

## Existing Development Component

### a. MUNICIPAL

Each Copermittee shall implement a municipal program which meets the requirements of this section, reduces the discharge of pollutants from municipal areas and activities to the MEP, and ensures that urban runoff discharges from municipal areas and activities do not cause or contribute to a violation of water quality standards.

**Comment [j1]:** The Copermittees have previously commented on the restatement of permit performance standards throughout the Order. This introductory text should be modified for conformance with sections A and B of the Order.

#### (1) Source Identification

Each Copermittee shall annually update a watershed based inventory of municipal areas and activities. The inventory shall include the name, address (if applicable), and a description of the area/activity, which pollutants are potentially generated by the area/activity, and identification of whether the area/activity is tributary to a CWA section 303(d) water body and generates pollutants for which the water body is impaired. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended when applicable, but not required.

#### (2) BMP Implementation

- (a) Each Copermittee shall implement pollution prevention methods in its municipal program and shall require their use by municipal departments and personnel, where appropriate.
- (b) Each Copermittee shall designate a minimum set of BMPs for all municipal areas and activities. The designated minimum BMPs for municipal areas and activities shall be area or activity specific as appropriate.
- (c) Each Copermittee shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order for each municipal area or activity within its jurisdiction.
- (d) Each Copermittee shall evaluate the feasibility of retrofitting existing structural flood control devices and retrofit where needed.
- (e) Each Copermittee shall implement, or require implementation of, any additional controls for municipal areas and activities tributary to CWA section 303(d) impaired water bodies (where an area or activity generates pollutants for which the water body is impaired) as necessary to comply with this Order. Each Copermittee shall implement, or require implementation of, additional controls for municipal areas and activities within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order) as necessary to comply with this Order.

**Comment [j2]:** "effective" is removed from sections D.3.a.2.(a) and (b) because the Order already contains provisions for periodically assessing the effectiveness of controls. Requiring that they be effective would make a lack of effectiveness a violation of the Order.

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#### (3) Operation and Maintenance of Municipal Separate Storm Sewer System and Structural Controls

(a) Each Copermittee shall implement a schedule of inspection and maintenance activities to ensure proper operation of all municipal structural treatment controls designed to reduce pollutant discharges to or from its MS4s and related drainage structures.

(b) Each Copermittee shall implement a schedule of maintenance activities for the MS4. For structures not inspected and maintained according to the conditions specified in any other individual, general, or regional permit (RGP-53, etc.), the maintenance activities shall, at a minimum, include:

- i. Copermittees shall classify all catch basins, storm drain inlets, and open channels as high, medium, or low priority. Factors to be considered in the prioritization of facilities shall include Average Daily Traffic on roadway segments draining to the structure, proximity to waterbodies, type and design of structure, population density, results of past inspection and cleaning efforts, and results of the prioritization of roadway segments established pursuant to section D.3.a.(5) below.
- ii. High priority catch basins, storm drain inlets, and open culverts, shall be inspected at least once per year, between May 1 and September 30. Medium priority facilities shall be inspected once per year on a schedule determined appropriate by the Copermittee, and low priority facilities inspected as needed.
- iii. Accumulated waste shall be removed from MS4 structures in a timely manner. Loose material (e.g., floatables, litter, trash, and debris) shall be promptly removed or scheduled for removal. Structures less than 18 inches in depth shall be cleaned upon the accumulation of 6 inches of waste. Structures 18 inches or greater in depth shall be cleaned upon the accumulation of 12 inches of waste. Cleaning shall be conducted as early as reasonably possible considering all relevant factors (the need for traffic interruption, worker safety, availability of equipment, etc.). Additional cleaning shall be conducted as necessary.
- iv. Record keeping of the maintenance and cleaning activities including the overall quantity of waste removed.
- v. Proper disposal of waste removed pursuant to applicable laws.
- vi. Measures to eliminate waste discharges during MS4 maintenance and cleaning activities.

**Comment [j3]:** Some structures are already inspected and maintained according to the requirements of other RWQCB or resource agency permits. This would make it clear that the requirements of this Order do not override the conditions of those permits.  
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**Deleted:** <#>Inspection of all Copermittee open channels and removal of any observed anthropogenic litter from the open channels at least once a year between May 1 and September 30, with additional inspection and removal as necessary.¶  
<#>Inspection, maintenance, and cleaning of other portions of the MS4 according to an established prioritized schedule. ¶

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(4) Management of Pesticides, Herbicides, and Fertilizers

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

Such BMPs shall include, at a minimum: (1) educational activities, permits, licensing or certification and other measures for municipal handlers, applicators and transporters, distributors; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) schedules for irrigation and chemical application; and (5) the collection and proper disposal of unused pesticides, herbicides, and fertilizers.

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**Comment [p4]:** What does distributors refer to?

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(5) Sweeping of Municipal Areas

Each Copermittee shall implement a program to sweep municipal roads, streets, highways, and parking facilities. The program shall include the following measures:

- (a) Roads, streets, highways, and parking facilities identified as consistently generating the highest volumes of trash and/or debris shall be swept at least two times per month.
- (b) Roads, streets, highways, and parking facilities identified as consistently generating moderate volumes of trash and/or debris shall be swept at least monthly.
- (c) Roads, streets, highways, and parking facilities identified as generating low volumes of trash and/or debris shall be swept as necessary, but no less than once per year.
- (d) Roads, streets, highways, and parking facilities with less than 5,000 Average Daily Traffic or lacking curbs or gutters shall be swept as necessary.
- (e) Roads, streets, highways, and parking facilities shall be swept following any special events (festivals, sporting events, etc.) at those locations.

(6) Limit Infiltration From Sanitary Sewer to MS4/Provide Preventive Maintenance of Both

Each Copermittee shall implement controls and measures to limit infiltration of seepage from municipal sanitary sewers to MS4s through thorough, routine preventive maintenance of the MS4. Each Copermittee that operates both a municipal sanitary sewer system and a MS4 shall implement controls and measures to limit infiltration of seepage from the municipal sanitary sewers to the MS4s that shall include overall sanitary sewer and MS4 surveys and thorough, routine preventive maintenance of both.

(7) Inspection of Municipal Areas and Activities

- (a) At a minimum, each Copermittee shall inspect the following high priority municipal areas and activities annually:
  - i. Roads, Streets, Highways, and Parking Facilities.
  - ii. Flood Management Projects and Flood Control Devices.
  - iii. Areas and activities tributary to a C WA section 303(d) impaired water body, where an area or activity generates pollutants for which the water body is impaired. Areas and activities within or adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order).
  - iv. Municipal Facilities.  
[1] Active or closed municipal landfills;

- [2] Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;
  - [3] Municipal separate storm sewer systems;
  - [4] Solid waste transfer facilities;
  - [5] Land application sites;
  - [6] Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles; and
  - [7] Household hazardous waste collection facilities.
- v. Municipal airfields.
  - vi. Parks and recreation facilities.
  - vii. Special event venues following special events (festivals, sporting events, etc.)
  - viii. Power washing.
  - ix. Other municipal areas and activities that the Copermittee determines may contribute a significant pollutant load to the MS4.
- (b) Other municipal areas and activities shall be inspected as needed.
- (c) Based upon site inspection findings, each Copermittee shall implement all follow-up actions necessary to comply with this Order

(8) Enforcement of Municipal Areas and Activities

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

b. INDUSTRIAL AND COMMERCIAL

Each Copermittee shall implement an industrial and commercial program which meets the requirements of this section, reduces the discharge of pollutants from industrial and commercial sites/sources to the MEP, and ensures that urban runoff discharges from industrial and commercial sites/sources do not cause or contribute to a violation of water quality standards.

**Comment [j1]:** The Copermittees have previously commented on the restatement of permit performance standards throughout the Order. This introductory text should be modified for conformance with sections A and B of the Order.

(1) Source Identification

Each Copermittee shall annually update a watershed-based inventory of all industrial and commercial sites/sources within its jurisdiction (regardless of ownership) that could contribute a significant pollutant load to the MS4. The inventory shall include the following minimum information for each industrial and commercial site/source: name; address; pollutants potentially generated by the site/source (and identification of whether the site/source is tributary to a Clean Water Act section 303(d) water body and generates pollutants for which the water body is impaired); and a narrative description including SIC codes which best reflects the principal products or services provided by each facility. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended.

At a minimum, the following sites/sources shall be included in the inventory:

(a) Commercial Sites/Sources:

**Comment [j2]:** This section is now subdivided into mobile and stationary sources, but otherwise unchanged.

Stationary Sources

- i. Automobile repair, maintenance, fueling, or cleaning;
- ii. Airplane repair, maintenance, fueling, or cleaning;
- iii. Boat repair, maintenance, fueling, or cleaning;
- iv. Equipment repair, maintenance, fueling, or cleaning;
- v. Automobile and other vehicle body repair or painting;
- vi. Automobile (or other vehicle) parking lots and storage facilities;
- vii. Retail or wholesale fueling;
- viii. Eating or drinking establishments, including food markets;
- ix. Botanical or zoological gardens and exhibits;
- x. Nurseries and greenhouses;
- xi. Golf courses, parks and other recreational areas/facilities;
- xii. Cemeteries;
- xiii. Marinas;
- xiv. Building material retailers and storage;
- xv. Animal facilities

Mobile Sources

- xvi. Mobile automobile or other vehicle washing;
- xvii. Mobile carpet, drape or furniture cleaning;
- xviii. Pest control services;
- xix. Cement mixing or cutting;
- xx. Masonry;
- xxi. Painting and coating;

- xxii. Landscaping;
- xxiii. Pool and fountain cleaning;
- xxiv. Port-a-Potty servicing; and
- xxv. Power washing services.

(b) Industrial Sites/Sources:

- i. Industrial Facilities, as defined at 40 CFR § 122.26(b)(14), including those subject to the General Industrial Permit or other individual NPDES permit;
- ii. Operating and closed landfills;
- iii. Facilities subject to SARA Title III; and
- iv. Hazardous waste treatment, disposal, storage and recovery facilities.

(c) All other commercial or industrial sites/sources tributary to a CWA Section 303(d) impaired water body, where the site/source generates pollutants for which the water body is impaired. All other commercial or industrial sites/sources within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order).

(d) All other commercial or industrial sites/sources that the Copermittee determines may contribute a significant pollutant load to the MS4.

(2) BMP Implementation

(a) Each Copermittee shall require the use of pollution prevention methods at industrial and commercial sites/sources, where appropriate.

(b) Each Copermittee shall designate a minimum set of BMPs for all industrial and commercial sites/sources. The designated minimum BMPs shall be specific to facility types and pollutant generating activities, as appropriate.

(c) Within the first three years of implementation of the updated Jurisdictional Urban Runoff Management Program, each Copermittee shall notify the owner/operator of each inventoried industrial and commercial site/source of applicable BMP requirements. At a minimum, owners/operators of 30% of inventoried sites/sources shall be notified in the first year. This requirement shall increase to 50% of inventoried sites/sources in the second year, and all remaining sites in the third year. Copermittees shall prioritize their notifications based on factors such as whether the site/source has been previously notified or inspected, whether source-specific BMP requirements have been developed and adopted, and whether Copermittee coordination is needed in the development of regional standards and consistency.

(d) Each Copermittee shall require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order at each industrial and commercial site/source within its jurisdiction.

(e) Each Copermittee shall require implementation of, additional controls for industrial and commercial sites/sources tributary to CWA section 303(d) impaired water bodies (where a site/source generates pollutants for which the

**Comment [j3]:** "effective" is removed from sections b.2.(b) and (c) because the Order already contains provisions for periodically assessing the effectiveness of controls. Requiring that they be effective would make a lack of effectiveness a violation of the Order.

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(i) Year 1.

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**Comment [j4]:** This change allows Copermittees to spread notifications over three years. This will allow necessary coordination between Copermittees on developing inventories, standards, etc.

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water body is impaired) as necessary to comply with this Order. Each Copermittee shall require implementation of, additional controls for industrial and commercial sites/sources within or directly adjacent to or discharging directly to coastal lagoons or other receiving waters within environmentally sensitive areas (as defined in Attachment C of this Order) as necessary to comply with this Order.

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(3) Compliance Verification at Industrial and Commercial Sites/Sources

(a) Each Copermittee shall develop and implement a program for verifying industrial and commercial site/source compliance with its ordinances, permits, and this Order. In developing the program, each Copermittee shall use the following direct methods of compliance verification:

**Comment [j5]:** Compliance verification has been moved up and edited to establish a general requirement for the use of these methods at 40% of stationary sources. Inspections are addressed later as a subset of that requirement. A schedule for phasing in these requirements over three years is also added (20% in the first year, then 30%, then 40% by year three).

- i. Copermittee inspections;
- ii. Compliance certifications (including submitting monitoring results, if applicable);
- iii. Third party inspections; and
- iv. Other appropriate methods approved by the RWOCB.

**Comment [j6]:** "facility- or industry-specific surveys" has been removed from this list so that it includes only facility-specific, direct methods instead.

(b) At a minimum, 20% of the sites inventoried as required in section D.3.b.(1) above (excluding mobile businesses) shall be subject to compliance verification using the methods listed in section D.3.b.(3)(a) in the first year of implementation of the updated Jurisdictional Urban Runoff Management Program. This requirement shall increase to 30% of the sites in the second year, 40% in the third year, and 40% annually thereafter. Methods other than those specified are allowable, but may not be applied toward these minimum requirements.

(c) For compliance verification methods other than Copermittee inspections, quality assurance / quality control protocols shall be developed and used.

**Comment [j7]:** This requirement is added to add needed accountability in the use of methods other than Copermittee inspections.

(4) Inspection of Industrial and Commercial Sites/Sources

(a) Each Copermittee shall conduct industrial and commercial site inspections for compliance with its ordinances, permits, and this Order. Inspections shall include but not be limited to:

- i. Review of BMP implementation plans, if the site uses or is required to use such a plan;
- ii. Review of facility monitoring data, if the site monitors its runoff;
- iii. Check for coverage under the General Industrial Permit (Notice of Intent (NOI) and/or Waste Discharge Identification No.), if applicable;
- iv. Assessment of compliance with Copermittee ordinances and permits related to urban runoff;
- v. Assessment of BMP implementation, maintenance and effectiveness;
- vi. Visual observations for non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff; and
- vii. Education and training on storm water pollution prevention.

**Comment [p8]:** An inspection should assess training of employees. Outreach would be directed to external stakeholders and not necessarily an activity that needs to be assessed during a facility inspection.

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- (b) At a minimum, 10% of the sites inventoried as required in section D.3.b.(1) above (excluding mobile businesses) shall be inspected in the first year of implementation of the updated Jurisdictional Urban Runoff Management Program. This requirement shall increase to 15% of the sites in the second year, 20% in the third year, and 20% annually thereafter.
- (c) At a minimum, 50% of all sites (excluding mobile businesses) determined to pose a high threat to water quality shall be inspected in the first year of implementation of the updated Jurisdictional Urban Runoff Management Program regardless of whether this exceeds the number of inspections required in section b(4)(b) above. This requirement shall increase to 75% of the sites in the second year, 100% in the third year, and 100% annually thereafter. In any year that the total number of required inspections per section D.3.b(4)(b) above exceeds the number of high threat to water quality sources, all high threat to water quality sources shall be inspected. In evaluating threat to water quality, each Copermittee shall address, at a minimum, the following:
  - i. Type of activity (SIC code);
  - ii. Materials used at the facility;
  - iii. Wastes generated;
  - iv. Pollutant discharge potential;
  - v. Non-storm water discharges;
  - vi. Size of facility;
  - vii. Proximity to receiving water bodies;
  - viii. Sensitivity of receiving water bodies;
  - ix. Whether the facility is subject to the General Industrial Permit or an individual NPDES permit;
  - x. Whether the facility has filed a No Exposure Certification/Notice of Non-Applicability;
  - xi. Facility design;
  - xii. Total area of the site, area of the site where industrial or commercial activities occur, and area of the site exposed to rainfall and runoff;
  - xiii. The facility's compliance history; and
  - xiv. Any other relevant factors.

**Comment [j9]:** This section requires that one-half of the 40% requirement above be achieved through Copermittee inspections. It also provides a three-year schedule for getting to that level.

**Comment [j10]:** This section retains the existing requirement to annually inspect all high priority sites, but provides a three-year schedule for getting to that level.

**Comment [j11]:** A sentence has been added to ensure that inspection quotas first address high priority sources.

**Deleted:** Each Copermittee shall annually inspect all sites determined to pose a high threat to water quality.

- (d) Based upon site inspection findings, each Copermittee shall implement all follow-up actions necessary to comply with this Order.
- (e) To the extent that the Regional Board has conducted an inspection of an industrial site during a particular year, the requirement for the responsible Copermittee to inspect this facility during the same year will be satisfied.
- (f) The Copermittees shall track the number of inspections for the inventoried industrial and commercial sites/sources throughout the reporting period to ensure that the sites/sources are inspected at the minimum frequencies listed in sections D.4.b.(3)(b) and D.4.b.(3)(c).

**Comment [j12]:** Deleted text below has been moved up. See comment J4.

**Deleted:** At a minimum, 40% of the sites inventoried as required in section D.3.b.(1) above (excluding mobile businesses) shall be inspected each year. ¶  
 ¶ In addition to conducting inspections, each Copermittee shall develop and implement a program for verifying industrial and commercial site/source compliance with its ordinances, permits, and this Order, if determined to be necessary by the Copermittee. In developing the program, each Copermittee shall consider use of: .  
 ¶ Compliance certifications (including submitting monitoring results, if applicable);  
 ¶ Third party inspections;  
 ¶ Facility or industry specific surveys; and  
 ¶ Other relevant factors. .

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(5) Regulation of Mobile Businesses

- (a) Each Copermittee shall develop and implement a program to reduce the discharge of pollutants from mobile businesses to the MEP. Each Copermittee shall keep as part of their inventory (section D.3.b.(1) above), a listing of mobile businesses known to operate within its jurisdiction. The program shall include:
- i. Development and implementation of minimum standards and BMPs to be required for each of the various types of mobile businesses.
  - ii. Development and implementation of an enforcement strategy which specifically addresses the unique characteristics of mobile businesses.
  - iii. Notification ~~to~~ mobile businesses known to operate within the Copermittee's jurisdiction of the minimum standards and BMP requirements and local ordinances.
  - iv. Development and implementation of an outreach and education strategy.
  - v. Inspection of mobile businesses as needed.
- (b) If they choose to, the Copermittees may cooperate in developing and implementing their programs for mobile businesses, including sharing of mobile business inventories, BMP requirements, and education.

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(6) Enforcement of Industrial and Commercial Sites/Sources

Each Copermittee shall enforce its storm water ordinance for all industrial and commercial sites/sources as necessary to maintain compliance with this Order. Copermittee ordinances or other regulatory mechanisms shall include appropriate and effective sanctions to ensure compliance. Sanctions shall include the following or their equivalent: Non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance.

(7) Reporting of Industrial Non-Filers

As part of each Annual Report, each Copermittee shall report a list of industrial sites, including the name, address, and SIC code, that may require coverage under the General Industrial Permit for which a NOI has not been filed.