

CITY OF TULARE

NPDES PHASE II
STORM WATER MANAGEMENT PLAN



January 2009



Quad Knopf

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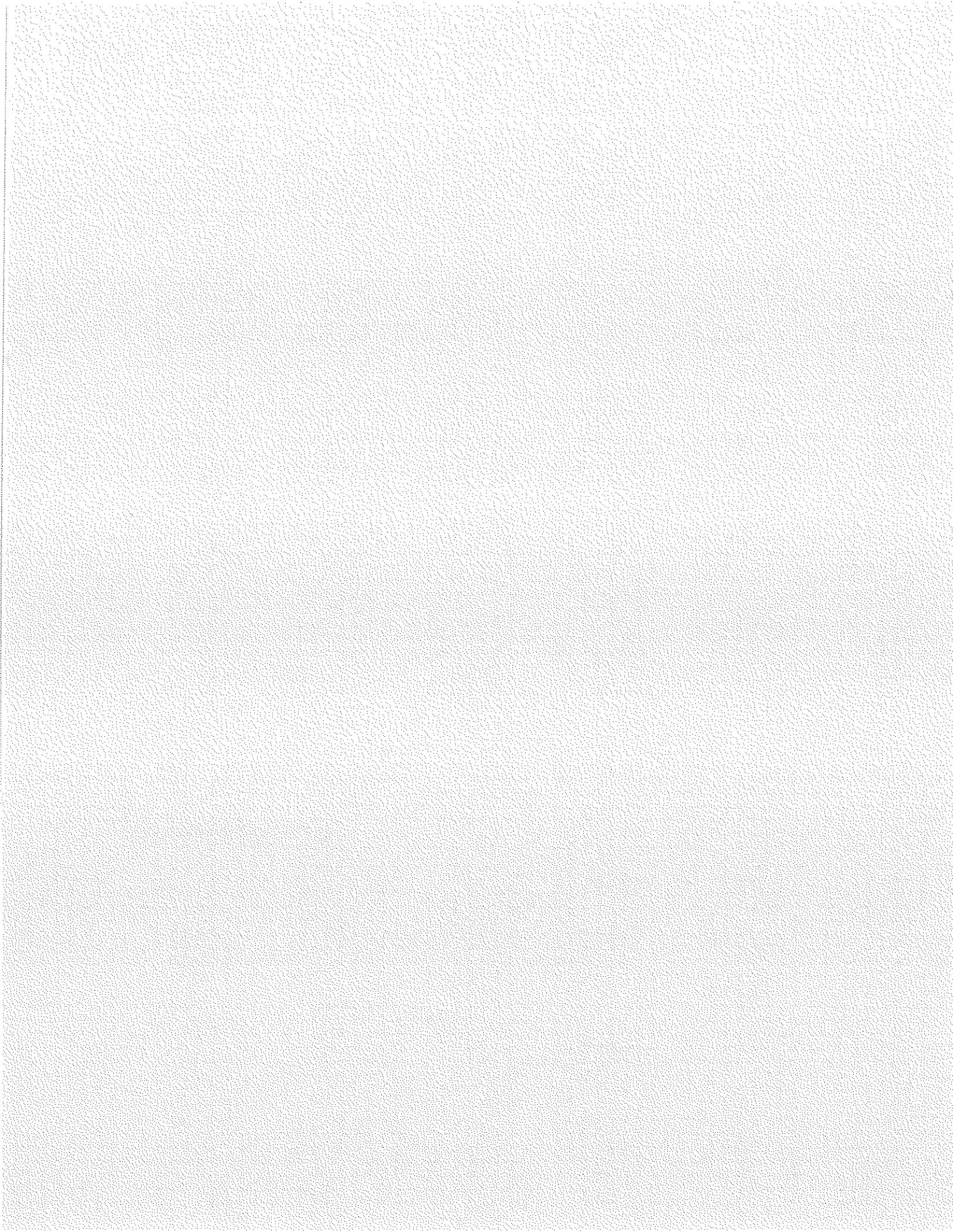
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1.0
INTRODUCTION



CHAPTER 1 INTRODUCTION

This document is the City of Tulare Storm Water Management Program (SWMP). It is intended to outline and direct the City's storm water related priorities and activities for the years 2009 through 2013. It is being submitted as follow up to City of Tulare's Notice of Intent to comply with the terms of the General Permit for storm water discharges from small municipal separate storm sewer systems (MS4s). This SWMP is also subject to revision and evolving over time as Best Management Practices are monitored and adapted to accommodate more effective measures.

The Storm Water Management Plan (SWMP) provides a comprehensive five year plan designed to enhance and protect storm water quality in City of Tulare. The SWMP incorporates measurable goals, control measures and public programs to minimize the amount of pollutants discharged through the storm water system.

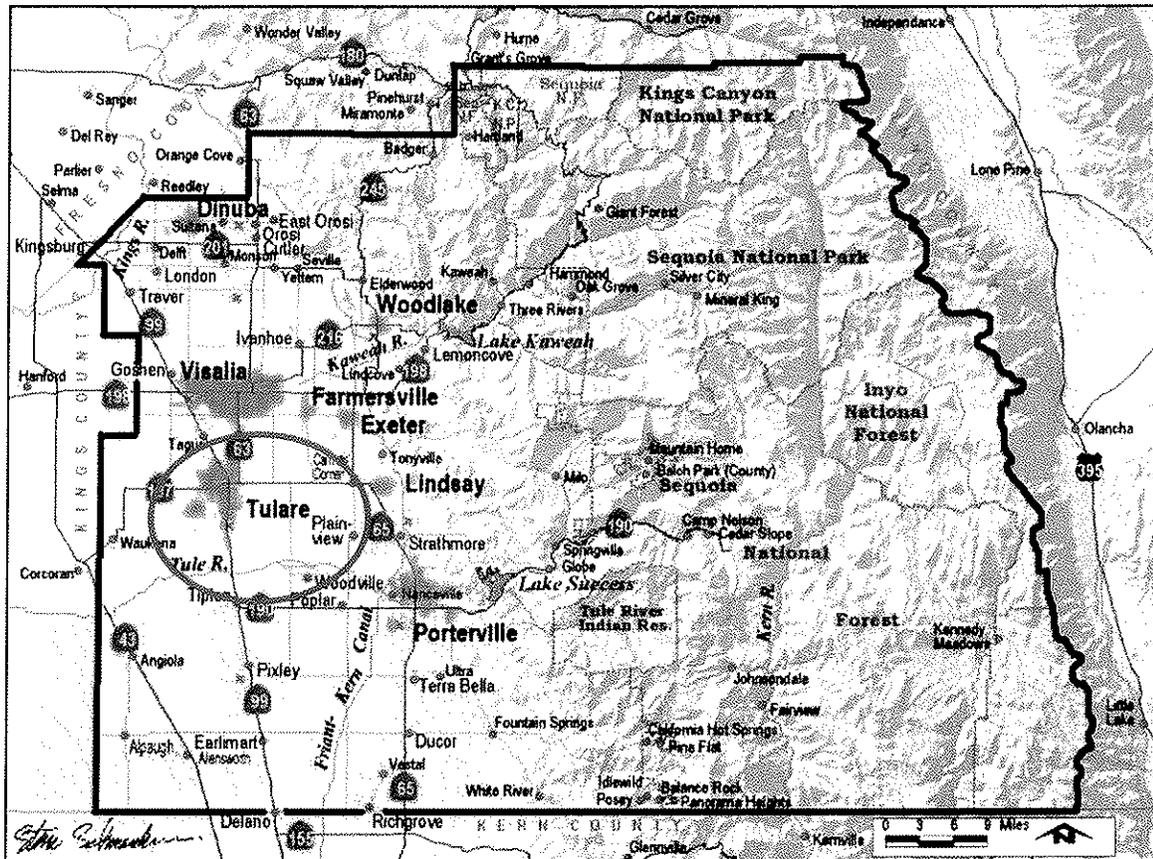
As of March 10, 2003, the City of Tulare was listed as a Small Municipal Separate Storm Sewer System (MS4) under Attachment II of the State's Final NPDES Phase II General Permit. This SWMP was developed in conjunction with the state and federal requirements as part of a National Pollutant Discharge Elimination System (NPDES) Phase II General Permit administered by the State Water Resources Control Board (SWRCB).

1.1 Community Setting

City of Tulare is the second largest city in Tulare County with a population of 52,109 covering 16 square miles according to a 2006 US Census. The main industries of the area are agricultural and industrial agricultural.

Geographically, the City sits on an alluvial fan with poorly-defined drainage. The area consists primarily of level lowlands, characteristic of the Central Valley. The City's average elevations are just under 300 feet above sea level.

Rainfall for the area averages approximately 10.5 inches per year. The wet season generally includes the months of October through April with very rare snowfall in the valley. This region frequently experiences extended periods of drought, especially during the months of June through August. Although there is no major natural waterway near the City, the local agricultural fields in and around the City are watered through a system of irrigation canals operated by the Tulare Irrigation District.



1.2 Storm Water Management Plan Outline

Chapter 1 – Introduction. This section provides the origin of the SWMP, an introductory outline, a geographical setting, and a brief summary of City of Tulare’s Storm Water Management Action Plan.

Chapter 2 – Program Requirements. This section provides the regulatory context and requirements of the SWMP as part of the State’s Phase II NPDES General Permit, a brief summary of the existing storm water system, and a preliminary timeline for submittal, adoption, and implementation of the SWMP and NPDES Phase II Permit.

Chapter 3 – SWMP Minimum Control Measures and Best Management Practices (BMP). This section defines each minimum control measure as a tool in directing and implementing a functional SWMP. To attain the measurable goals, BMPs have been designed in combination with each MCM. (See Appendix A)

Chapter 4 – MCM-1 Public Education and Outreach The goal of the Public Education and Outreach element is to generate awareness of storm water pollution prevention by educating the general public about the storm drain system and its relationship to the health of local waterways. It is through educational awareness that the City aims to change behavior patterns and establish active participation in water pollution prevention.

Chapter 5 – MCM-2 Public Involvement and Participation The goal of the Public Involvement and Participation program control measure is to raise public awareness about storm water pollution and protection through public involvement in the development meetings, review, and implementation activities of the Storm Water Management Program.

Chapter 6 – MCM-3 Illicit Discharge Detection and Elimination The goal of the illicit discharge detection and elimination program is designed to prevent contamination of ground and surface water by identifying and addressing sources of illegal non-storm water discharges.

Chapter 7 – MCM-4 Construction Site Runoff Controls The goal of the construction site runoff controls program is to establish ordinances specific to construction storm water runoff to compliment storm water regulations currently in place

Chapter 8 – MCM-5 Post-Construction Runoff Controls (Site Planning) The goal of the post-construction runoff controls program is to minimize pollutants resulting from post construction activities through advanced planning and design.

Chapter 9 – MCM-6 Pollution Prevention and Good Housekeeping The goal of the pollution prevention and good housekeeping program is to evaluate current operation and maintenance activities of the City for ways to reduce risk of negative water quality impacts.

1.3 Storm Water Management Action Plan Process

The City worked with their consultant, Quad Knopf, to develop a Citywide storm water management plan. In the initial development stages, the consultant and City staff met to review the requirements and background of the NPDES Permit, and the requirements that would be imposed on the City under such a permit. The Minimum Control Measures were described, along with examples of Best Management Practices related to these Control Measures.

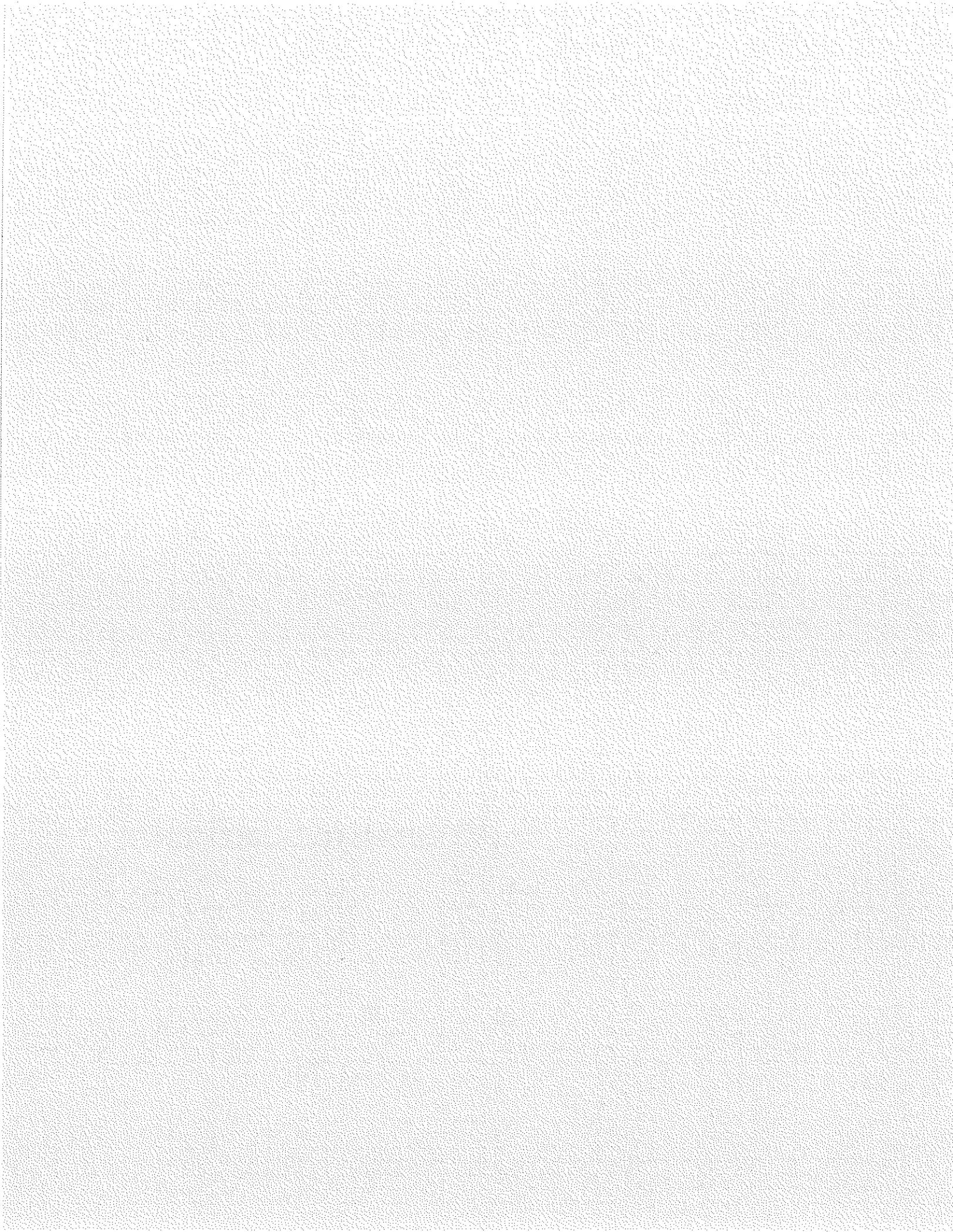
Based on the provided information, City staff was able to identify what programs were already in place and what new programs could be established in order to meet the NPDES Permit requirements. Working with the City and Regional Water Quality Control Board (RWQCB), Quad Knopf organized and strengthened the City programs to meet the Permit requirements and City needs. The SWMP was then distributed to City personnel for their internal review and comment, to the RWQCB for review and comment, and to the public via a public information meeting for presentation of the SWMP. Once all comments have been addressed, the SWMP will be presented to the Tulare City Council for final adoption.

The SWMP development required City staff involvement. The contacts for each department are noted below:

411 East Kern Street
Tulare, California 93274
Phone (559) 685-2300

- Lew Nelson, Public Works Director
- Ken Ramage, Engineering
- Betsy McGovern, Community Development Services
- Mike Miller, Transportation
- Mark Kielty, Planning

2.0
PROGRAM REQUIREMENTS



CHAPTER 2 PROGRAM REQUIREMENTS

2.1 *Regulatory Background*

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act) was amended to provide that discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the CWA added Section 402, which established a framework for regulating storm water discharges under the NPDES Program. Subsequently, in 1990, the United States Environmental Protection Agency (U.S. EPA) promulgated regulations for permitting storm water discharges from industrial sites (including construction sites that disturb five acres or more) and from municipal separate storm sewer systems (MS4s) serving a population of 100,000 people or more. These regulations, known as the Phase I regulations, required operators of medium and large MS4s to obtain storm water permits. On December 8, 1999, U.S. EPA promulgated regulations, known as Phase II regulations, requiring permits for storm water discharges from small MS4s and from construction sites disturbing between 1 and 5 acres of land.

The State Water Resources Control Board (SWRCB) has designated the City of Tulare as being subject to compliance with the Phase II regulations, pursuant to Attachment 1 of the SWRCB General Permit.

The Phase II program expands the Phase I program by requiring, through the use of NPDES permits, operators of small MS4s and operators of small construction sites to implement programs and practices to control polluted storm water runoff. A small MS4 is one that serves fewer than 100,000 residents.

A MS4 is a conveyance or system of conveyances, including roads with drainage systems, curbs, gutters, drainage inlets, storm drains, ditches and channels used for collection or conveying storm water and runoff.

Federal regulations allow two permitting options for storm water discharges, (individual permits and general permits). The SWRCB elected to adopt a statewide general permit for small MS4s in order to efficiently regulate numerous storm water discharges under a single permit. In certain situations a storm water discharge may be more appropriately and effectively regulated by an individual permit, a region-specific general permit, or by inclusion in an existing Phase I permit. In these situations, the Regional Water Quality Control Board (RWQCB) will direct the small MS4 operator to submit the appropriate application, in lieu of a Notice of Intent to comply with the terms of a General Permit.

In consultation with Region 5 (Fresno Office) RWQCB staff, it has been determined that City of Tulare compliance with Phase II regulations can be accomplished under the General Permit.

The SWMP requires that Minimum Control Measures (MCMs) are implemented in the following six categories:

- Public Education and Outreach on Storm Water Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post Construction Storm Water Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations.

The Storm Water Management Plan is also subject to change and will evolve over time as Best Management Practices are monitored and adapted to accommodate new measures.

Each of these MCMs, or program elements, are to be implemented by applying one or more Best Management Practice (BMP) designed to protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy the requirements of the Clean Water Act.

2.2 SWMP History and Goals

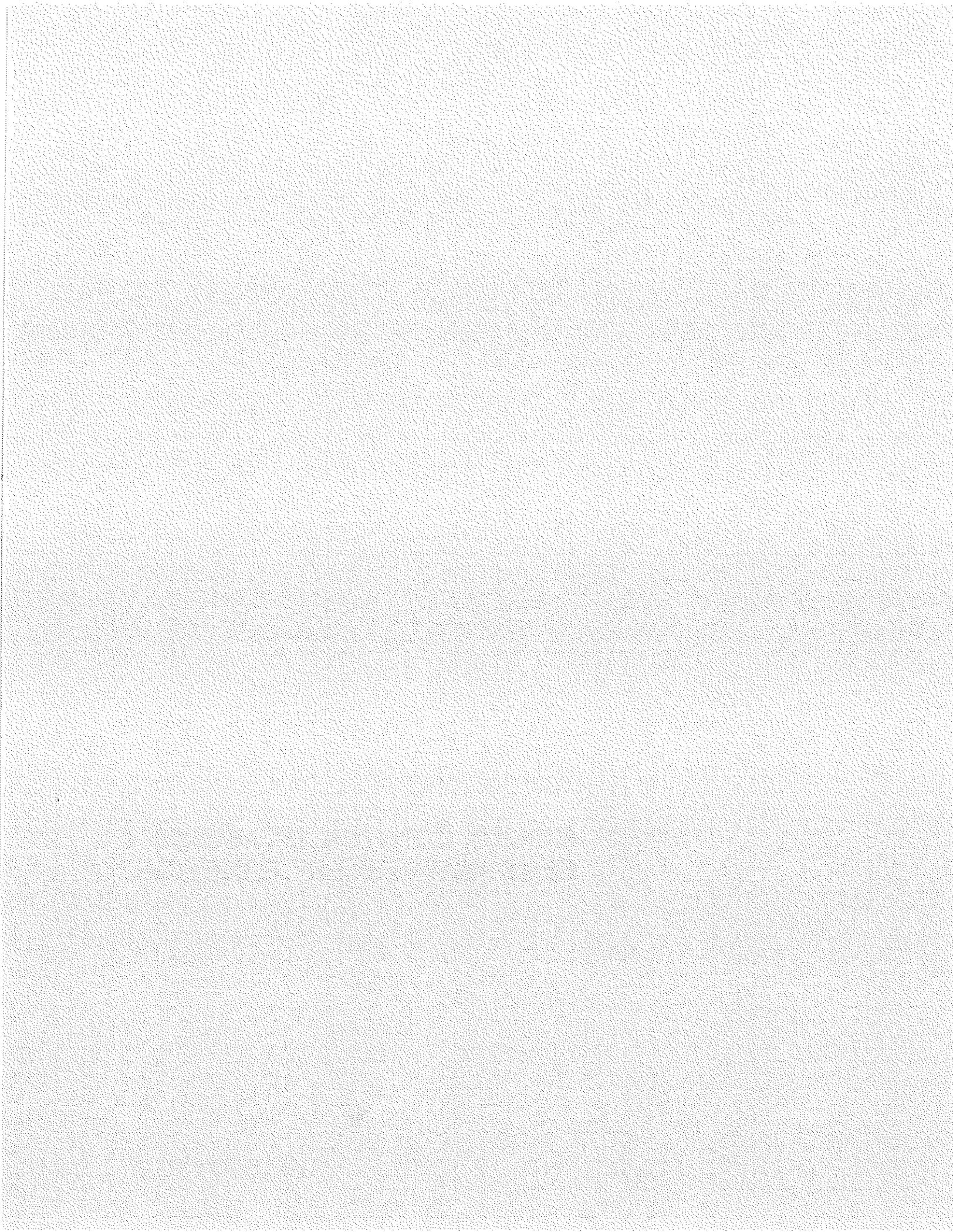
The City relies heavily on water resources to maintain a viable agricultural economy. Efforts to manage storm water runoff have been made both directly and indirectly through existing storm water management tools. Throughout the development of the SWMP various discoveries were found on current storm water Best Management Practices (BMPs).

The City will use the existing storm water management activities that are incorporated in the Storm Drain Master Plan. Additional BMPs will be incorporated to accompany the Phase II Minimum Control Measures and increase the level of storm water protection. The SWMP is a working, living document intended to update the existing Storm Drain Master Plan. This SWMP will assist, direct, and support City staff with implementing best management practices to protect storm water quality.

The SWMP is to be effective when the RWQCB approves this plan. Staff will be able to coordinate and develop most requirements within the first four years of the SWMP term. During the first year, the City will continue to apply their existing storm water protection activities and initiate a report that includes site assessments relative to implementation of BMPs. New BMPs will be explored to their maximum potential to determine if they are satisfactory in reducing storm water pollution. Once they are set in place, their financial impacts will be examined. City of Tulare will then evaluate the impacts of each BMP on an annual basis through findings that determine feasibility and modifications to the current budget and staffing.

Measures of BMP effectiveness may begin once each BMP is implemented and/or functional. An annual report prepared by the Storm Water Pollution Prevention Team shall include findings which evaluate each BMP's effectiveness. The report shall review all aspects of current State and Federal Regulations against those applied to the SWMP, and outline necessary alterations to the SWMP. By the end of the five-year permit term, the City anticipates having a comprehensive, practical, and effective SWMP that may be utilized to begin the next five-year term under NPDES permit regulations.

3.0
SWMP MINIMUM CONTROL MEASURES &
BEST MANAGEMENT PRACTICES



CHAPTER 3 SWMP MINIMUM CONTROL MEASURES AND BEST MANAGEMENT PRACTICES

3.1 Minimum Control Measures (MCM)

The State General Permit requires that a SWMP be developed addressing the following six program areas, Minimum Control Measures (MCMs):

- Public Education and Outreach on Storm Water Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post Construction Storm Water Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations.

Each of these MCMs, or program elements, is to be implemented by applying one or more Best Management Practices (BMPs), establishing measurable goals, and setting timetables for implementation.

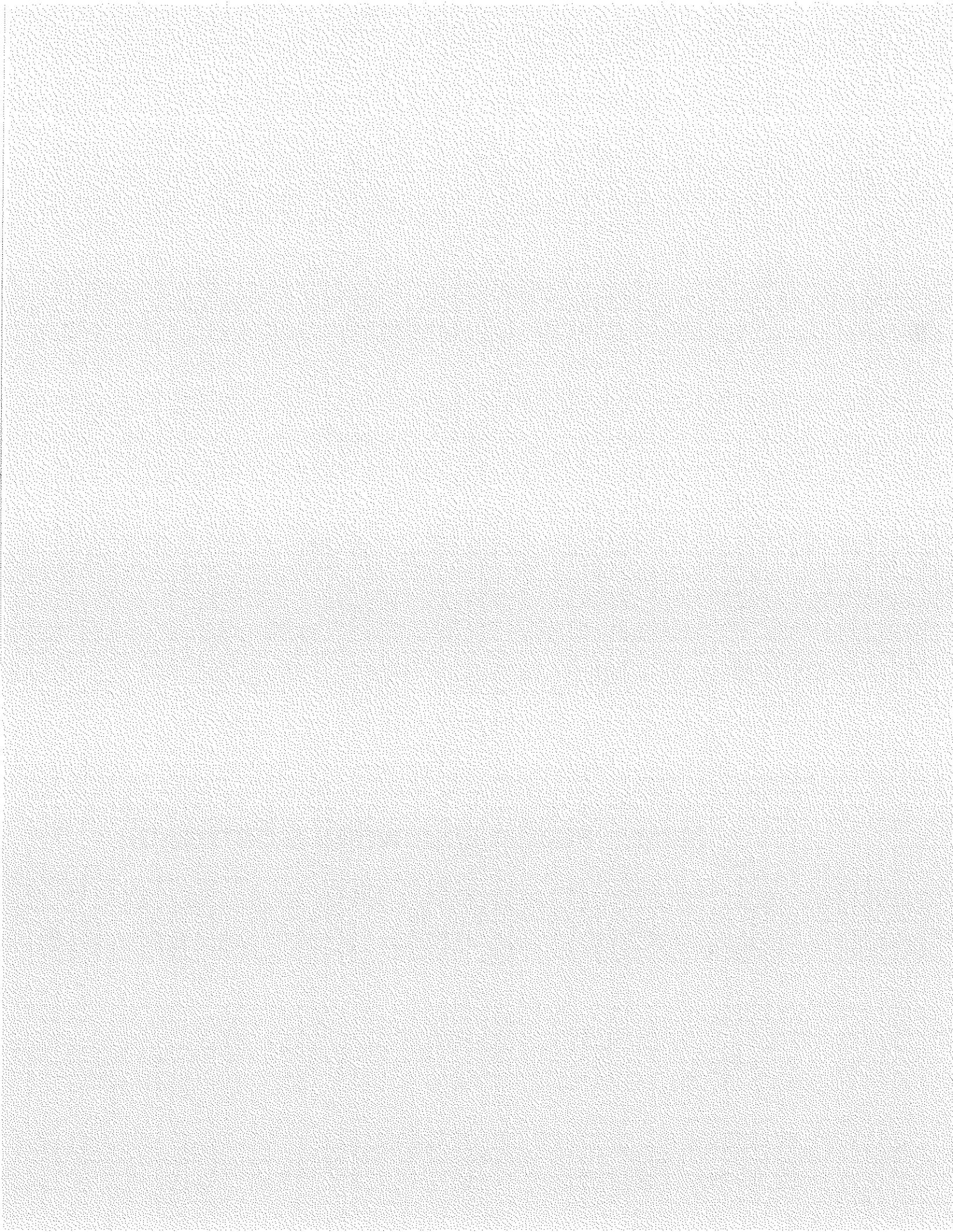
3.2 Best Management Practice (BMP)

Best Management Practices (BMPs) are designed to protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy the requirements of the Clean Water Act. The BMPs selected represent viable activities specific to the City of Tulare's needs that are designed to both meet their associated MCM and keep within the City's budget and staff limitations in order to comply with the Permit requirements.

Although some BMPs outlined are not easily quantifiable or predictable, a concerted effort has been made toward developing ways to measure their effectiveness.

The following sections outline each MCM and their associated BMPs by providing a description of the specific activities, measurable goals, and implementation timetables. In addition, a summary of all MCMs and their associated BMPs are provided in table form at the end of each section.

4.0
MCM-1: PUBLIC EDUCATION & OUTREACH



CHAPTER 4 MCM-1 PUBLIC EDUCATION AND OUTREACH

Summary of Regulatory Requirements:

The City 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.

The Public Education and Outreach element is the cornerstone of the City of Tulare's Storm Water Management Program. Whether dealing with the general public, agri-business, local industries, developers, or City officials and departments, the goal of the Public Education and Outreach element is to generate awareness of storm water pollution prevention by educating people about the storm drain system and its relationship to the health of local waterways. It is through educational awareness that the City aims to change behavior patterns and establish active participation in water pollution prevention.

Storm water education starts with a well-thought-out and well-developed outreach plan. The outreach plan must identify goals and objectives, classify the target audience, identify the message to be conveyed, and explain how the message will be distributed to the audience.

In addition to general public education, the City has also identified the following target groups for more specific storm water education and outreach.

- Homeowners
- Restaurant/Commercial property owners
- Construction Sites

These target groups have been identified to help specifically address the areas of the dumping of garbage and hazardous waste into the storm drain system, proper disposal of oil, grease, and construction materials, and for maintaining compliance with the NPDES rules and regulations.

In order to increase the effectiveness of the Public Education and Outreach program and to avoid duplication of effort, the City has planned cooperative efforts with other local agencies and community stakeholders with the assistance of Tulare County Association of Governments (TCAG) to coordinate storm water education efforts. The City is also working to establish more specific storm water ordinances and provide a centralized location to address storm water needs and concerns. All implementation methods will be evaluated annually throughout the permit term to evaluate effectiveness and identify areas of improvement.

4.1 BMP 1-1, Coordinate Media and Outreach Efforts

IMPLEMENTATION DETAILS

The City shall coordinate with other local agencies and stakeholders to enhance the effectiveness of the storm water program. The City will work with the Tulare County Association of Governments (TCAG) in the publication of educational storm water spots on radio, television, internet, and print media. Coordination efforts will also be made for joint public presentations and booth representation at local community events.

Coordination of outreach efforts is currently underway between local agencies, stakeholders, and TCAG.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Establish a written agreement through TCAG with local agencies for a public storm water education and outreach program that will set up the following:
 - A set number of joint spots in radio, TV, and print per year.
 - A linked internet resource between agencies on various local storm water programs.
 - A set number of events for joint booth representation per year.
 - A set number of joint public presentations per year.

This BMP focuses on the establishment of the joint agreements for items listed above. The specific numbers of items, such as advertisements made or events held, will be determined through the joint effort of the local agencies. (Year 1)

2. Meet with TCAG and other local agencies to evaluate and revise, as necessary, the joint efforts placed towards a public storm water education and outreach program. (Years 2 and 4)

4.2 BMP 1-2, Brochure Education Program

IMPLEMENTATION DETAILS

In coordination with TCAG and other local agencies, the City will produce and distribute five different brochures. One brochure will be "Protect Your Water", general storm water information, and will be intended for public distribution. The other brochures will include the following:

- "Home Owners Guide";
- "Restaurant/Commercial Guide";
- "Automotive Guide"; and,
- "Construction Site Storm Water Runoff Control Guide".

The brochures listed above will target more specific activities known to contribute storm water pollutants and be distributed to the appropriate user groups. The "Home Owners Guide" will focus on reduction of pollutants such as fertilizers, animal wastes, green waste, and vehicle wash water. The "Restaurant/Commercial Guide" will focus on reduction of pollutants such as gray water, litter, grease, and cleaning agents. The "Automotive Guide" will focus on the reduction of pollutants such as vehicle fluids, waste oil, and batteries. The "Construction Site Storm Water Runoff Control Guide" will focus on the reduction of pollutants such as sediment, litter, paints, solvents, cement/concrete wash-outs, and equipment fluids.

The brochures will be provided in both English and Spanish and updated as necessary to provide accurate, up-to-date information.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Design and produce the five brochures for public distribution. (Year 1)
2. Provide the "Protect Your Water" to government offices and make available at front desks for public distribution. (Years 2-5)
3. Distribute the "Protect Your Water" on an ongoing basis at appropriate public events and upon request. (Years 2-5)
4. Distribute the "Protect Your Water" to City parks for posting or distribution. (Years 2-5)
5. Distribute the "Home Owners Guide" brochures to 100% of the City residences; mail with water utility bills. (Years 2 and 4)
6. Distribute the "Home Owners Guide" brochures on an ongoing basis as individuals request utility service connection and as a response to telephone and email inquiries. (Years 2-5)
7. Distribute the "Restaurant/Commercial Guide" and "Automotive Guide" brochures to 100% of inspected facilities via applicable business inspections. (Years 2-5)
8. Distribute the "Construction Site Storm Water Runoff Control Guide" brochures to 100% of contractors requesting construction permits from the City. (Years 2-5)
9. Working with local retailers, such as auto supply and general merchandise stores, for counter displays for general storm water flyers. (Years 3-5)
10. Keep track of the number of brochures distributed each year and to which group, i.e. restaurants, residences. (Years 2-5) ♦ (See BMP 3-7)
11. Keep track of the amount of collected material at each of the recycling facilities in the City to determine the effect of the Public Outreach and Education Program. (Years 2-5) ♦ (See BMP 3.7)

4.3 BMP 1-3, Storm Water Website

IMPLEMENTATION DETAILS

The City will create a website with storm water outreach materials for the public. The website will include details of the City's storm water management program and other local storm water resources available. All public documents relating to storm water will also be made available on the site, such as the Storm Water Management Plan, Annual Reports, and Water Board Comments. Contact information (phone number and email) for all applicable City Staff

including the City's Storm Water Hotline will be included on the website, enabling the public an opportunity to communicate their concerns, questions, and viewpoints regarding the City's SWMP and associated storm water management policies.

The website information will be developed with coordinated efforts with other local agencies and TCAG for storm water. The City will maintain the website through their Storm Water department and update it as necessary.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Update current City website with essential storm water information. This includes the Storm Water hotline number, appropriate storm water management contact information, and Water Board approved the City of Tulare's SWMP. (Year 1)
2. Utilize the "stat counter" function to track visitor use of the website and to indirectly measure annual effectiveness of storm water public education efforts through the web. (Years 1-5)
3. Keep track of the number of public comments received and document all City responses. (Years 1-5) ♦ (See BMP 3-7)
4. Create new City website specifically geared towards providing storm water information to the general public. It will include storm water program information, contact information, reference documents and hyperlinks to local resources, and the ability to obtain public comments and opinions. (Year 2)
5. Publish the City Website on all storm water program materials. (Years 2-5)
6. Incorporate storm water polling questions and a hyperlink to a public comment form into the homepage of the website to better assess the public's opinion of storm water management with the City. (Years 3-5)
7. Update the website as needed. Review content for accuracy and applicability. (Years 3-5)

4.4 BMP 1-4, Community Parks within the City

IMPLEMENTATION DETAILS

The City will utilize the City park system as a venue for public outreach by being an example of proper storm water management. This includes monitoring the City park irrigation systems for over watering that can contribute to increases soil runoff. In conjunction with BMP 2-1, the City will distribute or post information regarding storm water protection. Additionally, in an effort to reduce storm water contaminates, the City will investigate providing plastic bags for pet waste collection at parks that allow dogs. Pet waste that is improperly disposed of can result in the transfer of associated pathogens to the City MS4 via landscaping irrigation and storm water runoff.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Perform annual inspections of City park irrigation systems. Keep records and make irrigation system adjustments as necessary. (Years 1-5)
2. Investigate providing pet waste bags at City Parks. (Year 2)
3. Provide "Protect Your Water" pamphlets at park events for distribution (Years 1-5).
4. Keep track of pamphlets supplied and distributed. (Years 1-5) ♦ (See BMP 3-7)

4.5 BMP 1-5, Participation Booth Local Events

IMPLEMENTATION DETAILS

In coordination with TCAG, the City will work with other local agencies to provide a booth at local and regional events to educate the public regarding the local storm drain systems and the impacts of pollutants. The booth will provide information on local storm water programs, provide educational materials regarding storm water protection, and include public survey/evaluation forms to gather and access public comment.

Locations and frequency of participation in local events is being determined through BMP 1-1. The County Fair, Citywide events, and local earth day celebrations are prime candidates. The educational pamphlets are covered through BMP 1-2.

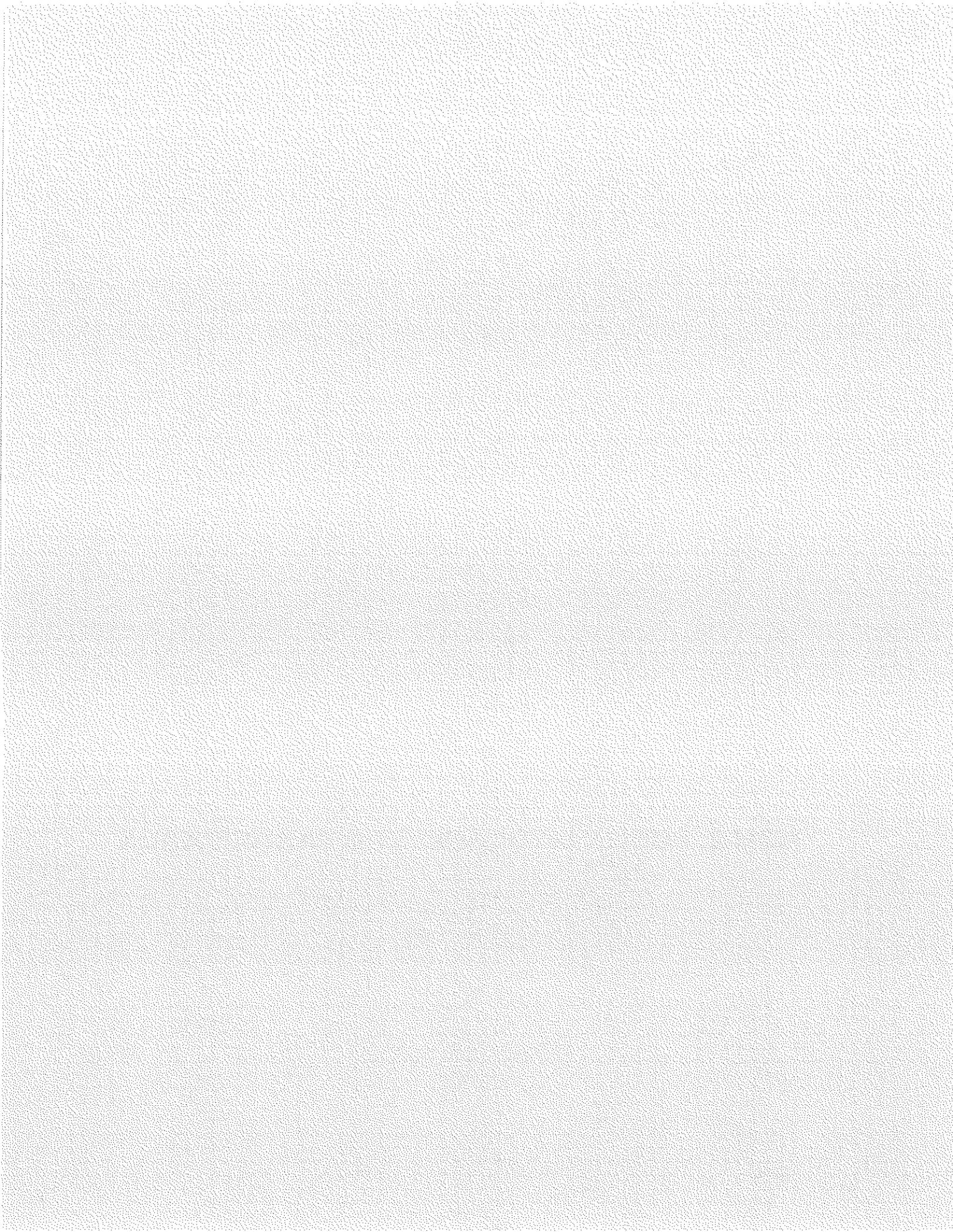
IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Participate, at minimal annually, in public events with an informational booth in conjunction with efforts made in BMP 1-1. (Years 1-5)
2. Distribute storm water informational brochures in conjunction with efforts made in BMP 1-2. (Years 1-5)
3. Provide public survey/evaluation forms at booth events that will help evaluate effectiveness of the storm water education program. (Years 1-5)
4. Keep track of events attended, amount of flyers distributed, and number of people visiting booth. (Years 1-5) ♦ (See BMP 3-7)

**Table 4-1
MCM-1, Public Education and Outreach**

No.	BMP	Description	Measurable Goals	Dept./Contact	Year					
					1	2	3	4	5	
1-1	Coordinate Media and Outreach Efforts	The City shall coordinate with other local agencies and stakeholders to enhance the effectiveness of the storm water program. The City shall work with the Tulare County Association of Governments (TCAG) in the publication of educational storm water spots on radio, television, internet, and print media. Coordination efforts will also be made for joint public presentations and booth representation at local community events.	<ol style="list-style-type: none"> Establish a written agreement through TCAG with local agencies for a public storm water education and outreach program that will have a set up the following: <ul style="list-style-type: none"> A set number of joint spots in radio, TV, and print per year. A linked internet resource between agencies on various local storm water programs. A set number of events for joint booth representation per year. <p>This BMP focuses on the establishment of the joint agreements for items listed above. The specific numbers of items, such as advertisements made or events held, will be determined through the joint effort of the local agencies.</p> <ol style="list-style-type: none"> Meet with TCAG and other local agencies to evaluate and revise, as necessary, the joint efforts placed towards a public storm water education and outreach program. 	Public Works/ Lew Nelson (559) 684-4318	X					
1-2	Brochure Education Program	In coordination with TCAG and other local agencies, the City will produce and distribute five different brochures. One brochure will be "Protect Your Water", general storm water information, and will be intended for public distribution. The other brochures will target more specific activities known to contribute storm water pollutants and be distributed to the appropriate user groups.	<ol style="list-style-type: none"> Design and produce the five brochures for public distribution. Provide the "Protect Your Water" to government offices and make available at front desks for public distribution. Distribute the "Protect Your Water" on an ongoing basis at appropriate public events and upon request. Distribute the "Protect Your Water" to City parks for posting or distribution. Distribute the "Home Owners Guide" brochures to 100% of the City residences; mail with water utility bills. Distribute the "Home Owners Guide" brochures on an ongoing basis as individuals request utility service connection and as a response to telephone and email inquiries. Distribute the "Restaurant/Commercial Guide" and "Automotive Guide" brochures to 100% of inspected facilities via applicable business inspections. 	Public Works/ Lew Nelson (559) 684-4318 & TCAG/Marvin Demers, (559) 733-6653 x.4886	X	X	X	X	X	X

5.0
MCM-2: PUBLIC INVOLVEMENT & PARTICIPATION



CHAPTER 5 MCM-2, PUBLIC INVOLVEMENT AND PARTICIPATION

Summary of Regulatory Requirements:

The City must, at a minimum, comply with state, and local public notice requirements when implementing a public involvement/ participation program.

The goal of the Public Involvement and Participation program control measure is to raise public awareness about storm water pollution and protection. Ultimately, this should lead to the reduction of discharge of pollutants in the storm water system. The City plans to accomplish this through public involvement in the development meetings, review, and implementation activities of the Storm Water Management Program.

The City believes active and involved community is crucial to the success of a Storm Water Management Program because it encourages the following:

- Broader public support. Citizens who participate in the development and decision-making process feel partially responsible for the program and are less likely to raise legal challenges and more likely to take an active role in program implementation;
- Shorter implementation schedules due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers;
- A broader base of expertise and economic benefits since the community can be a valuable, and free, intellectual resource; and,
- A conduit to other programs, as citizens involved in the storm water program process provides important cross-connections and relationships with other community and government programs.

5.1 BMP 2-1, Public Development Process

IMPLEMENTATION DETAILS

The development and implementation of the SWMP shall be an open process available for public review and comment. The City shall follow all state and local requirements regarding public notices, public meetings and the availability of all documents of public record.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. The City shall post public meeting notices prior to public meetings in compliance to current local and state regulations. This includes notifying a list of interested stakeholders developed by participating members of the public. (Years 1-5)
2. The City shall make available all storm water documents for comment and review. This includes, but is not limited to, agendas, minutes, and the Storm Water Management Plan. (Years 1-5)

5.2 BMP 2-2, Public Stakeholders Meeting

IMPLEMENTATION DETAILS

In order to allow public participation in the development and refinement of the City's SWMP, the City will work with interested stakeholders, local agencies, and TCAG to provide public forums for discussion.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. The City shall have a public meeting allowing for public comment and participation on the SWMP. An annual stakeholders meeting shall be held during the first two years focusing on development and refinement of the SWMP. Every other year thereafter, review meetings shall be held to evaluate effectiveness of the programs in place. (Years 1, 2, 4)
2. Develop a list of interested parties based on the attendance of these meetings and from individual inquiries. This list will be used to keep those interested updated on SWMP developments and activities. (Years 1-5)
3. Keep track of meeting attendance to help gauge public interest and effectiveness of this BMP. (Years 1-5) ♦ (See BMP 3-7)
4. Keep track of all public meetings and comments to aid in the development and refinement of the SWMP. (Years 1-5) ♦ (See BMP 3-7)

5.3 BMP 2-3, Coordinate Development and Implementation Programs

IMPLEMENTATION DETAILS

The City shall work with the TCAG to coordinate joint meetings with other local agencies and stakeholders to discuss development and implementation methods of the SWMP. The goal is that through discussion more effective and consistent programs can be developed between the various governing agencies. This will not only ease enforcement of the SWMP goals, it will also ease compliance by those working across jurisdictional lines. Especially since the City remains responsible for compliance with the General Permit even if the separate implementing entities within the City fail to implement control measures.

Coordination of outreach efforts is currently underway between local agencies, stakeholders, and TCAG.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. The City shall meet with local agencies and TCAG twice during the first year to focus on development and refinement of the SWMP. (Year 1)
2. The City shall meet with TCAG and other local agencies to evaluate and revise, as necessary, the joint efforts placed towards a public storm water education and outreach program. (Years 2 and 4)
3. Keep track of meeting attendance to help gage outside agency participation and effectiveness of this BMP. (Years 1-5) ♦ (See BMP 3-7)
4. Keep records of all meetings and comments to aid in the development and refinement of the SWMP. (Years 1-5) ♦ (See BMP 3-7)

5.4 BMP 2-4, Storm Drain Stenciling

IMPLEMENTATION DETAILS

The goal of the Storm drain stenciling program is to remind the general passer-by public that the storm drains connect to local water bodies and that dumping pollutes those waters. Storm drain stenciling involves labeling storm drain inlets with placards or painted messages warning citizens not to dump pollutants into the drains. Commonly stenciled messages include: "No Dumping. Drains to named water source," "Drains to River," "You Dump It, You Drink It," and "No Waste Here." The City's storm drains are not presently stenciled.

The City will organize stenciling of all existing storm drain inlets through collaboration with either City staff or volunteer groups in cooperation with staff. The City will work towards requiring stenciling of newly constructed storm drains within the City.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Identify and prioritize the storm drain inlets within the City to be stenciled that will have the most impact on the local communities. Develop a stenciling schedule and plan to address 100% of the storm drain inlets within the City over the next 10 years. (Year 1)
2. Implement stenciling program including the participation of the public and local service organizations. Include an educational presentation on the importance of protecting our groundwater. (Years 2-5)
3. Keep track of meeting attendance to help gage public participation and effectiveness of this BMP. (Years 2-5) ♦ (See BMP 3-7)
4. Keep track of the storm drain inlets stenciled and update the schedule and plan as needed. (Years 2-5) ♦ (See BMP 3-7)
5. Develop ordinance to require the developer will stencil drain inlets as part of any new City approved project. This would serve as an education tool for the developers and their staff. (Years 1-5)

5.5 BMP 2-5, Creek Clean-up Program

IMPLEMENTATION DETAILS

The City shall work with local service organizations to implement a City public creek clean-up program. The goal of the program is to minimize the amount of trash and materials collected in the City's creek systems. Consequently, this action provides three benefits:

- Minimizes the amount of hazardous materials and possible pollutants that can enter the ground water system.
- Avoids reduction of creek capacity and flow that can cause flooding and thereby increase pollutant runoff.
- Increases public ownership in City creeks through participation.

The City will also study the feasibility of widening existing creeks to their historical width to aid in flood and maintenance concerns.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Identify creeks within the City that are at risk or most in need of clean-up. Develop a clean-up schedule and plan to address 100% of the creeks within the City. (Year 1)
2. Implement creek clean-ups days including the participation of the public and local service organizations. Include an educational presentation on the importance of protecting our groundwater. (Years 2-5)
3. Keep track of meeting attendance to help gauge public participation and effectiveness of this BMP. (Years 2-5) ♦ (See BMP 3-7)
4. Keep track of the amount and type of trash collected to help identify common pollutants and in the future minimize them. (Years 2-5) ♦ (See BMP 3-7)
5. Conduct a feasibility study on the possibility of future creek widening efforts. (Year 3)

Table 5-1

MCM-2, Public Involvement and Participation

No.	BMP	Description	Measurable Goals	Dept./ Contact	Year				
					1	2	3	4	5
2-1	Public Development Process	The development and implementation of the SWMP shall be an open process available for public review and comment. The City shall follow all state and local requirements regarding public notices, public meetings and the availability of all documents of public record.	<ol style="list-style-type: none"> The City shall post public meeting notices prior to public meetings in compliance to current local and state regulations. This includes notifying a list of interested stakeholders developed by participating members of the public. The City shall make available all storm water documents for comment & review. Including, but is not limited to, agendas, minutes, & the Storm Water Management Plan. 	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X
2-2	Public Stakeholders Meeting	In order to allow public participation in the development and refinement of the City's SWMP, the City will work with interested stakeholders, local agencies, and TCAAG to provide public forums for discussion.	<ol style="list-style-type: none"> The City shall have a public meeting allowing for public comment and participation on the SWMP. An annual stakeholders meeting shall be held during the first two years focusing on development and refinement of the SWMP. Every other year thereafter, review meetings shall be held to evaluate effectiveness of the programs in place. Develop a list of interested parties based on the attendance of these meetings and from individual inquiries. This list will be used to keep those interested updated on SWMP developments and activities. Keep track of meeting attendance to help gauge public interest and effectiveness of this BMP. ♦ Keep records of all public meetings and comments to aid in the development and refinement of the SWMP. ♦ 	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X
2-3	Coordinate Development & Implementation Programs	The City shall work with the TCAAG to coordinate joint meetings with other local agencies and stakeholders to discuss development and implementation methods of the SWMP. The goal is that through discussion more effective and consistent programs can be developed between the various governing agencies.	<ol style="list-style-type: none"> The City shall meet with local agencies and TCAAG twice during the first year to focus on development and refinement of the SWMP. The City shall meet with TCAAG and other local agencies to evaluate and revise, as necessary, the joint efforts placed towards a public storm water education and outreach program. Keep track of meeting attendance to help gauge outside agency participation and effectiveness of this BMP. ♦ Keep track of all meetings and comments to aid in the development and refinement of the SWMP. ♦ 	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X

City of Tulare

Storm Water Management Plan

January 2009

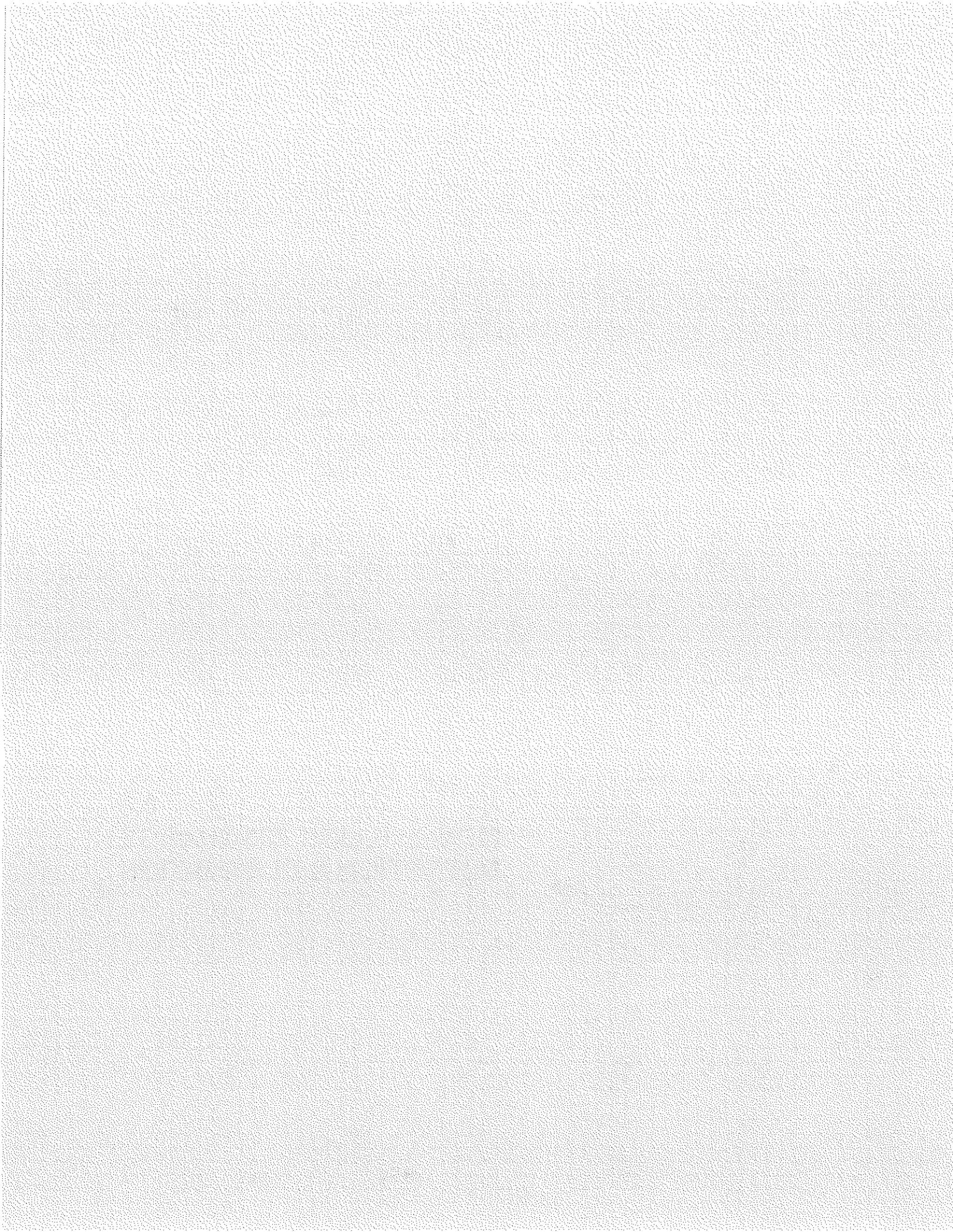
Table 5-1

MCM-2. Public Involvement and Participation

No.	BMP	Description	Measurable Goals	Dept./ Contact	Year					
					1	2	3	4	5	
2-4	Storm Drain Stenciling	The goal of the Storm drain stenciling program is remind the general public passing by that the storm drains connect to local water bodies and that dumping pollutes those waters.	<ol style="list-style-type: none"> Identify and prioritize the storm drain inlets within the City to be stenciled that will have the most impact on the local communities. Develop a stenciling schedule and plan to address 100% of the storm drain inlets within the City over the next 10 years. Implement stenciling program including the participation of the public and local service organizations. Include an educational presentation on the importance of protecting our groundwater. Keep track of meeting attendance to help gage public participation and effectiveness of this BMP. ♦ Keep track of the storm drain inlets stenciled and update the schedule and plan as needed. ♦ Develop ordinance to require the developer will stencil drain inlets as part of any new City approved project. This would serve as an education tool for the developers and their staff. 	Public Works/ Lew Nelson (559) 684-4318	X					
2-5	Creek Clean-up Program	The City shall work with local service organizations to implement a City public creek clean-up program. The goal of the program is to minimize the amount of trash and materials collected in the City's creek systems.	<ol style="list-style-type: none"> Identify creeks within the City that are at risk or most need of clean-up. Develop a clean-up schedule and plan to address 100% of the creeks within the City. Implement creek clean-ups days including the participation of the public and local service organizations. Include an educational presentation on the importance of protecting our groundwater. Keep track of meeting attendance to help gage public participation and effectiveness of this BMP. ♦ Keep track of the amount and type of trash collected to help identify common pollutants and in the future minimize them. ♦ Conduct a feasibility study on the possibility of future creek widening efforts. 	Public Works/ Lew Nelson (559) 684-4318	X		X	X	X	X

♦ Denotes item to be tracked in City tracking system as described in BMP 3-7.

6.0
MCM-3: ILLICIT DISCHARGE
DETECTION & ELIMINATION



CHAPTER 6 MCM-3, ILLICIT DISCHARGE DETECTION AND ELIMINATION

Summary of Regulatory Requirements:

The City must:

- *Develop, implement and enforce a program to detect and eliminate illicit discharges into the City's municipal separate storm sewer system (MS4);*
- *Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;*
- *To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the City's MS4 and implement appropriate enforcement procedures and actions;*
- *Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the City's MS4;*
- *Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and*
- *Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if the City identifies them as significant contributors of pollutants to the City's MS4:*

water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

An illicit discharge is defined as any discharge to the municipal separate storm sewer system that is not composed entirely of storm water, except for discharges allowed under an NPDES permit or waters used for firefighting operations. These non-storm water discharges can occur due to illegal connections to the storm drain system from both residential and commercial establishments. As a result of these illicit connections, contaminated wastewater enters into storm drains without receiving treatment from a wastewater treatment plant.

This illicit discharge detection and elimination program is designed to prevent contamination of ground and surface water by identifying and eliminating these illegal non-storm water discharges. The City has undergone a preliminary evaluation of non-storm water discharges or flows to determine the significant contributors.

Currently, the City is confident the following authorized non-storm water discharges are not significant contributors of pollutants: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

This conclusion is based on the fact that numerous BMPs, ordinances, and storm water controls are currently utilized to prevent a significant contribution of pollutants from these activities. The remaining authorized non-storm water discharges identified in the General Permit will require further review and evaluation by the City during the implementation period of the SWMP.

EPA recommends that the plan to detect and address illicit discharges include the following four components:

- Procedures for locating priority areas likely to have illicit discharges;
- Procedures for tracing the source of an illicit discharge;
- Procedures for removing the source of the discharge; and
- Procedures for program evaluation and assessment.

Illicit discharge education actions include storm drain stenciling, programs to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials. These educational items are being addressed in conjunction with other BMPs listed.

6.1 BMP 3-1, City Storm Drainage System Mapping

IMPLEMENTATION DETAILS

The City will develop a storm sewer system map utilizing their GIS system to assist in the monitoring, evaluation, and maintenance of the storm water within the City. The most effective way to develop the maps would be in two phases. This ensures the essential information is collected first and is therefore making the maps usable sooner. Phase 1 of the map development will include the location of all outfalls, identify existing storm water infrastructure, and provide the names and locations of all water of the US that receive these discharges. Phase 2 of the storm sewer system mapping program will include details such as roadside ditches, culverts, and irrigation canals, so that proper maintenance activities can be planned.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Research and collect existing City storm water records. (Year 1)
2. Prepare phase 1 City storm drainage maps. (Year 2)
3. Prepare phase 2 storm drain mapping for entire City. (Year 3)
4. Survey the storm drain system to identify and map outfalls. This newly collected information will be incorporated into the GIS database, and updated annually as a minimum. (Years 1-5)

5. Conduct an annual inspection of identified outfalls during extended dry periods to identify non-storm water discharges and their source. (Years 1-5)

6.2 BMP 3-2, City Storm Drainage System Maintenance Program

IMPLEMENTATION DETAILS

The City intends to implement an MS4 maintenance program with the goal of regular inspection, cleaning, and report of the MS4. Through the MS4 Maintenance Program, the City will investigate, identify, and abate illicit discharges and connections. Records will be kept on any infractions found, noting the site, the infraction, and the upstream source of any pollutant.

Results of this exercise will assist City staff to identify priority watersheds within the City. Priority of watersheds shall be established based on a rating system that considers adjacent urban density, adjacent number of potential pollutant sources, and the number of recent violations found in that area.

Most important will be future prevention of illicit discharges through a combination of education and enforcement to promote better pollution prevention practices. The City plans to implement this program by establishing local legal authority through adoption of a Storm Water Ordinance (see BMP 3-3). To assure efficient use of future City resources, the Utilities Department will assess illicit discharge potentials based on current water quality data and known challenges; historical and current discharge concerns; results of the Business and Industry Inspection Program (see BMP 3-4); and analysis of the data collected for the Storm Drainage Maps (see BMP 3-1).

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Conduct site assessments of MS4 system with the intent to identify maintenance needs, inspect for illicit discharges, and assist with prioritization and allocation of City resources. This includes drainage facility walks along open drainage facilities starting with areas deemed to have the greatest risk of failure or illicit connections. (Years 1-5)
2. Conduct follow-up inspections within one week of reported violations to evaluate discharge abatement efforts; other follow-up inspections will be performed if determined to be necessary by a designated inspector. (Years 1-5)
3. Assess and identify priority watersheds/areas for illicit discharge potential based on latest information from storm water mapping (see BMP 3-1) and data collected through inspections and investigations conducted in Goal 1 of this BMP. Assessments will include feedback from City staff directly responsible for the day-to-day operation of the storm system, storm water monitoring results, and public comments. (Years 1-5)
4. Develop a series of illicit discharge/connection investigation and abatement goals and implementation strategies for use during the first permit cycle. (Year 2)
5. Track the number of illicit discharges and connections detected and their associated corrective actions. (Years 1-5) ♦ (See BMP 3-7)

6.3 BMP 3-3, Storm Water Pollution Prevention Ordinance

IMPLEMENTATION DETAILS

The City shall develop a storm water ordinance with the goal of protecting the City's MS4 from contaminants and the potential thereof by granting access for inspection and establishing enforcement action for non-compliance.

The storm water ordinance is intended to address multiple storm water quality and pollution prevention concerns. The details are further outlined through BMP 4-1.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Draft a Storm Water Pollution Prevention Ordinance which effectively prohibits non-storm water discharges in the City's MS4 and grants the City legal authority to fully implement this SWMP including provisions for a tiered level of enforcement of this program. This is to be done in conjunction with BMP 4-1. (Year 1)

6.4 BMP 3-4, Inspection Procedures

IMPLEMENTATION DETAILS

The City shall prepare inspection procedures focusing on the protection and maintenance of the City's MS4. These procedures shall include a storm water checklist to be developed or incorporated with existing inspection procedures. The information gathered from the checklist information will be used to evaluate and prioritize sites for remediation, maintenance, and/or enforcement action.

The City has identified the following as opportunity areas to implement the storm water inspections:

- Inspection of storm water facilities
- Inspection of irrigation canals
- Inspection of creeks
- Inspection of restaurant facilities
- Inspection of construction sites (See BMP 4-2)

Implementation of this BMP requires coordination with the local irrigation districts, City inspectors and City Health Department.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Develop inspection procedures and checklists to be used during inspection of storm water facilities, irrigation canals, and creeks. (Year 1)
2. In coordination with the Health Department, amend current inspection procedures to include items relating to the protection of storm water. (Year 2)
3. Train staff on the use and implementation of storm water procedures for all inspections. (Year 2)
4. Fully incorporate new storm water procedures with all inspections. (Years 3-5)
5. Record all information from inspections within City database for review and evaluation. (Years 3-5) ♦ (see BMP 3-7)

6.5 BMP 3-5, Illicit Discharge Source Removal

IMPLEMENTATION DETAILS

The City shall prepare illicit discharge source removal procedures focusing on the protection and maintenance of the City's MS4. Once an illicit discharge source is identified, the City intends to notify the responsible party and conduct any applicable enforcement actions. If a situation presents a direct hazard to human health and safety, the City plans to immediately initiate remedial actions to contain the source of illicit discharge at the cost of the responsible party.

The City has identified the following as expected typical sources of illicit discharge:

- Commercial/industrial facility discharges
- Illegal Dumping of Solid Waste (Garbage, furniture, etc.)
- Illegal Dumping of Water Contaminants (Oils, paints, grease, fertilizer, etc.)

Specific source removal procedures will be developed for these areas. A general procedure will also be outlined to cover the sources not mentioned above. All incidents will be tracked on the City database (see BMP 3-7). Additional specific procedures will be produced if records show a warranted need.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Prepare a response plan procedure for illicit discharge from commercial/ industrial facility operations. (Year 1)
2. Prepare a response plan procedure for illegal dumping of solid waste within the City MS4. (Year 1)
3. Prepare a response plan procedure for illegal dumping of water contaminants within the City MS4. (Year 1)
4. Track all incidents of illicit discharge within the City database system (see BMP 3-7) and enforce required remedial actions. (Years 2-5) ♦ (See BMP 3-7)

6.6 BMP 3-6, Storm Water Hotline

IMPLEMENTATION DETAILS

The City will establish a storm water hotline. The goal of this BMP is provide a streamlined means for concerned citizens and agencies to contact the appropriate authority when they see water quality issues. By involving the public in the protection of the storm water, this can aid in the monitoring of the multiple water bodies in the community and be an inexpensive way to catch illegal polluters or to stop accidental spills that might otherwise go unnoticed.

All calls will be logged into a database. If the issues can not be resolved over the phone, a local representative will follow-up with a site visit. If a problem exists and the responsible party can be identified, they are informed of the problem, instructed as to how to resolve the immediate issue, and given alternative for future disposal options. If the issue is not resolved by the responsible party (or the party cannot be identified), action is taken by the proper authority to remediate the situation and prevent future violations.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Establish a storm water hotline number. (Year 1)
2. Publish hotline number in storm water brochures, website, and City directory. (Years 1-5)
3. Track the amount and type phone calls made to help identify common storm water issues and in the future minimize them. (Years 2-5) ♦ (See BMP 3-7)

6.7 BMP 3-7, Storm Water Tracking System

IMPLEMENTATION DETAILS

The City shall develop a tracking system for inspections, violations, remediation actions taken, and public comments. A database or other tracking method provides accountability and a system to track data to measure the effects of the program and display the details related to the elimination of discharge. This tracking system will help establish priority areas of concern based on past compliance of sites, proximity to water sites, topography, public comments, and staff evaluations.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Establish a storm water tracking system or database. (Year 1)
2. Establish a priority ranking system on all the items being monitoring in the City's tracking system. (Year 1)
3. Establish procedures to respond to public comments and complaints. (Year 1)
4. Conduct an annual review of the information collected as part of the assessment to be conducted in BMP 3-2. (Years 2-5)
5. Determine priority areas of concern based on annual review information. (Years 2-5)

6.8 BMP 3-8, City Employee Training Program

IMPLEMENTATION DETAILS

The City shall train the appropriate staff on the proper implementation of the City's Storm Water Management Plan. Training will focus on the overall goals of the program and the specific procedures relating to inspection, detection, remediation, and evaluation. Encouragement of employee recommendations and comments will be made to ensure that the practices implemented are effective in achieving the programs overall goal. The City's pollution prevention program cannot be successful without the support and involvement of the front-line employees and a strong commitment from senior management personnel.

The employee training program will be designed to:

- Instill personnel with an understanding of their role in pollution prevention and the practices and procedures for preventing discharges,
- Ensure strong commitment and periodic input from senior management,
- Communicate timely information to ensure adequate understanding and reinforcement of goals and objectives,
- Utilize the experiences from past spills to prevent future spills,
- Inform employees of BMP monitoring and spill reporting procedures, and
- Develop operating manuals and standard procedures.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Develop a training program to educate employees about storm water management, potential sources of contaminants, and Best Management Practices (BMPs). Essential tasks associated with the implementation of City's Storm Water Management Plan. (Year 1)
2. Conduct bi-annual training of employees on the procedures associated with the SWMP such as inspection, data entry, and response to public complaints. (Years 2 & 4)
3. Evaluate the effectiveness of the training program through employee interviews and review of storm water logs created in BMP 3-7. (Year 5)

**Table 6-1
MCM-3, Illicit Discharge Detection and Elimination**

No.	BMP	Description	Measurable Goals					Dept./ Contact	Year											
			1	2	3	4	5		1	2	3	4	5							
3-1	City Storm Drain System Mapping	The City will develop a storm sewer system map utilizing their GIS system to assist in the monitoring, evaluation, and maintenance of the storm water within the City. The most effective way to develop the maps would be in two phases: Phase 1 – Map Development & Phase 2 – Storm Sewer System Mapping.	1. Research and collect existing storm water records from existing agencies within the City.	2. Prepare phase 1 City storm drainage maps for the areas of Goshen and Strathmore.	3. Prepare phase 1 City storm drainage maps for the areas surrounding Visalia and Porterville.	4. Prepare phase 1 City storm drainage maps for the areas surrounding Tulare, Exeter, and Farmersville.	5. Prepare phase 2 mapping of all City areas.	6. A survey of the storm drain system will be made to identify and map outfalls. This new information collected will be incorporated into the GIS database, and updated annually as a minimum.	7. An annual inspection of identified outfalls will be conducted during extended dry periods to identify non-storm water discharges and their source.	Public Works/ Lew Nelson (559) 684-4318	X									
3-2	City Storm Drainage System Maintenance Program	The City intends to implement an MS4 maintenance program with the goal of regular inspection, cleaning, and report of the MS4. Through the MS4 Maintenance Program, the City will investigate, identify, and abate illicit discharges and connections. Records will be kept on any infractions found, noting the site, the infraction, and the upstream source of any pollutant.	1. Conduct site assessments of MS4 system with the intent to identify maintenance needs, inspect for illicit discharges, and assist with prioritization and allocation of City resources. This includes drainage facility walks along open drainage facilities starting with areas deemed to have the greatest risk of failure or illicit connections. (Years 1-5)	2. Conduct follow-up inspections within one week of reported violations to evaluate discharge abatement efforts; other follow-up inspections will be performed if determined to be necessary by a designated inspector.	3. Assess and identify priority watersheds/areas for illicit discharge potential based on latest information from storm water mapping (see BMP 3-1) and data collected through inspections and investigations conducted in Goal 1 of this BMP. Assessments will include feedback from City staff directly responsible for the day-to-day operation of the storm system, storm water monitoring results, and public comments.						X	X	X	X	X	X	X	X	X	X

**Table 6-1
MCM-3, Illicit Discharge Detection and Elimination**

No.	BMP	Description	Measurable Goals					Dept./ Contact	Year											
			1	2	3	4	5		1	2	3	4	5							
3-2	City Storm Drainage System Maintenance Program		4.	Develop a series of illicit discharge/connection investigation and abatement goals and implementation strategies for use during the first permit cycle.																
			5.	Track the number of illicit discharges and connections detected and their associated corrective actions. ♦																
3-3	Storm Water Pollution Prevention Ordinance	The City shall develop a storm water ordinance with the goal of protecting the City's MS4 from contaminants and the potential thereof by granting access for inspection and establishing enforcement action for non-compliance.	1.	Draft a Storm Water Pollution Prevention Ordinance which effectively prohibits non-storm water discharges in the City's MS4 and grants the City legal authority to fully implement this SWMP including provisions for a tiered level of enforcement of this program. This is to be done in conjunction with BMP 4-1.			Public Works/ Lew Nelson (559) 684-4318													
3-4	Inspection Procedures	The City shall prepare inspection procedures focusing on the protection and maintenance of the City's MS4.	1.	Develop inspection procedures and checklists to be used during inspection of storm water facilities, irrigation canals, and creeks.			Public Works/ Lew Nelson (559) 684-4318													
			2.	In coordination with the Health Department, amend current inspection procedures to include items relating to the protection of storm water.																
			3.	Train staff on the use and implementation of storm water procedures for all inspections.																
			4.	Fully incorporate new storm water procedures with all inspections.																
			5.	Record all information from inspections within City database (see BMP 3-7) for review and evaluation.																
3-5	Illicit Discharge Source Removal	The City shall prepare illicit discharge source removal procedures focusing on the protection and maintenance of the City's MS4.	1.	Prepare a response plan procedure for illicit discharge from commercial/ industrial facility operations.			Public Works/ Lew Nelson (559) 684-4318													
			2.	Prepare a response plan procedure for illegal dumping of solid waste within the City MS4.																
			3.	Prepare a response plan procedure for illegal dumping of water contaminants within the City MS4.																

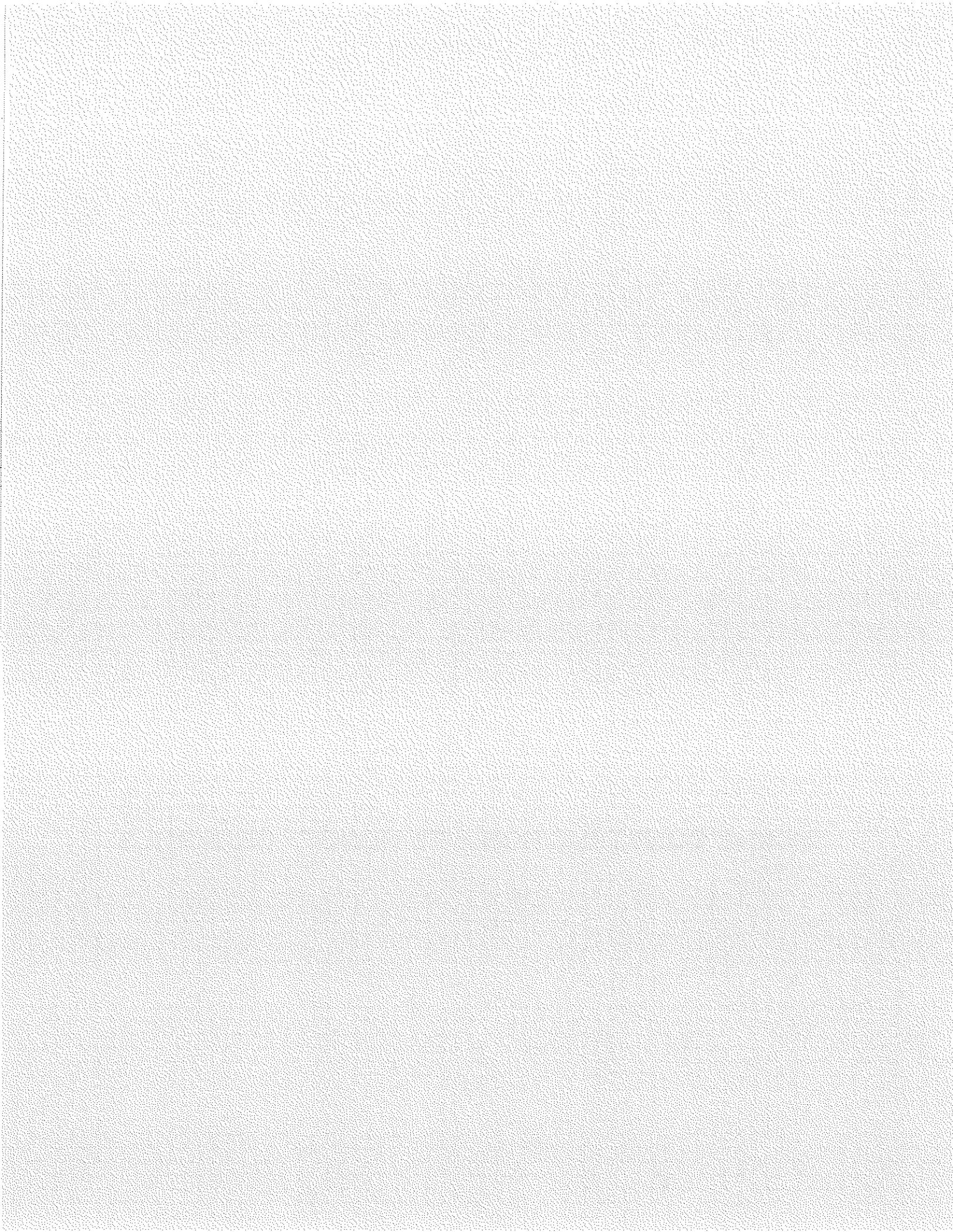
**Table 6-1
MCM-3, Illicit Discharge Detection and Elimination**

No.	BMP	Description	Measurable Goals	Dept./	Year					
				Contact	1	2	3	4	5	
3-5	Illicit Discharge Source Removal		4. Track all incidents of illicit discharge within the City database system (see BMP 3-7) and enforce required remedial actions. ♦			X	X	X	X	X
3-6	Storm Water Hotline	The City will establish a storm water hotline. The goal of this BMP is provide a streamlined means for concerned citizens and agencies to contact the appropriate authority when they see water quality issues	1. Establish a storm water hotline number. 2. Publish hotline number in storm water brochures, website, and City directory. 3. Track the amount and type phone calls made to help identify common storm water issues and in the future minimize them. ♦	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X	X
3-7	Storm Water Tracking System	The City shall develop a tracking system for inspections, violations, remediation actions taken, and public comments.	1. Establish a storm water tracking system or database. 2. Conduct an annual review of the information collected as part of the assessment to be conducted in BMP 3-2.	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X	X
3-8	City Employee Training Program	The City shall train the appropriate staff on the proper implementation of the City's Storm Water Management Plan. Training will focus on the overall goals of the program and the specific procedures relating to inspection, detection, remediation, and evaluation.	1. Develop a training program on the tasks associated with the implementation of City's Storm Water Management Plan. 2. Conduct bi-annual training of employees on the procedures associated with the SWMP such as inspection, data entry, and response to public complaints. 3. Evaluate the effectiveness of the training program through employee interviews and review of storm water logs created in BMP 3-7.	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X	X

♦ Denotes item to be tracked in City tracking system as described in BMP 3-7.

7.0

MCM-4: CONSTRUCTION SITE RUNOFF CONTROLS



CHAPTER 7 MCM-4, CONSTRUCTION SITE RUNOFF CONTROLS

Summary of Regulatory Requirements:

The City must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

The program must include the development and implementation of, at a minimum:

- *An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, or local law;*
- *Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;*
- *Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;*
- *Procedures for site plan review which incorporate consideration of potential water quality impacts;*
- *Procedures for receipt and consideration of information submitted by the public; and*
- *Procedures for site inspection and enforcement of control measures.*

Sediment runoff rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. Polluted storm water runoff from construction sites often flows to MS4s and is ultimately discharged into local rivers and streams. Sediment is usually the main pollutant of concern. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades, resulting in physical, chemical, and biological harm to our nation's waters.

It is the City's goal, through this Minimum Control measure, to establish ordinances specific to construction storm water runoff to compliment storm water regulations currently in place. A few measures are already in place to minimize storm water pollution from construction activities and are found in Chapter 17.8 of the Municipal Code, Recycling and Diversion of Construction and Demolition Debris. This part of the code is in compliance with State Law (AB 939) and aims to reduce construction waste in landfills and in turn reduces the large amount of potential contaminants to storm water.

7.1 BMP 4-1, Storm Water Pollution Prevention Ordinance

IMPLEMENTATION DETAILS

The City, with assistance from the City Attorney's Office, will draft an ordinance that prohibits non-storm water discharges into the City's MS4, with the exception of those authorized in the General Permit. This ordinance will become a tool for the City to meet the storm water management requirements of the NPDES regulations and safeguard persons, protect property, and prevent damage to the environment in the City. It will be written with the intent to: promote the health, safety, and public welfare of the City residents by guiding, regulating, and controlling the quality of storm water runoff; protect the City's publicly owned storm water collection facilities from degradation or disrepair caused by illegal and harmful discharges to the storm drain system; protect the City's parks and recreational fields from contamination caused by polluted storm water discharges; protect the publicly owned wastewater collection and treatment facilities from reduced water quality and siltation caused by erosion by wind and water; protect and enhance the quality of the region's groundwater in a manner pursuant to and consistent with the federal CWA by reducing pollutants in urban storm water discharges to the MEP and by effectively prohibiting non-storm water discharges to the storm drain system. This ordinance shall have a tiered level of enforcement, which will be used as a mechanism to deter violations. This may include requirements to implement improved BMPs, bonding requirements, fines, work stoppages and/or permit denials.

An essential element of any SWMP is an ordinance granting the authority to inspect properties suspected of releasing contaminated discharges into storm drain systems. Guaranteed "right of entry" to private property is critical to allowing inspectors to identify and take corrective actions on individual sources of illicit discharges. Another important factor is the establishment of enforcement actions for those properties found to be in noncompliance or that refuse to allow access to their facilities.

The Storm Water Pollution Prevention Ordinance will have a tiered level enforcement of its regulations. The enforcement actions associated with this ordinance include the following: Notice of Non-Compliance; Notice of Violation; cease and desist orders, suspension of water or sewer service, and criminal and civil penalties including charging the owner of the property for the cost of abatement. Methods for appeal are often included in these enforcement measures that provide owners with avenues for compliance with the ordinance.

This ordinance will specifically address construction site run-off controls by requiring erosion, sediment, and non-storm water discharge control on all applicable construction sites. The City will review the CASQA BMP handbooks and adopt BMP standards from this source or other equivalent. The approved construction standards will be made available to all developers, and approached in the Site Plan Review process (see BMP 4-3). Complimenting these measures, an NPDES compliance assurance deposit will be established (see BMP 4-4).

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Continue to enforce existing ordinances, including the issuance of fines that protect against storm water runoff pollution; track all storm water runoff pollution prevention enforcement actions taken by the Code Compliance Division. (Years 1–5)
2. Develop and revise development standards requiring BMPs for erosion, sediment control and waste/material management. (Year 1)
3. Draft a Storm Water Pollution Prevention Ordinance which effectively prohibits non-storm water discharges in the City’s MS4 and grants the City legal authority to fully implement this SWMP including provisions for a tiered level of enforcement of this program. This is to be done in conjunction with BMP 4-1. (Year 1)
4. Develop a plan and procedures for enforcement of violations in line with Storm Water Pollution Prevention Ordinance. (Year 2)
5. Adopt a Storm Water Pollution Prevention Ordinance which effectively prohibits non-storm water discharges in the City’s MS4. (Year 2)
6. Fully Implement and Enforce the Storm Water Pollution Prevention Ordinance adopted in Year 1 through the combined efforts of the Code Compliance Officers and Regulatory Compliance Staff. (Years 2–5)

7.2 BMP 4-2, Construction Site Inspections

IMPLEMENTATION DETAILS

Construction site inspections shall be routinely performed by authorized representatives of the City of Tulare to ensure compliance with the Phase II Municipal permit and City storm water standards. Such inspections shall be performed randomly and concurrently with other standard building inspections. More specifically, inspections shall focus on ensuring that necessary BMPs are being properly implemented and maintained and to ensure that there is no polluted runoff leaving the site and entering the storm sewer system.

This BMP will be implemented in conjunction with a few other BMPs. The inspection procedures to be used are outlined in BMP 3-4 and the tracking system to be utilized is outlined in BMP 3-7. The training of City staff on these procedures will be covered in BMP 3-8.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Determine a schedule or timetable of when it would be best for inspections to occur. (Year 1)
2. Develop inspection procedures and checklists to use in evaluating construction projects as outlined in BMP 3-4. (Year 1)
3. Provide staff with training time on the inspection process and on how to evaluate construction projects as outlined in BMP 3-8. (Years 2 & 4)
4. Conduct site inspections and evaluations. (Years 2-5)
5. Enter inspection data into the City tracking system. (Years 2-5) ♦ (See BMP 3-7)
6. Conduct an annual review of the information collected as part of the assessment to be conducted in BMP 3-7. From this review, priority sites can be determined. (Years 2-5)

7.3 BMP 4-3, Site Plan Review

IMPLEMENTATION DETAILS

The City shall review site plans during the Grading Permit approval process to ensure implementation of appropriate erosion and sediment control measures and to review other on-site storm water runoff controls. The City will utilize the following procedures for site plan review:

- Step 1: Site plan review shall begin with a project proponent submitting a Grading Permit Application and if applicable, a Construction Storm Water General Permit Notice of Intent (NOI) package. The Engineering Division will also collect a NPDES Compliance Assurance Deposit (see BMP 4-4) for projects requiring a Construction Storm Water General Permit and exhibiting a strong potential to discharge pollutants off-site.
- Step 2: The Engineering Division will evaluate site plans for appropriate erosion and sediment controls. The Engineering Division also reviews the Construction Storm Water General Permit NOI package for completeness (i.e. signed NOI and Storm Water Pollution Prevention Plan). All deficiencies of the site plans, NOI package, and proposed erosion and sediment control BMPs will be formally documented and provided to the project proponent with a request for plans to be revised and resubmitted. An approved Grading Permit will include the appropriate conditions for protecting storm water quality.
- Step 3: Upon Grading Permit approval, the Engineering Division shall conduct field inspections of grading activities to assure compliance with Grading Permit conditions including the proper implementation of erosion and sediment control measures. Field inspection reports are utilized for instances of non-compliance and are filed with the City Code Compliance Division. The Code Compliance Division enforces the storm water protection Ordinances set up by the City.

Through the site plan review process, the City intends to work with the developer during the early stages of the project to ensure the protection of storm water quality before, during, and after the construction process is completed. In an effort to promote continued storm water quality in the future, developers will also be provided with examples of City approved alternative construction design details that promote long-term post-construction storm water quality and water conservancy as well.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Develop a catalog of City approved alternative construction design details that promote long-term post-construction storm water quality and water conservancy. (Year 1)
2. Meet with Site Plan Review staff to inform them of these new conditions set for Site Plan Reviews and the importance they have towards ensuring long term storm water quality and meeting State Phase II requirements. (Year 1)
3. Document and track the number of Grading Permit applications, which adequately satisfy the initial site plan review and those that do not. (Years 1-5)
4. Track the means and methods used to assist and enhance the education of those applicants that do not satisfy the initial site plan review. (Years 1-5) ♦ (See BMP 3-7)

7.4 BMP 4-4, NPDES Compliance Assurance Deposit

IMPLEMENTATION DETAILS

The City shall require developers, who are subject to follow the NPDES permit, to submit a deposit up to \$10,000 with issuance of the Grading Permit toward NPDES compliance in accordance with their approved SWPPP. The City, or its designee, maintains a stock of materials for storm water BMP materials and will be prepared for their emergency installation in the event there is a breach to the MS4 from a construction site. The City will recover costs incurred from the emergency installation from the developer's deposit. If the City does not access these funds during the length of the project, the funds are returned to the developer at Certificate of Occupancy issuance.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Develop, as part of the Storm Water Ordinance (see BMP 4-1), an Ordinance requiring the developers to submit an assurance deposit prior to issuance of a grading permit. (Year 1)
2. Document the number of projects requiring NPDES Compliance Assurance Deposits, emergency BMPs installed by the City, and the costs incurred from emergency installations debited from a developer's NPDES Compliance Assurance Deposit. (Years 1-5)
3. Document and report all enforcement actions taken upon a project developer and/or contractor. (Years 1-5)

7.5 BMP 4-5, Construction and Demolition Program

IMPLEMENTATION DETAILS

The City shall continue implementation of its Construction and Demolition Debris Program already in place. The C&D Debris Program is based on Chapter 17.8 of the Municipal Code and established regulations for recycling and diversion of C&D debris. The ordinance established the following:

- Project that are covered
- Diversion requirements
- Projects exempt from ordinance
- Required contents of a C&D Debris Recycling and Reuse Plan
- Evidence of compliance with C&D Debris Recycling and Reuse Plan
- Provisions for an exemption from the ordinance
- Required on-site practices
- Reporting and enforcement requirements
- Penalties for violations of the ordinance
- Appeal process

Prior to the issuance of a permit, every applicant for building or demolition permits involving any covered project shall complete and submit a properly completed C&D Debris Recycling Plan to the Building Official, unless a C&D Debris Recycling and Reuse Plan for the project is already on file, within 30 days of project completion.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Continue implementation of City C & D program. (Years 1-5)
2. Record the amount of waste diverted each year using the City tracking system (see BMP 3-7). (Years 1-5)

Table 7-1 summarizes the BMPs the City of Tulare will use to conduct the Construction Site Runoff Control element of the program. Also included are the goals, milestone dates and assessment methods for each BMP as well as the person (or position) responsible for implementation. Assessment information will be used to plan and schedule the resources necessary to conduct the program and to gauge the program's effectiveness.

**Table 7-1
MCM-4, CONSTRUCTION SITE RUNOFF CONTROLS**

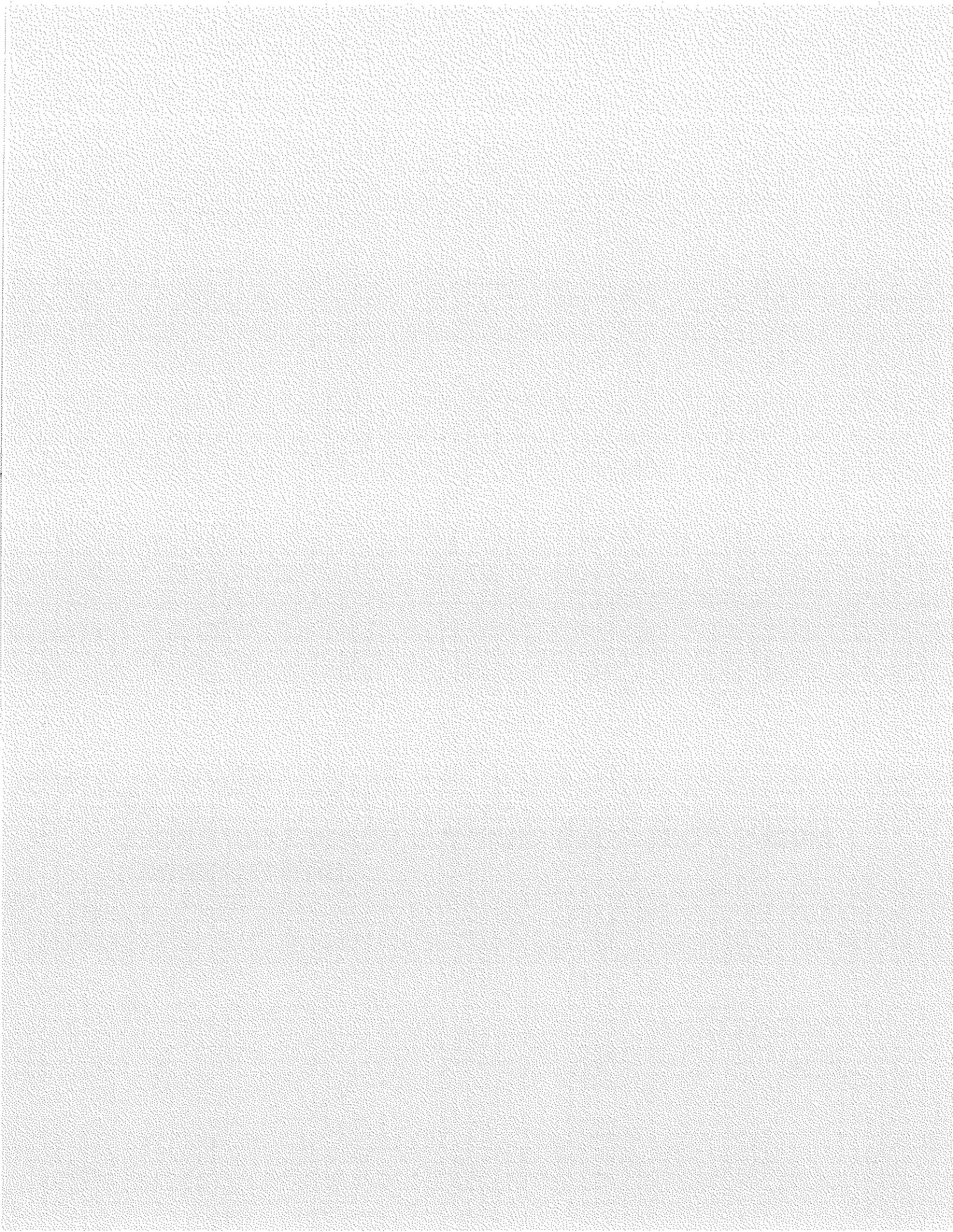
No.	BMP	Description	Measurable Goals	Dept./ Contact	Year					
					1	2	3	4	5	
4-1	Storm Water Ordinance	The City Public Works Department, with assistance from the City Attorney's Office, will draft an ordinance that prohibits non-storm water discharges into the City's MS4, with the exception of those authorized in the General Permit.	<ol style="list-style-type: none"> 1. Continue to enforce existing ordinances, including the issuance of fines that protect against storm water runoff pollution; track all storm water runoff pollution prevention enforcement actions taken by the Code Compliance Division. 2. Develop and revise development standards requiring BMPs for erosion, sediment control and waste/material management. 3. Draft a Storm Water Pollution Prevention Ordinance which effectively prohibits non-storm water discharges in the City's MS4 and grants the City legal authority to fully implement this SWMP including provisions for a tiered level of enforcement of this program. This is to be done in conjunction with BMP 4-1. 4. Develop a plan and procedures for enforcement of violations in line with Storm Water Pollution Prevention Ordinance. 5. Adopt a Storm Water Pollution Prevention Ordinance which effectively prohibits non-storm water discharges in the City's MS4. 6. Fully Implement and Enforce the Storm Water Pollution Prevention Ordinance adopted in Year 1 through the combined efforts of the Code Compliance Officers and Regulatory Compliance Staff. 	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X	X
4-2	Construction Site Inspections	Construction site inspections shall be routinely performed by authorized representatives of the City of Tulare to ensure compliance with of the Phase II Municipal permit and City storm water standards. Inspections shall focus on ensuring that necessary BMPs are being properly implemented and maintained and to ensure that there is no polluted runoff leaving the site and entering the storm sewer system.	<ol style="list-style-type: none"> 1. Determine a schedule or timetable of when it would be best for inspections to occur. 2. Develop inspection procedures and checklists to use in evaluating construction projects as outlined in BMP 3-4. 3. Provide staff with training time on the inspection process and on how to evaluate construction projects as outlined in BMP 3-8. 4. Conduct site inspections and evaluations. 	Public Works/ Lew Nelson (559) 684-4318	X					

**Table 7-1
MCM-4, CONSTRUCTION SITE RUNOFF CONTROLS**

No.	BMP	Description	Measurable Goals	Dept./ Contact	Year					
					1	2	3	4	5	
4-2	Construction Site Inspection		<ol style="list-style-type: none"> Enter inspection data into the City tracking system. Conduct an annual review of the information collected as part of the assessment to be conducted in BMP 3-7. From this review, priority sites can be determined. 			X	X	X	X	X
4-3	Site Plan Review	The City shall review site plans during the Grading Permit approval process to ensure implementation of appropriate erosion and sediment control measures and to review other on-site storm water runoff controls.	<ol style="list-style-type: none"> Develop a catalog of City approved alternative construction design details that promote long-term post-construction storm water quality and water conservancy. Meet with Site Plan Review staff to inform them of these new conditions set for Site Plan Reviews and the importance they have towards ensuring long term storm water quality and meeting State Phase II requirements. Document and track the number of Grading Permit applications, which adequately satisfy the initial site plan review and those that do not. Track the means and methods used to assist and enhance the education of those applicants that do not satisfy the initial site plan review. 	Public Works/ Lew Nelson (559) 684-4318	X		X	X	X	X
4-4	NPDES Compliance Assurance Deposit	The City shall require developers, who are subject to follow the NPDES permit, to submit a deposit up to \$10,000 with issuance of the Grading Permit toward NPDES compliance in accordance with their approved SWPPP.	<ol style="list-style-type: none"> Develop, as part of the Storm Water Ordinance (see BMP 4-1), an Ordinance requiring the developers to submit an assurance deposit prior to issuance of a grading permit. Document the number of projects requiring NPDES Compliance Assurance Deposits, emergency BMPs installed by the City, and the costs incurred from emergency installations debited from a developer's NPDES Compliance Assurance Deposit. Document and report all enforcement actions taken upon a project developer and/or contractor. 	Public Works/ Lew Nelson (559) 684-4318	X		X	X	X	X
4-5	Construction and Demolition Program	The City shall continue implementation of the Construction and Demolition (C&D) Program already in place	<ol style="list-style-type: none"> Continue implementation of City C & D program. Record the amount of waste diverted each year using the City tracking system (see BMP 3-7). 	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X	X

◆ Denotes item to be tracked in City tracking system as described in BMP 3-7.

8.0
MCM-5: POST CONSTRUCTION RUNOFF CONTROLS
(SITE PLANNING)



CHAPTER 8 MCM-5, POST-CONSTRUCTION RUNOFF CONTROLS

Summary of Regulatory Requirements:

The City must:

- *Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the City MS4 by ensuring that controls are in place that would prevent or minimize water quality impacts.*
- *Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;*
- *Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;*
- *Ensure adequate long-term operation and maintenance of BMPs.*

Post-construction storm water management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving water bodies. Planning and design for the minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in storm water runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients. These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds, and streams.

The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the water body during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which can lead to property damage.

8.1 BMP 5-1, Green Design Standards Task Force

IMPLEMENTATION DETAILS

The City shall establish a Task Force to determine a set of green development design standards for approval. These standards will specifically address post-construction storm water elements, low impact design considerations, water use efficiency, and green design elements. The Task Force will also determine the best method for evaluating the selected standards during the Site Plan review process.

A suggested method of achieving this is to establish a Green Development Standards Ratings System for the City. The system will determine a point value to each project based on the amount and type of green design standards used. The task force will also determine what minimum value must be met to meet City standards. This system may mimic the standards set through the Build-It-Green program.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Establish a task force to evaluate and select a set of green development standards to be approved and utilized by the City. (Year 1)
2. Develop a maintenance procedures for each green development standard in order to ensure its long term effectiveness. (Year 1)
3. Obtain an approved set of green development standards that are adopted by the City. (Year 2)
4. Create a Green Development Standards Ratings System for the City. (Year 2)
5. Review and evaluate the set of green development standards to ensure their effectiveness and applicability. (Year 4)

8.2 BMP 5-2, Guidance Planning and Site Plan Review

IMPLEMENTATION DETAILS

Through the site plan review process, the City intends to work with the developer during the early stages of the project to ensure the protection of storm water quality before, during, and after the construction process is completed. The City will have educational materials and staff available to answer questions regarding the new development standards. The City will also develop guidance documents for planning and public works staff with regards to the newly established green development standards.

To better ensure that water quality impacts are considered from the beginning stages of new development and redevelopment projects, the Site Plan Review process will include a project assessment based on the Green Development Standards Rating System (see BMP 5-1). Each project must be assessed and meet guidelines set by the City prior to Site Plan approval. In addition to establishing green development standards, the City also will ensure the long term effectiveness of the post-construction runoff controls implemented through maintenance agreements with the developer. Prior to Site Plan approval, the developer must enter a maintenance agreement with the City.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. The City will develop guidance documents on the planning process to incorporate new criteria, standards, and BMPs which will minimize, to the highest extent practical, the water quality impact for post-construction for new development and redevelopment. (Year 1)
2. Once the green development standards have been approved, include project evaluations based on the Green Development Standards Rating System in the Site Plan review process. (Years 2-5)
3. As part of the Site Plan process, a maintenance agreement must be formed to ensure longevity of post-construction runoff controls. (Years 2-5)
4. Track the amount of projects approved each year and the number of submittals for each project using the City tracking system (see BMP 3-7). (Years 1-5) ♦ (See BMP 3-7)
5. Annually evaluate the number of approved projects comparing year one, no green development standards, to the sub sequential years with the green development standards in place. (Years 2-5)

8.3 BMP 5-3, Education, Training, Inspection, and Enforcement

IMPLEMENTATION DETAILS

The City shall provide education, training, inspection, and enforcement toward Post-Construction Controls in order to ensure the effectiveness of this MCM. The developers involved will be provided with the education information specific to their projects (see BMP 1-2). Staff who review site plans or inspect construction will be provided training on the newly developed standards associated with this SWMP (see BMP 3-8). Post construction controls shall be enforced utilize the guidelines set in the Site Plan Review process (see BMP 5-2). All efforts will be documented utilizing the City tracking systems in order to evaluate the quality, quantity, and effectiveness of the programs used.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Educate developers on the new development practices of the City and the reason why they have been established (see BMP 1-2). (Year 1)
2. Provide biannual training to staff on the newly developed Site Plan requirements and maintenance agreements (see BMP 3-8). (Years 2 and 4)
3. Conduct regular inspections of projects to ensure compliance with the approved site plan. (Years 2-5)
4. City will incorporate post-construction control measures in the storm water ordinance (see BMP 4-1) for enforcement of this MCM. (Years 2-5)
5. Track the amount of projects approved each year and the number of submittals for each project using the City tracking system (see BMP 3-7). (Years 1-5) ♦ (See BMP 3-7)

Table 7.1 summarizes the BMPs the City of Tulare will use to conduct the Post Construction Runoff element of the program. Also included are the goals, milestone dates and assessment methods for each BMP as well as the person (or position) responsible for implementation. Assessment information will be used to plan and schedule the resources necessary to conduct the Program and to gauge the program's effectiveness.

**Table 8-1
MCM-5, POST – CONSTRUCTION RUNOFF CONTROLS (SITE PLANNING)**

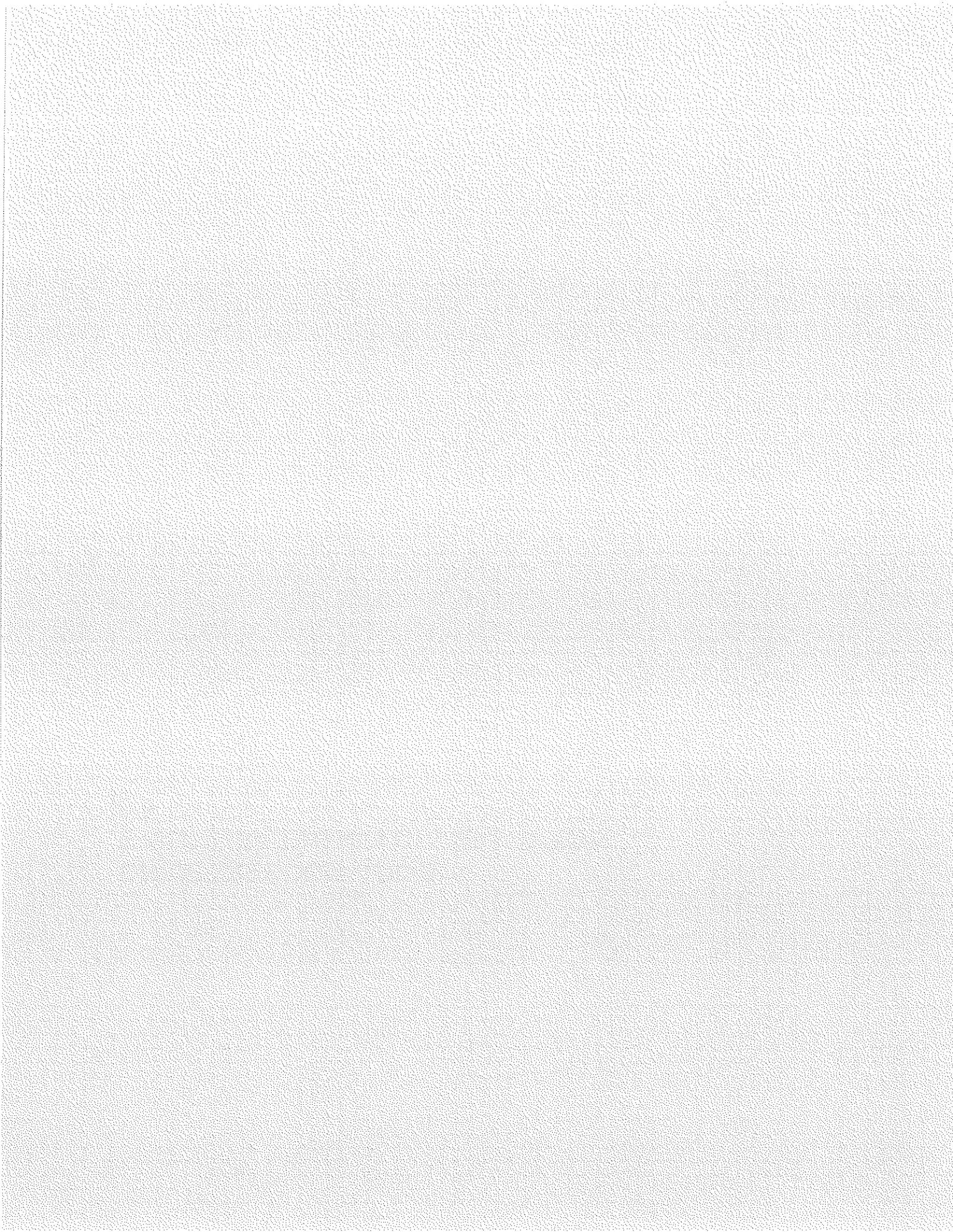
No.	BMP	Description	Measurable Goals	Dept./ Contact	Year					
					1	2	3	4	5	
5-1	Green Design Standards Task Force	The City shall establish a Task Force to determine a set of green development design standards for approval. These standards will specifically address post-construction storm water elements, low impact design considerations, water use efficiency, and green design elements.	<ol style="list-style-type: none"> 1. Establish a task force to evaluate and select a set of green development standards to be approved and utilized by the City. 2. Develop a maintenance procedure for each green development standard in order to ensure its long term effectiveness. 3. Obtain an approved set of green development standards that are adopted by the City. 4. Create a Green Development Standards Ratings System for the City. 5. Review and evaluate the set of green development standards to ensure their effectiveness and applicability. 	Public Works/ Lew Nelson (559) 684-4318	X					
5-2	Guidance Planning and Site Plan Review	Through the site plan review process, the City intends to work with the developer during the early stages of the project to ensure the protection of storm water quality before, during, and after the construction process is completed. The City will have educational materials and staff available to answer questions regarding the new development standards. The City will also develop guidance documents for planning and public works staff with regards to the newly established green development standards.	<ol style="list-style-type: none"> 1. The City will develop guidance documents on the planning process to incorporate new criteria, standards, and BMPs which will minimize, to the highest extent practical, the water quality impact for post-construction for new development and redevelopment. 2. Once the green development standards have been approved, include project evaluations based on the Green Development Standards Rating System in the Site Plan review process. 3. As part of the Site Plan process, a maintenance agreement must be formed to ensure longevity of post-construction runoff controls. 4. Track the amount of projects approved each year and the number of submittals for each project using the City tracking system (see BMP 3-7). ♦ 5. Annually evaluate the number of approved projects comparing year one, no green development standards, to the sub sequential years with the green development standards in place. 	Public Works/ Lew Nelson (559) 684-4318	X					
						X	X	X	X	X
							X	X	X	X
								X	X	X
									X	X

**Table 8-1
MCM-5, POST -- CONSTRUCTION RUNOFF CONTROLS (SITE PLANNING)**

No.	BMP	Description	Measurable Goals	Dept./ Contact	Year					
					1	2	3	4	5	
5-3	Education, Training, Inspection, and Enforcement	The City shall provide education, training, inspection, and enforcement toward Post-Construction Controls in order to ensure the effectiveness of this MCM.	<ol style="list-style-type: none"> Educate developers on the new development practices of the City and the reason why they have been established (see BMP 1-2). Provide biannual training to staff on the newly developed Site Plan requirements and maintenance agreements (see BMP 3-8). Conduct regular inspections of projects to ensure compliance with the approved site plan. City will incorporate post-construction control measures in the storm water ordinance (see BMP 4-1) for enforcement of this MCM. Track the amount of projects approved each year and the number of submittals for each project using the City tracking system (see BMP 3-7). ◆ 	Public Works/ Lew Nelson (559) 684-4318	X					
						X	X	X	X	X

◆ Denotes item to be tracked in City tracking system as described in BMP 3-7.

9.0
**MCM-6: POLLUTION PREVENTION &
GOOD HOUSEKEEPING**



CHAPTER 9 MCM-6, POLLUTION PREVENTION AND GOOD HOUSEKEEPING

Summary of Regulatory Requirements:

The City must:

- *Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.*
- *Using training materials that are available from U.S. EPA, the State, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet building maintenance, new construction and land disturbances, and storm water system maintenance.*

EPA recommends that, at a minimum, the following be considered when developing the Pollution Prevention and Good Housekeeping section of the SWMP:

- Maintenance activities, maintenance schedules, and long-term inspection procedures for structural and nonstructural storm water controls to reduce floatables and other pollutants discharged from your separate storm sewers;
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, and waste transfer stations;
- Procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and
- Ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.

The City conducts numerous municipal operational and maintenance activities, some of which have the potential to result in discharges of pollutants in runoff or be sources of non-storm water discharges. It is important that the City evaluate these activities to identify those that could be significant sources of pollutants in runoff, develop appropriate measures to reduce the discharge of pollutants from these sources to the maximum extent practicable (MEP), and identify and control discharges of non-storm water from facilities owned or operated by the City of Tulare.

Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems. Operation and maintenance of the storm system should be an integral component of this storm water management program.

9.1 BMP 6-1, Pollution Prevention Survey and Assessment

IMPLEMENTATION DETAILS

The City shall conduct survey of its departments and facilities for activities that may contribute pollutants to the storm water system. The facilities will include, but are not limited to, the Public Works Yard, Facility Maintenance Shops, City storm drain basin facilities, storm drain systems, and transportation facilities. The activities being evaluated include, but are not limited to, road maintenance operations, vehicle cleaning and fueling operations, and landscaping activities.

Visual inspection is a Best Management Practice (BMP) in which members of a storm water pollution prevention team visually examine material storage and outdoor processing areas, the storm water discharges from such areas, and the environment in the vicinity of the discharges, to identify contaminated runoff and its possible sources. The EPA has recognized visual inspection as a baseline BMP for over 10 years.

In a visual inspection, storm water runoff may be examined for the presence of floating and suspended materials, oil and grease, discoloration, turbidity, odor, or foam, and storage areas may be inspected for leaks from containers, discolorations on the storage area floor, or other indications of a potential for pollutants to contaminate storm water runoff. Visual inspections may indicate the need to modify a facility to reduce the risk of contaminating runoff.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Conduct survey of City maintenance and operational staff to identify areas of to improve storm water quality protection. Of the identified areas, select at least three areas to focus on. (Year 1)
2. Conduct Survey facilities for activities that may contribute pollutants to the storm water system. Of the identified activities, select at least three activities to focus on. (Year 1)
3. Track the areas noted for needed improvement, progress on improvement amount of staff trained, the material used for training, and any internal and public comment based on the activities associated with the BMP using the City tracking system. (Years 1-5) ♦ (See BMP 3-7)

9.2 BMP 6-2, Facility and Operation Pollution Prevention Plan

IMPLEMENTATION DETAILS

The City shall develop a Pollution Prevention Plan for all its facilities and operations. The plan will identify specific BMPs to be put into place based on the information received from the survey conducted (see BMP 6-1). Staff from each department will be involved in the preparation of the plans to ensure the practicality and effectiveness of the BMPs selected. As part of the plan, implementation procedures will also be developed as a guide for City staff involved with carrying through the plan prepared. Based on the information gathered from the survey, the City will establish the measurable goals to address storm water controls. At minimum these goals

will address improvements for two current maintenance activities, the number of basins cleaned per year, the number of inlets cleaned per year, and the number of personnel trained per year.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Prepare a Pollution Prevention Plan for all its facilities operations that identifies specific BMPs to be used and outlines procedures on how to implement them. (Year 2)
2. Prepare a Pollution Prevention Plan for all its maintenance operations that identifies specific BMPs to be used and outlines procedures on how to implement them. (Year 2)
3. Train staff on the implementation and reasoning behind the City Facility and Operations Pollution Prevention Plan (see BMP 3-8). (Year 3)
4. Implement the City Facility and Operations Pollution Prevention Plan. (Year 3-5)
5. Conduct routine storm water inspections of municipal facilities for compliance with City Facility and Operations Pollution Prevention Plan and any opportunities for improvements (see BMP 3-4). Inspections shall be at minimum twice per year, one during the rainy and dry seasons. (Year 3-5)
6. Track the activity information associated with this BMP, amount of staff trained, and any internal and public comment based on the activities associated with the BMP using the City tracking system. (Years 1-5) ♦ (See BMP 3-7)

9.3 BMP 6-3, Employee Training and Assessments

IMPLEMENTATION DETAILS

The City shall set up a training program to educate employees about storm water management, potential sources of contaminants, and Best Management Practices (BMPs). The City's pollution prevention program cannot be successful without the support and involvement of the front-line employees and a strong commitment from senior management personnel.

IMPLEMENTATION SCHEDULE AND MEASURABLE GOALS

1. Prepare a training program will be established to educate employees about storm water management, potential sources of contaminants, and Best Management Practices (See BMP 3-8). (Year 2)
2. Implement SWMP/BMPs into regularly scheduled staff meetings. Open forum for issues, improvements, maintenance, and training. (Year 2-5)

Table 8.1 summarizes the BMPs the City of Tulare will use to conduct the Pollution Prevention and Good Housekeeping element of the program. Also included are the goals, milestone dates and assessment methods for each BMP as well as the person (or position) responsible for implementation. Assessment information will be used to plan and schedule the resources necessary to conduct the program and to gauge the program's effectiveness.

**Table 9-1
MCM-6, POLLUTION PREVENTION AND GOOD HOUSEKEEPING**

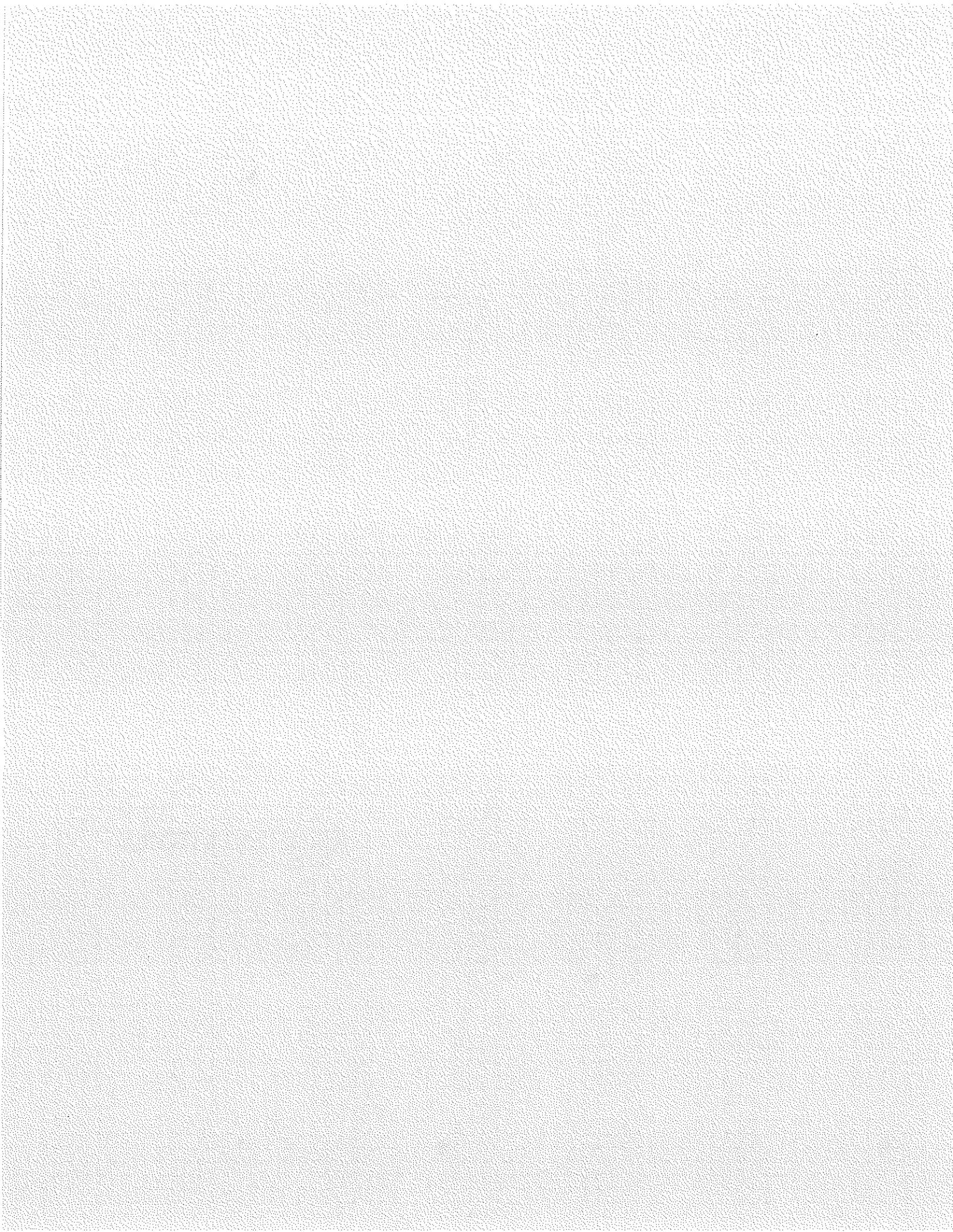
No.	BMP	Description	Measurable Goals	Dept./ Contact	Year					
					1	2	3	4	5	
6-1	Pollution Prevention and Assessment	The City shall conduct survey of its departments and facilities for activities that may contribute pollutants to the storm water system. The facilities will include, but are not limited to, the Public Works Yard, Facility Maintenance Shops, City storm drain basin facilities, storm drain systems, and transportation facilities.	<ol style="list-style-type: none"> 1. Conduct survey of City maintenance and operational staff to identify areas of to improve storm water quality protection. Of the identified areas, select at least three areas to focus on. 2. Conduct Survey facilities for activities that may contribute pollutants to the storm water system. Of the identified activities, select at least three activities to focus on. 3. Track the areas noted for needed improvement, progress on improvement amount of staff trained, the material used for training, and any internal and public comment based on the activities associated with the BMP using the City tracking system. ♦ 	RMA Division of Flood Control and Storm Water/ Jim May, (559) 733-6291	X					
6-2	Facility and Operation Pollution Prevention Plan	The City shall develop a Pollution Prevention Plan for all its facilities and operations. The plan will identify specific BMPs to be put into place based on the information received from the survey conducted (see BMP 6-1).	<ol style="list-style-type: none"> 1. Prepare a Pollution Prevention Plan for all its facilities operations that identifies specific BMPs to be used and outlines procedures on how to implement them. 2. Prepare a Pollution Prevention Plan for all its maintenance operations that identifies specific BMPs to be used and outlines procedures on how to implement them. 3. Train staff on the implementation and reasoning behind the City Facility and Operations Pollution Prevention Plan (see BMP 3-8). 4. Implement the City Facility and Operations Pollution Prevention Plan. 5. Conduct routine storm water inspections of municipal facilities for compliance with City Facility and Operations Pollution Prevention Plan and any opportunities for improvements (see BMP 3-4). Inspections shall be at minimum twice per year, one during the rainy and dry seasons. 	RMA Division of Flood Control and Storm Water/ Jim May, (559) 733-6291	X					
						X				
							X			
								X		
									X	
										X

**Table 9-1
MCM-6, POLLUTION PREVENTION AND GOOD HOUSEKEEPING**

No.	BMP	Description	Measurable Goals	Dept./Contact	Year				
					1	2	3	4	5
6-2			6. Track the activity information associated with this BMP, amount of staff trained, and any internal and public comment based on the activities associated with the BMP using the City tracking system. ♦	Public Works/ Lew Nelson (559) 684-4318	X	X	X	X	X
6-3	Employee Training and Assessments	The City shall set up a training program to educate employees about storm water management, potential sources of contaminants, and Best Management Practices (BMPs).	1. Prepare a training program will be established to educate employees about storm water management, potential sources of contaminants, and Best Management Practices (See BMP 3-8). 2. Implement SWMP/BMPs into regularly scheduled staff meetings. Open forum for issues, improvements, maintenance, and training.	RMA Division of Flood Control and Storm Water/ Jim May, (559) 733-6291	X				

♦ Denotes item to be tracked in City tracking system as described in BMP 3-7.

10.0
ABBREVIATIONS

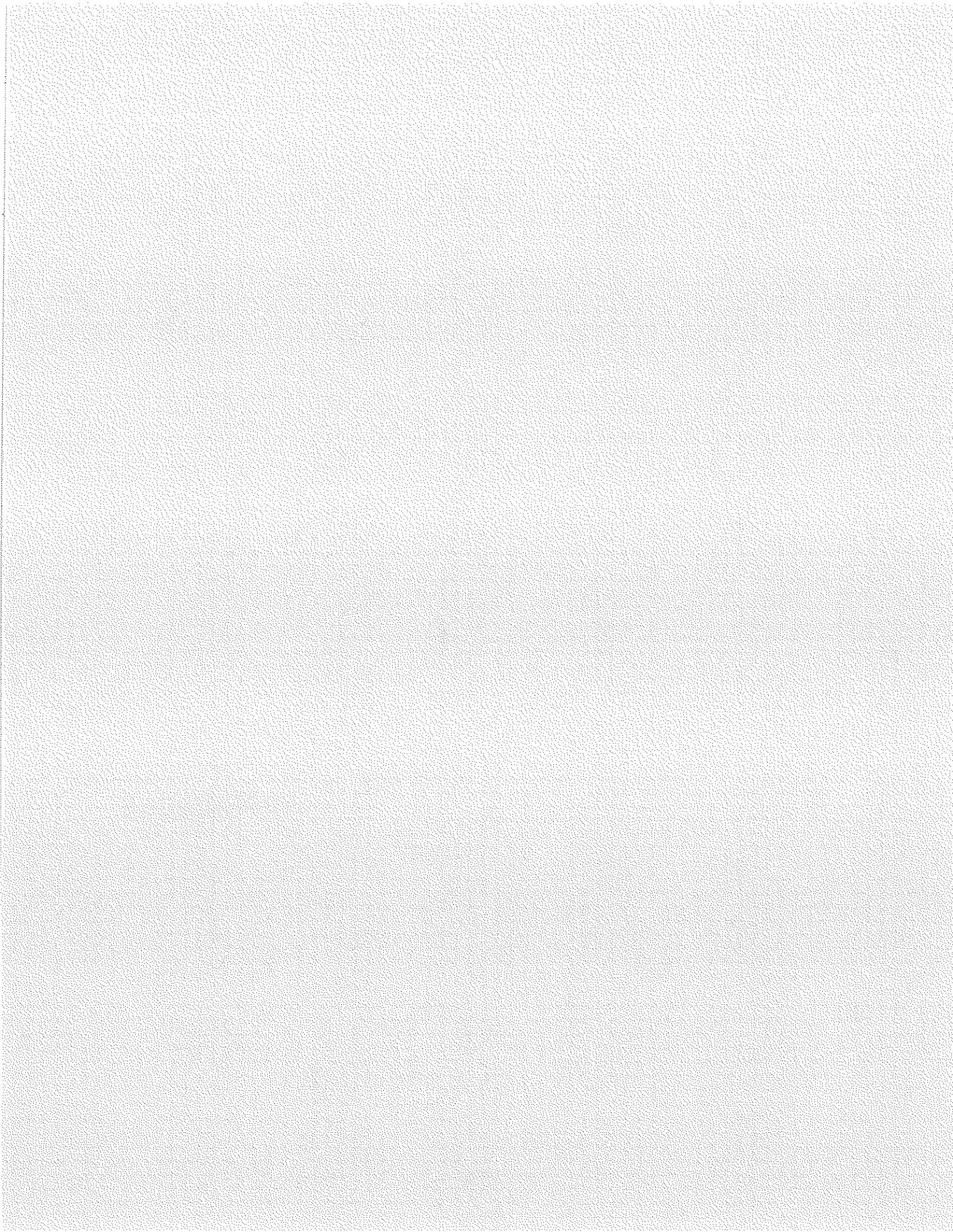


CHAPTER 10 ABBREVIATIONS

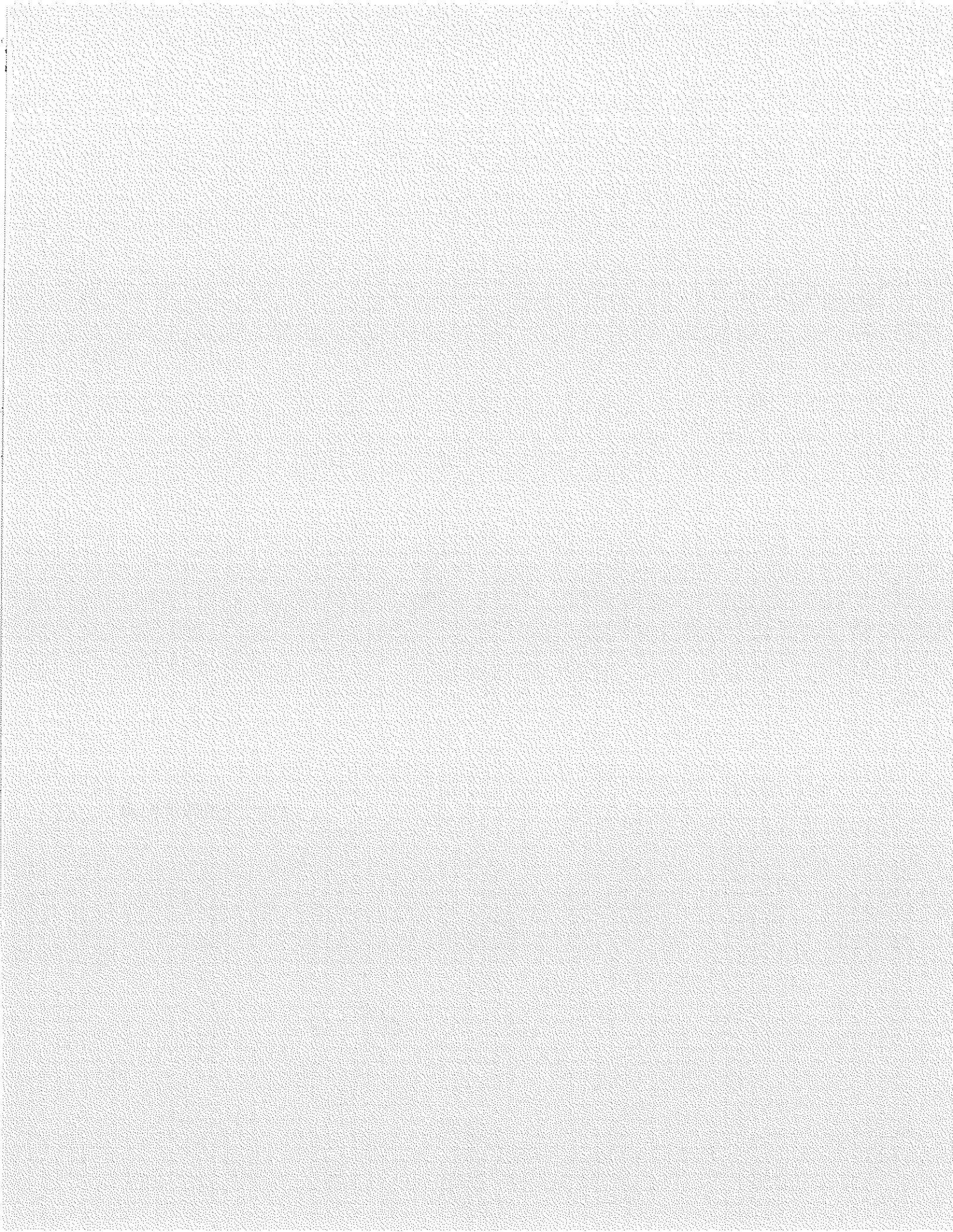
As used in this report, the following abbreviations have the specified meaning.

BMP	Best Management Practice
CASQA	California Stormwater Quality Association
CWA	Clean Water Act
EPA	Environmental Protection Agency
FOG	Fat, Oil and Grease
GIS	Geographic Information System
HHW	Household Hazardous Waste
MCM	Minimum Control Measure
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NOI	Notice Of Intent
NPDES	National Pollutant Discharge Elimination System
RWQCB	Regional Water Quality Control Board
SDMP	Storm Drain Management Plan
SSO	Sanitary Sewer Overflow
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board

APPENDICES

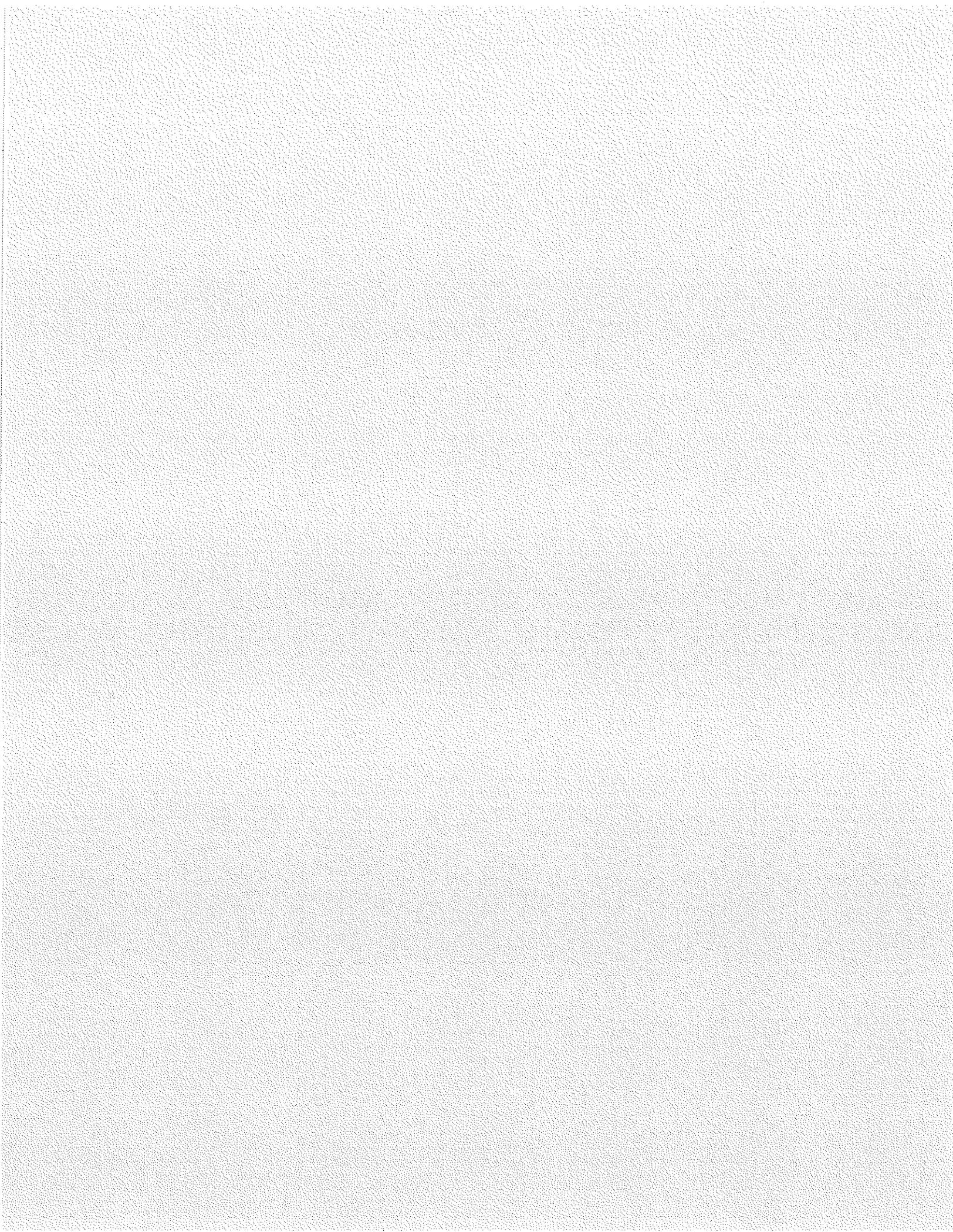


APPENDIX A





APPENDIX B



Protect Your Water



It's just beneath your feet.

Tulare County Clean Storm Water Program

Water is the most vital resource in the Valley. If you think about it, water has an effect on everything that is in our day-to-day lives. From keeping our lawns green to washing our dishes, we depend on water. Water plays an important role throughout our community.

For Agriculture...

Water is delivered through a network of canals that is managed by individual water districts. Water from rivers flows through our community - providing water for food that feeds a nation.

For Industry...

Businesses in our community depend on clean water for food processing, manufacturing, health care and other related industries. A clean and reliable water source is necessary to support a healthy economy.

For Home...

Every day we need clean water for drinking and bathing. Our communities depend on water that is supplied primarily from groundwater. Protecting groundwater is essential to protecting public health.

For Wildlife...

Our urban environment needs clean water in streams, lakes and ponds to provide nesting habitat for birds and other wildlife.

How Can You Help?

We're all responsible for keeping our water clean -- for the future of the Valley, our communities and our children. And it starts at home.

By doing a few simple things, you can help protect the water beneath our feet. Look inside to find out what you can do.

Bag, seal and throw away pet waste -- it keeps runoff and streets clean.

Put litter in trash cans. It keeps our storm drains and community clean.

Carpool to reduce air pollution, so it also helps reduce water pollution.

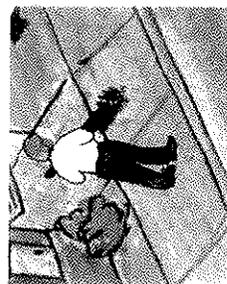
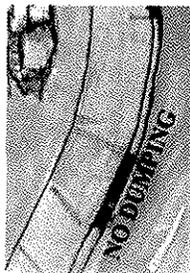
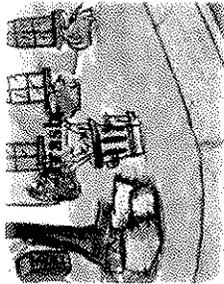
Set sprinkler timers to reduce contamination of runoff water from pesticides and fertilizers and help maintain a clean water supply. Use a shutoff nozzle to avoid unnecessary runoff.

Volunteer to help label storm drains with "No Dumping!" signs.

Recycle waste to keep litter off our streets and ease the strain on our landfills.

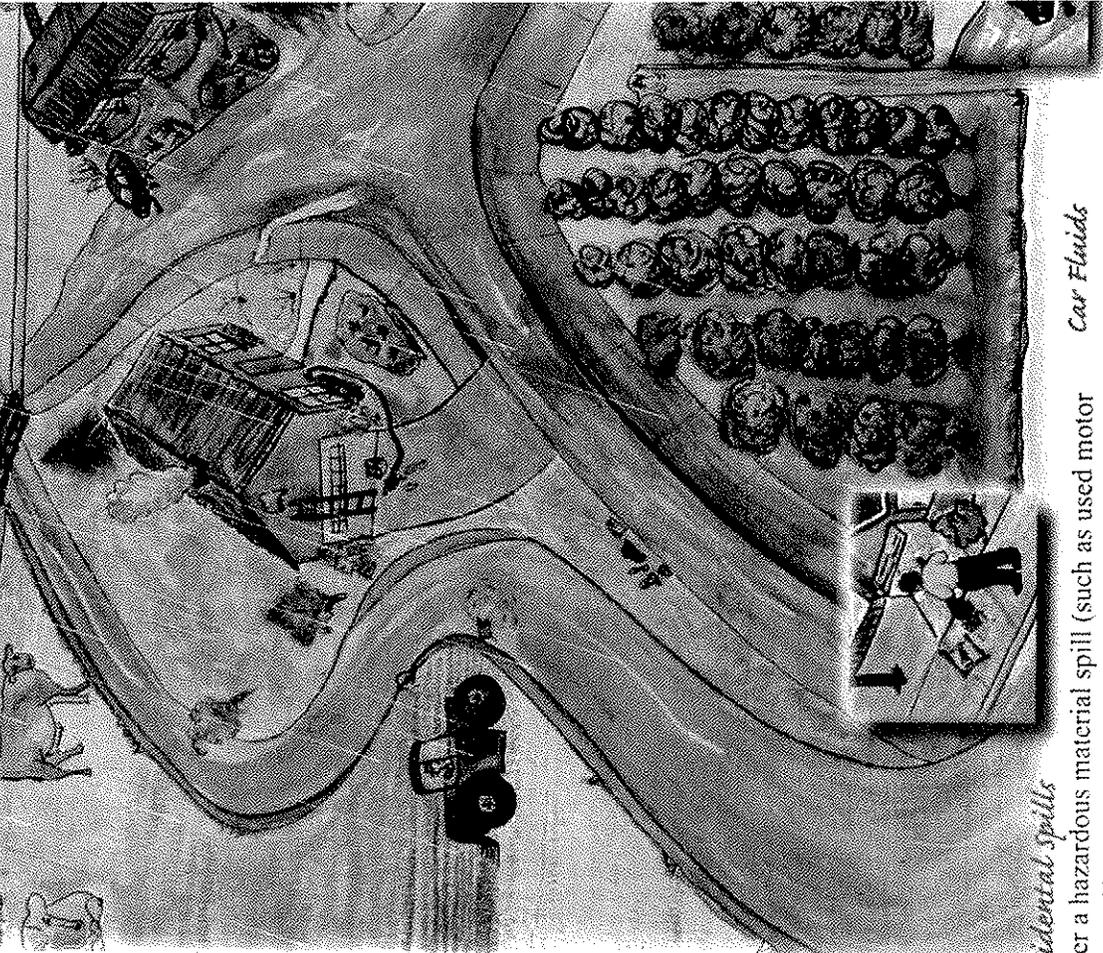
Instead of hosing, sweep driveways and sidewalks. This prevents storm water pollution and conserves water.

Take unused paint, pesticides, fertilizers and other hazardous items to a Household Hazardous Waste drop-off center. For information, call 733-6441.



It's up to us!

We need clean water today and for future generations. Preventing storm water pollution is important and will help keep our communities clean.



Accidental spills

Cover a hazardous material spill (such as used motor oil or antifreeze) with kitty litter, then sweep it up and take it to a Household Hazardous Waste drop-off center. Never hose spills into the gutter!

Car Fluids

Inspect your car regularly to Don't dump motor oil or anti-drains! Recycle motor oil and

How Does Storm Water Become Polluted?

When it rains, storm water flows across driveways, streets and lawns. As it flows, it can pick up pollutants such as oil, pesticides, cigarette butts and trash. This runoff carries these pollutants through the storm drain system. The pollutants then can affect wildlife habitats, outdoor recreation and our water supply.

Even when it's not raining, water from sprinklers, car washing, pool draining and other sources can carry pollutants into the storm drain system.

Rain gathers oil and other toxic fluids from leaky cars.

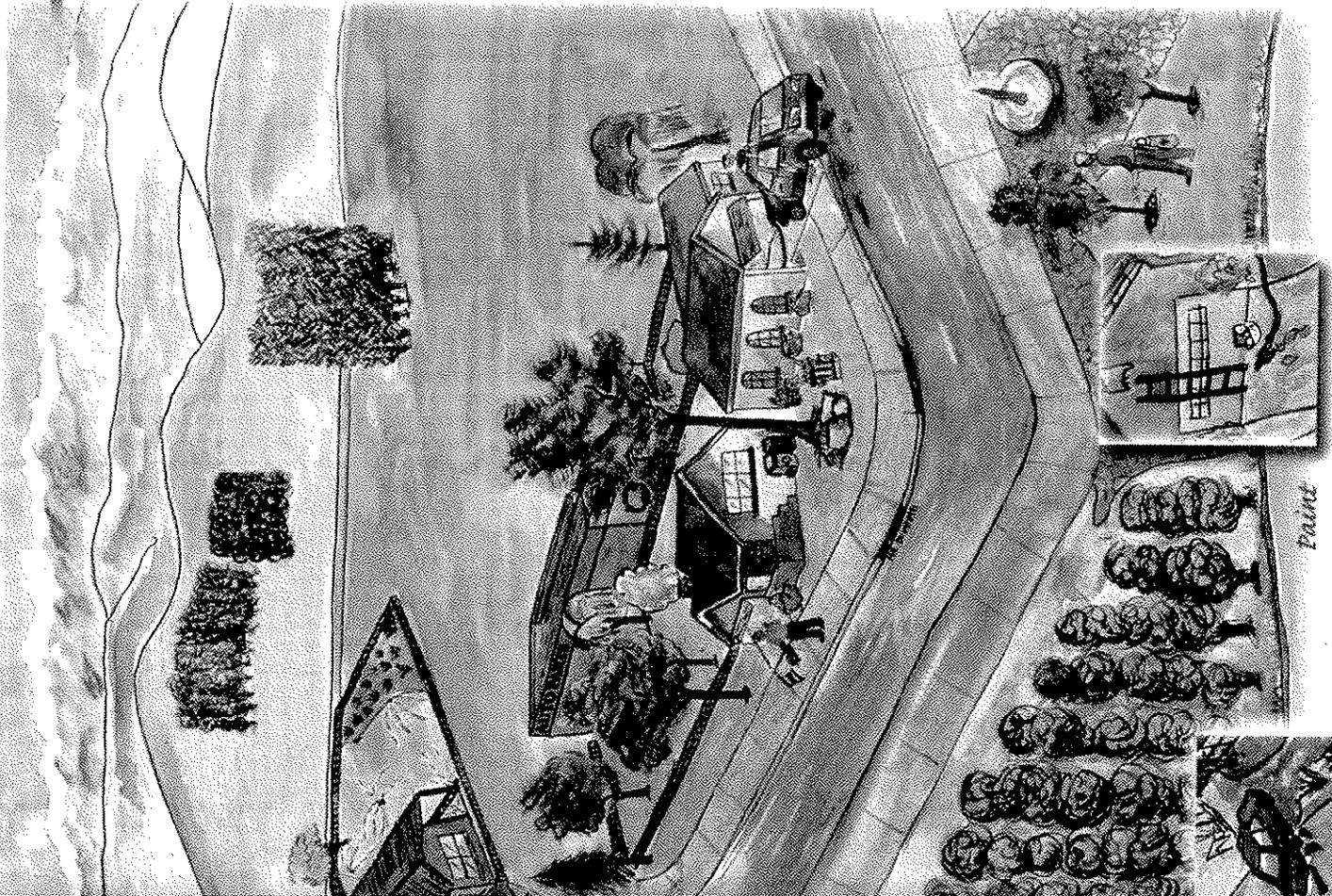
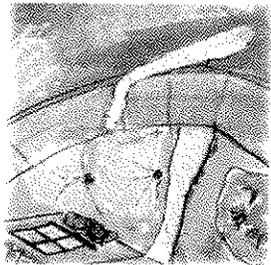
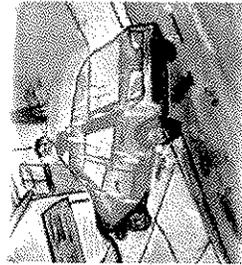
Runoff collects litter and yard waste.

Rain turns air pollution into storm water pollution.

Runoff picks up detergent and grime from car washing.

Overusing pesticides means money and pollutants down the drain. (The storm drain, that is!)

Overwatering creates runoff that can carry fertilizers and pesticides into the storm drain system.



To prevent and repair leaks, defreeze down storm and auto fluids.

Paint keeps our homes looking beautiful, but it has an ugly effect on our water. Never wash paint into the gutter! Rinse water-based paintbrushes in sinks. Avoid oil-based paints and varnishes.

Tulare County Clean Storm Water Program

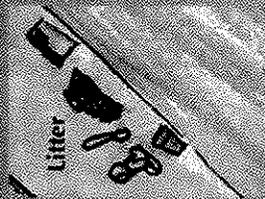
Where Does the Storm Water Go?

Rain and sewage water from your home flow right to storm drains. The water flows down streets, through gutters, into pipes, to pouring basins, curbs, creeks and rivers.

In these basins and waterways, runoff seeps through the soil and into groundwater – our drinking water supply. That's why it's important to keep storm drains and runoff clean.

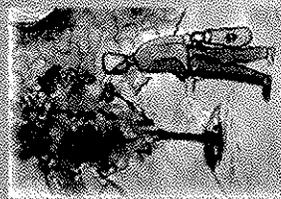
Loose Litter

Litter hurts our community. It contaminates our water resources and clogs storm drains – causing floods in our neighborhoods. Be sure to properly dispose of garbage, pet waste and cigarette butts! For more information on litter control, go to www.dontrashcalifornia.info.



Home and Garden

Maintaining our homes and gardens is necessary, but overusing chemicals is not. Buy household and garden products only in the amount needed and read and follow the label directions. Better yet, use alternative products. Avoid using lawn and garden products when rain is forecast! Take all unused products to a Household Hazardous Waste drop-off center. For information, call 733-6441.



Tulare County Clean Storm Water Program

Contacts

City of Visalia Public Works
1914 Avenue 138
Visalia, CA 93277
(559) 733-4466

City of Lindsay Public Works
1000 Avenue 240
Lindsay, CA 93247
(559) 682-7119

County of Tulare Resource Management Agency
9961 S. Mooney Boulevard
Visalia, CA 93277
(559) 733-6291

City of Tulare Public Works
5981 South "K" Street
Tulare, CA 93274
(559) 684-4318

City of Woodlake Public Works
350 N. Valenloch Avenue
Woodlake, CA 93286
(559) 564-2317

City of Porterville Field Services Div.
291 N. Main Street
Porterville, CA 93257
(559) 762-7462

City of Farmerville, Exterior Division
Quad-Kneip Engineering
5110 W. Cypress Avenue
Visalia, CA 93278
(559) 733-0440

Tulare County Association of Governments
TCAG
5961 S. Mooney Boulevard
Visalia, CA 93277
(559) 733-6291

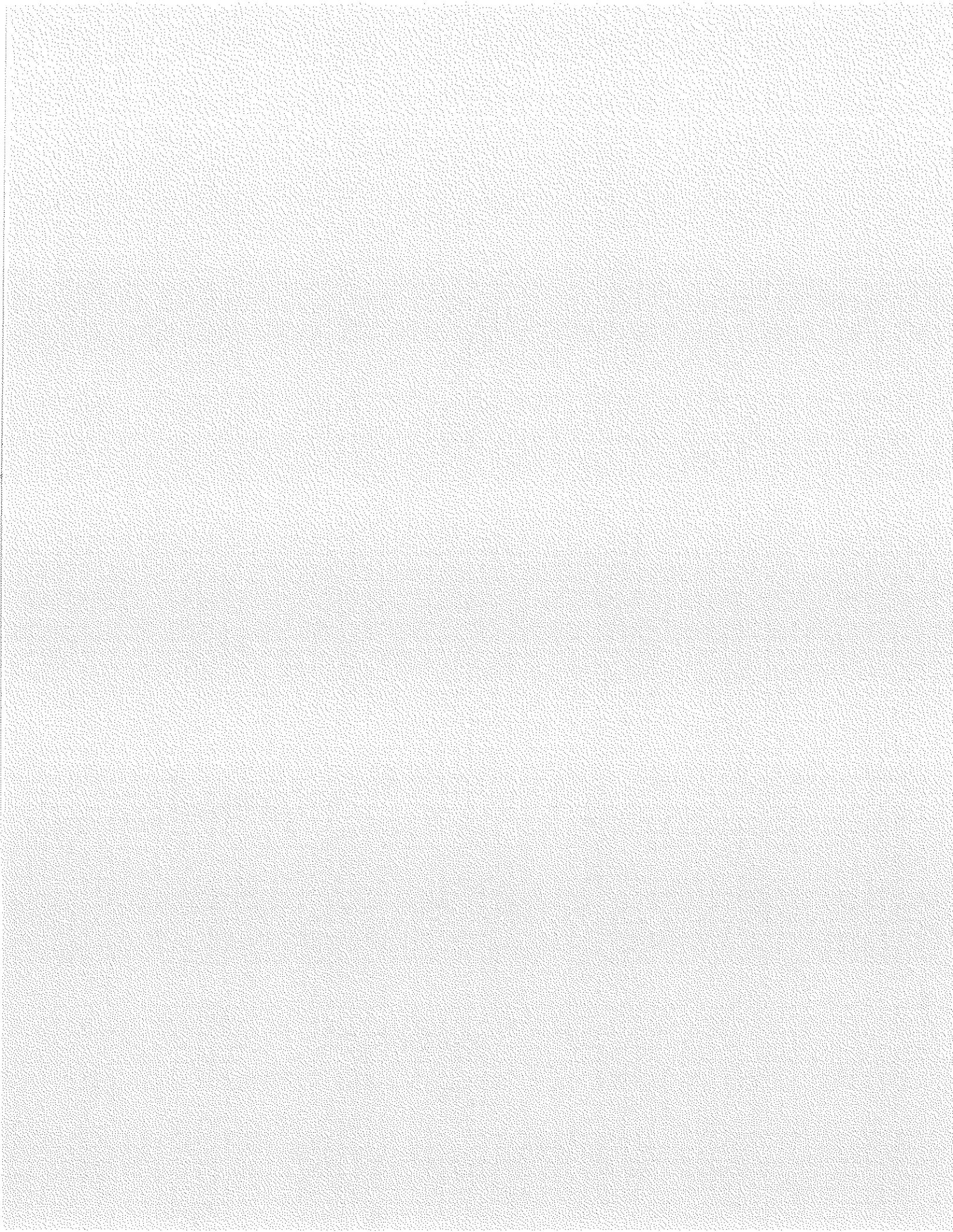


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C. [Signature]
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[Signature] *

TCAG

5961 S. Mooney Blvd.
Visalia, Ca 93277
(559) 733-6291
www.tularecog.org

APPENDIX C



SWMP STORM WATER QUALITY CONTROL DATA ENTRY

Entered By: (designate employee) Date: (recv'd) Source: Call
 Inspection
 Review

Call into: Hotline
Department (Dept title) Received by: (person)

Information:

Name of caller: (not required)
Address: (not required)
Phone: (not required)

Follow up date: Issue corrected date: Violation issued:

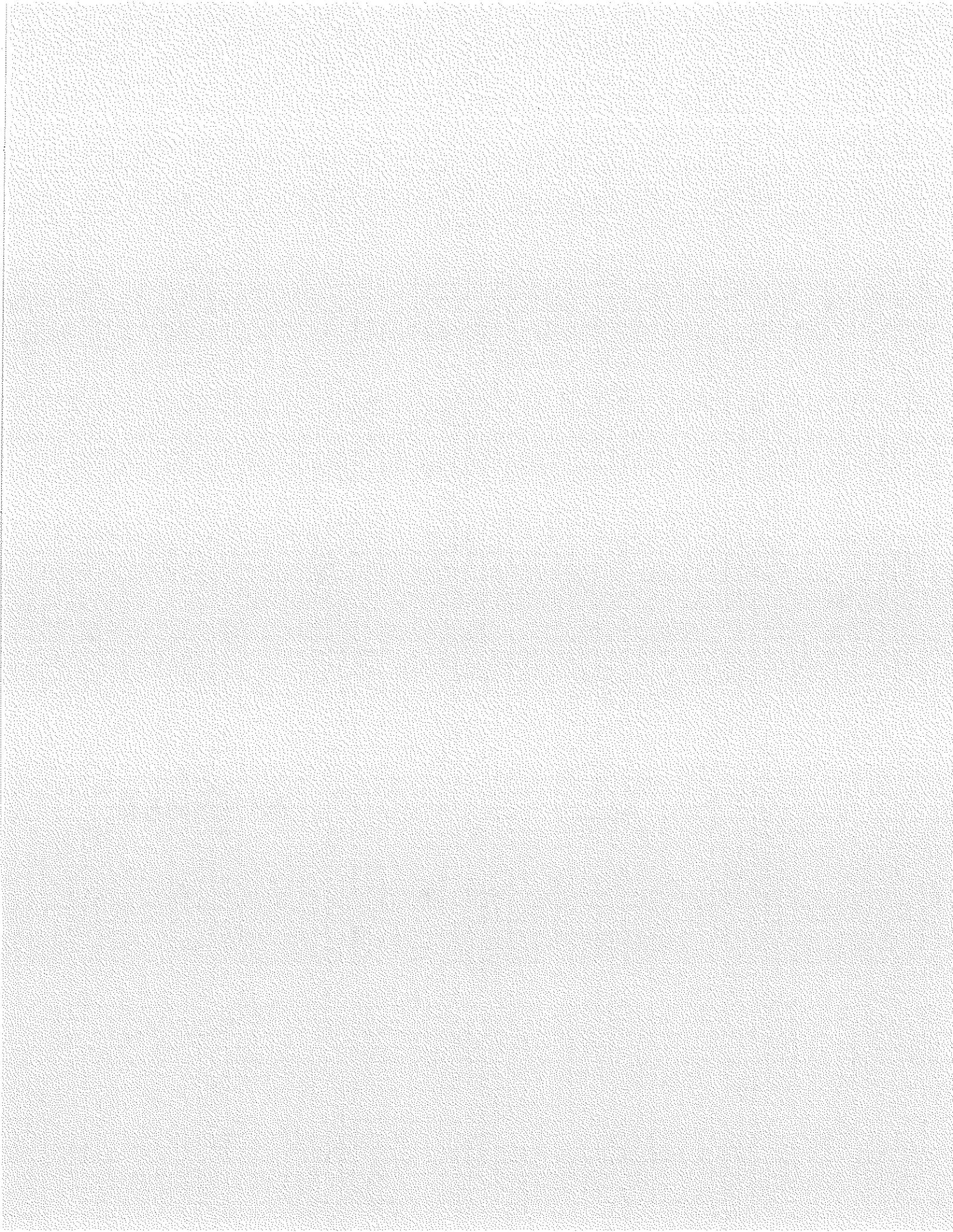
- Type of Issue:
- | | |
|--|---|
| <input type="checkbox"/> Illegal Dumping – Trash | <input type="checkbox"/> Construction Site |
| <input type="checkbox"/> Illicit Discharge - Residential | <input type="checkbox"/> Public Parks / Areas |
| <input type="checkbox"/> Illicit Discharge - Commercial | <input type="checkbox"/> City Maintenance |
| <input type="checkbox"/> Household Hazardous Waste | <input type="checkbox"/> Public Utilities |
| <input type="checkbox"/> Water Conservation (Runoff) | <input type="checkbox"/> |

General Description:

Identify, per SWMP, the MCM that best describes this topic: box

Public Participation	Illicit Discharge	Construction	Pollution Prevention
<input type="checkbox"/> Fall Drop Off	<input type="checkbox"/> Mapping GIS	<input type="checkbox"/> Planning & Site	<input type="checkbox"/> Street Sweeping
<input type="checkbox"/> Flyers	<input type="checkbox"/> Restaurants	<input type="checkbox"/> Permit	<input type="checkbox"/> Basins
<input type="checkbox"/> Signage	<input type="checkbox"/> Auto Repair	<input type="checkbox"/> Developer	<input type="checkbox"/> Sewer System
<input type="checkbox"/> Events	<input type="checkbox"/> Auto Supply	<input type="checkbox"/> Tradesmen	<input type="checkbox"/> Septic
<input type="checkbox"/> Stenciling	<input type="checkbox"/> Hotline	<input type="checkbox"/> Stenciling	<input type="checkbox"/> Waste Management
<input type="checkbox"/> Bark Parks		<input type="checkbox"/> Homeowner	<input type="checkbox"/> Ditches, Creeks or Rivers
<input type="checkbox"/> Household Haz Mat		<input type="checkbox"/> Hotline call	
<input type="checkbox"/> Water Conservation			
<input type="checkbox"/> Illegal Dumping – Trash			

APPENDIX D



FACT SHEET
FOR
STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 2003 – 0005 – DWQ

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000004

WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
STORM WATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (GENERAL PERMIT)

BACKGROUND

In 1972, the federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a NPDES permit. The 1987 amendments to CWA added section 402(p), which established a framework for regulating storm water discharges under the NPDES Program. Subsequently, in 1990, the U.S. Environmental Protection Agency (U.S. EPA) promulgated regulations for permitting storm water discharges from industrial sites (including construction sites that disturb five acres or more) and from municipal separate storm sewer systems (MS4s) serving a population of 100,000 people or more. These regulations, known as the Phase I regulations, require operators of medium and large MS4s to obtain storm water permits. On December 8, 1999, U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from Small MS4s and from construction sites disturbing between one and five acres of land. This General Permit regulates storm water discharges from Small MS4s.

An “MS4” is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying storm water; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works (POTW). [See Title 40, Code of Federal Regulations (40 CFR) §122.26(b)(8).]

A “Small MS4” is an MS4 that is not permitted under the municipal Phase I regulations, and which is “owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity....” (40 CFR §122.26(b)(16)). Small MS4s *include systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares, but do not include separate storm sewers in*

very discrete areas, such as individual buildings. This permit refers to MS4s that operate throughout a community as “traditional MS4s” and MS4s that are similar to traditional MS4s but operated at a separate campus or facility as “non-traditional MS4s.”

Federal regulations allow two permitting options for storm water discharges (individual permits and general permits). SWRCB elected to adopt a statewide general permit for Small MS4s in order to efficiently regulate numerous storm water discharges under a single permit. In certain situations a storm water discharge may be more appropriately and effectively regulated by an individual permit, a region-specific general permit, or by inclusion in an existing Phase I permit. In these situations, the Regional Water Quality Control Board (RWQCB) Executive Officer will direct the Small MS4 operator to submit the appropriate application, in lieu of a Notice of Intent (NOI) to comply with the terms of this General Permit. In these situations, the individual or regional permits will govern, rather than this General Permit.

NINTH CIRCUIT COURT RULING

On January 14, 2003, the Ninth Circuit Court issued its decision in *Environmental Defense Center v. EPA*. This ruling upheld the Phase II regulations on all but three of the 20 issues contested. In summary, the court determined that applications for general permit coverage (including the NOI and Storm Water Management Program [SWMP]) must be made available to the public, the applications must be reviewed and determined to meet the Maximum Extent Practicable standard by the permitting authority before coverage commences, and there must be a process to accommodate public hearings. This General Permit is consistent with the ruling. Should the ruling be revised or vacated in the future, SWRCB may modify the General Permit.

ENTITIES SUBJECT TO THIS GENERAL PERMIT

This General Permit regulates discharges of storm water from “regulated Small MS4s.” A “regulated Small MS4” is defined as a Small MS4 that discharges to a water of the United States (U.S.) or to another MS4 regulated by an NPDES permit, and which is designated in one of the following ways:

1. Automatically designated by U.S. EPA pursuant to 40 CFR section 122.32(a)(1) because it is located within an urbanized area defined by the Bureau of the Census (see Attachment 1); or
2. Traditional Small MS4s that serve cities, counties, and unincorporated areas that are designated by SWRCB or RWQCB after consideration of the following factors:
 - a. High population density – High population density means an area with greater than 1,000 residents per square mile. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.
 - b. High growth or growth potential – If an area grew by more than 25 percent between 1990 and 2000, it is a high growth area. If an area anticipates a growth rate of more than 25 percent over a 10-year period ending prior to the end of the first permit term, it has high growth potential.

- c. Significant contributor of pollutants to an interconnected permitted MS4 – A Small MS4 is interconnected with a separately permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than 10 percent of its storm water to the permitted MS4, or its discharge makes up more than 10 percent of the other permitted MS4's total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the 10 percent threshold is inappropriate for the MS4 in question.
- d. Discharge to sensitive water bodies – Sensitive water bodies are receiving waters, which are a priority to protect. They include the following:
- those listed as providing or known to provide habitat for threatened or endangered species;
 - those used for recreation that are subject to beach closings or health warnings; or
 - those listed as impaired pursuant to CWA section 303(d) due to constituents of concern in urban runoff (these include biochemical oxygen demand [BOD], sediment, pathogens, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons [PAHs], trash, and other constituents that are found in the MS4 discharge).

Additional criteria to qualify as a sensitive water body may exist and may be determined by SWRCB or RWQCB on a case-by-case basis.

- e. Significant contributor of pollutants to waters of the U.S. – Specific conditions presented by the MS4 may lead to significant pollutant loading to waters of the U.S. that are otherwise unregulated or inadequately regulated. An example of such a condition may be the presence of a large transportation industry.

These factors are to be considered when evaluating whether a Small MS4 should be regulated pursuant to this General Permit. An MS4 and the population that it serves need not meet all of the factors to be designated. SWRCB designates a number of Small MS4s according to these criteria through this General Permit (see Attachment 2).

Non-traditional Small MS4s may also be designated to seek permit coverage. These include non-traditional MS4s that are located within or discharge to a permitted MS4 and those that pose significant water quality threats. In general, these are storm water systems serving public campuses (including universities, community colleges, primary schools, and other publicly owned learning institutions with campuses), military bases, and prison and hospital complexes within or adjacent to other regulated MS4s, or which pose significant water quality threats. SWRCB considered designating non-traditional Small MS4s when adopting this General Permit. However, the *Environmental Defense Center* ruling requires that SWRCB and RWQCBs change their procedures for implementing this General Permit. In compliance with that decision, each

NOI and SWMP must be reviewed and approved, and in some cases considered in a public hearing, prior to the Small MS4 obtaining coverage under the General Permit. Therefore, SWRCB is delaying making these designations and the General Permit does not designate any non-traditional MS4s. A list of non-traditional MS4s that are anticipated to be designated within this permit term is included in Attachment 3 of this General Permit. These or other non-traditional MS4s may be designated by SWRCB or RWQCB at any time subsequent to the adoption of this General Permit.

The criteria selected to designate Small MS4s to be regulated are based on the potential to impact water quality due to conditions influencing discharges into their system or due to where they discharge. Some of the definitions provide "cut-off numbers." Although there is no regulatory standard that mandates which numbers to use, dividing lines must be established in order to effectively use them as criteria.

Specifically, the high growth factor uses 25 percent growth over ten years. The average growth (based on county data from the Census) in California between 1990 and 2000 was 15.8 percent. The standard deviation was 9.9. Growth rates outside one standard deviation are more than 25.7 percent. The standard deviation is generally an indication of the spread of data. In defining the high growth factor, the standard deviation was used because it sets the limits within which most areas of California fall. County data was used because it was consistently available, whereas 1990 populations for several of the cities and places were not readily available. Additionally, county data gives a broader picture of the growth dynamics in California. Because the data is not normally distributed, 68 percent of the data points do not necessarily fall within one standard deviation of the mean. It does, however, provide a number in which to compare city and place growth rates to the average growth rate of California. The number was rounded to 25 percent for ease of application and with the understanding that it is an approximation.

The significant contributor of pollutants to an interconnected permitted MS4 definition uses a volume value of 10 percent, with the assumption that storm water contains pollutants. This is meant to capture flows that may affect water quality or the permit compliance status of another MS4, but exclude incidental flows between communities.

APPLICATION REQUIREMENTS

Regulated Small MS4s, automatically designated because they are within an urbanized area (Attachment 1), must submit to the appropriate RWQCB by August 8, 2003 a complete application package. A complete package includes an NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and an appropriate fee.

The August 8, 2003 deadline is an administrative deadline to comply with the General Permit. Section 122.33(c)(1) of 40 CFR required automatically designated Small MS4s to submit an application by March 10, 2003. Those applications received from Small MS4s that submitted applications to comply with the federal deadline will be considered as an application to meet the requirements of this General Permit. If the application package is deemed complete by the RWQCB staff, it will be posted on the internet and made available for public review and public hearing if requested subsequent to permit adoption.

Regulated Small MS4s that are traditional MS4s designated by the SWRCB or RWQCB must submit to the appropriate RWQCB, within 180 days of notification of designation (or at a later

date stated by SWRCB or RWQCB), an NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and an appropriate fee. Those traditional MS4s identified in Attachment 2 of this General Permit are being notified of their designation by SWRCB upon adoption of this General Permit. They must, therefore, submit their NOI and SWMP by October 27, 2003.

Regulated Small MS4s that are non-traditional MS4s designated by SWRCB or RWQCB, including those in Attachment 3, must submit to the appropriate RWQCB, within 180 days of notification of designation (or at a later date stated by SWRCB or RWQCB), an NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and an appropriate fee.

Regulated Small MS4s relying entirely on Separate Implementing Entities (SIEs) that are also permitted, to implement their entire storm water programs are not required to submit a SWMP if the SIE being relied on has an approved SWMP. Proof of SWMP approval, such as a copy of the RWQCB letter, must be submitted to the RWQCB by the applying Small MS4, along with the NOI and an appropriate fee.

Regulated Small MS4s that fail to obtain coverage under this General Permit or another NPDES permit for storm water discharges will be in violation of the CWA and the Porter-Cologne Water Quality Control Act.

Receipt of applications deemed complete by RWQCB staff will be acknowledged on SWRCB's website at <http://www.waterboards.ca.gov/stormwtr/index.html> for a minimum of 60 days. When a SWMP is received by an RWQCB, those members of the public that have indicated they would like to receive notice, will receive an email from RWQCB staff that a SWMP has been received. During this 60-day public review period, a member of the public may request a copy of the SWMP and request that a public hearing be held by RWQCB. If a public hearing is requested, the hearing itself will be public noticed for a minimum of 30 days. If no hearing is requested, the RWQCB Executive Officer will notify the regulated MS4 that it has obtained permit coverage only after RWQCB staff has reviewed the SWMP and has determined that the SWMP meets the MEP standard established in this permit.

Attachment 8 lists RWQCB contact information for questions and submittals.

GENERAL PERMIT REQUIREMENTS

Prohibitions

This General Permit effectively prohibits the discharge of materials other than storm water that are not "authorized non-storm water discharges" (see General Permit § D.2.c) or authorized by a separate NPDES permit. This General Permit also incorporates discharge prohibitions contained in Statewide Water Quality Control Plans and Regional Water Quality Control Plans (Basin Plans).

Effluent Limitations

Permittees must implement Best Management Practices (BMPs) that reduce pollutants in storm water runoff to the technology-based standard of Maximum Extent Practicable (MEP) to protect water quality. In accordance with 40 CFR section 122.44(k)(2), the inclusion of BMPs in lieu of numeric effluent limitations is appropriate in storm water permits.

Discharges shall not contain reportable quantities of hazardous substance as established at 40 CFR section 117.3 or 40 CFR section 302.4.

Preparation of SWMP

This General Permit requires regulated Small MS4s to:

1. Develop and implement a SWMP that describes BMPs, measurable goals, and timetables for implementation in the following six program areas (Minimum Control Measures):

Public Education

The Permittee must educate the public in its permitted jurisdiction about the importance of the storm water program and the public's role in the program.

Public Participation

The Permittee must comply with all State and local notice requirements when implementing a public involvement/participation program.

Illicit Discharge Detection and Elimination

The Permittee must adopt and enforce ordinances or take equivalent measures that prohibit illicit discharges. The Permittee must also implement a program to detect illicit discharges.

Construction Site Storm Water Runoff Control

The Permittee must develop a program to control the discharge of pollutants from construction sites greater than or equal to one acre in size within its permitted jurisdiction. The program must include inspections of construction sites and enforcement actions against violators.

Post Construction Storm Water Management

The Permittee must require long-term post-construction BMPs that protect water quality and control runoff flow, to be incorporated into development and significant redevelopment projects. Post-construction programs are most efficient when they stress (i) low impact design; (ii) source controls; and (iii) treatment controls.

For non-traditional MS4s that seek coverage under this Permit, implementation of this

control measure will not require redesign of projects under active construction at the time of designation or for K-12 school or community college facilities that have been submitted to the Department of General Services, Division of the State Architect before adoption of the permit, and which receive final approval from the State Allocation Board or the Public Works Board, as appropriate on or before December 31, 2004. SWMP must, however, specify how the control measure will be implemented within five years of designation.

Pollution Prevention/Good Housekeeping for Municipal Operations

The Permittee must examine its own activities and develop a program to prevent the discharge of pollutants from these activities. At a minimum, the program must educate staff on pollution prevention, and minimize pollutant sources.

2. Reduce its discharge of pollutants to the MEP.
3. Annually report on the progress of SWMP implementation.

Development and Implementation of SWMP

SWMP must describe how pollutants in storm water runoff will be controlled and describe BMPs that address the six Minimum Control Measures. Each BMP must have accompanying measurable goals that will be achieved during the permit term, or within five years of designation if designated subsequent to permit adoption, as a means of determining program compliance and accomplishments and as an indicator of potential program effectiveness. The measurable goals should be definable tasks such as number of outreach presentations to make, number of radio spots to purchase, or percentage of pollutant loading to reduce (other examples of measurable goals can be found on U.S. EPA's web-site at <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm>). This approach provides the flexibility to target an MS4's problem areas while working within the existing organization.

It is not anticipated that the SWMP be fully implemented upon submittal with the NOI. It is the intent of this General Permit that SWMPs submitted with the NOI contain sufficient information such that RWQCB staff and interested parties understand the BMPs that will be implemented or will be developed and implemented over the course of the General Permit term or, for Small MS4s designated subsequent to permit adoption, over a five-year period from designation. It is also expected that SWMPs will protect water quality, contain measurable goals and schedules, and assign responsible parties for each BMP. It is anticipated that the SWMP initially submitted may be revised or modified based on review of RWQCB staff or on comments provided by interested parties in accordance with Provisions G and H.19 of the General Permit.

For example, it may be proposed that a storm water logo be developed (or an existing one modified) by the end of the first year; an ordinance prohibiting non-storm water discharges be adopted by the end of the second year; a survey of non-storm water discharges throughout the city be completed by the end of the second year; a brochure targeting the restaurant community regarding proper practices to eliminate non-storm water discharges be developed or obtained by the end of the fourth year; and the brochure be distributed to 25 percent of the restaurants

within the city during health department inspections by the end of the fifth year. (This example mentions only one activity each year. In fact, numerous activities will occur throughout the permit term that ensure that a SWMP addressing all six Minimum Control Measures is implemented by the end of the permit term, or within five years of designation for Small MS4s designated subsequent to adoption of the Permit.)

The main goal of this General Permit is to protect water quality from the impacts of storm water runoff from Small MS4s. The intent is that storm water quality impacts will be considered in all aspects of a municipality's activities and that multiple departments within the municipality will work together to implement storm water BMPs. For instance, the planning department may work with the public works department when considering projects and their potential storm water impacts. Also, the health department can work with public works in a complementary manner to spread a consistent message about illicit discharges.

Many of the activities that a municipality already does can be recognized as a benefit to storm water or can be modified to add a storm water quality twist. A critical element of SWMP development is an assessment of activities already being conducted. For example, many communities already have a household hazardous waste program, which can be assumed to reduce illicit discharges to the MS4. Likewise, they examine potential flooding impacts of new development. This process can be modified to also examine water quality impacts as well as quantity.

Similarly, the Minimum Control Measures emphasize working with the public to prevent pollution during their everyday activities as well as to gain support for program funding. The MS4 has the flexibility to target specific segments of its residential or employee population in ways that are most appropriate for that particular segment. Taken together, the suite of public education approaches an MS4 takes can create a robust multimedia campaign that has a single message, which is threaded throughout the community through implementation of BMPs in the six program areas.

For links to information on how to implement each of the Minimum Control Measures, including sample ordinances that address the respective Minimum Control Measures, please see SWRCB's internet site at <http://www.waterboards.ca.gov/stormwtr/municipal.html>. Additionally, in accordance with 40 CFR section 122.34(d)(2), SWRCB provides U.S. EPA's menu of BMPs to consider when developing a SWMP. This menu is available on U.S. EPA's internet site at http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6. The menu provides examples of BMPs and associated measurable goals; however, other BMPs and measurable goals may be used.

MEP

MEP is the technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve. MEP is generally a result of emphasizing pollution prevention and source control BMPs as the first lines of defense in

combination with structural and treatment methods where appropriate serving as additional lines of defense. The MEP approach is an ever evolving, flexible, and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. The individual and collective activities elucidated in the MS4's SWMP become its proposal for reducing or eliminating pollutants in storm water to the MEP. The way in which MEP is met may vary between communities.

The MEP standard applies to all regulated MS4s, including those in Phase I and Small MS4s regulated by this General Permit. Consistent with U.S. EPA guidance, the MEP standard in California is applied so that a first-round storm water permit requires BMPs that will be expanded or better-tailored in subsequent permits. In choosing BMPs, the major focus is on technical feasibility, but cost, effectiveness, and public acceptance are also relevant. If a Permittee chooses only the most inexpensive BMPs, it is likely that MEP has not been met. If a Permittee employs all applicable BMPs except those that are not technically feasible in the locality, or whose cost exceeds any benefit to be derived, it would meet the MEP standard. MEP requires Permittees to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs are not technically feasible, or the cost is prohibitive. (See SWRCB Order WQ 2000-11, <http://www.waterboards.ca.gov/resdec/wqorders/2000/00wqo.html>.)

Generally, in order to meet MEP, communities that have greater water quality impacts must put forth a greater level of effort. Alternatively, for similar water quality conditions, communities should put forth an equivalent level of effort. However, because larger communities have greater resources (both financial resources as well as existing related programs that can help in implementing storm water quality programs), it may appear that they have more robust storm water programs. Additionally, because storm water programs are locally driven and local conditions vary, some BMPs may be more effective in one community than in another. A community that has a high growth rate would derive more benefit on focusing on construction and post-construction programs than on an illicit connection program because illicit connections are more prevalent in older communities.

In accordance with the Ninth Circuit Court ruling, prior to obtaining permit coverage, SWMPs will be evaluated for compliance with the MEP standard by the RWQCB Executive Officer or, if requested, considered for approval in a public hearing conducted by RWQCB.

Many Phase I MS4s have been permitted under storm water regulations for more than ten years and have had that time to develop programs intended to reduce pollutants in their storm water discharge to MEP. It is understood that storm water quality programs and regulations are new to the entities that will be regulated under this General Permit. Therefore, it is anticipated that this General Permit term will serve as a "ramping-up" period and that programs implemented by Phase II communities will not necessarily conform to programs implemented by Phase I communities. Despite this understanding, however, many of the lessons learned and information developed by Phase I communities is available to smaller communities as a guide and may be used by Phase II communities.

Supplemental Provisions for Larger and Fast Growing Regulated Small MS4s

By the expiration date of this General Permit, traditional and non-traditional Small MS4s serving a population of 50,000 people or more, or that are subject to high growth, must require specific design standards as part of their post-construction program (as outlined in Attachment 4 of this General Permit, or a functionally equivalent program that is acceptable to the appropriate RWQCB), and they must comply with water quality standards through implementing better-tailored BMPs in an iterative process. These more stringent requirements are applied to communities that are larger and, therefore, capable of a more extensive storm water program, and to communities that are fast growing, and therefore may have greater impacts on storm water runoff associated with construction and the loss of pervious lands. Studies have found the amount of impervious surface in a community is strongly correlated with the community's water quality. New development and redevelopment result in increased impervious surfaces in a community. The design standards in Attachment 4 focus on mitigating the impacts caused by increased impervious surfaces through establishing minimum BMP requirements that stress (i) low impact design; (ii) source controls; and (iii) treatment controls. The design standards include minimum sizing criteria for treatment controls and establish maintenance requirements.

BMPs that may be used to comply with the design standards can be found in U.S. EPA's Toolbox of BMPs at http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6. Additionally, some RWQCBs may have lists of approved references and resources.

Small MS4s designated subsequent to permit adoption have five years from designation to achieve compliance with the Supplemental Provisions. Attachment 5 provides a list of communities that SWRCB anticipates being subject to the provisions in Attachment 4.

Receiving Water Limitations

Attachment 4 establishes receiving water limitations that apply to larger and fast-growing regulated Small MS4s that are required to comply with Supplemental Provisions of this General Permit. This permit allows regulated Small MS4s up to five years to fully implement their SWMPs. Therefore, regulated Small MS4s must begin to comply with the receiving water limitations iterative process once their plans are fully implemented. The receiving water limitation language provided in this General Permit is identical to the language established in SWRCB Water Quality Order WQ-99-05 adopted by SWRCB on June 17, 1999. As interpreted in SWRCB Water Quality Order WQ-2001-15, adopted by SWRCB on November 15, 2001, the receiving water limitations in this General Permit do not require strict compliance with water quality standards. SWRCB language requires that SWMPs be designed to achieve compliance with water quality standards over time, through an iterative approach requiring improved BMPs. Upon full implementation of the SWMP, exceedances of water quality standards must be addressed through the iterative process.

Reporting Requirements

The Permittee must track and assess its program to ensure BMP effectiveness and must conform to other monitoring requirements that may be imposed by RWQCB.

The Permittee is required to submit annual reports to the appropriate RWQCB by September 15th of each year (for Small MS4s designated with the adoption of this permit, the first annual report is to be submitted in 2004), or as otherwise required by the RWQCB Executive Officer. Among other things, the Permittee shall evaluate its compliance with permit conditions, evaluate and assess the effectiveness of its BMPs, summarize the results of any monitoring performed, summarize the activities planned for the next reporting cycle, and, if necessary, propose changes to SWMP.

Monitoring

Inspections, as a form of visual monitoring, are important to a storm water program. Inspections of storm water runoff and infrastructure (such as drop inlets, basins, and gutters) can say a lot about the effectiveness and needs of a storm water program. Through inspections, non-storm water discharges can be discovered and subsequently stopped, maintenance needs can be identified, and visual pollutants and erosion problems can be detected. Inspections of facilities are also important for public education and outreach, to ensure proper BMP implementation and maintenance, and to detect non-storm water discharges. Additionally, chemical monitoring can be used to involve the public through citizen monitoring groups, detect pollutants, identify and target pollutants of concern, illustrate water quality improvements and permit compliance, and participate in total maximum daily load (TMDL) development and implementation.

Monitoring environmental indicators through bio-assessments or other less technical methods may also be a key component of a program. Although it may be more challenging, it is also very valuable because it is the “final product,” not just for a storm water program but for the broader environmental health of a community.

More specifically, the objectives of a monitoring program may include:

- Assessing compliance with this General Permit;
- Measuring and improving the effectiveness of SWMP;
- Assessing the chemical, physical, and biological impacts on receiving waters resulting from urban runoff;
- Characterizing storm water discharges;
- Identifying sources of pollutants; and
- Assessing the overall health and evaluating long-term trends in receiving water quality.

While only inspections of construction sites, as part of the Construction Site Storm Water Runoff Control Minimum Control Measure, are specifically required, as elucidated above, other monitoring tasks may be appropriate in a storm water program. Also, the RWQCB can require additional monitoring.

Termination of Coverage

A Permittee may terminate coverage if: a new operator has assumed responsibility for the regulated Small MS4; the Permittee has ceased operation of its MS4; or all discharge of runoff from the Small MS4 has been eliminated. To terminate coverage, the Permittee must submit to RWQCB a written request for permit termination.

Reliance on a SIE

A Permittee may rely on a separate entity to implement one or more of the six Minimum Control Measures, if the separate entity can appropriately and adequately address the storm water issues of the Permittee. To do this, both entities must agree to the arrangement, and the Permittee must comply with the applicable parts of the SIE's program. The arrangement is subject to the approval of the RWQCB Executive Officer.

In accordance with section 122.35(a)(3), the Permittee remains responsible for compliance with its permit obligations if SIE fails to implement the control measure(s) (or component thereof). Therefore, the entities are encouraged to enter into a legally binding agreement to minimize any uncertainty about compliance with the permit.

If the Permittee relies on an SIE to implement all six Minimum Control Measures and SIE also has a storm water permit, the Permittee relying on SIE must still submit an NOI, appropriate fee, proof that SIE's SWMP has been approved by RWQCB or its staff, and certification of the arrangement. However, the Permittee is not required to develop or submit a SWMP or annual reports, unless requested to do so by the RWQCB Executive Officer. The arrangement is subject to the approval of the RWQCB Executive Officer.

School districts present an example of where an SIE arrangement may be appropriate, either by forming an agreement with a city or with an umbrella agency, such as the County Office of Education. Because schools provide a large audience for storm water education, as part of the agreement, the two entities may coordinate an education program. An individual school or a school district may agree to provide a one-hour slot for all the second and fifth grade classes during which the city would bring in its own storm water presentation. Alternatively, the school could agree to teach a lesson in conjunction with an outdoor education science project, which may also incorporate a public involvement component. Additionally, the school and the city or Office of Education may arrange to have the school's maintenance staff attend the other entity's training sessions.

Retention of Records

The Permittee is required to retain records of all monitoring information and copies of all reports required by this General Permit for a period of at least five years from the date generated. This period may be extended by request of SWRCB or RWQCB.

Role of RWQCBs

RWQCBs and their staff will review and decide whether to approve SWMPs and, where requested, conduct public hearings on NOIs and SWMPs. Upon approval, they will notify Permittees that they have obtained permit coverage. They will also oversee implementation and compliance with this General Permit. As appropriate, they will review reports, require modification to SWMPs and other submissions, impose region-specific monitoring requirements, conduct inspections, take enforcement actions against violators of this General Permit, and make additional designations of regulated Small MS4s pursuant to this General Permit. They may also issue individual permits to regulated Small MS4s, and alternative general permits to categories of regulated Small MS4s. Upon issuance of such permits by an RWQCB, this General Permit shall no longer regulate the affected Small MS4s.

The Permittee and RWQCB are encouraged to work together to accomplish the goals of the storm water program. Specifically, they can coordinate the oversight of construction and industrial sites. For example, Permittees are required to implement a construction program. This program must include procedures for construction site inspection and enforcement. Construction sites disturbing an acre of land or more are also subject to inspections by RWQCB under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity. U.S. EPA intended to provide a structure that requires permitting through the federal CWA while at the same time achieving local oversight of construction projects. A structured plan review process and field enforcement at the local level, which is also required by this General Permit, were cited in the preamble to the Phase II regulations as the most effective components of a construction program.

Similarly, as part of the illicit discharge detection and elimination program, the Permittee may inspect facilities that are permitted by the Statewide General Permit for Discharges of Storm Water Associated with Industrial Activity and subject to RWQCB inspections.

The Small MS4 and RWQCB are encouraged to coordinate efforts and use each of their enforcement tools in the most effective manner. For instance, the Small MS4 may identify a construction site operator that is not in compliance with the local requirements and the Construction General Permit. The Small MS4 may establish a fee for re-inspection if a site is out of compliance. If education efforts and the inspection fee fail to bring the site into compliance, the Small MS4 may contact RWQCB and arrange a dual inspection and start enforcement procedures under the CWA if compliance is not achieved.

Relationship Between the Small MS4 Permit and the General Permit for Discharges of Storm Water Associated with Industrial Activity (Industrial Permit)

Some MS4 operators may also have facilities that are subject to the Industrial Permit. While the intent of both of these permits is to reduce pollutants in storm water, neither permit's requirements totally encompass the other. This General Permit requires that MS4 operators address six Minimum Control Measures, while the Industrial Permit requires the development and implementation of Storm Water Pollution Prevention Plans (SWPPP) for certain "industrial" activities as well as requiring specific visual and chemical monitoring. In the Preamble to the Phase II regulations, U.S. EPA notes that for a combination permit to be acceptable, it must contain all of the requirements for each permit. Further, "when viewed in its entirety, a

combination permit, which by necessity would need to contain all elements of otherwise separate industrial and MS4 permit requirements, and require NOI information for each separate industrial activity, may have few advantages when compared to obtaining separate MS4 and industrial general permit coverage.”

Where the permits do overlap, one program may reference the other. More specifically, the Good Housekeeping for Municipal Operations Minimum Control Measure requires evaluation of municipal operations, some of which may be covered under the Industrial Permit. The development and implementation of SWPPP under the Industrial Permit will likely satisfy the Good Housekeeping requirements for those industrial activities. SWMP may incorporate by reference the appropriate SWPPP.

There may be instances where a non-traditional MS4 has, under the Industrial Permit, obtained coverage for the entire facility (rather than only those areas where industrial activities occur) and has developed a SWPPP that addresses the six Minimum Control Measures required by this General Permit. In these instances, the non-traditional Small MS4 is not required to obtain coverage under this General Permit. The entity should, in such cases, provide to the appropriate RWQCB documentation that its SWPPP addresses the six Minimum Control Measures.

**STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 2003 - 0005 – DWQ**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000004**

**WASTE DISCHARGE REQUIREMENTS (WDRs)
FOR
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM
SEWER SYSTEMS (MS4s) (GENERAL PERMIT)**

SWRCB finds that:

1. Urban runoff is a leading cause of pollution throughout California.
2. Pollutants of concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides.
3. During urban development, two important changes occur. First, where no urban development has previously occurred, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants providing a very effective purification process. Because pavement and concrete can neither absorb water nor remove pollutants, the natural purification characteristics of the land are lost. Second, urban development creates new pollutant sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc., which can be washed into the MS4. As a result of these two changes, the runoff leaving a developed urban area may be significantly greater in volume, velocity, and/or pollutant load than pre-development runoff from the same area.
4. A higher percentage of impervious area correlates to a greater pollutant loading, resulting in turbid water, nutrient enrichment, bacterial contamination, organic matter loads, toxic compounds, temperature increases, and increases of trash or debris.
5. Pollutants present in storm water can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of storm water discharged from impervious surfaces resulting from development can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels.

6. When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality.
7. On December 8, 1999, the U.S. Environmental Protection Agency (EPA) promulgated regulations under authority of the Clean Water Act (CWA) section 402(p)(6). These regulations require SWRCB to issue NPDES storm water permits to operators of small municipal separate storm sewer systems (Small MS4s) that discharge to waters of the U.S.
8. Of the Small MS4s defined by federal regulations, only “regulated Small MS4s” must obtain a permit. Title 40 of the Code of Federal Regulations (40 CFR) section 122.32(a) describes regulated Small MS4s as those traditional Small MS4s located within an urbanized area as determined by the latest Decennial Census by the Bureau of the Census and other Small MS4s that are designated by the permitting authority in accordance with designation criteria in Findings 10 and 11 below. Traditional Small MS4s within urbanized areas (Attachment 1) are automatically designated and are not subject to the designation criteria provided in Finding 10.
9. Section 123.35(b) of 40 CFR requires SWRCB to develop a process, as well as criteria, to designate Small MS4s as regulated Small MS4s.
10. In developing the designation criteria, factors were chosen to include parameters that may affect water quality. The following criteria will be considered in designating Small MS4s operated within a city or county as regulated Small MS4s.
 - a. High population density – High population density means an area with greater than 1,000 residents per square mile. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.
 - b. High growth or growth potential – If an area grew by more than 25 percent between 1990 and 2000, it is a high growth area. If an area anticipates a growth rate of more than 25 percent over a 10-year period ending prior to the end of the first permit term, it has high growth potential.
 - c. Significant contributor of pollutants to an interconnected permitted MS4 – A Small MS4 is interconnected with a separately permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than 10 percent of its storm water to the permitted MS4, or its discharge makes up more than 10 percent of the other permitted MS4’s total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the 10 percent threshold is inappropriate for the MS4 in question.
 - d. Discharge to sensitive water bodies – Sensitive water bodies are receiving waters, which are a priority to protect. They include the following:

- those listed as providing or known to provide habitat for threatened or endangered species;
- those used for recreation that are subject to beach closings or health warnings; or
- those listed as impaired pursuant to CWA section 303(d) due to constituents of concern in urban runoff (these include biochemical oxygen demand (BOD), sediment, pathogens, oil and grease, and other constituents that are found in the MS4 discharge).

Additional criteria to qualify as a sensitive water body may exist and may be used by SWRCB or RWQCB on a case-by-case basis.

- e. Significant contributor of pollutants to waters of the United States (U.S.) – Specific conditions presented by the MS4 may lead to significant pollutant loading to waters of the U.S. that are otherwise unregulated or inadequately regulated. An example of such a condition may be the presence of a large transportation industry.

This General Permit serves as notice to those Small MS4s on Attachment 2 that they are designated as regulated Small MS4s by the SWRCB at the time of permit adoption.

11. Section 122.26(b)(16)(iii) of 40 CFR defines systems that are similar to separate storm sewer systems in cities and counties, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares as Small MS4s. In this General Permit these types of Small MS4s are referred to as non-traditional MS4s that may be designated as regulated Small MS4s and required to seek coverage under this General Permit or coverage under a separate permit. Non-traditional MS4s often operate storm sewers that are similar to traditional MS4s operated by cities or counties and discharge the same types of pollutants that are typically associated with urban runoff.
12. This permit does not designate any non-traditional MS4s. SWRCB or RWQCB may designate non-traditional MS4s at any time subsequent to the adoption of this General Permit. Non-traditional MS4s that may be designated at a future date include, but are not limited to, those listed in Attachment 3 of this General Permit.
13. Non-traditional Small MS4 entities that are designated, but whose entire facilities are subject to the NPDES General Permit for the Discharge of Storm Water Associated with Industrial Activities and whose Storm Water Pollution Prevention Plan (SWPPP) addresses all six Minimum Control Measures described in this General Permit, are not required to obtain coverage under this General Permit. Such entities must present documentation to the appropriate RWQCB, showing that they meet the requirements for exclusion from coverage.
14. This General Permit requires regulated Small MS4s (Permittees) to develop a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and to protect water quality. Upon approval of SWMP by the Regional Water Quality Control Board (RWQCB) or its Executive Officer,

the Permittees obtain coverage under this General Permit. This General Permit requires implementation of SWMP.

15. SWMP will be available for public review and comment and may be subject to a public hearing if requested prior to approval.
16. Permittees can satisfy the requirements through effective implementation of a SWMP, which must contain Best Management Practices (BMPs) that address six Minimum Control Measures. SWMP must incorporate measurable goals and time schedules of implementation.
17. The MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. Reducing the discharge of storm water pollutants to MEP in order to protect beneficial uses requires review and improvement, which includes seeking new opportunities. To do this, the Permittee must conduct and document evaluation and assessment of each relevant element of its program and revise activities, control measures, BMPs, and measurable goals, as necessary to meet MEP.
18. This General Permit includes Supplemental Provisions that apply to traditional and non-traditional Small MS4s serving a population of 50,000 people or more, or that are subject to high growth. These requirements address post-construction requirements and compliance with water quality standards. These Supplemental Provisions are similar to requirements for Medium and Large MS4s (Phase I), and are appropriate because larger Small MS4s are able to have more robust storm water programs and fast-growing Small MS4s may cause greater impacts to water quality.
19. The Receiving Water Limitations language contained in Attachment 4 is identical to the language established in SWRCB Water Quality Order WQ-99-05 adopted by the SWRCB on June 17, 1999. As interpreted in SWRCB Water Quality Order WQ-2001-15, adopted by the SWRCB on November 15, 2001, the receiving water limitations in this General Permit do not require strict compliance with water quality standards, but instead require compliance with water quality standards over time, through an iterative approach requiring improved BMPs.
20. The post-construction requirements, or Design Standards, contained in Attachment 4 are consistent with Order WQ-2000-11 adopted by SWRCB on October 5, 2000.
21. The purpose of the annual performance review is to evaluate (1) SWMP's effectiveness; (2) the implementation of SWMP (3) status of measurable goals; (4) effectiveness of BMPs; and (5) improvement opportunities to achieve MEP.
22. To apply for permit coverage authorizing storm water discharges to surface waters pursuant to this General Permit, the Permittees must submit a complete application package to the appropriate RWQCB. An application package includes a Notice of Intent

(NOI) to comply with the terms of this General Permit, appropriate fee (in accordance with the most recent fee schedule¹), and SWMP. Permittees relying entirely on separately permitted Separate Implementing Entities (SIEs) to implement their entire programs are not required to submit a SWMP if the SIE being relied on has an approved SWMP. Attachment 8 gives contact information for each RWQCB.

23. Upon receipt of a complete permit application, the application will be public noticed for thirty days on SWRCB's website. During the public notice period, a member of the public may request that a public hearing be conducted by RWQCB. If no public hearing is requested, the application may be approved by the RWQCB Executive Officer. Permittees obtain coverage under the General Permit only after the SWMP has been approved.
24. Each Permittee is individually responsible for adoption and enforcement of ordinances and/or policies, implementation of identified control measures/BMPs needed to prevent or reduce pollutants in storm water, and for allocation of funds for the capital, operation and maintenance, and enforcement expenditures necessary to implement and enforce such control measures/BMPs within its jurisdiction. Enforcement actions concerning this General Permit will be pursued only against the individual Permittee responsible for specific violations of this General Permit.
25. In accordance with 40 CFR section 122.28(b)(3), a RWQCB may issue an individual MS4 NPDES Permit to a Permittee otherwise subject to this General Permit, or adopt an alternative general permit that covers storm water discharges regulated by this General Permit. The applicability of this General Permit is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit.
26. Certain BMPs implemented or required by Permittees for urban runoff management may create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperative effort between the Permittees, local vector control agencies, RWQCB staff, and the State Department of Health Services is necessary to identify and implement appropriate vector control measures that minimize potential nuisances and public health impacts resulting from vector breeding.
27. This General Permit may be reopened and modified if the decision in *Environmental Defense Center v. EPA* is revised or vacated.
28. This NPDES Permit is consistent with the antidegradation policies of 40 CFR section 131.12, SWRCB Resolution 68-16, and RWQCBs' individual Basin Plans. Implementing storm water quality programs that address the six Minimum Control Measures in previously unregulated areas will decrease the pollutant loading to the receiving waters and improve water quality.

¹ California Code of Regulations. Title 23. Division 3. Chapter 9 Waste Discharge Reports and Requirements. Article 1 Fees.

29. Following public notice in accordance with State and federal laws and regulations, SWRCB, in public hearings on December 2, 2002 and April 30, 2003, heard and considered all comments. SWRCB has prepared written responses to all significant comments.
30. This action to adopt an NPDES Permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21100, et seq.) in accordance with section 13389 of the Porter-Cologne Water Quality Control Act (Porter-Cologne) (Division 7 of the California Water Code).
31. This NPDES Permit is in compliance with Part 402 of CWA and shall take effect 100 days after adoption by SWRCB. Once in effect, RWQCBs shall enforce the provisions herein.

IT IS HEREBY ORDERED that operators of Small MS4s subject to this General Permit shall comply with the following:

A. APPLICATION REQUIREMENTS

1. Deadlines for Application

- a. By August 8, 2003, all Permittees automatically designated (see Attachment 1) must either apply for coverage under this General Permit (either individually or as a co-permittee), submit an application for an individual or alternative general Small MS4 permit (if applicable), or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(1)).

Permittees that submitted complete application packages prior to the adoption of this General Permit to meet the federal regulation March 10, 2003 deadline have complied with this requirement and are not required to submit a duplicate application package.

- b. By October 27, 2003, traditional Small MS4s designated according to Finding 10 (see Attachment 2), must either apply for coverage under this General Permit (either individually or as a co-permittee), submit an application for an individual or alternative general Small MS4 permit, or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(2)). Written notices will be sent to designated parties subsequent to adoption of this General Permit.
- c. Non-traditional Small MS4s, or other Small MS4s, which are designated by RWQCB or SWRCB after adoption of this General Permit must apply for coverage under this General Permit (either individually or as a co-

permittee), submit a complete application for an individual or alternative general Small MS4 permit, or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(2)). Applications must be submitted within 180 days of designation unless a later date is provided in the designation letter.

2. General Permit Application

To obtain coverage under this General Permit, submit to the appropriate RWQCB a completed NOI (Attachment 7), a complete SWMP (one hard copy and one electronic copy in Word or PDF format), and appropriate fee. SWMP shall meet all the requirements of Section D of this General Permit. Permittees relying entirely on SIEs pursuant to Provision D.6 and permitted under the NPDES program are not required to submit a SWMP.

3. General Permit Coverage

Permit coverage will be in effect upon the completion of the following:

- a. The Permittee has submitted a complete permit application to the appropriate RWQCB,
- b. Receipt of a complete application is noticed for a minimum of 60 days and copies provided to the public for review and comment upon request,
- c. The proposed SWMP has been reviewed by RWQCB staff, and
- d. SWMP has been approved by the RWQCB Executive Officer, or approved by RWQCB in a public hearing, if requested.

B. DISCHARGE PROHIBITIONS

1. Discharges of waste that are prohibited by Statewide Water Quality Control Plans or applicable Regional Water Quality Control Plans (Basin Plans) are prohibited.
2. Discharges from the MS4s regulated under this General Permit that cause or threaten to cause nuisance are prohibited.
3. Discharges of material other than storm water to waters of the U.S. or another permitted MS4 must be effectively prohibited, except as allowed under Provision D.2.c, or as otherwise authorized by a separate NPDES permit.

C. EFFLUENT LIMITATIONS

1. Permittees must implement BMPs that reduce pollutants in storm water to the technology-based standard of MEP.
2. Storm water discharges regulated by this General Permit shall not contain a hazardous substance in amounts equal to or in excess of a reportable quantity listed in 40 CFR Part 117 or 40 CFR Part 302.

D. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

The Permittee shall maintain, implement, and enforce an effective SWMP, and develop adequate legal authority to implement and enforce the SWMP, designed to reduce the discharge of pollutants from the permitted MS4 to MEP and to protect water quality. SWMP shall serve as the framework for identification, assignment, and implementation of control measures/BMPs. The Permittee shall implement SWMP and shall subsequently demonstrate its effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in storm water discharges to the MEP. SWMP shall be fully implemented by the expiration of this General Permit, or within five years of designation for Small MS4s designated subsequent to Permit adoption, with reasonable progress made towards implementation throughout the term of the General Permit. Existing programs that have storm water quality benefits can be identified in the SWMP and be a part of a Permittee's storm water program.

SWMP shall be revised to incorporate any new or modified BMPs or measurable goals developed through the Permittee's annual reporting process. The Permittee shall incorporate changes required by or acceptable to the RWQCB Executive Officer into applicable annual revisions to SWMP and adhere to its implementation.

1. The Permittee shall maintain, implement, and enforce an effective SWMP designed to reduce the discharge of pollutants from the regulated Small MS4 to the MEP and to protect water quality.
2. SWMP must describe BMPs, and associated measurable goals, that will fulfill the requirements of the following six Minimum Control Measures.
 - a. **Public Education and Outreach on Storm Water Impacts**
The Permittee 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. For non-traditional Permittees, the employee/user population may serve as "the public" to target for outreach and involvement.

Non-traditional Small MS4s that discharge into medium and large MS4 may integrate public education and outreach program with the existing MS4 public education and outreach programs.

b. **Public Involvement/Participation**

The Permittee must at a minimum comply with State and local public notice requirements when implementing a public involvement/participation program.

c. **Illicit Discharge Detection and Elimination**

The Permittee must:

- 1) Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR §122.26(b)(2)) into the regulated Small MS4;
- 2) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and locations of all waters of the U.S. that receive discharges from those outfalls;
- 3) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the MS4 and implement appropriate enforcement procedures and actions;
- 4) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system that are not authorized by a separate NPDES permit;
- 5) Inform public employees, businesses, and the general public of the hazards that are generally associated with illegal discharges and improper disposal of waste; and
- 6) Address the following categories of non-storm water discharges or flows (i.e., authorized non-storm water discharges) only where they are identified as significant contributors of pollutants to the Small MS4:

1. water line flushing;
2. landscape irrigation;
3. diverted stream flows;
4. rising ground waters;
5. uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)) to separate storm sewers;
6. uncontaminated pumped ground water;
7. discharges from potable water sources;
8. foundation drains;
9. air conditioning condensation;
10. irrigation water;
11. springs;
12. water from crawl space pumps;
13. footing drains;
14. lawn watering;
15. individual residential car washing;
16. flows from riparian habitats and wetlands; and
17. dechlorinated swimming pool discharges.

Discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the U.S.

If a RWQCB Executive Officer determines that any individual or class of non-storm water discharge(s) listed above may be a significant source of pollutants to waters of the U.S. or physically interconnected MS4, or poses a threat to water quality standards (beneficial uses), the RWQCB Executive Officer may require the appropriate Permittee(s) to monitor and submit a report and to implement BMPs on the discharge.

d. **Construction Site Storm Water Runoff Control**

The Permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the Small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the development and implementation of, at a minimum:

- 1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State, or local law;

- 2) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;
 - 3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - 4) Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - 5) Procedures for receipt and consideration of information submitted by the public; and
 - 6) Procedures for site inspection and enforcement of control measures.
- e. **Post-Construction Storm Water Management in New Development and Redevelopment**
The Permittee must:

- 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the Small MS4 by ensuring that controls are in place that would prevent or minimize water quality impacts;
- 2) Develop and implement strategies, which include a combination of structural and/or non-structural BMPs appropriate for your community;
- 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. For those Small MS4s described in Supplemental Provision E below, the requirements must at least include the design standards contained in Attachment 4 of this General Permit or a functionally equivalent program that is acceptable to the appropriate RWQCB; and
- 4) Ensure adequate long-term operation and maintenance of BMPs.

The General Permit does not require redesign of K-12 school or community college facilities that have been submitted to the Department of General Services, Division of the State Architect before adoption of the permit, and which receive final approval from the State Allocation Board or the Public Works Board, as appropriate, on or before December 31, 2004.

f. **Pollution Prevention/Good Housekeeping for Municipal Operations**

The Permittee must:

- 1) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
 - 2) Using training materials that are available from U.S. EPA, the State, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet building maintenance, new construction and land disturbances, and storm water system maintenance.
3. SWMP must identify the measurable goals for each of the BMPs, including, as appropriate, the months and years for scheduled actions, including interim milestones and the frequency of the action.
 4. SWMP must identify the person or persons who will implement or coordinate SWMP, as well as each Minimum Control Measure.
 5. Termination of coverage

A Permittee may terminate coverage if a new operator has assumed responsibility for the MS4, the Permittee has ceased operation of the MS4, or the Permittees has eliminated discharges from the MS4. To terminate coverage, the Permittee must submit a written request to the RWQCB.

6. Reliance on a SIE

The Permittee may rely on a SIE to satisfy one or more of the permit obligations, if the separate entity can appropriately and adequately address the storm water issues of the Permittee. The Permittee must describe the arrangement in the SWMP and the arrangement is subject to the approval of the RWQCB Executive Officer. The other entity must agree to implement the control measure(s), or components thereof, to achieve compliance with the General Permit. The Permittee remains responsible for compliance with this General Permit if the SIE fails to implement the control measure(s).

If the Permittee relies on an SIE to implement all six Minimum Control Measures and the SIE also has a storm water permit issued by SWRCB or RWQCB, the Permittee relying on the SIE must still submit an NOI, appropriate fee, and certification of the arrangement. The Permittee must note this fact in the NOI and provide proof that the SIE has an approved SWMP, but is not required to maintain a SWMP nor submit annual reports.

7. Outfalls not identified in the storm sewer system map required by Provision D.2.c.2), but constructed within the permitted area during the term of this General Permit to receiving waters identified in the NOI, shall not be considered a material change in character, location, or volume of the permitted discharge, and shall be allowed under the terms of this General Permit without permit application or permit modification, provided that the following information be provided in the subsequent annual report:

- a. Receiving water name;
- b. Storm sewer system map of added area;
- c. Certification that SWMP shall be amended to include the drainage area.

E. SUPPLEMENTAL PROVISIONS

Those regulated traditional and non-traditional Small MS4s serving a population over 50,000 or that are subject to high growth (at least 25 percent over ten years) must comply with the requirements in Attachment 4 of this General Permit. Compliance is required upon full implementation of the Small MS4s' storm water management plan.

Attachment 5 provides a list of communities that SWRCB anticipates being subject to the provisions in Attachment 4.

F. REPORTING REQUIREMENTS AND MONITORING

1. Reporting

The Permittee must submit annual reports to the appropriate RWQCB by September 15th of each year (for Small MS4s designated with the adoption of this permit, the first annual report is to be submitted in 2004), or as otherwise required by the RWQCB Executive Officer, unless exempted under Provision D.6. The report shall summarize the activities performed throughout the reporting period (July 1 through June 30) and must include:

- a. The status of compliance with permit conditions;
- b. An assessment of the appropriateness and effectiveness of the identified BMPs;
- c. Status of the identified measurable goals;
- d. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

- e. A summary of the storm water activities the Permittee plans to undertake during the next reporting cycle;
 - f. Any proposed change(s) to SWMP along with a justification of why the change(s) are necessary; and
 - g. A change in the person or persons implementing and coordinating SWMP.
- 2. RWQCB may impose additional monitoring requirements, which may include a reporting component. RWQCBs may adopt such requirements on an individual or group basis.
 - 3. Recordkeeping

The Permittee must keep records required by this General Permit for at least five years or the duration of the General Permit if continued. The RWQCB Executive Officer may specify a longer time for record retention. The Permittee must submit the records to the RWQCB Executive Officer upon request. The Permittee must make the records, including the permit and SWMP, available to the public during regular business hours.

G. RWQCB AUTHORITIES

RWQCBs will review and approve SWMPs prior to permit coverage being in effect and will conduct public hearings of individual permit applications upon request. Where there is no hearing, the Executive Officer may approve the SWMP. RWQCBs will also oversee compliance with this General Permit. Oversight may include, but is not limited to, reviewing reports, requiring modification to SWMPs and other submissions, imposing region-specific monitoring requirements, conducting inspections, taking enforcement actions against violators of this General Permit, and making additional designations of Permittees pursuant with the criteria described in this General Permit and Fact Sheet. The RWQCBs may also issue individual permits to regulated Small MS4s, and alternative general permits to categories of regulated Small MS4s. Upon issuance of such permits by an RWQCB, this General Permit shall no longer regulate the affected Small MS4(s).

H. STANDARD PROVISIONS

1. General Authority

Three of the minimum control measures (illicit discharge detection and elimination, and the two construction-related measures) require enforceable controls on third party activities to ensure successful implementation of the measure. Some non-traditional operators, however, may not have the necessary legal regulatory authority to adopt these enforceable controls. As in the case of

local governments that lack such authority, non-traditional MS4s are expected to utilize the authority they do possess and to seek cooperative arrangements.

2. Duty to Comply

The Permittee must comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of CWA and the Porter-Cologne and is grounds for enforcement action and/or removal from General Permit coverage. In the event that the Permittee is removed from coverage under the General Permit, the Permittee will be required to seek coverage under an individual or alternative general permit.

3. General Permit Actions

This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not nullify any General Permit condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and Permittee so notified.

4. Noncompliance Reporting

Permittees who cannot certify compliance and/or who have had other instances of noncompliance shall notify the appropriate RWQCB within 30 days. Instances of noncompliance resulting in emergencies (i.e., that endanger human health or the environment) shall be reported orally to the RWQCB within 24 hours from the time the discharger becomes aware of the circumstance and in writing to the RWQCB within five days of the occurrence. The notification shall identify the noncompliance event and an initial assessment of any impact caused by the event, describe the actions necessary to achieve compliance, and include a time schedule indicating when compliance will be achieved. The time schedule and corrective measures are subject to modification by the RWQCB Executive Officer.

5. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

6. Duty to Mitigate

The Permittee shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment.

7. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this General Permit and with the requirements of SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by the Permittee when necessary to achieve compliance with the conditions of this General Permit.

8. Property Rights

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of federal, State, or local laws or regulations.

9. Duty to Provide Information

The Permittee shall furnish RWQCB, SWRCB, or U.S. EPA, during normal business hours, any requested information to determine compliance with this General Permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this General Permit.

10. Inspection and Entry

The Permittee shall allow RWQCB, SWRCB, U.S. EPA, or an authorized representative of RWQCB, SWRCB, or U.S. EPA, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the Permittee's premises during normal business hours where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit;
- b. Access and copy, during normal business hours, any records that must be kept under the conditions of this General Permit within a reasonable time from notification;

- c. Inspect during normal business hours any municipal facilities; and
- d. Sample or monitor at reasonable times for the purpose of assuring General Permit compliance.

11. Signatory Requirements

All NOIs, SWMPs, certifications, reports, or other information prepared in accordance with this General Permit submitted to SWRCB or RWQCB shall be signed by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of U.S. EPA).

12. Certification

Any person signing documents under Section H.11 above shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

13. Anticipated Noncompliance

The Permittee will give advance notice to the RWQCB and local storm water management agency of any planned changes in the regulated Small MS4 activity that may result in noncompliance with General Permit requirements.

14. Penalties for Falsification of Reports

Section 309(c)(4) of CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

15. Penalties for Violations of Permit Conditions

- a. Part 309 of CWA provides significant penalties for any person who violates a permit condition implementing Parts 301, 302, 306, 307, 308, 318, or 405 of CWA or any permit condition or limitation implementing any such section in a permit issued under Part 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$27,500 per calendar day of such violation, as well as any other appropriate sanction provided by Part 309 of CWA.
- b. Porter-Cologne also provides for administrative, civil, and criminal penalties, which in some cases are greater than those under CWA.

16. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action against the Permittee or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Part 311 of CWA.

17. Severability

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

18. Reopener Clause

This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, or otherwise in accordance with 40 CFR sections 122.62, 122.63, 122.64, and 124.5.

19. Availability

A copy of this General Permit and SWMP shall be made available for public review.

20. Transfers

This General Permit is not transferable. A Permittee must submit written notification to the appropriate RWQCB to terminate coverage of this General Permit.

21. Continuation of Expired Permit

This General Permit expires five years from the date of adoption. This General Permit continues in force and in effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those Small MS4s authorized to discharge under the expiring General Permit are covered by the continued General Permit.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of SWRCB held on April 30, 2003.

AYE: Arthur G. Baggett, Jr.
Peter S. Silva
Richard Katz
Gary M. Carlton

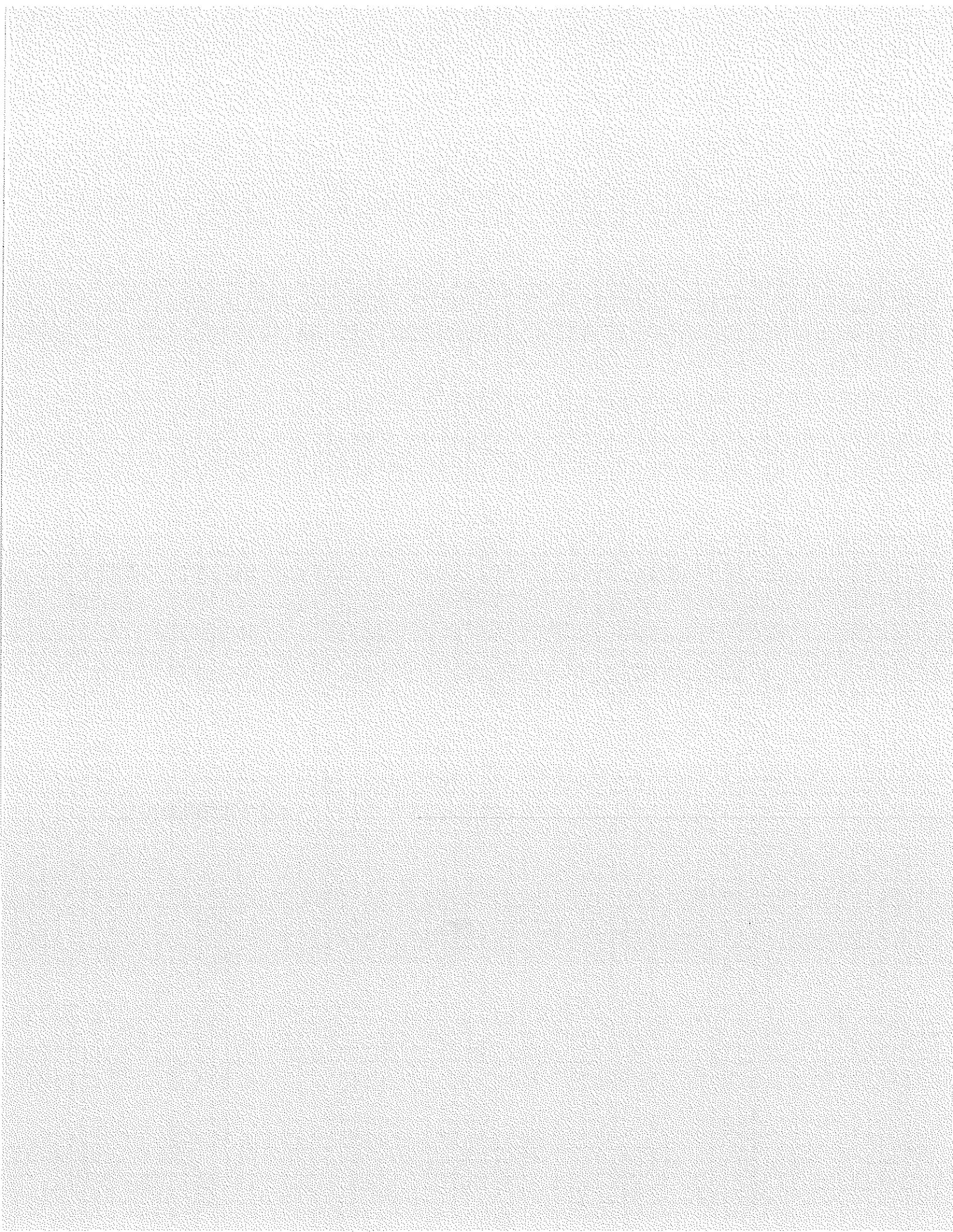
NO: None

ABSENT: None

ABSTAIN: None

Maureen Marché
Clerk to the Board

APPENDIX E



Storm Water Management Plan Budget
 (specific to storm water quality management permit compliance)

REQUIREMENTS	03-04	04-05	05-06	06-07	07-08
Public Education and Outreach*	\$15,500	\$17,000	\$16,200	\$17,000	\$18,500
Public Involvement and Participation	\$8,750	\$8,900	\$6,100	\$6,300	\$6,550
Illicit Discharge Detection and Elimination	\$9,000	\$6,700	\$7,000	\$7,250	\$7,525
Construction Site Runoff Controls	\$12,500	\$6,200	\$6,500	\$6,700	\$7,900
Post-Construction Runoff Controls	\$4,500	\$3,875	\$4,000	\$4,125	\$4,250
Pollution Prevention and Good Housekeeping	\$21,000	\$12,900	\$13,400	\$14,000	\$14,500
Municipal Operations and Maintenance Program	\$52,500	\$47,775	\$48,200	\$45,675	\$47,775
Total Costs per Fiscal Year	\$123,750	\$103,350	\$101,400	\$101,050	\$107,000

*TCAG Budget for fliers printed in 2004/2005 was \$10,000 noted as a portion of the total above.

