CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 5-01-048

NPDES NO. CA0083500

WASTE DISCHARGE REQUIREMENTS FOR FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CITY OF FRESNO CITY OF CLOVIS COUNTY OF FRESNO, AND CALIFORNIA STATE UNIVERSITY FRESNO

URBAN STORM WATER DISCHARGES FRESNO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. Medium sized municipalities (those with a population greater than 100,000 but less than 250,000) that discharge storm water through municipal storm sewer systems to waters of the United States require a National Pollutant Discharge Elimination System (NPDES) Permit to regulate that storm water discharge, pursuant to Section 126.22(a)(iv) of Title 40 of the Code of Federal Regulations (40 CFR). Although the population of the City of Fresno is currently greater than a "medium sized municipality," it was defined as such in Appendix G to Part 122, 40 CFR.

2. Waste Discharge Requirements Order No. 94-244 (NPDES No. CA0083500) was adopted on 16 September 1994 and issued to the Fresno Metropolitan Flood Control District (District), City of Fresno, City of Clovis, County of Fresno (County), California State University Fresno (CSUF), and the California Department of Transportation (Caltrans) for the discharge of Urban Storm Water.

3. On 15 July 1999 the State Water Resources Control Board adopted a statewide Caltrans General Permit for Storm Water Discharges, Order No. 99-06-DWQ. Therefore, Caltrans is not named as a co-permittee on this permit.

4. The District, City of Fresno, City of Clovis, County, and CSUF are hereafter collectively referred to as 'Discharger' and individually as 'Permittees.'

5. The Discharger submitted a permit reapplication package on 1 March 1999.

6. The District, lead agency for permit implementation and coordination, owns and operates a municipal separate storm sewer system (MS4) in accordance with its Master Plan to control flooding and improve storm water quality by manipulating the runoff through approximately 130 interconnected basins throughout the Fresno and Clovis area. The City of Fresno, City of Clovis, and the County control land usage in the areas that drain to the MS4. CSUF discharges storm water runoff from the campus area into the MS4 subject to this permit.

7. Section 402(p)(3)(B)(iii) of the Federal Clean Water Act requires "controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions…."

8. The reapplication package included a revised Storm Water Management Plan (SWMP) that outlines the Best Management Practices (BMPs) the Discharger proposes to implement to achieve the removal of pollutants from storm water to the maximum extent practical. The revised SWMP identifies the following BMP programs:

   - Public Involvement and Education,
   - Illicit Discharges,
   - Structural Controls,
   - Operations and Maintenance,
   - Construction and Development,
   - Commercial and Industrial, and
   - Source Identification and Monitoring

   The SWMP summarizes specific tasks to complete in order to implement the BMPs for each program.

9. The revised SWMP and any approved modifications or revisions are incorporated herein by reference and made an integral and enforceable part of this Order.

10. Attachment 1 identifies the area included in the District's MS4 Master Plan, which is also the area subject to this permit. Attachment 2 lists the drainage areas, approximate percentage of runoff discharged, and the respective receiving water subject to this permit.

11. The Master Plan proposes to maintain approximately 130 basins that currently exist in the permit area, to design and retrofit basins to remove 80% of incoming pollutants, and to continue to construct basins at the approximately 30 sites included in the Master Plan that do not yet have basins.

12. Estimates in the District's Basin Hydrologic Study show that during an average year, the MS4 retains 90% of the urban runoff from the permit area in storm water basins located throughout the permit area. Another 8% of the urban runoff is discharged to the San Joaquin River or canals after being detained in storm water basins. The remaining 2% is discharged directly to the San Joaquin River or canals.

13. The retention and/or detention of storm water in storm water basins are accepted treatment methods and the Discharger's most effective BMPs in removing pollutants from urban runoff. The retention of storm water prevents pollutants contained in the water from reaching receiving water. The effectiveness of detention on removing pollutants from effluent water varies depending on a number of factors including constituent characteristics and basin design.

14. Several of the MS4 permits for areas around the state that are on their second term contain or have given consideration to Standard Urban Storm Water Mitigation Plans (SUSMPs) for specific categories of new development and redevelopment. In general, the SUSMP requires that 85 percent of the runoff from the subject sites be infiltrated or treated and recommend or require other

BMPs. The State Board has found that the provisions in the SUSMPs constitute MEP. However, a SUSMP was not considered for this permit due to the nature of the MS4 in the permit area. The MS4 system covered by this permit is composed of regional, structional detention/retention facilities, which capture runoff from all urban land uses, providing a substantially broader coverage than that created by the SUSMPs. The individual requirements imposed by the SUSMPs on specific categories of development would therefore create a non-productive duplication effort. Additionally, many of the BMPs included in the SUSMPs are already addressed in the Discharger's SWMP. Also, many of the BMPs are designed to address water quality issues different from what occurs in the area covered by this permit. The regional nature of the MS4 and a single responsible body provides more assurance of proper operation and maintenance.

15. While some of the water discharged to receiving waters is done so directly, most discharges are detained for various periods of time. Because of this and the constraints of the current sampling procedures, it is not known for certain whether the existing sampling program captures the full effect of the urban runoff in the receiving water. Regular evaluation of the effectiveness of the procedures is necessary to assure the effects of discharging storm water runoff are being reflected in the Discharger's sampling results.

16. Urban runoff is discharged to the San Joaquin River, and to various canals of the Tulare Lake Basin that eventually flow into the Herndon Canal or the Dry Creek Canal. All of these waters are considered waters of the United States. The Board adopted Water Quality Control Plans for the *San Joaquin River Basin* and *Tulare Lake Basin* (hereafter Basin Plans), which contain water quality objectives for all waters of the Basins. These requirements implement the Basin Plans.

17. The *San Joaquin River Basin Plan* designates the beneficial uses of the San Joaquin River between Friant Dam and Mendota Pool as municipal, domestic, industrial, and agricultural supply water; water contact and non contact water recreation, warm and cold freshwater habitat, warm and cold water migration, warm water spawning, and wildlife habitat.

18. The Herndon and Dry Creek Canals are considered Valley Floor Waters. The beneficial uses of Valley Floor Waters of the Tulare Lake Basin are agricultural and industrial supply water; water contact and non-contact water recreation; warm water habitat; wildlife habitat; rare, threatened, or endangered species habitat; and groundwater recharge.

19. The revised SWMP proposes to discontinue one aspect of one of the Illicit Discharge Elimination BMPs in the original SWMP for identifying illicit connections. The task consisted of following drain lines to confirm no illicit connections exist. No illicit connections were identified employing this BMP during the term of the prior permit, contributing to the determination that the benefits derived failed to justify the cost of implementation. Other parts of the Illicit Discharge Elimination Program will continue.

20. The SWMP proposes to continue the use of recommended and required post-construction provisions. During the last permit period, one provision required facilities with loading docks to direct drains from the loading dock area to vegetated swale areas before connecting to the MS4. However, there were no design specifications for the swales, so they were not consistently constructed and did not achieve universal performance standards. But, because direct connection to the MS4 was thereby prohibited, the provision did allow a greater opportunity for spill discovery and response. The District replaced the swale requirement with a requirement that

prohibits subject facilities from directly connecting to the MS4, thus maintaining the spill identification and response element of the control measure.

21. The State Water Resources Control Board issued NPDES General Permits for the discharge of storm water associated with industrial and construction activities (CAS000001 and CAS000002, respectively). To implement the industrial, new development, and construction elements of the SWMP effectively, the Discharger will, at the levels and frequencies described in the SWMP, conduct inspection activities at industries or construction sites to determine compliance with the NPDES General Permits. The Cities and County issue building permits, which implement storm water control provisions. Under the Clean Water Act, the Discharger cannot directly enforce the General Permits, but can and should enforce building permit conditions. The Board intends to work cooperatively with the Discharger to ensure compliance with the requirements of the General Permits.

22. The District currently relies on compliance assistance, educational outreach, and interagency coordination as its compliance assurance mechanisms. However, additional tools for enforcement are under consideration, should existing reliance on Cities and the County prove ineffective. Possible tools include the authority to issue administrative citations and associated fines, the authority to order abatement of a violation and recover any District costs incurred in such abatement, and the authority to establish fees for repeated inspections of continuing violations.

23. Order No. 94-244 required the Discharger to submit the adopted master storm water quality ordinance and accompanying draft memoranda of understanding (MOU) between the participating Permittees (District, the County of Fresno, and the Cities of Clovis and Fresno). The agencies adopted ordinances, but only the County and the City of Clovis entered into an MOU with the District. The City of Fresno delayed entering into an MOU with the District pending a District determination on whether the District would increase its own enforcement capabilities. The District has yet to adopt further enforcement capabilities. In a Notice of Violation dated 17 November 2000, the Board required the City of Fresno to comply with Order No. 94-244 by entering into an MOU with the District by 15 January 2001. An MOU is necessary to define the roles and responsibilities of each agency in implementing the SWMP and complying with the permit.

24. It is not the intent of the federal storm water regulations, or this permit, to regulate storm water discharges from agriculture, open space, and rural land development where they occur in the permit area (40CFR 122.26(a)(v)).

25. The term “storm water,” as used in this permit, includes storm water runoff, snowmelt runoff, and surface runoff and drainage from areas other than those land use types identified in Finding 24.

26. Precipitation in the Fresno-Clovis metropolitan area averages 10.6 inches per year, according to data included in the University of California Statewide Integrated Pest Management Project.

27. Certain storm water facilities may create a habitat for vectors if not properly designed or maintained. Storm water facilities that generate vectors or nuisances can be eliminated or avoided by close coordination of design and surveillance and control with the local Mosquito or Vector Control Agency of the State Department of Health Services. Nothing in this permit is intended to preclude inspection, abatement, or treatment of nuisances by the vector control agency in accordance with the Health and Safety Code.

28. The SWMP represents best practicable treatment and control of the discharge. The impact on surface water quality and groundwater quality will be minimized through implementation of BMPs, and any consequent degradation considered in the best interest of the people of the state. The discharge will not unreasonably threaten present and anticipated beneficial uses or result in groundwater that exceeds or threatens to exceed water quality objectives set forth in the Basin Plan. Given these considerations, the discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16.

29. The action to adopt this NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), requiring preparation of an environmental impact report or negative declaration, in accordance with Section 13389 of the California Water Code.

30. The Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

31. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

32. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided EPA has no objections.

IT IS HEREBY ORDERED that Order No. 94-244 is rescinded and the Fresno Metropolitan Flood Control District; City of Fresno; City of Clovis; County of Fresno; and California State University, Fresno; their agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibition:

Discharge of non-storm water (material other than storm water), except as allowed by Provision D.5 or an individual NPDES permit, is prohibited.

B. Discharge Specification:

The Discharger shall reduce the discharge of pollutants into the storm drainage system to the maximum extent practicable.

C. Receiving Water Limitations:

1. Discharges from the MS4 shall not cause or unreasonably contribute to the following in receiving water:

    a. Oils, greases, waxes, or other materials to form a visible film or coating on the water surface or on objects in the water.
    b. Oils, greases, waxes, floating material (liquids, solids, foams, and scums), or suspended material to create a nuisance or adversely affect beneficial uses.
    c. Aesthetically undesirable discoloration.
    d. Fungi, slimes, or other objectionable growths.

e. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.
f. Deposition of material that causes a nuisance or adversely affects beneficial uses.
g. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental physiological response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.
h. Concentrations of dissolved oxygen to fall below 7.0 mg/l.
i. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the California Code of Regulations, Title 22; that harm human, plant, animal, or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent that it presents a hazard to human, plant, animal, or aquatic life.
j. The normal ambient pH to fall below 6.5, exceed 8.5, or change by more than 0.5 units.
k. Turbidity to exceed the following limits:
   - Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.
   - Where natural turbidity is equal to or between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
   - Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.
m. Violations of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board pursuant to the CWA and regulations adopted thereunder.

2. Discharges to structural controls, such as detention and retention basins, shall not cause underlying groundwater to exceed water quality objectives or adversely affect beneficial uses.

D. Provisions:

1. The Discharger shall comply with Prohibition A by implementing and enforcing institutional controls that effectively preclude discharge of non-storm water (except as noted in Provision D.5) through its system into waters of the United States.

2. The Discharger shall comply with Prohibition A by implementing and enforcing controls on spills, dumping, and disposal of materials other than storm water into the MS4, and by establishing and maintaining an effective spill emergency response program to respond to and contain spills that inadvertently occur.

3. The Discharger shall comply with Discharge Specification B by continued implementation of the revised SWMP.

4. The Discharger shall comply with Receiving Water Limitations C.1 and C.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP, include any modifications, and other requirements of this permit. The SWMP shall be designed to achieve compliance with Receiving Water Limitations C.1 and C.2. If exceedance(s) of the limitations occur that are attributable in whole or part to the discharge and persist or recur notwithstanding implementation of the

SWMP and other requirements of this permit, the Discharger shall assure it has done everything resonable and necessary to assure compliance with Receiving Water Limitations C.1 and C.2 by complying with the following procedure:

a. Upon a determination by the Discharger that discharges are causing or contributing to an exceedance of Receiving Water Limitations, the Discharger shall notify the Board of its findings within 30 days of the determination. Upon written notification from the Executive Officer, whether the determination is made by the Discharger or the Board, the Discharger shall submit for review and approval by the Executive Officer a report 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 Receiving Water Limitations. The report may be incorporated in the annual update to the SWMP unless the Executive Officer directs an earlier submittal. The report shall include an implementation schedule.

b. Within 30 days following approval of the report described above, the Discharger shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required.

c. The Discharger shall implement the revised SWMP and monitoring program in accordance with the approved schedule.

So long as the Discharger has complied with the procedures set forth above and is implementing the revised SWMP, the Discharger is not required to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed in writing by the Board to develop additional BMPs.

5. Unless determined by the Executive Officer or the Discharger to be significant sources of pollutants, the following non-storm waters may be discharged through the storm water drainage system:

a. water line flushing;
b. landscape irrigation;
c. diverted stream flows;
d. rising groundwaters;
e. uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to separate storm sewers;
f. uncontaminated pumped groundwater;
g. discharges from potable water sources;
h. foundation drainage;
i. air conditioning condensate;
j. irrigation water;
k. springs;
l. water from crawl space pumps;
m. footing drainage;
n. lawn waters;

o. individual residential car wash water;
p. flows from riparian habitats and wetlands;
q. dechlorinated swimming pool discharges;
r. waters from fire fighting activities that are free of contaminants or are otherwise necessary to avoid threats to public health and safety.

6. Major outfalls not identified in the SWMP, but constructed during the term of this Order to receiving waters identified herein, shall not be considered a material change in character, location, or volume of the permitted discharge, and shall be allowed under the terms of this Order without permit application or permit modification, provided at least 90 days prior to construction of the outfall the Discharger submits a report that includes:

a. Receiving water name;
b. Storm water outfall location map;
c. Drainage area (in acres);
d. Land use designation; and
e. Certification that the SWMP shall be amended to include the drainage area.

7. The Discharger shall perform the actions set forth in the SWMP to achieve compliance with this Order, including, but not limited to:

a. Performing inspection, surveillance, and monitoring procedures necessary to determine compliance with ordinances, permits, and other components of the SWMP;
b. Implementing programmatic functions as described in the SWMP;
c. Providing the requisite funding and personnel to implement the storm water program as described in the SWMP; and,
d. Enforcing codes, ordinances, and permits.

8. By **15 April 2001**, the Discharger shall evaluate the effectivenss of the MOUs between the District and the City of Clovis and the County of Fresno and submit a determination of each evaluation. If the MOUs are not adequate to assure effective implementation of the terms of this permit, the co-permittees shall revise the terms and submit signed copies of new MOUs by **15 July 2001**. In determining effectiveness, the co-permittees shall consider whether the current MOUs contain sufficient enforcement tools and accurately reflect actual working relationships, with the understanding that working relationships are dynamic and dependent on day-to-day conditions. If an effective MOU cannot be executed, the District shall develop its own enforcement tools by **15 January 2002.**

9. By **15 April 2001** the Discharger shall submit an MOU signed by the District and the City of Fresno. Failure by the City of Fresno to enter into an MOU with the District by the above date shall terminate coverage of the permit for the City. Further discharges will be considered discharges without a permit in violation of California Water Code (CWC) §13376 and subject the entity to potential Civil Liability under CWC §13385 and to potential third-party lawsuits.

10. By **15 September 2001** the Discharger shall submit a template storm water inspection checklist. Following approval by the Executive Officer, the checklist shall be used by the Cities and County to assist in compliance with Provision 7.a.

11. By **15 September 2001** the Discharger shall submit a proposed training program. The training program shall cover storm water pollution prevention, detection, and abatement issues. Staff that implement prevention, detection, investigation, monitoring, abatement, and enforcement activities proposed in the SWMP shall attend the course. Staff assigned such tasks shall be familiar with applicable elements of the SWMP. The Discharger shall, at its own discretion, develop supplemental lesson plans directed at staff with different responsibilities (e.g., planners, building inspectors, road and maintenance crews, and supervisors). Following approval by the Executive Officer, the training program shall be directed to Discharger personnel responsible for making inspections of construction projects and for personnel associated with municipal operation and maintenance.

12. The Discharger shall perform the activities in the SWMP, and use its enforcement authorities to ensure compliance with the construction and industrial NPDES permits for discharges within the area subject to this permit (see Finding 10). For cases of noncompliance in which the Discharger lacks sufficient means or authority to ensure compliance, the Discharger shall refer the case to the Board in writing for further enforcement.

13. Discharger may require anyone with a general construction or industrial NPDES storm water permit discharging to the MS4 to comply with more stringent local conditions specified in the SWMP, including any local prohibition. In no case shall a requirement by a Permittee be less stringent than the NPDES requirements.

14. The Discharger shall consider vector and nuisance abatement while implementing all parts of the revised SWMP. The Discharger shall consult with the Local Mosquito or Vector Control Agency or the State Department of Health Services and implement reasonable and appropriate BMPs to minimize mosquito or vector breeding.

15. SWMP may need to be revised or amended to respond to changed conditions and to incorporate more effective approaches to pollutant control. Requests for changes may be initiated in writing by either the Executive Officer or by the Discharger. In response to the Discharger's request, the Executive Officer may approve the request in writing or request a report if more information is necessary, before submittal to the Board. Minor changes may by approved by the Executive Officer and reported to the Board as an information item. Major changes are subject to Board approval.

16. The SWMP, and any modifications or revisions to the SWMP that are approved in accordance with Provision D.15 of this Order, are enforceable components of this Order. The timely implementation of BMPs and other actions to reduce pollutants in storm water discharges in accordance with the SWMP and any of its modifications, revisions, or amendments thereto shall serve to demonstrate compliance with federal requirements to reduce pollutants to the Maximum Extent Practicable and this Order.

17. This Order may be modified, or alternatively, revoked or reissued, prior to the expiration date as follows: a) to address significant changed conditions identified in the technical reports required by the Board which were unknown at the time of the issuance of this Order; b) to incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan approved by the State Water Resources Control Board; or c) to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so

issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirement of the CWA when applicable.

18. The Discharger shall comply with Monitoring and Reporting Program No. 5-01-048, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.

19. The Discharger shall comply with the Fresno-Clovis Metropolitan Storm Water Quality Management Programs: *Receiving Water Monitoring Plan* (6 January 1995) and *In-System Monitoring Plan* (7 April 1995) which is part of this Order by reference, and any revisions thereto as ordered by the Executive Officer.

20. The Discharger shall comply with all applicable Standard Provisions of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)," dated 1 March 1991, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.

21. The Discharger may request changes to the Monitoring and Reporting Program. Revisions to the Monitoring and Reporting Program shall be subject to approval of the Executive Officer.

22. This Order expires **16 March 2006**. The Discharger must file a Report of Waste Discharge in accordance with Title 23, CCR, not later than 180 days in advance of such date in application for renewal of this NPDES Storm Water Permit.

I, GARY M. CARLTON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 16 March 2001.

_____

GARY M. CARLTON, Executive Officer

JAB:fmc:3/16/01

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. 5-01-048

NPDES NO. CA0083500

FOR FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
CITY OF FRESNO
CITY OF CLOVIS
COUNTY OF FRESNO AND
CALIFORNIA STATE UNIVERSITY FRESNO
URBAN STORM WATER DISCHARGES
FRESNO COUNTY

River monitoring sample stations shall be those described in *Standard Operating Procedures for the Fresno-Clovis Storm Water Quality Monitoring Program: River Monitoring* (Larry Walker Associates, 1997). The parameters tested shall be those that were sampled for during the first permit term (see Attachment 3 for a complete list). Sampling and analytical procedures shall be in accordance with the United States Environmental Protection Agency's recommended procedures. Chain of custody forms shall be completed for each sample collected and copies provided to the Regional Board.

IN-SYSTEM STORM WATER MONITORING

By **3 months from adoption of this monitoring and reporting program**, the Discharger shall submit a report on the in-system monitoring plan. The report shall include an estimate of when sufficient data will be gathered in order to evaluate the effectiveness of Basin V and the criteria of the next basin design to be monitored. The submitted plan shall be implemented according to its time schedule. Changes to the plan shall be made in writing to the Board.

RECEIVING WATER MONITORING

The Discharger shall continue to implement its Storm Water Monitoring Program in accordance with the *Fresno-Clovis Metropolitan Storm Water Quality Management Program: Receiving Water Monitoring Plan* (6 January 1995).

REPORTING

The Discharger shall submit, by **1 September each year**, an annual report, covering the previous year between 1 July and 30 June which includes:

1. The status of the Measurable Goals provided in the SWMP

2. A discussion of program accomplishments

3. Results of the Illicit Discharge Elimination Program, including

a. Number, quantity, and quality of identified dry weather flows, and

b. Number, quantity, quality, and source of identified illicit discharges existing and eliminated;

4. Known spill incidents that resulted in a discharge to the storm sewer or water of the United States, including the type, quantity, quality, and source of spill;

5. Monitoring information collected pursuant to the Storm Water Monitoring program, including
   a. Results of all sampling,
   b. Estimation of pollutant loads generated within the drainage area, and
   c. Percent change in pollutant load from the previous permit years;

6. Estimates of volume of water percolated into basins and discharged to surface waters;

7. A report of studies performed in regards to improving the monitoring program. The report shall include the status of ongoing studies, any conclusions drawn from the studies, and, if appropriate, a plan, subject to approval by the Executive Officer, to implement changes to the monitoring program.

8. A summary of industrial and construction activity storm water inspections conducted, including
   a. Number of inspections conducted,
   b. Follow-up activities,
   c. Results of follow-up activities and enforcement, and
   d. Proposed improvements to the program;

9. The name, title, and phone number of the primary of contact person for each Permittee;

10. A discussion of the effectiveness of pollution control activities described in the SWMP, including information gathered to qualitatively and quantitatively evaluate the ability of the SWMP to reduce pollutants;

11. A discussion of the adequacy of legal authority and/or legal controls for implementing and carrying out the SWMP; and

12. Recommended changes and/or modifications to the SWMP.

In its annual report, the Discharger shall demonstrate whether the discharge of pollutants to receiving waters has been reduced to the maximum extent practicable, and whether it is in substantial compliance with the SWMP.

All reports submitted in response to this Order shall comply with the signatory requirements stipulated in Standard Provision D.6.

The Discharger shall implement this program on the first day of the month following the effective date of this Order.

Ordered by: _____
GARY M. CARLTON, Executive Officer

21 March 2001
(Date)

JAB:fmc:3/16/01

INFORMATION SHEET

ORDER NO. 5-01-048
FRESNO-CLOVIS METROPOLITAN AREA
URBAN STORM WATER DISCHARGES
FRESNO COUNTY

Section 402(p) of the Clean Water Act requires municipalities with over 100,000 people and a municipal separate storm sewer system (MS4) to develop and implement a program to reduce pollutants discharged with storm water runoff to the maximum extent practicable. This program is administered through National Pollutant Discharge Elimination System (NPDES) permits.

The discharge of water (both storm water and non-storm water) through the MS4 by the City of Fresno and neighboring urbanized areas is regulated by Order No. 94-244, which has been administratively extended beyond its expiration date. The Fresno Metropolitan Flood Control District (District), the City of Fresno, the City of Clovis, the County of Fresno (County), and California State University Fresno (CSUF), (hereafter referred to collectively as 'Discharger' and individually as 'Permittee') are named on this permit. The District owns and operates the region-wide MS4, which is made up of over 160 drainage areas containing more than 130 interconnected storm water basins. The other agencies are named as co-permittees because they have authority over land use in the urbanized areas and/or discharge into the MS4 subject to this permit.

The Discharger submitted its fourth year annual report to also serve as its permit reapplication package. The package included the Discharger's proposed Storm Water Management Plan (SWMP) for the next permit term.

The SWMP outlines the Best Management Practices (BMPs) that will be implemented in the permit area to prevent the discharge of pollutants in storm water. It also identifies Permittee implementation and financial responsibilities. It is proposed that much of the program will remain the same as during the first permit term. The District will continue to act as lead agency. However, Caltrans, has been removed as a Permittee in this proposed permit pursuant to State Water Resources Control Board Order 99-06-DWQ, the statewide general permit for all Caltrans activities.

Order 94-244 required the Cities and County to sign Memoranda of Understanding (MOU) with the District identifying each other's roles and responsibilities. The City of Fresno did not sign such an agreement, nor take on the responsibilities for compliance that the District could have, had an MOU been in place. There have been instances of noncompliance at construction sites covered by the Construction General Permit in part because the City of Fresno has not implemented an adequate program. This permit requires all Permittees to either evaluate existing MOUs and revise them if necessary or if no MOU exists currently, to enter into one.

The SWMP also addressed Phase II of the Storm Water Regulations that were published in the Federal Register on 8 December 1999. Phase II regulations require small municipalities to address six specific minimum control measures; however, municipalities covered by Phase I permits are not subject to Phase II requirements. Therefore, this proposed permit does not specifically require the Discharger to comply

with Phase II requirements. The storm water program implemented by the Discharger is expected to accommodate Phase II in instances where changes to statewide general permits are made.

Several of the MS4 permits for areas around the state that are on their second term contain or have given consideration to Standard Urban Storm Water Mitigation Plans (SUSMPs) for specific categories of developments. In general, the SUSMP requires that 85 percent of the runoff from the subject sites be infiltrated or treated. The State Board has found that the provisions in the SUSMPs constitute MEP. However, similar provisions were not considered for this permit due to the nature of the MS4 in the permit area. Because detention and retention are provided on a regional level, in general, it would be inefficient to require individual developments to do the same thing. According to the Basin Hydrologic Study, submitted by the Discharger during the first permit term, for an average rainfall year (in terms of both quantity and distribution), 90% of the rainfall in the area will not be discharged to receiving waters. Eight percent will be detained in storm water basins before being discharged to receiving waters and only the remaining two percent will be discharged directly to receiving waters. This regional system is more protective of water quality because it provides mitigation measures for all existing as well as new development, not just specific categories of new development.

Although this proposed permit does not set numeric effluent limits for storm water discharges, it does require compliance with water quality objectives that protect the beneficial uses of receiving waters, as outlined in the *Water Quality Control Plan(s) for the San Joaquin River* and *Tulare Lake Basin* (Basin Plans).

The objectives of receiving water monitoring are to assure that beneficial uses are protected and to gather data in order to evaluate the water quality impacts of implementing an MS4 program. Evaluating water quality impacts is seen as a long-term objective and will require several more years of monitoring data. Currently, the only receiving water tested is the San Joaquin River. Approximately 31% of the estimated 10% of all the storm water in the area is discharged into the River. About 55% of the discharged water is discharged to canals that eventually reach the Herndon Canal. Approximately 14% of the discharged water is discharged to canals that eventually reach the Dry Creek Canal.

The Discharger also conducts detention basin monitoring to evaluate the effectiveness of the basins in removing pollutants from urban runoff. By collecting monitoring data from one basin for several years, eventually the effectiveness of the three different basin designs used by the FMFCD can be compared.

Storm water samples are taken from three locations on the River: two before any discharge locations, and one after the discharge locations. Past monitoring results do not show strong patterns of constituent concentrations before and after discharge locations, possibly because no flow data is recorded with which to correlate constituent concentrations. It is unclear from these variances whether the current monitoring program correctly characterizes the impact of urban runoff on receiving waters. Therefore, this proposed permit requires reporting on studies undertaken by the Discharger that may lead to improvements in the monitoring program.

The action to adopt this NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), requiring preparation of an environmental impact report or negative declaration, in accordance with Section 13389 of the California Water Code.

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