

Regional Board Meeting  
June 21, 2006

Item 3

Supporting Document # 8

**County of San Diego Proposed Permit Language**



# County of San Diego

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November 1, 2005

Mr. John Minan  
Chair  
California Regional Water Quality Control Board  
San Diego Region 9  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

## **RE-ISSUANCE OF THE SAN DIEGO MUNICIPAL STORMWATER PERMIT – PROPOSED PERMIT LANGUAGE**

Dear Chairman Minan and Members of the Board:

At its September 14, 2005, public workshop on the re-issuance of the San Diego Municipal Storm Water Permit, your Board provided a forum for the County of San Diego and other Coperittees to present information on the municipal storm water permit in general, as well as on the anticipated key topics of the new permit. As a follow-up to that workshop and to the Copermittees' Report of Waste Discharge (ROWD), the County has prepared draft permit language that incorporates the principles and specific recommendations described in the ROWD. We offer this draft language to assist your staff in preparing the formal draft Permit for public comment. To facilitate your review of the information we have provided, we also enclose a summary of the changes between the existing permit and the proposed new permit language.

Because many of the points discussed at the September 14 workshop and in the ROWD were somewhat conceptual, the proposed language is respectfully submitted to provide specific examples of how such points could be incorporated as specific, enforceable permit language. We hope that RWQCB staff will find this useful as they craft a new Permit.

The proposed language is being submitted by the County as an individual Copermittee, and not on behalf of all the Copermittees. It provides a tangible mechanism to put the ROWD's guiding principles into action; therefore we believe it will be broadly supported by the Copermittees.

We recognize the potential for tension between a Permit approach that provides the opportunity for acquiring, learning from, and adapting to new knowledge while remaining enforceable and true to the intent of the Clean Water Act and the Porter-Cologne Act. However, we also believe that addressing such challenges will result in new approaches that ultimately promote better resource management and program implementation. As such, we believe that our proposed permit language, in combination with continued dialogue, will achieve our common goal of Permit programs that are strategic, measurable and adaptive.

Sincerely,



for  
ROBERT R. COPPER  
Deputy Chief Administrative Officer  
Land Use and Environment Group

Enclosures

cc: Eric Anderson, Board Member  
Alan Barrett, Board Member  
Daniel Johnson, Board Member  
Janet Keller, Board Member  
Jennifer Kraus, Vice Chair  
Susan Ritschel, Board Member  
Richard Wright, Board Member  
John Robertus, Executive Officer

A. Description of Major Changes

This draft text incorporates proposed changes to the organization of Order 2001-01, but both permits generally follow the same sequencing of requirements. Order 2001-01 Sections G through R are not carried over, but the applicable content of each has been addressed in other sections of the proposal. Additionally, neither Order 2001-01 findings, Sections A through E, nor any of the attachments are addressed; the County may provide additional comments on those sections during the public review process.

The new proposed Section D (Copermittee Responsibilities) establishes a broad mandate to reduce pollutants in runoff to the maximum extent practicable, and defines four types of Plans that must be developed and implemented to carry out the Copermittees' responsibilities. While Sections F and J of Order 2001-01 define jurisdictional and watershed plans, respectively, this proposed section additionally establishes a Regional URMP and a Comprehensive URMP. The Regional URMP serves as a framework to formally establish regional control strategies and the Comprehensive URMP provides a vehicle for integrating regional, watershed, and jurisdictional activities. Integration of Plans and activities is a key component of the vision developed by the Copermittees in their August 2005 Report of Waste Discharge (ROWD).

The new proposed Section D.4 establishes a requirement for Copermittees to pursue an adaptive management process in reviewing and updating their Plans and activities. This process is modified from that contained in Section C.2 of the Santa Clara Valley Municipal Permit (Order No. 01-024). It also anticipates the potential for Plan modification. This process is discussed in Section H.

The new proposed Section E (Comprehensive Urban Runoff Management Requirements) consolidates the Jurisdictional URMP and Watershed URMP requirements of Order 2001-01 as a single set of responsibilities applicable to each Copermittee within their jurisdictional boundaries. It differs from Order 2001-01 in that it allows and encourages them to use a combination of regional, watershed, and jurisdictional Plans and activities to address these responsibilities.

Additional changes to Section E are generally in accordance with the Copermittees' Report of Waste Discharge, and are detailed in Table 1 below. Most notable are:

- The addition of several required updates to high priority development project requirements (i.e., SUSMPs) in Section E.1.e.
- Modification of construction site prioritization and inspection frequencies in Sections E.2.d and E.2.f.
- Industrial and Commercial sources are combined into a single section (E.4). Changes to this Section are modeled on the Riverside Municipal Permit (Order No. R9-2004-001) adopted by the SDRWQCB on July 14, 2004. This Section adopts an approach whereby Copermittees determine the threat-to-water-quality prioritization of each

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commercial or industrial source type. This is in contrast to Order 2001-01, which specifies the priority of each.

- Industrial and commercial inspection requirements are also similar but slightly reduced from those of the Riverside Permit. This is justified because inspections are now part of an overall “compliance verification” strategy (Section E.4.d) which requires Copermittees to develop an effective overall strategy rather than focusing solely on inspections.
- Section E.4.d(3)(c) includes a requirement to verify monitoring at industrial facilities during inspections. This is modified from the previous stand-alone requirements of Order 2001-01.
- Section E.6 consolidates all education requirements. References to these requirements are left in other Permit sections.
- Effectiveness Assessment requirements are consolidated in Section E.9 and expanded based on the Copermittees’ experience developing new assessment approaches over the past three years.
- Watershed management requirements are similar to those of Order 2001-01, but re-organized for clarity. The introductory paragraph clarifies that Copermittees may use a combination of regional, watershed, and jurisdictional activities to satisfy the requirements of this Section. A process for defining and justifying “watershed activities” is also added.

The new proposed Section G describes all of the Plans, Plan Updates, and Reports that Copermittees must submit to meet their responsibilities. It is fundamentally different from Order 2001-01 in that all Plans and Plan Updates now require review and approval. A review and approval process is provided in Section H. The County recognizes the potential burden this presents for SDRWQCB staff to formally review all Plans and Plan Updates. However, the majority of these approvals will correspond to re-submittals (essentially updates) of the Copermittees’ existing JURMPs and WURMPs. The County believes that review and approval of Plans prior to their implementation is a fair and reasonable expectation. Under Order 2001-01, plans must be submitted and implemented simultaneously, meaning that Copermittees must implement programs and activities and then wait for RWQCB comment (without formal approval). The one exception to this is the Model Standard Urban Stormwater Mitigation Plan (SUSMP), which we believe benefited substantially from the dialogue that resulted from the existing mandated SDRWQCB review and approval process.

Section H.1 and H.2 define a process for SDRWQCB Executive Officer review and approval of Copermittee Plans and Plan Updates. This process is modified from that contained in Section 12 (Modifications to the Management Plan) of the Alameda Countywide Municipal Permit (Order No. R2-2003-0021). H.3 provides a process for Executive Officer approval of minor program modifications that will substantially conform to all discharge prohibitions, receiving water limitations, and other applicable

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performance standards of the Permit. The purpose of this Section is to provide a process for making modifications not warranting approval of your Board. Modifications that the Executive Officer determines are “major” would still require an amendment to the permit (H.5).

B. Detailed Summary of Changes

Table 1 -- Detailed Summary of Changes

SECTION	DESCRIPTION OF CHANGES
<b>FINDINGS</b>	
<b>PERMIT PROVISIONS</b>	
<b>A. Prohibitions</b>	<ul style="list-style-type: none"> <li>Proposed consolidation of discharge and non-stormwater discharge prohibitions into a single section</li> </ul>
<u>A.1. Discharges</u>	
<u>A.2. Non-Stormwater Discharges</u>	<ul style="list-style-type: none"> <li>ROWD proposed a broaden definition of emergency activities as per Riverside Permit, but specific language is not included here.</li> </ul>
<b>B. Receiving Water Limitations</b>	<ul style="list-style-type: none"> <li>No proposed changes</li> </ul>
<b>C. Legal Authority</b>	<ul style="list-style-type: none"> <li>No proposed changes</li> </ul>
<b>D. Copermittee Responsibilities</b>	<ul style="list-style-type: none"> <li>Proposed New Section: Provides a consolidated description of Copermittees’ general responsibilities.</li> </ul>
<u>D.1. Urban Runoff Management</u>	<ul style="list-style-type: none"> <li>Establishes a broad Copermittee responsibility to implement comprehensive urban runoff management plans within their jurisdictions.</li> <li>Defines “regional,” “watershed,” and “jurisdictional” activities. Encourages Copermittees to use a balanced approach that includes all three.</li> </ul>
<u>D.2. Urban Runoff Management Plans</u>	<ul style="list-style-type: none"> <li>Establishes the four types of plans that will be used to develop and implement Copermittee responsibilities.</li> <li>Renames JURMPs and WURMPs from “programs” to “plans.”</li> <li>Adds a RURMP to formally establish regional level activities (existing Permit only addresses regional reporting).</li> <li>Adds a CURMP as the vehicle for integrating the other elements over time.</li> </ul>
<u>D.3. Copermittee Management Structure and Collaboration</u>	<ul style="list-style-type: none"> <li>Breaks out Principal Copermittee responsibilities at the Regional and Watershed levels.</li> <li>Minor modifications to existing responsibilities intended primarily for clarification.</li> </ul>
<u>D.4. Adaptive Management</u>	<ul style="list-style-type: none"> <li>Formally establishes an adaptive management approach for reviewing and modifying Copermittee plans.</li> </ul>
<u>D.5. Urban Runoff Management Documentation</u>	<ul style="list-style-type: none"> <li>General description of responsibility to document, update, etc. Points to Section G, which is much more detailed.</li> </ul>

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SECTION	DESCRIPTION OF CHANGES
<b>E. Comprehensive Urban Runoff Management Requirements</b>	<ul style="list-style-type: none"> <li>• Updates and combines what were formerly JURMP and WURMP sections. The purpose of combining is to provide a structure that allows and encourages a mix of regional, watershed, and jurisdictional activities.</li> <li>• Establishes a Copermittee responsibility to comply with all Permit provisions within their jurisdictions, regardless of whether or not they utilize regional or watershed activities.</li> </ul>
<b><u>E.1 Land Use and Development Planning Component</u></b>	<ul style="list-style-type: none"> <li>• All modifications are generally in accordance with ROWD – some slight editing and moving of subsections for clarity.</li> </ul>
E.1.a. Assess General Plan	<ul style="list-style-type: none"> <li>• Essentially the same except the long list of potential water quality principles to address in the General Plan updates has been deleted.</li> </ul>
E.1.b. Revise Environmental Review Process	<ul style="list-style-type: none"> <li>• This section moved up toward the front because it fits better there. Essentially the same except the long list of questions to address in the process update is deleted.</li> </ul>
E.1.c. Modify Development Project Approval Process (All Projects)	<ul style="list-style-type: none"> <li>• Covers requirements for all development projects, in contrast to the high priority project requirements in E.1.d.</li> </ul>
E.1.d. Modify Development Project Approval Process (High Priority Projects)	<ul style="list-style-type: none"> <li>• Adds a more detailed description of shared structural treatment controls and their application.</li> </ul>
E.1.e. Additional Changes to High Priority Project Requirements	<ul style="list-style-type: none"> <li>• Requires Copermittees to collaboratively develop an initial strategy to encourage the use of low-impact development (LID) in High Priority Projects (by 2007).</li> <li>• Requires Copermittees to collaboratively develop a LID Credit Option that provides incentives for using LID (by 2009)</li> <li>• Requires Copermittees to collaboratively develop a Model O&amp;M Verification Process for permanent treatment control BMPs (by 2007)</li> <li>• Requires Copermittees to collaboratively develop procedures for addressing the potential of priority projects to result in downstream impacts and for mitigating those impacts when necessary (“downstream conditions of concern”).</li> </ul>
<b><u>E.2. Construction Component</u></b>	<ul style="list-style-type: none"> <li>• A few slight modifications from ROWD recommendations.</li> <li>• Reporting of non-compliant construction sites (Order 2001-01 section F.2.i) is eliminated. This requirement is already adequately covered in the standard provisions (Attachment C)</li> </ul>
E.2.d. Threat to Water Quality Prioritization	<ul style="list-style-type: none"> <li>• Construction site prioritization criteria modified in accordance with ROWD recommendations.</li> </ul>
E.2.e. BMP Implementation	<ul style="list-style-type: none"> <li>• Incorporates pollution prevention requirement previously contained in a stand-alone section.</li> </ul>

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SECTION	DESCRIPTION OF CHANGES
E.2.f. Inspection of Construction Sites	<ul style="list-style-type: none"> <li>• High Priority site inspection frequencies are slightly modified from the ROWD. Weekly inspection frequency if active grading on high priority site; monthly inspection frequency if no active grading on high priority site. This is slightly simpler than the written certification process that's in the permit now.</li> <li>• Distinction made between inspection frequencies for medium and low priority sites.</li> <li>• Medium and low priority sites active for 3 months or less have a slightly reduced inspection frequency requirement.</li> <li>• Reduced inspection frequency allowed during first month of rainy season for sites with weather-triggered action plans.</li> </ul>
<b><u>E.3. Municipal Component</u></b>	<ul style="list-style-type: none"> <li>• All changes in accordance with ROWD.</li> </ul>
E.3.b. Threat to Water Quality Prioritization	<ul style="list-style-type: none"> <li>• Removal of several source categories from minimum high priority municipal list per ROWD recommendations.</li> </ul>
E.3.c. BMP Implementation	<ul style="list-style-type: none"> <li>• Incorporates pollution prevention requirement previously contained in a stand-alone section.</li> </ul>
E.3.d. Maintenance of Municipal Separate Storm Sewer System	<ul style="list-style-type: none"> <li>• Incorporation of preventive maintenance requirements for sanitary sewers and MS4s – formerly in IC/ID Section.</li> </ul>
<b><u>E.4. Industrial / Commercial Component</u></b>	<ul style="list-style-type: none"> <li>• This section is modeled on the Riverside permit. It consolidates the Industrial and Commercial Sections, which the Copermittees and RWQCB agreed was desirable.</li> <li>• Reporting of non-compliant industrial sites (Order 2001-01 section F.3.b.8) is eliminated. This requirement is already adequately covered in the standard provisions (Attachment C)</li> </ul>
E.4.a. Source Identification	<ul style="list-style-type: none"> <li>• Two source categories added to the priority list of commercial facilities per the ROWD (power washers / animal facilities).</li> </ul>
E.4.b. Threat to Water Quality Prioritization	<ul style="list-style-type: none"> <li>• Additional TTWQ criteria are also added per the ROWD.             <ul style="list-style-type: none"> <li>▫ NEC / NONA status</li> <li>▫ Self-certification status</li> <li>▫ Compliance history</li> <li>▫ Existing regulatory oversight, etc.</li> </ul> </li> </ul>
E.4.c. BMP Implementation	<ul style="list-style-type: none"> <li>• Incorporates pollution prevention requirement previously contained in a stand-alone section.</li> </ul>
E.4.d. Compliance Verification at Industrial and Commercial Facilities	<ul style="list-style-type: none"> <li>• Expansion of compliance verification options is per ROWD.             <ul style="list-style-type: none"> <li>▫ Inspections</li> <li>▫ Compliance certification</li> <li>▫ Third-party inspections</li> <li>▫ Surveys, etc.</li> </ul> </li> <li>• Changes to minimum inspection frequencies are not completely in accordance with the ROWD. The frequencies are prescribed minimums which are similar to, but less restrictive than, the Riverside Permit minimums. In combination with a requirement to develop a compliance verification strategy for each source category, this should ensure an effective level of Copermittee oversight.</li> </ul>
<b><u>E.5. Residential Component</u></b>	



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SECTION	DESCRIPTION OF CHANGES
E.5.a. Threat to Water Quality Prioritization	<ul style="list-style-type: none"> <li>• Some consolidation of priority activities to make them clearer.</li> <li>• Addition of trash to list of high priority residential activities is in accordance with ROWD recommendation to elevate trash as a regional high priority constituent.</li> </ul>
E.5.b. BMP Implementation	<ul style="list-style-type: none"> <li>• Incorporates pollution prevention requirement previously contained in a stand-alone section.</li> <li>• Incorporation of used oil / toxic material disposal requirement previously contained in the IC/ID section</li> </ul>
<b><u>E.6. Education Component</u></b>	<ul style="list-style-type: none"> <li>• Consolidation of all education requirements throughout Permit into one section. For the most part, all requirements are somewhat streamlined.</li> <li>• Requirement to develop Regional Education Program Plan targeting residents was not recommended as a permit requirement in the ROWD.</li> <li>• Elimination of requirement to educate quasi-governmental agencies is per ROWD.</li> <li>• Potential topics for education have been streamlined and categorized.</li> </ul>
<b><u>E.7. ICID Detection and Elimination Component</u></b>	<ul style="list-style-type: none"> <li>• Section E.7.c provides alternative language on the Copermitees' obligations to eliminate ICIDs. Order 2001-01 requires that they be eliminated immediately, which is often not possible. This language is similar that contained in to the Riverside Permit.</li> <li>• Proposed permit language does not address ROWD recommendations on changes to field test kits because these program requirements are in the attachments to the permit.</li> </ul>
<b><u>E.8. Public Participation Component</u></b>	<ul style="list-style-type: none"> <li>• No proposed changes.</li> </ul>
<b><u>E.9. Effectiveness Assessment Component</u></b>	<ul style="list-style-type: none"> <li>• This section adds detail to the existing permit requirements, and defines Copermitee obligations consistently with what was described in the ROWD.</li> </ul>
<b><u>E.10. Fiscal Analysis Component</u></b>	<ul style="list-style-type: none"> <li>• No proposed changes.</li> </ul>
<b><u>E.11. Watershed Management Component</u></b>	<ul style="list-style-type: none"> <li>• Establishes watershed management as an additional aspect of a comprehensive plan, rather than a stand-alone element.</li> <li>• Provides a slightly more structured organization of the previous WURMP requirements and generally re-states them as responsibilities rather than plan components.</li> </ul>
E.11.a. Watershed Water Quality Assessment	<ul style="list-style-type: none"> <li>• Consolidation of language from previous permit. No change in requirements.</li> </ul>
E.11.b. Collaborative Watershed Planning	<ul style="list-style-type: none"> <li>• Explicitly states the Copermitees' requirement to collaboratively plan and implement activities. No change in requirements.</li> </ul>
E.11.c. Watershed Education	<ul style="list-style-type: none"> <li>• Maintains existing requirement to have a watershed education strategy for the WMA. Allows the use of regional and jurisdictional activities to partially satisfy that obligation.</li> </ul>
E.11.d. Watershed-based Land Use Planning	<ul style="list-style-type: none"> <li>• Re-states previous permit language as an obligation to develop and implement strategies (rather than having a "mechanism to...").</li> </ul>

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E.11.e. Watershed Activities	<ul style="list-style-type: none"> <li>Formally establishes a “Watershed Activities List” to be submitted and annually updated. Establishes an obligation to describe how the activities on the list will reduce discharges of priority pollutants to the MEP, but allows Copermittees to consider other activities in the analysis.</li> <li>Prescribes the minimum information that must be included for each activity on the list.</li> </ul>
E.11.f. URMP Review and Updates	<ul style="list-style-type: none"> <li>Describes Copermittee obligation to review and modify their plans and activities.</li> </ul>
<b>F. Receiving Waters Monitoring and Reporting Program</b>	<ul style="list-style-type: none"> <li>No proposed changes to text because Copermittee proposal for modification of monitoring programs has not been reviewed by SDRWQCB staff.</li> </ul>
<b>G. Required Reports and Plans</b>	<ul style="list-style-type: none"> <li>Provides a centralized description of all plans, updates, and reports identified in the permit. Purpose of centralizing is to make it easier for everyone to understand what’s required or expected.</li> <li>This section requires Executive Officer review and approval of all Copermittee plans and program updates.</li> </ul>
<b><u>G.1. Urban Runoff Management Plans</u></b>	<ul style="list-style-type: none"> <li>See D.2 above.</li> </ul>
<b><u>G.2. Updates to Copermittee Urban Runoff Management Plans</u></b>	<ul style="list-style-type: none"> <li>Describes all deliverables that require developing and phasing in additional requirements or modifications over the life of the permit - Three of the 5 were explicitly described in the ROWD. Others are described below.</li> </ul>
G.2.a. Baseline Strategy for Incorporation of Low Impact Development (LID) Principles	<ul style="list-style-type: none"> <li>G.2.a (Baseline Strategy for Incorporation of LID Principles) is intended to demonstrate early progress toward the desired endpoint of seeing a greater emphasis on LID principles. It does not create an obligation to require the use of specific LID practices.</li> </ul>
G.2.b. Model Operations and Maintenance Verification Process	<ul style="list-style-type: none"> <li>As described in the ROWD and E.1 above</li> </ul>
G.2.c. Procedures for Downstream Conditions of Concern	<ul style="list-style-type: none"> <li>As described in the ROWD and E.1 above</li> </ul>
G.2.d. Low Impact Design (LID) Credit Option	<ul style="list-style-type: none"> <li>As described in the ROWD and E.1 above</li> </ul>
G.2.e Regional Residential Education Program Plan	<ul style="list-style-type: none"> <li>G.2.e (Regional Residential Education Program Plan) was added here.</li> </ul>

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<b><u>G.3. Annual Reports</u></b>	<ul style="list-style-type: none"> <li>• Describes all required annual reports, and how they will be consolidated into a CURMP annual report by January 2009.</li> </ul>
<b><u>G.4. Urban Runoff Management Program Reviews and Assessments</u></b>	
G.4.b Regional Mid-Permit Cycle Program Review	<ul style="list-style-type: none"> <li>• Describes a second year requirement to comprehensively review and report on Copermittee progress. Uses the activities shown in Table C.7 of the ROWD as a basis for general content of that review.</li> <li>• This is a comprehensive progress report, and is not the same as the LTEA, which will be much more extensive.</li> </ul>
<b><u>G.5. Report of Waste Discharge</u></b>	<ul style="list-style-type: none"> <li>• Nothing new. Just identifies the ROWD as a deliverable rather than hiding it in the attachments.</li> </ul>
<b>H. Approvals and Modifications to Urban Runoff Management Plans and Updates</b>	<ul style="list-style-type: none"> <li>• New section that defines a process for plan review and approval and proposed plan modifications.</li> </ul>
Attachment A. Basin Plan Prohibitions	<ul style="list-style-type: none"> <li>• No proposed changes</li> </ul>
Attachment B. Receiving Waters Monitoring and Reporting Program	<ul style="list-style-type: none"> <li>• No proposed changes.</li> </ul>
Attachment C. Standard Provisions, Reporting Requirements, and Notifications	<ul style="list-style-type: none"> <li>• No proposed changes</li> </ul>
Attachment D. Glossary	<ul style="list-style-type: none"> <li>• No proposed changes</li> </ul>
Attachment E. Dry Weather Analytical and Field Screening Monitoring Specifications – Urban Runoff	<ul style="list-style-type: none"> <li>• No proposed changes</li> </ul>

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**FINDINGS** [Not Addressed]

### **PERMIT PROVISIONS**

**A. Prohibitions** [Suggested text is not included, but a consolidation of Discharge and Non-Stormwater Discharge Prohibitions into a single section is recommended. Per ROWD Section D.8.5, an expansion of the emergency fire fighting exemption to non-stormwater discharge prohibitions was recommended (Permit Section B.4).]

A.1. Discharges

A.2. Non-Stormwater Discharges

**B. Receiving Water Limitations** [Not Addressed]

**C. Legal Authority** [Not Addressed]

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## **D. Copermittee Responsibilities**

### **D.1. Urban Runoff Management**

The Copermittees shall develop and implement urban runoff management plans to reduce pollutants in stormwater discharges to the maximum extent practicable. These plans shall describe the jurisdictional, watershed, and regional activities that will be conducted by the Copermittees.

Jurisdictional activities shall include those control measures or best management practices that address priority pollutants and/or pollutant sources within an individual jurisdiction, or which address any specific jurisdictional requirement of this Order. Requirements of this Order not otherwise addressed through regional or watershed activities must be addressed through jurisdictional activities.

Watershed activities shall include those control measures or best management practices that address priority pollutants and/or pollutant sources within an individual watershed, sub-watershed, or Watershed Management Area (WMA), or which address any specific watershed requirement of this Order. Watershed activities may be conducted by some or all Copermittees within a WMA, or by Copermittees of multiple WMAs with shared priority pollutants and/or sources. To the extent that they address specific watershed priorities, jurisdictional and regional activities may be included as part of the comprehensive watershed management strategy described in Section E.11 of this Order (Watershed Management Component). However, they shall not be used exclusively to satisfy those requirements, i.e., in lieu of watershed-specific activities.

Regional activities shall include those control measures or best management practices that address priority pollutants and/or pollutant sources common to all Watershed Management Areas, which address any specific regional requirement of this Order, or for which the Copermittees determine that regional coordination is appropriate. Regional activities should be utilized as a means of fostering consistency between jurisdictional and watershed urban runoff management activities, and of utilizing economies of scale to promote effective and cost-efficient plan implementation.

The comprehensive plan shall represent an appropriate balance of jurisdictional, watershed, and regional level activities with the recognition that there may be unique values, problems, goals, and strategies specific to each. Copermittees shall seek to develop and implement the most cost-effective approaches to solving identified problems and to coordinating related activities. For all levels of activity, Copermittees shall also endeavor to conduct control measures and best management practices appropriate to the specific issues and priorities of the watersheds within which they are ultimately implemented.

Regardless of the strategies selected, Copermittee urban runoff management plans shall collectively meet all of the requirements of Sections E (Urban Runoff Management Requirements) and F (Receiving Waters Monitoring and Reporting Program) of this Order.



## **D.2. Urban Runoff Management Plans**

The Copermittees shall develop Urban Runoff Management Plans<sup>1</sup> to serve as the collective framework for identification, assignment, and implementation of control measures and best management practices. Each of these Plans shall be modified as necessary throughout the life of this Order to address identified regional, watershed, or jurisdictional priorities, and to reflect implementation experience, incorporate the results of Plan reviews, or in response to any other identified need.

### **D.2.a. Jurisdictional Urban Runoff Management Plans (JURMPs)**

Each Copermittee shall individually develop, maintain, update as necessary, and implement the provisions of, a Jurisdictional Urban Runoff Management Plan. JURMP requirements are described in Section G.1.a of this Order.

### **D.2.b. Watershed Urban Runoff Management Plans (WURMPs)**

For each respective WMA, Watershed Copermittees shall collectively develop, maintain, update as necessary, and implement the provisions of, a Watershed Urban Runoff Management Plan. WURMP requirements are described in Section G.1.a of this Order.

### **D.2.c. Regional Urban Runoff Management Plan (RURMP)**

The Copermittees shall collectively develop, update as necessary, and implement the provisions of, a Regional Urban Runoff Management Plan. In addition to describing planned regional Copermittee activities, the RURMP shall define a preliminary framework for the overall integration of regional, watershed, and jurisdictional activities. RURMP requirements are described in Section G.1.c of this Order.

### **D.2.d. Comprehensive Urban Runoff Management Plan (CURMP)**

Over the life of this Order, the Copermittees shall progressively increase the functional integration of their regional, watershed, and jurisdictional activities through the development and implementation of a Comprehensive Urban Runoff Management Plan (CURMP). CURMP requirements are described in Section G.1.d of this Order.

## **D.3. Copermittee Management Structure and Collaboration**

### **D.3.a. Management Structure**

All Copermittees shall jointly execute and submit to the SDRWQCB no later than 180 days after adoption of this Order, a formal agreement which at a minimum:

- (1) Identifies and defines the responsibilities of the Regional and Watershed Principal Permittees;

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<sup>1</sup> The term "Urban Runoff Management Plan" replaces the previous usage of the term "Urban Runoff Management Program," contained in Order No. 2001-01.

County of San Diego Proposed Municipal Stormwater Permit Language  
11/1/2005

- (2) Identifies Copermittees and defines their individual and joint responsibilities;
- (3) Establishes a management structure to ensure regional coordination of urban runoff management activities, to develop and implement regional activities, and to develop a framework for consistency between watershed and jurisdictional activities;
- (4) Establishes standards for conducting meetings, decision-making, and cost-sharing;
- (5) Provides guidelines for committee and workgroup structure and responsibilities;
- (6) Lays out a process for addressing Copermittee non-compliance with the agreement; and
- (7) Includes any and all other collaborative arrangements for compliance with this Order.

D.3.b. Responsibilities of Principal Copermittees

Within 180 days of adoption of this Order, the Copermittees shall designate and notify the SDRWQCB of a Regional Principal Permittee and a Watershed Principal Permittee for each WMA.

- (1) The Regional Principal Permittee shall, at a minimum:
  - (a) Serve as a liaison between the Copermittees and the SDRWQCB on general permit issues;
  - (b) Coordinate permit activities among the Copermittees and facilitate collaboration on the development and implementation of activities required under this Order;
  - (c) Integrate individual Copermittee data, information, documents, and reports required under this Order into single unified documents and reports for submittal to the SDRWQCB.
- (2) For its respective WMA, each Watershed Principal Permittee shall, at a minimum:
  - (a) Serve as a liaison between the Copermittees and the SDRWQCB.
  - (b) Coordinate permit activities among the Watershed Copermittees and facilitate collaboration on the development and implementation of activities required under this Order;
  - (c) Integrate Watershed Copermittee data, information, documents, and reports required under this Order into single unified documents and reports for submittal to the SDRWQCB.

D.3.c. Responsibilities of All Copermittees

- (1) Each Copermittee shall collaborate with all other Copermittees regulated under this Order to address common issues, promote consistency, and to plan and coordinate activities required under this Order.

- (2) As necessary to comply with the provisions of this Order, the Copermittees shall collaboratively develop common standards, protocols, procedures, methods, and reporting formats to foster the integration and analysis of activities implemented within and across jurisdictional boundaries (e.g., regionally and by watershed).

#### **D.4. Adaptive Management**

The Copermittees shall, through an Adaptive Management process<sup>2</sup>, demonstrate the effectiveness of their urban runoff management plans, and shall provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable and as required by Sections E (Urban Runoff Management Requirements) and F (Receiving Waters Monitoring and Reporting Program) of this Order.

It is anticipated that Copermittee Urban Runoff Management Plans may need to be modified, revised, or amended from time to time to respond to changed conditions, to incorporate more effective approaches to pollutant control, or to comply with regional, jurisdictional, or watershed-specific requirements and/or waste load allocations developed and approved pursuant to Total Maximum Daily Load (TMDL) process for impaired water bodies. Modifications to Plans shall be made in conformance with Section H of this Order (Approvals and Modifications to Urban Runoff Management Plans and Updates).

#### **D.5. Urban Runoff Management Documentation**

The Copermittees shall document their progress in developing, implementing, and updating Urban Runoff Management Plans and activities as described in Section G of this Order.

### **E. Comprehensive Urban Runoff Management Requirements**

Each Copermittee shall conduct urban runoff management activities to reduce pollutants in stormwater discharges within its jurisdictional boundaries to the maximum extent practicable. The Copermittees may individually or collaboratively conduct activities at the jurisdictional, watershed, and/or regional levels that best address the unique values, problems, goals, and strategies specific to each of these levels; however, each Copermittee shall be individually responsible for implementing plans and conducting activities that (1) meet all of the requirements of this section within its jurisdictional boundaries, and (2) effectively address the priorities of each Watershed Management Area within which these activities are implemented.

#### **E.1 Land Use and Development Planning Component**

Each Copermittee shall conduct activities as described in this section to reduce pollutants and runoff flows from new development and redevelopment to the maximum extent practicable, and to minimize short and long-term impacts on receiving water quality. Except as otherwise specified, modifications shall be implemented within 180 days of adoption of this Order.

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<sup>2</sup> Adaptive Management is the systematic process of continually improving management policies and practices by learning from the outcomes of operational programs and water quality monitoring.

E.1.a. Assess General Plan

- (1) Each Copermittee's General Plan (or equivalent) shall incorporate water quality and watershed protection principles and policies as needed to direct land-use decisions and shall require implementation of consistent water quality protection measures for development projects. Required modifications may be accomplished within existing schedules for Plan updates.
- (2) Annual updates should describe, as applicable, the timelines of scheduled and completed Plan amendments, the specific amendments or changes made, and a description of how these changes will facilitate water quality protection.

E.1.b. Revise Environmental Review Process

- (1) Each Copermittee's environmental review processes shall include requirements for evaluation of water quality effects and identification of appropriate mitigation measures.
- (2) Annual updates should describe, as applicable, the timelines of scheduled and completed process changes, the specific changes made, and a description of how these changes will facilitate water quality protection during the development process.

E.1.c. Modify Development Project Approval Process (All Projects)

Prior to project approval and issuance of local permits, Copermittees shall require each proposed project to implement measures to ensure that pollutants and runoff from the development will be reduced to the maximum extent practicable and will not cause or contribute to an exceedance of receiving water quality objectives. Each Copermittee shall further ensure that all development will be in compliance with Copermittee storm water ordinances, local permits, all other applicable ordinances and requirements, and this Order, and that changes to any of these provisions are implemented within required timeframes.

Requirements applicable to all development projects shall, at a minimum, include:

- (1) Require the implementation of source control BMPs for all applicable development projects;
- (2) Require the implementation of site design/landscape characteristics where feasible which maximize infiltration, provide retention, slow runoff, and minimize impervious land coverage for all development projects;
- (3) Require the use of buffer zones for natural water bodies, where feasible. Where buffer zone implementation is infeasible, require project proponent to implement other buffers such as trees, lighting restrictions, access restrictions, etc;
- (4) Require industrial applicants subject to California's statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (Except Construction), (hereinafter General Industrial Permit), to provide evidence of coverage under the General Industrial Permit;
- (5) Require that grading or other construction activities meet the provisions specified in Section E.2. of this Order; and

- (6) Require proof of ongoing long-term maintenance of all structural post-construction BMPs.

E.1.d. Modify Development Project Approval Process (High Priority Projects)

The requirements of this section shall apply to all High Priority Projects or phases of High Priority Projects that have not yet begun grading or construction activities. If a Copermittee determines that lawful prior approval of a project exists, whereby application of these requirements to the project is infeasible or may not otherwise be lawfully implemented, they need not apply to the project. However, where feasible, the Copermittees shall endeavor to ensure compliance with the requirements as early as possible.

- (1) High Priority Project Categories. High Priority Project requirements shall apply to all new development and significant redevelopment<sup>3</sup> projects falling under the categories or locations listed below.
  - (a) Any development that provides 10 or more residential units that share an interior/exterior wall. This category includes, but is not limited to: single family homes, multi-family homes, dormitories, condominiums, and apartments.
  - (b) Commercial developments greater than 100,000 square feet. This category is defined as any development on private land that is not for heavy industrial or residential uses where the land area for development is greater than 100,000 square feet. The category includes, but is not limited to: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; commercial airfields; and other light industrial facilities.
  - (c) *Automotive repair shops*. This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.
  - (d) *Restaurants*. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet.
  - (e) *All hillside development greater than 5,000 square feet*. This category is defined as any development which creates 5,000 square feet of

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<sup>3</sup> Significant redevelopment is defined as the creation or addition of at least 5,000 square feet of impervious surfaces on an already developed site. Significant redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. Where significant redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria discussed in section E.1.d.(5) apply only to the addition, and not to the entire development.

impervious surface which is located in an area with known erosive soil conditions, where the development will grade on any natural slope that is twenty-five percent or greater.

- (f) *Environmentally Sensitive Areas: All development and redevelopment located within or directly adjacent to or discharging directly to an environmentally sensitive area (where discharges from the development or redevelopment will enter receiving waters within the environmentally sensitive area), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition.* Environmentally sensitive areas include but are not limited to all Clean Water Act Section 303(d) impaired water bodies; areas designated as Areas of Special Biological Significance by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); water bodies designated with the RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); areas designated as preserves or their equivalent under the Multi Species Conservation Program within the Cities and County of San Diego; and any other equivalent environmentally sensitive areas which have been identified by the Copermittees. "Directly adjacent" means situated within 200 feet of the environmentally sensitive area. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
  - (g) *Parking lots 5,000 square feet of impervious area or more or with 15 or more paved parking spaces and potentially exposed to urban runoff.* Parking lot is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.
  - (h) *Street, roads, highways, and freeways.* This category includes any paved surface which is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.
- (2) Pollutants or Conditions of Concern. Copermittees shall require that High Priority Project proponents identify pollutants or conditions of concern for which mitigation is required, and that they implement appropriate control measures for these pollutants and conditions. Procedures for identifying pollutants and conditions of concern shall include, at a minimum, consideration of:

- (a) Receiving water quality, including pollutants for which receiving waters are listed as impaired under Clean Water Act section 303(d);
  - (b) Land use type of the development project and pollutants associated with that land use type;
  - (c) Pollutants expected to be present on site;
  - (d) Changes in storm water discharge flow rates, velocities, durations, and volumes resulting from the development project; and
  - (e) Sensitivity of receiving waters to changes in storm water discharge flow rates, velocities, durations, and volumes.
- (3) General BMP Requirements. The Copermittees shall require High Priority Project proponents to implement a combination of control measures appropriate to the pollutants and conditions identified for the project site.
- (a) Copermittee BMP requirements shall include a combination of site design, source control, and structural treatment BMPs. At a minimum, the BMPs shall:
    - i. Control the post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion, and to protect stream habitat;
    - ii. Conserve natural areas where feasible;
    - iii. Minimize pollutants of concern in urban runoff;
    - iv. Remove pollutants of concern from urban runoff;
    - v. Minimize directly connected impervious areas where feasible;
    - vi. Protect slopes and channels from eroding; and
    - vii. Include storm drain stenciling and signage;
    - viii. Include properly designed outdoor material storage areas;
    - ix. Include properly designed trash storage areas;
    - x. Include proof of a mechanism, to be provided by the project proponent or Copermittee, which will ensure long-term structural BMP maintenance;
    - xi. Include additional water quality provisions applicable to individual priority project categories;
    - xii. Be correctly designed so as to remove pollutants to the maximum extent practicable;
    - xiii. Be implemented close to pollutant sources, when feasible, and prior to discharging into receiving waters supporting beneficial uses; and
    - xiv. Ensure that post-development runoff does not contain pollutant loads which cause or contribute to an exceedance of water quality objectives or which have not been reduced to the maximum extent practicable.

- (4) Requirements for Site Design BMPs. Copermittee requirements for Site Design BMPs shall also include consideration, and incorporation as feasible, of Low Impact Design (LID) concepts. The incorporation of LID concepts and/ or requirements shall be accomplished through, and in accordance with, the requirements of Sections E.1.(e)(1) and E.1.(e)(4) of this Order.
- (5) Requirements for Structural Treatment Control BMPs. The Copermittees shall require structural treatment BMPs to be implemented for all High Priority Projects. All structural treatment BMPs shall be located so as to infiltrate, filter, or treat the required runoff volume or flow prior to its discharge to any receiving water supporting beneficial uses.
  - (a) Numeric Sizing Criteria. In addition to meeting the BMP requirements listed in item E.1.d.(3) above, all structural treatment BMPs for a single High Priority Project shall collectively be sized to comply with the following numeric sizing criteria:

Volume

Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

- (i) The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area)<sup>4</sup>; or
- (ii) The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
- (iii) The volume of annual runoff based on unit basin storage volume, to achieve 90% or more volume treatment.
- (iv) The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event<sup>5</sup>;

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<sup>4</sup> This volume is not a single volume to be applied to all of San Diego County. The size of the 85th percentile storm event is different for various parts of the County. The Copermittees are encouraged to calculate the 85th percentile storm event for each of their jurisdictions using local rain data pertinent to their particular jurisdiction (the 0.6 inch standard is a rough average for the County and should only be used where appropriate rain data is not available). In addition, isopluvial maps contained in the County of San Diego Hydrology Manual may be used to extrapolate rainfall data to areas where insufficient data exists in order to determine the volume of the local 85th percentile storm event in such areas. Where the Copermittees will use isopluvial maps to determine the 85th percentile storm event in areas lacking rain data, the Copermittees shall describe their method for using isopluvial maps in the model and local SUSMPs.

<sup>5</sup> Under this volume criterion, hourly rainfall data may be used to calculate the 85th percentile storm event, where each storm event is identified by its separation from other storm events by at least six hours of no rain. Where the Copermittees may use hourly rainfall data to calculate the 85th percentile storm event, the



OR

**Flow**

Flow-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

- (v) The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
  - (vi) The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
  - (vii) The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
- (b) Equivalent Numeric Sizing Criteria. The Copermittees may collaboratively develop and submit for SDRWQCB approval any equivalent method for calculating the volume or flow which must be mitigated (i.e., any equivalent method for calculating numeric sizing criteria) by post-construction structural treatment BMPs. In the absence of development and subsequent authorization of such equivalent numeric sizing criteria, the above numeric sizing criteria requirement shall be implemented.
- (c) Waiver Provision. A Copermittee may provide for a project to be waived from the requirement of implementing structural treatment BMPs if infeasibility can be established. A waiver of infeasibility shall only be granted by a Copermittee when all available structural treatment BMPs have been considered and rejected as infeasible. Copermittees shall notify the SDRWQCB within 5 days of each waiver issued and shall include the name of the person granting each waiver.
- (d) Stormwater Mitigation Fund. The Copermittees may collaboratively develop and submit for SDRWQCB approval a program to require High Priority Project proponents who have received waivers to transfer the savings in cost, as determined by the Copermittee(s), to a storm water mitigation fund. This program may be implemented by all Copermittees which choose to provide waivers. Funds may be used on projects to improve urban runoff quality within the watershed of the waived project. The waiver program may identify:
- (i) The entity or entities that will manage the storm water mitigation fund (i.e., assume full responsibility for);

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Copermittees shall describe their method for using hourly rainfall data to calculate the 85th percentile storm event in the model and local SUSMPs.

- (ii) The range and types of acceptable projects for which mitigation funds may be expended;
  - (iii) The entity or entities that will assume full responsibility for each mitigation project including its successful completion;
  - (iv) How the dollar amount of fund contributions will be determined.
- (e) Restaurants Less than 5,000 Square Feet. New development and significant redevelopment restaurant projects where the land area development is less than 5,000 square feet shall meet all High Priority Project requirements except for structural treatment BMP, numeric sizing criteria, and peak flow rate requirements.
- (f) Infiltration and Groundwater Protection. Copermittees shall require restrictions as needed to ensure that structural treatment BMPs which are designed to primarily function as infiltration devices do not cause or contribute to an exceedance of groundwater quality objectives. At a minimum, use of these devices shall meet the following conditions<sup>6</sup>:
- (i) Urban runoff shall undergo pretreatment such as sedimentation or filtration prior to infiltration.
  - (ii) All dry weather flows shall be diverted from infiltration devices.
  - (iii) Pollution prevention and source control BMPs shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration structural treatment BMPs are to be used.
  - (iv) Infiltration structural treatment BMPs shall be adequately maintained so that they remove pollutants to the maximum extent practicable.
  - (v) The vertical distance from the base of any infiltration structural treatment BMP to the seasonal high groundwater mark shall be at least 10 feet. Where groundwater basins do not support beneficial uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained.
  - (vi) The soil through which infiltration is to occur shall have physical and chemical characteristics which are adequate for proper infiltration durations and treatment of urban runoff for the protection of groundwater beneficial uses.
  - (vii) Infiltration structural treatment BMPs shall not be used for the following types of areas or activities:
    - Areas of industrial or light industrial activity;
    - Areas subject to high vehicular traffic (25,000 or greater average daily traffic on main roadway or 15,000 or more average daily traffic on any intersecting roadway);

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<sup>6</sup> These conditions do not apply to structural treatment BMPs which allow incidental infiltration and are not designed to primarily function as infiltration devices (such as grassy swales, detention basins, vegetated buffer strips, constructed wetlands, etc.)

- Automotive repair shops;
  - Car washes;
  - Fleet storage areas (bus, truck, etc.);
  - Nurseries; and
  - Other high threat to water quality land uses and activities as designated by each Copermittee.
- (viii) Infiltration structural BMPs shall be located a minimum of 100 feet horizontally from any water supply wells.

The Copermittees may develop and submit for SDRWQCB approval alternative restrictions on the use of structural treatment BMPs designed to primarily function as infiltration devices.

- (g) Downstream Erosion. Copermittees shall require that discharges from new development and significant redevelopment maintain or reduce pre-development downstream erosion and protect stream habitat. At a minimum, criteria shall be developed to control peak stormwater discharge rates and velocities in order to maintain or reduce pre-development downstream erosion and protect habitat. Stormwater discharge volumes and durations should also be considered.
- (h) Shared Structural Treatment Controls. The preference for "close to the source" approaches stated in Section E.1.d.(3)(a)(xiii) of this Order shall not restrict the use of shared controls by Copermittees and/or project proponents if determined to be feasible and appropriate for the application. It is recognized that the use of on-site structural controls for many projects is constrained by factors such as space availability, soil characteristics, or economic feasibility. Additionally, shared treatment control BMPs can provide Copermittees with greater control over the design, effectiveness, maintenance, and upkeep of post-construction BMPs. In such cases, shared BMPs are often a viable solution that would result in equivalent, if not increased, water quality benefits. Structural treatment BMPs may be shared by multiple projects meeting the following requirements:
- (i) Construction of any shared structural treatment BMPs is completed prior to the use of any project from which the structural treatment BMP will receive runoff.
  - (ii) They shall be designed in accordance with the volume requirement of the Copermittees' SUSMP ordinances, based on the area of the watershed draining to the BMP.
  - (iii) They shall result in equivalent or greater pollutant removal efficiencies than that expected from the implementation of individual treatment control BMPs at each priority project.
  - (iv) Effective site design and source control BMPs shall be implemented at each individual High Priority Project site within the area draining to the regional BMP. These methods are essential to ensure that pollutant discharges are reduced to the MEP, especially for pollutants for which the regional BMP has

fairly low removal efficiency. These measures will also serve as pretreatment, which should lessen maintenance costs associated with the regional BMP.

- (v) If a particular site within the an area draining to a regional BMP is found to discharge significant quantities of a pollutant which the regional BMP cannot effectively remove, the Copermittee shall also require an additional, onsite treatment control for that discharger.
- (vi) Regional BMPs shall be placed in the stormwater conveyance system downstream of dischargers and upstream of receiving waters to ensure that their use does not inadvertently lead to the exceedance of a receiving water quality standard along a reach upstream of the BMP.

#### E.1.e. Additional Changes to High Priority Project Requirements

The Copermittees shall collectively update their High Priority Project requirements in accordance with the requirements and schedules below. Within 180 days of SDRWQCB approval of each deliverable, each Copermittee shall amend its own local requirements, and shall subsequently amend its ordinances and legal authorities as necessary for consistency with the approved updates.

##### (1) Baseline Strategies for Incorporation of Low Impact Development (LID) Principles

By September 28, 2007, the Copermittees shall collaboratively develop and submit for SDRWQCB approval a strategy to encourage the use of Low Impact Design (LID) principles in High Priority Projects. LID practices reduce the amount of runoff required to be captured and infiltrated and/or treated by facilitating the use of site design philosophies which:

- (a) Maximize the use of Zero Discharge Areas, Self-Treating Areas, and Runoff Reduction Areas;
- (b) Reduce structural treatment requirements;
- (c) Reduce requirements for post-construction operations and maintenance; and
- (d) Provide cost-effective compliance options for project proponents and municipalities.

It is understood that the effective long-term integration of LID principles will require the development of methods and approaches beyond the scope of this initial update. The purpose of this update is to identify and implement basic process changes to increase the knowledge of staff and developers about LID principles and practices, to encourage the voluntary use of LID practices, and to identify a strategy for the development of an effective LID credit program.

##### (2) Model Operations and Maintenance (O&M) Verification Process

By September 28, 2007, the Copermittees shall collaboratively develop and submit for SDRWQCB approval a model operations and maintenance (O&M)

verification process for permanent treatment BMPs constructed to meet High Priority Project treatment requirements. The purpose of this model is to provide Copermittees effective and cost-efficient options for verifying the long-term maintenance of the permanent post-construction structural treatment controls implemented through their development process. The model O&M verification process shall, at a minimum, address the following elements:

- (a) Collection of pertinent information regarding installed treatment BMPs. The Copermittees shall coordinate to gather data and information in compatible formats whenever possible. Examples of pertinent information include: location, permit approval, maintenance agreement reference, and inspection status.
  - (b) Activity-specific training. Copermittees should conduct activity-specific training of appropriate staff prior to program implementation.
  - (c) Establishment of inspection priorities and frequencies. To maximize effectiveness with limited resources, Copermittees should develop a methodology for prioritizing the list of installed treatment BMPs for the purposes of inspecting a subset of installed treatment BMPs having the highest likelihood of operational or maintenance issues.
  - (d) Treatment BMP field inspections. Based on the prioritization of treatment BMPs, the Copermittees should inspect a subset of installed treatment BMPs for appropriate O&M. The Copermittees should develop procedures for appropriate corrective action and follow up when problems are identified.
  - (e) Documentation of activities for effectiveness assessment and reporting. Each Copermittee should include in their annual reports a list or a summary of treatment BMPs inspected that year with inspection results. The Model SUSMP update should include recommended assessment and reporting standards.
- (3) Procedures for Downstream Conditions of Concern

By September 28, 2007, the Copermittees shall collaboratively develop and submit for SDRWQCB approval procedures for assessing the potential of priority projects to result in downstream impacts and for mitigating those impacts when necessary. The Copermittees shall develop and incorporate revised procedures into their existing analysis procedures, and shall ensure that all projects submitted after 180 days of SDRWQCB approval of these improvements are designed in compliance with the new requirements.

Revised procedures should include at least the following steps:

- (a) Development of minimum threshold criteria for conducting analysis. A similar set of criteria as those developed in the Riverside County Water Quality Management Plan (WQMP) for Urban Runoff (September 17, 2004), should be developed for the San Diego Region.
- (b) Analysis of downstream conditions of concern. High Priority Projects shall be required to prepare a project-specific drainage study demonstrating that discharge flow rates, and velocities from a 2-year

and 10-year, 24-hour rainfall event will not significantly impact downstream erosion or stream habitat. Project applicants shall provide sufficient information to demonstrate to the Copermittee that the High Priority Project will not cause significant adverse impacts, or that significant impacts to downstream erosion or stream habitat have been mitigated.

If stormwater detention is used to mitigate significant impacts to downstream erosion or stream habitat, the design engineer shall confirm that outflow from a detention basin shall not have a detrimental effect on downstream facilities. In some cases, detention facilities, while reducing peak-on-site flows, might increase the peak flow from the watershed as a whole by delaying the on-site peak flow rate to coincide more closely with the peak from the larger watershed. Therefore, a drainage study must extend downstream from the High Priority Project site to determine the regional effect of a detention basin. This study must evaluate the impacts of the priority project on downstream channel reaches impacted during a 2-year, 24-hour and 10-year, 24-hour rainfall event. The outflow hydrograph from a detention facility shall be routed (analyzed) through the downstream conveyance system to a reasonable point, typically to the next improved drainage facility.

The drainage study report shall also consider the High Priority Project's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural and infrastructure drainage features, and any other relevant hydrologic and environmental factors in the analysis. To assess undercutting erosion, slope bank stability, vegetative stress and susceptibility to other adverse hydrologic impacts from the project in downstream reaches, the study may need to include a field reconnaissance.

- (c) Develop methodologies for addressing identified impacts. The Copermittees should identify multiple methods to address identified downstream conditions of concern. Examples of such methods include: detention; implementation of site design, source control or treatment control BMPs that would mitigate the potential impacts; project compliance with a jurisdictionally approved master drainage plan or similar plan; or similar method acceptable to the Copermittee.

(4) Low Impact Design (LID) Credit Option

By April 30, 2009, the Copermittees shall collaboratively develop and submit for SDRWQCB approval a Low Impact Development Credit Option that provides incentives for the use of more effective LID treatment BMPs in return for a reduction in administrative requirements associated with High Priority Projects. Desired benefits of a LID Credit Option include:

- (a) Achievement of equal or greater water quality benefits;
- (b) Increased assurance of adequate operation and maintenance;
- (c) Time and cost savings to jurisdictions and applicants by removing feasibility analysis from the development review process;

- (d) Increased acceptance of LID controls in jurisdictional development regulations and design standards; and
- (e) Greater usage of LID controls by applicants.

The following guidelines should be followed in developing the LID Credit Option:

- (f) The program shall be a voluntary option for development applicants, and shall be developed by the Copermittees with active stakeholder participation.
- (g) For the program to be approved, the Copermittees must demonstrate that projects utilizing the credits would achieve equal or greater pollutant removal than the conventional structural BMP that would be used in the project design.
- (h) Development of the Credit Option should include a review of the overall review and design process, approval requirements, and technical documents and standards used in the program.
- (i) A variety of methods for determining credits should be explored. For example, a "LID credit worksheet" might be used to require project proponents to select and implement a minimum set of LID controls. The number and type would be determined based on priority project type to tailor the LID controls towards the specific pollutants generated by each priority category. Examples of LID controls that might be included in the worksheet include:
  - (i) Porous pavement used on a percentage of all walkways and driveways;
  - (ii) Roof drains all discharge onto a landscaped area (with a minimum depth);
  - (iii) Use of efficient irrigation devices; and
  - (iv) Planting a percentage of all landscaped with drought resistant plants.
- (j) Supporting documentation to the program should include minimum design criteria, or references to other technical manuals that provide design criteria, for the LID controls to ensure they were adequately sized.

E.1.f. Education Focused on New Development and Redevelopment

Each Copermittee shall provide education to on requirements for new development and redevelopment to appropriate municipal staff and project proponents in accordance with Sections E.6.a and E.6.b of this Order.

## **E.2 Construction Component**

Each Copermittee shall implement control measures and best management practices during all phases of construction to ensure that pollutants from construction site runoff will be reduced to the maximum extent practicable and will not cause or contribute to an exceedance of water quality objectives.

### **E.2.a. Ordinance Updates**

Each Copermittee shall review and update its ordinances (grading, stormwater, etc.) as necessary to ensure compliance with this Order. Copermittee ordinances shall require implementation of BMPs and other measures during all construction activities. The following BMPs and other measures or their equivalent shall be considered:

- (1) Erosion prevention and sediment control;
- (2) Seasonal restrictions on grading;
- (3) Slope stabilization;
- (4) Phased grading;
- (5) Re-vegetation as early as feasible;
- (6) Preservation of natural hydrologic features;
- (7) Preservation of riparian buffers and corridors;
- (8) Maintenance of source control and structural treatment BMPs; and
- (9) Retention and proper management of sediment and other construction pollutants.

### **E.2.b. Construction and Grading Approval Process**

Prior to approval and issuance of local construction and grading permits, each Copermittee shall require individual proposed projects to implement measures to ensure that grading and construction activities will be in compliance with Copermittee ordinances and other applicable requirements, including this Order.

#### **(1) Construction and Grading Project Requirements**

Local grading and construction permits shall include construction and grading project requirements to ensure that pollutant discharges are reduced to the maximum extent practicable and that water quality objectives are not violated during the construction phase. Such requirements shall include the following requirements or their equivalent:

- (a) Require project proponents to develop and implement a plan to manage stormwater and non-stormwater discharges from the site at all times;
- (b) Require project proponents to emphasize erosion prevention as the most important measure for keeping sediment on site during construction;
- (c) Require project proponents to minimize grading during the wet season and to coincide grading with seasonal dry weather periods to the extent feasible. If grading does occur during the wet season, require



- project proponent to implement additional BMPs for any rain events which may occur, as necessary for compliance with this Order;
- (d) Require project proponents to utilize sediment controls as a supplement to erosion prevention for keeping sediment on-site during construction;
  - (e) Require project proponents to stabilize all slopes; and
  - (f) Require project proponents to minimize areas that are cleared and graded to only the portion of the site that is necessary for construction;
  - (g) Require project proponents to minimize exposure time of disturbed soil areas;
  - (h) Require project proponents to temporarily stabilize and re-seed disturbed soil areas as rapidly as possible;
  - (i) Require project proponents to permanently re-vegetate or landscape as early as feasible;
  - (j) Require project proponents to properly maintain BMPs to ensure they perform as designed
  - (k) Require project proponents subject to the California Statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities, (hereinafter General Construction Permit), to provide evidence of existing coverage under the General Construction Permit.

#### E.2.c. Source Identification

Each Copermittee shall annually develop and update prior to the rainy season a watershed-based inventory of all construction sites within its jurisdiction regardless of site size or ownership. This requirement is applicable to all high, medium, and low priority construction sites regardless of whether the site is subject to the General Construction Permit, or any other individual NPDES permit.

#### E.2.d. Threat to Water Quality Prioritization

To establish priorities for oversight activities, the Copermittee shall classify each construction site in its inventory as high, medium, or low threat to water quality (TTWQ).

- (1) High priority construction sites are, at a minimum, those which:
  - (a) Are 50 acres or more and grading will occur during the wet season; OR
  - (b) Will disturb at least one acre of soil, and that are:
    - (i) Tributary to a Clean Water Act section 303(d) water body impaired for sediment, or
    - (ii) Within, or directly adjacent to, or discharging directly to, an environmentally sensitive area.

- (2) Medium priority construction sites are, at a minimum, those which will disturb at least one acre of soil, but are not:
  - (a) Tributary to a Clean Water Act section 303(d) water body impaired for sediment, or
  - (b) Within, or directly adjacent to, or discharging directly to, an environmentally sensitive area.
- (3) Low priority construction sites are those which do not meet the definition of a high or medium priority site, but are either required to obtain a jurisdictional grading permit, or are determined by the Copermittee to possess a reasonable potential to impact water quality.
- (4) Based on an evaluation of TTWQ, construction sites may also individually or categorically be assigned a TTWQ rating higher than that indicated by the minimum criteria described above. In evaluating TTWQ, each Copermittee shall consider such factors as (1) soil erosion potential; (2) site slope; (3) project size and type; (4) sensitivity of receiving water bodies; (5) proximity to receiving water bodies; (6) non-storm water discharges; and (7) any other relevant factors. Site priorities less than those prescribed above are not allowable except as in conformance with Section H of this Order.

E.2.e. BMP Implementation

- (1) Each Copermittee shall designate minimum BMP requirements for high, medium, and low threat to water quality construction sites.
- (2) Each Copermittee shall implement pollution prevention methods in its Construction Component and shall require their use by construction site owners, developers, contractors, and other responsible parties, where appropriate.
- (3) Each Copermittee shall implement, or require the implementation of, the designated BMP requirements at each construction site within its jurisdiction. If particular BMPs are infeasible at any specific site, the Copermittee shall implement, or require the implementation of, other equivalent BMPs. Each Copermittee shall also implement or require any additional site-specific BMPs as necessary to comply with this Order, including BMPs more stringent than those required under the statewide General Construction Permit.
- (4) Each Copermittee shall implement, or require the implementation of, BMPs year round; however, BMP implementation requirements may vary based on wet and dry seasons.
- (5) Each Copermittee shall implement, or require implementation of, BMPs that are appropriate for the TTWQ priority of each construction site. Additional BMPs for sites tributary to Clean Water Act section 303(d) water bodies impaired for sediment or within or adjacent to or discharging directly to environmentally sensitive areas shall be required as necessary to comply with this Order.

E.2.f. Inspection of Construction Sites

- (1) Each Copermittee shall conduct construction site inspections for compliance with its ordinances (grading, storm water, etc.), permits (construction, grading, etc.), and this Order. Inspections shall include review of site erosion control and BMP implementation plans. Based upon site inspection findings, each Copermittee shall implement all follow-up actions necessary to comply with this Order.
- (2) Inspection frequencies and priorities shall be established as follows or as otherwise determined in accordance with threat to water quality prioritization or other relevant considerations:
  - (a) All construction sites shall be inspected by the Copermittees as needed during the dry season (i.e., May 1 through September 30 of each year).
  - (b) During the wet season (i.e., October 1 through April 30 of each year), each Copermittee shall inspect, at a minimum, each High Priority construction site, either:
    - (i) Monthly, if no active grading is taking place, or
    - (ii) Weekly, if active grading is taking place.
  - (c) Medium priority construction sites shall be inspected by Copermittees a minimum of two times during the wet season.
  - (d) Low priority construction sites shall be inspected a minimum of two times throughout the life of the project.
  - (e) Medium and low priority construction sites active for three months or less shall be inspected at least once throughout the life of the project.
  - (f) Through November 10<sup>th</sup> of each year, the Copermittees may inspect sites for which weather-triggered action plans are in use on an as needed basis.

E.2.g. Enforcement of Construction Sites

Each Copermittee shall enforce its ordinances (grading, storm water, etc.) and permits (construction, grading, etc.) at all construction sites as necessary to maintain compliance with this Order.

E.2.h. Education Focused on Construction Activities

Each Copermittee shall provide education to its staff and project proponents in accordance with Section E.6.c of this Order.

### **E.3 Municipal Component**

Each Copermittee shall implement control measures and best management practices to ensure that pollutants in runoff from municipal areas and activities will be reduced to the maximum extent practicable and will not cause or contribute to an exceedance of water quality objectives.

#### **E.3.a. Source Identification**

Each Copermittee shall develop, and update annually, a watershed-based inventory of the name, location, and description of all municipal areas and activities which generate pollutants.

#### **E.3.b. Threat to Water Quality Prioritization**

- (1) To establish priorities for oversight of municipal areas and activities required under this Order, each Copermittee shall prioritize its watershed inventory in E.3.a above by threat to water quality and update annually. Each municipal area and activity shall be classified as high, medium, or low threat to water quality. In evaluating threat to water quality, each Copermittee shall consider:
  - (a) The type of municipal area or activity;
  - (b) Materials used or stored in the facility;
  - (c) Wastes generated;
  - (d) Pollutant discharge potential;
  - (e) Non-storm water discharges;
  - (f) Size of facility or area;
  - (g) Proximity to receiving water bodies;
  - (h) Sensitivity of receiving water bodies; and
  - (i) Any other relevant factors.
  
- (2) High priority municipal areas and activities shall include the following:
  - (a) Roads, Streets, Highways, and Parking Facilities;
  - (b) Flood Management Projects and Flood Control Devices;
  - (c) Municipal areas and activities tributary to a Clean Water Act section 303(d) impaired water body, where an area or activity generates pollutants for which the water body is impaired. Areas and activities within, adjacent to, or discharging directly to environmentally sensitive areas;
  - (d) Active or closed municipal landfills;
  - (e) Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;
  - (f) Municipal separate storm sewer systems;
  - (g) Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles;
  - (h) Municipal Airfields; and
  - (i) Other municipal areas and activities that the Copermittee determines may contribute a significant pollutant load to the MS4.

E.3.c. BMP Implementation

- (1) Each Copermittee shall designate minimum BMP requirements for high, medium, and low threat to water quality municipal areas and activities. The designated minimum BMPs for high threat to water quality municipal areas and activities shall be area or activity specific as appropriate.
- (2) Each Copermittee shall implement pollution prevention methods in its Municipal Component and shall require their use by municipal departments and personnel, where appropriate.
- (3) Each Copermittee shall implement, or require the implementation of, the designated minimum BMP requirements at each municipal area or activity within its jurisdiction. If particular BMPs are infeasible for any specific area or activity, each Copermittee shall implement, or require implementation of, other equivalent BMPs. Each Copermittee shall also implement any additional BMPs as necessary to comply with this Order.
  - (a) Each Copermittee shall evaluate the feasibility of retrofitting existing structural flood control devices and retrofit where needed.
- (4) Each Copermittee shall implement, or require implementation of, controls that are appropriate for the TTWQ priority of each municipal area and activity. Additional controls for sites that are tributary to Clean Water Act section 303(d) water bodies where an area or activity generates pollutants for which the water body is impaired, or within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas, shall be required as necessary to comply with this Order.

E.3.d. Maintenance of Municipal Separate Storm Sewer System

- (1) Each Copermittee shall implement a schedule of maintenance activities at all structural controls designed to reduce pollutant discharges to or from its MS4s and related drainage structures.
- (2) Each Copermittee shall implement a schedule of maintenance activities for the municipal separate storm sewer system.
- (3) The maintenance activities must include:
  - (a) Inspection and removal of accumulated waste (e.g. sediment, trash, debris and other pollutants) between May 1 and September 30 of each year;
  - (b) Additional cleaning as necessary between October 1 and April 30 of each year;
  - (c) Record keeping of cleaning and the overall quantity of waste removed;
  - (d) Proper disposal of waste removed pursuant to applicable laws;
  - (e) Controls and measures to limit infiltration of seepage from municipal sanitary sewers to MS4s, which shall include overall sanitary sewer and MS4 surveys and thorough, routine preventive maintenance of both MS4s and sanitary sewers; and

- (f) Measures to eliminate waste discharges during MS4 maintenance and cleaning activities.

#### E.3.e Management of Pesticides, Herbicides, and Fertilizers

The Copermittees shall implement BMPs to reduce the contribution of pollutants associated with the application, storage, and disposal of pesticides, herbicides and fertilizers from municipal areas and activities to MS4s. Important municipal areas and activities include municipal facilities, public rights-of-way, parks, recreational facilities, golf courses, cemeteries, botanical or zoological gardens and exhibits, landscaped areas, etc.

Such BMPs shall include:

- (1) Educational activities, permits, certifications and other measures for municipal applicators and distributors;
- (2) Integrated pest management measures that rely on non-chemical solutions;
- (3) Use of native vegetation;
- (4) Schedules for irrigation and chemical application; and
- (5) Collection and proper disposal of unused pesticides, herbicides, and fertilizers.

#### E.3.f. Inspection of Municipal Areas and Activities

Each Copermittee shall inspect high priority municipal areas and activities annually. Based upon site inspection findings, each Copermittee shall implement all follow-up actions necessary to comply with this Order.

#### E.3.g. Enforcement of Municipal Areas and Activities

Each Copermittee shall enforce its stormwater ordinance for all municipal areas and activities as necessary to maintain compliance with this Order.

#### E.3.h. Education Focused on Municipal Activities

Each Copermittee shall provide education to its staff and project proponents in accordance with Section E.6.a of this Order.

### **E.4. Industrial and Commercial Component**

Each Copermittee shall implement control measures and best management practices to ensure that pollutants in runoff from industrial and commercial facilities are reduced to the maximum extent practicable and will not cause or contribute to an exceedance of water quality objectives.

#### E.4.a. Source Identification

Each Copermittee shall develop and annually update a watershed-based inventory of all industrial and commercial facilities within its jurisdiction that could contribute a significant pollutant load to the MS4. The inventory, or elements thereof, may be

developed and maintained individually or by groups of Copermittees. At a minimum, the following types of businesses shall be included:

(1) Commercial Facilities

- (a) Automobile mechanical repair, maintenance, fueling, or cleaning;
- (b) Airplane mechanical repair, maintenance, fueling, or cleaning;
- (c) Boat mechanical repair, maintenance, fueling, or cleaning;
- (d) Equipment repair, maintenance, fueling, or cleaning;
- (e) Automobile and other vehicle body repair or painting;
- (f) Mobile automobile or other vehicle washing;
- (g) Automobile or other vehicle parking lots and storage facilities (base of operations);
- (h) Retail or wholesale fueling;
- (i) Pest control services (base of operations);
- (j) Eating or drinking establishments;
- (k) Mobile carpet, drape or furniture cleaning (base of operations);
- (l) Cement mixing or cutting (base of operations);
- (m) Masonry (base of operations);
- (n) Painting and coating (base of operations);
- (o) Botanical or zoological gardens and exhibits;
- (p) Landscaping (base of operations);
- (q) Nurseries and greenhouses;
- (r) Golf courses, parks and other recreational areas/facilities;
- (s) Cemeteries;
- (t) Pool and fountain cleaning (base of operations);
- (u) Marinas;
- (v) Port-a-Potty servicing (base of operations);
- (w) Animal facilities (kennels, equestrian, etc.); and
- (x) Pressure washing.

(2) Industrial Facilities

- (a) Industrial facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the General Industrial Permit; and
- (b) Facilities subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

(3) All other facilities tributary to a Clean Water Act section 303(d) impaired water body, where a facility generates pollutants for which the water body is impaired; and

(4) All other facilities that the Copermittee determines may contribute a significant pollutant load to the MS4.

The inventory shall include, at a minimum, each facility's name, address, a narrative description that best reflects the principal products or services provided by the facility, and the SIC or NAICS code for industrial facilities.

Each Copermittee shall maintain an up-to-date inventory. New information obtained during inspections or through other informational sources (e.g., business licenses, pre-treatment permits, sanitary sewer permits, etc.) shall be used to update the inventory.

E.4.b. Threat to Water Quality Prioritization

- (1) To establish priorities for industrial and commercial oversight activities under this Order, the Copermittees shall prioritize each watershed-based inventory by threat to water quality. Each industrial and commercial site shall be classified as high, medium, or low threat to water quality.
- (2) In evaluating threat to water quality each Copermittee shall consider:
  - (a) Type of industrial activity (SIC Code);
  - (b) Materials used in industrial processes;
  - (c) Wastes generated;
  - (d) Pollutant discharge potential;
  - (e) Non-storm water discharges;
  - (f) Size of facility;
  - (g) Proximity to receiving water bodies;
  - (h) Sensitivity of receiving water bodies;
  - (i) Whether the industrial site is subject to the statewide General Industrial Permit;
  - (j) No Exposure Certification / Notice of Non-Applicability (NONA);
  - (k) Self-certification status;
  - (l) Compliance history
  - (m) Facility design;
  - (n) Existing regulatory oversight;
  - (o) Green business certification; and
  - (p) Any other relevant factors.
- (3) TTWQ priorities shall generally be established by facility type, but individual facilities may be assigned a different priority than that of the broader category based on data and information specific to that business or facility (e.g., compliance history, filing of a NONA with the SWRCB, etc.).
- (4) TTWQ priorities shall be updated throughout the life of this Order as necessary to reflect the most current available data and information.

E.4.c. BMP Implementation

- (1) Each Copermittee shall designate minimum BMP requirements for all inventoried industrial and commercial facilities to reduce the discharge of pollutants in runoff to the maximum extent practicable. Designated BMPs may be specific to facility types or to pollutant-generating activities conducted at the facilities.
- (2) Each Copermittee shall implement pollution prevention methods in its Industrial and Commercial Component and shall require their use by facilities where appropriate.
- (3) As appropriate and feasible, each Copermittee shall notify inventoried facilities of their applicable minimum BMP requirements, and a description of the local codes or ordinances requiring compliance to reduce the discharge of pollutants to the maximum extent practicable.



- (4) Each Copermittee shall implement, or require the implementation of, the designated minimum BMP requirements at each inventoried facility within its jurisdiction. If particular minimum BMPs are infeasible at any specific site, each Copermittee shall implement, or require implementation of, other equivalent BMPs. Each Copermittee shall also implement or require any additional site specific BMPs as necessary to comply with this Order including BMPs which are more stringent than those required under the statewide General Industrial Permit.
- (5) Additional BMPs for sites tributary to Clean Water Act section 303(d) water bodies that generate pollutants for which the water body is impaired, or that are within or adjacent to or discharging directly to environmentally sensitive areas, shall be required as necessary to effectively target those pollutants.

E.4.d. Compliance Verification at Industrial and Commercial Facilities

- (1) Each Copermittee shall develop and implement a strategy for effectively and cost-efficiently verifying compliance with applicable requirements at the facilities in its industrial and commercial inventory. Such methods may include, but are not limited to, the following:
  - (a) Copermittee inspections;
  - (b) Compliance certification (including submission of monitoring results);
  - (c) Third-party inspections;
  - (d) Facility- or industry-specific surveys; and
  - (e) Other methods as determined appropriate.
- (2) Each Copermittee's compliance verification strategy shall include an inspection element. Inspections of inventoried industrial and commercial facilities shall be conducted in accordance with the following requirements:
  - (a) High Priority TTWQ sites shall be inspected at least three times during the 5-year term of this Order;
  - (b) For Medium Priority TTWQ sites, each Copermittee shall either:
    - (i) Implement a compliance verification strategy consisting of methods such as those listed in Section E.4.d(1) of this Order, and approved by the SDRWQCB; or
    - (ii) Be inspected at least twice during the 5-year term of this Order; and
  - (c) Low Priority TTWQ sites and mobile operations shall be inspected as needed.
- (3) Inspections of industrial facilities shall include, but not be limited to:
  - (a) Check for coverage under the General Industrial Permit (NOI and or Waste Discharge ID number);
  - (b) Assessment of compliance with Copermittee ordinances and permits, including implementation and maintenance of designated minimum BMPs;

- (c) Verification of a monitoring program for facilities subject to the General Industrial Permit;
  - (d) Assessment of BMP effectiveness;
  - (e) Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff; and
  - (f) Education and outreach on storm water pollution prevention.
- (4) Inspections of commercial facilities shall include, but not be limited to:
- (a) Assessment of compliance with Copermittee ordinances and permits, including implementation and maintenance of designated minimum BMPs;
  - (b) Assessment of BMP effectiveness;
  - (c) Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff; and
  - (d) Education and outreach on storm water pollution prevention.

#### E.4.e. Enforcement at Industrial and Commercial Sites

Each Copermittee shall enforce its storm water ordinance at all industrial and commercial facilities as necessary to maintain compliance with this Order. Copermittee ordinances or other regulatory mechanisms shall include sanctions to ensure compliance.

#### E.4.f. Reporting of Industrial Non-filers

Each Copermittee shall at least annually report a list of industrial facilities (including name, address, and SIC or NAICS code) that may require coverage under the General Industrial Permit, but for which a NOI has not been filed.

#### E.4.g. Education Focused on Industrial and Commercial Businesses

Each Copermittee shall provide education to its staff and project proponents in accordance with Section E.6.d of this Order.

### **E.5 Residential Component**

Each Copermittee shall implement control measures and best management practices to ensure that pollutants in runoff from residential areas and activities are reduced to the maximum extent practicable and will not cause or contribute to an exceedance of water quality objectives.

#### E.5.a. Threat to Water Quality Prioritization

Each Copermittee shall identify high priority residential areas and activities. These shall include:

- (1) Automobile repair, maintenance, washing, and parking;

- (2) Home and garden care activities and product use (pesticides, herbicides, and fertilizers);
- (3) Disposal of trash, pet waste, green waste, and household hazardous waste (e.g., paints, cleaning products);
- (4) Any other residential area or activity that the Copermittee determines may contribute a significant pollutant load to the MS4.

E.5.b. BMP Implementation

- (1) Each Copermittee shall designate minimum BMP requirements for high threat to water quality residential areas and activities. The designated minimum BMPs for high threat to water quality residential areas and activities shall be area or activity specific.
- (2) Each Copermittee shall include pollution prevention methods in its Residential Component and shall encourage their use by residents where appropriate.
- (3) Each Copermittee shall facilitate the proper management and disposal of used oil, toxic materials, and other household hazardous wastes. Facilitation shall include educational activities, public information activities, and establishment of collection sites operated by the Copermittee or a private entity. Curbside collection of household hazardous wastes is encouraged.
- (4) Each Copermittee shall require implementation of the designated minimum BMP requirements for high threat to water quality residential areas and activities. If particular minimum BMPs are infeasible for any specific site or source, each Copermittee shall require implementation of other equivalent BMPs. Each Copermittee shall also implement, or require implementation of, any additional BMPs as are necessary to comply with this Order.
- (5) Each Copermittee shall implement, or require implementation of, controls that are appropriate for the TTWQ priority of each residential area or activity. Additional controls for areas or activities tributary to Clean Water Act Section 303(d) water bodies where a residential area or activity generates pollutants for which the water body is impaired, or for residential areas within, directly adjacent to, or discharging directly to environmentally sensitive areas, shall be required as necessary to comply with this Order.

E.5.c. Enforcement of Residential Areas and Activities

Each Copermittee shall enforce its stormwater ordinance for all residential areas and activities as necessary to maintain compliance with this Order.

E.5.d. Education Focused on Residential Areas and Activities

Each Copermittee shall provide education to its residential population in accordance with Section E.6.e of this Order.

## **E.6 Education Component**

The Copermittees shall implement an Education Component using a variety of media as appropriate to (1) measurably increase the knowledge of target audiences regarding MS4s, the impacts of urban runoff on receiving waters, and potential BMP solutions for the target audience; and (2) measurably change the behavior of target audiences and thereby reduce pollutant releases to MS4s and the environment. Copermittees shall focus their education on the constituents, pollutant sources, and activities with the greatest impact on water quality as identified through water quality monitoring and implementation assessment. In developing their education strategies, they shall address each of the target audiences described below, and shall address the topics in Table 1 as appropriate for each.

### **E.6.a. Municipal Audiences**

Each Copermittee shall ensure that all municipal personnel are provided with basic urban runoff education that includes information on MS4s and the impacts of urban runoff on receiving waters. Personnel whose job activities have a reasonable potential to generate pollutants, or who oversee, investigate, or monitor activities with the potential to generate pollutants, shall also be educated regarding potential BMP solutions specific to those activities. Education shall incorporate the topics listed in Table 1 as appropriate for each target audience.

### **E.6.b. External Planning and Development Audiences**

Each Copermittee shall ensure that the planning and development community active within its jurisdiction (e.g., project applicants, developers, contractors, property owners, community planning groups) is provided with education regarding MS4s, the impacts of urban runoff on receiving waters, and potential BMP solutions specific to development activities. Education shall be conducted as early in the planning and development process as possible, and shall include topics from Table 1 as appropriate.

### **E.6.c. External Construction Audiences**

Each Copermittee shall ensure that the construction community active within its jurisdiction (e.g., project applicants, developers, contractors, property owners, other responsible parties) is provided with education regarding MS4s, the impacts of urban runoff on receiving waters, and potential BMP solutions specific to construction activities. Education shall be conducted as early in the planning and development process as possible, and shall include topics from Table 1 as appropriate.

### **E.6.d. Industrial and Commercial Businesses**

Each Copermittee shall ensure that priority industrial and commercial businesses within its jurisdiction are provided with education regarding MS4s, the impacts of urban runoff on receiving waters, and potential BMP solutions specific to their activities. Education shall incorporate the topics listed in Table 1 as appropriate for each target audience.

E.6.e. Residential Audiences

Each Copermittee shall ensure that the residential population within its jurisdiction is provided with education regarding MS4s, general watershed concepts, the impacts of urban runoff on receiving waters, and potential BMP solutions specific to residential activities. Residential education shall target 1) the general public, and 2) school children, and shall incorporate the topics listed in Table 1 as appropriate for each audience.

- (1) The Copermittees shall develop and implement a Regional Education Program Plan in accordance with the schedule and conditions described in Section G.4.d of this Order.

Table 1 -- Potential Topics for Education to Various Audiences

Laws, Regulations, Permits & Requirements	Best Management Practices
<ul style="list-style-type: none"> <li>◦ Federal, state, and local water quality laws and regulations</li> <li>◦ California's Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (Except Construction).</li> <li>◦ California's Statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities</li> <li>◦ SDRWQCB's General NPDES Permit for Groundwater Dewatering</li> <li>◦ SDRWQCB's 401 Water Quality Certification</li> <li>◦ Statewide General NPDES Utility Vault Permit</li> <li>◦ SDRWQCB Waste Discharge Requirements for Dredging Activities</li> <li>◦ Requirements of local municipal permits and ordinances (e.g., storm water and grading ordinances and permits)</li> </ul>	<ul style="list-style-type: none"> <li>◦ Pollution prevention and safe alternatives</li> <li>◦ Good housekeeping (e.g., sweeping impervious surfaces instead of hosing)</li> <li>◦ Proper waste disposal (e.g., garbage, pet/animal waste, green waste, household hazardous materials, appliances, tires furniture, vehicles, boat/recreational vehicle waste, catch basin/MS4 cleanout waste)</li> <li>◦ Non-storm water disposal alternatives (e.g., all wash waters)</li> <li>◦ Methods to minimize the impact of land development and construction</li> <li>◦ Erosion prevention</li> <li>◦ Methods to reduce the impact of residential and charity car-washing</li> <li>◦ Preventive maintenance</li> <li>◦ Equipment/vehicle maintenance and repair</li> <li>◦ Spill response, containment, and recovery</li> <li>◦ Recycling</li> <li>◦ BMP maintenance</li> </ul>
General Urban Runoff Concepts	Other Topics
<ul style="list-style-type: none"> <li>◦ Distinction between MS4s and sanitary sewers</li> <li>◦ Watershed concepts (e.g., stewardship, connection between inland activities and coastal problems)</li> <li>◦ BMP types: Site design, source control, structural, and treatment</li> <li>◦ Short- and long-term water quality impacts associated with urbanization (e.g., land-use decisions, development, construction)</li> <li>◦ Non-stormwater discharge prohibitions</li> </ul>	<ul style="list-style-type: none"> <li>◦ Public reporting mechanisms</li> <li>◦ Water quality awareness for Emergency/First Responders</li> <li>◦ Illicit Discharge Detection and Elimination observations and follow-up during daily work activities</li> <li>◦ How to conduct a storm water inspection</li> <li>◦ Potable water discharges to the MS4</li> <li>◦ Dechlorination techniques</li> <li>◦ Hydrostatic testing</li> <li>◦ Integrated pest management</li> <li>◦ Benefits of native vegetation</li> <li>◦ Water conservation</li> <li>◦ Alternative materials &amp; designs to maintain peak runoff values</li> <li>◦ Traffic reduction, alternative fuel use</li> </ul>

## **E.7 Illicit Discharge Detection and Elimination Component**

Each Copermittee shall conduct activities to actively seek and eliminate illicit discharges and connections into its MS4. These shall address all types of illicit discharges and connections, excluding those non-storm water discharges not prohibited by the Copermittee in accordance with Section A of this Order.

### **E.7.a. Dry Weather Analytical Monitoring**

Each Copermittee shall conduct dry weather analytical monitoring of MS4 outfalls within its jurisdiction to detect illicit discharges and connections in accordance with Attachment E of this Order.

### **E.7.b. Investigation, Inspection, and Follow-Up**

Each Copermittee shall investigate and inspect any portion of the MS4 that, based on dry weather analytical monitoring results or other appropriate information, indicates a reasonable potential for illicit discharges, illicit connections, or other sources of non-storm water (including non-prohibited discharge(s) identified in Section A of this Order). Each Copermittee shall establish criteria to identify portions of the system where such follow-up investigations are appropriate.

### **E.7.c. Elimination of Illicit Discharges and Connections**

Each Copermittee shall abate or otherwise take the appropriate action to cause the abatement of all detected and illicit discharges, discharge sources, and discharge connections. All detected and illicit discharges, discharge sources, and discharge connections that pose a serious threat to the public's health or safety shall be abated immediately.

### **E.7.d. Enforce Ordinances**

Each Copermittee shall implement and enforce its ordinances, orders, or other legal authority to prevent and eliminate illicit discharges and connections to its MS4.

### **E.7.e. Prevent and Respond to Sewage Spills (Including from Private Laterals and Failing Septic Systems) and Other Spills**

- (1) Each Copermittee shall develop and implement a mechanism whereby it is notified of all sewage spills from private laterals and failing septic systems into its MS4.
- (2) Each Copermittee shall coordinate spill prevention, containment, and response activities throughout all appropriate departments, programs, and agencies to ensure maximum water quality protection at all times.
- (3) Each Copermittee shall prevent, respond to, contain, and clean up all sewage and other spills that may discharge into its MS4 from any source (including private laterals and failing septic systems). Spill response teams shall prevent entry of spills into the MS4 and contamination of surface water, ground water, and soil to the maximum extent practicable.

- (4) Each Copermittee shall coordinate spill prevention, containment and response activities throughout all appropriate departments, programs and agencies to ensure maximum water quality protection at all times.

**E.7.f Facilitate Public Reporting of Illicit Discharges and Connections - Public Hotline**

Each Copermittee shall promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s. Each Copermittee shall facilitate public reporting through development and operation of a public hotline. Public hotlines can be Copermittee-specific or shared by Copermittees. Shared hotlines are encouraged. All storm water hotlines shall be capable of receiving reports in both English and Spanish 24 hours per day, seven days per week. Copermittees shall respond to and resolve reported incidents in accordance with the requirements of Section E.7.d of this Order. All reported incidents, and how each was resolved, shall be summarized as applicable in the Copermittees' individual Jurisdictional URMP Annual Reports or Integrated URMP Annual Reports.

**E.8 Public Participation**

Each Copermittee shall incorporate a mechanism for public participation in the implementation of its Urban Runoff Management Plans.

**E.9. Effectiveness Assessment**

**E.9.a. General Requirements**

- (1) Copermittees shall collaboratively develop and implement a comprehensive strategy for assessing the effectiveness of the Plans and activities implemented pursuant to this Order. The objectives of the strategy shall include the following:
  - (a) To assess watershed health and identify water quality issues and concerns;
  - (b) To evaluate the degree to which existing source management priorities are properly targeted to, and effective in addressing, water quality issues and concerns;
  - (c) To evaluate the need to address additional pollutant sources not already included in Copermittee Plans;
  - (d) To assess progress in implementing Copermittee Plans and activities;
  - (e) To assess the effectiveness and cost-efficiency of Copermittee activities in addressing priority constituents and sources;
  - (f) To assess changes in discharge and receiving water quality;
  - (g) To assess the relationship of Plan implementation to changes in pollutant loading, discharge quality, and receiving water quality; and

- (h) To identify changes necessary to improve Copermittee Plans, activities, and effectiveness assessment methods and strategies.
- (2) The comprehensive assessment strategy shall build on the results of the Copermittees' *Framework for the Assessment of Jurisdictional Urban Runoff Management Programs* (October 2003) , the California Stormwater Quality Association (CASQA) *An Introduction to Stormwater Program Effectiveness Assessment*, the Copermittees' *Baseline Long-term Effectiveness Assessment* (August 2005), and other information and materials relevant to effectiveness assessment.
- (3) The comprehensive assessment strategy shall include both short-term and long-term components. Short-term components shall be conducted annually and long-term components on a five year frequency.
- (4) The comprehensive assessment strategy shall address activities conducted regionally, jurisdictionally, and by watershed. However, a focus of evaluation at each of these levels shall be to quantify or otherwise demonstrate the benefits of these activities at the watershed level.
- (5) The comprehensive assessment strategy shall include the following three areas of assessment activity:
  - (a) Implementation Assessment shall be conducted to determine the effectiveness of Copermittee Plans and activities in achieving targeted objectives, and in determining whether priority sources of pollution are being effectively addressed.
  - (b) Water Quality Assessment shall be conducted to evaluate the condition of non-stormwater or stormwater discharges, and the water bodies that receive these discharges.
  - (c) Integrated Assessment shall be conducted to evaluate whether Plan implementation is properly targeted to and resulting in the protection or improvement of water quality.
- (6) The comprehensive assessment strategy shall include a variety of outcomes, methods, and measures as necessary to achieve the specific objectives of each assessment element.
- (7) For the purposes of conducting effectiveness assessments, outcomes shall be classified according to the following six levels:
  - (a) Level 1: Compliance with Activity-based Permit Requirements. Level 1 Outcomes are those directly related to the implementation of specific activities prescribed by this Order or established pursuant to it.
  - (b) Level 2: Changes in Attitudes, Knowledge, & Awareness. Level 2 Outcomes are measured as increases in knowledge and awareness among target audiences such as residents, businesses, and municipal employees.



- (c) Level 3: Behavioral Change & BMP Implementation. Level 3 Outcomes measure the effectiveness of Plans and activities in affecting behavioral change and BMP implementation.
- (d) Level 4: Load Reductions. Load reductions quantify changes in the amounts of pollutants associated with specific sources before and after a BMP or other Copermitttee control strategy is employed.
- (e) Level 5: Changes in Urban Runoff & Discharge Quality. Level 5 Outcomes are measured as reductions in one or more specific constituents or stressors in discharges into or from Copermitttee MS4s.
- (f) Level 6: Changes in Receiving Water Quality. Level 6 Outcomes provide an indication of changes to receiving water quality, and may be expressed through a variety of means such as compliance with regulatory benchmarks, protection of biological integrity, or beneficial use attainment.

Each of these six Outcome Levels shall be addressed as appropriate to the individual element or activity being evaluated. With the exception of Outcome Level 1, each level need not be addressed in all instances.

#### E.9.b. Specific Requirements

##### (1) Annual Effectiveness Assessments

- (a) Jurisdictional activities. Assessment of activities conducted at the jurisdictional level shall be included in each Individual JURMP Annual Report and in the Jurisdictional Element of Comprehensive URMP Annual Reports. As appropriate and feasible, analysis shall address Outcome Levels 1 through 3. Outcome Levels 4, 5, and 6 are not required to be addressed at the jurisdictional level.
- (b) Watershed activities. Assessment of activities conducted at the watershed level shall be included in each Individual WURMP Annual Report and in the Watershed Element of Comprehensive URMP Annual Reports. Watershed URMP Annual Reports shall include an assessment of all activities intended to confer watershed-specific water quality benefits. This may include activities conducted regionally (e.g., education), jurisdictionally (e.g., street sweeping), or in watershed groups (e.g., "watershed activities"). As appropriate and feasible, watershed assessment shall address Outcome Levels 1 through 4. Analysis of Outcome Levels 5 and 6 shall be limited to a summary and interpretation of water quality results from the Copermitttees' Regional Receiving Waters Monitoring Report. Copermitttees shall not be required to address the relationship of Plan implementation to changes in water quality as part of their annual reports; this analysis shall be confined to the Long-term Effectiveness Assessment.
- (c) Regional activities. Assessment of activities conducted regionally shall be included as applicable in the Common Activities sections of the Unified JURMP Annual Reports and the Unified WURMP Annual Reports, and the Regional Element of Comprehensive URMP Annual Reports.

Activities addressed in other Annual Reports or report sections need not be addressed except as necessary to demonstrate their regional applicability or significance. As appropriate and feasible, analysis shall address Outcome Levels 1 through 4. Analysis of Outcome Levels 5 and 6 shall be limited to a summary and interpretation of water quality results from the Copermittees' Regional Receiving Waters Monitoring Report. Copermittees shall not be required to address the relationship of Plan implementation to changes in water quality as part of their annual reports; this analysis shall be confined to the Long-term Effectiveness Assessment.

(2) Long-term Effectiveness Assessment

- (a) A Long-term Effectiveness Assessment (LTEA) shall be submitted by the Principal Permittee to the RWQCB by January 31, 2010, and shall build on the results of the Copermittees' August 2005 Baseline LTEA.
- (b) The LTEA shall be designed to address each of the objectives listed in section E.9.a.(1) of this Order, and to serve as a basis for the Copermittees' October 2010 Report of Waste Discharge.
- (c) The LTEA shall address Outcome Levels 1 through 6, and shall specifically include an evaluation of the relationship of Plan implementation to changes in water quality (Levels 5 and 6). Since the ability of Copermittees to establish such relationships will initially be limited, an objective should be to identify incremental improvements to LTEA methods and strategies through the identification of data needs and process changes.
- (d) The LTEA shall have a regional and watershed focus, and shall address jurisdictional activities only as they contribute to these other levels of analysis.

**E.10 Fiscal Analysis Component**

Each Copermittee shall secure the resources necessary to meet the requirements of this Order. As part of its individual JURMP, each Copermittee shall develop a strategy to conduct a fiscal analysis of its Urban Runoff Management Plan in its entirety (e.g., including regional and watershed obligations). In order to demonstrate sufficient financial resources to implement the conditions of this Order, each Copermittee shall conduct an annual fiscal analysis as part of its JURMP Annual Report. This analysis shall, for each fiscal year covered by this Order, evaluate the expenditures (such as capital, operation and maintenance, education, and administrative expenditures) necessary to accomplish the activities of the Copermittee's Urban Runoff Management Plans. Such analysis shall include a description of the funding sources that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds.

### **E.11 Watershed Management Component**

For each Watershed Management Area (WMA) listed in Table 2, Watershed Copermittees shall collaborate to develop, implement, and modify as necessary a comprehensive watershed urban runoff management strategy to identify and mitigate the highest priority water quality issues/pollutants in the WMA. By January 31, 2007, the Principal (Lead) Permittee for each WMA shall submit an updated WURMP that describes the watershed, jurisdictional, and regional activities that will be used to implement this strategy. At a minimum, each WURMP shall include the elements described below.

#### **E.11.a Watershed Water Quality Assessment**

Watershed Copermittees shall annually assess the water quality of all receiving waters in the WMA. This assessment shall be based upon existing water quality data, reports, and assessments, as well as the annual watershed water quality monitoring that is conducted in accordance with the monitoring requirements of Attachment B. The purpose of this annual watershed water quality assessment shall be to identify and prioritize the major water quality problems in the WMA caused or contributed to by MS4 discharges, and to identify the likely sources of such problems.

#### **E.11.b Collaborative Watershed Planning**

The Watershed Copermittees shall collaborate to identify the highest priority sources and activities in the WMA, and to develop and implement strategies for reducing pollutants in stormwater discharges from those sources to the maximum extent practicable.

#### **E.11.c Watershed Education**

The Watershed Copermittees shall develop, implement, and modify as necessary a strategy for conducting education that addresses the highest priority target audiences and water quality issues for the WMA. Implementation of watershed education strategies may involve a combination of activities implemented at the regional, watershed, or jurisdictional level.

#### **E.11.d Watershed-based Land Use Planning**

The Watershed Copermittees shall develop, implement, and modify, as necessary, a strategy for facilitating collaborative, watershed-based, land use planning with neighboring local governments in the watershed.

County of San Diego Proposed Municipal Stormwater Permit Language  
11/1/2005

Table 2 – Watershed Management Areas (WMAs) and Watershed Copermittees

Watershed Management Area (WMA)	Hydrologic Unit or Area	Watershed Copermittees
Santa Margarita	Santa Margarita HU (902.00)	1. County of San Diego
San Luis Rey	San Luis Rey HU (903.00)	1. City of Escondido 2. City of Oceanside 3. City of Vista 4. County of San Diego
Carlsbad	Carlsbad HU (904.00)	1. City of Carlsbad 2. City of Encinitas 3. City of Escondido 4. City of Oceanside 5. City of San Marcos 6. City of Solana Beach 7. City of Vista 8. County of San Diego
San Dieguito	San Dieguito HU (905.00)	1. City of Del Mar 2. City of Escondido 3. City of Poway 4. City of San Diego 5. City of Solana Beach 6. County of San Diego
Penasquitos	Miramar Reservoir HA (906.10) Poway HA (906.20)	1. City of Del Mar 2. City of Poway 3. City of San Diego 4. County of San Diego
Mission Bay	Scripps HA (906.30) Miramar HA(906.40) Tecolote HA (906.50)	1. City of San Diego
San Diego River	San Diego HU (907.00)	1. City of El Cajon 2. City of La Mesa 3. City of Poway 4. City of San Diego 5. City of Santee 6. County of San Diego
San Diego Bay	Pueblo San Diego HU (908.00) Sweetwater HU (909.00) Otay HU (910.00)	1. City of Chula Vista 2. City of Coronado 3. City of Imperial Beach 4. City of La Mesa 5. City of Lemon Grove 6. City of National City 7. City of San Diego 8. County of San Diego 9. San Diego Unified Port District 10. San Diego County Regional Airport Authority
Tijuana	Tijuana (911.00)	1. City of Imperial Beach 2. City of San Diego 3. County of San Diego

E.11.e Watershed Activities

- (1) The Watershed Copermittees shall identify and implement short- and long-term recommended activities needed to address the highest priority water quality problems, sources, and activities in the WMA. These activities may be implemented individually or collectively.
- (2) A Watershed Activities List shall be submitted with each updated WURMP and updated annually thereafter. The Watershed Activities List shall include a description of how each activity was selected, and how all of the activities on the list will collectively reduce discharges of priority pollutants in the WMA to the maximum extent practicable. This analysis shall also take into consideration any other existing, planned, or modified watershed, regional, and jurisdictional activities being conducted by the Copermittees to address water quality issues in the WMA.
- (3) Each activity on the Watershed Activities List shall include the following information:
  - (a) A description of the activity;
  - (b) A time schedule for implementation of the activity, including key milestones;
  - (c) An identification of the specific responsibilities of Watershed Copermittees in completing the activity;
  - (d) A description of how the activity will address specific water quality problem(s);
  - (e) The expected benefits of implementing the activity;
  - (f) A description of how implementation effectiveness will be measured.

E.11.f WURMP Review and Updates

Each WURMP shall be reviewed annually to identify needed modifications and improvements. All updates to the WURMP shall be documented in WURMP Annual Reports as described in section G.3.b of this Order. Individual Watershed Copermittees shall also review and modify their jurisdictional activities and JURMPs as necessary to ensure consistency with the requirements of the WURMP.

**G. Required Reports and Plans**

Reporting and assessment of Copermittee Plans and activities shall be conducted as described below. All reports submitted pursuant to this Order shall include an executive summary, introduction, conclusion, recommendations, and signed certified statement. Each Copermittee shall submit a signed certified statement covering its responsibilities in the specific report. The Principal Permittee(s) shall submit a signed certified statement referring to its specific report and the section covering common activities conducted collectively by the Copermittees as produced by the Principal Permittee(s). If a reporting date falls on a non-business day (as defined by California Civil Code section 9) then the report is to be submitted on the first business day following the reporting date.

The Copermittees shall jointly develop standardized formats for all reports and plans required under this Order. Standardized reporting formats, including protocols for electronic reporting, shall also be used by all Copermittees.

As necessary and practicable, the Copermittees shall consult with SDRWQCB staff during the development, and prior to the submittal, of required reports and plans.

### **G.1. Urban Runoff Management Plans<sup>7</sup>**

#### **G.1.a. Jurisdictional Urban Runoff Management Plans (JURMPs)**

By October 31, 2006, each Copermittee shall submit for SDRWQCB Executive Officer review and approval a Jurisdictional Urban Runoff Management Plan (JURMP) that complies with all applicable standards and provisions of this Order relating to jurisdictional urban runoff management. Each JURMP shall provide a baseline of jurisdictional activities to reduce pollutants in stormwater discharges to the maximum extent practicable, and shall address each of the elements of Sections E.1 through E.10 of this Order.

The JURMP shall be submitted concurrently with the FY 2005-2006 JURMP Annual Report<sup>8</sup>. Copermittees shall implement the provisions of the JURMP within 90 days of SDRWQCB Executive Officer approval. The JURMP shall be deemed approved within 180 days of submittal unless acted on in accordance with Section H of this Order.

#### **G.1.b. Watershed Urban Runoff Management Plans (WURMPs)**

By January 31, 2007, each Watershed Principal Copermittee shall submit for SDRWQCB Executive Officer review and approval, a Watershed Urban Runoff Management Plan (WURMP) that complies with all applicable standards and provisions of this Order relating to watershed urban runoff management. The WURMP shall describe the watershed activities that will be conducted to address the water quality issues and concerns specific to that WMA, and identify timelines and responsibilities for their implementation. In addition to addressing each of the elements of Section E.11 of this Order, WURMPs may prescribe activities that will be implemented concurrently with regional and jurisdictional activities to satisfy the requirements of Sections E.1 through E.10.

Each WURMP shall be submitted concurrently with its respective FY 2005-2006 WURMP Annual Report<sup>9</sup>. Copermittees shall implement the provisions of the WURMP within 90 days of SDRWQCB Executive Officer approval. The WURMP shall be deemed approved within 180 days of submittal unless acted on in accordance with Section H of this Order.

#### **G.1.c. Regional Urban Runoff Management Plan (RURMP)**

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<sup>7</sup> The term "Urban Runoff Management Plan" replaces the previous usage of the term "Urban Runoff Management Program," contained in Order No. 2001-01.

<sup>8</sup> The FY 2005-2006 JURMP Annual Report shall describe jurisdictional activities conducted pursuant to (1) Order No. 2001-01 from July 1, 2005 through the adoption of this Order, and (2) under this Order from the date of its adoption through June 30, 2006.

<sup>9</sup> The FY 2005-2006 WURMP Annual Report shall describe watershed activities conducted pursuant to (1) Order No. 2001-01 from July 1, 2005 through the adoption of this Order, and (2) under this Order from the date of its adoption through June 30, 2006.

By October 31, 2006, the Regional Principal Copermittee shall submit for SDRWQCB Executive Officer review and approval a Regional Urban Runoff Management Plan that complies with all applicable standards and provisions of this Order relating to regional coordination and consistency of activities. The RURMP shall describe the regional urban runoff management activities to be conducted by the Copermittees and shall provide a preliminary framework for the overall integration of regional, watershed, and jurisdictional activities.

The RURMP shall be submitted concurrently with the FY 2005-2006 JURMP Annual Report, and shall be implemented within 180 days of SDRWQCB approval. The RURMP shall be deemed approved within 90 days of submittal unless acted on in accordance with Section H of this Order.

G.1.d. Comprehensive Urban Runoff Management Plan (CURMP)

By May 31, 2007, the Regional Principal Copermittee shall submit for SDRWQCB Executive Officer review and approval, a Comprehensive Urban Runoff Management Plan. The CURMP shall provide a regional strategy for functionally integrating activities conducted pursuant to the Copermittees' JURMPs, WURMPs, and RURMPs. The objective of this strategy shall be to ensure that activities conducted at each of these levels are complementary and strategically integrated. At a minimum, the strategy should accomplish the following:

- (a) Identify the types of activities to be conducted at each of the three levels for each major element;
- (b) Recommend specific areas of collaboration (program coordination, standards development, joint implementation, etc.);
- (c) Provide guidance for concurrently developing implementation strategies at multiple levels;
- (d) Include a Regional Residential Education Program Plan;
- (e) Provide recommendations for conducting assessments at each level: and
- (f) Provide recommendations for the structure and content of the Comprehensive Urban Runoff Management Plan Annual Reports.

The Copermittees shall begin implementing the recommendations of the CURMP within 180 days of SDRWQCB Executive Officer approval, and shall complete the implementation of these recommendations within the timeframes identified in the Plan. The CURMP shall be deemed approved within 90 days of submittal unless acted on in accordance with Section H of this Order. Upon SDRWQCB Executive Officer approval of the CURMP, the RURMP shall no longer be required; however, JURMPs and WURMPs shall continue to be implemented and modified as necessary for consistency with the CURMP and all applicable provisions of this Order.

## **G.2. Updates to Copermittee Urban Runoff Management Plans**

### **G.2.a. Baseline Strategy for Incorporation of Low Impact Development (LID) Principles**

By September 28, 2007, the Principal Copermittee shall submit for SDRWQCB Executive Officer review and approval a strategy for incorporating LID principles in accordance with the provisions of Section E.1.e.(1) of this Order. The Copermittees shall implement these provisions within 180 days of SDRWQCB Executive Officer approval or according to any other timeframes identified in the submittal. The procedures shall be deemed approved within 90 days of submittal unless acted on in accordance with Section H of this Order.

### **G.2.b. Model Operations and Maintenance Verification Process**

By September 28, 2007, the Principal Copermittee shall submit for SDRWQCB Executive Officer review and approval a model operations and maintenance (O&M) verification process for permanent treatment BMPs constructed to meet High Priority Project treatment requirements in accordance with the provisions of Section E.1.e.(2) of this Order. The Copermittees shall implement these provisions within 180 days of SDRWQCB approval or according to any other timeframes identified in the submittal. The procedures shall be deemed approved within 90 days of submittal unless acted on in accordance with Section H of this Order.

### **G.2.c. Procedures for Downstream Conditions of Concern**

By September 28, 2007, the Principal Copermittee shall submit for SDRWQCB Executive Officer review and approval procedures for determining downstream conditions of concern from High Priority development and redevelopment projects. Applicable requirements are described in Section E.1.e.(3) of this Order. The Copermittees shall implement these provisions within 180 days of SDRWQCB approval or according to any other timeframes identified in the submittal. The procedures shall be deemed approved within 90 days of submittal unless disapproved or acted on in accordance with Section H of this Order.

### **G.2.d. Low Impact Design (LID) Credit Option**

By April 30, 2009, the Principal Copermittee shall submit for SDRWQCB Executive Officer review and approval a description of a Low Impact Development Credit Option. Applicable requirements are described in Section E.1.e.(4) of this Order. The Copermittees shall implement these provisions within 180 days of approval or according to any other timeframes identified in the submittal. The proposal shall be deemed approved within 90 days of submittal unless disapproved or acted on in accordance with Section H of this Order.

### **G.2.e. Regional Residential Education Program Plan**

In accordance with Section E.6.e of this Order, the Copermittees shall by May 31, 2007 submit for SDRWQCB review and approval, a regional program plan for conducting education of the residential sector. This plan shall be incorporated into, and submitted as part of, the Comprehensive Urban Runoff Management Plan (CURMP).



### **G.3. Annual Reports**

#### **G.3.a. Unified JURMP Annual Reports**

- (1) The Regional Principal Permittee shall submit Unified Jurisdictional Urban Runoff Management Plan Annual Reports to the SDRWQCB by October 31, 2006 and October 31, 2007. The reporting period for these annual reports shall be the previous fiscal year. Beginning with the FY 2007-2008 reporting period, JURMP activities shall be addressed as part of the Comprehensive URMP Annual Report.
- (2) The Unified JURMP Annual Report shall contain a section covering activities conducted collectively by the Copermittees and the Individual JURMP Annual Reports of each Copermittee.
  - (a) Common Activities – The Common Activities section shall describe collaborative activities conducted by the Copermittees to address requirements of this Order<sup>10</sup>.
  - (b) Individual JURMP Annual Reports - Each Individual JURMP Annual Report shall document the activities conducted by each Copermittee during the past annual reporting period. At a minimum, the Report shall describe the applicable activities conducted by the Copermittee that meet the requirements of each of the following components of their JURMP<sup>11</sup>:
    - (i) Land Use and Development Planning Component
    - (ii) Construction Component
    - (iii) Municipal Component
    - (iv) Industrial / Commercial Component
    - (v) Residential Component
    - (vi) Education Component
    - (vii) Illicit Discharge Detection and Elimination Component
    - (viii) Public Participation Component
    - (ix) Effectiveness Assessment Component
    - (x) Fiscal Analysis Component
- (3) Each Individual JURMP Annual Report shall also include each of the following as appropriate:
  - (a) Assessment of effectiveness of JURMP;
  - (b) A summary of all urban runoff related data not included in the annual monitoring report (e.g., special investigations);
  - (c) Identification of water quality improvements or degradation;

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<sup>10</sup> This section addresses all regionally conducted activities for the reporting period. Therefore, the WURMP Annual Reports do not contain Common Activities sections, and there is not a separate requirement for a JURMP Annual Report.

<sup>11</sup> As applicable to each component, this shall include reports of illicit discharges and how each was resolved, inspections conducted, enforcement taken, education conducted, and any other data or information necessary to demonstrate compliance with the provisions of this Order.

- (d) Identification of management measures proven to be ineffective in reducing urban runoff pollutants and flow; and
- (e) Proposed revisions to the JURMP.

#### G.3.b. Unified WURMP Annual Reports

- (1) The Regional Principal Permittee shall submit to the SDRWQCB a Unified WURMP Annual Report by January 31, 2007 and January 31, 2008. The reporting period for these annual reports shall be the previous fiscal year. Beginning with the FY 2007-2008 reporting period, WURMP activities shall be addressed as part of the Comprehensive URMP Annual Report.
- (2) The Unified WURMP Annual Report shall contain a section covering activities conducted collectively by the Copermittees and the individual WURMP Annual Reports of each Copermittee for their respective Watershed Management Area (WMA).

Individual WURMP Annual Reports - Each WURMP Annual Report shall document the activities conducted by Watershed Copermittees during the previous annual reporting period to meet the requirements of Section E.11 (Watershed Management Component) of this Order.

Each WURMP Annual Report shall contain a comprehensive description of the activities conducted by the watershed Copermittees to meet the requirements of each component of the WURMP. At a minimum, this shall include as appropriate:

- (a) Public participation conducted during the WURMP implementation process;
- (b) Watershed based land use planning activities; and
- (c) Assessment of effectiveness of watershed activities.
- (d) A summary of all urban runoff related data not included in the annual monitoring report (e.g., special investigations);
- (e) Identification of water quality improvements or degradation;
- (f) Identification of management measures proven to be ineffective in reducing urban runoff pollutants and flow; and
- (g) Proposed revisions to the WURMP.

#### G.3.c. Receiving Waters Monitoring Program Annual Reports

In accordance with the provisions of Attachment B of this Order, the Regional Principal Permittee shall submit a Receiving Waters Monitoring Annual Report to the SDRWQCB on January 31 of each year, beginning on January 31, 2007. Beginning on January 31, 2009, this report may either be included in or submitted concurrently with the Comprehensive URMP Annual Report.

#### G.3.d. Comprehensive URMP Annual Reports

- (1) Beginning with the third year of reporting under this Order, i.e., January 31, 2009, the Regional Principal Permittee shall submit annually to the SDRWQCB a single, Comprehensive URMP Annual Report which describes the Copermittees' progress in implementing a Comprehensive Urban Runoff

Management Plan. The reporting period for these annual reports shall be the previous fiscal year. This report shall replace the requirement for Unified JURMP Annuals Reports, Unified WURMP Annuals Reports, and RURMP Annual Reports.

- (2) The objectives of report integration shall include the following:
  - (a) Streamline reporting to decrease the time needed for report preparation and review;
  - (b) Standardize report elements to increase consistency amongst Copermittees and to facilitate regional and watershed data analysis;
  - (c) Facilitate assessment of jurisdictional compliance while providing an increased emphasis on the demonstration of watershed-level benefits;
  - (d) Increase efficiencies through the functional integration of regional, jurisdictional, and watershed elements;
  - (e) Facilitate the improvement of short-term and long-term effectiveness assessment components; and
  - (f) Effectively integrate Total Maximum Daily Load (TMDL) reporting.
  
- (3) While the organization and content of Comprehensive URMP Annual Reports is expected to evolve over the life of this Order, it should include at least the following elements or their equivalent:
  - (a) A Regional Element which provides a regional context for other report elements, and summarizes and interprets regionally significant activities and results;
  - (b) A Watershed Element consisting of nine standardized parts which: provide a primary focal point for report organization and data interpretation; provides detailed reporting of activities by watershed; and addresses the watershed significance of regional, watershed, and jurisdictional activities;
  - (c) A Jurisdictional Element which provides basic compliance documentation and provides support for other sections;
  - (d) Monitoring Reports; and
  - (e) Attachments as necessary to provide documentation of activities described in other sections.
  
- (4) The Copermittees shall work collaboratively to develop consistent standards, methods, and approaches, and shall modify their Plans and activities as necessary and feasible to facilitate integrated reporting and analysis.

#### **G.4. Urban Runoff Management Plan Reviews and Assessments**

##### G.4.a. Annual Effectiveness Assessments

Annual Effectiveness Assessments shall be conducted in accordance with Sections E.9.a and E.9.b.(1) of this Order. Annual Effectiveness Assessments shall be incorporated as applicable in Copermittees' Individual JURMP Annual Reports, WURMP Annual Reports, and in the CURMP Annual Reports.

##### G.4.b. Regional Mid-Permit Cycle Review

The Regional Principal Permittee shall submit to the SDRWQCB by July 31, 2008 a comprehensive review of Copermittee Plan implementation. This Review shall, at a minimum, address each of the elements described in Section E of this Order, and, as applicable and appropriate for each of these elements, the following types of activity:

- (1) Water Quality Assessment (e.g., progress in developing and implementing monitoring programs, updates on regional and watershed water quality prioritization, and development of monitoring standards, etc.)
- (2) Source Identification and Prioritization (e.g., identification of new sources, updated source characterizations and prioritization, changes in methods for developing source inventories, and development of standards for source management, mapping, and analysis)
- (3) Copermittee Requirements (e.g., modification or refinement of discharge prohibitions, and recommendations for BMP requirements)
- (4) Implementation Strategies (e.g., recommended modification or refinement of implementation strategies, recommendations for implementation priorities, objectives, or targets, and standards for implementation activities)
- (5) Reporting and Assessment (e.g., development of reporting standards, assessment methods and standards, development of data management standards)

As applicable, the review shall summarize or discuss: existing implementation progress; the relationship of the Regional, Watershed, and Jurisdictional Plans comprising the Copermittees' implementation strategy; significant accomplishments; issues and problems requiring additional discussion or coordination with the SDRWQCB, and; recommendations for modifications to Copermittee Plans, activities, or this Order. Modifications shall be made in conformance with Section H of this Order (Approvals and Modifications to Urban Runoff Management Plans and Updates).

G.4.c. Long-term Effectiveness Assessment

A Long-term Effectiveness Assessment conducted in accordance with Sections E.9.a and E.9.b.(2) of this Order shall be submitted by the Regional Principal Permittee to the SDRWQCB by April 30, 2010.

**G.5. Report of Waste Discharge**

In accordance with Attachment C, Section B.1 of this Order, the Regional Principal Copermittee shall submit to the RWQCB, no later than October 15, 2010, a Report of Waste Discharge as an application for issuance of a new waste discharge requirements.

**H. Approvals and Modifications to Urban Runoff Management Plans and Updates**

H.1. Approval Process for Urban Runoff Management Plans and Updates

- Urban Runoff Management Plans and Plan Updates shall be submitted to the Executive Officer. The Executive Officers shall either approve or disapprove, in whole or in part, the proposed Plan or Plan Update.
- No later than 90 days after the submittal of the proposed Plan or Plan Update, or within a timeframe otherwise specified in this Order, the Executive Officer shall determine whether or not to approve the Plan or Plan Update in whole or in part. If the Executive Officer fails to act within the required period, the proposed Plan, Plan Update, or portion thereof, shall be deemed approved.
- If the Executive Officer determines not to approve a proposed Plan or Plan Update in accordance with this subsection, in whole or in part, he or she shall provide a written explanation.
- Where the Executive Officer takes action in accordance with subsection c, the Copermittee shall make the necessary modifications to the proposed Plan or Plan Update consistent with the Executive Officer's written explanation, and resubmit the proposal for approval by the Executive Officer in accordance with this section. For each re-submittal, the provisions of subsections b and c shall apply.

H.2. Standard for Approval of Urban Runoff Management Plans and Updates

An Urban Runoff Management Plan or Plan Update shall meet the requirements of and be in conformity with the provisions of this Order.

### H.3. Process for Modifications of Urban Runoff Management Plans

It is anticipated that Copermittees may need to modify, revise, or amend (Modifications) Urban Runoff Management Plans from time to time to respond to changed conditions and to incorporate more effective approaches to pollutant control.

Modifications to Urban Runoff Management Plans may be initiated by the Executive Officer or by the Copermittees. Requests by Copermittees shall be made to the Executive Officer, and shall be submitted during the annual review process. Requests for Modifications should be incorporated, as appropriate, into the Annual Reports or other deliverables required or allowed under this Order. Modifications proposed by the Executive Officer may not be compelled absent a finding of non-compliance with any provision of this Order.

### H.4 Minor Modifications

H.4.a. Minor Modifications to Urban Runoff Management Plans or programs may be approved by the Executive Officer where the Executive Officer finds the proposed Modification substantially conforms to all discharge prohibitions, receiving water limitations, and other applicable performance standards under this Order.

H.4.b. The approval process for a Minor Modification shall follow the same procedure as set forth in section H.1.

### H.5 Modifications Requiring an Amendment to this Order

Proposed Modifications that are not Minor Modifications shall constitute a Major Modification, as determined by the Executive Officer. If the Executive Officer determines the proposed Modification is not a Minor Modification, he or she shall notify the party requesting the Modification of the determination. If the party requesting the Modification consents, the Executive Officer shall process the request for a Modification in accordance with the rules, policies, and procedures for amending this Order.