in a public meeting, heard and considered all comments pertaining to this permit. The Regional Board reserves the privilege to reopen this permit upon legal notice to, and after opportunity to be heard, is given to all concerned parties.

IT IS HEREBY ORDERED that Board Order No. 96-015 is terminated, and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and amendments, regulations, and guidelines adopted thereunder, the permittees shall comply with the following:

#### A. Discharge Limitations

1. The permittees shall prohibit illicit/illegal discharges from entering the MS4 and require controls to reduce the discharge of potential pollutants to the maximum

- extent practicable.
2. The discharge of storm water from permittees' municipal storm drain systems to waters of the United States containing pollutants which have not been reduced to the maximum extent practicable is prohibited.
  3. The following discharges need not be prohibited by the permittees unless identified by the permittees or the Regional Board as a significant source of pollutants to the receiving waters.
    - a. Discharges composed entirely of storm water;
    - b. Discharges covered by NPDES permits or written clearances issued by the Regional or State Board;
    - c. Potable water line flushing and other potable water sources;
    - d. Passive footing drains;
    - e. Water from crawl space pumps;
    - f. Dechlorinated swimming pool discharges;
    - g. Non-commercial vehicle washing;
    - h. Diverted stream flows;
    - i. Rising ground waters and natural springs;
    - j. Ground water infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;
    - k. Flows from riparian habitats and wetlands;
    - l. Street wash water and run-off from fire fighting;
    - m. Waters not otherwise containing wastes as defined in California Water Code Section 13050 (d); and
    - n. Other types of discharges identified and recommended by the permittees and approved by the Regional Board.
  4. For purposes of this Board Order, a discharge may include storm water and other types of discharges as indicated above.
  5. If it is determined by the permittees that any of the preceding discharges cause or contribute to violations of water quality standards or are significant contributors of pollutants to waters of the U.S., the permittees shall prohibit these discharges from entering the storm drain system.

6. Non-storm water discharges from public agency activities into waters of the U.S. are prohibited unless the non-storm water discharges are permitted by an NPDES permit or are included in Item 3, above. If permitting or immediate elimination of the non-storm water discharges is impractical the permittees shall submit to the Regional Board, a proposed plan to eliminate the non-storm water discharges in a timely manner.

#### B. Receiving Water Limitations

1. The permittees shall comply with Discharge Prohibitions and Receiving Water Limitations through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this permit including any modifications. The SWMP shall be designed to achieve compliance with Receiving Water Limitations. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWMP and other requirements of this permit, the permittees shall assure compliance with Discharge Prohibitions and Receiving Water Limitations by complying with the following procedure:
  - a. Upon a determination by either the permittees or the Regional Water Board that discharges are causing or contributing to an exceedance of an applicable WQS, the permittees shall promptly notify and thereafter submit a report to the Regional Water Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. The report may be incorporated in the annual update to the SWMP unless the Regional Water Board directs an earlier submittal. The report shall include an implementation schedule. The Regional Water Board may require modifications to the report.
  - b. Submit any modifications to the report required by the Regional Water Board within 30 days of notification.
  - c. Within 30 days following approval of the report described above by the Regional Water Board the permittees shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.
  - d. Implement the revised SWMP and monitoring program in accordance with the approved schedule.

So long as the permittees have complied with the procedures set forth above and are implementing the SWMP, the permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Water Board to develop additional BMPs.

#### C. General Requirements and Prohibitions

1. California Water Code Section 13243 provides that a Regional Board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person, as

defined by Section 13050(c) of the California Water Code, who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the Colorado River Basin Region:

- a. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code Section 13050, is prohibited.
  - b. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit subject to the exemption described in California Water Code (13376) is prohibited.
  - c. Any discharge to a storm water conveyance system that is not composed entirely of "storm water" is prohibited unless authorized by the Regional Board. The federal regulations, 40 CFR 122.26 (b) (13), define storm water as storm water runoff, snow-melt runoff, and surface runoff and drainage. 40 CFR 122.26 (b) (2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.
  - d. The unauthorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited.
  - e. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited unless the Regional Board or the Executive Officer grants an exception in accordance with the Basin Plan.
2. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative or any toxic chemical or hazardous waste into the storm drains is prohibited.
  3. Storm water runoff collection, transport, and storage facilities shall be in good working condition at all times to effectuate compliance with this Board Order.

#### D. Specific Requirements and Prohibitions

1. The Principal Permittees shall:
  - a. Coordinate permit activities;
  - b. Establish uniform data submittal format;
  - c. Prepare annual reports;
  - d. Forward information received from the California Regional Water Quality Control Board (RWQCB) – Colorado River Basin Region to the permittees;
  - e. Implement permit activities of common interest;

- f. Inform permittees on U.S. Environmental Protection Agency (USEPA) and RWQCB regulations pertaining to the Municipal Separate Storm Sewer System (MS4); and,
  - g. Convene all Desert Task Force Advisory Committee meetings.
2. Each permittee shall:
- a. Comply with the requirements of the Permit within its jurisdictional boundaries;
  - b. Prepare and provide permit-required documents to the Principal Permittee in a timely manner;
  - c. Implement a SWMP consistent with this order to:
    - 1) Reduce potential pollutants in storm water runoff from commercial, industrial, and residential areas;
    - 2) Reduce potential pollutants in runoff from land development and construction sites through the use of structural and/or non-structural controls;
    - 3) Reduce potential pollutants in storm water and non-storm water runoff from municipal maintenance activities;
    - 4) Eliminate illegal connections and illicit discharges;
    - 5) Encourage spill prevention and containment as well as to provide appropriate spill response plan for municipal maintenance facilities;
    - 6) Increase public awareness; and
    - 7) Continue to provide NPDES related workshops for in-house staff training.
  - d. Participate in the Desert Task Force Advisory Committee meetings.
3. Each permittee shall control storm water runoff from urban development to the MEP within its jurisdictional boundaries so as not to cause erosion and/or sedimentation problems downstream.
4. Each permittee shall establish and maintain adequate legal authority through statute, ordinance or series of contracts which authorizes or enables the permittee to implement and enforce, at a minimum, each of the following requirements contained in 40 CFR Section 122.26(d)(2)(i)(A-F):
- a. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
  - b. Prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer, including, but not limited to:

- 1) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
  - 2) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing;
  - 3) Discharges of wash water from mobile operations such as oily or greasy discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.;
  - 4) Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
  - 5) Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).
- c. Control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water
  - d. Control through interagency agreements among permittees the contribution of pollutants from one portion of the municipal system to another portion of the municipal system;
  - e. Require compliance with conditions in permittee ordinances, permits, contracts or orders; and
  - f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer.
5. Construction Activities:
- a. The Dischargers do not need to file a Notice of Intent for coverage under the State Water Resources Control Board's General NPDES Permit for Discharges of Storm Water Runoff Associated with Construction Activity (Statewide General Permit) provided they are in compliance with this section of the Board Order. Specifically, the Dischargers shall perform the following:
    - 1) All the Dischargers' public works construction projects or activities, which would otherwise necessitate coverage under the Statewide General Permit by definition or pose a threat to water quality shall be reported to the Regional Board. The dates and location of the construction project, the party responsible for the project, and the telephone number of the responsible party shall be reported. This information shall be reported to the Regional Board prior to the start of construction.



- 2) A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for all the Dischargers' public works construction projects in the permitted area if they pose a threat to water quality. The SWPPP shall be retained on-site during the entire construction period. The Dischargers shall be responsible for assuring that the SWPPP is implemented. The SWPPP shall contain all of the elements listed in Attachment B (incorporated herein and made part of this Board Order).
  - 3) Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and when allowed or permitted by the Regional Board's Executive Officer or his designee and where they do not cause or contribute to a violation of any water quality standard. Such discharges must be described in the SWPPP. Wherever feasible, alternatives which do not result in discharge of non-storm water shall be implemented.
  - 4) Monitoring shall be performed for all construction projects in accordance with "Monitoring and Reporting Program No. 01-077".
  - 5) A Notice of Termination shall be submitted to the Regional Board within 30 days of the completion of all construction projects and shall be in a form acceptable to the Regional Board's Executive Officer or his designee.
  - 6) Specific routine maintenance activities can be exempted from compliance requirements specified in this Section. Such activities must first be approved by the Regional Board's Executive Officer.
- b. Prior to the issuance of a building, grading, or other construction project permits which meet the criteria under the Statewide General Permit as a project needing to file for, and receive, the construction storm water permit, the Dischargers shall require proof that the applicant has filed a Notice of Intent for the construction storm water permit.

#### E. Best Management Practices

1. Each permittee shall implement the programs and Best Management Practices (BMPs) described in the SWMP and this Permit. These programs and BMPs include the following:
  - a. Illicit Connection/Illegal Discharge (IC/ID) Program:
    - 1) Outreach
      - i. Continue to educate/inform the general public on the proper application and management of pesticides, fertilizers and herbicides, as well as the proper management of irrigation systems to prevent runoff drainage to municipal storm drain system. Where appropriate, coordinate with the Soil Conservation Service, Resource Conservation Districts and UC Cooperative Extension.
      - ii. Educate/inform the general public on the impacts of litter and improper

waste disposal.

- iii. Educate/inform the general public on impacts from dumping pollutants into storm drainage system.
- iv. Educate/inform the general public on impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

## 2) Field Screening/System Surveillance

- i. Develop forms (or other mechanism) for reporting the observations of field personnel of unauthorized dumping or spills so the information can be used to help locate the source of pollutants.
- ii. Coordinate with County Health Department, local fire departments, Colorado RWQCB, and other departments as necessary to develop a target list of industries, which are known to be contributing substantial pollutant loads to the storm drain system. Develop and/or enhance inspection and notification procedures for these facilities.
- iii. Develop an implementation schedule for conducting field inspections of storm drain system and targeted industrial facilities.
- iv. Conduct field inspections to ensure identification and elimination of illegal dumping and discharge.
- v. Pollutants in runoff from landfills and SARA Title III facilities will continue to be monitored in compliance with existing Colorado RWQCB waste discharge requirements. This will also be used to assess compliance with the storm water requirements. Data compiled and provided to the Colorado RWQCB in compliance with the waste discharge requirements will be incorporated into the storm water compliance reports by reference.

## 3) Reporting

- i. Develop forms (or other mechanism) for reporting the observations of field personnel of unauthorized dumping or spills so the information can be used to help locate the source of pollutants.

## 4) Incident Response, Investigation, and Clean Up

- i. Continue to support the existing hazardous materials incident response programs implemented by the Riverside County Fire Department HAZMAT Team.

## 5) Training

- i. Develop and conduct a training program for field personnel (including in-field workshops) to conduct inspections. Training programs may include development of appropriate field manuals, training materials, and field sampling techniques and procedures.

6) Evaluation and Assessment

i. IC/ID performance and compliance evaluation shall include the following:

- Staff training – number of employees trained, by department or function
- Meet present BMP standards, such as use of standardized IC/ID reporting form
- Collect the following information on IC/ID reports:
  - Number of reports received
  - Number of cases investigated/responded to
  - Source of IC/ID
  - Final outcome of case (e.g., spill/connection was terminated and cleaned up, source owner/operator educational visit, warning letter, referral to enforcement agency)
  - Number of enforcement actions issued/taken (e.g., notice of non-compliance, notice of violation and order to comply, referral to District Attorney for prosecution)

ii. Outreach Assessment shall include:

- Number of education events conducted, by type (e.g., workshops, fairs, public counter assistance, etc.)
- Event attendance, by event type
- Number of outreach materials distributed through newspapers

b. Commercial/Industrial Program

1) Outreach

- i. Educate/inform the general public on impacts from littering and improper waste disposal.
- ii. Educate/inform the general public on impacts from dumping pollutants into storm drainage system.
- iii. Educate/inform the general public on impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

- iv. Educate/inform the landowners, tenants, business owners, and industrial operations (with special attention to facilities known to be contributing substantial pollutant loading to the storm drain system) regarding the need to provide covers (roofs, tarps) to keep rain off of areas which contain potential contaminants (such as chemical, waste and industrial storage areas) and keep runoff from draining through areas which contain contaminants.

2) Source Identification

- i. Coordinate with County Health Department, local fire departments, Colorado RWQCB, and other departments as necessary to develop a target list of industries, which are known to be contributing substantial pollutant loads to the storm drain system. Develop and/or enhance inspection and notification procedures for these facilities.
- ii. Develop, implement, and enforce regulations that require all new industrial facilities subject to the General Industrial Permit to show proof of compliance (such as a file number from submittal of a Notice of Intent) prior to: 1) issuance of a business license (applicable only to municipalities which require business licenses) or 2) issuance of a certificate of occupancy for new developments.

3) Training – See Section a.5

4) Evaluation and Assessment Targets

- i. Number of commercial and industry facilities in the source database, by type:
  - Restaurant
  - Automotive Service
  - Industrial
  - Mobile Cleaning Business
- ii. Number of commercial and industrial facilities visited (during each year):
  - Implement BMPs
  - Maintain a SWPPP (if required by the General Industrial Permit)

c. New Development/Redevelopment and Construction Activities Program

1) New Development and Redevelopment

- i. Inform contractors, operators, and agency staff about upcoming educational and training workshops on construction site erosion control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available at the public counter and staff bulletin boards, as appropriate.

- ii. Inform architects, engineers, building department personnel, and local government officials on water quality problems associated with urban runoff and the requirements for meeting NPDES laws and program goals for properly managing the quality of stormwater runoff. Provide information on upcoming training workshops and distribute educational materials as appropriate.
- iii. Adopt and implement the development and approval review procedures outlined in the SWMP.

## 2) Construction Activities

- i. Inform contractors, operators, and agency staff about upcoming educational and training workshops on construction site erosion control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available at the public counter and staff bulletin boards, as appropriate.
- ii. Review legal description section of Part I Permit Application and existing grading and erosion control ordinances, if any, to determine the adequacy of existing controls for construction site erosion, sedimentation, and construction material pollutants (i.e. paints, masonry wastes, etc.). The evaluation should also include an assessment of enforcement actions.
- iii. Establish a model construction site control ordinance for potential future adoption by the co-applicants in Riverside County. The ordinance will require control of pollutants from construction sites including erosion and construction material. (BMP Completed)
- iv. Identify priorities for inspecting sites and enforcing control measures for construction projects that disturb greater than 5 acres (Phase I requirements), between 1 and 5 acres (Phase II requirements), and sites disturbing less than 1 acre.

## 3) Training – See Section a.5

## 4) Evaluation and Assessment

- i. Describe workshops and efforts to publicize them to the target audience.
- ii. Describe educational materials developed in support of the New Development Guidelines.
- iii. Confirm that existing ordinances adequately address Phase I and Phase II requirements.
- iv. Adopt appropriate modifications, if necessary, to implement the BMP at c)2.ii.
- v. Each permittee to confirm compliance with SWMP.
- vi. List priorities, develop implementation schedule for inspections. Conduct

site inspections within existing building/grading inspection framework based on priorities.

d. Municipal Agency Activities Program

1) Sewage Systems

- i. Review, revise if necessary, and implement sewage spill response plans.

2) Municipal Facilities and Operations

- i. storage/maintenance areas.
- ii. Prepare a model pollution prevention plan for permittee maintenance areas. Implement the plan at maintenance areas.
- iii. Incorporate the BMPs outlined in SWMP for new maintenance and materials storage areas, where applicable.

3) Landscape Maintenance

- i. Educate/inform municipal agency personnel responsible for channel, park, golf course, and highway right-of-way maintenance about the proper use and management of pesticides, fertilizers, and herbicides. Alternative methods for controlling insects and weeds such as biological controls and the use of less toxic chemicals will be encouraged through internal workshops and guidance documents.
- ii. Each permittee will require that pesticides are applied in conformance with existing state and federal regulations.

4) Streets and Roads

- i. Evaluate pavement repair and maintenance programs for public streets and parking areas (e.g., fill potholes, seal cracks, apply surface treatments).
- ii. Develop a model fact sheet of BMPs for common road maintenance activities. Each permittee will require road maintenance personnel to review periodically and implement the BMPs.
- iii. Develop model specifications to incorporate appropriate elements from the fact sheet into road maintenance contracts. Each permittee will incorporate applicable elements into road maintenance contracts.

5) Storm Drain Systems

- i. Educate/inform the general public on impacts of dumping pollutants into storm drainage systems.
- ii. Develop a program, continue and/or expand an existing field program to detect and prevent dumping or routinely discharging pollutants into storm drains and drainage channels. This should involve re-evaluating, with regard to the NPDES permit, previous decisions to allow certain relatively

clean waters such as swimming pool water to be discharged to the municipal storm water drainage systems.

iii. Determine effectiveness of existing stormwater drainage system maintenance programs.

iv. Establish measurable goals for stormwater drainage system maintenance programs for basins, inlets, and open channels.

6) Training – See Section a.5

7) Evaluation and Assessment

i. Permittee with jurisdiction over a wastewater collection system to confirm the sewage spill response plans are developed and current.

ii. Show compliance by ensuring that vehicle maintenance & material storage yards develop and maintain a pollution prevention plan.

iii. Each permittee to show compliance by listing vehicle maintenance & materials storage areas and indicating applicable sections of model plan (described above) that have been implemented.

iv. Continue use of existing data collection form. Confirm the form and quantify percentage of permittee landscape maintenance personnel that have received training/outreach. Document staff training activities.

v. Provide list of pesticide application personnel and verify certification.

vi. Continue existing documentation. No additional evaluation/assessment proposed.

vii. Show compliance by providing copy of BMP fact sheet. Document fact sheet review by permittee staff.

viii. Document model specification. Each permittee to verify that specifications included in applicable contracts.

ix. Verify that stencils are maintained on all inlets.

x. Monitor statewide Phase 1 and 2 municipal program activities. Participate in evaluation activities.

xi. Describe maintenance activities.

e. Residential Program

1) Vehicle Washing and Maintenance

i. Educate/inform the general public on the impacts of littering and other improper disposal.

ii. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.

- iii. Educate/inform the general public on impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets.

## 2) Landscaping

- i. Continue to educate/inform the general public on the proper application and management of pesticides, fertilizers and herbicides, as well as the proper management of irrigation systems to prevent runoff drainage to municipal storm drain system. Where appropriate, coordinate with the Soil Conservation Service, Resource Conservation Districts and UC Cooperative Extension.
- ii. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.
- iii. Continue to support the efforts of the County Household Hazardous Waste Program, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

## 3) Home Maintenance

- i. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.
- ii. Continue to support the efforts of the County Household Hazardous Waste Program, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

## 4) Illegal Dumping

- i. Educate/inform the general public on the impacts of littering and other improper disposal.
- ii. Educate/inform the general public on the impacts of dumping pollutants into the storm drainage system.
- iii. Continue to provide, collect, and maintain litter receptacles in strategic public areas and during public events.
- iv. Develop a program, continue and/or expand an existing field program to detect and prevent dumping or routinely discharging pollutants into storm drains and drainage channels. This should involve re-evaluating, with regard to the NPDES permit, previous decisions to allow certain relatively clean waters such as swimming pool water to be discharged to the municipal storm water drainage systems.

## 5) Pet Ownership



- i. Educate/inform the general public regarding the need to clean-up and properly dispose of pet waste.
- ii. Continue to implement and enforce leash laws and other pet laws (i.e., pet waste clean-up, no pets in public areas) in selected public-use areas.

6) Evaluation and Assessment

- i. Document usage (call volume, type) of the Storm Water/Clean Water Pollution Prevention hotline.
- ii. Household Hazardous Waste Collection Program: (1) track event dates and number of days per event; (2) track type and amount of material collected; and (3) track advertisement expenditures by type (newspaper, television, radio, banners, flyers, etc.) for the permittees' internal use.

f. Public Education Program

1) Public and Staff Education

- i. Illicit Connection/Illegal Discharges education BMP's shall be implemented on a regional basis for the following target audience:

- Residents
- Groundskeepers
- Nurseries
- Commercial/Industrial facility owners and operators
- Students

- ii. Commercial/Industrial education BMP's shall be implemented on a regional basis for the following target audience:

- Comm/Industrial facility owners/operators

- iii. Development and Construction education BMP's shall be implemented on a local and regional basis for the following target audience:

- Contractors
- Architects
- Engineers
- Planning/Inspection staff

- iv. Municipal Agency Activities education BMP's shall be implemented on a local and regional basis for the following target audience:

- Municipal maintenance staff

- v. Municipal maintenance staff education BMP's shall be implemented on a local and regional basis for the following target audience:

- Municipal maintenance staff

- 2) Evaluation and Assessment – See Education BMP evaluation and assessment methods described in Programs a. to e.

E. General Provisions

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

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

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

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

3. Permit Actions [140 CFR 122.41(f)] [California Water Code § 133811]

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

- a. Violation of any terms or conditions of this Board Order; or
- b. Obtaining this Board Order by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

The filing of a request by the discharger for modification, revocation, and reissuance, or termination of this Board Order, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Board Order.

4. Property Rights [40 CFR 122.41(g)] [California Water Code § 13263(g)]

This Board Order does not convey any property rights of any sort or any exclusive privilege. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liabilities under federal, state, or local laws, nor create a vested right for the discharger to continue the waste discharge.

5. Inspection and Entry [40 CFR 122.41(ii)] [California Water Code § 13267(c)]

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

- b. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Board Order;
  - c. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Board Order;
  - d. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
  - e. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Board Order or as otherwise authorized by the Clean Water Act or California Water Code, any substances or parameters at any location.
6. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Board Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.
7. The provisions of this Board Order are severable, and if any provision of this Board Order, or the application of any provision of this Board Order to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Board Order, shall not be affected thereby.
8. The discharger shall comply with any interim effluent limitations as established by addendum, enforcement action, or revised waste discharge requirements which have been, or may be, adopted by this RWQCB.
9. In cases where storm water runoff quality is impacted by discharges from lands not owned, operated or maintained by the permittee(s), the permittee(s) may petition the Regional Board to regulate the discharge. Such a petition shall include:
- a. A written description of the discharge and any documentation of water quality problems caused by the discharge;
  - b. An 8 ½ inch x 11 inch location map which delineates the problem area; and
  - c. Documentation that the permittee does not have jurisdiction over the discharge and/or is unable to require compliance.
  - d. Such petitions may be submitted by the permittees at any time.

## F. Reporting Requirements

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

This Board Order expires on September 5, 2006. If the permittees wish to continue any activity regulated by this Board Order after the expiration date of this Board Order, the permittees must apply for and obtain new NPDES permit. The permittees must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations not later than 180 days in advance of the expiration date of this Board Order as application for issuance of a new permit.

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

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

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

The discharger shall give advance notice to the RWQCB of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this Board Order.

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

This Board Order is not transferable to any person except after notice to the RWQCB. The RWQCB may require modification or revocation and reissuance of this Board Order to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act or the California Water Code in accordance with the following:

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

This Board Order may be transferred by the discharger to a new owner or operator only if this Board Order has been modified or revoked and reissued, or a minor modification made to identify the new discharger and incorporate such other requirements as may be necessary under the Clean Water Act or California Water Code.

#### b. Automatic Transfers [40 CFR 122.61(b)]

As an alternative to transfers under paragraph a. of this reporting requirement, any NPDES permit may be automatically transferred to a new discharger if:

- 1) The current discharger notifies the RWQCB at least 30 days in advance of the proposed transfer date in paragraph b. (2) of this reporting requirement;
- 2) The notice includes a written agreement between the existing and new dischargers containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

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

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

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

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

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

7. The discharger shall report all instances of noncompliance at the time monitoring reports are submitted.
8. Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge, or in any report to the RWQCB, it shall promptly submit such facts or information.

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

All applications, reports, or information submitted to the RWQCB shall be signed and certified.

a. All Reports of Waste Discharge shall be signed as follows:

- 1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- 3) For a municipality, State, Federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (a) the chief executive officer of the agency; or (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of USEPA).
- b. All reports required by this Board Order, and other information requested by the RWQCB shall be signed by a person described in paragraph a. of this reporting requirement, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1) The authorization is made in writing by a person described in paragraph a. of this reporting requirement;
  - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity (e.g., an individual or position having overall responsibility for environmental matters for the company); and
  - 3) The written authorization is submitted to the RWQCB.
- c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of paragraph b. of this reporting requirement must be submitted to RWQCB prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Any person signing a document under paragraph a. or b. of this reporting requirement shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
10. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this Board Order shall be available for public inspection at the offices of the RWQCB. As required by the Clean Water Act, Reports of Waste Discharge, this Board Order, and effluent data shall not be considered confidential.

11. The discharger shall submit reports and provide notifications as required by this Board Order to the following:

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

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

12. Unless otherwise directed, the discharger shall submit three copies of each report required under this Board Order to the RWQCB and one copy to USEPA.

#### G. Notifications

1. California Water Code Section 13263(g)

No discharge of waste into the waters of the state, whether or not such discharge is made pursuant to waste discharge requirements, shall create a vested right to continue such discharge. All discharges of waste into waters of the state are privileges, not rights.

2. The RWQCB has, in prior years, issued a limited number of individual NPDES permits for non-storm water discharges to municipal storm water conveyance systems. The RWQCB or SWRCB may in the future upon prior notice to the permittee(s), issue an NPDES permit for any non-storm water discharge (or class of non-storm water discharges) to a municipal storm water conveyance system. permittees may prohibit any non-storm water discharge (or class of non-storm water discharges) to a municipal storm water conveyance system that is authorized under such separate NPDES permits.
3. Enforcement Provisions [40 CFR 122.41(a)(2)] [California Water Code 13385 and 13387].

The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this Board Order, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation of this Board Order, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more

than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this Board Order, and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. - In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by - imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

4. Nothing in this Board Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the Clean Water Act.
5. Nothing in this Board Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

#### H. Monitoring and Reporting

1. Pursuant to Section 13267 of the California Water Code, the permittees shall comply with Monitoring and Reporting Program No 01-077 and with the "General Monitoring and Reporting Provisions."

#### I. Administrative Provisions

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

#### J. Required Submittals and Compliance Time Schedules

1. The following submittals are required in accordance with Section 13267 of the California Water Code.
  - a. The discharger shall report all intentional or accidental spills exceeding 1,000 gallons and also any non-compliance that could endanger human health or the environment within 24 hours of becoming aware of its occurrence. The incident

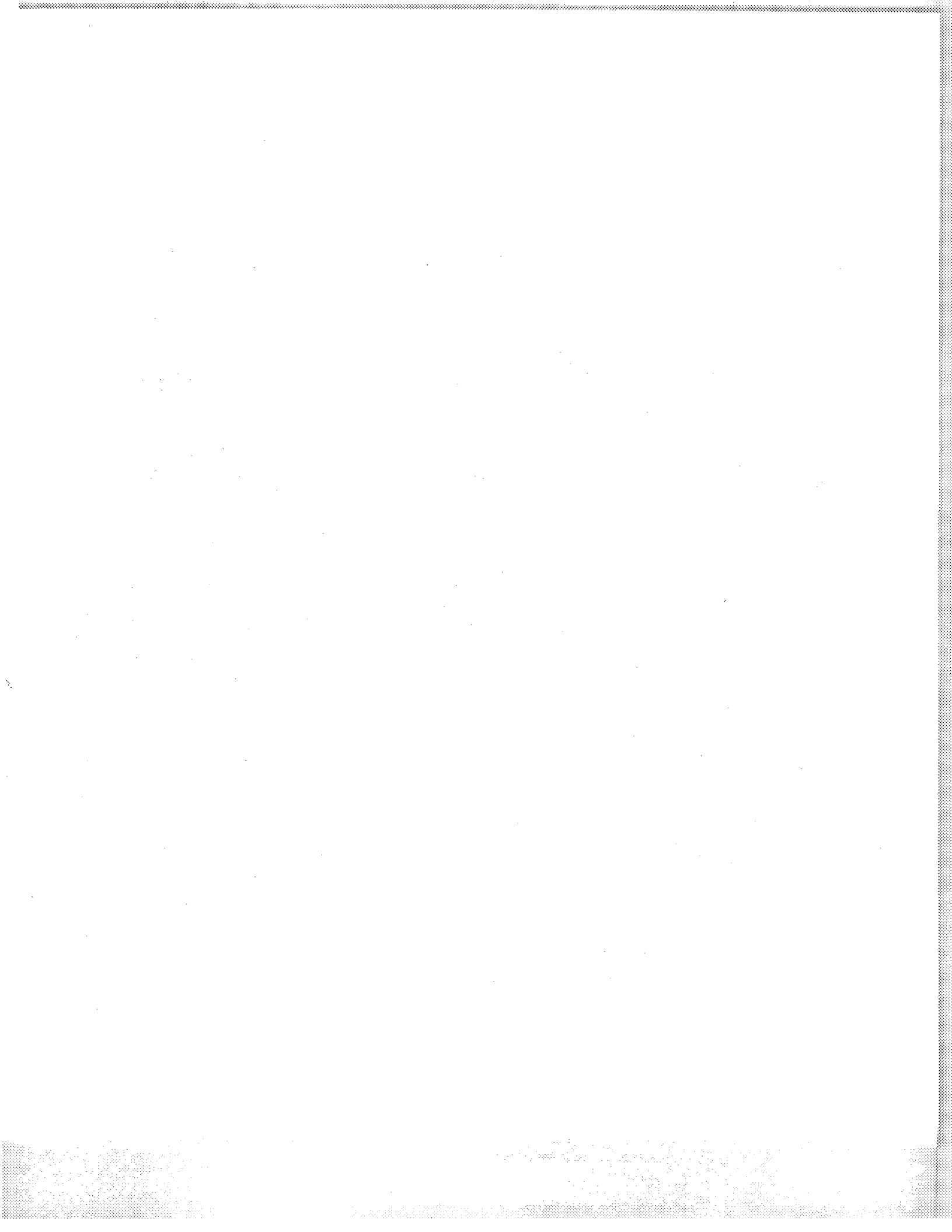


the Regional Board's voice mail. A written report shall be submitted to this office within five (5) business days of the discharger becoming aware of the incident. This report shall contain a description of the non-compliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the discharger has taken, or intends to take in order to prevent recurrence. An adverse condition includes, but is not limited to, serious violation or serious threatened violation of the terms and conditions of this Board Order, significant spills of petroleum products or toxic chemicals, or serious damage to control facilities that could affect compliance.

- b. This Board Order expires on September 5, 2006 and the permittees must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of a new NPDES permit.

I, Phil Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 5, 2001.

  
PHIL GRUENBERG  
Executive Officer



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

**MONITORING AND REPORTING PROGRAM NO. 01-077  
FOR  
RIVERSIDE COUNTY FLOOD CONTROL DISTRICT, OWNER/OPERATOR  
COUNTY OF RIVERSIDE, OWNER/OPERATOR  
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR  
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE  
WHITEWATER RIVER BASIN, OWNERS/OPERATORS  
FOR THE DISCHARGE OF  
WHITEWATER RIVER WATERSHED STORM WATER  
Riverside County**

**MONITORING**

1. The permittee(s) shall monitor several different, but related, types of surface water and urban runoff water streams for pollutants during the fiscal year (July 1 to June 30). This monitoring will assist in the determination of the impact of urban storm water in the permitted area. Specifically, the permittee(s) shall sample the below-listed monitoring location in accordance with the specified sampling schedule and constituents of concern.

**Dry Weather Outfalls**

<b>Monitoring Location<sup>1,2</sup></b>	<b>Minimum No. of Events/Year</b>	<b>Type of Sample</b>	<b>Constituents<sup>3</sup></b>
Ramsey Street Storm Drain	2	Grab or Composite	Metals Organics Conventional Inorganics Microbiological
Sunrise Storm Drain	2	Grab or Composite	Metals Organics Conventional Inorganics
Date Palm Storm Drain	2	Grab or Composite	Metals Organics Conventional Inorganics Microbiological

<sup>1</sup> If any of the below listed sites are dry during the sampling event, samples should be collected from one of the four following listed alternate sites: 1) Avenue 52 Storm Drain; 2) Date Palm Storm Drain; 3) Portola Storm Drain; or 4) Monroe Storm Drain

<sup>2</sup> The sampling stations shall alternate every season on a four year cycle

<sup>3</sup> See Attachment B

**Dry Weather Receiving Waters**

Monitoring Location	Minimum No. of Events/Year	Type of Sample	Constituents
Upper White Water River	1	Grab or Composite	Metals Organics Conventional Inorganics Microbiological
Chino Canyon Tahquitz Palm Canyon Middle Whitewater River	1 <sup>4</sup>	Grab or Composite	Metals Organics Conventional Inorganics
Lower White Water River	1	Grab or Composite	Metals Organics Conventional Inorganics
Farrel FB	1		Sediment

**Wet Weather Outfalls**

Monitoring Location <sup>1,2</sup>	Minimum No. of Events/Year	Type of Sample	Constituents
Ramsey Storm Drain	2	Grab or Composite	Metals, Organics, Conventional Inorganics Microbiological
Sunrise Storm Drain	2	Grab or Composite	Metals, Organics, Conventional Inorganics
Date Palm Storm Drain	2	Grab or Composite	Metals, Organics, Conventional Inorganics

**Wet Weather Receiving Waters**

Monitoring Location	Minimum No. of Events/Year	Type of Sample	Constituents
Upper White Water River	1	Grab or Composite	Metals Organics Conventional Inorganics
Chino Canyon Tahquitz Palm Canyon Middle Whitewater River	1 <sup>4</sup>	Grab or Composite	Metals, Organics, Conventional Inorganics Microbiological

<sup>4</sup> One sample to be collected during the sampling event from one of the four listed monitoring locations

### PUBLIC WORKS CONSTRUCTION MONITORING

1. The permittee(s) are required to conduct site inspections before and after storm events. Other than reporting incidents of noncompliance, the permittee(s) are not required to submit reports.
2. The Regional Board may require the permittee(s) to conduct additional site inspections, submit reports and certifications, or to perform sampling and analysis.
3. The permittee(s) shall conduct inspections of construction sites prior to anticipated storm events and after actual storm events to identify areas contributing to a discharge of storm water associated with construction activity, the permittee(s) shall evaluate whether control practices to reduce pollutant loadings identified in the Storm Water Pollution Prevention Plan are adequate and properly implemented or whether additional control practices are needed. A record of the inspections must include the date of the inspection, the individual(s) who performed the inspection, and the observations.
4. Any noncompliance or anticipated noncompliance shall be reported to the Regional Board. The notifications shall identify the type(s) of noncompliance, describe the actions necessary to achieve compliance, and include a time schedule, subject to the modifications by the Regional Board, indicating when compliance will be achieved. Noncompliance notifications must be submitted within 30 days of identification of noncompliance.
5. Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least five years. With the exception of noncompliance reporting, the permittee(s) are not required to submit these records.

### REPORTING

1. An annual report shall be submitted to the Regional Board's Executive Officer stating the results of all monitoring performed (except construction monitoring). This report shall be submitted to the Regional Board by January 15th of each year.
2. Monitoring reports shall provide the data/results, methods of evaluating the data, graphical summaries of the data, and an explanation/discussion of the data for each monitoring program component listed above.
3. Monitoring reports shall include an analysis of the findings of each monitoring event. The analysis shall identify and prioritize water quality problems. Based on the identification and prioritization of water quality problems, the analysis shall identify potential sources of the problems, and recommend future monitoring and BMP implementation measures for identifying and addressing the sources. The analysis shall also include an evaluation of the effectiveness of existing control measures.
4. Monitoring reports shall include identification and analysis of any long-term trends in storm water or receiving water quality.

5. All monitoring reports shall use a standard report format and shall include the following:
  - a. A stand alone comprehensive executive summary addressing all sections of the monitoring report;
  - b. Comprehensive interpretations and conclusions; and
  - c. Recommendations for future actions.
6. All monitoring reports submitted to the Principal Permittee or the RWQCB shall contain the certified perjury statement described in Standard Reporting Requirements in Format Item No. 3.
7. All monitoring reports shall describe monitoring station locations by latitude and longitude coordinates, frequency of sampling, quality assurance/quality control procedures and sampling and analysis protocols.
8. The collection, preservation and holding times of all samples shall be in accordance with United States Environmental Protection Agency approved procedures. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted by a laboratory certified for such analysis by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR 136), promulgated by the United States Environmental Protection Agency.

#### ILLEGAL CONNECTIONS/DISCHARGERS

The permittee(s) shall report the following:

<u>Activity</u>	<u>Reporting</u>
To inspect and document any pollution problems and illegal connections identified as part of the Storm Water Management Plan	Annually

#### EDUCATIONAL ACTIVITIES

The permittee(s) shall report in the January 15 annual report, the educational activities performed in the past year and a list of planned activities for the upcoming year, including the date(s) and where possible the approximate number of attendees present for each year. If available, the report shall also include a list of attendees during industrial training activities.

## COMPLIANCE STATUS

The permittee(s) shall report their overall compliance level for the previous year in the January 15 annual report. This compliance status report shall also include a compliance status report for each permittee.

### FORMAT

1. The permittee(s) shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the permittee(s) are in compliance with waste discharge requirements.
2. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurement(s);
  - b. The individual(s) who performed the sampling or measurement(s);
  - c. The date(s) analyses were performed;
  - d. The analytical techniques or method used; and
  - e. The results of such analyses.
3. Each report shall contain the following statement:

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
4. A duly authorized representative of the permittee(s) may sign the documents if:
  - a. The authorization is made in writing by the director, general manager or equivalent person in charge of overseeing the entire operation.
  - b. The authorization specified an individual or person having responsibility for the overall operation; and
  - c. The written authorization is submitted to the Regional Board's Executive Officer.
5. The permittee(s) shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least five (5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board's Executive Officer.

6. Submit monitoring reports to:

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

A copy of the Monitoring Report shall also be sent to:

Regional Administrator  
U. S. Environmental Protection Agency  
Region 9, Attn: 65/MR, W-3  
75 Hawthorne Street  
San Francisco, CA 94105

Ordered By:   
Executive Officer

Date: September 5, 2001