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July 16, 2012

Ms. Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



SUBJECT: 2nd DRAFT PHASE II SMALL MS4 GENERAL PERMIT

Dear Ms. Townsend and Members of the Board:

Stanislaus County appreciates the opportunity to provide follow up comments on the subject of the 2nd Draft Phase II Small Municipal Separate Storm Sewer Systems (MS4) General Permit (Draft Permit). County staff members have reviewed the Draft Permit and have five comments that pertain to: Budget & Cost During Current Economic Conditions; Unfunded State Mandates; Legal Considerations & Authority; Time Line & Milestones; and New Programs & Higher Levels of Service. Stanislaus County joins effort with the California Storm Water Quality Association (CASQA) and the various agencies representing the Statewide Storm Water Coalition (SSC) by summarizing our specific comments as follows:

I. Budget & Cost During Current Economic Conditions

The County continues to support efforts to maintain and improve water quality in California. We appreciate that the State Board redrafted the Phase II permit and responded to some of our prior concerns made during the September 2011 public comment period. However, we still have concerns surrounding implementation costs and potential legal problems associated with the Draft Permit.

While the latest revisions have resulted in a more practical permit, several significant challenges for the County still remain. The major challenge, of course, deals with the dramatic increase in cost necessary to implement the permit requirements.

Staff analysis conclude the new mandates and higher level of services will require the County to find funding to hire consultants and additional staff members in order to implement, monitor, and manage our storm water program to meet the letter of the permit. We must also buy costly new capital equipment to meet the storm drain maintenance provisions. Like other agencies in our regional area, we simply cannot afford the cost to comply with the Draft

Permit requirements as written. As you may have already heard, the City of Stockton and the City of San Bernardino both recently filed for bankruptcy protection. The City of Oakdale, located within our County, is considering eliminating most of the Public Works staff and is in the process of running a cost analysis for privatizing their operation(s). The abolishment of redevelopment agencies is another recent example which highlights the fiscal challenges being imposed by the State on local agencies. The State's economic health, as we all very well know, still remains stagnant and the economic picture does not seem to look any brighter for the coming few years

General fund revenues for Stanislaus County continue to dwindle. The County has implemented employee reductions through early retirements and layoffs, service level reductions, permanent furloughs and/or employee salary reductions to address ongoing and recent financial deficits. The existing deficit in the County's budget is expected to continue in the coming few years. The impact of expanded and new State regulations will continue to degrade the County's ability to fund core services.

Stanislaus County lacks adequate fee authority to pay for the new State mandated NPDES programs and higher levels of service. Under the current interpretation of Proposition 218, our local agency does not have the authority to impose a fee without the consent of the voters or property owners. Unless the State Board provides a mechanism to fund the proposed new programs and higher level of services, these new programs and services should be eliminated from the Draft Permit. If the State elects to impose new unfunded mandates, the State must constitutionally provide the funding. If no funding can be provided, the State Board should not require the new mandates and services in the Draft Permit. The Draft Permit as written would require the County to make costly changes – in a declining and uncertain economy.

II. Unfunded State Mandates

We are also very concerned about the cumulative impact that the Draft Permit presents. All six Minimum Control Measures (MCMs) are significantly ramped-up in comparison with the current version of the Phase II permit (Order No. 2003-005-DWQ) and in some cases exceeds Phase I program requirements. The bar has been set unrealistically high. Stanislaus County will be hard-pressed to comply with the permit as drafted. We are very concerned that our County does not have the funding, additional staffing, experienced Qualified Storm Water Pollution Prevention Plan (SWPPP) Developers or Practitioners (QSD/QSP). We are also considered about State enforcement actions or even third party lawsuits as a result of having inadequate funds, staff and other resources that are necessary to implement the Draft Permit requirements.

The six Minimum Control Measures contained in the Phase II regulations represent the federal mandates under the Clean Water Act (CWA). To the extent the requirements of the Draft Permit exceed the six Minimum Control Measures; they represent State mandates, not federal mandates. The Existing Permit incorporates the six Minimum Control Measures verbatim from the Phase II regulations. Therefore, the analysis regarding the comparison between the Existing Permit and the Draft Permit may serve to illustrate the components of

the Draft Permit that exceed the federal mandates. The *new programs* identified in the Draft Permit exceed the federal mandates because they were not one of the original six Minimum Control Measures. The *higher levels of service* identified in the Draft Permit also exceed the federal mandates because they go beyond the requirements of the six Minimum Control Measures as set forth in the Phase II regulations. Together the new programs and higher levels of service exceed the federal requirements. Program requirements that are not mandated by the federal regulations do not become a federal mandate simply because the State Board says the requirements are necessary to achieve the Maximum Extent Practicable (MEP) standard found in Section 402(p)(93)(B)(iii) of the CWA. These issues are more fully elaborated upon in the BB&K letter dated July 2, 2012 which is included in the City of Roseville's comment letter on behalf of the Statewide Storm Water Coalition.

The Draft Permit includes many new programs or higher levels of service that may qualify as unfunded State mandates. The Board should provide the necessary funding or provide a legal funding mechanism. Otherwise, the Board should remove the new programs and higher levels of services from the Draft Permit. The unfunded State mandate law applies when a State agency imposes a new program or higher level of service on a local agency. Agencies like Stanislaus County need assistance to prevent the State from shifting its program responsibility to local governments without providing adequate funding to do so.

Article XIII B, Section 6(a) of the California Constitution (Section 6) provides that whenever "any State agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increase level of service..." Section 6 applies to storm water permits issued by the State Board and the Regional Water Quality Control Boards. Thus, we assume that Section 6 will continue to apply to the State Board's reissuance of the MS4 Phase II permit.

According to 40 CFR Section 122.34(e) (2), the Environmental Protection Agency (EPA) strongly recommends that until the evaluation of the storm water program in §122.37, no additional requirements beyond the six Minimum Control Measures be imposed on regulated small MS4s without the agreement of the operator of the affected small MS4, except where an approved Total Maximum Daily Load (TMDL) or equivalent analysis provides adequate information to develop more specific measures to protect water quality. As of today, such agreements have not been obtained between the State/Regional Board and the County of Stanislaus.

III. Legal Considerations & Legal Authority

The County has identified several areas of concern pertaining to the legal authority of the State Board or general legal issues that may be created with the language as currently drafted. These issues are described below:

1. There is no requirement in federal law to develop and implement the watershed-based approach called for in Section E.12.f. A watershed based approach would

require dischargers to expend resources across jurisdictions in a manner that will require contributions for dischargers that may not be attributable to each discharger. This exceeds the authority granted to the State and Regional Boards under CWA Section 402(p) and Water Code Section 13260. Both statutes hold dischargers responsible for only those pollutants that discharge from their “point-sources”. The CWA is not a contribution statute; dischargers are not jointly and severably liable for any and all water quality conditions in a watershed. Conditions that impose responsibility for dischargers that do not originate from the “point-sources” owned, operated, or controlled by the discharger exceed the State Board’s legal authority. Therefore, Section E.12.f should be eliminated from the Draft Permit.

2. As currently written, Phase II permittees will not be able to comply with the Receiving Water Limitations Provision. Unless this language is changed, Phase IIs will be vulnerable to enforcement actions by the State and third party citizen suits regardless of current or future enforcement policy(ies) of the State or Regional Water Boards.

To share an example, the City of Stockton was engaged in the “iterative process” per the terms of its Permit, but was nonetheless challenged by a third-party on the basis of the Receiving Water Limitations language. There is no regulatory benefit to imposing a permit provision that results in potential instantaneous non-compliance for the County.

Language in the second draft permit may not clearly allow the County to comply with water quality standards over time by using Best Management Practices (BMP) supplemented by the “iterative process”.

The Draft Permit language may expose the County to enforcement actions and third-party lawsuits even if the County is fully implementing its storm water program. If the water into which the County discharges is not meeting water quality criteria, the County could be liable, regardless of all its other costly efforts to reduce pollutants in its discharges. For example, it is generally acknowledged that there is no feasible way at this time to meet water quality criteria for certain pollutants such as copper, lead, and zinc that may come off truck and automobile brake disk pads during rain storm events.

3. Section E.13.b.1.(ii).(d) provision requires dischargers to establish a monitoring fund into which all new development contributes on a proportional basis. The ability of dischargers to establish such a fund is governed by limitations under State law, including, without limitation, California Constitution Article XIII B. The State Board cannot compel dischargers to establish such a fund and this section of the Draft Permit should be eliminated.
4. Task Element E.6.c requires the County to develop and implement an Enforcement Response Plan by year three. However, task element E.6.a, requires Permittees to have adequate legal authority to address over 10 specific elements in controlling

pollutant discharges by year two. Because implementing task E.6.a is likely to require the County to update their ordinances or other regulatory mechanisms, it seems redundant to require an Enforcement Response Plan to reiterate the regulatory mechanisms developed in E.6.a. Furthermore, the purpose of the Enforcement Response Plan is unclear given that it is never required as a submittal to the State in an annual report. Instead task E.6.c only requires a report summarizing all enforcement activities. We recommend that the Enforcement Response Plan requirement be eliminated from the Draft Permit.

5. Ministerial Projects - The Draft Permit requires all applicable ministerial projects (which do not require discretionary approvals) to adhere to the version of the Low Impact Development (LID) runoff standards that is most current at the time the project application for the ministerial approval is complete. Ministerial approvals include, but are not limited to, building permits, site engineering improvements, and grading permits. If the applicable project receives multiple ministerial approvals, the County shall require that project to adhere to the version of the LID runoff standards that is most current at the time the project application for the first ministerial approval is complete.

The ability of dischargers to impose LID runoff standards on ministerial projects may be subject to limits under California law. For example, such LID standards may not be imposed until municipal codes are updated through appropriate procedures to make such standards a regulatory requirement of all permits in question.

IV. Time Line & Milestone Concerns

Several elements of the timeline remain unrealistic. Individually, the requirements and associated timelines may be feasible, but collectively, the comprehensive and ramped-up nature of the requirements makes compliance difficult, if not infeasible altogether for Stanislaus County. Due to budgetary and staffing constraints, Stanislaus County request some relief and spacing of significant milestone requirements within the implementation timeline.

The Draft Permit includes approximately 45 major task elements and over 125 tasks for traditional MS4s. Of these 125+ tasks, about 115 (or approximately 92%) are required to be implemented by the end of the third year of the permit term. The Draft Permit requires very detailed and time consuming reporting requirements for almost every element of the storm water program. A chart of these task elements, specific tasks, and time frames are included in Attachment A.

We need adequate time to obtain the resources needed to ramp up our storm water programs to meet new Draft Permit requirements. The County recommends the State Water Board staff to incorporate a revised timeline that is attainable and within the current budgetary and staffing constraints facing local agencies.

V. New Programs and Higher Levels of Service

A comparison between the Draft Permit and the Existing Permit reveals that the Draft Permit contains many new programs and higher levels of service. Specifically, the following program elements contained in the Draft Permit are not required by the Existing Permit and represent new programs or higher levels of service under the State mandates law. Therefore, these new programs and higher level of services, as discussed below, should be removed from the Draft Permit.

1. Public Outreach and Education Programs – Under the Existing Permit, dischargers “must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.” Section E.7 of the Draft Permit contains a host of very specific and enhanced education and outreach requirements that must be targeted to many different groups, including, subject to Regional Board discretion, the use of very involved Community-Based Social Marketing (“CBSM”) strategies or a CBSM equivalent.

The Draft Permit mandates the use of very involved Community-Based Social Marketing (“CBSM”) strategies or a CBSM equivalent. This includes about a dozen specific requirements including performing annual survey(s) during the permit term, conveying the message to 20% +/- of the target audience each year, and providing education information during the 5-year permit term (and possibly beyond the term limit). These proposed requirements are not feasible for Stanislaus County and should be removed from the Draft Permit.

2. Public Involvement and Participation Program – The Existing Permit provides that the dischargers “must at a minimum comply with State and local public notice requirements when implementing a public involvement/participation program”. In contrast, the Draft Permit requires very detailed programs that are not found in the Existing Permit. The Draft Permit mandates the development of a public involvement and participation strategy, a budget to implement that strategy, the establishment of a citizen’s advisory group containing specified members, and the sponsoring of activities. The proposed involvement and participation program is not feasible for Stanislaus County.
3. Illicit Discharge Detection and Elimination (“IDDE”) Program – The Existing Permit requires the development and implementation of an IDDE program, but provides flexibility in the development of such a program. The Draft Permit contains very specific and enhanced requirements (i.e. requiring field observations, field screening, analytical monitoring at specified intervals, investigating illicit discharge within specified time frames, requiring corrective actions in a limited amount of time, developing a Spill Response Plan, filing detailed annual reports, and so forth). These proposed requirements are not feasible for Stanislaus County.

4. Construction Site Storm Water Runoff Control Program – The Draft Permit mandates that all construction sites be inventoried and inspected at designated frequencies. The Draft Permit also requires training of staff, educating construction site operators, and requires staff to be certified as Qualified SWPPP Developers or Practitioners (QSD/QSP). These proposed requirements are not feasible for Stanislaus County.
5. Pollution Prevention/Good Housekeeping Program – The Draft Permit mandates that dischargers inventory all their facilities, map them, annually assess them for pollutant “hotspots”, develop SWPPPs for each “hotspot”, inspect them regularly and at specified intervals, develop a storm drain assessment, prioritize “high-risk” catch basins, maintain storm drains at specific intervals, clean all high-risk catch basins, remove trash and debris in high priority areas a few times per year, develop a very specific O&M assessment, incorporate water quality and habitat enhancement features in flood management facilities, implement changes or additions to projects each year unless infeasible, implement a pesticides, herbicides and fertilizer program, as well as conduct annual training. All these requirements seem to be considered higher levels of service than the original six Minimum Control Measures outlined in the Existing Permit. These proposed requirements are not feasible for Stanislaus County and should also be removed from the Draft Permit.
6. Post-Construction Storm Water Management Program – The Existing Permit requires the development, implementation, and enforcement of a program to address storm water runoff from new development and redevelopment projects, but provides flexibility in the development of such a program. The Draft Permit contains enhanced and very detailed program requirements, such as implementing post-construction hydromodification measures, developing hydromodification management procedures, implementing strategies for watershed process-based storm water management, and implementing an operation and maintenance verification program of post-construction storm water management measures for new development projects. These proposed requirements are not feasible for Stanislaus County.
7. The Draft Permit requires Phase II permittees to have adequate legal authority to “enter private property for the purpose of inspecting, at reasonable times, any facilities, equipment, practices, or operations for active or potential storm water discharges, or non-compliance with local ordinances/standards or requirements in this order.” Both the United States and California Constitutions limit the ability of permittees to enter private property for purpose of inspection. These fundamental Constitutional limitations must be honored and make compliance with this section, as written, impossible. Permittees may lack the legal authority to unilaterally enter private property or, absent consent, must obtain an inspection warrant. Therefore, this section must be revised to acknowledge the limitations placed on the County by the United States and California Constitutions.
8. The Draft Permit requires plan reviewers, permitting staff and inspectors to be State certified as a QSD or QSP. This requirement is excessive and beyond the requirements

of the existing Phase II regulations and therefore should be eliminated. Many smaller cities and county agencies may not have the specialized staff or resources to meet this provision. These proposed requirements are not feasible for Stanislaus County.

9. Dischargers should not be held responsible for the conditions and assessment of structural post-construction BMPs that the State Board requires to be imposed on private development. At most, dischargers should be permitted to use their existing enforcement authorities to enforce their land use conditions, as appropriate. Section E.12.h should be eliminated from the Draft Permit.
10. Section E.14.a.(ii).(c) provision requires dischargers to identify assessment methods for privately owned BMPs. Nothing in the Clean Water Act (CWA) requires such an assessment and therefore this section of the Draft Permit should be eliminated from the Draft Permit.
11. The CWA does not require municipal dischargers to quantify municipal watershed pollutant loads. Therefore, Section E.14.b should be eliminated from the Draft Permit.
12. The requirement to regulate Incidental Runoff is not required by the Existing Permit (Section B.4) and should be removed from the Draft Permit.
13. The development of an Enforcement Response Plan is not required in the Existing Permit (Section E.6.c) and should be removed from the Draft Permit.
14. The development of a Receiving Water Monitoring Program is not required in the Existing Permit (Section E.13) and should be removed from the Draft Permit.
15. The development of an Effectiveness Assessment Program, including pollutant loading quantification is not required in the Existing Permit (Section E.14) and should be removed from the Draft Permit.
16. A Program Management Element is not one of the original six Minimum Control Measures required by the Phase II regulations. This element should be removed from the Draft Permit.
17. The County is required, at a minimum, to provide storm water education to school-age children, with a suggested curriculum named. This may not however be possible because the County does not have the legal authority to impose curriculum on schools. Therefore, this requirement should also be removed from the Draft Permit.
18. Section E.12.j, which requires the County to update their general plan and specific plans, may not align with California local land use authorities. Unless State law is amended to require the inclusion of certain considerations in planning, zoning and building laws, the State Board lacks legal authority to compel dischargers to amend their general plan or other planning documents in any particular way. This requirement

should be removed from the Draft Permit.

19. The reference to “industrial and commercial facilities” should be deleted because the Draft Permit no longer covers such facilities. Please clarify that this provision will not create an obligation to the County to require retrofits of existing industrial and commercial facilities. Such retrofits are not a current requirement of the Phase II program and would be cost prohibitive. Until the EPA completes the rulemaking decision regarding retrofitting requirements, the retrofit should not be required and the language in the Draft Permit should be removed accordingly.

V. Summary and Recommendations

The State Board has created a permit that goes above and beyond the national approach for smaller entities that established six Minimum Control Measures. Like other Phase II agencies, Stanislaus County takes considerable exception to this approach. *Our Recommendation is to have the State of California amend the Constitution (Article XIII B, Section 6(a) of the California Constitution) or remove new program mandates and higher levels of service in the Draft Permit so they do not exceed the requirements of the original six Minimum Control Measures (MCMs). Or, per Article XIII B Section 6(a) of the California Constitution, pay for the mandates imposed on the MS4 Phase II agencies.*

We believe that the Draft Permit will pose significant challenges to Stanislaus County and other Phase II permittees. The comprehensive and overreaching approach taken in the Draft Permit is of such concern that we respectfully request that new programs and higher levels of services be removed from the Draft Permit and allow our agency to continue implementing, monitoring, and reporting on our current Storm Water Management Program. Alternatively, we request the State Board to create safe harbor provisions with the permit for agencies that are fiscally unable to meet the terms of the Draft Permit. This could be accommodated by allowing agencies to present fiscal challenges to their Regional Board Executive Officers (EOs) and giving the EOs authority to reduce permit requirements in response to fiscal constraints.

The unfunded State mandates law is about funding of State programs. It is a constitutional requirement imposed upon the State to fund programs that it requires local agencies to implement. It is well recognized that the current storm water programs are not fully funded at all levels, federal, State, and local. Local governments may not have the adequate financial support to implement the storm water program in such a rigorous way. The State Board should not impose new programs or higher levels of service on dischargers without providing the funding to implement such programs.

The County has and will continue working with the State Water Board staff to create a program that will protect water quality in a cost effective manner consistent with the available staff and funding resources. We will also continue to work collaboratively with other Phase I/II agencies to help define program solutions that will work in our rapidly changing business environment.

Our goal will be to remain proactive and continue to identify a range of options to address the uncertainties we face as a community. We will then implement the best option that can generate the most positive outcome to help protect the quality of our storm water at the most reasonable cost.

Sincerely,

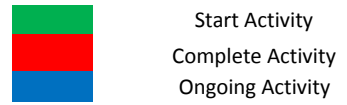
Paul Saini, Associate Civil Engineer, RCE, QSD/P

cc: Matt Machado, Director of Public Works, RCE, LRP (Legally Responsible Person)
Laurie Barton, Deputy Director of Public Works, RCE
Chris Brady, Senior Civil Engineer, RCE, QSD/P
Monica Nino, Stanislaus County Chief Executive Officer
John Doering, Stanislaus County Counsel

Attachments:

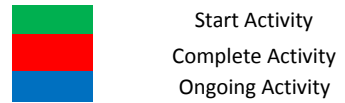
Attachment A - Draft Permit Timeline & Milestones (prepared by the California Storm Water Coalition)

ATTACHMENT A



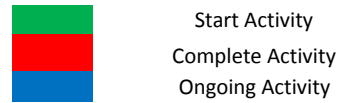
PERMIT ELEMENT (TRADITIONAL MS4s)	PERMIT COMPLIANCE YEAR (SPECIFIC DATE IS MAY 15TH UNLESS OTHERWISE NOTED) Year	1	2	3	4	5
		2013	2014	2015	2016	2017
E.6 PROGRAM MANAGEMENT ELEMENT						
E.6.a Legal Authority (update or create ordinance)	2014		Complete Activity			
E.6.b Certification	2013	Complete Activity				
E.6.c Enforcement Measures and Tracking						
Enforcement Response Plan	2015			Complete Activity		
Enforcement Tracking System	2015			Complete Activity		
Enforcement Response Plan Report	2015+			Complete Activity	Ongoing Activity	

ATTACHMENT A



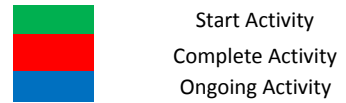
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		2013	2014	2015	2016	2017
E.7 EDUCATION AND OUTREACH PROGRAM						
E.7.a Public Outreach and Education						
Select outreach option. If regional develop agreements	2013	Complete				
Develop and implement comprehensive education and outreach program	2014+		Complete	Ongoing	Ongoing	Ongoing
public input in strategy development	2013	Complete				
surveys 2x every 5 years	2014, 2016 (assumed)		Complete		Complete	
develop and convey storm water messages in multiple languages:	2015+			Ongoing	Ongoing	Ongoing
Annual outreach report (years 3, 4 and 5)	2015+			Ongoing	Ongoing	Ongoing
Year 5 report include changes in public awareness and knowledge and suggested program changes	2017					Complete
E.7.b Staff and Site Operator Training and Education						
E.7.b.1 Illicit Discharge Detection and Elimination Training						
Permittees staff training with annual assessments	2015+			Start	Ongoing	Ongoing
E.7.b.2 Construction Outreach and Education						
a. Permittee Staff Training - Annually	2014+		Start	Ongoing	Ongoing	Ongoing
plan reviewers and permitting staff trained and must be QSPs	2014+		Start	Ongoing	Ongoing	Ongoing
inspection staff must be trained at least one QSD or QSP	2014+		Start	Ongoing	Ongoing	Ongoing
third party plan reviewers, permitting staff and inspectors trained	2014+		Start	Ongoing	Ongoing	Ongoing
b. Construction Site Operator Education	2015+			Start	Ongoing	Ongoing
develop and distribute education materials annually	2015+			Start	Ongoing	Ongoing
update website with information	2015+			Start	Ongoing	Ongoing
E.7.b.3 Pollution Prevention and Good Housekeeping Staff Training						
annual employee training	2014+		Start	Ongoing	Ongoing	Ongoing
annual assessment of staff knowledge	2013+		Start	Ongoing	Ongoing	Ongoing
contractors contractually required to comply with BMPs	2013+		Start	Ongoing	Ongoing	Ongoing
provide oversight of contractors	2013+		Start	Ongoing	Ongoing	Ongoing
report on oversight and personnel training and assessment records	2014+		Start	Ongoing	Ongoing	Ongoing
E.8 PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM						
Develop strategy and implement	2014+		Complete	Ongoing	Ongoing	Ongoing
use citizen advisory committee (optional)	2014		Complete	Ongoing	Ongoing	Ongoing
actively engage in IRWMP	2015+			Ongoing	Ongoing	Ongoing
annual events	2015+			Ongoing	Ongoing	Ongoing

ATTACHMENT A



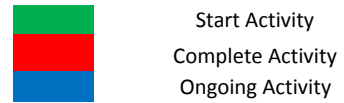
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			2013	2014	2015	2016	2017
E.9	ILLICIT DISCHARGE DETECTION AND ELIMINATION						
E.9.a	Outfall Mapping <i>Create and maintain accurate outfall map</i>	2014+		Start Activity	Ongoing Activity		
E.9.b	Illicit Discharge Source/Facility Inventory <i>Maintain inventory of all industrial/commercial facilities</i> <i>Annually Submit inventory in report</i>	2014+ 2015+		Start Activity	Ongoing Activity		
E.9.c	Field Sampling to Detect Illicit Discharges <i>Sample any flowing outfalls while conducting E.9.a</i> <i>Annually sample priority area outfalls determined in E.9.a</i> <i>Conduct follow up activities if action levels exceeded</i> <i>Summary report</i>	2013 2014+ 2014+ 2014+	Start Activity	Complete Activity			
E.9.d	Illicit Discharge Detection and Elimination Source Investigations and Corrective Actions <i>develop written procedures for investigations and corrective actions</i> <i>conduct investigations</i> <i>annual report</i>	2013 (assumed) 2013+ 2013+	Complete Activity	Ongoing Activity			
E.9.d	Spill Response Plan <i>develop plan</i> <i>summarize activities annually</i>	2013 2013+	Complete Activity	Ongoing Activity			
E.10	CONSTRUCTION SITE STORM WATER RUNOFF CONTROL PROGRAM						
E.10.a	Construction Site Inventory <i>Annual inventory</i>	2013+	Start Activity	Ongoing Activity			
E.10.b	Construction Plan Review and Approval Procedures	2013+	Start Activity	Ongoing Activity			
E.10.c	Construction Site Inspection and Enforcement <i>procedures development and annual reporting</i>	2013+	Complete Activity	Ongoing Activity			

ATTACHMENT A



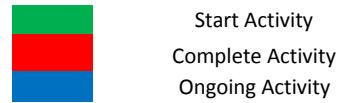
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E.11 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR PERMITTEE OPERATIONS PROGRAM						
E.11.a Inventory of Permittee-Owned and Operated Facilities <i>develop and maintain inventory</i>	2014+					
E.11.b Map of Permittee-owned or Operated Facilities <i>map of facilities relative to the urbanized area</i>	2014					
E.11.c Facility Assessment <i>conduct comprehensive inspection and identify "hot spots"</i>	2015					
<i>conduct annual review</i>	2016+					
<i>document comprehensive assessment procedures and results</i>	2015					
<i>update inventory (and map) with hot-spots</i>	2015+					
E.11.d Stormwater Pollution Prevention Plans <i>develop SWPPS for hot spots</i>	2016					
E.11.e Inspections, Visual Monitoring and Remedial Action <i>facility inspections to cover:</i>						
<i>Hot Spot locations</i>	2017					
<i>Non-Hot Spots - one time in permit term</i>	2017					
E.11.f Storm Drain System Assessment and Prioritization <i>implement procedures to assess and prioritize maintenance storm drain systems</i>	2014					
<i>prioritize catch basins, update as required</i>	2014+					
E.11.g Maintenance of Storm Drain System <i>inspect storm drain system</i>	2015+					
<i>clean storm drains</i>	2015+					
<i>label catch basins</i>	2015+					
<i>maintain surface drainage structures</i>	2015+					
<i>develop procedure to dispose of waste materials</i>	2015+					
<i>prepare annual report</i>	2015+					
E.11.h Permittee Operations and Maintenance Activities (O&M) <i>develop program to assess O&M activities and required BMPs:</i>	2015					
<i>inspect (and log) O&M BMPs annually</i>	2015+					
<i>develop report</i>	2015+					
E.11.i Incorporation of Water Quality and Habitat Enhancement Features in Flood Management Facilities <i>develop and implement process for new and rehabilitated flood mgmt projects</i>	2015					
<i>reporting</i>	2015+					
E.11.j Landscape Design and Maintenance <i>evaluate use of pesticides, herbicides and fertilizers</i>	2014					
<i>implement best practices:</i>	2014+					
<i>record amount of chemical usage</i>	2014+					
<i>annual reporting to quantify and demonstrate reduction in chemical usage</i>	2014+					

ATTACHMENT A



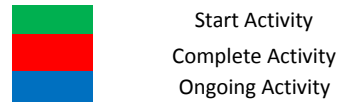
PERMIT ELEMENT (TRADITIONAL MS4s)	PERMIT COMPLIANCE YEAR (SPECIFIC DATE IS MAY 15TH UNLESS OTHERWISE NOTED) Year	1	2	3	4	5
		2013	2014	2015	2016	2017
E.12 POST CONSTRUCTION STORMWATER MANAGEMENT PROGRAM						
E.12.a Post-Construction Treatment Measures complete and maintain inventory of projects subject to post-construction treatment measures	2015+			Complete	Ongoing	Ongoing
E.12.b Post-construction hydromodification measures complete and have available an inventory of E.12.e (Hydromodification Mgmt) Permittees within a Phase 1 MS4 boundary with approved Hydromod Plan - complete and have available summary report	2015+			Complete	Ongoing	Ongoing
E.12.c Site Design Measures implement new site design measures (projects that create or replace >2,500 SF impervious area)	2013+	Complete	Ongoing	Ongoing	Ongoing	Ongoing
E.12.d Low Impact Development Runoff Standards						
E.12.d.1 Regulated Projects projects that create or replace >5,000 SF impervious area for LID	2014+		Complete	Ongoing	Ongoing	Ongoing
E.12.d.2 Low Impact Development Standards adopt and implement standards annually report upon each regulated project	2014+ 2014+		Complete	Ongoing	Ongoing	Ongoing
E.12.e Hydromodification Management develop and implement hydromodification management procedures annual report verifying implementation of hydromod procedures	2015+ 2015+			Complete	Ongoing	Ongoing
E.12.f Implementation Strategy for Watershed Process - Based Storm Water Management Work with the Regional Board if modified criteria required Develop or modify enforcement mechanisms develop guidance develop tracking report for education and outreach complete strategy for implementing numeric criteria	2015 2015 2015 2015 2015			Complete		
E.12.g Operations and Maintenance (O&M) of Post-Construction Storm Water Management Measures implement O&M Verification Program develop written plan database or table of regulated projects with installed treatment systems; table of information pertaining to inspections of regulated projects; annually prepare detailed list of newly installed systems and controls (before the wet season) annual report:	2014+ 2014 2014+ 2014+ 2014+ 2014+		Complete	Ongoing	Ongoing	Ongoing
E.12.h Post-Construction Best Management Practice Condition Assessment for structural post-construction BMPs develop a plan to: administer self-certification program prepare annual report	2015 2015 2015			Complete		

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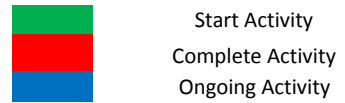
PERMIT ELEMENT (TRADITIONAL MS4s)	PERMIT COMPLIANCE YEAR (SPECIFIC DATE IS MAY 15TH UNLESS OTHERWISE NOTED) Year	1	2	3	4	5
		2013	2014	2015	2016	2017
E.12.i Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region comply with provisions in the Central Coast Post-Construction Requirements	2013(assumed)	Complete Activity				
E.12.j Planning and Building Document Updates Revise the planning and building requirements for projects subject to post-construction requirements; Evaluate policies for approval of general plan updates and specific plans or other master planning documents and zoning to: Revise polices for approval of general plan updates and specific plans or other master planning documents and zoning to include design principles annual report document modification to codes, regulations and standards submit proposal for modifying policies document modifications completed to policies	2013	Complete Activity				
	2015			Complete Activity		
	2016				Complete Activity	
	2113+	Ongoing Activity				
	2013	Complete Activity				
	2015			Complete Activity		
	2016				Complete Activity	

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PERMIT ELEMENT (TRADITIONAL MS4s)	PERMIT COMPLIANCE YEAR (SPECIFIC DATE IS MAY 15TH UNLESS OTHERWISE NOTED) Year	1	2	3	4	5
		2013	2014	2015	2016	2017
E.13 WATER QUALITY MONITORING MS4s discharging to an ASBS must comply with Attachment C MS4s assigned a WLA in a TMDL must consult with Regional Board within 6 months (Attachment G) to determine monitoring requirements MS4s discharging to 303(d) listed water bodies must consult with Regional Board within 6 months to determine monitoring requirements Traditional Small MS4s with population >50,000 (see Attachment A) but not discharging to ASBS, TMDL or 303(d) must do either E.13.a, E.13.b or E.13.c						
E.13.a Regional Monitoring Regional Monitoring Collaborative Consult with Regional Board	2013 2013	Complete Activity				
E.13.b Receiving Water Monitoring		Complete Activity				
E.13.b.1 Receiving Water Monitoring at Urban/Rural Interface install permanent monitoring station annually monitor three storm events Establish a monitoring fund paid by new development Reporting	2013 2014+ 2014 2014+	Complete Activity Ongoing Activity Complete Activity Ongoing Activity				
E.13.b.2 Receiving Water Monitoring in Urban Area identify one characteristic waterway at bottom of a HUC 14 watershed install permanent monitoring station annually monitor three storm events Reporting	2013 2013 2014+ 2014+	Complete Activity Complete Activity Ongoing Activity Ongoing Activity				
E.13.c Special Studies develop special study plan and submit to RB implement study Reporting	2013 2014+ 2014+	Complete Activity Ongoing Activity Ongoing Activity				

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PERMIT ELEMENT (TRADITIONAL MS4s)		PERMIT COMPLIANCE YEAR (SPECIFIC DATE IS MAY 15TH UNLESS OTHERWISE NOTED) Year	1	2	3	4	5
			2013	2014	2015	2016	2017
E.14	PROGRAM EFFECTIVENESS ASSESSMENT						
E.14.a	Program Effectiveness Assessment and Improvement Plan develop plan annual report complete analysis of effectiveness of modifications made at improving BMPs and /or program effectiveness	2013 2014+ 2017		Complete Activity	Ongoing Activity		Complete Activity
E.14.b	Municipal Watershed Pollutant Load Quantification Consult with Regional Board to verify pollutants of concern model development - use Center for Watershed Protection's Watershed Treatment Model or equivalent recalibrate model at appropriate intervals report on annual sub watershed pollutant loads	2013 (assumed) 2014 2016(assumed) 2017	Complete Activity	Complete Activity		Complete Activity	Complete Activity
E.14.c	Storm Water Program Modifications submit proposal on BMP modifications begin implementing BMP or program modifications in priority program areas and report on progress complete modifications annual report	2015 2016 2017 2017		Complete Activity	Complete Activity	Complete Activity	Complete Activity
E.15	TOTAL MAXIMUM DAILY LOADS COMPLIANCE REQUIREMENTS						
E.15.a	Comply with all approved TMDLs (Attachment G)	2013+	Ongoing Activity	Ongoing Activity	Ongoing Activity	Ongoing Activity	Ongoing Activity
E.15.b	Waste load allocations	2013	Complete Activity				
E.15.c	Regional Board reviews and proposed modifications	2013	Complete Activity				
E.15.d	Reports status of implementation via SMARTS Reporting	2013+	Ongoing Activity	Ongoing Activity	Ongoing Activity	Ongoing Activity	Ongoing Activity
E.15.e	Comply with Clean Water Act Sections 303d,306b and 314	2013+	Ongoing Activity	Ongoing Activity	Ongoing Activity	Ongoing Activity	Ongoing Activity