Supporting Document No. 3
Item No. 6
November 10, 2010

California Regional Water Quality Control Board
San Diego Region

DRAFT UPDATES & ERRATA

to the

July 23, 2010 PUBLIC RELEASE DRAFT

of the

Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watershed of the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region

Tentative Order No. R9-2010-0016
NPDES NO. CAS0108766

ERRATA & UPDATES AS OF
September 29, 2010

This document represents tentative updates and errata to the July 23, 2010 release of Tentative Order No. R9-2010-0016. The errata represent minor clarifications and reference mistakes identified by Staff and/or in the response to comments on the public release of Tentative Order. The updates include changes made as a result of oral and written comments received on the July 23, 2010 public release of the Tentative Order.

Permit Errata

Title Page - NPDES NO. CAS01087664~~0~~

Page # 2, Finding B.1 - Each of the persons in Table 1 below, hereinafter called Copermittees or dischargers, owns or operates an MS4, through which it discharges into waters of the United States (U.S.) within the San Diego Region. These MS4s fall into one or more of the following categories: (1) a medium or large MS4 that services a population of greater than 100,000 or 250,000 respectively; or (2) a small MS4 that is "interrelated" to a medium or large MS4; or (3) an MS4 that contributes to a violation of a water quality standard; or (4) an MS4 which is a significant contributor of pollutants to waters of the U.S.

Table 1. Municipal Copermittees

1. City of Murrieta	4. County of Riverside
2. City of Temecula	5. Riverside County Flood Control and Water Conservation District
3. City of Wildomar	
~~6. City of Menifee~~[1]	

The Cities of Murietta, Menifee and Wildomar also discharge into the waters of the U.S. in the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board), so are located partially within both the San Diego and Santa Ana Water Board boundaries. As allowed by California Water Code (CWC) §13228, these Cities submitted written requests to be regulated for MS4 purposes under a permit adopted by only one Water Board. As authorized by CWC §13228 and pursuant to ~~a~~ written agreements dated September 28, 2010 between the San Diego Water Board and the Santa Ana Water Board, the Cities of Murrieta and Wildomar are wholly regulated by the San Diego Water Board under this Order, including those portions of the Cities jurisdiction not within the San Diego Water Board's region. Similarly, the City of Menifee is wholly regulated by the Santa Ana Water Board under Order No. R8-2010-0033, including those portions of the City of Menifee within the San Diego Water Board's region[1].

Page # 7, Finding D.1.d - Updated individual ~~Drainage Area~~ Storm Water Management Plans (Individual ~~DA~~SWMP or JRMP), and Watershed Stormwater Management Plans (watershed SWMPs or Watershed Worklplans), which, together with references in the DAMP, describe the Copermittees' runoff management programs in their entirety, are needed to guide the Copermittees' runoff management efforts and aid the Copermittees in tracking runoff management program implementation. Hereinafter, the individual

[1] ~~Until an agreement is finalized, the City of Menifee is included as a Copermittee in this Order.~~

~~DA~~SWMP is referred to as the JRMPs and the Watershed SWMP is referred to as the Watershed Workplan. It is practicable for the Copermittees to update the JRMPs and Watershed Workplans within the timeframe specified in this Order, since significant efforts to develop these programs have already occurred.

Page # 15, Finding E.9 - Storm water discharges from developed and developing areas in Riverside County are significant sources of certain pollutants that can cause, may be causing, threatening to cause or contributing to water quality impairment in the waters of Riverside County. Furthermore, as delineated in the CWA section 303(d) list in Table 2, the San Diego Water Board has found that there is a reasonable potential that municipal storm water and non-storm water discharges from MS4s cause or may cause or contribute to an excursion above water quality standards for the following pollutants: Indicator Bacteria (including Fecal Coliform and E. Coli), Copper, Manganese, Iron, Chlorpyrifos, Diazinon, Sulfates, Phosphorous, Nitrogen, Total Dissolved Solids (TDS), and Toxicity~~, and Turbidity~~. In accordance with CWA section 303(d), the San Diego Water Board is required to establish TMDLs for these pollutants to these waters to eliminate impairment and attain water quality standards. Therefore, certain early pollutant control actions and further pollutant impact assessments by the Copermittees are warranted and required pursuant to this Order.

Page # 20, Section C.2 – In response to an exceedance of an NAL, the Copermittee(s) having jurisdiction must investigate and seek to identify the source of the exceedance in a timely manner.

Page # 23, Section D.2 – The end-of-pipe assessment points for the determination of SAL compliance are ~~all~~ major outfalls, as defined in 40 CFR 122.26(b)(5) and (b)(6) and Attachment E of this Order.

Page # 24, Section E.1 - Each Copermittee must establish, maintain, and enforce adequate legal authority within its jurisdiction to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means.

Page # 25, Section E.2 - Each Copermittee must submit on or before June 30, 2012, a statement certified by its chief legal counsel that the Copermittee has taken the necessary steps to obtain and maintain full legal authority within its jurisdiction to implement and enforce each of the requirements contained in 40 CFR 122.26(d)(2)(i)(A-F) and this Order.

Page # 33, Section F.1.d.(4)(b)(i), Footnote 12 - Priority Development Projects proposing to dredge or fill materials in waters of the U.S. must obtain a CWA Section 401 Water Quality Certification. ~~and/or~~ Priority Development Projects proposing to discharge waste in waters of the State must obtain ~~a CWA §401 Water Quality Certification and/or~~ Waste Discharge Requirements.

Page # 39, Section F.1.f.(2)(a) - At a minimum, high priority projects include those projects that generate pollutants (prior to treatment) within the tributary area of and within the same hydrologic subarea as a 303(d) listed waterbody impaired for that pollutant; or those projects generating pollutants within the tributary area for and within the same hydrologic subarea as an observed action level exceedance of that pollutant.

Page # 43, Section F.1.h.(2) - In addition to the control measures that must be

implemented by Priority Development Projects per section F.1.h.(1)(d), the HMP must include a suite of management measures ~~to~~ that can be used on Priority Development Projects to mitigate hydromodification impacts, protect and restore downstream beneficial uses and prevent or further prevent adverse physical changes to downstream channels. The measures must be based on a prioritized consideration of the following elements in this order:

Page # 43, Section F.1.h.(3) - As part of the HMP, the Copermittees may develop a waiver program that allows a redevelopment Priority Development Project, as defined in Section F.1.d.(1)(b), to implement offsite mitigation measures. A waiver may be granted if onsite management and control measures are technically infeasible to fully achieve post-project runoff flow rates and durations that do not exceed the pre-development (naturally occurring) runoff flow rates and durations. Redevelopment projects that are granted a waiver under the program must not have post-project runoff flow rates and durations that exceed the pre-project runoff flow rates and durations. The estimated incremental hydromodification impacts from not achieving the pre-development (naturally occurring) runoff flow rates and durations for the project site must be fully mitigated. The offsite mitigation must be within the same stream channel system to which the project discharges. Mitigation projects not within the same stream channel system but within the same hydrologic unit may be approved provided that the project proponent demonstrates that mitigation within the same stream channel is infeasible and that the mitigation project will address similar impacts as expected from the project.

Page # 45, Section F.1.i - The Copermittees must develop, where they do not already exist, and implement or require implementation of erosion and sediment control BMPs after construction of new unpaved roads. At a minimum, the BMPs must include the following, or alternative BMPs that are equally effective:

Page # 51, Section F.3.a.(1) - Each Copermittee must maintain an updated watershed-based inventory of all its municipal areas and those activities that have the potential to generate pollutants. The inventory must include the name, address (if applicable), and a description of the area/activity; which pollutants are potentially generated by the area/activity; whether the area/activity is adjacent to an ESA; and identification of whether the area/activity is tributary to and within the same hydrologic subarea as a CWA section 303(d) water body segment and generates pollutants for which the water body segment is impaired. Linear facilities, such as roads, streets, and highways, do not need to be individually inventoried. The use of an automated database system, such as Geographical Information Systems (GIS) is highly recommended.

Page # 52, Section F.3.a.(2)(d) - Designate BMPs for ESAs and 303(d) Impairments: Each Copermittee must designate enhanced measures for its municipal areas and activities tributary to and within the same hydrologic subarea as CWA section 303(d) impaired water body segments when an area or those activities have the potential to generate pollutants for which the water body segment is impaired. Each Copermittee must also designate additional controls for its municipal areas and activities within or directly adjacent to or discharging directly to receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order).

Page # 52, Section F.3.a.(8)(a)(iii) - Areas and activities tributary to and within the same hydrologic subarea as a CWA section 303(d) impaired water body segment, where an area or activity generates pollutants for which the water body segment is impaired.

Page # 56, Section F.3.a.(10) – Copermittee Maintained Unpaved Roads Maintenance

(a) The Copermittees must develop, where they do not already exist, and implement or require implementation of BMPs for erosion and sediment control measures during their maintenance activities on Copermittee maintained unpaved roads, particularly in or adjacent to receiving waters.

(b) The Copermittees must develop and implement or require implementation of appropriate BMPs to minimize impacts on streams and wetlands during their unpaved road maintenance activities.

(c) The Copermittees must ~~regularly~~ maintain as necessary their unpaved roads adjacent to streams and riparian habitat to reduce erosion and sediment transport;

(d) Re-grading of unpaved roads during maintenance must be sloped outward where consistent with road engineering safety standards or alternative equally effective BMPs must be implemented to minimize erosion and sedimentation from unpaved roads;

(e) Through their ~~regular~~ maintenance of unpaved roads, the Copermittees must examine the feasibility of replacing existing culverts or design of new culverts or bridge crossings to reduce erosion and maintain natural stream geomorphology.

Page # 58, Section F.3.b.(1)(a)(iii) - ESAs and 303(d) Listed Waterbodies: All other commercial or industrial sites/sources tributary to and within the same hydrologic subarea as a CWA Section 303(d) impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired. All other commercial or industrial sites/sources within or directly adjacent to or discharging directly to receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order) or that generate pollutants tributary to and within the same hydrologic subarea as an observed exceedance of an action level.

Page # 58, Section F.3.b.(2)(b) - Designate / Update Minimum BMPs: Each Copermittee must designate a minimum set of BMPs for all inventoried industrial and commercial sites/sources. Where BMPs have already been designated, each Copermittee must review and update its existing BMPs for adequacy ~~within one year of permit adoption~~ no later than with the submittal of the JRMP. Copermittees may continue to regularly review and update their designated BMPs for adequacy and subsequently submit any updates in their Annual Report. The designated minimum BMPs must be specific to facility types and pollutant-generating activities, as appropriate.

Page # 58-59, Section F.3.b.(2)(c) - Designate Enhanced BMPs for ESAs and 303(d) Impairments: Each Copermittee must designate enhanced measures for inventoried industrial and commercial sites/sources tributary to and within the same hydrologic subarea as CWA section 303(d) impaired water body segments (where a site/source generates pollutants for which the water body segment is impaired). Each Copermittee must also designate additional controls for industrial and commercial sites/sources within or directly adjacent to or discharging directly to coastal lagoons, the ocean, or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order). Copermittees may continue to regularly review and update their designated enhanced BMPs for adequacy and subsequently submit any updates in their next Annual Report.

Page # 60, Section F.3.b.(4)(a)(i) - Review of BMP implementation plans not including SSMPs required pursuant to section F.1.d, if the site uses or is required to use such a plan;

Page # 60, Section F.3.b.(4)(b) – Delete the section:

~~(b) Each Copermittee must annually notify the San Diego Water Board, prior to the commencement of the rainy season, of all Industrial Sites and Industrial Facilities subject to the General Industrial Permit or other individual NPDES permit with alleged violations of the Copermittees ordinances, that pose a significant threat to water quality.~~

Page # 62, Section F.3.b.(6) – Add the section:

(6) Reporting of Non-Compliant Sites

Each Copermittee must annually notify the San Diego Water Board, prior to the commencement of the wet season, of any unresolved high level enforcement action (as defined in the Copermittees' JRMP) that poses a significant threat to water quality in its jurisdiction as a result of violations of their storm water ordinances.

Page # 62, Section F.3.c.(1)(e) - Any residential areas tributary to and within the same hydrologic subarea as a CWA section 303(d) impaired water body, where the residence generates pollutants for which the water body is impaired; and

Page # 64, Section F.3.d – Each Copermittee must develop and implement a retrofitting program that meets the requirements of this section. The goals of the existing development retrofitting program are to address the impacts of existing development through retrofit projects that reduce impacts from hydromodification, promote LID, support riparian and aquatic habitat restoration, reduce the discharges of storm water pollutants from the MS4 to the MEP, and prevent discharges from the MS4 from causing or contributing to a violation of water quality standards. Where feasible, at the discretion of the Copermittee, the existing development retrofitting program may be coordinated with flood control projects and other infrastructure improvement programs.

Page # 65, Section F.3.d.(5) – The known completed retrofit BMPs must be tracked in accordance with Section F.1.f. Retrofit BMPs on publicly owned properties must be inspected per section F.1.f . Privately owned retrofit BMPs must be inspected as needed ~~to ensure proper operation and maintenance~~.

Page # 69, Section F.4.h - Each Copermittee must implement management measures and procedures (including a notification mechanism) to prevent, respond to, contain and clean up all sewage (see below) and other spills that may discharge into its MS4 from any source (including private laterals and failing septic systems). Copermittees must coordinate with spill response teams to prevent entry of spills into the MS4 and contamination of surface water, ground water and soil. Each Copermittee must coordinate spill prevention, containment and response activities throughout all appropriate Copermittee departments, programs and agencies so that maximum water quality protection is available at all times.

Page # 69-70, Section F.6.a.(1) - At a minimum, the Copermittee education programs must educate each target community on the following topics, as appropriate to the target community's potential storm water and non-storm water discharges to the MS4:

(a) Applicable water quality laws, regulations, permits, and requirements;
(b) Best management practices;
(c) General runoff concepts;
(d) Existing water quality, including local water quality conditions, impaired waterbodies and environmentally sensitive areas; and
(e) Other topics, as determined by the Copermittee(s), such as public reporting mechanisms, water conservation, low-impact development techniques, and public health and vector issues associated with runoff.

Page # 72, Section G.1.d - Develop a watershed BMP implementation strategy to attain receiving water quality objectives in the identified highest priority water quality problem(s) and locations. The BMP implementation strategy must include a schedule for implementation of the BMPs ~~projects~~ to abate specific receiving water quality problems and a list of criteria to be used to evaluate BMP effectiveness. Identified watershed water quality problems may be the result of jurisdictional discharges that will need to be addressed with BMPs applied in a specific jurisdiction in order to generate a benefit to the watershed. This implementation strategy must include a map of any implemented and/or proposed BMPs.

Page # 74, Section I.2 - The Cities of Wildomar and Murrieta must comply with the requirements and WLAs assigned to the discharges from their MS4s contributing to the Lake Elsinore/Canyon Lake (San Jacinto Watershed) Nutrient TMDLs as specified in Section VI.D.2 of the Santa Ana Water Board's Order R8-2010-0033, including relevant sections of the fact sheet and findings, and subsequent revisions thereto.

Page # 77, Section K.2.a.(2) - Within 180 days of determination that the SSMP is in compliance with this Order's provisions, each Copermittee must amend its ordinances consistent with the SSMP and implement the updated SSMP. Any amended or new ordinances must be submitted to the San Diego Water Board within ~~30 days of adoption~~ the applicable Annual Report.

Page # 84, Section M.3 - ~~Produce and submit~~ Coordinate the submittal of the documents and reports as required by section K of this Order and Receiving Waters and MS4 Discharge Monitoring and Reporting Program No. R9-2010-0016 in Attachment E of this Order.

Attachments Errata

Page # B-9, Section Att. B.7.(m) - *Noncompliance*. Any noncompliance with this Order constitutes violation of the CWA~~C~~ and is grounds for denial of an application ~~f~~or modification of the Order (also see 40 CFR 122.41(a)).

Page # E-3, Section II.A.1.d - Protocols: Protocols for mass loading sampling and analysis including analytical methods, target reporting limits, and data reporting formats must be compatible with the State Water Resources Control Board's (State Water Board's) State Surface Water Ambient Monitoring Program (SWAMP). If the mass loading sampling and analysis are determined to be impracticable with the SWAMP standards, the Copermittees must provide a written explanation and discussion in the submittal of the Planned Monitoring Program. Wet weather samples must be ~~time~~flow-weighted composites, collected for the duration of the entire runoff event. Where such monitoring is not practical, such as for large watersheds with significant groundwater recharge flows, composites must be collected at a minimum during the first 3 hours of flow. Dry weather event sampling must be time-weighted composites composed of 24 discrete hourly samples, whereby the mass loads of pollutants are calculated as the product of the composite sample concentration and the total volume of water discharged past the monitoring point during the time of sample collection.

Page # E-7, Section II.A.2.c.(3) - Monitoring of stream assessment stations must be conducted according to the most current bioassessment Standard Operating Procedures (SOP) developed by the Surface Water Ambient Monitoring Program (SWAMP), and amendments, as ~~amended~~applicable. In collecting macroinvertebrate samples, the discharger must use the "Reachwide Benthos (Multihabitat) Procedure." The discharger must conduct, concurrently with all required macroinvertebrate collections, the "full" suite of physical/habitat characterization measurements specified in the SWAMP Bioassessment SOP, and as summarized in the *SWAMP Stream Habitat Characterization Form — Full Version* ~~,~~and must collect the water chemistry as listed in Table 1 of the bioassessment SOP developed by SWAMP.

Page # E-7, Section II.C.1.b.(1) - Determining Sampling Frequency: Effluent analytical monitoring must be conducted at major outfalls and identified stations. The Copermittees must sample a representative ~~number~~ percentage of major outfalls and identified stations within each hydrologic subarea. The sampling must be done to assess compliance with dry weather non-storm water action levels pursuant to section C of this Order. All monitoring conducted must be preceded by a minimum of 72 hours of dry weather.

Page # E-14, Section II.C.1.b.(2) - Sampling of non-storm water discharges may be done utilizing grab samples. If a ponded MS4 discharge is observed at a monitoring station, the Copermittee(s) must record the observation and collect at least one (1) grab sample. If flow is evident, a 1-hour composite sample may be taken. The Copermittee(s) must estimate the discharge flow by measuring the width of water surface, approximate depth of water, and approximate flow velocity. A flow meter may also be utilized.

Page # E-27, Section III.B. - For the October 2010 to October 2012 monitoring period, the Principal Copermittee must submit the Receiving Waters Monitoring Annual Report as required under Order No. 2004-~~0~~0001. The Receiving Waters Monitoring Annual

Report must address the monitoring conducted to comply with the requirements of Order No. 2004-~~0~~001.

Page # E-27, Section III.C. – Table 5. Table of Required MRP Reporting Dates and Frequencies. … Draft Trash and Litter ~~Impairment~~ Special Study …

Fact Sheet Errata

Page # 23-24, Discussion of Finding B.1 - Included in Table 1 of the Order are the Cities of ~~Menifee,~~ Murrieta, Temecula, and Wildomar, the County of Riverside, and the Riverside County Flood Control and Water Conservation District. The Cities of Wildomar and Menifee are newly incorporated cities. Both Cities were previously a part of the County of Riverside's jurisdiction and have an MS4 interrelated to other Copermittee MS4s in the San Diego Region. The boundaries of the Cities of Menifee, Murrieta, and Wildomar fall within the jurisdiction of both the San Diego Water Board and the Santa Ana Water Board.

As requested by the Cities of Menifee, Murrieta, and Wildomar, and pursuant to an agreement between the San Diego and Santa Ana Water Boards as authorized by CWC section 13228, the MS4s of the Cities of Murrieta and Wildomar are to be wholly regulated by the San Diego Water Board under this Order, and the MS4 of the City of Menifee is to be wholly regulated by the Santa Ana Water Board under Order No. R8-2010-0033. The agreement between the San Diego and Santa Ana Water Board to regulate the Cities of Menifee, Murrieta, and Wildomar will be subject to change with ~~each permit renewal~~sufficient notice, and for good cause. ~~Until the an agreement between the San Diego Water Board and Santa Ana Water Board is finalized to allow the City of Menifee to be wholly regulated by the Santa Ana Water Board under Order No. R8-2010-0033, the City of Menifee will remain as a Copermittee under this Order.~~

Page # 59, Finding D.1.d - Updated individual ~~Drainage Area~~ Storm Water Management Plans (Individual ~~DA~~SWMP or JRMP), and Watershed Stormwater Management Plans (watershed SWMPs or Watershed Workplans), which, together with references in the DAMP, describe the Copermittees' runoff management programs in their entirety, are needed to guide the Copermittees' runoff management efforts and aid the Copermittees in tracking runoff management program implementation. Hereinafter, the individual ~~DA~~SWMP is referred to as the JRMPs and the Watershed SWMP is referred to as the Watershed Workplan. It is practicable for the Copermittees to update the JRMPs and Watershed Workplans within the timeframe specified in this Order, since significant efforts to develop these programs have already occurred.

Page # 98, Finding E.9 - Storm water discharges from developed and developing areas in Riverside County are significant sources of certain pollutants that can cause, may be causing, threatening to cause or contributing to water quality impairment in the waters of Riverside County. Furthermore, as delineated in the CWA section 303(d) list in Table 2, the San Diego Water Board has found that there is a reasonable potential that municipal storm water and non-storm water discharges from MS4s cause or may cause or contribute to an excursion above water quality standards for the following pollutants: Indicator Bacteria (including Fecal Coliform and E. Coli), Copper, Manganese, Iron, Chlorpyrifos, Diazinon, Sulfates, Phosphorous, Nitrogen, Total Dissolved Solids (TDS), and Toxicity~~, and Turbidity~~. In accordance with CWA section 303(d), the San Diego Water Board is required to establish TMDLs for these pollutants to these waters to eliminate impairment and attain water quality standards. Therefore, certain early pollutant control actions and further pollutant impact assessments by the Copermittees are warranted and required pursuant to this Order.

Page # 121, Section C - The maximum daily action level (MDAL) and average monthly action level (AMAL) will be based on the most limiting of the acute and chronic LTA, in

the case for ~~copper~~ chromium VI the most limiting LTA is the acute of 5.23 ug/L.

Page # 144, Section F.1.h – In addition to the control measures that must be included in the HMP to prevent or minimize hydromodification effects from Priority Development Projects, section F.1.h.(2) requires the HMP to include additional management measures ~~to~~ that can be used on Priority Development Projects based on a prioritized consideration of the following elements in this order:

Page # 144-145, Section F.1.h – The San Diego Water Board recognizes that fully achieving post-project runoff flow rates and durations that do not exceed pre-development (naturally occurring) runoff flow rates and durations on redevelopment projects with existing impervious surfaces may be challenging. Thus, section F.1.h.(3) has been included to allow the Copermittees to propose, as part of the HMP, a waiver program specifically for Priority Development Projects that are redevelopment projects, as defined by section F.1.d.(1)(b). Because redevelopment projects may not be able to achieve post-project runoff flow rates and durations that do not exceed pre-development (naturally occurring) runoff flow rates and durations through onsite management and control measures, offsite mitigation measures may be required. Redevelopment projects~~, however,~~ must ~~be able to~~ achieve post-project runoff flow rates and durations that are less than or equal to pre-project and down to pre-development runoff flow rates and durations to be eligible to receive a waiver under the program. For a redevelopment project, the pre-project runoff flow rates and durations are those currently being discharged by the existing development prior to the redevelopment project being built. Meeting pre-project runoff flow rates and durations is usually a less stringent performance criteria than meeting the pre-development runoff flow rates and durations. Implementing BMPs to meet the pre-project flow rates and durations is significantly easier and cheaper for a redevelopment project compared to meeting pre-development flow rates and durations. If a project is granted a waiver, the estimated incremental hydromodification impacts from not achieving the pre-development (naturally occurring) runoff flow rates and durations for the project site must be fully mitigated with offsite mitigation. Offsite mitigation measures may include utilizing regional hydrologic control measures (e.g., regional detention or infiltration basins) or rehabilitation of stream channels to achieve sustainable channel configurations.

Page # 155, Section F.3.a.(10) - (Copermittee Maintained Unpaved Roads Maintenance) requires the Copermittees to implement or require implementation of BMPs for erosion and sediment control during and after maintenance activities on the unpaved roads that the Copermittees are responsible for maintaining, particularly in or adjacent to stream channels or wetlands. As discussed for Finding D.1c, source control BMPs for unpaved roads are needed to minimize the discharge of sediment to the MS4s and receiving waters. There are several guidance documents available (see Discussion for Finding D.1.c) that include BMPs that can be readily implemented by the Copermittees for the development of new unpaved roads. This requirement is necessary to ensure the Copermittees minimize the discharge of sediment from their unpaved roads used for their maintenance activities.

Page # 158, Section F.3.b.(4) - The Order also requires that inspections include review of BMP implementation plans if the site uses or is required to use such a plan, and the review of facility monitoring data if the site monitors its runoff. BMP implementation plans do not include SSMPs required pursuant to section F.1.d. If a facility is not required to have a BMP implementation plan or required to collect monitoring data, the inspection

does not need to include a review of this information. BMP implementation plans and monitoring data are expected to be available for any facility that is covered under the General Industrial Permit. The BMP implementation plans and monitoring data can provide the inspector pertinent information that can be used during the visual inspection of the facility (e.g., BMPs implemented, maintenance records for BMPs, pollutants in storm water runoff). The Copermittees' inspectors have the discretion to determine the depth and detail of the review and use of the information in conducting the inspection.

Page # 158-159, Section F.3.b.(4) – Delete the following paragraph:
~~An additional notification to the San Diego Water Board regarding industrial sites has been added. Copermittees are required to annually notify the San Diego Water Board of industrial sites that have suspected violations. This was added to enhance San Diego Water Board and Copermittee communication and coordination in regulating industrial sites. Information may be provided as part of the JRMP annual report if submitted prior to the rainy season.~~

Page # 159, Section F.3.b.(6) – Add the following section after the end of Section F.3.b.(4):
Section F.3.b.(6) (Reporting of Non-Compliant Sites) has been added as additional notification to the San Diego Water Board regarding commercial and industrial sites. Copermittees are required to annually notify, prior to the rainy season, the San Diego Water Board of commercial and industrial sites that have any unresolved high level enforcement actions. This was added to enhance San Diego Water Board and Copermittee communication. Information may be provided as part of the JRMP annual report if submitted prior to the rainy season.

Page # 174, Section I.2 – includes, by reference to Santa Ana Water Board Order No. R8-2010-0033, including the relevant sections of the fact sheet and findings (and subsequent revisions), the requirements and WLAs assigned to the MS4s for the Lake Elsinore/Canyon Lake (San Jacinto Watershed) Nutrient TMDLs that are being implemented for the Santa Ana Water Board. Because the San Jacinto Watershed is within the boundaries of the Santa Ana Water Board's region, the Lake Elsinore/Canyon Lake Nutrient TMDLs and its requirements must be implemented by the Cities of Murrieta and Wildomar for the areas within their jurisdictions located in the Santa Ana Region (Region 8).

Page # 192, Section II.A.1 – 1. All events must now include: Biological Oxygen Demand, 5-day Chemical Oxygen Demand, Total Organic Carbon, Dissolved Organic Carbon. These are specifically required by 40 CFR 122.26(d)(2)(iii)(A) and (B), but were omitted from collection and reporting required by Order No. R9-2004-001.

Permit Updates

Page # 1, Finding A.3 – Insert "and following "Order WQ 2001-15," and delete "~~and Order WQ 2009-0008 (SWRCB/OCC File A-1780).~~" Add the following footnote to the end of the finding:
In July 2010, the court in Los Angeles County v. State Water Resources Control Board remanded the Los Angeles Water Board's MS4 permit underlying Order WQ 2008-0009 for procedural reasons occurring during the permit adoption process. The court did not evaluate or rule upon the substantive findings and reasoningn set forth in Order WQ 2009-0008. While the San Diego Water Board may no longer cite Order WQ 2009-0008 as a precedential State Water Board order, the San Diego Water Board agrees with the reasoning expressed by the State Water Board.

Page # 1, Finding A.4 - The Fact Sheet / Technical Report for the Order No. R9-2010-0016, NPDES No. CAS0108766, Waste Discharge Requirements for Discharges from the MS4s Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region, includes cited regulatory and legal references and additional explanatory information and data in support of the requirements of this Order. This information, including any supplements thereto, ~~and any response to comments on the Tentative Orders,~~ is hereby incorporated by reference into these findings.

Page #28, Section F.1.c.(6) – Infiltration and Groundwater Protection
To protect groundwater quality, each Copermittee must apply restrictions to the use of treatment control BMPs that are designed to primarily function as large, centralized infiltration devices (such as large infiltration trenches and infiltration basins). Such restrictions must be designed so that the use of such infiltration treatment control BMPs does not cause or contribute to an exceedance of groundwater quality objectives and must be fully protective of downstream water rights. At a minimum, each treatment control BMP designed to primarily function as a centralized infiltration device must meet the restrictions below, unless the Developemnt~~n~~ Project demonstrates to the Copermittee that a restriction is not necessary to protect groundwater quality. The Copermittees may collectively or individually develop alternative restrictions on the use of treatment control BMPs which are designed to primarily function as centralized infiltration devices. Alternative restrictions developed by the Copermittees can partially or wholly replace the restrictions listed below. The restrictions do not apply to small infiltration systems dispersed throughout a development project.

Page # 29, Section F.1.c.(8) - Rain water harvesting and water reuse, where feasible, must be ~~implemented~~ encouraged as part of the site design and construction to reduce pollutants in storm water discharges to the MEP~~, and to supplement offsite beneficial uses~~.

Page # 33, Section F.1.d.(4)(b)(iii) - Projects with low traffic areas and appropriate soil conditions must be constructed ~~walkways, trails, overflow parking lots, alleys, or other low-traffic areas~~ with permeable surfaces~~, such as pervious concrete, porous asphalt, unit pavers, and granular materials~~.

Page # 33-34 Section F.1.d.(4)(c)(ii) - If onsite retention ~~infiltration~~ LID BMPs are technically infeasible per section F.1.d.(7)(b), other LID BMPs may treat any volume that is not retained onsite provided that the other LID BMPs are sized ~~to hold the design~~

~~storm volume that is not infiltrated~~ to achieve equivalent storm water volume and pollutant load reduction as if the entire design capture volume were retained onsite. The LID BMPs must be designed for an appropriate surface loading rate to prevent erosion, scour and channeling within the BMP.

Page # 36, Section F.1.d.(7)(a) - Prior to implementation, the LID waiver program must clearly exhibit that it will not allow Priority Development Projects to result in a net impact (after consideration of any mitigation) from pollutant loadings over and above the impact caused by projects meeting the onsite LID retention requirements;

Page # 38-39, Section F.1.f.(1) - Inventory of SSMP projects: Each Copermittee must develop and maintain a watershed-based database to track and inventory all projects constructed within their jurisdiction, that have a final approved SSMP (SSMP projects), and its structural post-construction BMPs ~~within its jurisdiction~~ implemented therein since July, 2005. LID BMPs implemented on a lot by lot basis ~~in low density residential areas~~ at single family residential houses, such as rain barrels, are not required to be tracked or inventoried.

Page # 39, Section F.1.f.(2)(b)(iv) – Delete the section:

~~(iv) At least 20 percent of all approved and inventoried SSMP projects must be inspected by the Copermittee annually;~~

Page # 64, Section F.3.c.(5) – Delete the section:

~~(5) Privately Owned Unpaved Roads Maintenance~~

~~(a) The Copermittees must require implementation of BMPs for erosion and sediment control during maintenance activities on privately owned unpaved roads, particularly in or adjacent to stream channels or wetlands.~~

~~(b) The Copermittees must enforce their ordinances against illegal construction and maintenance grading activities on privately owned unpaved roads, so as to prevent impacts to water quality.~~

Page # 66-67, Section F.4.b - Each Copermittee must maintain an updated map of its entire MS4 and the corresponding drainage areas within its jurisdiction. The use of GIS is strongly encouraged. The MS4 map must include all segments of the storm sewer system owned, operated, and maintained by the Copermittee, as well as all known locations of inlets that discharge and/or collect runoff into the Copermittee's MS4~~, all known locations of access points (i.e. manholes) to the Copermittee's MS4~~, all known locations of connections with other MS4s (e.g. Caltrans), and all known locations of all the outfalls that discharge runoff from the Copermittee's MS4. The accuracy of the MS4 map must be confirmed during dry weather field screening and analytical monitoring and must be updated at least annually. The MS4 map including any GIS layers must be submitted with the updated JRMP.

Page # 69, Section F.6 - Each Copermittee must implement education programs to (1) measurably increase the knowledge regarding MS4s, impacts of runoff on receiving waters, and potential BMP solutions for the target audience; and (2) to measurably change the behavior of target communities and thereby reduce pollutants in storm water discharges and eliminate prohibited non-storm water discharges to MS4s and the

environment. At a minimum, the education programs must meet the requirements of this section and address the following target communities:

- Copermittee Departments and Personnel
- New Development / Redevelopment Project Applicants, Developers, Contractors, Property Owners, and other Responsible Parties
- Construction Site Owners and Operators
- Commercial Owners and Operators
- Industrial Owners and Operators
- Residential Community and General Public
- ~~Quasi-Governmental Agencies / Districts (i.e., educational institutions, water districts, sanitation districts, etc.)~~

Attachment Updates

Page # C-7 - Add the following definition:

Low Impact Development Best Management Practices (LID BMPs) - LID BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States through storm water management and land development strategies that emphasize conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. LID BMPs include retention practices that do not allow runoff such as infiltration, rain water harvesting and reuse, and evapotranspiration. LID BMPs also include flow-through practices such as biofiltration that may have some discharge of storm water following treatment.

Page # E-5, Section II.A.1, Table 1 -

Table 1. Analytical Testing for Mass Loading (II.A.1) and Stream Assessment (II.A.2)

Conventionals, Nutrients, Hydrocarbons	**Pesticides**	**Metals (Total and Dissolved)**	**Bacteriological (mass loading)**
• Total Dissolved Solids • Total Suspended Solids • Turbidity • Total Hardness • pH • Specific Conductance • Temperature • Dissolved Oxygen • Total Phosphorus • Dissolved Phosphorus • Nitrite* • Nitrate* • Total Kjeldahl Nitrogen • Ammonia • Biological Oxygen Demand, 5-day • Chemical Oxygen Demand • Total Organic Carbon • Dissolved Organic Carbon • Methylene Blue Active Substances • Oil and Grease • Sulfate	• Diazinon • Chlorpyrifos • Malathion • Carbamates • Pyrethroids	• Arsenic • Cadmium • Total Chromium • Hexavalent Chromium** • Copper • Lead • Iron • Manganese • Nickel • Selenium • Zinc • Mercury • Silver • Thallium	• E. coli • Fecal Coliform • Enterococcus
* Nitrate and ~~nitrate~~ nitrite may be combined and reported as nitrate + nitrite. ** Hexavalent Chromium sampling must occur only for mass loading stations for the 1st wet weather event and 1 dry weather event.			

Page # E-6, Section II.A.2.a – … The two existing mass loading stations at Murrieta and Temecula Creeks must continue to be monitored. Copermittees may propose, for San Diego Water Board review and approval, changing the location of stream assessment monitoring stations where the mass loading stations location has changed pursuant to section II.A.1.a. Two reference stream assessment stations, including the existing Adobe Creek station, must be identified, sampled, monitored, and analyzed.

Page # E-7, Section II.A.2.b - Frequency: Stream assessment stations must be monitored in May or June (to represent the influence of wet weather on the communities) ~~and September or October (to represent the influence of dry weather flows on the communities)~~. The timing of monitoring of stream assessment stations located at mass loading stations must coincide with dry weather monitoring of those mass loading stations.

Page # E-22, Section II.E -
Add the following special study to the end of Section II.E:

7. Stormwater Monitoring Coalition (SMC) Regional Monitoring of Southern California Coastal Watersheds:

   The Copermittees must implement the monitoring program developed by the SMC for Regional Monitoring of the southern California coastal watersheds within the Santa Margarita Hydrologic Unit. Each Copermittee must evaluate the results of the monitoring program within and downstream of their jurisdiction and integrate the results into program assessments and modifications.

Page # E-25, Section III.A.2 - Monitoring Annual Report: The Principal Copermittee must submit the Receiving Waters and MS4 Discharge Monitoring Annual Report to the San Diego Water Board on October 1 of each year, beginning on **October 1, 2013**. Receiving Waters and MS4 Discharge Monitoring Annual Reports must include monitoring conducted under the previous fiscal year, and must meet the following requirements:

Page # E-27, Section III.A.4 - Following completion of an annual cycle of monitoring in October, the Copermittees must make the monitoring data and results available to the San Diego Water Board at the San Diego Water Board's request. Following completion of the annual cycle of monitoring, the Copermittees must upload monitoring data and results into the California Environmental Data Exchange Network (CEDEN)[15].

Footnote 15: http://www.ceden.org/

Fact Sheet Updates

Page # 5, Section II -
Copermittees

1. City of Murrieta	4. County of Riverside
2. City of Temecula	5. Riverside County Flood Control and Water Conservation District
3. City of Wildomar	
~~6. City of Menifee~~[1]	

Page # 22, Finding A.4 - The Fact Sheet / Technical Report for the Order No. R9-2010-0016, NPDES No. CAS0108766, Waste Discharge Requirements for Discharges from the MS4s Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region, includes cited regulatory and legal references and additional explanatory information and data in support of the requirements of this Order. This information, including any supplements thereto, ~~and any response to comments on the Tentative Orders,~~ is hereby incorporated by reference into these findings.

Page # 45, Discussion of Finding C.14 - The State Water Board~~'s~~ recently recognized ~~precedential~~ in order (Order WQ 2009-0008) ~~affirming a Los Angeles County MS4 permit modification, consistent with USEPA's prior interpretations, recognizes~~ that "[n]either the Clean Water Act nor the federal storm water regulations define 'non-storm water.' 'Illicit discharge' is defined as any discharge to an MS4 'not composed entirely of storm water.' Thus, 'illicit discharge' is the most nearly applicable definition of 'non-storm water' found in federal law and is often used interchangeably with that term." In July 2010, the court in Los Angeles County v. State Water Resources Control Board remanded the Los Angeles Water Board's MS4 permit underlying Order WQ 2009-0008 for procedural reasons occurring during the permit adoption process. The court did not evaluate or rule upon the substantive findings and reasoning set forth in Order WQ 2009-0008. While the San Diego Water Board may no longer cite Order WQ 2009-0008 as a precedential State Water Board order, the San Diego Water Board agrees with the reasoning expressed by the State Water Board.

Page # 96, Finding E.6 – Add the following paragraph at the end of the discussion of Finding E.6:

The San Diego Water Board recognizes that the Commission on State Mandates recently found that certain provisions within two municipal storm water permits constituted reimbursable state mandates within the meaning of the California Constitution. The Commission did not reimburse the claimants for the costs of implementing those provisions. The decisions directly affect only the municipal storm water permits identified in the two test claims. That is, the effect of the decisions is limited to the provisions of Los Angeles Water Board Order 01-182 and San Diego Order R9-2007-0001 identified by the Commission as reimbursable state mandates. No other municipal storm water permits or provisions therein are directly affected by the decisions and the San Diego Water Board is not precluded from adopting similar or identical provisions in the Tentative Order. Subsequent proceedings before the Commission to

[1] ~~Until an agreement to transfer the regulatory oversight of the City of Menifee's MS4 to the California Regional Water Quality Control Board, Santa Ana Region under Order No. R8-2010-0033 is finalized, the City of Menifee is included as a Copermittee under Order No. R9-2010-0016.~~

determine the local governments entitled to reimbursement and the amount of reimbursement are underway before the Commission. Separately, the State Water Board and San Diego and Los Angeles Water Boards have challenged these decisions in court.

Page # 139, Section F.1.f - To facilitate the tracking of BMP maintenance, each Copermittee must develop and maintain a database of Priority Development Projects subject to SSMP requirements (SSMP projects) and the post-construction BMPs implemented for each SSMP project. The inventory is not expected or required to include LID BMPs that are implemented on a lot by lot basis ~~in low density residential areas~~ at single family residential houses. The inventory, however, must include the post-construction BMPs for all other development or redevelopment SSMP project sites.

Page # 140, Section F.1.f – Delete the following paragraph:

~~Twenty percent of all SSMP projects are required to be inspected by the Copermittees annually. If the number of high priority SSMP project sites is 20 percent or more of the total number of SSMP projects in the Copermittee's inventory, this requirement will be met. If, however, the number of high priority SSMP project sites is less than 20 percent of the total number of SSMP projects in the Copermittee's inventory, additional lower priority SSMP project sites must be inspected to make up the difference. Selection of the additional lower priority SSMP project sites will be at the discretion of the Copermittee, but are selected based on each site's potential threat to water quality.~~

Page # 160, Section F.3.c.(5) – Delete the section:

~~**Section F.3.c.(5)** (Privately Owned Unpaved Roads Maintenance) includes requirements for privately owned unpaved roads. The Copermittees must require implementation of BMPs for erosion and sediment control during maintenance activities on privately owned unpaved roads, particularly roads that are in or adjacent to receiving waters. As discussed for Finding D.1.c, BMPs for unpaved roads are needed to minimize the discharge of sediment to the MS4s and receiving waters. There are several guidance documents available (see Discussion for Finding D.1.c) that include design and source control BMPs that can the Copermittees can readily require to be implemented.~~

~~In addition, where the Copermittees identify illegal construction and maintenance grading activities on privately owned unpaved roads, the Copermittees must enforce their ordinances to prevent illicit discharges of sediment and other pollutants from privately owned unpaved roads to their MS4s and receiving waters.~~

Page # 163, Section F.4.b - requires each Copermittee to maintain an updated map of its entire MS4 and the corresponding drainage areas within its jurisdiction. The Order specifies that the map must include the segments of the storm sewer system owned, operated, and maintained by the Copermittee, and include locations of all known inlets, ~~access points (i.e. manholes),~~ connections with other MS4s, and outfalls to the Copermittee's MS4. Knowing where their inlets, access points, connections with other MS4s, and outfalls are located will allow the Copermittees to better track, identify, and eliminate IC/IDs. The use of a geographic information system (GIS) by the Copermittees is strongly encouraged for the MS4 map. The Riverside County Flood Control and Water Conservation District (RCFCD) currently maintains a GIS layer that is a compilation of all the Copermittee MS4 maps. Although an individual Copermittee may not have GIS capabilities, each Copermittee has agreements with RCFCD for providing updated MS4

maps to the RCFCD to update this GIS layer and subsequent submittal to the San Diego Water Board.