ATTACHMENT I – ALTERNATIVE COMPLIANCE STORMWATER CAPTURE OPTION

OVERVIEW

This Attachments provides optional alternatives for stormwater capture.

I1. GENERAL REQUIREMENTS

I1.1 Authorization

This Order authorizes the implementation of on-site and off-site alternative compliance stormwater capture options (referred to together as the Compliance Options and separately as the On-Site and Off-Site Compliance Options) as methods for compliance with this Order's requirements specified in section I1.2, below. The Compliance Options are optional. Permittees are not required to implement either of the Compliance Options.

I1.2 Compliance Incentives

I1.2.1 Compliance

If the Permittee is in compliance with this attachment and all other applicable requirements of this Order, the Permittee is in compliance with Effluent Limitations, section 6.1, regarding compliance with the maximum extent practicable standard, in areas of their jurisdiction draining to the stormwater capture best management practices (once the best management practices are implemented and operational).

I1.2.2 Deemed Compliance

If the Permittee is in compliance with this attachment and all other applicable requirements of this Order, the Permittee is deemed in compliance with the following sections of this Order in areas of their jurisdiction addressed by a Compliance Option (once the BMP(s) are implemented and operational):

1. Discharge Prohibitions, sections 5.1 (Maximum Extent Practicable), sections 5.4 (Exceedances of Water Quality Objectives and Standards) and 5.5 (Pollution or Nuisance);
2. Effluent Limitations, section 6.2;
3. Receiving Water Limitations, sections 7.1 (Implementation of Receiving Water Limitations) and 7.2 (Total Maximum Daily Loads).

I1.2.3 Exemptions

If the Permittee is in compliance with this attachment and all other applicable requirements of this Order, the Permittee is exempt from the following sections in the Permittee's respective attachment (D or E) of this Order in areas of their jurisdiction addressed by a Compliance Option:

1. TMDL Demonstration of Compliance (D7 and E7);
2. Water Quality Monitoring (D8 and E8);
3. Total Maximum Daily Loads Compliance Reporting (D10.8 and E10.8); and
4. Water Quality Monitoring Reporting (D10.9 and E10.9).

I1.3 Failure to Comply

If the Permittee chooses but fails to comply with the requirements for a Compliance Option provided in this attachment, the Permittee will no longer be deemed in compliance with the sections identified above and shall comply with this Order's requirements from which the Permittee was exempted as part of this Compliance Option.

I2. COMPLIANCE OPTION IMPLEMENTATION REQUIREMENTS

I2.1 Implementation Requirements

1. The Permittee may discharge to a stormwater capture best management practice for capture and use, infiltration, and/or evapotranspiration of municipal stormwater and authorized non-stormwater discharges.
2. The stormwater capture best management practices must meet the design criteria of section I3.
3. The municipal stormwater and authorized non-stormwater discharges must not discharge to a water of the U.S. or water of the state prior to reaching the stormwater capture best management practices.
4. The Permittee may include best management practices that capture and divert the required stormwater runoff volumes to a publicly-owned sanitary sewer treatment facility, an on-site facility for on-site use, a regional reclaimed water distribution system, or a combination thereof. Proposed discharges to a publicly-owned sanitary sewer or reclaimed water distribution system shall be supported by a permit (WDR or NPDES) approved by the State or regional water board.
5. The Permittee shall ensure that groundwater is protected, as described in section I4 below.
6. The Permittee shall implement measures to ensure the design standards are maintained for the life of the best management practices and, as appropriate, include reliability and safety factor calculations.
7. Regional Water Board Authorities

   To address exceedances of applicable water quality objectives or to otherwise protect waters of the state, including groundwater, within its jurisdiction, the applicable Regional Water Board Executive Officer may review site-specific information, require additional information, require the Permittee to implement additional best management practices, or require

modifications to or disapprove any infiltration best management practice as a permissible Compliance Option for the Permittee.

8. The State Water Board Executive Director or the applicable Regional Water Board Executive Officer may require monitoring of the infiltrated water if deemed to be a threat to groundwater.

I2.2 On-Site Compliance Option Requirements

The Permittee shall comply with the Future Post-Construction Requirements in section I2.4 and the requirements in section I3, including the design, maintenance, drainage, groundwater protections, and civil engineer certification requirements.

I2.3 Off-Site Compliance Option Requirements

1. The Permittee may enter into a local agreement with other entities to participate in the development, implementation, and operation of an off-site stormwater capture and/or infiltration best management practice (Off-Site best management practice) provided the following criteria are met:
   a. The Off-Site best management practices meet the design criteria per section I3.b.
   b. The municipal stormwater and authorized non-stormwater discharges must not be conveyed in a water of the U.S., water of the state, or an MS4 not party to the Off-Site Compliance agreement prior to reaching the Off-Site best management practices.
2. The Permittee shall work with the other entities to define participation in the development, implementation, operation of and responsibility for the Off-Site best management practices.
3. The Permittee and other entities shall ensure the agreement includes applicable protections for waters of the state for infiltration best management practices to demonstrate meeting the criteria in section I4.
4. The applicable Regional Water Board Executive Officer and local jurisdiction(s) representatives shall approve the Permittee's participation in the Off-Site Compliance Option. The applicable Regional Water Board shall provide at least a thirty day public notice to obtain written comments prior to the approval of the Off-Site Compliance Option.

I2.4 Future Post-Construction Requirements

1. The Permittee shall ensure that any future construction within the area of its jurisdiction draining to a stormwater capture best management practice being used to meet the requirements of these Compliance Options does not increase the amount of runoff from that drainage area beyond the designed capacity of its stormwater capture best management practices and/or the capacity allotted to the Permittee as part of an Off-Site

stormwater capture best management practice per sections I2 and I3 below.

2. The Permittee may use the designed capacity of its stormwater capture best management practices and/or the capacity allotted to the Permittee as part of an off-site stormwater capture best management practice to comply with Post-Construction water quality and retention requirements for future Small Projects and Regulated Projects per the Post-Construction Stormwater Management Program (sections D6 for Traditional and E6 for Non-traditional permittees), i.e., the Permittee may build a stormwater capture best management practice or enter into a legal agreement to attain an allotment from an Off-Site best management practice with additional capacity to account for future development in a drainage area.
3. Permittees implementing provision D6.11 Alternative Post-Construction Storm Water Management Requirements Based on Assessment and Maintenance of Watershed Processes shall ensure future development and re-development comply with those provisions if not provided in full by the stormwater capture best management practice.

I3 DESIGN CRITERIA

I3.1 General Design Criteria

Compliance Option best management practices implemented by the Permittee or implemented off-site by another entity for which the Permittee is claiming Off-Site Compliance shall:

1. Maintain the effective capacity to capture, infiltrate and/or evapotranspire the volume of runoff produced by rainfall events up to and including the 85th percentile 24-hour precipitation event based upon local, historical precipitation data and records for the entire drainage area claiming Compliance Option credit for the stormwater capture best management practices;
2. Be designed to capture, infiltrate, and/or evapotranspire drainage for only the following water sources;
    a. Municipal stormwater runoff;
    b. Authorized non-stormwater discharges as defined in section 5.8.1 of this Order; and
3. Be designed with a 72-hour drawdown time.
4. Be designed to drain from full to empty when no inflows are occurring, considering any relevant safety factors.
5. The Permittee shall implement measures to ensure the design standards for the life of the best management practices are maintained, and as appropriate, include reliability and safety factor calculations.

6. A Permittee implementing infiltration best management practices may include a shutoff mechanism (e.g., a valve that diverts discharge from entering the best management practices) in the design and implementation of infiltration best management practices. If including a shutoff mechanism is infeasible for a best management practice, appropriate spill prevention and response, and training shall be implemented.

I3.2 CERTIFICATION BY THE CALIFORNIA REGISTERED CIVIL ENGINEER

A California registered civil engineer shall certify the following with stamp and wet signature. Certifications shall document the following:

1. Compliance with hydrologic analyses, hydraulic calculations, and best management practices and operation parameters in section I3.
2. Compliance with water quality requirements in section I4.
3. Design of the 24-hour drawdown time or the design of additional storage volume beyond the compliance storm standard to offset longer drawdown time.
4. Design of the drainage of the On-Site Compliance best management practice from full to empty when no inflows occur, including relevant safety factors.
5. Design of best management practices safety factor and reliability calculations required in section I3.
6. Approval of the operation and maintenance plan.

I4. PROTECTION OF WATERS OF THE STATE

1. Discharges from the following sources are prohibited for any Permittee complying with a Compliance Option:
   a. Water related to the cleaning and maintenance of the stormwater capture best management practice and,
   b. Municipal stormwater from storms occurring below the 85th percentile 24-hour storm event and non-storm water.
2. The migration of pollutants that cause or contribute to the exceedance of a water quality objective in groundwater is prohibited. The Permittee shall ensure infiltration best management practices implemented for compliance with this attachment are designed and operated to:
   a. Prevent captured and/or infiltrated stormwater from causing or contributing to the exceedance of a water quality objective in groundwater;
   b. Prevent the migration of existing soil contamination to groundwater and not interfere with any active remedial activities for existing groundwater contamination in the vicinity of the stormwater capture best management practice; and,

c. Address other similar factors which may degrade groundwater.

3. Infiltration and Groundwater Protection

a. Infiltration best management practices shall not cause or contribute to an exceedance of an applicable groundwater quality objective.

b. Infiltration best management practices used for compliance with this attachment shall comply with applicable local municipal ordinances, stormwater requirements, and design standards for the infiltration of stormwater and authorized non-stormwater discharges.

c. The soil through which infiltration occurs must have physical and chemical characteristics necessary to support infiltration rates and stormwater treatment to meet the compliance storm standards in this attachment.

4. If the Permittee determines, following implementation of a Compliance Option, that discharges from its MS4 are causing or contributing to an exceedance of a water quality standard or water quality objective, causing or threatening to cause a condition of pollution or nuisance, or are otherwise not in compliance with an applicable receiving water limitation, the Permittee shall implement additional control measures as necessary to reduce the pollutants in its discharge to the maximum extent practicable in compliance with the procedures specified in Order section 7.1. So long as the Permittee is implementing these procedures, it shall retain its deemed compliance status as detailed in section I1.2.2 of this Attachment.

I5 REPORTING REQUIREMENTS

I5.1 Design Reporting Requirements

The Permittee shall submit the following information via SMARTS 30 days prior to the initial operation of the best management practice:

1. Implementation Approach – The Permittee shall describe the approach for achieving the volume reduction requirements and multiple benefits, including how it will incorporate effective technologies, approaches, and practices, including green infrastructure and how it will protect groundwater.

2. Quantification – The Permittee shall demonstrate the following for volume reduction projects:

2.1. The delineation of catchments/watersheds draining to the planned and/or implemented volume reduction projects, and

2.2. The volume reduction project design, with operation and maintenance, will retain design-storm volumes and function in perpetuity.

2.3. Bypass mechanisms for the discharged volume that is above and beyond the 85th percentile, 24-hour storm, into a local municipal storm system or receiving surface water body

3. Applicable information on any preexisting contamination in the soil or groundwater for any industrial or non-industrial pollutants at the facility that may be discharged or mobilized through infiltration to meet the protections in Section I4.

4. Operation and maintenance – For each volume reduction project the Permittee shall record with parcels where infrastructure for volume reduction projects are constructed, operation and maintenance plans and agreements certified by the California licensed civil engineer that includes but is not limited to, the following items:

4.1. inspection frequency;

4.2. titles of personnel authorized to conduct the best management practices inspections;

4.3. maintenance procedures for best management practices and installed pretreatment;

4.4. a maintenance schedule;

4.5. Latitude(s) and longitude(s) of best management practices;

I5.2 Schedule

1. Schedule –The Permittee shall include a schedule for completing the required volume reduction. The Permittee may propose a schedule that exceeds the permit term. If the schedule exceeds the implementation schedule specified in an applicable TMDL identified in the Fact Sheet (Attachment B), the Permittee shall request a time schedule order as specified in section G2.4 . The Volume Reduction Plan schedule must be updated to be consistent with any time schedule order.

2. Short-Term Schedule – The Permittee shall include a detailed short-term implementation schedule (including design and construction phases for retention facilities) for years three and five of the permit term. If the term of the permit is extended, the Permittee shall submit a second detailed short-term schedule for years six and ten.

3. Financial Strategy – The Permittee shall outline its funding procurement and management strategy to support project development and long-term maintenance and lifecycle costs.

I5.3 Off-Site Compliance Reporting Prior to Operation

Permittee's participating in an off-site Compliance Option shall additionally submit the following via SMARTS seven days prior to the initial operation of the:

1. A copy of the facility's agreement with other entities;
2. A copy of the facility's agreement approval from the other entities;
3. A copy of the facility's agreement approval from the Regional Water Board Executive Officer;

4. Information on, and description of, the actions the Permittee must take during the development, implementation, and operation of the Off-Site best management practices, as established in the approved agreement, that allows the facility's stormwater discharge to enter an Off-Site best management practices; and
5. A copy of the operation and maintenance plan(s) for the Off-Site best management practices that receive the facility's discharge.

I5.4 Off-Site Compliance Annual Reporting

A Permittee implementing the Off-Site Compliance Option shall submit and certify via SMARTS the following information as part of the Annual Report to document the status of the local agreement project(s) and implementation progress:

1. Proof that participation in the local agreement is still valid, such as a copy of the current permit or the current authorization in writing from the system's agency that specifically allows the proposed stormwater flow rates);
2. Identification of the other entities that are part of the agreement including a contact name, title, email, and phone number of the local representative;
3. Summary of actions (including, but not limited to, monitoring, structural best management practices, non-structural best management practices, training) completed per the local agreement(s) during the reporting year;
4. Summary of actions (including, but not limited to, monitoring, structural best management practices, non-structural best management practices, training) planned per the local agreement(s) for implementation over the next two years to comply with the agreement with the local jurisdiction; and,
5. Any updates to the implementation schedule per the local agreement(s).